

Notice of Meeting

Coast and ICOLL Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 21 November 2023
Time	2.00pm

Shannon Burt
Director Sustainable Environment & Economy

I2023/1793
Distributed 14/11/23



BYRON
SHIRE
COUNCIL

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)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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 Confirmation of minutes from the 15 August meeting 6

4. STAFF REPORTS

Sustainable Environment and Economy

- 4.1 Future Discussion Items for Coast and ICOLL Advisory Committee..... 13

5. LATE REPORTS

6. FOR INFORMATION ONLY

- 6.1 Presentation by Salients on 'Entrance Management Strategy Review for Belongil and Tallow Creek ICOLLs' Stage 2 CMP project outcomes 19
- 6.2 Presentation by BMT WBM on "Researching the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats, Byron Shire' Stage 2 CMP project outcomes" 23
- 6.3 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline 25

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Confirmation of minutes from the 15 August meeting

5 **Directorate:** Sustainable Environment and Economy


File No: I2023/1630

10 **RECOMMENDATION:**

That the minutes of the Coast and ICOLL Advisory Committee Meeting held on 15 August 2023 be confirmed.

Attachments:

15

1 Minutes 15/08/2023 Coast and ICOLL Advisory Committee, I2023/1167 , page 8  

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Report

The attachment to this report provides the minutes of the Coast and ICOLL Advisory Committee Meeting of 15 August 2023.

Report to Council

- 5 The minutes are scheduled to be reported to Council on 23 November 2023.

Minutes of Meeting
Coast and ICOLL Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 15 August 2023
Time	2.00pm



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

COAST AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 15 AUGUST 2023

Minutes of the Coast and ICOLL Advisory Committee Meeting held on Tuesday, 15 August 2023

File No: I2023/1167

PRESENT: Cr Cate Coorey, Cr Duncan Dey

Staff: Shannon Burt (Director Sustainable Environment and Economy)

Chloe Dowsett (Coastal & Biodiversity Coordinator)

Orla Seccull (Coastal & Estuary Officer)

Community: Jan Olley

Matthew Lambourne

Lauren Morgan

Bill Payne

Agency: Zoe Immisch (Dept of Planning & Environment)

Scott Moffett (Dept of Planning & Environment)

Kylie Butler (Crown Lands)

Andrew Page (DPI Cape Byron Marine Park)

Cr Dey (Chair) opened the meeting at 2:10pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES: Cr Michael Lyon (Alternate), Dailan Pugh, Dane Marx, Sharyn French (Manager Environmental & Economic Planning)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

COAST AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 15 AUGUST 2023

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Confirmation of minutes from 16 May 2023 meeting**
File No: I2023/776

Committee Recommendation:

That the minutes of the Coast and ICOLL Advisory Committee Meeting held on 16 May 2023 be confirmed, noting that under Item 4.1 Part 2 there is an anomaly in that the report that Council will receive at a Council meeting should also come to a Committee meeting.

(Dey/Lambourne)

The recommendation was put to the vote and declared carried.

Note: The minutes of the meeting held on 16 May 2023 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 22 June 2023.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Future Discussion Items for Coast and ICOLL Advisory Committee**
File No: I2023/1102

Committee Recommendation:

That the Coast and ICOLL Advisory Committee notes the report.

(Dey/Lambourne)

The recommendation was put to the vote and declared carried.

Report No. 4.2 **Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline**
File No: I2023/711

Committee Recommendation:

That the Coast and ICOLL Advisory Committee note the update of the development of CMPs and CMP projects for the Byron Shire coastline and next steps.

(Dey/Lambourne)

The recommendation was put to the vote and declared carried.

CICOL Coast and ICOLL Advisory Committee Meeting

page 4

BYRON SHIRE COUNCIL

COAST AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 15 AUGUST 2023

Report No. 4.3 **Presentation by Hydrosphere Consulting on 'ICOLL Water Quality Source Tracking and Control Program for Belongil Creek, Tallow Creek and Ti Tree Lake' Stage 2 CMP project outcomes**
File No: 12023/967

Committee Recommendation:

That the Coast and ICOLL Advisory Committee note that the outcomes of this project will be provided to Council to note and will subsequently be provided on Council's website.

(Dey/Coorey)

The recommendation was put to the vote and declared carried.

