

NSW Coastal Panel	MEETING NUMBER: 27
	LOCATION: Goulburn St + Teleconference
	DATE: 4 MARCH 2016
MINUTES	

Present

Name	Nominating Organisation
Mr Angus Gordon (AG)	Chair
Dr Carolyn Davies (CD)	Office of Environment and Heritage
Prof Bruce Thom (BT)	Local Government NSW (LGNSW)
Prof Andrew Short (AS)	Local Government NSW (LGNSW)
Ms Jane Lofthouse (JL)	Local Government NSW (LGNSW)
Mr Allan Young (AL)	Department of Planning and Environment
Mr Stephen Wills (SW)	Department of Primary Industries - Lands
Dr Marc Daley (MD)	Office of Environment and Heritage - Coastal Panel Secretariat
Mr Phil Watson (PW)	Office of Environment and Heritage - Coastal Panel Secretariat
Mr Mark Moratti (MM)	Office of Environment and Heritage – Observer (Item 6)
Mr Neil Kelleher (NK)	Office of Environment and Heritage – Observer (Item 7, phone)

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting and welcomed Panel members.

Apologies were received from Steve Murray (Department of Planning and Environment) and Jane Gibbs (Secretariat)

Agenda Item 2 – Declaration of Interests

AG advised that he had been involved in the preparation of previous Pittwater management plans and development of the DCP at Basin Beach, but, has had no involvement in the present studies and Plan currently before the Panel.

AG also advised that he had been involved in discussions previously with the Boomerang and Blueys Beach Group regarding hazard definition in the Great Lakes CZMP. AS also advised that prior to the formation of the NSW Coastal Panel he had provided a report on coastal processes to the Boomerang and Blueys Beach Group.

Agenda Item 3 – Confirmation of Previous Panel Minutes

Outstanding Minutes to be circulated and confirmed out of session. All agreed.

Agenda Item 4 – Matters arising from Previous Meetings

MD advised he is still in the process of following up comments provided by the Panel to RMS concerning the proposed stabilization works at Lawrence Hargreaves Drive and how these have been considered.

MD gave an update on the current status of previous CZMPs considered by the Panel.

SW provided an update of discussions between DPI – Lands and Gosford City Council that will facilitate finalization of outstanding matters to enable certification of the CZMP.

Agenda Item 5 – Other Business

MD provided the Panel with an update on the status of the DA.

Agenda Item 6 – Consideration of Bilgola and Basin Beach CZMP

On 5 February 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Coastal Zone Management Plan (CZMP) for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale) and its suitability for certification under the *Coastal Protection Act 1979*.

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 documents relied upon to inform the Panel's advice include:
 - (i) Coastal Zone Management Plan for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale) (Issue D - Revised Draft incorporating Crown Lands advice, dated 2 February 2016);
 - (ii) Technical Appendices Including Coastal Erosion Emergency Action Subplan (Issue D - Revised Draft incorporating Crown Lands advice, dated 2 February 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).
- Commends Pittwater Council for the time and effort taken to prepare the draft CZMP for Bilgola and Basin Beaches and associated underpinning studies.
- Note that in the opinion of the Coastal Panel, the draft CZMP for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale) is **not considered suitable for certification** at this point in time in accordance with provisions of the *Coastal Protection Act 1979*.
- Note the existence of the 1986 Warringah Coastal Management Strategy which includes both Basin and Bilgola Beaches and the 1996 re-adoption by Pittwater Council of the Coastal Management Strategy. This Strategy provides a concise framework for addressing the threat of coastline hazards which in the past has been used in underpinning development assessments within these beach precincts.
- Include advice to Pittwater Council outlining matters that, in the opinion of the Coastal Panel, are issues that are required to be addressed in order to be considered further for certification purposes. These include:
 - (i) The draft CZMP does not provide an integrated framework to strategically guide further development of these beaches. Nor does it address the historical Strategy which has in the past provided a concise and straightforward pathway for addressing threatened beachfront development. The current plan appear to have imposed an ad hoc management approach onto property owners rather than Council guiding and setting the direction for such decisions. The lack of a clear strategic direction moving forward is seen as a significant weakness in the draft CZMP documentation. The Panel suggests that Council make an appraisal of the pros and cons of the previously adopted strategy and the inherited liabilities of the historical management strategy

and provide a very clear, definitive plan that provides certainty to beachfront, and headland property owners about the level of protection to be afforded (if any) moving forward, how this will be achieved and to what relevant specifications, alignments, etc;

