

NSW Premier Morris Iemma
Level 40 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

(name, address, date here; signature overleaf)

FROM:

thepremier@www.nsw.gov.au (yes, it's correct)

phone: 02 9228 5239

fax: 02 9228 3934

_____ August 2008

Dear Premier,

I live in and/or shop at the small town of Mullumbimby in north-eastern NSW.

In 2006 your Planning Minister, Frank Sartor, overrode Byron Shire Council's refusal of a private company's development application for a supermarket on surplus railway land in Mullumbimby. Mr Sartor's unpopular approval enabled your Minister for Railways to then sell-off that land.

The site contravenes the Mullumbimby Settlement Strategy of 2003 which states on Page 17, under the heading *Mullumbimby Town Centre*: "The viability of the business centre of Mullumbimby is to be retained and enhanced through confining business development to the existing 3(a) Business Zone. **No stand-alone shopping centres will be permitted.** Business zoned land is still available for development within the town centre."

On one of its long sides, the approved supermarket is across the road from 15 to 20 residences, in Station Street. On the other side, it's across the railway line from 20 or 30 more private homes in Prince Street. Several hundred people's lifestyles will be heavily impacted by the development, not to mention their homes being devalued.

The Settlement Strategy goes on to limit building heights to **two-stories** and to seek development that reflects the **existing character** of the town centre. Even if in his wildest dreams the Minister thought the railway land was in the town centre where further commercial activity could be created, a 12m high tilt-up panel bunker is wrong.

On 17 June 2008 MLC Ian Cohen asked 11 Questions of NSW Treasurer Costa, to pass on to Minister Sartor. These included Question 2: "Were you aware (when approving the supermarket in 2006) that this proposal contravened the Mullumbimby Settlement Strategy adopted by Byron Shire Council to not allow any stand alone supermarkets?"

Your government's answer to this was: "I am advised by the Department of Planning that the approved development does not contravene the Mullumbimby Settlement Strategy 2003." Wrong! It clearly does.

Your Ministers have been **poorly advised** and that is why I am writing to you now.

The business venture that gained the 2006 approval has cashed in its chips and sold out to Woolworths. Woolworths currently have a "Section 96 Application" with the Department of Planning, to build the full supermarket at once rather than in Stages. The 2006-approved Staging enables a significant portion of the property to be set aside for on-site sewage disposal. Off-site disposal is not possible as the town's ancient sewerage system is dilapidated, overloaded and is **polluting the Brunswick River**. Did you know that Mullumbimby's sewers overflow in wet weather, several times per year? That's raw sewage, including toilet-flushings!

The S.96 modification seeks to drop the Staging, build to the boundaries and forget the sewage issue. A number of other serious flaws have been identified in the application. They want to increase the hours of trading and bring trucks into town on Sundays.

We have asked the Director of Planning several times to recommend that Minister Sartor reject the S.96 Application. Hundreds of submissions have been lodged to this effect. Why does the Department of Planning **keep negotiating with the developer**, trying to help them to get the S.96 up?

We have no confidence that your Department even understands the sewage issue. Thank goodness they have asked Byron Shire Council for help. Council has written a 17-page submission on why the June version of **Woolworths' on-site sewage proposal would not work**. Council stated in its submission of 22 July:

“The proposed onsite waster treatment system is presented with inaccurate hydraulic and nutrient loadings rates, no site plan, no design details, limited site assessment and soil evaluation. The proposed on-site wastewater management system would not be supported by Byron Shire Council if it were presented in its current form as part of a Development Application.

“If the proposed on-site wastewater treatment system was presented to Byron Shire Council as part of a Section 68 Application under the Local Government Act 1993 it would not be supported”.

We do thank the Department however, for undertaking their second round of advertising when Woolworths amended their S.96 Application between May and June this year. We understand Woolworths is now once again amending their proposal, in a desperate attempt to gain approval. We believe the on-site sewage issue is not resolvable.

Unfortunately, we have no confidence in Minister Sartor. We thus **request your help**:

1. would you please instruct your Minister to refuse the S.96 Application?
2. would you please instruct your Minister to listen to local input rather than kowtow to the interests of big business?
3. would you please do more, and assist us to retain the rural character of the town we love and not turn it into just another bland urban wasteland?
4. and, if Woolworths have amended their S.96 application yet again, would you please see that it goes out on public exhibition (for a third time!) so that we can see just what is being planned for our little town?

Would you please acknowledge receiving this, my letter?

Yours faithfully,

Signed: _____