

<b>NSW Coastal Panel</b>	MEETING NUMBER: 42
	LOCATION: Goulburn Street/ Teleconference
	DATE: 7 MARCH 2018
<b>MINUTES</b>	

## **Present**

<b>Name</b>	<b>Nominating Organisation</b>
<b>Coastal Panel</b>	
Prof Bruce Thom (BT)	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 Murray (SM)	Department of Planning and Environment
Dr Brendan Logan	Department of Industry – Crown Lands & Forestry (Observer)
<b>Secretariat</b>	
Dr Phil Watson (PW)	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 9:30am and welcomed Panel members.

Apologies were received from Glenn Bunny (Coastal Panel), Derek Rutherford (Coastal Panel) and Marc Daley (Secretariat).

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

Nil to report.

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

Outstanding minutes to be circulated and finalised out of session.

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

Nil to report.

## **Agenda Item 5 – Pearl Beach Lagoon CZMP (Estuary)**

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:

- Department of Industry – Crown Lands and Water (Dol-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 Dol-CLW will be writing to Council shortly to initiate discussion and resolution of these issues; and

- The Plan should include some basic plans and photographs to clearly delineate the extent of the Plan's coverage and highlight key issues.

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

The Panel were of the view that these issues can be readily addressed by Central Coast Council, instructing PW to prepare a draft response to the Minister for circulation and finalisation by the Panel.

#### **Agenda Item 6 – Karuah Catchment CZMP (Estuary)**

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 supports the OEH recommendation that the Plan should not be recommended for certification, at this point in time, for the following reasons:

- Issues highlighted by OEH in the assessment of the draft CZMP against the requirements of the *Coastal Protection Act 1979* and guidelines; and
- Department of Industry – Crown Lands and Water (Dol-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 Dol-CLW will be writing to Council shortly to initiate discussion and resolution of these issues.

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

The Panel formed the view that the issues raised would require careful consideration and time to resolve which might be better addressed by transitioning the current documentation direct into a Coastal Management Program under the provisions of the new framework, *Coastal Management Act 2016* and Manual and instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel.

#### **Agenda Item 7 – Gosford Lagoons CZMP (Estuary)**

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 supports the OEH recommendation that the Plan should not be recommended for certification, at this point in time, for the following reasons:

- Issues highlighted by OEH in the assessment of the draft CZMP against the requirements of the *Coastal Protection Act 1979* and guidelines; and
- Department of Industry – Crown Lands and Water (Dol-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 Dol-CLW will be writing to Council shortly to initiate discussion and resolution of these issues.

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

The Panel formed the view that the issues raised would require careful consideration and time to resolve which might be better addressed by transitioning the current documentation direct into a Coastal Management Program under the provisions of the new framework, *Coastal Management Act 2016* and Manual and instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel.

### **Agenda Item 8 – Brisbane Water CZMP (Estuary)**

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 supports the OEH recommendation that the Plan should not be recommended for certification, at this point in time, for the following reasons:

- Issues highlighted by OEH in the assessment of the draft CZMP against the requirements of the *Coastal Protection Act 1979* and guidelines; 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 will be writing to Council shortly to initiate discussion and resolution of these issues.

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

Whilst the documentation and associated studies underpinning the CZMP are quite extensive, the Panel are of the view that the issues raised would require careful consideration and time to resolve. As the Plan is dated 2012, Council would be strongly advised to relevantly update material and address the issues raised by transitioning the current documentation direct into a Coastal Management Program under the provisions of the new framework, *Coastal Management Act 2016* and Manual. The Panel instructed PW to prepare a draft response to the Minister for circulation and finalisation by the Panel.

### **Agenda Item 9 – Wyong CZMP (Open Coast)**

On 12 October 2017, the Chair received correspondence on behalf of the Minister for Environment the Hon Gabrielle Upton, requesting the advice of the Panel, regarding the adequacy of the draft Wyong 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:

- Central Coast Council correspondence to Minister concerning the CZMP (7 September 2017);
- Wyong Coastal Zone Management Plan 2017 (Revised Draft Report, July 2017, Revision No. 3, prepared by BMT WBM Pty Ltd);
- Letter from Department of Industry – Crown Land and Water to Central Coast Council (dated 8 February 2018); 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 CZMP for the Wyong coastline has been ongoing for many years during a period of considerable policy and legislative change. It is noted that the revised draft CZMP essentially reviews and updates a prior version of the Plan which had been completed in 2011, covering the sector of open coast within the former Wyong Shire Council LGA. This sector of coast contains significant immediate and forecast longer term threats to built assets and amenity from coastal erosion, oceanic inundation and geotechnical hazards, encompassing the coastal erosion “hotspots” of North Entrance, Norah Head and Hargreaves Beach.
- The Panel note and concur with the concerns raised by OEH, though acknowledging that the presentation of “precinct planning” for key management issues was considered practical and informative. However, it is disappointing that the current documentation which purports to review and update the Plan completed in 2011, provides no definitive recommended action to address the areas of high coastal hazard exposure along the coastline, rather the plan is reliant on further studies to inform these decisions.
- The Plan itself should be a relatively concise, standalone document that clearly articulates to the community (amongst other things):
  - the nature of the priority management issues along the coastline;
  - an agreed, recommended strategy;
  - how works or other recommended actions will be integrated into council’s business planning framework and funded; and
  - an implementation schedule and review mechanism.
- Other supporting information and underpinning studies should be separated from the plan and documented elsewhere.
- The Panel notes that council have been liaising with Department of Industry – Crown Lands and Water (DoI-CLW) however, DoI-CLW advise there are still some outstanding matters of interest in the draft 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 and council remain in discussions to finalise these issues.

In the opinion of the Coastal Panel, once Council have addressed the above-mentioned matters, the draft Wyong CZMP **will be suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*. The Panel is mindful that the issues raised would require careful consideration and time to resolve. From this perspective, Council would be strongly advised to work closely with OEH to address the relevant issues raised by transitioning the current documentation direct into a Coastal Management Program under the provisions of the new framework, *Coastal Management Act 2016* and Manual.

### **Agenda Item 10 – Update on Development Applications**

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

### **Agenda Item 11 – Forward Program for Upcoming CZMPs**

The Secretariat provided an update on the status of CZMPs currently submitted for certification and those anticipated to be received prior to the commencement of the *Coastal Management Act 2016*.

### **Agenda Item 12 – Other Business**

Nil to report.

### **Agenda Item 13 – Date for Next Meeting**

TBA (as required).

The meeting was closed at 11:30am.