

NSW Coastal Panel	MEETING NUMBER: 16
	LOCATION: Sydney
	DATE: 25 MARCH 2014
MINUTES	

Present

Name	Nominating Organisation
Mr Angus Gordon	Chair
Dr Carolyn Davies	Office of Environment and Heritage (OEH) – OEH Representative & Deputy Chair
Prof Bruce Thom	Local Government NSW (LGNSW)
Prof Andy Short	Local Government NSW (LGNSW)
Ms Jane Lofthouse	Local Government NSW (LGNSW)
Mr Stephen Wills	Department of Trade and Investment (Crown Lands)
Dr Marc Daley	Office of Environment and Heritage – Coastal Panel Secretariat

The meeting opened at 12:00pm

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting and welcomed Panel members.

Apologies were received from Steve Murray

Agenda Item 2 – Update on Panel Membership

Dr Davies gave the following updates on membership of the Coastal Panel:

- Panel reappointments had been agreed on by Cabinet and OEH is waiting to receive the formal paperwork approving the positions
- The Panel will continue operate in its normal capacity

Agenda Item 3 – Umina DA

The Chair introduced the Umina DA and opened the topic to the Panel for discussion. A revised Coastal Engineering Report, revised proposed wall design diagram and erosion and sediment control diagram received from the Applicant was tabled to the Panel, along with an Assessment Report compiled by OEH.

Prof Thom raised his ongoing concerns with the land boundary issue and whether the land title constitutes a fixed or was once an ambulatory line boundary. In response Mr Wills advised he had spoken to Department of Trade and Investment (Crown Lands) surveyors and the view is this is a legally recognised boundary registered and viewed as a legal title. The Panel agreed to adopt this view and based on this information and any deliberations regarding the land boundary right line issues are taken to be *Acting in Good Faith*. This has been acknowledged in the Assessment Report.

The Panel discussed and raised issues with a number of aspects of the proposed wall. This included the estimation of potential end effects given in the Coastal Engineering Report, which estimates a loss of sand of *no more than 200m³ and a maximum erosion increase of 4m over an approximate parabolic plan form extending 28m south*. The Panel was of the view considering the wall length, there exists a potential for a much greater erosion capacity should end effects occur and the value supplied in the Coastal Engineering Report underestimates the potential end effects.

The Panel noted the value of the works had not been updated in line with the revised submission. The Panel was of the opinion the estimated wall cost provided significantly underestimates the walls true cost. This could have implications for both the Applicant and Council and the ability to ensure suitable funds are available to construct the wall in accordance with the design, if the applicant is under the impression to construct the wall would cost a much lesser amount. The Panel agreed a re-estimate of the true wall costing would need to be sought from the Applicant and conveyed to both the Panel.

The Panel discussed the legislative requires in relation to the DA and the need to satisfy the Coastal Protection Act and in particular provisions around section 55M. In order to ensure satisfactory arrangements are in place to secure funding for carrying out restoration and management of the works, the beach or land adjacent to the works the Panel agreed the applicant would need discuss and enter into an agreement with Gosford City Council of how to best deal with this aspect. The Panel noted that it isn't the Panel's role to drive this partnership, but the Panel would be to offer advice to Gosford City Council about available options, should they so desire.

The Chair outlined additional concerns he had with the DA and suggested these could be dealt with by the way of consent conditions. This included a set-back distance of all buildings from the wall to allow for future maintenance and upgrading, certification of final constructions plan by the engineering consultant prior to issuing a construction certificates, a reassessment of the wall crest height and overtopping values, pre-construction and post-construction beach surveys to be undertaken to ensure the restoration of the beach, certification of the wall to be provided by the consultant prior to any back-filling and instruments placed on the land title to ensure maintenance and management of off-site impacts remains the responsibility of the landowner(s), if in the future the land is sold or subdivided. The Panel agreed that these aspects could be dealt with through appropriate consent conditions and the provision of a Deferred Commencement Consent, and the Panel would need to be sure the development consent conditions satisfied the various provisions of the Coastal Protection Act.

The Panel indicated that, given Garry Fielding (City Plan Strategy) prior experiences, it would be desirable he be engaged as a consultant to assist the Panel in framing consent conditions that might allow this application to proceed. The Panel secretariat was tasked to contact Mr Fielding on behalf of the panel about this engagement.

The Panel indicated to the Panel secretariat that Gosford City Council should be contacted to discuss the current deliberations, and that consideration was being given to granting a Deferred Commencement Consent which would mean that the applicant will need to contact Council in order to establish an arrangement for maintenance and restorations aspects of the wall and off-site impacts. The Panel secretariat said he would follow this up with Council and establish a meeting between the Chair of the Panel, OEH and Council as required.

Agenda Item 4 – Verbal Update Belongil

The Chair provided a verbal update in relation to Belongil Beach. This update included the Panel's invitation to attend a meeting with Byron Shire Council in relation to Council's

proposed interim beach access stabilisation works at Belongil Beach. At this meeting the Panel's position on the information previously provided to Byron Shire Council in regards to the proposed works was reinforced, and questions from the Council were answered

Agenda Item 5 - Other Business

The Secretariat advised about a matter at Coalcliff and a Road and Maritime Services (RMS) proposal to undertake slope protection works in an area known as the northern Amphitheater on Lawrence Hargrave Drive. Once this information has been formally received it will be circulated to the Panel for assessment.

Agenda Item 6 – Date for next meeting

No date was set down to the next meeting. The Panel agreed that the next meeting would be held as required.