

NSW Coastal Panel	MEETING NUMBER: 18
	LOCATION: Port Macquarie
	DATE: 1 AUGUST 2014
MINUTES	

Present

Name	Nominating Organisation
Mr Angus Gordon	Chair
Prof Bruce Thom	Local Government NSW (LGNSW)
Ms Jane Lofthouse	Local Government NSW (LGNSW)
Mr Stephen Wills	Department of Trade and Investment (Crown Lands)
Mr Allan Young	Department of Planning and Environment (observer)
Ms Jane Gibbs	Office of Environment and Heritage – Coastal Panel Secretariat
Dr Marc Daley	Office of Environment and Heritage – Coastal Panel Secretariat

The meeting opened at 11:30am. Earlier that day and the preceding day, The Panel undertook site inspections of beach locations in Greater Taree and Port Macquarie-Hastings local government areas. The Panel also met with Greater Taree City Council and Port Macquarie-Hastings Council and wishes to records it appreciation for the time, expertise and professionalism of the Council officers.

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting and welcomed Panel members. Apologies were received from Dr Carolyn Davies, Professor Andy Short, and Mr Steve Murray.

Agenda Item 2 – Declaration of Interests

No declarations of interest were received.

Agenda Item 3 – Confirmation of minutes of previous meeting

Ms Gibbs advised the minutes from the previous meeting will be circulated out of session.

Agenda Item 4 – Summary of matters finalised out-of-session since previous meeting

Ms Gibbs advised the DA for a proposed seawall at 8 Berrima Crescent Umina Beach has been finalised, with the Panel issuing consent subject to deferred commencement requiring certain conditions to be met to the satisfaction of both the Coastal Panel and Gosford City Council before any consent is set to operate. Dr Daley also advised that Gosford City Council has been contacted informing them of the Panel's decision. The Chair noted the decision and terms and conditions of the DA should be uploaded to the Coastal Panel's webpage.

In relation to the issuing conditions of the consent Prof Bruce Thom asked that the minutes note his ongoing concern about the lack of ability to enforce the initial design consultant being held responsible for the construction and completion of the project. Ms Gibbs advised

that legal advice had been sought and that this issue has been addressed as far as possible through the inclusion of a deferred commencement condition.

Dr Daley advised the Panel's considerations in relation to an application from Wollongong City Council concerning the Wombarra Seawall renewal had been completed and communicated to the Council. Prof Thom raised an issue in considerations provided to councils that the Panel should have a way of monitoring the outcomes, whenever the advice received from the Panel has been followed and to act as a mechanism for accountability. The Chair suggested this could be achieved through considerations that request a post-construction report from councils at the completion the works. The Panel noted that the agenda made allowance for discussion of this issue at Agenda Item 7 (Developing operating procedures) and further discussion was deferred to this item.

Prof Bruce Thom asked for an update on the current status of Byron Shire Council's proposed Coastal Zone Management Plan and also for the proposed construction of a series of protection structures on Belongil Beach as considered previously by the Panel. Jane Gibbs advised that Mr Phil Watson (OEH) was meeting with Byron Shire Council today to discuss such matters and she would provide a verbal update at the next Panel meeting.

Agenda Item 5 & 6 – Coastal Zone Management Plan – Greater Taree & Lake Cathie (General Discussion)

Following discussions with both Greater Taree and Port Macquarie-Hastings Councils, the Chair noted some ongoing confusion over how councils and communities view certification of Coastal Zone Management Plans by the Minister and what this actually means. Both Greater Taree and Port Macquarie-Hastings Council officers see certification as certifying the process of plan development and not necessarily the outcome. However, council officers suggested that their communities would likely view certification as an endorsement by the State of the outcomes of Coastal Zone Management Plans, and that the State was prepared to support any implied funding option to the level contained in the plan. The Panel agreed this confusion could become an issue moving forward and will need to be addressed with the Minister.

The Panel discussed both Greater Taree and Port Macquarie-Hastings Council's preferred options for a protection strategy if funded by the State¹, otherwise the default underlying position is that of planned retreat. Regarding issues of funding, the Panel suggested what is needed is a comprehensive framework which could provide assistance for meaningful decision making in regard to viable, financially sustainable, management options for Local Governments. This framework could then be used by Councils to determine the types of fundable options that may qualify for implementation and communicate the likely success for funding, of any particular option, to local communities to better assist in decision making.

