

NSW Coastal Panel	MEETING NUMBER: 1
	LOCATION: Sydney
	DATE: 11 February 2011
MINUTES	

Present

Name	Nominating Organisation
Hon Bob Debus	Chair
Prof Bruce Thom	Local Government and Shires Associations (LGSA)
Prof Andy Short	Local Government and Shires Associations
Ms Jane Lofthouse	Local Government and Shires Associations
Ms Yolande Stone	Department of Planning (DoP)
Mr Craig Abbs	Land and Property Management Authority (LPMA)
Mr Derek Rutherford	Department of Environment, Climate Change and Water (DECCW)
Mr Mike Sharpin	Department of Environment, Climate Change and Water – Coastal Panel Secretariat
Ms Jane Gibbs	Department of Environment, Climate Change and Water – Coastal Panel Secretariat
Mr Steve Garrett	Department of Environment, Climate Change and Water – observer
Ms Kerrie Palmer	Department of Environment, Climate Change and Water – observer

The Chair opened the meeting at 2:05pm.

An apology from the Minister for Climate Change and the Environment, who would have liked to address the Panel at this initial meeting, was noted.

Agenda Item 1

Ms Gibbs provided a general overview of the issues highlighted in Agenda Paper 1.

The panel:

1. **Noted** the information provided concerning the role and functions of the Coastal Panel;
2. **Noted** the development consent role of the Coastal Panel, including that seawalls and beach nourishment projects will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*;
3. **Noted** that DECCW is working with Department of Planning to develop procedures for development assessment. Further information will be provided for Panel consideration in the near future;
4. **Noted** that development applications considered by the Coastal Panel are likely to be 'integrated development' under the *Environmental Planning and Assessment Act 1979*

as approvals are likely to be required under the *Fisheries Management Act 1994*, and that DECCW will establish a procedure with Department of Industry and Investment for consideration of applications; and

5. **Noted** that under the *Coastal Protection Act 1979*, the Coastal Panel may delegate any of its functions to departmental staff, and that options for delegation will be provided for Panel consideration in the near future including the options for the Panel to seek external coastal engineering and other specialist advice

Actions:

1. Panel Secretariat to advise the Panel on the relationship of the gazetted Tuggerah Lakes CZMP with respect to entrance works and whether the Council or the Coastal Panel would be the consent authority should a development application be lodged for any private works at the Tuggerah Lakes entrance.
2. Panel Secretariat to provide a copy of clause 129 of the State Environmental Planning Policy (Infrastructure) 2007 to Panel members.
3. DECCW to consider the development of a web register of development applications lodged with DECCW for consent by the Coastal Panel and their status.
4. DECCW to work out-of-session with DoP to develop procedures for the Panel's consent authority role.
5. DECCW to provide advice concerning confirmation that Panel members are covered by the Treasury Managed Fund for insurance purposes.

Agenda Item 2

Mr Sharpin provided an overview of the draft Coastal Protection Regulation 2011 and current consultation being undertaken by the Department.

The Panel:

1. **Noted** the proposed Coastal Protection Regulation 2011; and
2. **Agreed** to provide individual comments on the proposed Regulation and associated Code of Practice to DECCW by Wednesday 23 February 2011

Agenda Item 3

Mr Sharpin and Mr Abbs outlined DECCW's and LPMA's concerns in relation to the draft Byron CZMP (Attachment B and C respectively to Agenda paper 3). The Panel discussed these concerns and other issues relevant to the consistency of the draft plan with the requirements of the *Coastal Protection Act 1979*.

The Panel agreed in principle with the DECCW and LPMA concerns and to recommend changes to the draft plan to address the relevant issues, subject to further review of the draft plan by Panel members prior to the next meeting. With respect to the DECCW comments:

- Issue 1 (risk audit of exist works) – the Panel agreed that the proposed development of a risk management plan relating to existing coastal protection works should be

developed in consultation with both adjacent landowners and other stakeholders, including the community.

- Issue 2 (Jonson St works) – the Panel agreed that Council should be asked to combine management actions 2.2.3 and 2.2.5 into a single action. The Panel also agreed that the DECCW terminology relating to the management of down-drift impacts as having “equal weighting” to other objectives was not appropriate. This terminology should be amended to refer to managing down-drift impacts as being one of the objectives for the modification of the works.
- Issue 3 (proposed LEP and DCP changes) – the Panel noted that the planning precincts had been defined using cadastral boundaries and precinct boundaries were generally not consistent with the hazard lines. The Panel agreed that the most stringent development criteria (eg prohibiting new development) should only apply in the immediate hazard area, with lesser coastal hazard related development constraints applying between the immediate hazard line and the 100 year hazard line. The Panel also noted that various maps in the draft plan would need to be modified to align the planning precincts and hazard lines in order to achieve this. It was also agreed that the reference to low density relocatable housing on public land should be removed from the draft Plan.
- Issue 4 (new coastal protection works) – the Panel noted that this was not consistent with the NSW Government's coastal erosion reforms and the intent of the recent amendments to the Infrastructure SEPP and the Coastal Protection Act.

The Chair suggested that the Panel provides recommendations to the Minister that distinguish between substantive issues that must be addressed and other issues that the Panel considers may be addressed to improve the plan content and context.

The Panel:

1. **Noted** the issues of concern to DECCW and the LPMA outlined in the Terms of Reference;
2. **Agreed** to further consider the detail of the draft plan and to provide advice to the secretariat out of session on substantive concerns relating to the Terms of Reference and other suggestions to improve the draft plan;
3. **Agreed** to meet on Friday 18 February 2011 to formulate recommendations for the Minister in response to the Terms of Reference.
4. **Noted** the tabling of a letter from Dean Patterson, BMT WBM to Ben Fitzgibbon, Byron Shire Council dated 2 November 2010 and the attached report titled “Report on Modelling Byron Bay Erosion and Effects of Seawalls” by BMT WBM.

Actions:

6. LPMA to advise whether the draft Byron Coastal Zone Management Plan precludes the ability to undertake maintenance works on the Brunswick Heads breakwater.
7. DECCW to circulate prior to the next meeting draft recommendations for consideration by the Panel based on the panel's discussion of DECCW and LPMA concerns with the draft Byron Coastal Zone Management Plan as referred to in the panel's Terms of Reference, and additional issues raised by panel members.

8. DECCW to provide advice to Panel members concerning matters listed in s 55C of the Coastal Protection Act 1979 and whether the draft Byron Coastal Zone Management Plan complies with these requirements.

Other Business

Professor Thom requested that DECCW consider providing all coastal councils with an alert regarding the current strength of the La Nina system and similarities between the current situation and storm conditions that were experienced in 1974.

Next meeting

Teleconference Friday 18th February 12pm. DECCW to provide dial-in details.

Meeting closed 17:20