



BYRON SHIRE COUNCIL

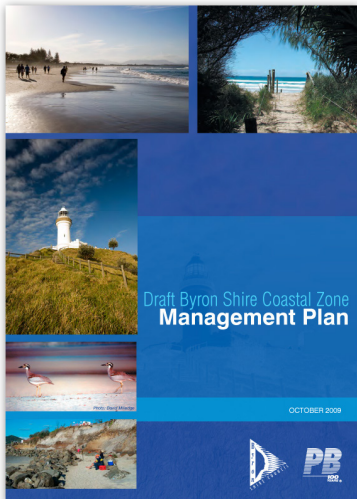
# Draft Coastal Zone Management Plan

## FREQUENTLY ASKED QUESTIONS



Byron Shire is renowned for its biological diversity and supports amongst the highest number of threatened species in New South Wales. The Byron Shire coastline is considered to be one of the most picturesque and valued coastlines in Australia, is a world-renowned tourist destination and an integral part of the Shire's urban landscape.

### What is the draft Coastal Zone Management Plan and what does it include?



The purpose of a Coastal Zone Management Plan (CZMP) is to identify and recommend planning and management strategies for the long-term management and conservation of the coastline and its resources.

Under the provisions of the **NSW Coastal Protection Act 1979**, a CZMP must make provision for:

- protecting and preserving beach environments and beach amenity
- emergency actions that may be carried out under the **State Emergency and Rescue Management Act 1989** during periods of beach erosion
- ensure continuing and undiminished public access to beaches, headlands and waterways

The draft **Byron Shire Coastal Zone Management Plan** has been developed over several years and supports the long standing policy of planned retreat for development located on coastal lands. The draft CZMP aims to set in place guidelines and implementation strategies for the long-term sustainable management of Byron Shire's coastline and adjacent environments.

The draft CZMP includes strategies for the management of coastline hazards (such as coastal erosion and inundation), protection and enhancement of the coastal environment, and the protection of public access to coastal areas. It also includes strategies for the sustainable use of the coastline encompassing the various ecological, social, economic, aesthetic and recreational values.



## Emergency Action Plan

A draft **Emergency Action Plan** (EAP) has been prepared as part of the draft CZMP (refer to Part B of the draft CZMP) and is a requirement under the **NSW Coastal Protection Act 1979**.

The draft EAP has been developed in conjunction with the State Emergency Services (SES) and Department of Environment, Climate Change and Water (DECCW). The role of the SES and NSW Police is critical to the implementation of the EAP. The EAP identifies Council's responsibilities and actions for managing coastal erosion and/or inundation events in the absence of SES involvement; that is, when a severe weather warning has not been issued by the Bureau of Meteorology. Actions contained in the EAP are based on the coastal hazard management approach of planned retreat.

### What area does the draft Coastal Zone Management Plan cover?

The draft **Coastal Zone Management Plan** addresses the Byron Shire coastline and adjacent lands and waters from the Tweed-Byron Shire border in the north, to the Byron-Ballina Shire border in the south.

The area includes both aquatic and terrestrial environments that are likely to be impacted by human activities and coastal processes. The area includes sandy beaches, rocky headlands and shores, river and creek entrances, and the coastal lands identified as being potentially impacted by coastal processes over the 2100 planning horizon.

### How did the draft Coastal Zone Management Plan come about?

The draft CZMP was prepared in accordance with the process set out in the **NSW Coastline Management Manual** (1990). The recommended process is stepped out under the following headings and the Manual may be located at:

[www.environment.gov.au/coasts/publications/nswmanual/index.html](http://www.environment.gov.au/coasts/publications/nswmanual/index.html)

#### Step 1 – Establish Coastline Management Committee

Since 1997, Byron Shire Council has formed Coastline Management Committees following each Local Government election. The committees have assisted Council in working towards and developing a draft CZMP.

The committees comprised Councillors, Council staff, technical experts from relevant State Government agencies and local community representatives.

#### Step 2 – Conduct background studies

Two major background studies were undertaken:

- **Byron Coastline Values Study** (BSC 2000a) - identified significant coastal values including the natural environment, cultural heritage and contemporary values, landscape and amenity, land use and social characteristics, economic, recreation and tourism values:

[www.byron.nsw.gov.au/publications](http://www.byron.nsw.gov.au/publications)

- **Byron Shire Coastline Hazard Definition Study** (WBM 2000b) - identified the type, nature and significance of various coastal processes and hazards affecting the Byron Shire coastline. In particular, the study identified areas along the coastline where the risk to human settlement from coastline hazards (such as erosion and inundation) currently exists, and where these hazards may possibly impact on existing land use and future planning over the 100 year planning horizon.

