

Shoalhaven Coast & Estuary Management Committee

Meeting Date: Tuesday, 20 August, 2019
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

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Agenda

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Membership

Chief Executive Officer

Director Planning Environment & Development Group

Director Shoalhaven Water

Director Assets & Works

Director Finance Corporate & Community Services

Chairperson – Southern Natural Resources & Floodplain Management Committee

Chairperson – Central Natural Resources & Floodplain Management Committee

Chairperson – Northern Natural Resources & Floodplain Management Committee

Chairperson – Shoalhaven Heads Estuary Taskforce

MINUTES OF THE COASTAL ESTUARY & FLOODPLAIN MANAGEMENT LIAISON GROUP

Meeting Date: Wednesday, 27 March 2019
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

Present:

Clr John Wells
Clr Patricia White
Clr Bob Proudfoot
Jane Lewis – Acting Director, Finance Corporate & Community
Phil Costello – Director, Planning Environment & Development
Kelie Clarke – Manager, Environmental Services
Alasdair Stratton – Manager, Natural Resources & Floodplains
Sara McMahon – Governance Manager
Jillian Reynolds – DPI Fisheries
John Bucinkas – OEH
John Murtagh – OEH
Bill McInnes – SES
Ailsa Schofield – SES
Glenn Wran – SES

Kelie Clarke led the meeting in the absence of a chairperson (yet to be appointed by Council).

Apologies / Leave of Absence

Apologies were received from Ian Kerr, DPI; Danny Wiecek, OEH; and Jason Carson, Local Land Services.

Declarations of Interest

Nil

PRESENTATIONS

CE19.1 Liaison Group Structure - Kelie Clarke / Alasdair Stratton

**HPERM Ref:
D19/92873**

Kelie Clarke, Environmental Services Manager, explained the proposed role of this Liaison Group, which is to consider recommendations made by the four geographical Groups and to seek advice

from government agencies before making recommendations to Council. The meeting discussed the parameters and lines of reporting of the different groups, including public engagement. In addition to these formally constituted groups, it is proposed that specific issues or projects, for example flood studies, could be put to technical working groups. These working groups could draw on the agencies and Community Consultative Bodies (CCBs) as appropriate. This is intended to prevent projects being held up due to the meeting schedules of the formal groups.

The meeting discussed the following points of concern about the model as resolved:

- The timing and frequency of meetings and how they will align with project stages.
- Ensuring adequate community engagement, both through community membership and via the CCBs, and managing expectations about the advisory role of the groups.
- The administrative burden of attending and servicing multiple committees – these are not 355 committees and have only an advisory role.
- Agenda items at meetings are not always directly relevant to particular agencies.
- How to align the work and purpose of the Shoalhaven Heads Estuary Taskforce (SHET) with that of the Northern Group. SHET had been formed with a specific focus on local issues and government agencies are not involved.

John Bucinkas (OEH) clarified that Council needs at least one Floodplain Risk Management Committee to meet the requirements of the Floodplain Development Manual. The intent of the Manual is that interested community participants should attend and meetings held on an as-needs basis. It was suggested that the resolved group model could be amended to reflect this requirement for Floodplain Risk Management – see recommendation below. This could be a single citywide committee, but this would mean that each meeting would focus on only parts of the area, and only on floodplain risk management and not coastal or estuary management.

The Coastal and Estuary components could be addressed through staff liaison with agencies and round tables with the community on an as-needs basis. An example is the recent round-table meetings relating to the Lake Conjola Interim Entrance Management Policy which included Council, agencies and CCB representatives.

The meeting discussed the involvement of the community as committee representatives or externally through CCBs and existing Council portals such as the Get Involved website. It was agreed three (3) geographical Floodplain Risk Management committees would retain four community members each as originally resolved.

For coast and estuary matters the group agreed that an interim committee comprising all Councillors, agencies and staff could be formed for the preparation of a citywide Coastal Management Plan (CMP) scoping study. Citywide community focus groups may also be convened to provide input. OEH has recently advised Council that one scoping study for the open coast, lakes and estuaries could be completed for our local government area. This approach is supported by Council officers because there is opportunity to reduce the length of time it takes to prepare a CMP if only one scoping study is required in lieu of a separate scoping study for each CMP. Community focus workshops (North, Central and South) could be held during the scoping study to gain community input. Once the scoping study is complete Council could then review the model for coast and estuary groups.

