

Southern Coastal Management Program Advisory Committee

Meeting Date: Monday, 15 April, 2024
Location: Osprey Room, Level 1, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Meeting Conduct Statement**
2. **Acknowledgement of Country**
3. **Apologies**
4. **Confirmation of Minutes**
 - Southern Coastal Management Program Advisory Committee - 14 December 2022.....1
5. **Declaration of Interests**
6. **Reports**
 - SC24.1 Adoption of the Open Coast and Jervis Bay Coastal Management Program3
7. **General Business**

Membership

Clr White (Chairperson)
All other Councillors (Non voting members)
CEO or nominee

Community representatives:-

Monica Mudge
Jackson Green
Adam Crossley
Michael Brungs
Dirk Treloar
Allan Carle

Government Agency representatives:-

Local Aboriginal Land Council
NSW State Emergency Services
Department of Planning, Environment and Industry (DPIE)
Other relevant Government Agency representatives

Quorum – Three (3) provided that a minimum of one (1) Councillor as the Chair or Acting chair and two community representatives are present.

Note: Any non-voting Councillor in attendance at any Committee Meeting may act as an alternate voting member in circumstances where achievement of a quorum is required, noting that this doesn't apply when quorum specifies the quorum to require community member attendance.

Purpose

The principal objective of the Southern Coastal Management Program Advisory Committee is to assist Shoalhaven City Council in the development and implementation of one or more Coastal Management Programs for the southern area of the Council. This will need to be in accordance with the NSW Coastal Management Manual. The southern area applies to the following coastal areas and estuaries:

- All Council managed beaches from Lake Conjola entrance in the north, reaching to the southern boundary of the Shoalhaven LGA in the south – North Durras Beach.
- Lake Conjola
- Narrawallee Creek
- Mollymook
- Ulladulla
- Burrill Lake
- Lake Tabourie
- Lake Willinga
- Shoalhaven Urban and Rural estuaries

Role

- a) To assist the Council in the development and implementation of the CMPs for the areas relevant to 'Purpose' (see above).
- b) To assist the Council monitoring and assessing the effectiveness of the CMPs during and after their implementation.
- c) To assist the Council by providing input into known coastal event(s) and erosion behaviour; and

- d) Facilitate broader community consultation and participation in coast and estuary management through informing and liaising with member community groups.

MINUTES OF THE SOUTHERN COASTAL MANAGEMENT PROGRAM ADVISORY COMMITTEE

Meeting Date: Wednesday, 14 December 2022
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Patricia White – Chairperson
Clr John Kotlash – left meeting at 6:00pm
Clr Mark Kitchener – left meeting at 5:44pm
Mr Michael Brungs
Mr Allan Carle
Mr Michael Roberts - Manager - Environmental Services

Others present:

Mr Nigel Smith – Lead – Coastal Management
Mr Christopher Beadle – Water Technology (Remotely) – left meeting at 6:00pm
Ms Joanne Humphries – SES (Remotely) – left meeting at 6:00pm
Mr Adam Carney – SES (Remotely) – left meeting at 5:25pm
Mr Daniel Wiecek - Department of Planning and Environment (Remotely) – left meeting at 5:55pm
Ms Helen Wheeler – NSW Department of Planning and Environment – Crown Lands (Remotely)

Apologies / Leave of Absence

Apologies were received from Clr Tonia Gray, Clr Liza Butler, Jackson Green and Shamaram Eichmann.

Confirmation of the Minutes

RESOLVED (Michael Brungs / Clr White)

That the Minutes of the Southern Coastal Management Program Advisory Committee held on Tuesday 29 March 2022 be confirmed.

CARRIED

Declarations of Interest

Nil

REPORTS

SC22.2 Notification of Council Resolution

HPERM Ref:
D22/490914

Recommendation (Item to be determined under delegated authority)

That the Committee receive the report regarding Council Resolution for re-establishment for information.

RESOLVED (Michael Brungs / Clr White)

That the Committee receive the report regarding Council Resolution for re-establishment for information.

