

NSW Coastal Panel	MEETING NUMBER: 37
	LOCATION: Sydney/ Teleconference
	DATE: 7 APRIL 2017
MINUTES	

Present

Name	Nominating Organisation
Coastal Panel members	
Prof Bruce Thom (BT)	Chair
Derek Rutherford (DR)	Office of Environment and Heritage (Deputy Chair)
A/Prof Ron Cox (RC)	Local Government NSW (LGNSW)
Ms Jane Lofthouse (JL)	Local Government NSW (LGNSW)
Prof Andrew Short (AS)	Local Government NSW (LGNSW)
Mr Stephen Wills (SW)	Department of Industry – Lands & Forestry
Secretariat	
Dr Marc Daley (MD)	Office of Environment and Heritage - Coastal Panel Secretariat
Mr Phil Watson (PW)	Office of Environment and Heritage - Coastal Panel Secretariat
Ms Jane Gibbs (JG)	Office of Environment and Heritage - Coastal Panel Secretariat
Observer	
Mr Andrew Dooley	Department of Industry – Lands & Forestry

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting at 9.30am and welcomed Panel members.

Apologies were received from Mr Stephen Murray.

Agenda Item 2 – Declaration of Interests

Nil.

Agenda Item 3 – Confirmation of Previous Panel Minutes

The Panel adopted the Minutes from meeting 35 and 36.

The Secretariat advised there is likely to be a delay in the uploading of minutes until Ministerial responses in relation to the certification of Coastal Zone Management Plans considered by the Panel have been signed out by the Minister.

Agenda Item 4 – Matters Arising from Previous Meetings

The Chair requested a letter be prepared and sent to Carolyn Davies to thank her for her previous contributions to the NSW Coastal Panel.

SW advised Central Coast Council had agreed to DoI – Lands & Forestry's amendments in the Gosford Beaches CZMP. Council are due to table the amended CZMP for consideration at their 26 April 2017 meeting.

Agenda Item 5 – Update on DAs before the Coastal Panel

MD gave an update on both the Belongil DAs (CP17-001, CP17-002, CP17-003, CP17-004) and Arrawarra DA (CP17-005) which are currently before the Panel.

JG gave an update on the Wamberal DA (CP16-002). The members of the Coastal Panel available to assess this DA received, considered and commented on material to and from their solicitors in relation to ongoing legal proceedings.

Agenda Item 6 – Shoalhaven Coastline CZMP

On 21 December 2016, the Chair received correspondence from the former Minister for Planning the Hon Rob Stokes, requesting the advice of the Panel, regarding the adequacy of the draft 2012 Shoalhaven CZMP and its suitability for certification under the *NSW Coastal Protection Act 1979*.

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

- Shoalhaven City Council correspondence to Minister concerning the CZMP (21 November 2016);
- Draft Coastal Zone Management Plan for the Shoalhaven Coastline (October 2012); 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 PW 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 formal CZMP for Shoalhaven City's coastline has been an ongoing endeavour for many years during a period of considerable policy and legislative change. The Plan is a comparatively comprehensive undertaking, however, it is clear from the covering letter submitted with the draft Plan that Shoalhaven City Council have undertaken a range of more recent, important initiatives that do not form part of the furnished plan including:
 - Reviews of hazard definition work incorporating adopted sea level rise projections;
 - Recent exhibition of the "Our Coast Our Lifestyle" community engagement project; and
 - Progression of rolling forward the aforementioned into a Coastal Management Program (CMP) to align with the new legislation, manual and coastal zone management framework.
- Whilst it is regrettable that the furnished Plan had not been updated to reflect these recent initiatives, key elements of the CZMP do not yet have public authority agreement which is a fundamental legislative requirement. This is particularly the case for advised roles and responsibilities affecting Department of Industry – Lands. Therefore the Panel **cannot recommend certification** of the draft Shoalhaven CZMP in accordance with provisions of the *Coastal Protection Act 1979*.
- The Panel would however, like to commend Shoalhaven City Council for the considerable amount of further work that has been done beyond the 2012 draft document that forms an integral path toward the development of a more comprehensive CMP under the new legislative framework (*Coastal Management Act 2016*). This will allow Council to update relevant information and priorities in the Plan whilst addressing necessary issues raised by Department of Industry – Lands. Council would be advised to

work closely with OEH to transition the Plan into a CMP with actions directly linked to Council's IPR framework.

Agenda Item 7 – Evans Head CZMP

On 23 January 2017, the Chair received correspondence from the former Minister for Planning the Hon Rob Stokes, requesting the advice of the Panel, regarding the adequacy of the draft 2016 Richmond Valley CZMP: Evans Head Coastline and Evans River Estuary and its suitability for certification under the *NSW Coastal Protection Act 1979*.

