

PRESENT

Members:

Cr Lisa Intemann - Chair
Cr Adam Roberts
Matt Rogers
Tim Molloy
Gordon Cameron
Adrian Button
Alan MacIntyre
Alison Kennedy
Bob Jolly
Bob Birse
Jack Jones
Kingsley Searle
Laurie Lardner
Michael Northam
Patrick McEntee
Paul Hyde
Robert Kasmarik

Other Attendees:

Public observers - 25

The meeting opened at 1.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apologies received from Dan Croft and Thor Aaso be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Hastings LGA Coast & Estuaries Sub-Committee Meeting held on 16 July 2012 be confirmed subject to the following amendment in relation to Item 6.

Insert the words as underlined below:

Bob Jolly

Disagrees with recommendation 2(b) and believes residents should not have to contribute to works because landowners currently pay higher rates. Matt Rogers indicated that NSW guidelines required all funding options to be considered and included in the CZMP. The option of residents contributing to the works is appropriate and cannot be ruled out. Tim Molloy explained that any future funding for works will be focused on public benefit and a balanced approach is needed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

06 LAKE CATHIE COASTAL ZONE MANAGEMENT PLAN

Cr Intemann acknowledged submissions received from residents about funding mechanisms and the need to include all options in the Plan. Cr Intemann sought comments from the Committee on the draft Plan.

Jack Jones

- Believes the legislation outlined in section 6.3 (Funding) does not allow private landowner contribution if works are constructed on public land.
- Believes private landowner contribution should be removed.
- 97% of submissions from Management Study (Stage 2) supported no contribution from landowners.

Bob Jolly

- Questioned independence of Royal Haskoning Peer Review. Matt Rogers explained it was independent and confirmed a Grant had been received for the photogrammetric analysis work. It was proposed that Item 1.2 form Table 5 should be amended to delete “*per date of photogrammetric analysis*” from the “indicative

cost column” and amend timing column to “2013”.

- A comparison of property Rates/values should be included in the CZMP to highlight the current loss of income to Council because of lower property values. Cr Intemann commented rates are based on land values and Valuer Generals requirements. Higher land values will mean that landowners would be contributing to the cost of the revetment. Patrick McEntee commented that the total of the additional rates should be included based on the potential increase in land values if the revetment is constructed.
- Believes section 6.1.1 is irrelevant (environmental approvals) to the Revetment Wall and Beach Nourishment. Matt Rogers explained this section is needed because there are a range of matters to be considered not just the revetment construction.
- Does not believe CZMP can be exhibited. Cr Intemann commented there are ‘housekeeping’ errors (ie. typos etc) that can be amended easily. The intent is to identify key issues for amendment so the report can be exhibited.
- Agrees with funding issues identified by Jack Jones.

Laurie Lardner

- No issues.

Kingsley Searle

- Emergency Management Plan should refer to the Lake Cathie Rural Fire Service not the NSW Fire Brigade.

Alan MacIntyre

- Sympathises with residents.
- Confirmed the CZMP will be assessed by the committee fairly and is willing to accept information from any source.
- Questioned the Royal Haskoning Peer Review. Matt Rogers explained the review was commissioned outside the committee to resolve issues raised by consultants (Worley Parsons) employed by landowners. The report is publicly available and has been provided to landowners. Cr Intemann apologised for not providing a copy to the committee. A copy will be forwarded to committee members.

Patrick McEntee

- The reality is the coastline is changing and is concerned the detailed design including detailed cost may require a reassessment of the revetment wall option if it becomes cost ineffective.
- Information needs to be presented to the wider community. Matt Rogers confirmed the public exhibition will include a survey and fact sheet. The fact sheet will summarise the key issues of the CZMP including funding. Matt also commented that this Management Plan was a ‘high level’ strategy document. When the detail design is done further consultation will occur (ie. there are multiple opportunities for community comments).

Paul Hyde

- No issues.

Mick Northam

- No issues.

