The meeting opened at 10:05am

**Agenda Item 1 - Introduction**

The Deputy Chair introduced the invited guests for the meeting – Mr Garry Fielding from CityPlan Services and Mr Andrew Beatty from Beatty Legal.

Professor Thom asked when a replacement chair may be appointed to the Panel. The secretariat advised that this was a matter for the Minister.

Professor Thom asked whether a nomination had been received from Department of Trade and Investment (Crown Lands). The secretariat advised that no nomination has yet been received. Mr Lawson advised that a nomination was expected to be provided in the near future.

Professor Thom asked whether there was any further information available on the issue of shoreline law as documented in a journal article published by John Corkhill earlier in the year as it may have relevance to the Coastal Panel. The secretariat advised that this was a matter for consideration in the stage 2 coastal reforms.

**Agenda Item 2 – Previous minutes**

The secretariat advised that the minutes for meetings 6 to 10 are due to go live on the Coastal Panel webpage on Friday 26 July 2013. Minutes of subsequent meetings will be made available on the webpage as soon as possible.
**Agenda Item 3 – Old Bar development application**

The secretariat provided an overview of the chronology of events since the last meeting of the Panel on 16 April 2013 in relation to the development application.

The chronology included:
- a letter sent from the Panel to the applicant dated 24 April 2013 outlining matters where the Panel must be satisfied before granting consent and seeking clarification about four key matters (remediation of the beach or adjacent land should erosion be caused by the works, maintenance of the works, legally binding arrangements for funding of maintenance or remediation, public access and public safety). This letter requested advice by 27 May 2013 on the timeframe for a response on these issues.
- Within the agreed timeframe, the applicant indicated that the requested information would be provided by 21 June 2013.
- On 20 June 2013, additional information was provided.

The Panel discussed the additional information provided by the applicants by email dated 20 June 2013. This package included proposed draft consent conditions, a table indicating the relationship between the proposed draft consent conditions and the *Coastal Protection Act 1979* s55M and a revised set of drawings dated 14 June 2013.

The Panel agreed to have a confidential discussion on the legal issues relating to this development application.

Following consideration of the additional information provided by the applicant, and in the context of all previous information available, the Panel agreed to two resolutions:

Resolution 1: that Development Application CP12-001 be refused.

This resolution was reached after having regard to the *Coastal Protection Act 1979* s55M, the objects of the *Coastal Protection Act 1979*, State Environmental Planning Policy no 71 – Coastal Protection and the *Environmental Planning and Assessment Act 1979* s79C.

The Panel considered that the proposed development could not be approved, as it had no ability to exercise discretion under s55M of the *Coastal Protection Act 1979*, and it was not satisfied that the application had met the requirements set out for the Panel’s mandatory consideration.

Resolution 2: that OEH be encouraged to work with Greater Taree City Council and the affected landholders to develop an integrated solution for Old Bar Beach, given the serious nature of the coastal erosion that has been experienced and is likely to continue episodically into the future.
Agenda Item 4 – Sandringham Bay erosion works

Rockdale City Council referred its planned construction of erosion works at Sandringham Bay to the Coastal Panel for its consideration under State Environmental Planning Policy 2007 (Infrastructure) cl. 129.

After consideration of the proposed development, the Panel resolved to provide the following consideration to Rockdale City Council:

- In relation to the proposed erosion and bank stabilisation works at Sandringham Bay, the NSW Coastal Panel advises Rockdale City Council that the Panel is in general agreement with the requirement for, and design of, the proposed works with the exception of toe protection works for the stepped concrete wall.

- The Coastal Panel recommends that Rockdale City Council considers design modification where required to maintain safe designated public access noting that geotextile sandbags are not a suitable material for public access ways, specifically at the intertidal toe of the stepped concrete access way at Sandringham Baths.

Agenda Item 5 – North Byron Beach

The secretariat advised that a pre-lodgement meeting was held on site at North Byron Beach on 20 May 2013. The meeting was attended by Ms Jane Gibbs and Mr Phil Watson of OEH. A meeting and site inspection was conducted with a potential development proponent and the developer’s engineering and planning consultants. No formal application has been lodged with the Panel. It is anticipated that the application may be for a large geotextile sandbag wall on the northern side of Belongil Creek.

Item 6 - Other Business

None.

Meeting closed 12:10pm.