

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, 14 May 2024
Time	2.00pm

Shannon Burt
Director Sustainable Environment and Economy

I2024/695
Distributed 07/05/24

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. STAFF REPORTS

Sustainable Environment and Economy

3.1 Discussion - Improvement of water quality at Baywood Chase Lake..... 6

3.2 Future Discussion Items for Coast and ICOLL Advisory Committee..... 199

4. LATE REPORTS

5. FOR INFORMATION ONLY

5.1 Update on the development of Coastal Management Programs (CMPs) for
the Byron Shire Coastline 201

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 3.1 Discussion - Improvement of water quality at Baywood Chase Lake

5 **Directorate:** Sustainable Environment and Economy
Report Author: Orla Seccull, Coastal & Estuary Officer
File No: I2024/9

Summary:

10 Council has limited budget available to finalise the draft management plan for Baywood Chase Lake (AWC, 2018) at Suffolk Park. Council has engaged a consultant and the project has commenced. Council is seeking input by members of the Coast and ICOLL Advisory Committee on key concerns and opportunities for rehabilitation and management of the lake and surrounds within the drainage reserve. The outputs of this discussion will inform the project.



15

RECOMMENDATION:

That Coast and ICOLL Advisory Committee:

- 20
1. Notes that Council is currently working towards finalisation of the Baywood Chase Lake Management Plan.
 2. Members provide feedback within this committee meeting on key concerns and considerations for rehabilitation and management.
 - 25 3. Notes that key stakeholders will be provided an opportunity to review the preliminary final report.
 4. Notes the outcomes of the project will be reported to ET.
 5. Notes that the report outcomes will be considered at Stage 3 of development of Council's Coastal Management Program for the Tallow Creek estuary.

Attachments:

- 30
- 1 ICOLL Water Quality Source Tracking and Pollution Control Program - CMP Stage 2 Studies for Tallow & Belongil Creek (Hydrosphere Consulting, 2023), E2023/73406 , page 12  

Report

Background:

Study Area

5 Baywood Chase Lake in Suffolk Park is a constructed stormwater retention basin built in 1990 in conjunction with development in the Baywood Chase subdivision at that time.

10 The lake is a major feature within the urban environment and is a high value community asset used for recreational purposes: e.g. cycling, dog walking, bird watching and fish feeding. The lake is in poor condition itself with a number of issues effecting water quality (e.g. limited aquatic vegetation, algal blooms, sediment accumulation and a source of bird faecal matter) impacting on local environmental and amenity values. The lake is also a continuing source of poor water quality to the downstream Tallow Creek estuary which has high environmental and cultural values and is important socially to the local community.

15 Tallow Creek is a special place to the Bundjalung People of Byron Bay (the Arakwal) and was historically a significant source of wild food and resources. Water quality is a major concern for Arakwal and one of the priorities for improving water quality in the creek is to enable the reinstatement of cultural fishing practices. Additionally, a portion of the Tallow Creek Catchment lies within National Park estate, along with a significant area of the creek itself – water quality within the creek is also a significant concern to the NSW National Parks and Wildlife Service (NPWS).

20 Previous Investigations

Council has previously investigated the improvement of the health and condition of Baywood Chase Lake with the development of a draft management plan by Australian Wetlands Consulting. The draft plan provides an overview of the investigation of issues at the site, risk and options assessment, consultation undertaken with stakeholders and recommendations for management. At that time, Council was developing options for reuse of recycled water from the West Byron Sewage Treatment Plant and the draft plan ranked the addition of recycled water to the lake on an ongoing basis as the primary recommended strategy for lake rehabilitation through improvements of water quality and flows. However, this management option was not supported by Arakwal or NPWS and the progression of the plan was stalled. The draft plan recommends a variety of other management options which require further consideration. Progressing with finalisation of the plans to improve water quality is consistent with several key objectives of Council's "Generic Plan of Management for Community Land Categorised as General Community Use - Drainage Reserve" adopted in 2005, i.e.:

- 35 • to maintain a high level of water quality;
- to enhance the environmental and aesthetic amenity of drainage areas; and
- adequate and appropriate landscaping to be carried out in drainage areas.

