



DOC18/336191
Senders ref

Mark Arnold
Acting General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Via Email

Dear Mr Arnold

Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment

In response to Byron Shire Council's request via email on 24 April 2018, the NSW Office of Environment and Heritage (OEH) have reviewed the draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment (CZMP) which is currently on public exhibition.

The CZMP has been reviewed in accordance with the now repealed *Coastal Protection Act, 1979* and the Guidelines for Preparing CZMPs (OEH 2013). We note that the new *Coastal Management Act 2016* provides that a CZMP may be certified within six months of repeal of the *Coastal Protection Act, 1979*, and remain in-force as a CZMP until 31 December 2021 at which time it will cease to have effect.

Please refer to Attachment 1 for comments on the draft CZMP for council's consideration.

Should you have any queries, please don't hesitate to contact Mr Toong Chin, Senior Team Leader (Water, Floodplains & Coast) North East on (02) 8289 6312 or at toong.chin@environment.nsw.gov.au.

Yours sincerely

Gabrielle Pietrini
Director North East Region



Attachment 1 – Specific comments on the draft CZMP

Comment #	CZMP Reference	Comment
1.	Section 1 – General Information	Recommend moving CZMP Section 1.2 to follow on after Section 1.4 (i.e. Section 1.2 becomes Section 1.5). This would better set the context of the CZMP before presenting the process of its development.
2.	Section 1.4, dot point 1	Add text – “Managing coastal hazard risk to public safety and built assets”.
3.	Section 1.4.1, first paragraph	Recommend including date of councillor workshops.
4.	Section 1.4.2 – Legislative and Policy Framework	<p>Section 1.4.2 should be embellished with a little more information about the legislative and policy requirements for preparation of a CZMP in NSW. For example, the discussion should briefly and more clearly articulate exactly what is required by legislation by describing that a CZMP must be prepared in accordance with;</p> <ul style="list-style-type: none"> • the <i>Coastal Protection Act, 1979</i> which includes objects for coastal management, and matters to be dealt with in coastal zone management plans, and; • the Guidelines for Preparing CZMP’s which include Coastal Management Principles and Minimum Requirements that must be adhered to. <p>The discussion could further articulate that an analysis of coastal management issues and objectives, as they relate to the NSW Coastal Policy and the CZMP Guidelines is included in CZMP Appendix 1.</p>
5.	Section 1.5.1, first sentence	Recommend amending wording – “ The Byron Shire coastline, including the beaches of the eastern precincts have endured a long history of large coastal storms....”.
6.	Section 1.5.1, second paragraph	Recommend amending wording – “Three main management strategies have historically been implemented by council in response to...”.

7.	<p>Section 1.7, second paragraph</p> <p>Guidelines for Preparing CZMP's: Minimum Requirement – “proposed actions to monitor and report to the community on the plan's implementation, and a review timetable”.</p>	<p>The CZMP states “<i>It is intended that the implementation of the CZMP will be monitored and reported upon to the community, at least annually as part of Councils IP&R framework</i>”. This intention is supported, however, there is no corresponding action included in the CZMP Implementation Schedule.</p> <p>Recommend including a corresponding management action under Section 3.4 of the CZMP Implementation Schedule (Table 1).</p> <p>It is noted under section 1.7 of the CZMP, that the CZMP will need to be reviewed and updated to a CMP by the end of December 2021 at which time the CZMP will cease to have effect under the <i>Coastal Management Act, 2016</i>.</p>
8.	Section 1.8.1	<p>Recommend identifying the dates of councillor workshops to give some understanding of the frequency of involvement of councillors in the CZMP development process.</p>
9.	<p>Section 2 and Appendix 1</p> <p>Guidelines for Preparing CZMP's: Minimum Requirement - “how the proposed management options were identified, the process followed to evaluate management options, and the outcomes of the process”.</p>	<p>CZMP Section 2 includes descriptions of the general process of how the CZMP management options were identified and considered. CZMP Appendix 1 describes the management objectives and how the CZMP addresses relevant legislative requirements.</p> <p>However, Appendix 1 fails to clearly correlate the management actions to the CZMP issues or objectives. To understand how the identified issues are being resolved and how each management objective is being met through the delivery of the CZMP actions, it is necessary that the management objectives are listed with corresponding management actions that seek to fulfil those objectives. The Tables in Appendix 1 should be embellished in this regard to list the relevant management action number against the relevant objective, and/or management issue.</p>
10.	Section 2.1.1, Description of Task	<p>Recommend amending wording - “... General preliminary cost estimates of each sub-action are provided, however, costs are not to be relied upon or considered definite indicative only subject to confirmation via tender processes.”</p>
11.	Section 2.1.1, Objective 2	<p>Recommend amending wording – “To mitigate reduce the adverse impacts on coastal process (e.g. down-drift effects)”.</p>
12.	Section 2.1.1 – Description of Task, ‘Stage One – Pre- construction’, sub-action 2	<p>Objective #2 for upgrade of the Jonson Street Protection Works is “To mitigate adverse impacts on coastal processes (e.g. down-drift effects)”. This objective should be incorporated into the key concept design opportunities described under sub-action #2 on CZMP page 13.</p>