- (ii) The draft CZMP remains silent on how council will manage its own assets within these beach precincts, such as the ocean baths at the southern end of each beach and associated SLSC facilities, etc;
- (iii) It is apparent that the draft CZMP will permit protection structures for private development but, that these structures must be located wholly on private land. This presents significant issues for properties where insufficient private land exists between a dwelling and the seaward property boundary to meaningfully contemplate the construction of a seawall. This issue is heightened where affected residential housing stock (including unit blocks) are founded on no more than strip footings which is the case with many of the structures within these precincts. These circumstances further limit the excavation and construction footprint available without significantly affecting the structural integrity of the building or requiring prohibitively (and largely impractical) retrofitting to improve foundation capacity. It remains implausible for council to permit property protection under these impractical constraints;
- (iv) Permitting protection structures by property owners only on private property not only has the range of impractical limits outlined above, but, importantly fails to acknowledge what will become of the extensive mass of largely unformed rock protection works placed after the erosion events of the late 1960s and early 1970s that are currently buried. It is understood that these works are largely contained within Council owned land (Lot 29, DP 11978) as depicted in the historical photos in the draft CZMP;
- (v) It is apparent that the public lands seaward of the private property in these locations fall into a range of fragmented reserves and associated management responsibilities. It would be advisable for the plan to seek to recommend initiating constructive discussions with DPI Crown Lands about the possibility of seamlessly consolidating various public tenures and reserves into a more practical arrangement (likely) under the care, control and management responsibility of Pittwater Council thereby facilitating the opportunity for a solution to the problem of buildings being too far forward to enable protection to be provided wholly on private property That is, if there is insufficient room to construct protection wholly on private property as a result of historical circumstances there may be the opportunity to allow part of the protection to be on public land, provided there were offsets such as maintaining a dune cover over the structure; and
- (vi) There are significant erosion/geotechnical issues prevalent with properties along headlands contained within these beach precincts. The draft CZMP appears to do little more than defer these challenges to further geotechnical advice only. Similar to the treatment of threatened properties in the beach precincts, there is no definitive long-term strategic direction from Pittwater Council regarding whether it is committed to protecting the development at threat or not.

Agenda Item 7 – Consideration of Brooms Head and Lake Cakora CZMP

On 5 February 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Brooms Head Beach and Lake

Cakora Coastal Zone Management Plan (CZMP) and Emergency Action Sub-plan and its suitability for certification under the *Coastal Protection Act 1979*.

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 documents relied upon to inform the Panel's advice include:
 - (i) Brooms Head Beach and Lake Cakora Coastal Zone Management Plan (CZMP) (Version: Final Draft, dated 20 July 2015); and
 - (ii) OEH Regional Operations Group assessment of draft CZMP against the statutory requirements of the *Coastal Protection Act 1979* and minimum requirements of the *Guidelines for Preparing Coastal Zone Management Plans (2013)*.
- Commends Clarence Valley Council for preparing such a concise, yet comprehensive CZMP, noting that although the scope of the Plan is comparatively smaller than most others considered to date, the presentation and level of detail within the documentation is considered an excellent template for other Council's to follow;
- Commends Clarence Valley Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan;
- Note that in the opinion of the Coastal Panel, the draft Brooms Head Beach and Lake Cakora CZMP is **currently not suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*. The key issue of concern within the Plan relates to managing the significant threat posed by predicted wave erosion and oceanic inundation to the residential development along the beach to the north of the Lake Cakora Inlet. The management response proposed is a mixture of development controls coupled with upgrading the engineering capacity of ad-hoc protective works that have proliferated along the beachfront over time on Crown Land. However, the CZMP allocates responsibility on DPI Lands to facilitate necessary upgrading of the protection works over time, a position the Panel has been advised is not currently supported by DPI Lands. Therefore, the Plan **does not currently satisfy the requirements of Sect 55C(2)(b) Coastal Protection Act 1979**. It is recommended that Council re-consider the Plan and re-submit for certification having resolved the following key elements:
 - (i) It is recommended that Clarence Valley Council enter into negotiations with DPI Lands to transfer care control and management responsibilities over the Crown Land parcel housing the protection works fronting the properties north of the Lake Cakora Inlet. The Coastal Panel is advised that DPI Lands will not be accepting responsibility for upgrading of these protection works as presented in the draft CZMP. If Council is able to successfully negotiate the abovementioned undertaking, this will enable a more seamless and necessary upgrading of these works to an appropriate engineering standard to mitigate the identified risks. It is noted that Council already satisfactorily manage the extensive revetment works fronting the foreshore reserve south of Lake Cakora Inlet; or
 - (ii) In the event that the above-mentioned outcome is not acceptable to Council and noting the position of DPI Lands as advised to the Coastal Panel, the management plan philosophy will need to be revisited to remove protection as the planned form of coastal management and therefore focus on development controls that facilitate a progressive retreat as coastal recession occurs and a plan to manage the impacts of

major erosion events. In addition the plan will need to address the identified projected loss of the road to Brooms Head.

