

Shoalhaven Heads Estuary Taskforce

Meeting Date: Tuesday, 21 March, 2023
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

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Agenda

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Membership

Clr Serena Copley - Chairperson
All Councillors
Mr Gareth Ward MP (Nominee – TBA)
Mr Phil Guy
Mr Brian Allen
Ms Jessica Zealand
Mr Rob Russell
Ms Natalie Lloyd
Ms Robyn Flack
Ms Jan Turbill

Quorum – Five (5): One (1) Councillor and Four (4) Community Members

Purpose:

The purpose of the Shoalhaven Heads Estuary Taskforce (SHET) is to act as an advisory and representative group on matters relating to the Shoalhaven River, its estuary and entrance at Shoalhaven Heads.

Role:

- To receive and disseminate information and updates to and from the Shoalhaven Heads community about the management of the Shoalhaven Heads estuary.
- To provide and receive information to the Northern CMP Advisory Committee in the preparation of the Lower Shoalhaven River CMP.
- To provide and receive information to the Northern Floodplain Risk Management Committee in the development and preparation of the Lower Shoalhaven Flood Risk Management Study/Plan.
- When the Lower Shoalhaven River CMP is adopted by Council on behalf of the community, the SHET will be disestablished.

MINUTES OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE

Meeting Date: Tuesday, 19 July 2022
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4:03pm

The following members were present:

Clr Serena Copley - Chairperson
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray (remotely)
Mr Gareth Ward – MP – joined at 4:28pm and left meeting at 5:30pm (remotely)
Mr Brian Allen
Mr Gerald Groom
Mr Phil Guy
Mr David Lamb (remotely)
Ms Robyn Flack
Mr Rob Russell
Ms Jessica Zealand (remotely)

Others present:

James Ruprai – Director City Development
Mr Michael Roberts – Manager – Environmental services
Nigel Smith – Coastal Management Program Coordinator

The meeting was opened by an Acknowledgement of Country by the Chairperson.

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Robyn Flack / Phil Guy)

That the Minutes of the Shoalhaven Heads Estuary Taskforce held on Tuesday 15 March 2022 be confirmed.

CARRIED

SH22.9 Business Arising from Previous Minutes

Mr Phil Guy raised the following items for discussion from the Minutes of the Previous Meeting – 15 March 2022.

1. SH22.1 – Pre-dredge Feasibility Studies - Progress Update
 - Flora and fauna assessment has recently been reviewed and finalised by Council.
 - The pre-dredging feasibility studies and outcomes are intended to be workshopped through the Coastal Management Program (CMP) for management assessment.
 - The CMP will provide the opportunity for funding for dredging if it is determined feasible as a result of the pre-dredging feasibility studies that have been undertaken. The Maritime Infrastructure Delivery Office (MIDO) have advised that there is no further funding available at this stage for this project following the completion of the pre-dredging feasibility studies.
 - Council is hopeful that the CMP will be finalised and adopted mid to late 2023 depending on review and feedback from State Government Agencies, as well as ministerial sign off.
2. SH22.2 – River Road, Shoalhaven Heads Foreshore Precinct Rehabilitation Project Progress Report
 - Mr Phil Guy advised that these works were proposed to be completed by end of the 2021/22 financial year.
 - Michael Roberts advised that Council has been working on these issues. A Statement of Environmental Effects regarding the rectification at the eastern end of the rock revetment has been submitted to Council's Development Services.
 - Mr Phil Guy requested planting along the top of the foreshore as it is still considered outstanding.
 - Mr Phil Guy expressed that there are a number of safety issues at this site which are of concern to the community. These issues include drainage issues, power poles in the middle of footpaths and pole stays covered in tiger-tail markers in dangerous locations near public access, and the eastern end of rock revetment and waterway undermining quite severely.
 - See item SH22.10 - River Road Foreshore Precinct Rehabilitation Project Progress Report below regarding the public safety issues that were raised.
3. SH22.3 – River opening.
 - James Ruprai, Director City Development advised that an internal review has been undertaken.
 - The current processes in place are sound and as effective as they can be in such extreme circumstances.
 - Key finding of the review was the delineation of responsibilities internally which should result in more efficient decision making.

RESOLVED (By consent)

James Ruprai, Director City Development advised that an update will be sought from Council's City Services and the following:

1. Arrange site visits to view public safety concerns at the following locations:
 - a. The viewing platform at the beach which currently has a pole stay with tiger-tail marker tape on it from the platform to the adjacent Endeavour Energy 11kV pole to indicate a hazard.

