

<b>NSW Coastal Panel</b>	MEETING NUMBER: 28
	LOCATION: Coffs Harbour + Teleconference
	DATE: 14/15 APRIL 2016
<b>MINUTES</b>	

**Present**

<b>Name</b>	<b>Nominating Organisation</b>
Mr Angus Gordon (AG)	Chair
Dr Carolyn Davies (CD)	Office of Environment and Heritage
Prof Bruce Thom (BT)	Local Government NSW (LGNSW)
Prof Andrew Short (AS)	Local Government NSW (LGNSW)
Ms Jane Lofthouse (JL)	Local Government NSW (LGNSW)
Mr Stephen Wills (SW)	Department of Primary Industries - Lands
Ms Jane Gibbs (GG)	Office of Environment and Heritage - Coastal Panel Secretariat
Dr Marc Daley (MD)	Office of Environment and Heritage - Coastal Panel Secretariat
Mr Phil Watson (PW)	Office of Environment and Heritage - Coastal Panel Secretariat

**Agenda Item 1 – Welcome and Apologies**

The Chair opened the meeting and welcomed Panel members.

Apologies were received from Steve Murray (Department of Planning and Environment)

**Agenda Item 2 – Declaration of Interests**

Nil.

**Agenda Item 3 – Confirmation of Previous Panel Minutes**

Outstanding Minutes to be circulated and confirmed out of session. All agreed.

**Agenda Item 4 – Matters arising from Previous Meetings**

Panel updated about status of previous advice sought by the Minister.

SW advised that DPI – Lands have engaged in a discussion with Clarence Valley Council in relation to the Brooms Head CZMP, in order to resolve issues regarding the management of a portion of crown land north of the Lake Cakora Inlet.

SW advised that DPI – Lands has also engaged in a discussion with Gosford City Council regarding previous issues raised in relation to the Gosford CZMP and the management of Crown Land at Pearl Beach.

**Agenda Item 5 – Arrawarra DA Site Inspection and Related Matters**

Panel confirmed matters arising from the site inspection and meeting with Applicant's representative (Keiley Hunter) requiring further clarification from the Applicant and specialist sub-consultants. Chair and Secretariat to draft letter to applicant outlining matters requiring further information in order to consider the DA.

## **Agenda Item 6 – Consideration of Kempsey CZMP**

On 2 February 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Kempsey Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

Following a discussion and consideration of the matter, the Panel instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel, encompassing the following elements:

- The documents relied upon to inform the Panel's advice include:
  - (i) Kempsey Coastal Zone Management Plan (September 2015); and
  - (ii) OEH Regional assessment of the CZMP against the minimum requirements of the *Coastal Protection Act 1979* and the Guidelines for Preparing Coastal Zone Management Plans (2013).
- Commend Kempsey Shire Council for preparing such a comprehensive, practical and forward thinking CZMP that covers the whole of its open coastline providing a straightforward approach to adaptively managing identified coastal hazards into the future. It is also noteworthy that the Plan contains good flexibility and consideration of how to manage various classes of public infrastructure as well as significant commitment to long-term monitoring initiatives in order to augment future decision making.
- Commend Kempsey Shire Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan.
- Note that in the opinion of the Coastal Panel, the Kempsey CZMP is suitable for certification in accordance with provisions of the Coastal Protection Act 1979, contingent on the Plan being re-submitted with some minor revisions prior to finalisation and gazettal, concerning the following elements:
  - (i) It was noted on the Coastal Panel site visit on 14 April 2016, that works are currently underway to construct a public access way over rock platforms and around the headland Horseshoe Bay. It is understood these works form an integral part of the Masterplan developed as part of the Plan of Management (PoM) for the Horseshoe Bay Reserve, which is managed by Kempsey Shire Council. It is unclear why this PoM is not incorporated or mentioned within the Kempsey CZMP. These coastal works and any other relevant similar actions in additional Plans (that might also have been prepared by Kempsey Shire Council), should be appropriately integrated into the shire-wide CZMP to avoid the clear potential for inadvertent and inconsistent management responses along the coastline, in the short term this could be achieved by making appropriate reference to the PoM(s) in the CZMP;
  - (ii) The site visit by the Coastal Panel also highlighted current arrangements between DPI Lands and a private contractor dredging from the entrance of Back Creek, South West Rocks. The arrangement in place at present, though not the responsibility of Council, would appear little more than an “extractive industry” proving sub-optimal in terms of pro-actively improving navigation, water quality and the return of the dredge spoil back to the natural active system. It is recommended that Council include an action item within the CZMP to discuss and review these current arrangements with

