

The Coastal Zone Management Plan for Byron Bay – FAQs

What's a CZMP and why do we need one?

A Coastal Zone Management Plan is a plan prepared by Council that identifies how we will manage coastal issues into the future – notably the erosion and recession of our coastline in response to seas rising in response to climate change. The Minister has to approve a CZMP. When the exhibition period closes on 14 June, Council intends to send it to him by 30 June.

Why the hurry to rush through this CZMP?

Five Councillors are trying to get a rock wall through before Council elections in September because the defection of one councillor has given them a majority and opportunity to overturn the 30-year policy of planned retreat that the majority of the community has always supported. The NSW government is introducing a new Coastal Management Act later this year. We should be waiting until that is settled before making contradictory plans.

What are the main features of this CZMP?

- Its main recommendation is a 1.06 km rock wall along Belongil Beach in front of the houses
- Council says they intend to later construct 4 groynes along the beach to trap sand, though they have been unable to identify a source for the millions of tonnes of sand needed to fill the groynes.
- Council has refused to identify and assess the resultant erosion to the north-west on the Belongil spit, Belongil estuary, Cumbebin Swamp Nature Reserve, endangered littoral rainforest, nationally significant shorebird nesting and roosting area, or the Cape Byron Marine Park.
- Belongil estuary is essential for marine ecosystem functioning and as a roosting, nesting and feeding area for a plethora of threatened and migratory seabirds, shorebirds and waterbirds.
- Council have shortened the planning timeframe from 100 years down to 34 years and then down to 15 years in a cynical attempt to avoid having to consider and assess the long-term environmental impacts and financial costs of their proposal. They have no plan beyond this wall except to take a look at it in 15 years and see what to do next.



They know that by that time the beach and the spit will have mostly been eroded away

- Choosing to sacrifice an environmentally sensitive area is a gross dereliction of the responsibilities of Council.

What is wrong with rock walls?

Rock walls stop the beach retreating inland in response to rising seas and reflect wave energy, which stirs up the sand in front of the rocks at their end that is then carried out into the deep water and away, thus accelerating the erosion of beaches. The existing ad-hoc seawalls are already causing significant impacts that are rapidly escalating.

By causing loss of the beach in front of, and to their north, the wall will have a significant impact on Byron tourism and beach users. This section of Belongil Beach is identified as generating \$20 million each year in tourism revenue. Elements resort is suffering increased erosion due to the existing walls and once Council assumes responsibility for the walls they will take on liability for damage to property caused by the intensified erosion effects of the wall.

What does that mean for the future?

If this goes ahead, over the next couple of decades we will lose 1.6km of Belongil Beach completely. Byron would become like Noosa, Currumbin and other places where there has been loss of beach and it has to be constantly maintained by pumping — at huge financial cost to ratepayers and immeasurable cost to our other beaches, famous surf breaks and the tourism industry.

The CZMP creates a massive long-term multi-million dollar financial liability for compensation and ongoing maintenance costs.

Ratepayers will be paying for this forever.

What is 'planned retreat'?

The principles of planned retreat were incorporated into our Development Control Plan (DCP) in 1988. It allows the temporary use and occupation of coastal lands until coastline hazards threaten life and property, at which time development has to be relocated further back from the escarpment or removed. Since the introduction of planned retreat, approval for new structures in the erosion zone has required them to be demountable to facilitate possible removal. Council's Plan has dismissed planned retreat as not economically viable but the NSW Office of Environment and Heritage identified significant flaws in Council's Cost Benefit Analysis and when they rectified them found that planned retreat was the most economical option.

Can the people at Belongil protect their properties?

The NSW Coastal Protection Act clearly defines that temporary sand bag works can be undertaken but any permanent works must be the subject of an application and assessment process as defined in the Act. The 1988 Byron Development Control Plan also says protection is allowed, ***"...only where such works will have no adverse effect on any adjoining properties or on any coastal processes. Rock, concrete and like hard materials must not be used for the construction of beach protection works"***.

There is a history of owners attempting to protect their properties and many court cases have resulted. In 1996 the Land and Environment Court upheld Council's refusal of an application by residents to build a rock wall to protect private property. Where rock walls have been allowed to built they have only been until Council prepares their long overdue CZMP.

Would Council have to compensate the landowners?

Properties purchased before 1988 and which have not been renovated/extended should be eligible for compensation. where they have been legally approved. There are only a couple of such houses. Since 1988 all prospective land purchasers have been issued with a Section 149 Certificate that stated the land was subject to erosion and that development restrictions applied. They know they have been required to remove their houses out of harm's way when erosion approaches. In legal terms ***it's a case of 'caveat emptor' or "let the buyer beware"***.

Where was the community consultation?

Council failed to meaningfully engage with the community in the plan's preparation. There was an extremely limited survey by Umwelt (2014) which found ***that "a clear majority of respondents did not agree that protecting private property is the most important priority for Council in managing coastal hazards"***.

How can I have my say?

It is vital that residents get involved. Understand what is going on in ***your*** Shire with ***your*** money and act to defend ***our*** beaches.

1. **Make a submission to Council before 14 June:** submissions@byron.nsw.gov.au
2. **Copy your submission to:** Planning Minister Rob Stokes: office@stokes.minister.nsw.gov.au and Crown Lands Minister Niall Blair office@blair.minister.nsw.gov.au