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| NSW Coastal Panel | MEETING NUMBER: 35 |
| | LOCATION: Teleconference |
| | DATE: 19 JANUARY 2017 |
| MINUTES | |

Present

| Name | Nominating Organisation |
|------------------------------|----------------------------------------------------------------|
| Coastal Panel members | |
| Prof Bruce Thom (BT) | Chair |
| Derek Rutherford (DR) | Office of Environment and Heritage (Deputy Chair) |
| A/Prof Ron Cox (RC) | Local Government NSW (LGNSW) |
| Prof Andrew Short (AS) | Local Government NSW (LGNSW) |
| Ms Jane Lofthouse (JL) | Local Government NSW (LGNSW) |
| Mr Stephen Murray (SM) | Department of Planning and Environment |
| Mr Stephen Wills (SW) | Department of Industry - Lands |
| 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 |
| Ms Jane Gibbs (JG) | Office of Environment and Heritage - Coastal Panel Secretariat |

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting at 2.30pm and welcomed Panel members.

The Chair acknowledged Derek Rutherford has been appointed to replace Carolyn Davies as the member for the Office Environment and Heritage and Deputy Chair on the Panel.

There were no apologies received.

Agenda Item 2 – Declaration of Interests

Nil.

Agenda Item 3 – Confirmation of Previous Panel Minutes

The Panel adopted the minutes from Meeting 33 and instructed the Secretariat to upload these to the Panel's webpage.

Agenda Item 4 – Matters Arising from Previous Meetings

MD advised the Panel had received correspondence from Coffs Harbour City Council in response to the Panel's consideration on the Jetty Foreshores Project.

In Council's letter to the Panel (dated 20 December 2016), Council confirmed it would be taking on the liability and maintenance costs for the seawall for the life of the works, operation and maintenance strategies and inspection intervals for the structure would also be implemented and reviewed. Council also advised the Panel that stormwater from the plaza would be directed away from the steps towards garden beds and existing lawn areas to minimise the runoff to the beach. Council noted that it also had responded to the concerns and recommendations raised by DoI – Lands with a reply letter addressing the key points.

Agenda Item 5 – Legally Privileged - Wamberal DA

The members of the Coastal Panel available to assess this DA received, considered and commented on material to and from their solicitors in relation to ongoing legal proceedings.

Agenda Item 6 – Newcastle Coastal Zone Management Plan

On 21 December 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the Newcastle Coastal Zone Management Plan (CZMP) and its suitability for certification under the Coastal Protection Act 1979.

- The documents relied upon to inform the Panel's advice include:
 - (i) Newcastle City Council correspondence to Minister concerning the CZMP (29 November 2016);
 - (ii) Newcastle City Council Coastal Zone Management Plan (November 2016); and
 - (iii) 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)*.

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 Panel is mindful that the development of a formal CZMP for Newcastle City's coastline has been an ongoing endeavour since the late 1990s with most effort centred on developing strategies to combat episodic erosion events that have impacted upon Stockton over this timeframe.
- Note that in the opinion of the Coastal Panel, key elements of the CZMP dealing with hazard management along the Stockton Beach precinct, do not meet fundamental legislative requirements and therefore **cannot be recommended for certification** in accordance with provisions of the *Coastal Protection Act 1979*. In particular:
 - (i) the preferred strategy of a 'an artificial headland and large scale nourishment' does not address the impact this structure will have on the adjacent and adjoining coastline, particularly in the event that a nourishment source is not forthcoming. Section 55C(1)(g) *Coastal Protection Act 1979* requires that the Plan must make provision for managing associated impacts of such works (such as changed or increased beach erosion elsewhere or a restriction of public access to beaches or headlands); and
 - (ii) whilst the specific location for the headland is not prescribed in the Plan, it is logical to assume it will be located within beach or nearshore margins managed by Department of Industries - Lands. There is no evidence this agency or any other potentially affected government agencies have been notified or acknowledged such a strategy. Section 55C(2)(b) *Coastal Protection Act 1979* requires that the Plan must not include proposed actions or activities to be carried out by any public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the plan.

- At present the strategic direction for managing coastal hazards within the Stockton Beach precinct is confusing and at odds with current and proposed protection strategies as advised in the covering letter. These issues need to be addressed and refocussed in revising the Plan.
- The high cost preferred management strategy requires considerable attention to Cost-Benefit Analysis (CBA) as a key decision making tool for transparent decision making. It is strongly recommended that Council work closely with OEH to undertake a detailed CBA in accordance with the procedures advised in the new Coastal Management Manual, including a distributional analysis, as a pivotal step in developing a funding model for the implementation of a management strategy that meets legislative requirements.
- In revising the Plan, Council must ensure that agreed measures moving forward are economically feasible, able to be fully implemented with dedicated funding sources.
- Note the importance of Council working closely with Government Agencies in order to meet necessary legislative requirements that might permit certification of the Plan, preferably in future in the form of a Coastal Management Program. This will ensure details such as land ownership and the management of (any) offsite adverse impacts associated with the preferred solution are addressed.

Agenda Item 7 – Manning River Estuary Zone Management Plan

The Panel considered the OEH recommended position, which followed a detailed assessment against the legislative requirements of the Act and minimum requirements of the *Guidelines for Preparing Coastal Zone Management Plans 2013*. OEH recommended the plan as suitable for certification.

The Panel formed the view that the Plan should not be recommended for certification at this point in time for the following reasons:

- The submitted Plan was dated July 2009, substantially pre-dating the gazettal of the minimum requirements outlined in the *Guidelines for Preparing Coastal Zone Management Plans (2013)*. At this point in time, the Plan should logically be reviewed and updated, incorporating bodies of work such as the implementation of the “Big Swamp” project initiative undertaken by the (former) Greater Taree City Council and Water Research Laboratory.
- Following necessary review and updating, it is timely to transition this CZMP to a Coastal Management Program (CMP) under the provisions of the new coastal management framework and Manual. Importantly, this will enable future management priorities concerning this important estuarine system to be integrated into MidCoast Council’s IPR framework.
- In updating to a CMP, Council would be strongly encouraged to consider incorporating possible trials to nourish Old Bar beach from the marine sediments of the Farquhar Inlet – Manning River system.

Decision: The Panel agreed not to endorse the OEH recommendation for certification.

Agenda Item 8 – Forward Program for Upcoming CZMPs

PW advised that there was an increasing number of Plans being submitted for certification. This included 3 Open Coast CZMPs for Coffs Harbour, Shoalhaven and Evans Head. In addition, around 20 Estuary CZMPs had been received. The OEH Regional assessments

and recommendations for certification will be packaged up in batches for consideration at upcoming Panel meetings over the next few months.

Agenda Item 9 – Other Business

SW advised the Panel that after repeated attempts to contact Central Coast Council, DoI – Lands had finally established a meeting date to resolve the outstanding issues with Council's CZMP.

SW advised he will be moving to a new position with Department of Premier and Cabinet as of tomorrow, but will continue in his role as the DoI – Lands representative on the Coastal Panel until a new representative is appointed.

Agenda Item 10 – Date for Next Meeting

The next meeting would be held in February. The date for this meeting will be confirmed out of session.

The meeting was closed at 4pm.