13.	Section 2.1.1 – Description of Task, ‘Stage One – Pre- construction’, sub-action 3	Recommend amending wording - “Undertake physical wave tank modelling testing on the detailed concept design(s) using design nearshore wave and water level scenarios to gain an understanding of the expected functioning of the structure to optimise and refine the detailed design. ”
14.	Section 2.1 – Description of Task, ‘Stage One – Pre- construction’, sub-action 5	The NSW Coastal Management Manual is no longer a draft. Please amend text.
15.	Section 2.1.3 – Background, ‘Note’	Recommend embellishing the statement as follows to provide more detail and prescription around the preliminary intentions of Arakwal and NPWS to mitigate erosion of the Clarkes Beach during low beach profile events (not storm events) – “These works may consist of structures such as very low crest cobble berm similar to the in-situ natural cobble outcrops and which would be of such small scale that no significant offsite impacts would be anticipated (refer Appendix 4 – ‘Coastal Hazards and Risk Management’).”
16.	Section 2.1.3 - Objective	Recommend amending wording – “This action specifically applies to Council managed areas only from The Pass through to Main Beach, however consistent management principles measures will be encouraged on coastal land under other land ownership arrangements.”
17.	Section 2.4 – Management Actions	Would Section 2.4 be better as a Heading 1 section, i.e. Section 3?
18.	Section 3 – Funding and Financing	Section 3 describes ‘funding and financing’. However, the proposed funding arrangements for all ‘unbudgeted’ actions other than modification and upgrade of the Jonson Street Protection Works are not described. The proposed funding or unbudgeted management actions should be identified in the management action tables against each action (for example OEH Coastal and Estuary Grants Program, Environmental Trust, etc).
19.	Section 3.2 – NSW Government Funding	<p>The discussion in this section on NSW Government funding may be a little too prescriptive given the rules around funding may be subject to change in the future. It is recommended that the detail in paragraph 3 relating to possible funding for the upgrade of the Jonson Street protection works is reduced.</p> <p>It may be more appropriate to simply note that funding assistance is available for elements contributing to the preparation and implementation of CZMPs in accordance with grant funding guidelines, and subject to availability of funding and state-wide priorities at the time of application.</p>
20.	Appendix 4, 5 and 6	<p>In the Appendices relating to Coastal Hazards, Community Uses, and Ecosystem Health (Appendix 4, 5 and 6), the CZMP includes tables which show identified ‘management issues’ as related to ‘management objectives’ and ‘locations’. This is important information.</p> <p>It would be beneficial to understanding the key issues for the CZMP if these tables (including their introductory text) were included in the main CZMP document under each respective chapter. This</p>

		would provide a better introduction to the management action tables which include reference to the 'issue number' against each action (i.e. move section 1.4 of Appendix 4, to sit under CZMP section 2.1, etc).
21.	Appendix 4 – Coastal Hazards and Risk Management, Section 1.2 and Section 1.3	The Aboriginal Midden at The Pass is not recognised in this section of the CZMP. The boat ramp is also omitted from discussion or analysis. Recommend identifying these assets in discussion and any relevant analysis.
22.	CZMP Emergency Action Sub-plan, Section E1.4 Consultation	The consultation undertaken in 2018 with relevant agencies including the SES should be described under this section.
	END COMMENTS	



DOC18/069360

Attn: Chloe Dowsett
Coastal and Biodiversity Coordinator
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

By email: chloe.dowsett@byron.nsw.gov.au
cc: Ben.Fitzgibbon@environment.nsw.gov.au

Dear Chloe

Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment (dated March 2018)

The Department of Industry – Lands & Water (Crown Lands Division) has reviewed the Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment (dated March 2018).