Report No. 4.4 **Presentation by DPE on "DPE Coastal and Marine Science Programs - NSW North coast"**
File No: 12023/977

Committee Recommendation:

That the Coast and ICOLL Advisory Committee note the Presentation by Department of Planning and Environment (DPE) on "DPE Coastal and Marine Science Programs - NSW North coast by the Department to Planning and Environment - Water, Floodplains and Coast (North East).

(Lambourne/Olley)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 4:15pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1 Future Discussion Items for Coast and
ICOLL Advisory Committee**

5 **Directorate:** Sustainable Environment and Economy
Report Author: Michelle Wilde, Project Support Officer
File No: I2023/1233

Summary:

10 This report summarises reports and information requested by the Coast and ICOLL
Advisory Committee.

Future requests, resourcing and alignment with Council’s Operational Plan can be tabled
for discussion by the committee.

15

RECOMMENDATION:

That the Coast and ICOLL Advisory Committee notes the report.

20

Report

5 The following requests for reports or information have been received by Council staff from Coast and ICOLL Advisory Committee members in the table below. These requests, resourcing and alignment with Council’s Operational Plan are tabled in this report for discussion by the committee, to resolve whether they are taken to Council for consideration for inclusion in a future Council OP and budget.

Requests for future items can be raised at this meeting.

Information requested	Resourcing	Operational Plan & other Council Strategies
<p>The methodology of the CHA and description of input parameters used in the study: including parameters being used for estimating storm tide (astronomical tides, storm surges and wave setup) sea level rises during severe storms, now and in the future.</p> <p>Provided as ‘Questions for Council on coastal issues’ on 24 September 2022.</p> <p>Requested by: Dailan Pugh</p>	<p>The draft CHA has been received and has been reviewed by:</p> <ul style="list-style-type: none"> • Internal staff review • Department of Planning and Environment staff • External technical reviewer <p>Comments received on the draft study are being considered by the consultant for addressing in the final report.</p> <p>As such, the Coastal Hazard Study for the Byron Shire Coastline is close to finalisation. The detailed methodology of the CHA will be an Appendix / Chapter to the report and provide an overview of the approach and inputs to the assessment of hazards undertaken for the Byron Shire coastline.</p> <p>The CHA is a consultant’s technical study and sharing of draft CHA formats or chapters is not part of the process. As such, the CHA will not be shared or</p>	<p>The following OP Action directly supports this request:</p> <p>3.3.1.1 Identify coastal hazard risks to the Byron Shire coastline</p>

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

Information requested	Resourcing	Operational Plan & other Council Strategies
	<p>released with any external parties (including Committee's) until it is final and ready to be reported to Council for adoption.</p> <p>This practice is typical of any technical study and working drafts.</p> <p>Staff have prepared a brief summary of the methodology of the CHA for the committee's interest which has been emailed to committee members.</p> <p>Once adopted by Council the report will be provided on Council's website for 'information only'.</p> <p>Post-adoption of the report, committee members will be invited to a Key Stakeholder presentation on the outcomes.</p> <p>DPE have also offered a presentation on probabilistic erosion assessment prior to the Key Stakeholder presentation on the CHA. It is expected that this presentation will take place in early 2024.</p>	
<p>Questions on CMP Stage 2 studies and projects and key Agenda items emailed to Project Support on 14 February 2023.</p> <p>Requested by: Bill Payne</p>	<p>Questions were answered by staff in the meeting of 14 February 2023 during Committee discussions on Agenda items.</p>	<p>There are several OP actions that already support this request:</p> <p>3.3.1.1 Identify coastal hazard risks to the Byron Shire coastline</p> <p>3.3.1.2 Identify risks to cultural and ecological values and assets in</p>

