



The Hon Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

MD17/1334

Mr Simon Richardson
Mayor
Byron Shire Council
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MULLUMBIMBY NSW 2482

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Dear Mr Richardson

Thank you for your letters regarding the submission of the draft Byron Bay Embayment Coastal Zone Management Plan (CZMP) for certification under the *Coastal Protection Act 1979*.

The draft CZMP was referred by the former Minister for Planning, the Hon Rob Stokes MP to the NSW Coastal Panel for advice under section 55G(3) of the Act. I note you have now requested that the draft CZMP cease to be considered given it is not endorsed by the Byron Shire community, and council does not have the financial capability to implement the plan as proposed.

I acknowledge the complexity and range of issues associated with preparing a CZMP for this coastal hazard hotspot. There are exceptionally high hazard risks associated with physical coastal processes, which affect residential beachfront development in an internationally acclaimed tourism destination. I recommend that Byron Shire Council consider the Coastal Panel's most recent advice, which is attached for your information, in amending the draft CZMP.

I note from the Coastal Panel's advice that the majority of the plan, with the exception of the Belongil Spit precinct, meets the requirements of a CZMP, subject to further consideration of funding and community consultation. In particular, implementation of master planning for the iconic tourist hub around the Jonson Street protection works precinct in the CBD area is seen as a high priority.

However, the main advice of the Coastal Panel is that key elements of the draft CZMP dealing with hazard management along Belongil Spit do not meet the requirements for certification under the *Coastal Protection Act 1979*.

Specifically, the Coastal Panel has noted the draft CZMP does not adequately address the impact that the seawall structure will have on the adjacent and adjoining (down drift) coastline. Section 55C(1)(g) of the Act requires that a CZMP must make

provision for managing associated impacts of such works, such as changed or increased beach erosion elsewhere, or a restriction of public access to beaches or headlands.

The Coastal Panel also noted that correspondence from the Department of Industry dated 3 August 2016 to the council raises numerous issues that would be pivotal to implementing the preferred seawall option. Section 55C(2)(b) of the Act requires that a CZMP must not include proposed actions or activities to be carried out by a public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the plan.

The Coastal Panel recommends that other changes to the draft CZMP are made. The Office of Environment and Heritage (OEH) are happy to further clarify any of these recommended changes with you should you require. Once this happens, I will be in a position to certify the draft CZMP.

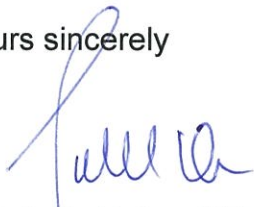
In particular, the following key issues must be resolved:

- the recommended strategy of a 'seawall with walkway' along Belongil Spit must adequately address the impact this structure will have on the adjacent and adjoining (down drift) coastline
- there must be agreement from the relevant public authorities about any proposed actions or activities to be carried out by them or relating to any land or other assets owned or managed by them.

If the Council were to resubmit the draft CZMP, excluding the Belongil Spit precinct, I would be prepared to reconsider certifying the draft CZMP, as long as all other parts of the Coastal Panel's advice are considered and recommended changes incorporated into the draft CZMP. I would like the certification process for the draft CZMP to move forward, and I urge you to work closely with OEH to achieve a satisfactory outcome.

If you have any questions about this matter, please contact Ms Gabrielle Pietrini, Director North East, Regional Operations, OEH, on 6659 8232 or at gabrielle.pietrini@environment.nsw.gov.au.

Yours sincerely



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Enclosure

28-8-17.