

NSW Coastal Panel	MEETING NUMBER: 33
	LOCATION: Masonic Centre, Goulburn St, SYDNEY
	DATE: 6 DECEMBER 2016
MINUTES	

Present

Name	Nominating Organisation
Coastal Panel members	
Prof Bruce Thom (BT)	Chair
Dr Carolyn Davies (CD)	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
Ms Jane Gibbs (JG)	Office of Environment and Heritage - Coastal Panel Secretariat
Invited guests	
Mr Garry Fielding (GF)	Retained Planning Consultant (for item 7)
Mr Andrew Beatty (AB)	Legal Representative (for item 8)

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting at 1.00pm and welcomed Panel members.

Apologies were received from Mr Phil Watson (Secretariat).

Agenda Item 2 – Declaration of Interests

Nil.

Agenda Item 3 – Confirmation of Previous Panel Minutes

The Panel noted the Minutes from meetings 31 and 32 had been circulated out of session and were formally adopted.

In the case of minutes involving DA matters, the Panel noted it would try expedite the release of these minutes to improve transparency on these matters.

For meetings involving advice to the Minister for the certification of Coastal Zone Management Plans (CZMPs), the Panel noted the public release of these minutes would continue to be contingent on the Minister having received the Panel's advice and provided a response to Councils regarding the outcome of certification.

Agenda Item 4 – Matters Arising from Previous Meetings

BT requested an update on the boundary determination in relation to the Arrawarra Development Application (DA). SW advised that DoI – Lands has reviewed the 2014 boundary determination provided in the Arrawarra DA and that the determination was consistent with the surveyor's regulation and represented the true and legal boundary.

The Panel agreed for the purposes of the Arrawarra DA Assessment to accept the boundary as determined in 2014 survey as land boundary.

Agenda Item 5 – Other Business

CD advised that all current Panel members were proposed for reappointment, effective from 15 December 2016.

CD advised that she would be taking up a new position within OEH, and that her replacement on the Coastal Panel will be Derek Rutherford.

CD informed the Panel of a submission of six Estuary Management Plans, which will need to be considered in relation to their suitability for certification. MD informed the Panel of the submission of the Woolli CZMP for certification and the receipt of a Review of Environment Factors (REF) from Coffs Harbour City Council for works to be completed under State Environment Planning Policy (Infrastructure), which will require the considerations of the Panel. These matters were set down to be considered at the next Panel Meeting.

Agenda Item 6 – Date for Next Meeting

The next Panel meeting was set down for 15 December 2016.

Agenda Item 7 - Consideration of Arrawarra DA (CP16-001)

The Chair opened the discussion of the determination of the Arrawarra DA, acknowledging the receipt of additional information provided to the Panel from Keiley Hunter on 5 December 2016.

In discussing the merits of the application the Panel were concerned that:

- Over the life of the works the proposed revetment would pose or would be likely to pose a threat to public safety.
- The proposed revetment is not structurally adequate, as the DA did not sufficiently consider the immediate and long-term wave erosion hazard as identified in the BMT WBM Coffs Harbour Coastal Processes and Hazard Definition Study (2011), which indicates the site would be expected to become more exposed to open-coast conditions in the future.
- That the proposed revetment would not limit storm wave overtopping to safe level for persons or property.
- The DA does not contain sufficient information to demonstrate how the proposed legally binding arrangement for the ongoing maintenance of the proposed revetment wall may be extended to the restoration of adjacent land that may be eroded as a result of the proposed revetment wall, such as the land occupied by saltmarsh vegetation and littoral rainforest on the northern shore of Arrawarra Creek.
- That the primary purpose of the proposed revetment wall is to protect future residential development on the site from coastal hazards and is therefore inconsistent with the objectives of the E2 Environmental Conservation zone which seek to protect, manage and restore areas of high ecological or cultural values and prevent development that could have an adverse effect on those values.
- That the proposal's likely impacts on marine and estuarine ecosystems have not been adequately addressed, particularly as reclamation works are proposed, and may result in a significant change to habitat, species diversity and abundance.

- That the potential impacts of the proposed revetment wall have not been fully addressed, that the subject site is not suitable for the proposed development and, as a result, the granting of consent is not in the public interest.

The Panel noted in the correspondence received from Keiley Hunter on 5 December 2016, this indicated that the applicant would be prepared to change the walls design and location in order to satisfy the Panel's concerns about the present design.

The Panel were of the opinion that due to the overarching concerns with the proposed development, that it was unlikely that a deferred consent subject to conditions that could be automatically satisfied could be established. The Panel noted that it was likely that the changes would be significant such that a new DA would be required.

Outcome: Based on the Panel's discussions, consideration of all the information provided by the applicant to date and the Assessment Report, the Panel agreed to refuse development consent. The Panel instructed the secretariat to draft its determination for review and upon finalisation and sign-off by the Chair issue the determination to the applicant and upload the determination to Coastal Panel's webpage.

Agenda Item 8 - Wamberal DA (CP16-002)

A briefing was provided by the Panel's legal representative in relation to the Wamberal DA.

The meeting was closed at 2:45pm.