In its current form, the department is not in a position to agree to relevant actions in the CZMP as is required under section 55C(2)(b) of the *Coastal Protection Act 1979* and/or section 15(4)(b) of the *Coastal Management Act 2016*. A number of minor amendments to the CZMP will need to occur prior to the department being in a position to provide agreement. Detailed comments on the CZMP are provided in the attachment (Table 1).

We would welcome an opportunity to discuss the review comments with Council. Please do not hesitate to contact Ms Catherine Knight, Coastal Management Specialist, on 0428 967 997 or via email at catherine.knight@crowland.nsw.gov.au, should you wish to discuss this matter further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G. Bunney'.

**GLENN BUNNY
DIRECTOR INFRASTRUCTURE & LAND MANAGEMENT
DEPARTMENT OF INDUSTRY-CROWN LANDS**

10 April 2018

Table 1 Comments on Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment (dated March 2018)

No.	Management Action(s)	Comment	Suggested Action
1.	General Comment Naming Conventions	References to the Department of Industry – Lands & Water (Crown Lands Division) are out of date.	Update naming convention throughout document, as follows: Department of Industry – Lands & Water (Crown Lands Division) Thereafter... DoI – Crown Lands
2.	General Comment Land Ownership / Management	<p>It is noted that the CZMP has been updated to reflect most of the suggested revisions to the 'Land ownership and management arrangements (Appendix 2) as per previous comment from the department on the CZMP Byron Bay Embayment (our letter dated 3 August 2016 # DOC16/109981).</p> <p>The map at Figure 1 of Appendix 2 does not accurately reflect the management arrangements for the reserve behind the Clarkes Beach Holiday Park, which is also managed by the NSW Crown Holiday Parks Trust (NSW CHPT).</p> <p>The following text appears under section 1.1.3 Crown Reserves – No Trust: <i>There is a Crown Reserve – no trust within the planning area which extends inland from Clarkes Beach. This reserve does not have a trust and therefore is managed by the NSW Department of Industry - Crown Lands and Water (DoI Crown Lands & Water) head office. There is no Plan of Management that applies to the reserve.</i></p> <p>It is assumed this text is referring to the 'Sandhills Estate' which is lot 383/728202 and lot 457/1087879, part reserve 755695 for Future Public Requirements.</p>	<p>Amend Figure 1 where relevant to the reserve behind the Clarkes Beach Holiday Park, which is also managed by the NSW Crown Holiday Parks Trust (NSW CHPT).</p> <p>Amend the text in section 1.13 so that it includes reserve information for the Sandhills Estate.</p>
3.	General Comment Aboriginal Land Claims and Native Title	Section 1.1.4 has acknowledged Native Title claims but it is unclear if the CZMP has considered implications and obligations under the <i>Native Title Act 1993</i> (Cth) and the <i>Aboriginal Land Rights Act 1983</i> (NSW).	<p>Suggested text to be included in an appropriate section of the CZMP (for example section 1.1.4) and / or to accompany the Implementation Schedule:</p> <p><i>Where actions are proposed on Crown land, consideration of Aboriginal Land Claims lodged under the Aboriginal Land Rights Act 1983 (NSW) will need to be undertaken. Any works will need to be compliant with the Native Title Act 1993 (Cth).</i></p>