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

Information requested	Resourcing	Operational Plan & other Council Strategies
		Tallow and Belongil Creek ICOLLS
<p>Request for Future Agenda Items for the 15 August 2023 meeting:</p> <p>That the Committee discuss and seek information on the following in relation to Belongil Estuary:</p> <ol style="list-style-type: none"> 1. fate of STP effluent including when the STP must be upgraded later this decade (STP capacity is 6.95 ML/day dry weather flow); 2. waterlogging on farmlands, commitment to directing effluent away from the Estuary and the non-use of the Additional Flowpath; 3. potential changes to the ICOLL Opening Strategy; 4. any other related matters. <p>Requested by: Cr Duncan Dey</p>	<p>Item 3 of this request is within the scope of this Committee. Review of the Entrance Opening Strategies for Belongil and Tallow Creek ICOLLS is a current CMP stage 2 study currently in preparation.</p> <p>Committee members have been provided regular updates and consulted throughout project delivery. The consultant is presenting to the Coast and ICOLL Advisory Committee at this meeting (21 November) on project outcomes.</p> <p>The remainder of the items need to be referred to the Water and Sewer Advisory Committee.</p>	<p>There are several OP actions that support this request:</p> <p>3.3.1.2 Identify risks to cultural and ecological values and assets in Tallow and Belongil Creek</p> <p>3.3.1.3 Identify ICOLL water quality pollution sources ICOLLS</p>
<p>That staff in their updates on projects to each quarterly to the Coast and ICOLL Advisory Committee meeting in relation to the Main Beach</p>	<p>This request is editorial only and has been completed. Concept options are shown in the 'Update on the development of Coastal Management Programs (CMPs) for the Byron Shire</p>	<p>3.3.1.6 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

4.1

Information requested	Resourcing	Operational Plan & other Council Strategies
<p>Shoreline Project, provide a brief outline of the 3 x concept options. This would enable better understanding rather than Option 2, Option 5 and Option 7.</p> <p>Requested by: Cr Duncan Dey</p>	Coastline' (I2023/1570).	– OP 2023/23.
<p>Committee to review Terms of Reference (TOR) and provide input into the Constitution for the next Council in relation to the mandate/remit of the C&I Committee moving forward.</p> <p>Requested by: Cr Duncan Dey</p>	Councillor Support team are planning to do a review of each Council committee that will include collecting feedback from the Councillors and committee members in 2024 ahead of the next Council Election. The resourcing for this sits with the Councillor Support team.	1.2.4.1 Coordinate and support Advisory Committees to assist with effective Council decision making

Key issues

N/A

Strategic Considerations

Community Strategic Plan and Operational Plan

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

open and informed		making on their areas of expertise		
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Recent Resolutions

N/A

Legal/Statutory/Policy Considerations

N/A

5 Financial Considerations

Not known at this stage.

Consultation and Engagement

N/A

5 **Report No. 6.1 Presentation by Salients on 'Entrance Management Strategy Review for Belongil and Tallow Creek ICOLLs' Stage 2 CMP project outcomes**

Directorate: Sustainable Environment and Economy

Report Author: Chloe Dowsett, Biodiversity and Sustainability Coordinator

File No: I2023/1486

10 **Summary:**

15 Council engaged Salients Pty Ltd to undertake a review of Council's entrance opening strategies for Tallow Creek and Belongil Creek including staff and stakeholder engagement, a data/literature review, assessment of nuisance food risk in Tallow Creek, case study of ICOLL entrance management elsewhere in NSW, review of monitoring data, development of conceptual relationships, and report on recommendations for:

- amendments to the Belongil Creek EOS (at the next two-year review)
- the forward path for management of the Tallow Creek entrance.

20 This project has been undertaken as part of Stage 2 of Coastal management Program preparation to fill gaps in understanding about threats and risks to coastal values, and to ensure more informed decision-making during Stage 3 of CMP preparation.

25 Salient's Director, David Wainright, has been invited to present to the Coast and ICOLL Advisory Committee on the project methodology and findings. This presentation is for information only. The project outcomes will be reported to Council for endorsement/noting and will subsequently be provided on Council's website.

Report

Council has previously adopted two entrance opening strategies (EOS) which specify artificial opening of the ICOLL entrances as a flood risk management technique as follows:

- 5 • Entrance Opening Strategy and Management Plan for Tallow Creek (BMT WBM, 2015). Following a large fish kill associated with artificial opening in 2019, Council no longer has authorisation to mechanically open the entrance and current licences and permits allow only for scraping of the entrance berm under certain conditions. The Rhelm (2021) Scoping Study identified that the Tallow Creek EOS is considered inflexible and out of date.
- 10 • Belongil Creek entrance opening strategy (Alluvium, 2019), prepared with the support of significant and relatively recent background technical data, and updated by Council at the two year review at the end of 2021. This EOS is considered relatively in line with current best ICOLL entrance management however staff experience with implementation over the past three years have identified lessons
- 15 learnt for further consideration.