[www.byron.nsw.gov.au/publications](http://www.byron.nsw.gov.au/publications)

The information on values, issues and hazards in these background studies formed the basis for determining the needs and the nature of the management options developed through the **Coastline Management Study** (WBM, 2004).

#### Step 3 – Prepare Coastline Management Study

The **Byron Coastline Management Study** (WBM, 2004) was completed in December 2004. The study assessed various coastline hazard management strategies and made recommendations on the most suitable approaches accordingly.

The recommendations of the Byron Coastline Management Study form the basis of the draft Coastal Zone Management Plan.

[www.byron.nsw.gov.au/publications](http://www.byron.nsw.gov.au/publications).

#### Step 4 – Prepare draft Coastal Zone Management Plan

In 2006, Byron Shire Council resolved to prepare the draft CZMP. The purpose of the plan is to provide management strategies and actions to guide the long-term sustainable management of Byron Shire's coastline and adjacent environments, in accordance with the goals and principles of the **NSW Coastal Policy 1997**.



### Who was consulted for the draft Coastal Zone Management Plan?

- State government department representatives – particularly; NSW Department of Environment, Climate Change and Water; Department of Lands; and Department of Planning representatives.
- Byron Shire Council Coastline Management Committee members.
- Council staff and Councillors.
- The broader community through coastline site inspections and workshops:

[www.byron.nsw.gov.au/community-coastline-inspections-2007](http://www.byron.nsw.gov.au/community-coastline-inspections-2007)

### Which part of the draft Coastal Zone Management Plan is relevant to me?

The entire plan. The actions proposed in the draft CZMP affect the whole Byron Shire community not just residents living on the coastline.

The Byron Shire coastline has a rich geological, cultural and environmental history which contributes to the region's popularity among residents and tourists.

The draft CZMP proposes to maximise the use of the coastline while it is safe to do so, while also attempting to minimise the long-term costs to the environment and the community associated with managing coastline hazards such as erosion and inundation.

A planned retreat approach encourages the sustainable long-term, equitable and responsible use of the changing coastline. Please refer to the **Planned Retreat Fact Sheet** accompanying the public exhibition of the draft CZMP for a summary of Council's planned retreat approach.

### How do I know if my house or building is in a coastal hazard zone?

Coastal planning precinct maps are included in **Byron Shire Development Control Plan 2002** (DCP 2002, Part J).

[www.byron.nsw.gov.au/publications](http://www.byron.nsw.gov.au/publications)

In the draft CZMP, maps of the proposed **Coastal Planning Precincts** are included in **Appendix A of Part C**. You will find information relating to the development control conditions proposed for each **Coastal Planning Precinct in Section 4, Part A** of the draft CZMP.

Please contact Council on **(02) 6626 7126** if you require a copy of the Coastal Planning Precinct map relative to your area of interest.

### I'm in a coastal hazard zone; can I re-develop my building or block of land?

Future coastal development and modifications to existing development are currently regulated by planning provisions documented in the **Byron Shire Council Local Environmental Plan and Development Control Plan 2002** (DCP 2002, Part J)

[www.byron.nsw.gov.au/publications](http://www.byron.nsw.gov.au/publications)

Rather than prevent all development at all times on lands exposed to coastline hazards such as erosion, planned retreat allows for the limited use of those lands until the development on them is threatened by hazards.

Currently, Byron Shire Council may allow for buildings to be built or redeveloped subject to conditions. The conditions include a trigger distance which is applied to the development consent conditions. That is, if the erosion escarpment comes to within a certain distance of the development, the development will be required to be re-located or removed.

The draft CZMP proposes development control conditions for development on coastal lands which can be found in **Section 4, Part A** of the draft CZMP.

### I'm about to buy a house in Byron Shire, how can I find out if the house is in a coastal hazard zone?

When land is bought or sold, the **Conveyancing Act 1919** requires a **Section 149 Planning Certificate** to be attached to the contract of sale. Section 149 Planning Certificates, also known as zoning certificates, are legal documents issued by Council under the provisions of the **Environmental Planning and Assessment Act 1979**. They contain information about how a property may be used and restrictions on development that may apply. Such information includes (but is



not limited to) the zoning of land, permissible and prohibited land uses, details of exempt and complying development and controls for development or hazards, such as coastal erosion, heritage, flooding, bush fire etc.