No.	Management Action(s)	Comment	Suggested Action
4.	<p>Action 1.1.1 Upgrade of the Jonson Street Protection Works, remove spur groynes and improve beach access and amenity. <i>*Refer Section 2.1.1 for more detail.</i></p> <p>Support Agency: DoI Crown Lands & Water</p>	<p>Support Organisations have been defined as follows: <i>...Support Organisations which may be required and/or requested to assist in implementation of the action, either through their regulatory role or land management function or as a potential funding or information source.</i></p> <p>The DoI Crown Lands' role is likely to be limited to assisting in implementation of this action through a regulatory capacity as opposed to a funding source. It may be prudent to also include the Office of Environment and Heritage (OEH) as a support organisation in terms of providing potential funding or information.</p>	<p>Clarify that the role of DoI Crown Lands is a regulatory / information function as opposed to a funding source.</p>
5.	<p>Section 2.1.1 Upgrade of the Jonson Street Protection Works</p> <p>Sub action 7:</p> <p>Easement Acquisition - Enter in discussion with Department of Industry Crown Lands & Water regarding acquisition of easement within the Crown land reserve, including completion of land survey. Estimated cost, \$10,000.</p>	<p>It is noted that the CZMP has been updated to reflect suggested revisions to the action relating to the upgrade of the Jonson Street Protection Works as per previous comment from the department on the CZMP Byron Bay Embayment (our letter dated 3 August 2016 # DOC16/109981).</p> <p>The sub action would benefit from a clarification as to the purpose of the easement acquisition i.e. to formalise ownership and management arrangements for the upgraded Jonson Street Protection Works.</p>	<p>Make appropriate amendment to sub action 7 regards purpose of easement.</p>
6.	<p>Action 2.2.2 Ensure illegal camping is reduced in the coastal reserves and dune systems, through both education and compliance activities, as well as working on homelessness issues with the relevant authorities.</p> <p>Support Agency: DoI Crown Lands & Water</p>	<p>Responsibility for compliance primarily rests with the land manager in question. This may be Council, the NSWCHPT, National Parks, DoI Crown Lands etc.</p> <p>Resolution of this complex issue requires a whole of government approach, including the involvement of NSW Police on occasion.</p>	<p>Make appropriate amendment to lead and support agency columns.</p>

No.	Management Action(s)	Comment	Suggested Action
7.	<p>Action 2.2.5 (also 3.1.8 'Open Coast Ecosystem Health) Audit current signage and potentially erect new signs at beach entrances, promoting the responsible use of public beaches. For example, no dogs, stay on designated paths, no fires, no removal of vegetation, remove rubbish, no camping.</p> <p>Support Agency: DoI Crown Lands & Water</p>	<p>Responsibility for beach access signage primarily rests with the land manager in question. Public land immediately adjacent the beach may be the responsibility of the Byron Coast Reserve Trust (a Council trust), the NSWCHPT, or National Parks, noting that DoI Crown Lands does not have management responsibility for coastal lands immediately adjacent the beach in the CZMP study area.</p>	<p>Remove DoI Crown Lands as a Support Agency from this action.</p>
8.	<p>Action 2.3.6 Rationalise the informal beach accesses and formalise identified beach accesses. This may involve closing off the informal accesses and revegetation works, and erecting signs outlining that it is a revegetation site.</p> <p>Support Agency: DoI Crown Lands & Water</p>	<p>As per above.</p>	<p>Remove DoI Crown Lands as a Support Agency from this action.</p>
9.	<p>Action 3.1.1 Assess and repair beach signage when necessary, and as per Emergency Action Sub Plan.</p> <p>Support Agency: DoI Crown Lands & Water</p>	<p>As per above.</p>	<p>Remove DoI Crown Lands as a Support Agency from this action.</p>
10.	<p>Action 3.1.2</p>	<p>Responsibility for dune management primarily rests with the land manager in question.</p>	<p>Remove DoI Crown Lands as a Support Agency from this</p>

No.	Management Action(s)	Comment	Suggested Action
	<p>Implement priority dune management actions as per the BSC Vegetation Management Plans to increase dune volume, height and health by restoring vegetation (incl. weed removal) and carrying out dune maintenance works.</p> <p>Support Agency: DoI Crown Lands & Water Community Dunecare groups</p>	<p>This may be the Byron Coast Reserve Trust (a Council trust), the NSWCHPT or National Parks. DoI Crown Lands does not have management responsibility for dunal lands in the CZMP study area.</p>	<p>action.</p>

Arakwal Corporation

Hi Chloe,

Thanks for your patience in receiving Arakwal's response to the Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment.