In 2021, Council adopted a CMP Stage 1 Scoping Study (Rhelm, 2021) which identified several values of the Belongil and Tallow Creek ICOLLs relating to healthy environment, good water quality, aboriginal cultural heritage and economic value, along with several key threats including:

- 20 • *“Lack of Aboriginal involvement in decision-making and insufficient knowledge sharing regarding cultural heritage and use within the coastal environment.”*
- *“Coastal water course entrance modifications (interventions in natural opening regimes for ICOLLs [Intermittently Closed and Open Lakes/Lagoons]).”*

25 The Scoping Study also identified several priority information gaps critical to be addressed in Stage 2 of the CMP to inform the development of actions for priority management issues (in Stage 3). A number of studies and activities were recommended in the Scoping Study forward plan to be undertaken in Stage 2 including a recommendation for:

- 30 • *“Review and update Tallow Estuary entrance opening strategy (EOS) and environmental management plan (EMP) including... [consideration/incorporation of...cultural knowledge...coastal processes...coupled biogeochemical and hydrological model...nuisance flooding...decision support framework...stakeholder engagement...best practice..... It is noted that the ICOLL opening strategies would undergo further testing and possible updates as part of the Floodplain Risk Management Process (separate to the CMP).”*
- 35
- 40 • *“Review and update Belongil Estuary opening strategy (including decision support framework) and environmental management plan to ensure consistency with the understanding of coastal processes...consideration of: Ocean water levels, Forecast rainfall, Water quality parameters, Best practice management...Lessons learnt...Outcomes of engagement with key stakeholders. It is noted that the ICOLL*

opening strategies would undergo further testing and possible updates as part of the Floodplain Risk Management Process (separate to the CMP)."

This technical study has been prepared on the basis of these recommendations of the Scoping Study.

- 5 Council engaged Salients Pty Ltd to undertake this CMP Stage 2 technical study, primarily focussing of issues with the Tallow Creek EOS but also looking at potential amendments to the Belongil EOS for consideration at the next two-year review. Aspects included:
- Literature/data review
 - Case Study of ICOLL management elsewhere in NSW
- 10
- Assessment of nuisance flood risk in Tallow Creek estuary for a variety of water levels scenarios.
 - Review of monitoring data and development of conceptual relationships and predictive models for physical parameters.
 - Staff and stakeholder engagement including:
- 15
- Questionnaire seeking input on issues and available data.
 - Site walk over with stakeholders and BOBBAC representative at Tallow Creek.
 - Briefing to staff, agencies and key community stakeholders on to relay findings of above tasks and educate about ICOLL nature and management difficulties.
- 20
- Workshop with stakeholders responsible for ICOLL opening decision making on "best-practice" ICOLL management and discussion on potential management options and main motivations for management.
 - Presentation to the Coast and ICOLL Advisory Committee (this presentation)
- 25
- Report of recommendations for amendments to the Belongil Creek EOS (at the next two-year review) and recommendations as to the forward path for management of the Tallow Creek entrance to be further considered at Stage 3 of the CMP process, or to be considered via separate process (e.g. the floodplain risk management process).
- 30

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment We nurture and enhance the natural environment	3.3: Protect the health of our coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.2	Identify risks to cultural and ecological values and assets in Tallow and Belongil Creek ICOLLS

Recent Resolutions

NIL

5 Legal/Statutory/Policy Considerations

Council is presently preparing Coastal Management Programs (CMPs) for the Byron Shire coast and estuaries in accordance with the NSW Coastal Management Framework.

10 Recommendations made through this project will be considered at Stage 3 of CMP development, or to be considered via separate process (e.g. the floodplain risk management process).

Financial Considerations

NIL

Consultation and Engagement

15 A stakeholder engagement plan was prepared for the project involving engagement with relevant Council staff, advisory committee members, State Government agencies, and other organisations and groups likely to hold key information/data of interest.