The community have been very strong in their representations to Council in the need for a community advisory committee or group for coast and estuary matters. This is demonstrated by the petition that included more than 1,200 signatures tabled at the 26 February Ordinary meeting of Council.

As part of this process, OEH officers Danny Wiecek (Senior Coast and Estuary Regional Officer) and John Murtagh (Senior Floodplain Regional Officer) will be invited to a Councillor Briefing to advise on floodplain risk management compliance and the Coastal Management Framework.

Pending the outcome of the scoping study, the revised Terms of Reference and a report will be provided to Council following this advice from OEH.

The resulting model could encompass:

- a. **Northern, Central and Southern Floodplain Risk Advisory Committees**, reporting to Council. These will comprise Councillors, agencies (non-voting: OEH, DPI, SES, RMS), community representatives and Council staff. Voting will be by consensus, excluding agencies; where there is no consensus then matters will be put to a vote. To meet on an as-needs basis.
- b. **Shoalhaven Coastal & Estuary Advisory Committee**, comprising all Councillors, agencies (non-voting) and community representatives. Voting to be by consensus.
- c. **Shoalhaven Heads Estuary Taskforce** continuing on the same basis as present. The Terms of Reference will need to be reviewed as to the area it will cover and how it will align with the overall model once the current CMP scoping study is completed.

RECOMMENDATION (By Consent)

That Council:

1. Note that the Floodplain Development Manual requires a committee; however the Coastal Management Act does not require a formal committee that requires community engagement for the development of coastal management programs.
2. Adopt an alternative model for floodplain risk management, comprising three (3) Advisory Committees – North, Central and South – that would report to Council.
3. Establish an interim Shoalhaven Coast and Estuary Committee initially comprising Councillors, staff and government agency representatives until such time as the Coastal Management scoping study is completed.
4. Staff provide a report to the Ordinary Meeting outlining the legislative requirements and the reasons for a proposed alternative model for coastal and estuary issues.
5. Conduct focus group workshops to obtain community input during the preparation of the citywide Coastal Management Plan Scoping Study, and review the model for the group after the CMP Scoping Study is complete.
6. Ensure the Shoalhaven Heads Estuary Taskforce will continue independently on the same basis as at present, and be encouraged to participate in delivery of the new model.
7. Initiate a strong communication program to explain how Council is now working in accordance with the Floodplain Development Manual and the new Coastal Management Act.
8. Invite OEH and other relevant government agencies to a Councillor Briefing to explain the planning processes for flood risk management and the Coastal Management Framework.

CARRIED

REPORTS

CE19.2 Structure, Terms of Reference and Selection Process for Coastal, Estuary & Floodplain Management Groups - Community Representatives

**HPERM Ref:
D19/88401**

Recommendation

That Council:

1. Adopt the Terms of Reference for the Northern, Central, Southern and Liaison Coastal, Estuary and Floodplain Management Groups; and
2. Adopt the structure of the Northern, Central, Southern and Liaison Coastal, Estuary and Floodplain Management Groups; and

3. Adopt the Expression of Interest and selection process for community representatives for the Northern, Central, Southern and Liaison Coastal, Estuary and Floodplain Management Groups; and
4. Form a working group that consists of two (2) nominated Councillors and Council's Environmental Services Manager and other Council officers as required, for the evaluation and selection of community representatives for the Northern, Central and Southern Coastal, Estuary and Floodplain Management Groups.

This item was dealt with in conjunction with item CE19.1 above.

There being no further business, the meeting concluded, the time being 6.08.

Kelie Clarke
ACTING CHAIRPERSON

CE19.3 Shoalhaven Coastal Management Program Preparation Update

HPERM Ref: D19/246672

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To provide an update on the progress of preparing Coastal Management Programs for the Shoalhaven's open coast and estuaries, as per the requirements of the NSW Coastal Management Act 2016.