We would like the following noted:

Page 16 - Second bottom Paragraph - last sentence under **Note**: that Arakwal agree to the wording change being provided from OEH saying that 'the works may consist of structures such as very low crest cobble berm similar to the natural cobble rocks that currently exist.'

Page 17 - top sentence - and note that Arakwal would support an added sentence saying 'noting an action for small scale structures under the cultural heritage values permissible with consent.'

Page 23 Table - 2.1.1 Arakwal should be added as a support agency.

Page 23 Table - 2.1.3 Arakwal and NPWS as support agencies in incorporating cultural heritage assessments etc.

Page 25 Table - 2.3.9 Arakwal would like BSC to clarify on 'joint management issues' - are you referring to 'joint management with NPWS and Arakwal'.....if so, Arakwal should be in as support agency.

Appendix 4 - Page 12 - 1.2.2 Other Assets at risk from coastal hazards - Support NPWS in stating The Pass has a highly significant midden which is susceptible to impacts, therefore adding a separate heading for the 'Boat Launch Facility at The Pass' - which may require repair, maintenance, enhancement and/or protection from storms/coastal erosion.

Page 14 - 1.3 Coast Hazards Risk Management - support NPWS in adding 'small scale but adequate protection works to manage the boat launch facility at The Pass may be permissible with consent'.

Page 16 - Under Key Response Categories 'D' - add 'The Pass Midden' after (eg Clarkes Beach Midden) in second sentence on 'D'.

Please note that we understand you will be seeking formal advice from Arakwal prior to the Report going to Council on June 18th, and in the interim we wish to advise that Arakwal does not object to any parts of the CZMP. We, however, would like the above noted in the draft report and should any matter arise between now and then, we will advise council in due course.

We will await to hear confirmation of the above.

Many thanks Chloe and have a great weekend!

Kindest Regards,

Sharon Sloane
General Manager

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

PO Box 1555

BYRON BAY NSW 2481

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Chloe Dowsett
Byron Shire Council
PO Box 219

Attention: Chloe Dowsett

Subject: Support of Coastal Zone Management Plan for the Byron Bay Embayment

Dear Chloe

For clarity, the relevant management actions are understood to be as follows:

1. Management Action 2.1.1 – Lead Agency role - *Investigate options to mitigate erosion and stormwater impact to gully and Aboriginal midden, with preferred option(s) determined (Clarkes Beach).*
2. Management Action 2.2.8 – **Lead** Agency role - *Monitor and manage discharge of stormwater at stormwater outlets, implement minor scraping works when necessary to ensure beach access remains safe (Clarkes Beach).*
3. Management Action 2.3.4 – Lead Agency Role - *Formal beach access and other associated infrastructure (e.g. viewing platforms) to be monitored and maintained in a safe condition, suitable for public use (Clarkes Beach).*

Thank you for your thorough and considered consultation.

Yours sincerely

Trent Gearside



25 May 2018

Chloe Dowsett
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Chloe Dowsett

Subject: Support of Coastal Zone Management Plan for the Byron Bay Embayment

Dear Chloe

The Trust is writing to confirm and recommend the following amendments to the draft CZMP for the Eastern Precincts of the Byron Bay Embayment (Cape Byron to Main Beach)

1. Localised areas of small scale armouring; and
2. Applicable Plan of Management to Clarkes Beach Holiday Park

The Draft CZMP has a note stating "In essence the CZMP does not support or advocate any new 'hard' coastal protection works (seawalls)" however, it does include the option for small scale armouring works to protect significant Aboriginal middens should the Arakwal people and NPWS seek to do so, subject to adequate assessment and gaining consent. These works may consist of structures such as low crest cobble berm.

The Trust seeks to recommend that it be clarified in the CZMP that:

Crown Lands may also apply small scale armorings works for the purpose of stabilising the dune toe in areas alongside, east and west of the aboriginal middens, the caravan park and remaining large trees in the dunes. These works would meet the requirements of:

- being unobtrusive (and generally buried with time);
- being only able to withstand only smaller storms (generally in the order of 1:10 year events); and
- not restricting access to the beach.