DPI Lands with a view to improving the range of outcomes possible from such a dredging venture in the future;

- (iii) DPI Lands have identified a range of minor issues associated with descriptions of approvals processes and ownership details relating to Crown Lands parcels described in the document. DPI Lands would be happy to assist Kempsey Shire Council to amend relevant sections in the CZMP;
  - (iv) Suggest changing the title of Action 5 (Table 2-1), which does not accurately reflect the more detailed description provided in Table 2-3, which essentially relates more specifically to development controls only;
  - (v) The Panel notes that an action No. 19 appears on several of the Management Action diagrams (Figures 2-1 to 2-4), but, there is no complementary action listed in the associated Action Table (2-1); and
  - (vi) Section 3 (Page 32) makes the statement *“Beach nourishment involves placing new sand on the beach, and this has to be repeated over time, especially after storms. This makes it very expensive, **especially because NSW does not have enough suitable sand sources**”*. The bolded (our highlighting) section is misleading and incorrect. Numerous offshore sand deposits suitable for sand nourishment purposes have previously been identified along the coastline of NSW in published geological studies (refer works by Peter Roy and Marie Ferland). It is acknowledged that any sand shelf bodies might be expensive to access, but, this is not due to the limited potential sand sources available. Hence it is the Panel’s view Council should continue to explore the potential for sand nourishment especially given suitable sand is currently being removed from the entrance to Back Creek and being sold to the market.
- Include advice to Kempsey Shire Council outlining a suggestion that, in the opinion of the Coastal Panel, might provide relevant guidance to augment various initiatives and actions proposed in the Plan, particularly concerning monitoring strategies to meet the objectives of the Plan.

### **Agenda Item 7 – Consideration of Nambucca CZMP**

On 29 March 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Nambucca Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

Following a discussion and consideration of the matter, the Panel instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel, encompassing the following elements:

- The documents relied upon to inform the Panel’s advice include:
  - (i) Nambucca Shire Council correspondence to Minister concerning the CZMP (8 March 2016); and
  - (ii) Coastal Zone Management Plan for the Nambucca Shire Coastline (Report No: 2895/R01/V7, dated May 2012).
- Commend Nambucca Shire Council for preparing such a comprehensive, practical and forward thinking CZMP that covers the whole of its open coastline providing a straightforward approach to adaptively managing identified coastal hazards into the future.

It is also noteworthy that the Plan contains good flexibility and consideration of how to manage various classes of public infrastructure;

- Commend Nambucca Shire Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan;
- Commend Nambucca Shire Council for proactively implementing elements of the CZMP during a period of considerable reforms to the framework of CZM in NSW;
- Note that in the opinion of the Coastal Panel, the Nambucca Shire CZMP is suitable for certification in accordance with provisions of the Coastal Protection Act 1979, noting that Nambucca Shire Council has committed to review the Plan within 5 years, and this should address altered administrative arrangements and responsibilities evident within the Plan which prevailed at the time it was finalised and initially referred to the NSW Government for certification in 2012; and
- Include advice to Nambucca Shire Council suggesting that OEH and DPI Lands are happy to work closely with Council to give effect to the above-mentioned changes, and that the Council should indicate in its public communications about the CZMP that these updates are necessary and will be done in the review. This advice should include a recommendation that council work closely with OEH to develop tailored, cost effective monitoring strategies to meet the objectives advised in the Plan.

#### **Agenda Item 8 – Consideration of Shaws Bay CZMP**

On 2 March 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Shaws Bay Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

Following a discussion and consideration of the matter, the Panel instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel, encompassing the following elements:

- The documents relied upon to inform the Panel's advice include:
  - (i) Coastal Zone Management Plan for Shaws Bay, Ballina – Volume 1: CZMP (November 2015);
  - (ii) Coastal Zone Management Plan for Shaws Bay, Ballina – Volume 2: Supporting Information (November 2015); and
  - (iii) OEH Regional Operations Group assessment of draft CZMP (12 April 2016) against the statutory requirements of the *Coastal Protection Act 1979* and minimum requirements of the Guidelines for Preparing Coastal Zone Management Plans (2013).
- Commend Ballina Shire Council for preparing such a comprehensive, practical, adaptive CZMP for the Shaws Bay precinct at East Ballina, noting a particular focus on improving water quality and recreational amenity outcomes;
- Commend Ballina Shire Council for the particularly clear, concise and instructive nature of the diagrams used in the CZMP to communicate management issues and the intended longer term program of actions to address them;