40 Council's adopted Coastal Management Program (CMP) Stage 1 Scoping Study for the Southern Byron Shire Coastline (Rhelm, 2021) identified "Water pollution from urban stormwater and treated effluent discharge" as a high risk to coastal and estuary values in

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

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the present day and likely to present an extreme risk by 2100. Subsequently, Council commissioned and adopted a CMP Stage 2 technical study in September 2023: “*Byron Shire ICOLL Water Pollution Source Tracking and Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake*” (Hydrosphere Consulting, 2023) (Attachment 1). This study identifies Baywood Chase Lake as the primary source of water quality pollutants for blue-green algae, pathogens and bacteria, nutrients and low dissolved oxygen to the Tallow Creek estuary, with stormwater from urban residential areas ranked a close second using multiple lines of evidence. The source tracking and control program also undertook a high-level qualitative assessment of potential strategic management actions, further investigations and on-ground works to address water quality pollution including assessment of options from the draft AWC (2018) management plan with the exception of the option to increase flows using recycled water. The options recommended by Hydrosphere (some requiring further investigation) include:

- solar powered artificial aeration;
- rehabilitation of sediment basin adjacent to lake;
- weed removal and habitat restoration;
- vegetated swales;
- recirculation to treatment wetland and swale;
- bird management – island reshaping/ removal;
- baffle inlets;
- install benches and plant with macrophytes;
- sediment treatment/ capping;
- partial infilling and replacement with high efficiency treatment system;
- review, upgrade/improvement of catchment urban stormwater infrastructure; and
- pre and post monitoring of any remediation works.

Objectives of the Project

Key drivers for finalising the Baywood Chase Lake Management Plan aligning with the primary purpose of the lake as a functioning stormwater asset, and secondly, for recreational purposes, are to:

- Improve the downstream ecohealth of Tallow Creek and associated cultural values.
- Reduce the likelihood and occurrence of algal blooms.
- Improve habitat and natural areas for biodiversity.

- Enhance aesthetics and amenity for the surrounding community.

5 The project aims to deliver a final management plan for Baywood Chase Lake and adjacent areas for improved water quality in the lake and catchment along with enhancement of biodiversity, amenity, cultural and social values. The intent is that a management action will be included in the CMP for Tallow Creek to “implement the Baywood Chase Lake Management Plan” or similar.

Project commencement

Council has engaged a consultant and the project commenced in late April 2024. The outcomes of this discussion will inform the project.

10 **Potential Items for Discussion:**

- Management options
- Water quality
- Waterbirds
- Vegetation (aquatic and riparian)/ weeds
- 15 • Hydrodynamics/ hydrology
- Open space/ community use
- Citizen science opportunities
- Educational needs

Next steps

- 20 • Complete project scope by mid 2024 including:
 - Background document review.
 - Refinement of options for stakeholder discussions.
 - Liaison with Council staff.
 - Delivery of a preliminary final plan for review by key stakeholders: NPWS, BOBBAC, Byron Bird Buddies, Suffolk Park Progress Association.
 - 25 ○ Finalisation of the management plan.
- Report on project completion and outcomes to ET.
- Progress with Stage 3 of CMP development.
- Consider funding opportunities for implementation of the plan in the future.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of 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
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.3	Identify pollution sources and plan to improve water quality in Byron Shire's intermittently closed and open lakes and lagoons (ICOLLs)
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.8	Identify and evaluate management options and opportunities for addressing threats to the Byron Shire coastal zone and prepare Coastal Management Programs

Recent Resolutions

NA

Legal/Statutory/Policy Considerations

5 The project area is wholly located within the *Coastal Environment Area* as mapped in the SEPP (Resilience and Hazards) 2021 and partly located within the *Coast Use Area* as mapped in that SEPP. The project is consistent with supporting the objectives of the *Coastal Environment Area and the Coastal Use Area* as defined in the [Coastal Management Act 2016](#) (refer Clause 8 and Clause 9 respectively).