CARRIED

SC22.3 Open Coast CMP - Project Update

HPERM Ref:
D22/498534

Mr Christopher Beadle – Water Technology - presented to the Committee and gave a progress update on the Coastal Management Program for the Shoalhaven Open Coastline and Jervis Bay. The information presented to the Committee is attached to these minutes.

Mr Allan Carle noted that there are still many residents of the Shoalhaven who are completely unaware of Council's Coastal Management Programs, particularly residents who live in more rural areas.

Recommendation (Item to be determined under delegated authority)

That the Committee receive the report and presentation on the status of the Open Coast CMP for information.

RESOLVED (By consent)

That the Committee receive the report and presentation on the status of the Open Coast CMP for information.

CARRIED

GENERAL BUSINESS

SC22.4 Additional Item - Lake Conjola CMP Update

Council staff gave an update to the Committee regarding the Lake Conjola CMP.

Mr Allan Carle advised that storm surges are a big issue for Lake Conjola residents because of the water being pushed up the Lake.

Mr Nigel Smith - Lead – Coastal Management - advised that he would provide a copy of the Lake Conjola Entrance Processes and Entrance Management Options Report to members of the Committee for information only. Clr White requested a hard copy of the report.

There being no further business, the meeting concluded, the time being 6:13pm.

Clr Patricia White
CHAIRPERSON

SC24.1 Adoption of the Open Coast and Jervis Bay Coastal Management Program

HPERM Ref: D24/123106

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Stage 4 Report - Final Draft CMP Open Coast and Jervis Bay - Full Document (under separate cover)
2. Report - Open Coast and Jervis Bay CMP - Public Exhibition Response to Submissions Document (under separate cover)

Reason for Report

To present to the Southern Coastal Management Advisory Committee (the Committee) the Open Coast and Jervis Bay Coastal Management Program (CMP). The CMP is being presented to the Committee to request its endorsement for Council to adopt the CMP and for the CMP to subsequently be submitted to the Minister for Local Government for certification.

SC24.1

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Endorse that the Open Coast and Jervis Bay Coastal Management Program (CMP) is provided to Council for adoption and submission to the Minister for Local Government for certification.

Options

1. As recommended.

Implications: Endorsing Council's adoption of the CMP will support the finalisation and certification of this document, and subsequent implementation by Council. This CMP provides an integrated and strategic approach to the management of the Shoalhaven open coastline and Jervis Bay area consistent with the objectives of the *Coastal Management Act 2016* and has integrated community feedback following substantial consultation. Once certified, Council can proceed with the implementation of the identified management actions to ensure the comprehensive, risk-based management and mitigation of coastal hazards within the CMP Study Area to meet the needs of the community.

2. Seek further modification to the draft Open Coast and Jervis Bay CMP.

Implications: Additional modifications to the draft CMP, if significant, would require further public exhibition and reporting back to the Committee and Council. Under such a scenario, additional Council time and budget would be required for the project team to complete this work, which would delay the implementation of high priority management actions to address coastal hazards. This will also place further demands on community members who have already provided significant input into the development of this CMP. This project has been funded by the NSW Department of Planning and Environment's Coast and Estuary Grants Program with a one-third contribution by Council. Applications

for additional funding, if significant, may not be successful and is dependent on available funding allocations from the State Government and Council.

Background

In accordance with the *Coastal Management Act 2016* (NSW) (CM Act), Local Councils are to prepare Coastal Management Programs (CMPs) to meet the objectives of the CM Act. The CMP covers and applies to the coastal zone of the Shoalhaven Open Coast and Jervis Bay – as legally defined in the CM Act and the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). The Study Area spans from Shoalhaven Heads in the north, to North Durras Beach in the south, and also includes Jervis Bay to ensure a consistent management approach across the entire open coastline of the Shoalhaven Local Government Area (LGA).

