

NSW Coastal Panel	MEETING NUMBER: 10
	LOCATION: Sydney
	DATE: 13 August 2012
MINUTES	TIME: 1:00PM – 4:00PM

Present

Name	Organisation
Mr Derek Rutherford	Deputy Chair, Office of Environment and Heritage (OEH)
Prof Bruce Thom	Local Government and Shires Associations (LGSA)
Prof Andy Short	Local Government and Shires Associations
Mr Craig Abbs	Department of Primary Industries (Crown Lands)
Ms Jane Lofthouse	Local Government and Shires Associations
Ms Jane Gibbs	Office of Environment and Heritage – Coastal Panel Secretariat
Mr Phil Watson	Office of Environment and Heritage – observer
Mr Mike Sharpin	Office of Environment and Heritage – observer
Mr Allan Young	Department of Planning and Infrastructure – observer
Mr James Carley	Water Research Laboratory – guest
Mr Garry Fielding	City Plan Services – guest
Ms Jillian Kral	City Plan Services – guest

Agenda Item 1 – Welcome and apologies

The meeting opened at 1:00pm. Apologies were received from Mr Steve Murray, incoming nominee of the Director-General of Department of Planning and Infrastructure.

The Chair advised that since the Panel's previous meeting, the Chair, Bob Debus and Member, Yolande Stone had resigned. Given the continued work of the Coastal Taskforce, Mr Derek Rutherford will chair the meeting in his capacity as Deputy Chair until further notice.

Agenda Item 2 – Confirmation of previous minutes

The Secretariat thanked Panel members for comments previously provided on draft minutes and advised that minutes for meetings 1 to 5 were now available on the Coastal Panel webpage. Minutes for meetings 6 to 9 will now be finalised and also placed on the webpage.

Agenda Item 3 – Discussion of Old Bar Development Application

An overview of the development application (CP12-001) was provided, including the submissions received during the public exhibition between 17 July 2012 and 7 August 2012. Following exhibition, 14 submissions were received. The application is available on the Coastal Panel's webpage.

It was noted that no submission was received from Greater Taree City Council. Panel members consider that Council's views on the proposal are important and asked that the Secretariat follow up with Council to clarify Council's view. The Panel agreed to provide a

copy of the submissions to the applicant, noting that no submissions were submitted on a confidential basis.

Professor Thom asked that the Panel formally note that for the purposes of this application, the Panel accepts the right line boundary as shown on Department of Finance and Services maps as the property boundary, and that with that assumption, the application falls entirely on privately held land.

The Panel asked that clarification be sought from the Department of Primary Industries (Fisheries) that their letter contains their General Terms of Approval as an application under the *Fisheries Management Act 1994* (s.201) as required, and this proposal is integrated development.

James Carley provided an outline of his technical review of the statement of environmental effects, and Garry Fielding outlined a number of issues that had been highlighted through the submissions and through his own review of the development application.

Based on advice received from the expert reviews and issues raised in the submissions received, as well as their own issues, the Panel asked that further information be sought from the applicant on a range of matters. These matters are:

- Land ownership and consent for the development application from the owners of 38 and 40 Lewis St
- Quantification of 'end effects' to the north and south of the proposed structure when a design erosion volume of 220m³/m is adopted
- How 'end effects' will be addressed and managed by the proponents in the short and long term (i.e. if erosion impacts on adjoining properties are increased)
- If 'end effects' are experienced, how public safety will be managed by the proponents (e.g. from any increased risk to the walls' structural integrity as a result of flanking)
- Achieving restoration of the beach during and after the life of the works and how this would occur
- Justification for the proposed design in terms of its adequacy and expected design life and consideration of alternative designs that would improve structural integrity such as a double layer wall with three layers at the toe to a depth of -1m AHD
- Justification for the proposed rock toe placement (if required), including consideration of beach amenity, maintenance of public access and public safety impacts
- Justification and consideration of alternatives for the seawall alignment, including of the consideration of a more landward alignment to address beach access issues
- The potential for impacts on dune vegetation from increased erosion resulting from the seawall and how this is to be managed, especially the *State Environmental Planning Policy No 26 – Littoral Rainforest* area to the north of the site
- Additional information on staging and construction management. Issues to be addressed include: triggers for the construction of stages (and whether stages are dependent on funding arrangements or commitments of specific landholders); a contingency plan if end effects are evident prior to the completion of all stages of the proposed structure; worker safety management (e.g. access to the beach in heavy vehicles); a risk assessment of the integrity and effectiveness of the wall should only the first stage/s be constructed for an extended period of time; confirmation of Crown Land access arrangements; and information about the temporary sand stockpiles