- Commend Ballina Shire Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land and associated actions that fall within the operation of the Plan; and
- Note that in the opinion of the Coastal Panel, the Shaws Bay CZMP is suitable for certification in accordance with provisions of the Coastal Protection Act 1979.

### **Agenda Item 9 – Consideration of Pambula Estuary CZMP**

On 2 March 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Pambula Estuary Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

Following a discussion and consideration of the matter, the Panel instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel, encompassing the following elements:

- The documents relied upon to inform the Panel's advice include:
  - (i) Coastal Zone Management Plan for Pambula Lake Estuary – Draft Report (May 2015); and
  - (ii) OEH Regional Operations Group assessment of draft CZMP against the statutory requirements of the *Coastal Protection Act 1979* and minimum requirements of the Guidelines for Preparing Coastal Zone Management Plans (2013).
- Commend Bega Valley Shire Council for preparing such a practical and forward thinking CZMP that covers the estuary providing a straightforward approach to adaptively managing identified estuarine hazards and threatening processes into the future.
- Commend Bega Valley Shire Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for land or actions that fall within the operation of the Plan.
- Note that in the opinion of the Coastal Panel, the Pambula Lake Estuary CZMP is suitable for certification in accordance with provisions of the Coastal Protection Act 1979.
- Include advice to Bega Valley Shire Council outlining suggestions that, in the opinion of the Coastal Panel, might provide relevant guidance to augment various initiatives and actions proposed in the Plan. The following suggestions are not considered a pre-requisite to be addressed in order to certify the Plan, but includes:
  - (i) There are numerous actions in the Plan concerning the management of unsealed roads within the Pambula Lake catchment. In respect of these issues, the Plan might also benefit from consideration of guidance available in the publication "Erosion and sediment control on unsealed roads. A field guide for erosion and sediment control maintenance practices (OEH, 2012)", which can be found at the following web link:  
  
<http://www.environment.nsw.gov.au/stormwater/publications.htm>;
  - (ii) The CZMP is likely to be referring to constructed roads and tracks rather than all identified roads. It is suggested that this clarification is included as there are a significant number of surveyed roads which are unformed. Of the minor number

Crown roads involved, some may require transfer to council where they are proposed to be constructed, sealed, drained or similar. It is recommended that Council engage with the local DPI Lands office to discuss and collaborate with council on future management of identified roads;

- (iii) The applicable legislation needs to include the Roads Act 1993, which is especially relevant to the proposed Roads and Tracks survey;
- (iv) The term Vacant Crown Land is misleading and is no longer used. The term Untenured Crown land is more accurate; and
- (v) The Plan rightfully acknowledges the key role that entrance hydrodynamics will play on the water quality regime of Pambula Lake. It is noted that entrance hydrosurveys have been identified as a key action in the plan designed to improve hydrodynamic understanding of the Estuary. Whilst monitoring and associated public awareness and education are welcome and key elements of the CZMP moving forward, it is recommended that council work closely with OEH to develop tailored, cost effective monitoring strategies to allow for development of a more detailed understanding of hydrodynamic variability of the entrance and hence the associated variability of the Lake flushing which is so important to the overall Lake water quality.

#### **Agenda Item 10 – Consideration of Lake Macquarie CZMP**

On 5 February 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Lake Macquarie Estuary Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

SW advised the Panel that DPI – Lands and Lake Macquarie City Council were involved in further meetings to work through issues pertaining to the section along the Pelican Foreshore that had subsided. SW further advised that accordingly, changes might need to be made to the Draft Plan to reflect any agreed arrangements between the parties moving forward. The Panel agreed to defer further consideration of the Plan until the outcome of these meetings were known.

#### **Agenda Item 11 – Other Business**

None.

#### **Agenda Item 12 – Date for Next Meeting**

Timing of next Panel meeting to be established out of session pending Member's availability.

The Meeting was closed at 3.00PM.