The Panel discussed and outlined a number of opportunities to improve the clarity of guidance around the process of developing Coastal Zone Management Plans, including more direction about sea level rise, the tendency for councils to adopt protection strategy if fully funded by the state (or other means), or a fallback position of planned retreat. The Panel agreed that a more detailed discussion would be required about what planned retreat actually means, how such any such strategy would need be implemented, determination of triggers to implementation, the cost surrounding these strategies and that these issues are a shared private individual, Local Government and State Government challenge.

¹ It is noted that PMHC's draft plan makes provision for funding options that include part funding by landholders.

Agenda Item 6 – Coastal Zone Management Plan – Greater Taree

In the Panel's review of the Greater Taree Coastal Zone Management Plan, the Panel concluded that the plan would benefit from having an additional key document that brings together all of the information in an executive summary and specifically outlines the management strategy for the whole local government area. The Panel understood the current plan appears to adopt an overall planned retreat strategy for region, with the exception of Old Bar where a protection strategy is the preferred option provided this protection strategy is externally funded. In the case the wall isn't funded externally, there is the underlying fallback position of the planned retreat option.

Prof Bruce Thom highlighted one of the main problems with Old Bar is that it is a sediment deficit coast/compartments and as such, there is a need to understand how these compartments operate. Prof Thom acknowledged that there is not yet a full understanding of how compartments such as these operate.

The Panel discussed the implications of a protection strategy, and that if there was no funding available, that a planned retreat strategy with appropriate triggers would need to be implemented, and would need to consider aspects such as the movement of the erosion escarpment, public road access, water and sewerage services, and when access or services can no longer be provided. The Panel also discussed the issue of how council may respond if its own assets were threatened.

The Panel noted that the Old Bar strategy was at odds with other strategies proposed in the LGA, such as Diamond Beach having a proposed 50 year sandbag wall and then a retreat policy. The Panel also noted that places such as Manning Point would also experience flooding impacts which may exceed the coastal impacts but these have not been considered holistically in the Plan. The Panel noted that it would be useful if the guidelines provided this type of advice for councils to consider.

Ms Gibbs reported that a social and economic study had been commissioned by OEH for Old Bar and was nearing completion. It would be circulated to the Panel once finalised. The Panel is to consider its formal advice to the Minister at the next meeting, following receipt of the social and economic study.

Agenda Item 5 - Coastal Zone Management Plan – Lake Cathie

The Panel noted that further work has occurred at Lake Cathie and that the Lake Cathie Coastal Zone Management Plan was a well set out document that clearly articulated Council's actions towards the development of a Plan. One of the key features of the Plan was an action table to finalise the Plan. The discussions with Council Officers indicated that a number of these items have subsequently been completed but are not in the document forwarded to the Minister for certification.

Prof Thom outlined although the Plan has costed a seawall option the numbers given in the funding scenarios table needed to be revised, as they do not reflect the more recent work. The Chair pointed out that these numbers were critical to the decision making process as the comparison of options was dependent on them and the costs for the sea wall, as presented in the document, were substantially less than the costing now available.

The Panel noted that although a seawall option is proposed in the Plan in order to provide protection for houses along Illaroo Road, the council does not have an agreed funding mechanism for such a strategy, but has identified a range of options. The Panel noted also that this section of coast represents a highly vulnerable area, and that planning controls would need to be carefully considered if seawall was constructed in order to avoid any

further compounding of risk into the future. The Panel also discussed the management of end effects, ie any seawall structure has the potential to transfer the erosion potential either side of the termination of the wall and potentially impact other areas/properties.

Regarding the Lake Cathie site, the Panel recognised that a sensible strategy would include an adaptive management approach such that a decision to construct a seawall was made at a time when it was required, and that it is possible that other management actions could be taken in the meantime that delayed the timing for construction. For example, the Panel observed sand being placed on the beach from the dredging of Lake Cathie.

The Panel's advice to the Minister on the Lake Cathie document is to be discussed at the next meeting of the Panel

Agenda Item 7 – Developing Operating Procedures

This item was not discussed and was deferred due to time constraints.

Agenda Item 8 – Other Business

No other business items were raised.

Agenda Item 9 – Date for Next Meeting

It was agreed that the next meeting would be held as required, and this was likely to be after the Old Bar social and economic study is made available to the Panel.

The meeting closed at 2:30 pm.