Recommendation (Item to be determined under delegated authority)

That the Committee receive the Shoalhaven Coastal Management Program Preparation Update report for information.

Options

1. As per recommendation

Implications: Council will be able to move forward with preparing Coastal Management Programs for the Open Coast / St Georges Basin, Shoalhaven River and Lake Conjola estuaries, as per the requirements of the NSW Coastal Management Act 2016.

2. Alternative recommendations

Implications: Would depend on the recommendation

Background

In September 2018, the Shoalhaven Coastal Zone Management Plan (CZMP) was certified and gazetted by the NSW State Government. As per the NSW Coastal Reforms, the CZMP will remain certified until 2021 and will act as the guiding planning document for coastal management across the Shoalhaven.

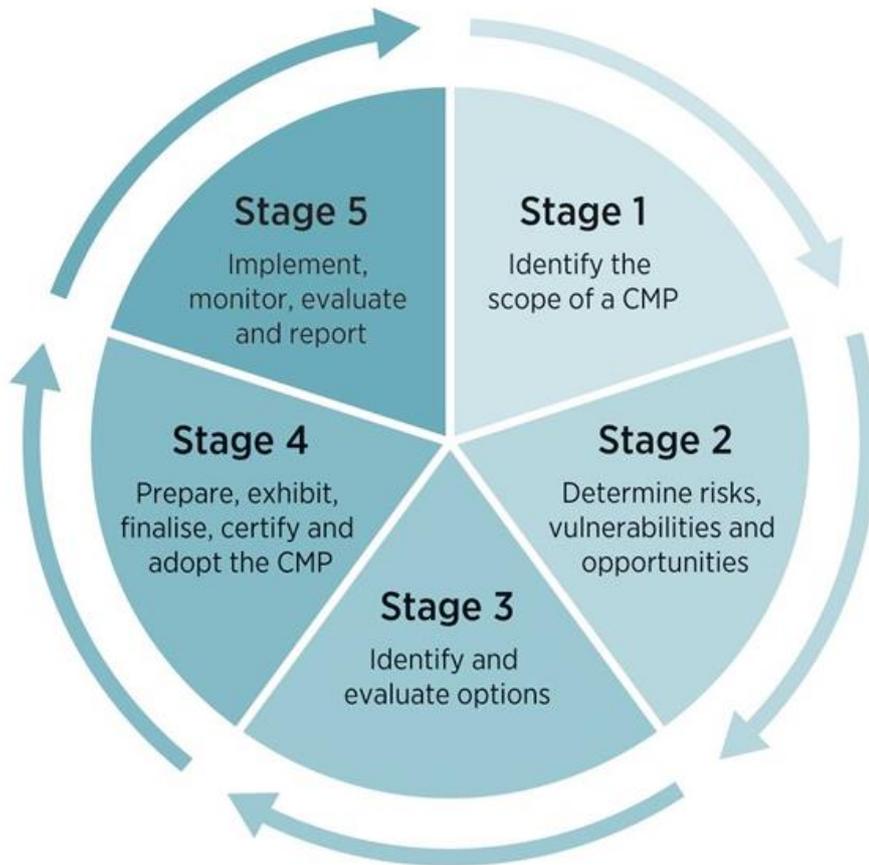
In the interim period, Council is required to prepare Coastal Management Programs (CMPs) as per the requirements of the NSW Coastal Management Act 2016 and the NSW Coastal Manual Part B for the open coast and all estuaries across the city.

Also, Council has received grant funding from the NSW Coast and Estuary – Planning Stream Grant program to prepare CMPs for the following locations across the Shoalhaven:

1. Open Coast and St Georges Basin
2. Shoalhaven River Estuary (including Crookhaven River system)
3. Lake Conjola Estuary

Recently Council received advice from the NSW Department of Planning, Industry and Environment (DPIE) and the NSW Coastal Council that councils should undertake a Scoping Study for the open coast and all estuaries across their Local Government Areas. The Scoping Study is the first stage of the five step process in preparing a CMP, as the below figure demonstrates.