The Open Coast and Jervis Bay CMP has been developed in accordance with the CM Act and the staged process for developing and implementing a CMP, as detailed in the NSW Coastal Management Manual. The stages completed to support this CMP include the preparation of:

- **Stage 1 – Shoalhaven Coastal Management Program Scoping Study:** This included a review of relevant background information, a first-pass risk assessment, a data gap analysis, and formulation of a plan for the development of the suite of CMPs covering the Shoalhaven’s coastline and estuaries.
- **Stage 2 – Shoalhaven Open Coast and Jervis Bay CMP Stage 2 – Risks, Vulnerabilities and Opportunities:** This included a detailed assessment of the various threats and risks affecting the environmental, social, cultural, and economic assets and values of the coastline.
- **Stage 3 – Shoalhaven Open Coast and Jervis Bay CMP Stage 3 Summary Report:** This included stakeholder engagement and options analysis in order to identify and prioritise coastal management actions that can effectively address issues and risks, take advantage of new opportunities, and give effect to the objectives of the CM Act.
- **Stage 4 – Coastal Management Program for the Shoalhaven Open Coast and Jervis Bay:** This included the preparation of a draft CMP for public exhibition and the finalisation of the CMP following the exhibition. This document outlines the identified management actions and business plan for their implementation over a 10-year period. It is this document that is being presented to the Committee to endorse Council’s adoption.

The CMP comprises a program of integrated management actions that are intended to address key issues, and harness new opportunities for the management of the Shoalhaven coastal zone. It outlines specific actions that are to be implemented over a forward 10-year management timeframe under seven overarching strategies for managing the coast, which include:

- Governance and Management
- Community and Stakeholder Engagement
- Land Use Planning and Adaptation
- Protection of the Coastal Environment
- Protection of Cultural Heritage
- Asset Management

- Emergency Planning and Response

These overarching strategies are also supplemented by four Local Area Action Plans that detail management actions to be implemented at specific locations throughout the CMP Study Area. The Local Area Action Plans are as follows:

- Northern Local Government Area (LGA) (Shoalhaven Heads to Currarong Beach)
- Jervis Bay Area (Callala Bay to Hyams Beach)
- Central LGA (Cudmirrah Beach to Ulladulla Harbour)
- Southern LGA (Rennies Beach to Durras Beach)

This has resulted in the development of a total of 116 management actions to be delivered through Stage 5 (Implementation) of the CMP over the next 10-years.

A Business Plan has been developed which outlines the key components of the funding strategy for the CMP to implement the management actions, including the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms. Delivery of the CMP is estimated to cost \$45 Million (2023 dollars) over 10 years, with approximately \$15 Million of this funding coming from Council.

Sustainable funding and financing arrangements for management actions will be established in consultation with key stakeholders. Funding for management actions may be gained from various sources, including competitive State Government grant programs, Council's internal funds, and local third parties.

The CMP document is being presented to the Committee to gain their support and endorsement before the CMP is presented to Council to request their adoption. Following this, the CMP is required to be submitted to the Minister for Local Government for certification before Council can commence Stage 5 (Implementation) of the CMP.

Internal Consultations

Throughout Stages 1-4 of the CMP development, internal consultation was carried out within Council. This included consultations across and within Council Directorates to obtain feedback on the existing coastal hazards, risks and opportunities within the Shoalhaven LGA, as well as the development and implementation of proposed management actions. For actions that involve the construction of new or upgrade of existing Council assets, asset custodians were consulted to ensure integrated and consistent delivery of works across Council. Internal consultations will be ongoing throughout the implementation of the CMP.

External Consultations

Throughout Stages 1-4 of the CMP development, external consultation was carried with a range of representatives from State Government Agencies, adjacent local Councils and Non-Government Organisations. These included:

- NSW Department of Planning and Environment – Environment and Heritage (DPE, now the Department of Climate Change, Energy, the Environment and Water (DCCEEW)), and Crown Lands
- NSW Department of Primary Industries (DPI) – Fisheries (including the Jervis Bay Marine Park).
- Transport for NSW (TfNSW)
- National Parks and Wildlife Service (NPWS)

- State Emergency Services (SES)
- Local Land Services (LLS)
- Eurobodalla Council
- Kiama Council
- Jerrinja Local Aboriginal Land Council (LALC)
- Jerrinja Tribal Group
- Ulladulla LALC

Consultations were undertaken to obtain feedback on the existing coastal hazards, risks and opportunities within the Shoalhaven LGA, as well as the development and implementation of proposed management actions. Through this process, external entities provided information to support Council in developing a CMP that meets statutory obligations for the management of the coastal zone within the CMP Study Area. Council is currently seeking letters of support from the relevant NSW State Government agencies listed above, for submission of the CMP for certification by the Minister for Local Government. To date, all agencies have expressed in-principle support for the CMP.