5 **Report No. 6.2 Presentation by BMT WBM on "Researching the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats, Byron Shire' Stage 2 CMP project outcomes"**

Directorate: Sustainable Environment and Economy

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

File No: I2023/1243

10 **Summary:**

15 Council engaged BMT WBM to prepare a report on the impacts of recreational use and commercial tourism on coastal wildlife and biodiversity in Byron Shire, and to recommend novel solutions for prioritised threats. This project has been undertaken as part of Stage 2 of Coastal management Program preparation to fill gaps in understanding about threats and risks to coastal values, and to ensure more informed decision-making during Stage 3 of CMP preparation.

20 BMT WBM's project manager, Damion Cavanagh, has been invited to present to the Coast and ICOLL Advisory Committee on the project methodology and findings. This presentation is for information only. The project outcomes are to be provided to Council to note and will subsequently be provided on Council's website.

Report

Council adopted CMP Stage 1 Scoping Studies (BMT WBM, 2020; Rhelm, 2021) which identified several values relating to biodiversity and ecosystem integrity alongside other key values for recreation, tourism, fishing, participation etc.

- 5 The Scoping Studies also identified several priority information gaps critical to be addressed in Stage 2 of the CMP to inform the development of actions for priority management issues (in Stage 3). A number of studies and activities were recommended in the Scoping Study forward plans to be undertaken in Stage 2 including a recommendation (in both Scoping Studies) to undertake: “*Evidence based research on the potential effects of various recreational uses on wildlife and habitats in coastal areas, and how to manage the impacts sympathetically (in alignment with Biodiversity Conservation Act 2016 and Marine Estate Management Act 2014 objectives)*”.
- 10

This technical study has been prepared on the basis of recommendations of the Scoping Study and further identifies risks and opportunities associated with several key threats including:

15

- “*Adverse social or environmental impacts resulting from passive recreational use (swimming, surfing, dog walking, bush walking, etc.)*”.
 - “*Adverse social or environmental impacts resulting active recreational use (recreational boating and fishing, motorised watercraft, drones, four-wheel driving, etc.) and commercial fishing*”.
 - “*Loss of amenity and habitat disturbance due to increasing use, overuse, and overcrowding at the beach and associated infrastructure and facilities*”.
- 20

Council engaged BMT WBM to undertake this CMP Stage 2 technical study. Aspects included:

- Desktop research to identify and map key biodiversity values and condition, and to identify current and emerging recreation and tourism activities in the coastal zone.
 - Stakeholder consultation to further understanding of priority locations, seasonality of use, priority coastal biodiversity values to different stakeholders, input of relevant biodiversity impacts of concern, existing and desired management actions and availability of any data.
 - Map key recreational use impact sites across the coastal zone of the Byron Shire.
 - Undertake a risk assessment to prioritise management for ranked impacts from key threats.
 - Develop a monitoring program methodology and proforma for priority threats at several key recreational use impact sites to assess impacts associate with recreation and tourism and to measure the effectiveness of any management strategies implemented. Testing of the survey methodology and proforma was undertaken by Council staff in June 2023.
- 25
- 30
- 35

BYRON SHIRE COUNCIL

FOR INFORMATION ONLY

6.3

- Develop novel and strategic management recommendations for priority threats and impact for further consideration at Stage 3 of the CMP process.
- Report on project findings and recommendations.
- Present the findings to Council's Coast and ICOLL Advisory Committee (this presentation).

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment We nurture and enhance the natural environment	3.3: Protect the health of our coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.5	Research the effects of recreational uses on coastal biodiversity and habitats

Recent Resolutions

NIL

10 Legal/Statutory/Policy Considerations

Council is presently preparing Coastal Management Programs (CMPs) for the Byron Shire coast and estuaries in accordance with the NSW Coastal Management Framework.

Recommendations made through this project will be considered at Stage 3 of CMP development.

15 Financial Considerations

NIL

Consultation and Engagement

A stakeholder engagement plan was prepared for the project involving engagement with relevant Council staff, advisory committee members, State Government agencies, and other organisations and groups likely to hold key information/data of interest.

Report No. 6.3 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

File No: I2023/1570

Summary:

10 This report provides the Coast and ICOLL Advisory Committee members a 3-monthly brief update on the progress of the development of CMPs and CMP projects for the Byron Shire coastline.

The next update will be reported to the first Coast and ICOLL Advisory Committee meeting in 2024.