Alison Kennedy

- Why do planning restrictions apply to Chepana Street if the area is not at risk until 2100? Matt Rogers confirmed different development controls apply of different Planning Horizons. There are no planning controls for land mapped with 2100 hazard lines.
- Concerned at lack of detail in the plan and the need for additional consultation. Noted that there are 19 Coastal Erosion Hotspots. There needs to be a process for consideration of issues at individual locations working with the community and technical staff. Cr Intemann confirmed this is one stage in the process of management plans and that there will be further opportunities for review and public consultation.

Rob Kasmarik

- Advised that the draft Plan addressed the issues necessary to gain certification by the Minister.
- 50% subsidy potentially available for the works in the CZMP.
- Alan MacIntyre questioned how indurated sands (coffee rock) and the lack of a stable foundation would be accommodated in the design of a revetment wall. Rob advised these issues can be accommodated in the detailed design consideration.

Adrian Button

- No issues.

Bob Birse

- No issues.

Key issues identified by the Committee:

There was general discussion on the following:

1. Communication of the Management Plan Process

Alison Kennedy

- Believes there is no trust between PMHC and the affected Lake Cathie community.
- Will provide a submission on how the process could be improved.

2. Lake Cathie Rural Fire Service

- To be referenced in Emergency Management Plan (EMP)

3. Item 1.2 in Table 5.

- Cost of photogrammetric analysis to be clarified as \$30,000 and timing to be 2013.

4. Valuations

- Include comments on the change in valuations overtime and an estimate of rates generated and the impact on Council.
- Matt Rogers confirmed that the Management Study (Stage 2) contained general Rate and Valuation information. This could be used to provide further general information.

5. Section 6.1.1 (Environmental approvals) irrelevant

Bob Jolly

- Refer previous comments from Bob above.

Patrick McEntee

- Believes this section is necessary. Matt Rogers suggested heading (6.1 revetment) could be revised to be more general.

Alison Kennedy

- Believes section could be included if information was clearer.
- Questioned if approvals would consider Lake Cathie sand migration. Matt Rogers confirmed the Management Study (Stage 2) contained information on lake processes (ie. Lake Cathie Hydrodynamic Model) and this would need to be taken into account in the detailed design processes.

Cr Intemann

Clearer statement required at the beginning of the chapter with related issues incorporated including Lake Cathie estuary and sand drift being included.

6. Previous submissions - Management Study (Stage 2)

Jack Jones

- 97% of submissions from Management Study (Stage 2) supported no contribution from landowners. Can these submissions be taken into consideration.

Matt Rogers

- The CZMP has additional specific details and funding proposals so new surveys and submissions are needed.
- A general comment could be included that reflected the previous submissions in relation to funding.

7. Funding options

Matt Rogers

- Agreed two (2) more options could be included:
 - i. PMHC and NSW Government - 50/50 split.
 - ii. PMHC, NSW Government and Commonwealth - 33/33/33 split.
- Further explanation of section 496(b) of the Local Government Act was provided. It was clarified that PMHC does have powers to make special charges or levies on properties benefiting from the coastal protection works on the basis that Council would only fund if landowners contributed. Council could also levy a special rate.

Bob Jolly

- Commented that the residents have undertaken an informal traffic count of Illaroo Road over Easter 2013. Cr Roberts acknowledged the work done in the traffic count.

Jack Jones

- Believes if a levy is to apply it should be spread more widely as more than just the 17 Illaroo Road Landowners will benefit.

Kingsley Searle

- Agreed Table 6 (Funding scenarios) should reflect community opinion from the Management Study (Stage 2) consultation.

Patrick McEntee

- Believes landowners are benefiting given comments that the Revetment Wall will reinstate property prices. It is fair and just residents contribute if a benefit is gained in 2050 not just benefit from present day risk.

Alison Kennedy

- Disagrees with resident funding as the revetment will bring back the situation that existed prior to the erosion risk.

Matt Rogers

- Agreed wording could be more general to describe the powers of PMHC to make special charges or levies on properties benefiting from the coastal protection works. Remove specific details about sections within the Local Government Act (LGA).