Accordingly the draft Plan will have to be amended to relevantly reflect the adopted position in either (i) or (ii) above and re-submitted for certification.

Agenda Item 8 – Consideration of Great Lakes CZMP

On 5 February 2016, the Chair received correspondence from Minister Stokes requesting the advice of the Panel, regarding the adequacy of the draft Great Lakes Coastal Zone Management Plan (CZMP) and its suitability for certification under the *Coastal Protection Act 1979*.

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 documents relied upon to inform the Panel's advice include:
 - (i) Great Lakes Coastal Zone Management Plan (Version: 3, dated 22 December 2015);
 - (ii) Great Lakes Coastal Zone Management Plan – Options Study (Version: 3, dated December 2015); 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).
- Commends Great Lakes Council for preparing such a comprehensive, practical and forward thinking CZMP that covers the whole of its open coastline providing clear direction on what will be 'retreated' and what will be 'protected'. In particular, the Plan provides a straightforward approach to adaptively managing identified coastal hazards into the future with a balance between how and when to consider necessary protection, along with significant commitment and provision for amenity enhancement, improved public access and dune maintenance elements. It is also noteworthy that the Plan contains good flexibility and consideration of how to manage various classes of public infrastructure as well as significant commitment to long-term monitoring initiatives in order to augment future decision making.
- Commends Great Lakes Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan.
- Note that in the opinion of the Coastal Panel, the Great Lakes CZMP **is suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*, contingent on the Plan being re-submitted with some revisions concerning the following key elements:
 - (i) An overall reassessment of the coastal processes of the Great Lakes coast including, but not limited to, the information available from Peter Roy's studies (Roy, P.S., Zhuang, W.Y., Birch, G.F., Cowell, P.J., and Congxian, LI 1997. Quaternary Geology of the Forster-Tuncurry Coast and Shelf, Southeast Australia. Geological Survey of New South Wales Department of Mineral Resources), and those of Nielsen and Gordon (Nielsen, A.F., and Gordon, A.D. 2011. The Impact of Entrance Breakwaters on Large Estuaries, Proceedings 34th IAHR World Congress, Brisbane, 26th

June/1st July 2011) and Kinsela, Daley and Cowell (Kinsela, M.A., Daley, M.J. and Cowell, P.J., 2016. Origins of Holocene coastal strandplains in Southeast Australia: Shoreface sand supply driven by disequilibrium morphology. *Marine Geology*, 374, pp.14-30). The aim of this reassessment would be to provide a comprehensive and robust sediment budget understanding for the region and hence the framework within which to make better informed medium to long term management decisions;

- (ii) With an improved understanding of the regional sediment budget, a reassessment of the application of the Bruun Rule and the zone of reduced foundation capacity at Boomerang Beach would be advised due to the sensitivity of these elements to the assumed active profile slope and height of the dunal system. The aim of this work being a reassessment of the area considered vulnerable both currently and in the future;
- (iii) Similarly, the afore-mentioned work should also consider the potential for an improved sediment budget understanding to alter the potential for inundation and flooding at the southern end of Blueys Beach, again to better inform the area considered vulnerable both currently and in the future; and
- (iv) Taking into account the results of the above-mentioned reassessments at Blueys and Boomerang Beaches, an examination of the management options available to specifically address these vulnerabilities, including a cost benefit and funding analysis with the aim of finalising a viable management strategy for these two beaches.

Although acknowledging the existing CZMP makes, in part, obscure and less definitive provision for some of these elements, what is required is a more specific commitment from Council within the plan to elements (i) to (iv) above, commensurate with a timetable to give effect to these actions by, or preferably prior to 2020. These elements would logically be addressed most directly through revising implementation actions 2.4.11 (Select Action to Manage Erosion Risk at Southern Boomerang Beach) and 2.4.12 (Revise Hazard Lines Based on Geological Data) in the current draft Plan.

Agenda Item 9 – Date for Next Meeting

Timing of next Panel meeting to be established out of session pending Member's availability.

The Meeting was closed at 3.30PM.