The management actions within the CMP identify where these external entities have been identified as a 'supporting partner' in the implementation of the management actions. Council will continue to engage with these entities throughout the implementation of the CMP.

Community Consultations

A detailed Stakeholder and Community Engagement Strategy was developed as part of the CMP, outlining the timing, content, and engagement methods to be utilised for all community and stakeholder engagement activities. This strategy has been implemented progressively through each stage of the CMP. The engagement strategy was developed in line with CMP Engagement Guidelines developed by the NSW State Government (DCCEEW), the Shoalhaven City Council Community Engagement Strategy, and the use of the International Association for Public Participation (IAP2) guidelines. This included engagement with Traditional Owner Groups, local communities, and public authorities through a range of methods – including workshops, drop-in sessions, surveys and one-on-one meetings.

The draft CMP was on public exhibition from 30 November 2023 to 2 February 2024 to obtain final stakeholder feedback on the proposed management actions included in the draft CMP. Council is required under the CM Act to publicly exhibit the draft CMP for a period of at least 28 days. The draft CMP was placed on public exhibition from 29 November 2023 until 2 February 2024 – a total of 66 calendar days (over 9 weeks). The public exhibition process was comprised of:

- Provision of the document electronically on the Shoalhaven City Council *Get Involved* webpage for the project: <https://getinvolved.shoalhaven.nsw.gov.au/open-coast-and-jervis-bay-cmp>, and the *Documents on Exhibition* section of the Council website.
- A series of community information sessions held across the Shoalhaven LGA during December 2023.

Other engagement methods deployed during the Public Exhibition Period included the distribution of pamphlets, *Get Involved* page posts and updates, direct emails to Council community and stakeholder participation lists – and the creation of an 'explainer video' summarising the CMP outcomes. As part of the public exhibition, Council also hosted a

meeting for all CMP Advisory Committee Members on the 14 December 2023 from 10:00 am to 12:00 pm. This informal meeting provided CMP Advisory Committee Members the opportunity to have a discussion about the draft CMP document with Council and an opportunity to ask questions about this document before providing feedback.

The following summarises the engagement achieved throughout the public exhibition process:

- 63 Online submissions on the draft CMP through the *Get Involved* page.
- 27 email submissions on the draft CMP.
- 55 attendees to the community information sessions.

Following the public exhibition period, the draft CMP has been updated based on the submissions received. A response to submissions (RTS) documented has also been prepared and is available as an appendix to the final CMP outlining how each submission has been considered in the finalisation of the CMP document.

Policy Implications

The CMP has been prepared in accordance with the NSW Coastal Management Framework which is governed by the CM Act. Council has prepared the CMP giving regard to the relevant legislation, environmental planning instruments and statutory guidelines applicable to the coastal zone within the CMP Study Area. Furthermore, as part of the CMP development process, DCCEEW is required to confirm that the CMP satisfies the objectives of the CM Act and the mandatory requirements for a CMP as set out in the Coastal Management Manual. DCCEEW have indicated in-principle support for the draft CMP and are currently reviewing the final CMP to confirm that it meets the objectives of the CM Act and mandatory requirements for a CMP.

The CMP has also been prepared with regard to existing Council Policies for the management of the foreshore and coastal environment including, but not limited to, Council's Tree Management Policy (Public Land) (POL21/51), Vegetation Vandalism Prevention Policy (POL22/24), and the Foreshore Reserves Policy (POL19/76).

The CMP is considered a 'living document' that is to be reviewed and updated continually throughout its lifecycle. A strategic review of the CMP should occur at least once every ten years to assess the effectiveness of the CMP in achieving its objectives and to incorporate changes in light of new information, legislative and policy changes, and improved understanding of the local coastal processes.