- b. The uncompleted footpath at the location of ground stay, where there is a power pole directly adjacent to entry to stairwell in centre of rock wall.
 - c. The drainage facility at the western end of rock wall that has completely failed as evidenced by the subsidence of the gabion rock surrounding the stormwater pits.
2. Prepare a one page progress update report to be distributed to members of SHET as far as practicable in advance of the next meeting.

CARRIED

Note: Mr Gareth Ward, MP joined the meeting remotely at 4:28pm.

Declarations of Interest

Nil

REPORTS

SH22.8 Shoalhaven Heads Estuary Taskforce (SHET) - Terms of Reference

HPERM Ref:
D22/282317

James Ruprai - Director City Development advised this Draft Terms of Reference (ToR) was designed to define and guide the group principles and drive the intent of the community's input into this forum. Mr Guy provided a copy of the Draft TOR with amendments made by SHET members. Amendments were reviewed at the meeting.

Recommendation

That:

1. The Shoalhaven Heads Estuary Taskforce endorse the Draft Terms of Reference (attached to the report).
2. Draft Terms of Reference be reported to Council for approval and adoption.

RECOMMENDATION (By consent)

That:

1. The Shoalhaven Heads Estuary Taskforce adopt the amended Draft Terms of Reference as tabled at the meeting.
2. Draft Terms of Reference be reported to Council for approval and adoption.

CARRIED

Note: Mr Gareth Ward, MP left meeting at 5:30pm.

GENERAL BUSINESS

SH22.10 Feedback on Issues Raised

Phil Guy raised the following items for discussion:

1. Flood debris from recent floods and previous floods in March and the delineation between grass, sand, boat ramp and water.

2. Outcome of flood study – community consultation ended 10 July.

Michael Roberts advised that the next stage is incorporation of the flood plan mitigation and the community voice into the Lower Shoalhaven River Floodplain Risk Management Study and Plan.

3. Major erosion and damage to footpath adjacent to River Rd boat ramp.

Michael Roberts advised that these issues have been incorporated into the Statement of Environmental Effects to nourish and appropriately revegetate the site. In terms of public safety, the para-webbing between the concrete path and the eroding foreshore has been passed on to the District Engineer. In terms of putting strategies in place, this matter has been incorporated into the larger works which is the end effect rectification to source sand for this location and revegetate. The timing of this works depends on Regional Planning Proposal and approval which goes through the NSW Planning Portal, which can be tracked publicly with a DA number.

Clr Wells noted that these agenda items should be discussed through the monthly CCB as they are outside of the roles and responsibilities of the SHET.

RESOLVED (By consent)

In relation to the points raised above, Council staff will:

1. Identify the responsible agencies (NSW EPA/DPI Fisheries/Council) for each of the areas of concern and investigate solutions for clean up as priority.
2. Provide a summary of the comments received from the public consultation process, once they have been incorporated into the current working draft of the Lower Shoalhaven River Floodplain Risk Management Study and Plan.
3. Forward the DA number for the works surrounding the River Road boat ramp site to SHET members once the project has been allocated a DA number to enable tracking of the project.

CARRIED

There being no further business, the meeting concluded, the time being 6:00pm.

Clr Serena Copley
CHAIRPERSON

MINUTES OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE

Meeting Date: Monday, 19 December 2022
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

The following members were present:

Clr Serena Copley – Chairperson
Mr Gareth Ward MP – arrived 4.29pm
Clr Patricia White
Clr Tonia Gray (Remotely)
Mr Brian Allen – Community Member
Mr Phil Guy – Community Member
Ms Jessica Zealand (Remotely) – Community Member
Mr Rob Russell – Forum Representative

Others Present:

Mr Michael Roberts – Manager – Environmental Services
Ms Brook Aldous – Governance Coordinator

Apologies / Leave of Absence

An apology was received from Gerald Groom.

At 4.00pm the meeting was advised that quorum would not be reached.

Confirmation of the Minutes

Recommendation

That the Minutes of the Shoalhaven Heads Estuary Taskforce held on Tuesday 19 July 2022 be confirmed.

Note: This will be deferred to the next meeting.

Declarations of Interest

Nil

PRESENTATIONS

SH22.11 Presentation - Governance - Brief Induction**HPERM Ref:
D22/522002**

Ms Brooke Aldous – Governance Coordinator provided a presentation and induction on the Code of Conduct, Code of Meeting Practice and Declarations of Interest.

GENERAL BUSINESS**SH22.12 Verbal Update for Members****HPERM Ref:
D22/520413**

Note:

Staff advised that there is still one (1) vacant community member position that will be filled via an EOI process, and the Indigenous and Youth positions will be referred to the Aboriginal Advisory Committee and the Youth Advisory Committee in early 2023.