10 Other key legislation to be considered in preparing the management plan includes but is not limited to the *Biodiversity Conservation Act 2016* and *Fisheries Management Act 1994* (Part 7 Protection of aquatic habitats) whilst other legislation such as *Protection of the Environment Operations Act 1997* and the *Environment Planning and Assessment Act 1979* will apply during the planning and construction phase at a later date.

15 Baywood Chase Lake is a stormwater asset within a drainage reserve on Council owned community land for which a plan of management (PoM) has been prepared under the *Local Government Act 1993*. The PoM sets out objectives and key issues (e.g. relating to landscaping and design, maintenance and water quality) that need to be considered in the specific management plan prepared for the lake.

20 The Northern Rivers Local Government Development Design and Construction Manual is applicable to any stormwater/drainage, site regrading, pathway and structures/bridge design.

Financial Considerations

A budget of \$10,000 (ex GST) has been allocated for the project within the FY23/24 budget.

25 Consultation and Engagement

30 Detailed consultation occurred with key stakeholders during preparation of the draft report (AWC, 2018). These stakeholders are offered the opportunity to provide insight and feedback during this Coast and ICOLL Advisory Committee meeting 14th May 2024 and were emailed in advance of the agenda item. These stakeholders will also be offered opportunity to review the preliminary final report when available.

The project will also be reported to ET on completion.



Byron Shire ICOLL Water Pollution Source Tracking and Control Programs for Belongil Creek, Tallow Creek and Ti-Tree Lake

Stage 2 Study

Final Report

August 2023

**Report No. 3.2 Future Discussion Items for Coast and
ICOLL Advisory Committee**

Directorate: Sustainable Environment and Economy

Report Author: Arika McElroy, Project Support Officer

5 **File No:** I2024/8

Summary:

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

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

There were no requests for reports or information received from the Coast and ICOLL Advisory Committee members for this meeting.

15

RECOMMENDATION:

That the Coast and ICOLL Advisory Committee notes the report.

20

Report

There were no requests for reports or information received from the Coast and ICOLL Advisory Committee members for this meeting.

Requests for future items can be raised at this meeting.

- 5 These requests, resourcing and alignment with Council’s Operational Plan will be tabled for discussion by the committee at the next meeting, to resolve whether they are taken to Council for consideration for inclusion in a future Council OP and budget.

Key issues

N/A

10 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership 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 expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

Recent Resolutions

N/A

Legal/Statutory/Policy Considerations

- 15 N/A

Financial Considerations

N/A

Consultation and Engagement

N/A

5 **Report No. 5.1 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline**

Directorate: Sustainable Environment and Economy

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

File No: I2024/334

10 **Summary:**

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.

This is final update to the Coast and ICOLL Advisory Committee.

15

Overview

20 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.

Current status of CMP development

25 Council is finalising Stage 2 of preparation of Coastal Management Programs (CMPs) for the Shire's coastline to fill key information gaps on threats, issues and opportunities in the coastal zone (refer Figure 1). Simultaneously, Council is commencing Stage 3 in which management options for key threats to the coastal zone are identified and evaluated in collaboration with key stakeholders and the community.