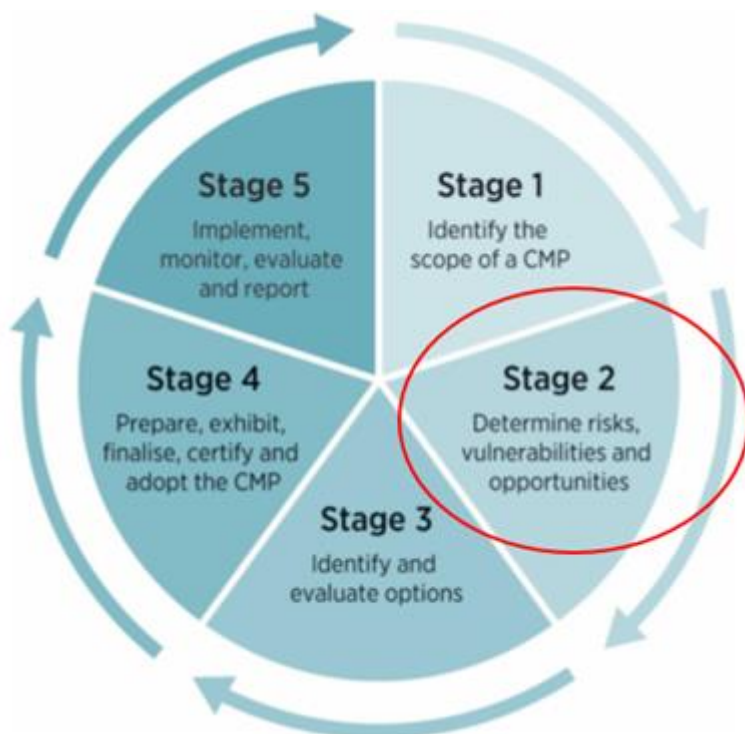
15

Overview

This report provides the Coast and ICOLL Advisory Committee members a 3-monthly brief update on the progress of the development of CMPs and CMP projects for the Byron Shire coastline.

5 Current status of CMP development

Council is progressing through Stage 2 of preparation of Coastal Management Programs (CMPs) for its coastline to fill key information gaps on threats, issues and opportunities in the coastal zone (refer Figure 1).






10 Figure 1 - CMP Stages

Stage 2 studies 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). Scoping of Stage 3 & 4 CMP development is currently underway.

15 A summary of the status of these Stage 2 studies and other relevant projects 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
20 pending availability of other funding sources or can otherwise be completed during CMP implementation.

Table 1: Projects Planned and Underway

Project Name	Brief Description	Status/ Expected Completion
<p>Main Beach Shoreline Project</p>	<p>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 future.</p> <p>The most recent task completed is the technical assessment of the shortlisted options to modify the structure/works is now complete. The technical assessment consists of two related lines of investigation:</p> <ol style="list-style-type: none"> 1. application of numerical modelling tools to better understand the coastal environment and assess the performance of the shortlisted options on coastal processes. 2. a geomorphic assessment using a data-driven approach to summarise relevant coastal processes and infer the relative effects of the shortlisted options on long term coastal processes. <p>The technical assessment is now complete with the Technical Assessment Report, <i>Numerical modelling and geomorphic assessment of concept options</i>, Bluecoast Consulting Engineers, (April 2023) provided on Council’s MBSP project webpage.</p>	<p>The technical assessment is complete and was reported to Council on 27 April 2023 for adoption. The three shortlisted options are:</p> <ul style="list-style-type: none"> • Option 2 – Berm rock revetment and pathway.  <ul style="list-style-type: none"> • Option 5 – Protective structure moved landward by 10m.  <ul style="list-style-type: none"> • Option 7 – Existing structure upgraded to contemporary standards.  <p>[Option 6 – protective structure moved landward by 30m did not progress as per assessments recommendation].</p> <p>The evaluation and</p>