The members present used this time to ask questions of staff, Mr Michael Roberts – Manager – Environmental Services responded noting no resolutions could be made.

The next meeting of the Shoalhaven Heads Estuary Taskforce is scheduled for Tuesday 7 February 2023.

Clr Serena Copley
CHAIRPERSON

SH23.1 Notification of Council Resolution - Re-establishment Shoalhaven Heads Estuary Taskforce

HPERM Ref: D22/437450

Department: Business Assurance & Risk

Approver: James Ruprai, Director - City Development

Reason for Report

Advise of Council's resolution in relation to the re-establishment of the Shoalhaven Heads Estuary Taskforce.

Recommendation (Item to be determined under delegated authority)

That the Shoalhaven Heads Estuary Taskforce receive the Notification of Council Resolution – Re-establishment Shoalhaven Heads Estuary Taskforce report for information.

Background

Each year, (generally in September) Council reaffirms all its committees for the next 12 months - Council has the option to: reaffirm its committees; make any change to the membership, purpose, delegation, quorum, and the number of meetings required for those Committees; or disband Committees.

This report is provided to inform the members of the resolution of the Council.

At the Ordinary meeting on 26 September 2022 Council resolved as follows:

CL22.494 Shoalhaven Heads Estuary Taskforce

RESOLVED (Clr Ell / Clr White)

MIN22.692

That Council continue the operation of Shoalhaven Heads Estuary Taskforce for the period to September 2023 as outlined below.

<p><u>Meetings per year</u> – Quarterly Commencement time – 4.00pm</p>	<p>Quorum – Five (5) – One (1) Councillor as Chair or acting Chair and Four (4) Community Members Terms of Reference: POL22/173</p>
<p>Role</p> <ul style="list-style-type: none"> • To receive and disseminate information and updates to and from the Shoalhaven Heads community about the management of the Shoalhaven Heads estuary. • To provide and receive information to the Northern CMP Advisory Committee in the preparation of the Lower Shoalhaven River CMP. • To provide and receive information to the Northern Floodplain Risk Management Committee in the development and preparation of the Lower Shoalhaven Flood Risk Management Study/Plan. • When the Lower Shoalhaven River CMP is adopted by Council on behalf of the community, the SHET will be disestablished. 	
<p>Delegation – NIL</p>	
<p>Chairperson – Appointed by the Council</p>	
<p>2022-2023 Councillor/Staff Membership Clr Copley (Chairperson) All Councillors</p>	
<p>Community / Organisational Representatives Member for Kiama or nominee Indigenous representative Youth representative Five (5) Community representatives Shoalhaven Heads Community Forum representative Greenwell Point Community representative Department of Planning and Environment (DPE) representatives Transport for NSW (TfNSW) representatives New South Wales State Emergency Services (NSW SES) representative Local Aboriginal Land Council representative Other relevant government agency representatives Other such persons as the Chairperson of SHET may deem necessary from time to time.</p>	

SH23.1

CARRIED

Policy Implications

There were no amendments to the Terms of Reference by this resolution.

SH23.2 Estuary Works at Shoalhaven Heads and Department of Primary Industries - Fisheries

HPERM Ref: D23/27326

Submitted by: Phil Guy

Recommendation

That the Shoalhaven Heads Estuary Taskforce:

1. Receive a presentation from the Department of Primary Industries – Fisheries on the implications and processes for ongoing works within the Shoalhaven Heads Estuary and on how storm water, erosion, sedimentation and recreation can be managed in conjunction with village prosperity and the Coastal Management Program process.
2. Extend an invitation for a representative from Department of Primary Industries – Fisheries to be a member of the SHET so as to provide ongoing input from their perspective in relation to the activities and goals of the SHET.

Details

For many years, the Shoalhaven Heads Community Forum and Taskforce have raised with Council the need for ongoing maintenance and preservation of the recreation utility of the estuary at Shoalhaven Heads. The impact of stormwater drains and erosion with resultant sedimentation and bank vegetation loss has seen the loss of recreation amenity for the residents, which sustain the economy of the village.

The community supports and understands the high value of the environment and the protection afforded and wishes to understand more fully how the levels of government are also recognising the loss of recreation amenity in the estuary fronting the village of Shoalhaven Heads. Council and the community have seen significant village land-based upgrades in playgrounds, sporting amenities and tree planting initiatives and would like to see similar improvements in the aquatic area.

It's understood that before engaging with these works, Council needs to consult with the Department of Primary Industries – Fisheries as a primary stakeholder for works relating to the foreshore. It seems logical that the Department of Primary Industries – Fisheries should be included within the SHET meetings to provide opinions regarding proposed works and actions.