Figure 1: Five stages of preparing a coastal management program (Guidelines, NSW Coastal Management Manual)



CE19.3

Council has engaged Advisian Pty Ltd (www.advisian.com/en/) to prepare the Scoping Study for the open coast and all estuaries across the City. This project is currently underway and is due for completion in December 2019. Hence, both the Shoalhaven River and the Lake Conjola CMPs will not commence until the citywide scoping study has been completed.

Along with the preparation of the scoping study, Council has also engaged a specialist communication company, RPS Group (www.rpsgroup.com/), to undertake the community consultation process for the scoping study.

The following table is summary of the current CMPs that Council is undertaking, the key milestones and timeframe for each CMP.

Table 1: Current Shoalhaven CMP's, key milestones and timeframes

Citywide Coastal Management Scoping Study		
Key Milestone	Outputs	Timeframe
Procurement and engagement of consultant to prepare study for open coast and St Georges Basin	<ul style="list-style-type: none"> Open tender Evaluation & selection of Advisian Inception meeting 	Dec 2018
Variation for extension of the study to include open coast and all estuaries	<ul style="list-style-type: none"> Variation approved Study expanded 	June 2019

	<ul style="list-style-type: none"> RPS engaged to undertake three focus groups (Nth, Ctrl & Sth) and community consultation 	
Community Consultation	<ul style="list-style-type: none"> Undertake three focus groups across the city in the South, Central and North, to identify main issues and knowledge gaps 	August – Sept 2019
Draft report	<ul style="list-style-type: none"> Draft scoping study report produced Public exhibition Briefing 	October – November 2019
Final Report	<ul style="list-style-type: none"> Report to Council for adoption 	December 2019
Open Coast and St Georges Basin CMP		
Key Milestone	Outputs	Timeframe
Stakeholder engagement and consultation and preparation of draft CMP report	<ul style="list-style-type: none"> Undertake community/stakeholder community engagement Prepare a draft report and review 	September 2020
Final draft of CMP report	<ul style="list-style-type: none"> Prepare final draft Public exhibition DPIE, Councillor and Coast and Estuary Management Group review and briefing Adoption by Council Certification by NSW Government 	December 2020
Shoalhaven River CMP		
Key Milestone	Outputs	Timeframe
Prepare Citywide Scoping Study	<ul style="list-style-type: none"> Identify issue via community consultation Identify knowledge & data gaps Prepare communications plan 	December 2019
Draft Shoalhaven River CMP report	<ul style="list-style-type: none"> Stakeholder consultation Data gap analysis 	September 2020

	<ul style="list-style-type: none"> • Undertake any further studies identified in the scoping study • Prepare draft of CMP report 	
Final Shoalhaven River CMP report	<ul style="list-style-type: none"> • Prepare final draft of CMP • Public exhibition of final draft • DPIE review, councillor and SHET/C&ELMG briefings • CMP finalised for adoption • CMP certified by state govt 	December 2020
Lake Conjola Estuary CMP		
Key Milestone	Outputs	Timeframe
Completion of Citywide Scoping Study for open coast and estuaries	<ul style="list-style-type: none"> • Identify issue via community consultation • Identify knowledge & data gaps • Prepare communications plan 	December 2019
Draft CMP prepared	<ul style="list-style-type: none"> • Implement community consultation • Additional studies completed • Preparation of draft CMP to meet mandatory requirements 	December 2020
Final CMP report	<ul style="list-style-type: none"> • Prepare final draft of CMP • Submissions in reply report and revised CMP • OEH review • Councillor and SCEMC briefings • CMP finalised for adoption • Send to State Government for certification 	August 2021

Community Engagement

Community consultation will be undertaken as part of the citywide scoping study, with three focus groups being held across the city in the north, central and southern areas.

RPS Group will undertake the community/stakeholder engagement via the focus group workshops and preparation of a community engagement report, which will directly inform the scoping study. Feedback will be sought during the meeting from committee members about relevant stakeholders that could be included in these focus groups.

Working groups will be established during the preparation of each CMP, who will work in collaboration with Council and the successful consultant to develop the programs. These working groups will have representatives from key stakeholders such as SHET, Oyster Growers, Shoalhaven Riverwatch, Conjola and Red Head Villages Community Associations and others.

