

<b>NSW Coastal Panel</b>	MEETING NUMBER: 41
	LOCATION: Goulburn Street/ Teleconference
	DATE: 1 NOVEMBER 2017
<b>MINUTES</b>	

## **Present**

<b>Name</b>	<b>Nominating Organisation</b>
<b>Coastal Panel members</b>	
Prof Bruce Thom (BT)	Chair
A/Prof Ron Cox (RC)	Local Government NSW (LGNSW)
Prof Andrew Short (AS)	Local Government NSW (LGNSW)
Mr Stephen Murray (SM)	Department of Planning and Environment
Mr Brendan Logan	Department of Industry – Crown Lands & Forestry (Observer)
<b>Secretariat</b>	
Dr Marc Daley (MD)	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 9:00am and welcomed Panel members.

Apologies were received from Panel Members Derek Rutherford, Jane Lofthouse, Stephen Wills and Phil Watson (Secretariat)

## **Agenda Item 2 – Declaration of Interests**

Nil

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

The Panel adopted the Minutes from Coastal Panel Meeting 39.

## **Agenda Item 4 – Matters Arising from Previous Meetings**

The Secretariat advised that the determination (refuse consent) for the Arrawarra DA (CP17-005) had been finalised and forwarded to the Applicant.

## **Agenda Item 5 – Manning Valley CZMP**

On 31 August 2017, the Chair received correspondence from the Minister for Environment the Hon Gabrielle Upton, requesting the advice of the Panel, regarding the adequacy of the Manning Valley CZMP and its suitability for certification under the *NSW Coastal Protection Act 1979* (the Act).

The documents relied upon to inform the Panel's advice included:

- MidCoast Council correspondence to Minister concerning the CZMP (2 August 2017);
- Manning Valley Coastal Zone Management Plan (Revision 3, July 2017, prepared by MidCoast Council); and

- 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 the Secretariat 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 CZMP for the Manning Valley coastline has been ongoing for many years during a period of considerable policy and legislative change. The Plan covers the open coast margins within the LGA, extending from Black Head in the south to Diamond Head in the north, excluding the portion of coast involving Old Bar and Manning Point which forms part of a Coastal Management Program (CMP) being developed separately by Council under the new framework.
- From a general perspective, the plan presents as a concise, easy to read document with actions targeted over the next 5-10 years in anticipation of being readily transitioned into a CMP.
- The Panel notes the advice of OEH which, having considered the minimum requirements of the Act and associated Guidelines, recommend changes to the CZMP before recommending the plan for certification. The Panel concurs with the OEH recommendation noting the draft Plan could be relevantly improved by:
  - Summarising how the current plan relates to other CZMPs in the MidCoast LGA and how this plan will integrate with the CMP currently being prepared for the Old Bar – Manning Point coastal precinct;
  - Providing more specific detail on key issues raised in the community consultation and how these have been addressed in revising/finalising the CZMP;
  - Providing improved costing information for actions advised; and
  - Providing reference information detailing underpinning documents, studies, etc relied upon in the development and finalisation of the Plan.
- In addition, Department of Industry – Crown Lands and Water (DoI-CLW) advised at the meeting of 1 November 2017 that there are a range of matters relating to the CZMP that need to be resolved with Council prior to finalising the Plan. 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. It is understood that DoI-CLW wrote to Council on 13 November 2017 to initiate discussion and resolution of these issues.

In the opinion of the Coastal Panel, once Council have addressed the above-mentioned matters, the draft Manning Valley CZMP **will be suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*.

### **Agenda Item 6 – Brunswick River Estuary CZMP**

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 not to certify the CZMP.

The Panel formed the view that the OEH recommendation not to certify the CZMP should be endorsed. The Panel noted additional reasons not to certify the Plan, including:

- There is no reference to river entrance management activities and how same might tie into the Plan;
- Concern that the updated version of the Plan submitted for certification (Issue No. 5, June 2017) doesn't appear to have been publicly exhibited as required under Section 55E *Coastal Protection Act 1979*;
- No evidence that tidal inundation and sea level rise have been relevantly addressed and provision for same incorporated into the Plan; and
- Department of Industry – Crown Lands and Water (DoI-CLW) are not in a position to agree to the relevant actions in the CZMP that affect Crown land or assets which is a requirement under section 55C(2)(b) of the *Coastal Protection Act 1979*. It is understood that DoI-CLW wrote to Council on 13 November 2017 to initiate discussion and resolution of these issues.

**Decision:** The Panel agreed to **endorse the OEH recommendation not to certify the CZMP**

The Panel instructed the secretariat to prepare a draft response to the Minister for circulation and finalisation by the Panel.

#### **Agenda Item 7 – Smith Lake (Estuary) CZMP**

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:

- Agency names are not current throughout document, including the name of the amalgamated Council;
- Department of Industry – Crown Lands and Water (DoI-CLW) are not in a position to agree to the relevant actions in the CZMP that affect Crown land or assets which is a requirement under section 55C(2)(b) of the *Coastal Protection Act 1979*. It is understood that DoI-CLW will be corresponding with council in the near future to initiate discussion and resolution of these issues; and
- Similarly, there is little evidence that other agencies identified with roles and responsibilities under the Plan have formally acknowledged same as required under section 55C(2)(b) of the *Coastal Protection Act 1979*.

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

The Panel instructed the secretariat to prepare a draft response to the Minister for circulation and finalisation by the Panel.

#### **Agenda Item 8 – Wallis Lake (Estuary) CZMP**

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:

- No reference has been made in the plan to entrance management activities (such as regular dredging and associated altered hydrodynamics) and how these might impact the intended deliverables in the plan;
- Department of Industry – Crown Lands and Water (DoI-CLW) are not in a position to agree to the relevant actions in the CZMP that affect Crown land or assets which is a requirement under section 55C(2)(b) of the *Coastal Protection Act 1979*. It is understood that DoI-CLW will be corresponding with council in the near future to initiate discussion and resolution of these issues; and
- Similarly, there is little evidence that other agencies identified with roles and responsibilities under the Plan have formally acknowledged same as required under section 55C(2)(b) of the *Coastal Protection Act 1979*.

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

The Panel instructed the secretariat to prepare a draft response to the Minister for circulation and finalisation by the Panel.

#### **Agenda Item 9 – Update on Development Applications**

The Secretariat provided an update on the status of Development Applications currently before the Panel.

#### **Agenda Item 10 – Forward Program for Upcoming CZMPs**

The Secretariat provided an update on upcoming open coast and estuary CZMPs which would require the Panel's consideration at future meetings.

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

The Chair informed the Panel that reappointments for members of the Coastal Panel are currently with the Minister.

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

The next meeting would be held in 2018.

The meeting was closed at 10:45am.