Following the certification of the CMP, existing Resolutions from Council Meetings relating to coastal management that have been actioned by Council will be superseded, with the CMP to become the overarching strategy for the management of the coastal zone within the Shoalhaven. As outlined above, the CMP has been developed considering Council's statutory obligations for coastal management as outlined with the CM Act, Council's existing policies relevant to the coastal environment, best practice coastal management as documented within State guidelines and literature, as well as the outcomes of extensive consultation with the community and State Government agencies over the preceding years. Subsequently, it is considered the CMP should be the primary mechanism for Council to manage the coastal zone of the Shoalhaven Open Coast and Jervis Bay region in an integrated and holistic approach.

Financial Implications

The CMP has been prepared by Council with funding assistance received from NSW DPE (now DCCEEW) through a Coast and Estuaries Planning Stream Grant. This grant funding

has provided a two-thirds contribution from the State Government for the completion of the CMP.

Following the certification of the CMP, Council will be eligible to apply for grant funding for the implementation of management actions through the DCCEE Coast and Estuaries Implementation Stream Grants. This funding has been specifically created to provide a two-to-one funding ratio for actions within a certified CMP. This grant funding program is contestable, prioritised to Council applications with certified CMPs and subject to State Government funding priorities and allocations. However, the availability of these funding opportunities provides a clear indication of the financial benefits a certified CMP provides to Council for the implementation of the management actions identified through the CMP.

Risk Implications

Consideration of Risk in the CMP process

A First Pass Risk Assessment was completed in the Stage 1 Scoping Study for the Shoalhaven CMPs. This provided a high-level assessment the various issues, vulnerabilities, and opportunities affecting the Shoalhaven Open Coast and Jervis Bay. The risk assessment was further refined in Stage 2 of the CMP and included an updated and detailed risk assessment of coastal hazards. This involved identifying and assessing risks and benefits to environmental, social, and economic values across the coastline, with the aim of informing the development of management options in Stages 3 and 4.

The risk-based framework applied in Stage 2 was consistent with those applied in Council's existing coastal hazard risk assessment, and the CMP Stage 1 Scoping Study, as well as Council's organisational Risk Management Framework. This framework is also broadly consistent with the framework applied in the NSW Marine Estate Threat and Risk Assessment (TARA), and the following national standards and guidelines:

- ISO 31000:2018 Risk management – Principles and guidelines, provides principles, framework, and a process for managing risk (International Standards Organisation, 2018).
- AS 5334:2013 Climate change adaptation for settlements and infrastructure – a risk-based approach.

The key risk and threats identified in the Stage 2 risk assessment included:

- Coastal hazard risks to land, property, assets and infrastructure – including risks posed by the coastal hazards defined in the CM Act. The Shoalhaven LGA coastline has a long history of experiencing severe coastal hazard impacts, with the greatest impacts felt by coastal erosion and coastal inundation generated by 'East Coast Lows'.
- Social, cultural, and environmental risks. These include risks to environmental values and biodiversity, social and recreational amenity (and public safety), as well as risks to both tangible and intangible cultural heritage values.

As required by the CM Act, the key risks and threats have been considered over a range of timeframes, including the present day, as well as future planning horizons 20 years, 50 years, and 100 years – in order to account for future climate changes impacts, and the impacts of population growth and future development on the coastal zone. The nature and severity of these risks varies widely across the Study Area. To adequately inform the derivation and assessment of management options, these risks were also assessed at a local level on a beach-by-beach basis.

Risk of not adopting the recommendations of this report

Additional modifications to the draft CMP, if significant, would require further public exhibition of the draft document and reporting back to the Committee and Council. Under such a scenario, additional time and budget would be required for the project team to complete this work, which would delay the implementation of high priority management actions. This project has been funded by the NSW Department of Planning and Environment Coast and Estuary Grants Program with a one-third contribution by Council. Applications for additional funding, if significant, may not be successful and is dependent on available funding allocations from the State Government and Council.