Since 1988, approved houses or structures built or altered within Byron Shire's coastal planning precincts have had a development consent approval condition requiring relocation or removal of the building when the erosion escarpment comes within a certain distance of the development; this should be included on the title of the land.

### How can I comment on the draft Coastal Zone Management Plan?

Feedback to Byron Shire Council regarding the draft CZMP can be submitted during the public exhibition of the plan **from 22 October 2009 to 22 December 2009**.

Submissions can be made via Council's website at [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) or by filling out a submission form from **Council's Administration Centre** (Station Street, Mullumbimby) or community access points at Federal Store, Bangalow Post Office, Summerland Credit Union Ocean Shores, Suffolk Park Holiday Park and Byron Shire Libraries.

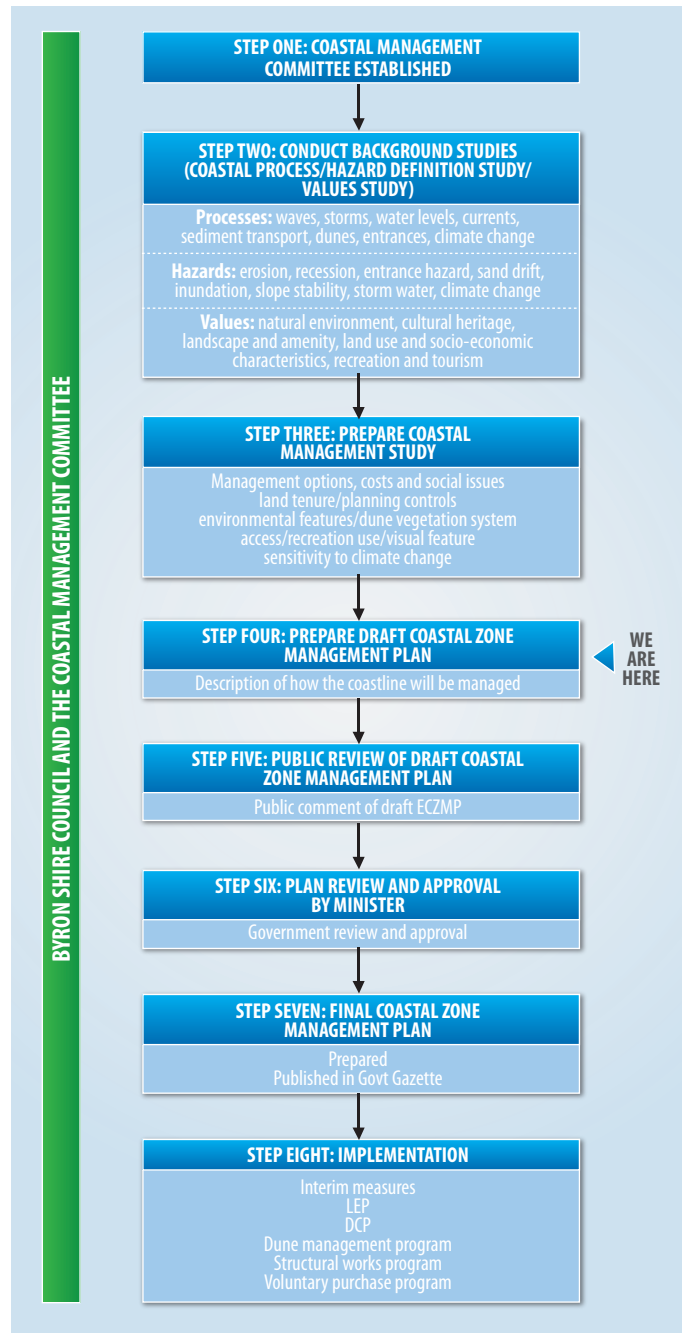
All submissions on the draft CZMP must be received not later than **4pm on Tuesday 22 December 2009**.

### What happens next to the draft Coastal Zone Management Plan?

Following the exhibition period, the public exhibition submissions will be collated and presented back to Council for preparation of the final draft Plan. If there are any significant changes as a result of public consultation, the draft may then go back out on public display.

Once finalised, the draft CZMP will be submitted to the Minister for Climate Change and the Environment for review and approval.

Once approved by the Minister, Council is required to prepare the final CZMP and publish it in the Government Gazette. When gazetted the CZMP becomes a statutory document under the provision of the **Coastal Protection Act, 1979**.



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*Byron Shire will be a thriving and vibrant community where residents and visitors can live, work and play in a sustainable environment.*