□

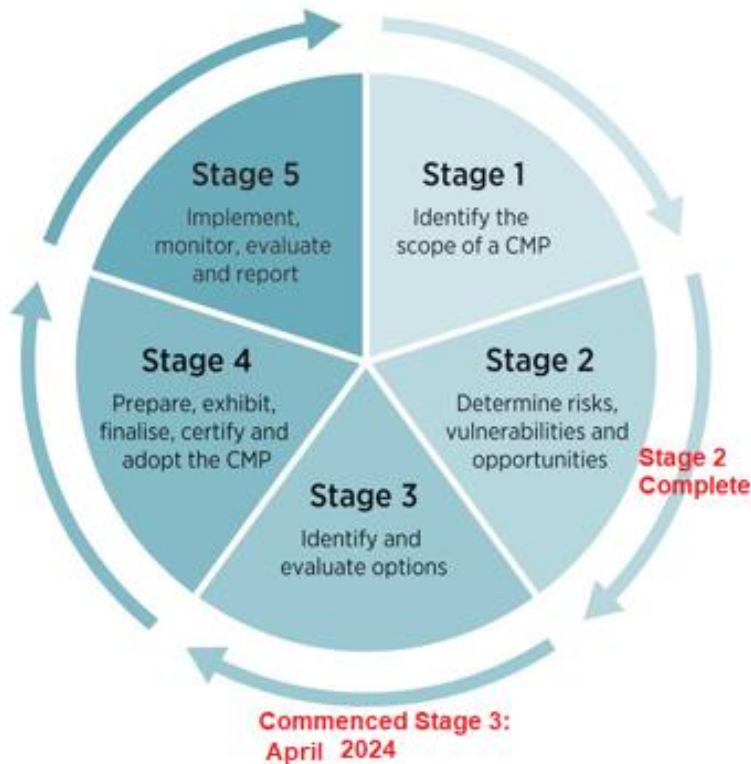


Figure 1 - CMP Stages

5 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 in the next stage (Stage 3). Scoping of Stage 3 & 4 CMP development is currently underway.




10 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, with funding of 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.

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5.1

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 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>The evaluation and determination of the preferred option will be undertaken though the Open Coast CMP preparation in Stage 3.</p> <p>The information presented in MBSP studies will provide the basis for further development and evaluation of the shortlisted options at selecting a preferred option to carry forward.</p> <p>All studies completed as part of the project are provided on Council's MBSP project webpage.</p>
<p>Coastal Hazard</p>	<p>This study is the third major</p>	<p>The CHA was reported to</p>

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5.1

Project Name	Brief Description	Status/ Expected Completion
<p>Assessment (CHA) Review and Update</p>	<p>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 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>Council on 22 February 2024. Council resolved to adopt the CHA Study (Res 24-035).</p> <p>A presentation was provided to the committee on the study and outcomes on the 12 March 2024.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Commence CMP Stage 3 preparation.
<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>Identifies risks associated with water pollution in Tallow and Belongil Creek catchments and identifies 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>
<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</p>	<p>Aimed at advising on recommended amendments to the entrance opening strategies (EOS') for Belongil Creek and Tallow Creek, along with undertaking the necessary supporting studies (i.e. literature review, engagement with Arakwal, case study for other NSW ICOLLs, assessment of nuisance flood risk in tallow Creek, identification of improvements to decision support frameworks etc.</p> <p>Recommendations were provided for varying timeframes. Of particular note, any setting/changing of a</p>	<p>Final report received.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Report to ET. • Report to be put on Council's CMP project webpage. • Council to renew entrance management permits, approvals and the existing EOS for Belongil Creek (2-year review) incorporating shorter-term recommended

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Project Name	Brief Description	Status/ Expected Completion
strategies	trigger level for entrance management at Tallow Creek should be done through the floodplain risk management process during development of the updated flood study (presently being scoped).	<p>amendments and outcomes from the project.</p> <ul style="list-style-type: none"> • Longer term recommendations to be considered following receipt of additional information (clarification of Council's role/responsibility, pending updated flood studies), or through the CMP process (e.g. local adaptation planning, study of fish ecology).
Shire-Wide Planning Audit - Identify barriers and opportunities for improvement associated with Council's coastal planning controls and processes.	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>Final report received February 2024.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Report to ET. • Discussion with planners (Council and State Government) on report outcomes.
Shire-Wide study on the Impacts of Recreational Uses and Tourism on Coastal Biodiversity and Habitats	<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 and other facilities within the coastal zone and development of a policies and/or plans.</p>	<p>Final report received.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Report to ET. • Report to be put on Council's CMP project webpage.
Shire-Wide	The scope of this project is to	Reported to Council 28