Policy Implications

Once adopted and certified the CMPs will form the basis for funding all coastal management actions by the NSW Government, via the Coast and Estuary Grant Program. CMP actions will also need to be aligned to Councils Integrated Reporting Procedure (IPR).

Financial Implications

The financial cost of preparing the current CMP's is summarised in the table below.

CMP/Scoping Study	Total Cost	Grant Funded	SCC
Citywide Scoping Study	\$102,673	\$51,336.50	\$51,336.50
Open Coast & St Georges Basin	\$136,003	\$68,001.50	\$68,001.50
Shoalhaven River Estuary CMP	\$116,000	\$58,000	\$58,000
Lake Conjola Estuary CMP	\$246,000	\$123,000	\$123,000

Risk Implications

As previously mentioned, the risk of not transitioning to CMPs, as per the requirements of the NSW Coastal Management Act 2016, is that currently none of the Shoalhaven's Estuary Management Plan meets the requirements of the current Coastal Act, and all actions in the current Estuary Management Plans are not eligible for grant funding.

After 2021, when the current certified Coastal Zone Management Plan, which is for the open coast, no longer becomes a certified plan, all the actions will no longer be eligible for the external grant funding assistance either.

CE19.4 Shoalhaven Citywide Coastal Management Program Scoping Study - Community Engagement

HPERM Ref: D19/276616

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

Inform the Committee of the community engagement as part of the first stage citywide Scoping Study and seek feedback from the Committee during the meeting to identify key stakeholders.

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Receive the Shoalhaven Citywide Coastal Management Program Scoping Study - Community Engagement report for information, and
2. Endorse the community engagement strategy for the Citywide Scoping Study.

Options

1. As recommended.

Implications: Allow Council to proceed with the development of the citywide scoping study community engagement phase.

2. Alternative recommendation.

Implications: Would depend on the content recommendation.

Background

On 30 July 2019 Council resolved to establish an interim Shoalhaven Coast and Estuary Management Committee until the completion of the citywide Coastal Management Program Scoping Study.

Part 2 of MIN19.522 resolved that, during the development of the citywide Scoping Study, northern, central and southern community engagement sessions are to be held that will scope the Open Coast and St Georges Basin, Lake Conjola and the Lower Shoalhaven River Coastal Management Programs as well as the future strategic coastal management program approach for all other estuaries.

Council has engaged RPS to undertake the community engagement component of the Coastal Management Program Scoping Study, which is detailed below.

Shoalhaven Coastal Management Program – Scoping Study Community Engagement

Shoalhaven City Council is preparing a city-wide Scoping Study as the first stage in the preparation of its Coastal Management Program (CMP) for Shoalhaven's Open Coast and Estuaries. The primary purpose of the Scoping Study will be to review Shoalhaven's progress in managing issues along the coast and all estuaries, develop a shared

understanding of the current situation, and identify the focus and prioritisation of the resulting CMPs for each estuary. A key outcome for the project will be the development of a single Scoping Study, simplifying the preparation of all future CMPs.

The community engagement program will gather feedback and insights from the community to help Council better understand what they value, what issues and threats they consider important and to identify their preferred methods of managing the coast.

Community Engagement

It is proposed that there be three separate community engagement sessions to engage key stakeholder groups, which will consist of one targeted focus group or round table workshop in the afternoon, followed by a drop-in session in the evening for the general public to provide feedback. These sessions will be held in late September 2019.

Key questions will also be asked at the key stakeholders' sessions around the future model and structure of coast and estuary management committees and/or liaison groups.

Input from the Committee will be sought during the meeting to identify key stakeholders for the round-table workshops.

Policy Implications

The citywide scoping study will directly inform the preparation of all of Council's coastal management programs, giving Council a strategy for the future preparation of CMPs.

Financial Implications

The cost of the scoping study community engagement will be funded as part of the existing CMP budgets which includes 50% grant funding from DPIE and 50% Council contribution.

Risk Implications

Not all individual stakeholders will be able to be accommodated as part of the focus group or round table workshops. To provide opportunity to engage all interested community members in providing input into the preparation of the scoping study, three drop-in sessions following the round-table workshops will also be held.