(e.g. location, maintenance of public beach access, protection from wave/ tide erosion)

- Ongoing management and maintenance of the structure for its design life, understood to be 25 years. Ideally, this would include the preparation of a Seawall Management Plan as recommended within the *Draft Guidelines for Assessing the Impact of Seawalls* prepared by the former Department of Environment, Climate Change & Water. Issues to be addressed include arrangements for ongoing Crown Land access; maintenance cost arrangements/commitments for the life of the seawall (including cost distribution arrangements between landholders) and whether this includes the payment of a bond, and further details of maintenance actions (e.g. commitments for the timely maintenance of damaged bags, inspections after storm events etc.). Please refer to and consider Clause 129A(1) of *State Environmental Planning Policy (Infrastructure) 2007* and Section 55M of the *Coastal Protection Act 1979* which provide important heads of consideration that must be addressed with regard to this proposal
- Long term plans for the decommissioning of the wall and remediation of the site (should this be deemed necessary)
- Any impacts of the excavation on groundwater
- Any stormwater management impacts
- Confirmation of the source of sand including how issues such as variable grain size and composition would be managed.

The Panel agreed that the applicant would be asked to provide a timeframe within which further information could be provided within 21 days of the receipt of the letter requesting that advice.

Agenda Item 4 – Advertising and Notification Policy

The Panel agreed to adopt the Advertising and Notification Policy based on the draft version previously circulated out of session, and incorporating comments provided to the secretariat.

Agenda Item 5 – Advice concerning three projects in the Coastal Management Program

The Coastal Panel's advice was sought in relation to 3 projects seeking funding under the OEH's Coastal Management Program.

These projects are:

- a. Brooms Head Rock Revetment Wall Reconstruction
- b. Cronulla Esplanade and Seawall Upgrade
- c. Skillion Foreshore Stabilisation, Terrigal

Brooms Head

The Panel agreed to support the project for funding and noted that it has no need to consider the application further.

Cronulla Esplanade and Seawall Upgrade

The Panel noted that construction of this project has already commenced, and that as it did not have sufficient information or advice before it concerning the engineering standard, it was unable to make any further comment. Noting that the project based on Council's design was already proceeding, it agreed to support the project with no need to consider the application further.

Skillion Foreshore Stabilisation, Terrigal

It was noted that the proposed works constitute a key element of the approved Crown Land Plan of Management (PoM) for the area, and that the works among other things, are considered to improve the environmental amenity and provide improved and safer public access for this heavily utilised area.

However, given that a full assessment of environmental impacts has not yet been undertaken, and that the proposed works would normally be referred to the Coastal Panel for advice in accordance with SEPP (Infrastructure) 2007 cl. 129(2A)(b), the Panel agreed to recommend to the Minister that funding assistance be provided in stages. That is, initial funding could be provided for preparation of the REF and detailed design phases at this stage. Once this information is at hand, the Coastal Panel will then be able to more thoroughly consider a final design configuration and associated REF.

Agenda Item 6 – Update on Kingscliff

Jane Lofthouse advised that the further studies commissioned for Kingscliff were not yet finalised and that she would provide further advice as new information became available.

Agenda Item 7 – Confirmation of next meeting

The proposed meeting scheduled for 5 September 2012 at Old Bar will not proceed until further information requested from the applicant for DA CP12-001 is available to the Panel for consideration.

Agenda Item 8 – Other Business

No other business was raised.

Meeting closed: 4:40pm.