Cr Intemann

- There will be further opportunities for review and public consultation
- Additional funding options need to be included.
- Externalities including Lake Cathie estuary and sand drift being included.
- Details on previous submissions need to be included.
- Amend 1.2 in Table 5 of the draft CZMP to “2013” not “to 2018”
- Clarified that an adequate description of the study area is contained in the Introduction of the Plan.

Cr Roberts

- Noted the previous submissions to the Management Study (Stage 2) consultation and the traffic study undertaken by residents.

The above issues will be included in an amended CZMP. The revised draft CZMP (with Tracked Changes on) will be emailed to committee members for final review before presenting to Council for public exhibition. It is likely the CZMP will be presented to the May Ordinary Council Meeting, however this is subject to SMECs availability to make amendments.

CONSENSUS:

That it be a recommendation to Council that:

The Final Draft Lake Cathie Coastal Zone Management Plan (2013) be placed on public exhibition for six (6) weeks subject to amendment of the report to take account of the following issues identified by the Committee:

1. Table 2.2 of the Emergency Management Plan to reference the Lake Cathie Rural Fire Service.
2. Item 1.2 of Table 5 of the Draft Lake Cathie Coastal Zone Management Plan (CZMP) to clarify photogrammetric costs. Amendment to specify \$30,000 for photogrammetric analysis with 2013 for timing.
3. Include a section in the CZMP on valuations and an estimate of lost revenue to Council.
4. Amend section 6.1.1 of the CZMP to include a more general statement about approvals.
5. Include a specific reference to consider the sand migration into Lake Cathie as part of the Environmental Assessment and Approvals process.
6. Expand section 2.2.3, last paragraph of the CZMP to include a comment about previous Management Study (Stage 2) submissions on funding.
7. Include two (2) additional funding scenarios as follows:
 - a) PMHC and NSW Government - 50/50 split
 - b) PMHC, NSW Government and Commonwealth - 33/33/33 split.

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8. Amend section 6.3 to more generally describe the powers of PMHC to make special charges or levies on properties benefiting from the coastal protection works. Remove specific details about sections within the Local Government Act (LGA).
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07 GENERAL BUSINESS

1. Committee Charter and Procedures

Cr Intemann

- There is a need to review this committee's charter, general procedures, voting procedures. Councillors will undertake a review and will submit a proposal to the next Committee Meeting for comment.
- The two hours allotted for Committee Meetings allows for other issues to be considered. However, meetings may finish earlier if the allocated time is not required.

Patrick McEntee

- Believes meetings need to be more regularly and include a review of Estuary Management Plans, Stingray Creek Bridge, Flynn's Beach seawall, Birdon Marine and TBT etc. Councillors to consider how these types of issues could be accommodated within the committee charter.

Kingsley Searle

- Does not believe estuary issues are being addressed.

Cr Intemann

- Indicated members may need to take ownership of issues, investigate and present issues.

Matt Rogers

- Reminded the committee about the limited resources to service the committee and that a move to meetings on an 'as-needed' basis was a result of a lack of agenda items and in part a result of a move from the 'planning' phases to the 'implementation' phases of Estuary Management Plans.

Patrick McEntee

- Suggested a minimum of two (2) set meeting per year. If no issues that meetings could be cancelled.

Alison Kennedy

- Questioned the need for more email communications between members. Cr Intemann confirmed this protocol would be reviewed.

2. TBT

Matt Rogers

- Provided a brief update on TBT excavation at Birdon Marine and confirmed that the bunding should have provided protection from the recent flood.

Laurie Lardner

- Questioned if a representative from the EPA could attend the next meeting. Matt Rogers indicated an invitation was made previously but the EPA declined. A further invitation can be made.

Cr Intemann

- Requested TBT update emails be sent to Cr Roberts and herself.

Mick Northam

- Confirmed Birdon have complied with Fisheries Permit requirements.

3. Lake Innes Reversion

Matt Rogers

- Commented the Lake Innes Reversion EIS will go on public exhibition shortly.

4. General

Cr Intemann and Cr Roberts thanked the gallery, staff and committee members for their involvement.

The meeting closed at 2.59pm.