

**Jan Barham MLC**  
**The Greens**

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Wednesday, 6 April 2016

The Hon. Rob Stokes, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001

by email: [office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au)

Dear Minister Stokes,

**URGENT re: Byron Shire Council planning – Coastal Zone Management Plan and Ewingsdale rezoning**

I am writing to seek your urgent intervention in relation to planning matters in Byron Shire.

Byron Shire Council is considering two matters at its Ordinary Meeting of the 7th April that are of great concern: the Draft Coastal Zone Management Plan for Byron Bay Embayment, and the rezoning of land at Ewingsdale for a residential seniors/commercial development.

Firstly, the Council is considering a report for a Draft Coastal Zone Management Plan (CZMP) for Byron Bay Embayment. The proposal being considered by council includes a seawall with walkway, groynes and sand nourishment.

As you are aware, since 1988 Byron Shire has had a Planned Retreat planning process that has survived significant and repeated legal challenges. The current situation is overturning that long held planning regime with the development of a CZMP that seeks to 'protect' the coast with hard rockwalls and groynes. It is a major concern that the proposal is proceeding without detailed analysis of sand supply for beach nourishment. Previously, during my time on council we were required to consider sand sourcing prior to considering the potential for hard works. Council undertook a detailed sand nourishment study and resolved unanimously that it was not feasible to consider the potential of hard works due to the logistic and financial difficulties of providing sand nourishment. Council is in the unique situation of having the long held process of planned retreat that fully informed prospective property owners of the relevant planning requirements. It was made very clear by way of Section 149 certificate information that restrictions to development and protection applied in the coastal erosion zone.

I draw your attention to the community outrage over the approval of a rockwall construction last year at Belongil, and I note the significant concerns about the impact of this work on Crown Land and concerns regarding the State's role in supporting the use of the Infrastructure SEPP as the approval instrument. Currently there are concerns regarding the

lack of genuine community involvement and engagement for the development of the CZMP and disregard for this and broader issues contained in the CZMP guidelines.

The report to the Ordinary Meeting on the 7th April updates the development of the CZMP for the Byron Bay Embayment and calls for adoption of management strategies for the plan being developed and due to be considered for adoption for exhibition at the meeting on the 12th May.

I am concerned that the Council is proceeding with the development of the draft CZMP while the development of a new Coastal Act is in process. The public report does not include advice from Government agencies and no reference to input from the Coastal Panel or legal advice to assure the residents that the current proposal does not impact on Council and the State's liability in relation to coastal management.

The second matter that council is considering is the rezoning of land at Ewingsdale for a seniors residential and commercial development. This rezoning is being considered despite no Local Growth Management Strategy being developed and the fact that this land has never been considered for development, it is rural land that provides an important buffer to the town of Byron Bay. There are also major concerns regarding the infrastructure impacts of the proposed development. The land and the potential development was not incorporated in the development of the West Byron Sewerage Treatment Plant as no strategic planning had ever considered this land for future development. There are also impacts relating to traffic that have the potential to further exacerbate the traffic congestion on Ewingsdale Road, the entry to Byron Bay township.

I seek your attention and intervention in relation to these two matters and can provide additional information if required and am available on 0447 853 891.

Yours Sincerely,

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

**Jan Barham MLC**

*The Greens NSW spokesperson for the North Coast*