Failure to provide this dune toe protection would result in: access problems to the beach, excessive dune erosion during this current period of narrow beach, and have safety risks for collapsing sand faces.

The Draft CZMP (Section A.1.7.7) notes "*There is no Plan of Management that applies to the North Coast Holiday Parks Clarkes Beach.*" Please refer to our website for the current Plan of Management for the Clarkes Beach Holiday Park:

<https://reflectionsholidayparks.com.au/about-us/park-development/>

Thank you for your thorough and considered consultation.

Yours sincerely

Andrew Stone

Project Manager – Capital Works

NPWS Tweed Byron Comments

Draft CZMP for the Eastern Precincts of the Byron Bay Embayment

23 May 2018

2.2 Community Uses of the Coastal Zone

Pg 19 Paragraph 5: Add Boat Launch Facility at The Pass as example of significant beach access.

Table 1 Implementation schedule of management strategies and actions

Hazard Investigation

Pg22 1.2.1 Include NPWS as a lead agency (with BSC)

Cultural Heritage

Pg25 2.3.9

The inclusion of this point requires clarification – ie why is BSC involved in NPWS joint management issues?

Flora and Fauna Management

Pg 27 3.1.12

Whose tenure is this referring to? Will the study be only on BSC land? Clarify NPWS role as support agency.

Community Involvement

Pg 27 3.3.1 ; 3.3.2

Clarify what is specifically required of NPWS in these actions. Remove NPWS as support agency.

Appendix 4

1.2.2 Other Assets at Risk from Coastal Hazards

Pg 12 Add as last sentence on first paragraph: 'Another highly significant midden susceptible to impacts is located at The Pass.'

Add heading 'Boat Launch Facility at The Pass'. Add sentence ' may require repair, maintenance or augmented protection from storm events / coastal processes.

1.3 Coastal hazards Risk Management

Pg 14 Add ' Small scale but adequate protection works to manage Boat Launch Facility at The Pass may be permissible with consent'.

Pg 16. Following 'eg Clarkes Beach midden' add 'The Pass midden' in Response Categories Key D



Tuesday, 3 April 2018

Chloe Dowsett
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Wollongong NSW 2500
Phone 02 4251 6111
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Dear Ms Dowsett,

Re: Draft Coastal Zone Management Plan Byron Bay Embayment EAP

Thank you for the opportunity to comment on the *Draft Coastal Erosion Zone Management Plan Byron Bay Embayment Emergency Action Subplan* (Draft EAP).

The NSW State Emergency Service (NSW SES) has previously made comment on the Draft EAP (Refer to letter dated 23 June 2016), however notice that the Draft EAP still has some inconsistencies with the *NSW State Storm Plan 2015*. It is important that the final version of the EAP is consistent with the *NSW State Storm Plan*. This letter details the changes that are required to ensure consistency.

Please be aware that the NSW State Storm Plan is currently under review with external consultation planned to occur within the next few weeks with the aim for endorsement either in June or September this year. The anticipated State Storm Plan changes in relation to coastal erosion will focus on incorporating the recent legislative changes as further detailed below. It is our intention to refer to the relevant documents and legislation rather than repeating their content within the State Storm Plan.

Recent coastal policy and legislative changes

It is important that the Draft EAP also reflects the changes to coastal policy and legislation including the recently gazetted *State Environmental Planning Policy (Coastal Management) 2018 (Coastal management SEPP)* and implementation of the *Coastal Management Act 2016 ('the Act')*. The Act outlines the requirements for Councils to prepare a Coastal Management Program and where applicable a Coastal Zone Emergency Action Subplan. The changes in the Act include repealing of the provisions allowing private landholders to erect temporary coastal protection works without consent. The new legislation still enables private landowners to seek consent for coastal protection works, whether temporary or longer-term.

NSW SES role in coastal erosion emergencies

NSW SES has only a limited role in the management of coastal erosion emergencies. This includes the protection of life (warning and evacuation) and (if time and resources permit) the coordination of the protection of readily moveable household and business contents ([NSW State Storm Plan 2015](#) Sections 2.2, 4.3.5d and 4.3.4e, and 7.16.3).