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5.1

Project Name	Brief Description	Status/ Expected Completion
Coastal Wetland and Littoral Rainforest Mapping review	investigate and ground truth discrepancies between Council's mapping of Littoral Rainforest and Coastal Wetlands with the R&H SEPP mapping.	September 2023. Endorsed by Council and provided on the CMP webpage (Res 23-441).
Byron Shire Open Coast CMP Stages 3.	<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>Preparing a CMP in close consultation with Council that is feasible and has been developed in accordance with the Mandatory Requirements of the CM Framework and may be certified by the Minister.</p> <p>Budget constraint has limited the current scope of CMP work for FY23/24 to Stage 3 only (risk assessment, and identification and evaluation of management options).</p>	<p>Consultant engagement April 2024.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Project inception • Communication and engagement planning • Review of literature • Detailed coastal risk assessment • Options evaluation and assessment • Community and stakeholder engagement • Confirm management options.
Byron Shire CMPs for Belongil Creek coastal zone and for Tallow Creek coastal zone (incorporating Ti-Tree Lake) – Stage 3	<p>In addition to a CMP for the open coast, Council proposes to prepare a CMP each for:</p> <ul style="list-style-type: none"> • Belongil Creek estuary coastal zone • Tallow Creek estuary coastal zone (including the hydraulically connected Ti-Tree/Taylor's Lake). <p>These CMPs will pertain to estuary</p>	Submission of grant application for funding of Stage 3 – March 2024. Application currently being processed.

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5.1

Project Name	Brief Description	Status/ Expected Completion
	<p>hazards (e.g. tidal inundation; estuary foreshore erosion from combined tides/flooding) and threats to estuary values, e.g. water quality in the catchment; waste; access etc.</p> <p>Budget constraint has limited the current scope of CMP work in these estuaries for FY23/24 to Stage 3 only (risk assessment, and identification and evaluation of management options).</p>	

Pathway forward for CMP development

The subsequent stages in the process of developing and implementing the current CMP's being developed 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:
 - Open Coast CMP – Consultant engagement and kick-off April 2024.
 - Belongil and Tallow Creek coastal zone CMPs – grant application submitted March 2024.
- 10 • 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.

15 The forward development of CMPs for Byron Shire is 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 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.

20 There are three CMPs currently planned (as follows with one for the Brunswick Estuary as a future priority):

1. **CMP for Tallow Estuary** – includes estuary/ICOLL and catchment issues and actions including entrance opening/management activities (EOS) for flood mitigation.

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2. **CMP for Belongil Estuary** - includes estuary/ICOLL and catchment issues and actions including entrance opening/management activities (EOS) for flood mitigation.
- 5 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.

Next Steps

- 10 • Staff and project consultants will continue to progress the development of CMPs for the Byron Shire Coastline and related projects.
- Any further updates to a Coast and ICOLL Advisory Committee or equivalent are pending the forming of such a committee following the election of a new Council in 2024.
- 15 • Updates of the progress of CMP development can be followed on [Council's website](#).

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.4	Identify risks associated with Council's coastal planning controls and processes
3: Nurtured Environment	3.3: Protect the health of 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

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3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.3	Identify pollution sources and plan to improve water quality in Byron Shire's intermittently closed and open lakes and lagoons (ICOLLs)
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.7	Develop concept plans for upgrades of Byron Bay Main Beach foreshore from Belongil to Clarke's Beach
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation	3.3.1.8	Identify and evaluate management options and opportunities for addressing threats to the Byron Shire coastal zone and prepare Coastal Management Programs
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.1	Revise entrance management activities and arrangements for Tallow Creek
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.2	Review entrance management activities and arrangements for Belongil Creek

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).

10 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 the open coast, and Stage 3 for the Belongil Creek estuary coastal zone and the Tallow Creek estuary coastal was \$240K ex GST (an estimated \$80K committed from Council matched 2:1 by DPE).

15 A budget of \$240,000 has been allocated for these projects with an expected grant income of \$160,000. An application for grant contribution was successful to the Coast and Estuary Grants Program (DPE) for development of Stages 3 and 4 of the CMP for the Open Coast. An application for Stage 3 of the Tallow and Belongil Estuary CMPs is pending.

20 Budget constraint has limited the current scope of CMP work to Stage 3 only (risk assessment, and identification and evaluation of management options). Allocation of budget for Stage 4 CMP preparation will be considered at a later date once Stage 3 is complete.

Consultation and Engagement

Current consultation in the preparation of CMPs includes:

- 25 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.
- 30 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.

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