

Ref: 21-018
Date: 17/12/2021

Attn: Chris Larkin
Byron Shire Council
PO Box 219
Mullumbimby, NSW 2482
Email: clarkin@byron.nsw.gov.au,

Dear Chris,

RE: Request for further information – DA no. 10.2021.630.1, Clarkes Beach Coastal Protection Works, 2 Massinger Street, Byron Bay

Thank you for your request for information dated 7 December 2021. Responses to your request for additional information are provided below.

1. Advice as to how removal of the geobag structure in five years will be undertaken assuming that the works have been successful and the dune has been rehabilitated and revegetated potentially with five year old vegetation.

Section 3.5 of the Environmental Impact Statement (EIS) discusses the proposed decommissioning of the works and restoration of the site after the five-year period. DPIE – Crown Lands aims to avoid causing additional impacts to the beach through the decommissioning process and does not propose to remove the geobags if they are predominantly buried. General triggers for removal of the bags were documented in the DA including exposure and accessibility of the geobags, geotechnical stability of any structures within the area, meteorological, tidal and oceanic conditions, public safety risks and expected beach visitation. The proposed restoration of the site following removal of the geobags includes re-shaping of the dune to a safe condition with imported sand.

Section 3.3 of the EIS discusses the proposed dune stabilisation during the five-year period with groundcover species. DPIE – Crown Lands will actively manage the revegetation site to promote dune stability through the maintenance of the groundcover vegetation. Woody trees and shrubs will not be planted. There is not anticipated to be any significant vegetation in the vicinity of the geobag seawall if the geobags are exposed due to coastal erosion. Any vegetation remaining on the dune face (above the geobag wall) will be retained as much as possible with the dune reshaping to assist with ongoing stability once the works are removed.

During the five-year period that the geobags are in place, maintenance of the works (Section 3.4.3 of the EIS) will include importation of sand to nourish the dune, and repair or replacement of the geobags. The maintenance activities are required to provide a degree of ongoing protection to the Beach Byron Bay café site from coastal erosion during the five-year period. The proposal includes these maintenance activities for the five-year period only, after which alternative arrangements for the café will be in place and the protection will no longer be required.

DPIE – Crown Lands acknowledges the need to remove the geobags after the five-year period but also aims to develop a strategy that minimises any impact of removal of the geobags (e.g. through

beach excavation, increased dune erosion, vegetation disturbance or beach disruption). DPIE – Crown Lands is actively working with Byron Shire Council, NSW Crown Holiday Parks Land Manager and other members of the working group. This group has been established for this project to develop a holistic long-term strategy for management of coastal erosion at Clarkes Beach. Further information on the progress of these activities and the proposed decommissioning strategy, including triggers for removal of the geobags, timing and methods, will be provided in response to this query early in 2022.

2. SEPP (Coastal Management) 2018 in its General Provisions specifies that any development is not to increase the risk of coastal hazards as follows:

“15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.”

Given that there is a likelihood that the geobags will be exposed to wave action in the next five years and the engineering reports indicate that this will create an “end effect” and cause sand to be lost from the beach. Please explain how the application is consistent with clause 15 of the SEPP.

While it is acknowledged that coastal erosion and the geobag seawall has the potential to increase the likelihood of end effects, the risk will be managed and mitigated through monitoring and restoration activities which will reduce the consequence of the hazard. In this way, the proposal to leave the works in place for five years is not likely to cause increased risk of coastal hazards.

Observed and theoretical end effects are summarised in Section 7.3 of the EIS with additional detail provided in the Coastal Processes Study (UNSW WRL, 2021). The condition of the beach will be monitored throughout the five-year period and any increased impacts of end effects will be mitigated through revegetation, dune grading and beach nourishment with imported sand.

During the five-year period, restoration of the beach and land adjacent to the works is proposed including revegetation and grading of the scarp to a safe angle (EIS Section 3.4). The beach area adjacent and to the west of the works, including the beach access managed by Byron Shire Council, will be monitored on a regular basis and after coastal erosion/wave events. The monitoring will determine whether the works are causing increased erosion adjacent to and west of the works (end effects). If significant impacts are identified (e.g. the beach access is unsafe or not functional), then the affected area will be restored through beach nourishment with imported sand sufficient to restore the beach access and replace sand in this area. Once the café and Reflections geobags are removed, there will be no increased erosion caused by the geobag seawall.

Both DPIE - Crown Lands and NSW Crown Holiday Parks Land Manager will be responsible for monitoring the impact of the works and the implementation of impact mitigation measures including beach restoration. These measures will be implemented in consultation with Byron Shire Council, Bundjalung of Byron Bay Aboriginal Corporation (BoBBAC) and other key stakeholders.

3. Please clarify how it was concluded that no BAM or BDAR is triggered with this application given that works are proposed on land mapped on the NSW Biodiversity Values Map.

Section 4.1.1 of the Biodiversity Impact Assessment (Biodiversity Assessment and Solutions, 2021) discusses the Biodiversity Offset Scheme threshold triggers under the *Biodiversity Conservation Regulation 2017* including the Biodiversity Values Map threshold. As there will be no clearing of native vegetation or additional biodiversity impacts within the area mapped on the Biodiversity Values Map, this threshold does not apply.

The need for a BDAR was discussed with Dimitri Young (Senior Team Leader Planning, DPIE Biodiversity Conservation Division) in a meeting with Robyn Campbell of Hydrosphere Consulting and Adam Gosling of Biodiversity Assessments and Solutions on 23 March 2021. Mr Young confirmed that the requirement for a BDAR is not triggered if clearing of native vegetation on land included on the Biodiversity Values Map is not required.

4. Given this application is to maintain the geobag structure (etc) for five years and then remove it, can you confirm if the AHIP you are seeking from Heritage NSW includes removal of the geobags and salvage of midden material if exposed.

Yes. The AHIP will be sought for removal of the geobags and salvage of midden material if exposed. This is discussed in Section 5.6 (Approvals Required) with further discussion of impacts on cultural heritage discussed in Section 7.5 of the EIS. DPIE – Crown Lands plans to apply for the AHIP on receipt of development consent.

Since submitting the DA, the stability of the dune in front of the café has been impacted by human disturbance to the dune face. In consultation with Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (BoBBAC), DPIE – Crown Lands has developed a proposal to install dune fencing, signage and planting of groundcover species to assist in preventing human access to the dune and to trap windblown sand. This is consistent with the dune vegetation, fencing and signage concept described in the EIS (Figure 5 in Section 3.3). These measures will be installed during December 2021. These works are not expected to impact on the midden site as they are contained within areas of disturbed dune or imported sand. BoBBAC representatives will be engaged as “spotters” during these works.

Please contact me on 0421 145 027 if you require any additional information.

Yours sincerely,



Robyn Campbell
Senior Environmental Engineer
Hydrosphere Consulting