In particular the Taskforce would like to understand how the [Coastal Management Program](#) process will ensure that maintenance and restoration works may be carried out by Council in a timely manner following adoption of the CMP.

Delivery Plan / Operational Plan – Reference Heading

2.3.03.04 Develop Coastal Management Programs as per the requirements of the NSW Coastal Management Act 2016 and the Coastal Manual.

Budget Implications and Resourcing Strategy Implications

None

Terms of Reference / Delegation

Advisory Taskforces, such as SHET, may make recommendations to Council on all matters within the role outlined in the [Terms of Reference](#). These recommendations may be submitted via the minutes of each meeting to Council for consideration.

Policy Context

Decisions and recommendations must be aligned to the adopted progression and outcomes of the [Coastal Management Program](#) process.

SH23.3 Shoalhaven Heads River Entrance Management Plan Review

HPERM Ref: D23/27345

Submitted by: Phil Guy

Recommendation

That the Shoalhaven Heads Estuary Task Force receive an update on the progress with the review of the Shoalhaven Heads River Entrance Management Plan (2006) and its inclusion in the Coastal Management Program.

Details

If the entrance of the Shoalhaven River at Shoalhaven Heads were to remain closed during a flood, water levels would be significantly higher for longer in some parts of the river's floodplain. This would result in greater impacts on the Shoalhaven community, especially at the village of Shoalhaven Heads, in terms of inundation of houses and other property, cutting of access roads and possibly through increased injury or loss of life. The Shoalhaven River entrance area is also of high environmental significance. The scenic and recreational values of the area are very important to residents and visitors of the region. The entrance area is one of the most important sites on the New South Wales coast for populations of migratory wading birds protected under international agreements and, at times, threatened species of other shorebirds may nest at the site.

The general objectives of the [Shoalhaven River Entrance Management Plan](#) are:

1. To attempt to control flood breakout in an effort to reduce flood levels and reduce chances of major morphological changes in the river channel and foreshores.
2. To ensure that the Shoalhaven River entrance is managed in an ecologically sustainable manner.
3. To ensure that speedy intervention is possible if local flooding is predicted.
4. To determine key responsibilities and to streamline the decision-making process by quantifying the variables to be addressed by these decision makers.
5. To set out the entrance management strategy so that all participating managers can undertake responsibilities in sympathy with overall objectives.
6. To set out the entrance management strategy so that the broader community can understand, support and/or assist the process.

Para 1.5 of the Shoalhaven River Entrance Management Plan (2006) page 6 - Plan Review notes:

“This Shoalhaven River Entrance Management Plan is intended to be a dynamic document.

- It should be updated to incorporate new information (for example in relation to sea level change), new legislation and the community's changing needs as required. In particular it should be reviewed as soon as the Lower Shoalhaven River Floodplain Risk Management Plan is completed.

- It should be regularly reviewed at no less than 5 year intervals, to ensure staff and community understanding of the principles to be applied.
- A licence under the Crown Lands Act will need to be applied for every five years. The Entrance Management Plan and the Review of Environmental Factors will need to be reviewed prior to each new application.
- It should be reviewed after each event, if Council staff, the community and/or any Government Agency suggest that any part of the procedure is inappropriate.
- Given that a primary consideration is mitigating the effects of flooding on surrounding properties, it should be reviewed in light of changing flood patterns and/or other flood protection strategies.”

Delivery Plan / Operational Plan – Reference Heading

2.3.03.04 Develop Coastal Management Programs as per the requirements of the NSW Coastal Management Act 2016 and the Coastal Manual.

Budget Implications and Resourcing Strategy Implications

None.

Terms of Reference / Delegation

Advisory Taskforces, such as SHET, may make recommendations to Council on all matters within the role outlined in the Terms of Reference. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

Policy Context

The Plan is dated 2006 and overdue for review.

Directors Note:

In terms of management of the Shoalhaven River entrance at Shoalhaven Heads, Council will review the existing Shoalhaven River Entrance Management Plan (EMP) for flood mitigation as a strategic management action derived from the future finalisation of the Lower Shoalhaven River Coastal Management Program (CMP).

The inclusion of a management action in the CMP detailing the review of the existing EMP allows Council to obtain funding to complete the review. This review will utilise information from the Lower Shoalhaven River Flood Study and will include a review of the existing trigger levels, amongst other factors and determine whether an update of the EMP (complete or in-part) is required.

Note that an updated EMP (and associated NSW Crown Land licence and Threatened Species licence) requires approval from the relevant State Government Agencies before it can be implemented. This process can be lengthy.