



Office of  
Environment  
& Heritage



MD18/2926 and DOC18/643717  
Senders ref

Mr Mark Arnold  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Dear Mr Arnold

Thank you submitting the Coastal Zone Management Plan for the Eastern Precincts of the Byron Bay Embayment for certification under the now repealed *Coastal Protection Act 1979*.

I recognise the effort and attention from Byron Shire Council in responding to the comments from the Coastal Panel, as outlined by the Minister for the Environment in her letter of 28 August 2017. I also note that council decided on 26 October 2017 to include only the eastern precincts of the Byron Bay embayment in the plan to be resubmitted to the Minister.

I am advised that council's intention was to then progress development of a Coastal Management Program for the western precinct under the new legislation as rapidly as possible.

As you are aware the proposal to separate the coastal zone management plan into two precincts has not satisfied key stakeholders within the local community, most notably the landholders of properties at Belongil Beach. Further, there is considerable legal uncertainty as to whether the plan, as submitted, is able to be considered and certified under the terms of the transitional provisions.

In light of this, I have considered options to provide council and the community with a secure path forward, to manage the Byron Bay embayment. Focusing on producing a Coastal Management Program for the whole embayment, while investigating and designing the modification of the Jonson Street protection works, is likely to provide council and the community the most certainty moving forward.

As a result, I have formed the view that it will not be appropriate to recommend to the Minister that she certify the Eastern Precincts of the Byron Bay Embayment Coastal Zone Management Plan.

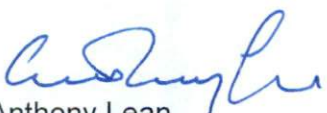
I understand you recently applied for funding towards the Stage 1 Planning (design and approvals) for the Jonson Street protection works. As you recognised in your letter to the Minister on 30 August, investigation and design projects are generally only funded when they are recommended in a certified coastal zone management plan. In this case, in light of the above and noting:

- the merit of the application
- the challenges the council has faced in achieving certification
- the commitment by council to match funding, and
- the public benefit and community support for this project,

I am prepared to allocate \$150,000 from the Coastal Grants Program fund – planning stream. I have also directed OEH facilitate all the support it reasonably can to assist council in progressing development of a Coastal Management Plan for the entire Byron embayment as soon as possible. I have nominated Gabrielle Pietrini, Director North East, Conservation and Regional Delivery to lead this effort.

OEH is committed to working with council and the community to develop a coastal management program for Byron Bay that fulfils the requirements of the *Coastal Management Act 2016*. Should you wish to discuss this matter, please contact Gabrielle Pietrini on (02) 6659 8232 or [gabrielle.pietrini@environment.nsw.gov.au](mailto:gabrielle.pietrini@environment.nsw.gov.au).

Yours sincerely



Anthony Lean  
Chief Executive

6.10.2018