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6.3

Project Name	Brief Description	Status/ Expected Completion
		<p>determination of the preferred option will be undertaken though CMP preparation in Stage 3.</p> <p>Presentations on the outcomes of the technical investigation have been provided to:</p> <ul style="list-style-type: none"> - Councillors at an SPW on 2 March 2023 - Members of the Byron Town Centre masterplan Guidance Group on 5 April 2023 - Members of the Coast and ICOLL Advisory Committee on 16 May 2023 <p>The information presented in the technical report will provide the basis for further development and evaluation of the shortlisted options at selecting a preferred option to carry forward.</p>
<p>Coastal Hazard Assessment (CHA) Review and Update</p>	<p>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> <p>The study builds upon the most recent coastal assessment undertaken in 2013, using:</p> <ul style="list-style-type: none"> • new data available from the preceding 10 years (i.e. 2013 	<p>The draft CHA has been received and has been reviewed by:</p> <ul style="list-style-type: none"> • Internal staff review • Department of Planning and Environment staff • External technical reviewer <p>Comments received on the draft study are being considered by the consultant for addressing in</p>

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Project Name	Brief Description	Status/ Expected Completion
	<p>to 2023)</p> <ul style="list-style-type: none"> • various and new survey sources • local knowledge • previous reports and studies • revised best practice methods • analysis of photogrammetry data and • coastal numerical modelling. <p>Through analysis of up-to-date information some assumptions and remaining uncertainty in the previous hazard assessments are addressed. The CHA Study aims to quantify the coastal processes operating on the Byron Shire coastline and the nature and extent of exposure to coastal hazards and threats to public and private assets (both natural and built).</p>	<p>the final report.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Report to Executive Team • Workshop with Councillors (30 Nov) • Report to Council for adoption (aiming for 14 Dec) • Place CHA on the website for 'information only' • Presentation and Discussion of Hazard Outputs* (early 2024) <p>*Committee members will be invited to attend this workshop.</p> <p>A brief outline of the CHA methodology and components as requested has been provided.</p>
<p>Byron Shire Water Quality Source Tracking and Control Program for Belongil Creek, Tallow Creek and Ti-Tree Lake</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>This project 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>Reported to Council 28 September 2023. Endorsed by Council and provided on the CMP webpage (Res 23-441).</p>

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6.3

Project Name	Brief Description	Status/ Expected Completion
<p>Review of the Entrance Opening Strategies for Belongil and Tallow Creek estuaries - identifying risks to cultural and ecological values and low-lying assets associated with ICOLL entrance opening strategies</p>	<p>This study is aimed at advising on recommendations for preparing a new entrance opening strategy (EOS) for Tallow Creek, recommendations for amending the Belongil Creek Opening Strategy at the next two-year review (end 2023), 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>Amendments to EOS' can occur at a later stage of the CMP.</p>	<p>Draft report received. Internal review complete by staff Coast & Estuary Team.</p> <p>Final report due end of October 2023 for key stakeholder review. Consultant presenting to the Coast and ICOLL Advisory Committee 21 Nov on project outcomes. Expected to be reported to Council Feb 2024.</p>
<p>Shire-Wide Planning Audit - Identify 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. Includes consideration of mapping and inclusion of a Coastal Vulnerability Area into the planning scheme.</p>	<p>Draft report received. Internal review complete by Council staff (Planners, Coast & Estuary Team) and DPE (funding partner).</p> <p>Review comments provided to consultant October 2023. Final report expected by December 2023.</p>
<p>Shire-Wide study on the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats</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 solutions to manage impacts, e.g. through the development and delivery of access</p>	<p>Draft report received. Internal review complete by staff Coast & Estuary Team.</p> <p>Final report due end of October 2023. Consultant presenting to the Coast and ICOLL Advisory Committee 21 November on project outcomes. Expected to be reported to Council February</p>

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6.3

Project Name	Brief Description	Status/ Expected Completion
	and other facilities within the coastal zone and development of a policies and/or plans.	2024.
Shire-Wide Coastal Wetland and Littoral Rainforest Mapping review	The scope of this project is to investigate and ground truth discrepancies between Council’s mapping of Littoral Rainforest and Coastal Wetlands with the R&H SEPP mapping.	Reported to Council 28 September 2023. Endorsed by Council and provided on the CMP webpage (Res 23-441).
Byron Shire Open Coast CMP Stages 3 & 4	<p>The project study area covers the entirety of the open coastal area of the Byron Shire LGA. This CMP will pertain to open coast hazard threats/risks (being erosion and shoreline recession, coastal inundation and cliff instability) and open coast issues only.</p> <p>Project will involve:</p> <ul style="list-style-type: none"> - Building upon what has already occurred, while considering the objectives and requirements of the CM Act. - Incorporating outcomes of the Stage 2 studies as they are known. - Identifying and evaluating options. - Undertaking refined/targeted community engagement and stakeholder consultation to gain buy-in from the community and arrive at preferred CMP actions. - Preparing a CMP in close consultation with Council that is feasible and has been 	<p>RFQ and scope of work currently in preparation.</p> <p>Application for funding through the Coast and Estuary Grants Program (submitted – June 2023).</p> <p>Expected consultant engagement by February 2024 (pending grant funding and finalisation of the RFQ).</p>

