

NSW Coastal Panel	MEETING NUMBER: 22
	LOCATION: Teleconference
	DATE: 8 DECEMBER 2015
MINUTES	

Present

Name	Nominating Organisation
Mr Angus Gordon	Chair
Dr Carolyn Davies	Office of Environment and Heritage (Deputy Chair)
Prof Bruce Thom	Local Government NSW (LGNSW)
Prof Andrew Short	Local Government NSW (LGNSW)
Ms Jane Lofthouse	Local Government NSW (LGNSW)
Mr Allan Young	Department of Planning and Environment
Dr Marc Daley	Office of Environment and Heritage - Coastal Panel Secretariat
Mr Peter Evans	Office of Environment and Heritage - Senior Team Leader, Hunter-Central Coast (Observer)

Agenda Item 1 – Welcome and Apologies

The Chair opened the meeting and welcomed Panel members.

Apologies were received from Mr Stephen Wills and Mr Stephen Murray.

Agenda Item 2 – Declaration of Interests

No declarations of interest were received.

Agenda Item 3 – Confirmation of Previous Panel Minutes

The Secretariat advised the minutes from previous meeting (Meeting Number 21) would be circulated prior to the next Panel meeting.

Agenda Item 4 – Old Bar Coastal Zone Management Plan

The Chair noted the Greater Taree Coastal Zone Management Plan (CZMP) was adopted by Council on 16 September 2015 and sent to the Minister for Certification. At the request of the Minister, the Panel has been asked to review the Plan and to advise whether the Plan is satisfactory for certification, whether the Plan achieves a reasonable balance between conflicting uses of the coastal zone, and if not, how this might be achieved, and whether any additional work or studies may be necessary to inform viable options for the management of Old Bar.

The Panel was of the view the Council should be complimented on certain aspects of the CZMP, this included its overall format, its beach-by-beach presentation, visualization and tabulations of action plans for each beach, and its encouragement to beach front property owners and community groups to become actively involved in exploring soft management techniques that don't require consent and are aimed at dune and beach restoration.

The Panel's overarching view of the Greater Taree CZMP was that the Plan fundamentally failed to provide a pro-active, coordinated and risk-managed strategic direction for the management of the coastline. Instead, the Plan appeared to be an attempt to transfer Council's planning and risk management responsibilities under S55M of the *Coastal Protection Act 1979* and under the common law as established in the *Eggar vs Gosford Council* (1988), to individual landowners, community groups and public authorities, by permitting them to implement a range of management measures under an approach Council has characterised as "*informed adaption*".

The Panel noted that the Greater Taree coastline and in particular Old Bar represents a sediment deficit compartment and one that has been experiencing ongoing recession. The Panel further noted that because of these circumstances, any (protection) works will at some point in the future become exposed and would be likely to result in end effects impacting on adjoining properties. Consequently, the community needed to be informed of such impacts and the limitations this would place on any council approvals and the implications for any independent actions by property owners.

The Panel was concerned that the proposed *informed adaption* approach appeared to give beachfront landholders the impression that this would provide additional strategies to protect their land, but in effect this would only empower landowners to undertake measures which they are already entitled to do. In particular, semi-permanent or permanent works would still require approvals and have to accord with the *NSW Coastal Protection Act* and s55M.

The Panel expressed its concern as to how 'informed' the beachfront landowners and the greater community are about the proposed strategy and its potential liabilities. The Panel noted that in the appendix to the CZMP, Council reported that only a very small number of the community has showed interest in the approach and that the majority of this community comprised Old Bar beachfront property owners. It therefore wasn't clear to the Panel if the wider Old Bar community is aware of the implications of the proposed strategy. The Panel also noted that it would appear landowners may have not been adequately informed of the legal and financial issues associated with independent protection measures undertaken on a receding coast, where adjacent land may suffer accelerated erosion as a result of the works.

The Panel was of the view that the CZMP did not demonstrate that Council had adequately explored the issue of any underlying legal liability. Under Common Law and the *NSW Coastal Protection Act 1979*, the Panel noted that this would remain with Council (and hence the community of Greater Taree), if the "*informed Adaption*" approach was implemented in the manner indicated in the CZMP.

In terms of whether the Plan is able to achieve a reasonable balance between conflicting uses of the coastal zone, the Panel were of the opinion that the Plan failed to address this issue, as that element is likely to be unachievable without Council providing a coordinated and strategic response for the management of the coast, rather than divesting this to individual property owners.

The Panel raised a specific concern in regard to the management of Manning Point, noting the low lying nature of this settlement and its potential exposure to threats of erosion and flooding from both the sea and the Manning River, as well as a potential migration of the Manning entrance channel south towards the township. The Panel is aware that Greater Taree City Council is currently undertaking a revised flood study to assist with identifying the current flood risk associated with the Manning River from which a revised management plan is to be developed. The Panel therefore encourages Council in this endeavor, with the inclusion of the potential coastal instabilities which could also impact on the settlement of Manning Point.

In response to a Minister's question as to whether any additional work or studies may be necessary to inform viable options for Old Bar, the Panel was supportive of additional work or studies being undertaken to further the current knowledge and understanding of the coastal processes and complexities of the Greater Taree Coastline and in particular the relationship between recession at Old Bar and the behaviour of the Farquhar Inlet. In that context, the Panel noted its potential importance to improving the broader understanding of the coastal process at Old Bar and Manning Point. However, the Panel were of the opinion that this should not come at the expense of further delay in the finalization of a CZMP.

The Chair requested the secretariat to draft a letter to respond to the Minister which captures the points discussed by the Panel and provides the advice the Minister is seeking in relation to the CZMP. This letter would then be circulated to the Panel for approval prior to finalisation.

Agenda Item 7 – Other Business

Jane Lofthouse notified the Panel that Tweed Shire Council had been awarded a \$9.81M grant (funded by the Federal Government's National Stronger Regions Fund) to undertake a foreshore protection strategy at Kingscliff. Ms Lofthouse advised this would be completed under Part 5 of the Infrastructure SEPP and the Panel would be notified for their considerations prior to any work commencing.

Agenda Item 8 – Date for Next Meeting

No date was set down to the next meeting. The next meeting would be held as required. The meeting closed at 11:00am.