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

- Richmond Valley Council correspondence to Minister concerning the CZMP (8 December 2016);
- Richmond Valley Coastal Zone Management Plan (CZMP): Evans Head Coastline and Evans River Estuary (28 August 2016 – 3 Year Review by 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 PW to prepare a draft response to the Minister for circulation and finalisation by the Panel, encompassing the following elements:

- The development of this CZMP is a significant and comparatively comprehensive undertaking encompassing both open coast and estuarine elements. The Panel notes this current plan represents a 3 year review of the initial 2013 Plan, which was not a certified CZMP in accordance with provisions of the *Coastal Protection Act 1979*.
- Whilst it is evident that the majority of the Plan meets requirements for certification, it is regrettable that the recent 3 year review of the Plan did not take the opportunity to seek the written endorsement for elements of the implementation schedule involving public authorities. This is a requirement under Section 55C(2)(b) *Coastal Protection Act 1979* and therefore the Panel **cannot recommend certification** of the CZMP at this point in time. In this regard, the Panel notes correspondence from Department of Industries (DoI) – Lands to Council (dated 6 April 2017) outlining required amendments to the Plan.
- The Panel also notes the importance of the Bandjalang Native Title Determination and Indigenous Land Use Agreement which are understood to operate within the area covered by the CZMP. The Panel recommends greater prominence be given to these elements in the Plan.
- The Panel notes that OEH have highlighted a number of additional issues concerning relevant timeframes noted in the revised Plan that should also be addressed including:
 - Updating KPIs for management actions that have, or are close to lapsing;
 - Stipulating the implementation schedule as commencing in 2016 (not 2013); and
 - Incorporating provision into section 9.3 for necessary review (of the certified CZMP) to transition to a Coastal Management Program under the *Coastal Management Act 2016* by December 2021.

Agenda Item 8 – Shoalhaven Estuary CZMPs

PW advised that 3 Estuary CZMPs for the Shoalhaven Local Government Area (LGA) had been referred to the Panel regarding their suitability for certification under the *Coastal Protection Act 1979*. Plans were received for:

- (i) Lake Conjola Estuary Management Plan (Review June 2015)
- (ii) St Georges Basin Revised Estuary Management Plan (2013)
- (iii) Tabourie Lake Revised Estuary Management Plan (2012)

The Panel considered the OEH recommended position on each plan, 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 that **none of Plans were suitable for certification**, as they did not meet the minimum legislative requirements to enable certification under the Act. OEH recommended the Plans be updated to address the minimum requirements and be resubmitted in the form of revised CZMPs, or transitioned to a Coastal Management Program (CMP) under the new *Coastal Management Act 2016* and manual.

Decision: The Panel agreed to endorse the OEH recommendations not to certify the Plans.

Agenda Item 9 – Coffs Harbour Estuary CZMPs

MD advised that 6 Estuary CZMPs for the Coffs Harbour LGA had been referred to the Panel regarding their suitability for certification under the *Coastal Protection Act 1979*. Plans were received for:

- (i) Draft Coastal Zone Management Plan for Boambee/Newports Estuary (2012)
- (ii) Coffs Creek Estuary Coastal Zone Management Plan (2015)
- (iii) Darkum Creek Estuary Coastal Zone Management Plan (2013)
- (iv) Pipe Clay Lake Estuary Management Plan (2011)
- (v) Willis Creek Estuary Coastal Zone Management Plan (2013)
- (vi) Woolgoolga Lake Estuary Coastal Zone management Plan (2013)

The Panel considered the OEH recommended position on each plan, 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 recommend that **none of Plans were suitable for certification**, as they did not meet the minimum legislative requirements to enable certification under the Act. OEH recommended Plans for Boambee/Newports Estuary, Coffs Creek, Darkum Creek, Willis Creek and Woolgoolga Lake Estuary be updated to address the minimum requirements and resubmitted in the form of revised CZMPs.

OEH recommended the Plan for Pipe Clay Lake Estuary be reviewed and transitioned to a CMP, as the Plan had been prepared following the old NSW Estuary Management Manual and was not consistent with the current *Guidelines for Preparing Coastal Zone Management Plans 2013*.

Decision: The Panel agreed to endorse the OEH recommendations not to certify the Plans.

Agenda Item 10 – Forward Program for Upcoming CZMPs

PW gave an update on upcoming open coast CZMPs and estuary CZMPs which would require the Panel's consideration.

Agenda Item 11 – Other Business

SW advised DoI – Lands & Forestry is currently looking into appointing a new representative member and a deputy to replace him as the DoI – Lands & Forestry member on the Panel.

The Chair advised the Panel that Mid Coast Council is again looking at the management and CZMP for Old Bar. PW advised part of this process has been to establish a project reference group to look at possible management options. The Chair suggested it may be appropriate for a member of the Panel to sit on the reference group. The Chair also raised a concern that a representative from Manly Hydraulics Lab (MHL) had not been invited to sit on the group, noting the recent erosion study MHL had completed at this location. The Chair requested if and when an updated CZMP is completed, the Minister refer the Plans to the Panel for its consideration.

PW advised the Panel of a recent article in the Central Coast Community News on 6 April regarding Asbestos at Wamberal Beach. The Chair was concerned a photo accompanying the article inferred that both the Chair and PW had taken no action in relation to this matter, whereas the Chair and PW had previously conferred these matters to Central Coast Council. The Chair advised the Panel that he would write a response to the editor of the Central Coast Community News and would provide the secretariat with a copy to send from the Coastal Panel mailbox.

For information only – the Chair informed the Panel that he had been forwarded an email that had apparently been sent to some members of the Belongil community from a gmail address referring to Professor Thom. The Chair advised the email had been referred to the Department of Environment and Planning and the NSW Police to action as appropriate.

Agenda Item 12 – Date for Next Meeting

The next meeting would be held in May.

The meeting was closed at 11:30am.