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FOR INFORMATION ONLY

6.3

Project Name	Brief Description	Status/ Expected Completion
	developed in accordance with the Mandatory Requirements of the CM Framework and may be certified by the Minister.	

Pathway forward for CMP development

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

- 5 • 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;
 - 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 Council staff with the support of the Department of Planning and Environment (DPE) reported to the Coast and ICOLL Advisory Committee 14 February 2023 that the forward development of CMPs for Byron Shire be broken down into distinct geographical areas to better reflect the unique coastal values and threats of each area, to allow for more refined/targeted community engagement and stakeholder consultation, to reduce the
- 15 timeframe associated with developing a CMP for lower risk/less complex areas (such as the Tallow Creek estuary) and to increase the possibility of obtaining a certified CMP for part of the Shire’s coastal zone. There are now three CMPs currently planned (as follows with one for the Brunswick Estuary as a future priority):
- 20 1. **CMP for Tallow Estuary** – includes estuary/ICOLL and catchment issues and actions including entrance opening/management activities (EOS) for flood mitigation.
 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 north to the LGA border. The spatial extents are not yet confirmed and are subject to refinement.
 4. **CMP for the Brunswick River Estuary** to be commenced at a later date.
- 30 Preparation of the proposed CMPs was resolved by Council at the 28 September 2023 (Res 23-441). For each CMP, it is planned to undertake stages 3 and 4 simultaneously

5 (refer Figure 1). An application for funding under the Coast and Estuary Grants Program (at a ratio of 2:1, DPE:Council) was made for Stages 3 and 4 of the Open Coast (Shire-Wide) CMP in June 2023 (pending). Applications for funding for stages 3 and 4 for the Tallow Creek Estuary CMP and the Belongil Creek Estuary CMP are being prepared for submission in Feb 2024.

Next Steps

- Staff and project consultants will continue to progress the development of CMPs for the Byron Shire Coastline and related projects.
- The next update on the status of projects and CMP preparation will be reported to the first Coast and ICOLL Advisory Committee meeting for 2024.

Strategic Considerations

Community Strategic Plan and Operational Plan

<p>3: Nurtured Environment 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>3: Nurtured Environment 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>

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6.3

<p>3: Nurtured Environment 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>3: Nurtured Environment 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>
<p>3: Nurtured Environment 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>3: Nurtured Environment 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>3: Nurtured Environment 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>
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Legal/Statutory/Policy Considerations

The NSW Coastal Management Framework in NSW comprises the following elements:

- the *Coastal Management Act 2016* (CM Act)
- 5 • the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP)
- the NSW Coastal Management Manual (OEH, 2018).

Council is presently preparing a Coastal Management Programs (CMP) for the Byron Shire coastline. The purpose of the CMP will be to set the long-term strategy for the management of the coastal zone, addressing priority open coast management issues and actions to address the issues, with a focus on achieving the objectives of the CM Act.

Financial Considerations

The estimated budget to complete Stages 3 and 4 for all three CMPs is \$240K ex GST (an estimated \$80K committed from Council matched 2:1 by DPE). A budget of \$240,000 has been allocated to 2605.197 'CMP Byron Shire Coastal Zone Stages 3 & 4' with expected grant income of \$160,000 allocated to 1501.117. An application for grant contribution has been made to the Coast and Estuary Grants Program (DPE) for development of Stages 3 and 4 of the Coastal management Program for the Open Coast.

Consultation and Engagement

Current consultation in the preparation of CMPs includes:

- 20 1. Participation in a regular forum for council staff to discuss CMP preparation with other local council practitioners and DPE staff is being coordinated by DPE.
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.
- 25

Project specific consultation and engagement plans are prepared and implemented as relevant to each study/project.