Whilst the NSW SES as the combat agency would work closely with Council during any Storm related coastal erosion emergency, we would not expect to be coordinating or directing many of the works within the Draft EAP as is currently implied. In particular the NSW SES has no role in controlling, coordinating or conducting any permanent or temporary physical mitigation works to protect properties or structures at risk of coastal erosion ([NSW State Storm Plan 2015](#) Section 7.16.6). It is considered to be the role of Council to coordinate the actions within the EAP including emergency works on beaches in accordance with the relevant *Coastal Zone Management Plan (or Program)* and the *Emergency Action Subplan* as outlined within The Act and Coastal Management SEPP.

Trigger for NSW SES involvement in coastal erosion emergencies

The Draft EAP currently refers to EMPLAN and non-EMPLAN events to define the trigger for Combat Agency involvement being the issuing of a BOM severe weather warning (e.g. Section E2.1). However section 7.1.4 of the [NSW State Storm Plan 2015](#) currently states that storm response operations can also begin following the impact of a storm not covered by a formal warning. Therefore the trigger of NSW SES involvement based solely on a Severe Weather Warning does not necessarily apply.

In addition, if coastal erosion occurs which in no way can be related to a storm event, it is our understanding that the Local Emergency Operations Controller (LEOCON) / Police would be responsible for evacuations as a result of a risk to life from coastal erosion.

Advice from our Regional office is that NSW SES volunteer resources are very limited within the Byron Shire area. During a large flood / storm event it is unlikely that many local NSW SES resources will be available. However under our emergency arrangements with other agencies as well as our newly created volunteer programs which support the involvement of spontaneous volunteering, the NSW SES will try to bring additional resources in to assist where practical / possible.

Thank you again for the opportunity to comment on the Draft EAP. If you have any questions please contact Cherie Parmenter on (02) 4251 1400 or via email:

cherie.parmenter@ses.nsw.gov.au.

Yours sincerely



Ailsa Schofield

Acting Manager Emergency Risk Management

NSW State Emergency Service

CC: Wayne Pettit, Deputy Region Controller, Richmond Tweed Region



Tuesday, 15 May 2018

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Dear Ms Dowsett,

Re: Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment (Cape Byron to Main Beach) EAP

Thank you for the opportunity to comment on the *Draft Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment Emergency Action Subplan* (Draft EAP). Please note that we have not undertaken a review of the draft *Coastal Zone Management Plan*.

The NSW State Emergency Service (NSW SES) has previously made comment on similar Draft EAPs (Refer to the most recent letter dated 3 April 2018 and our teleconference discussions on 5 April 2018). The NSW SES appreciates the changes you have already made in response to this consultation. There are still a number of changes that we suggest to ensure consistency with EMPLAN and the *NSW State Storm Plan 2015*. In summary the items previously mention which have not yet fully been addressed include:

- The NSW SES is the combat agency for storms whether or not a severe weather warning has actually been issued.
- In addition, if coastal erosion occurs which in no way can be related to a storm event, it is our understanding that the Local Emergency Operations Controller (LEOCON) / Police would be responsible for the coordination of evacuations as a result of a risk to life from coastal erosion.

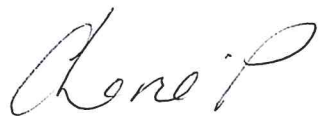
For further detail please refer to our previous letter dated 3 April 2018 and the tracked comments provided on the Draft EAP attached.

For your information, since our last correspondence Byron Shire Council should have received a copy of the *Draft NSW State Storm Plan* for review. The anticipated endorsement date by the NSW State Emergency Management Committee (SEMC) is during June 2018. The changes to the NSW State Storm Plan in relation to coastal erosion have focused on incorporating the recent legislative changes, simplification and shortening of the document and clarification of the roles and responsibilities of the NSW SES and Councils.

Thank you again for the opportunity to comment on the Draft EAP. If you have any questions please contact Cherie Parmenter on (02) 4251 6400 or via email:

cherie.parmenter@ses.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cherie P', written in a cursive style.

Cherie Parmenter

Planning and Research Officer

NSW State Emergency Service

CC: Wayne Pettit, Deputy Region Controller, Richmond Tweed Region