

Southern Coastal Management Program Advisory Committee

Meeting Date: Wednesday, 15 January, 2025

Location: Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra

Time: 4.00pm

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**
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5. **Declaration of Interests**
6. **Reports**
 - SC24.3 Adoption of the Lake Conjola Coastal Management Program3
7. **General Business**

Membership

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

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: Monday, 5 August 2024
Location: Jervis Bay, Level 3, City Administrative Centre, Bridge Road, Nowra
Time: 4.02pm

The following members were present:

Clr Patricia White - Chairperson
Mr Michael Brungs
Mr Dirk Treloar

Others present:

Dr Michael Roberts – Manager – Environmental Services
Mr Nigel Smith – Lead Coastal Management
Mr Daniel Wiecek (Remotely)
Mr Michael Phelan (Remotely)
Mr Matt Potter – Royal Haskoning (Remotely)
Mr Peter Hawkins (Remotely)
Mr Greg Britton – Royal Haskoning (Remotely)
Ms Carla Ganassin - Department of Primary Industries and Regional Development – Fisheries (Remotely)

Apologies / Leave of Absence

An apology was received from Allan Carle.

Confirmation of the Minutes

RESOLVED (Dirk Treloar / Michael Brungs)

That the Minutes of the Southern Coastal Management Program Advisory Committee held on Monday 15 April 2024 be confirmed.

CARRIED

Declaration of Interests

Nil

REPORTS

SC24.2 Update on the Lake Conjola Coastal Management Program

HPERM Ref:
D24/297736

Mr Nigel Smith – Lead Coastal Management provided an overview of the report and recent progress on the Lake Conjola Coastal Management Program (CMP).

Representatives Mr Matt Potter and Mr Greg Britton from Royal HaskoningDHV provided a presentation in relation to the Lake Conjola CMP and the progress to date and process going forward.

The presentation will be sent to the members via email, some of the key points made are:

- Stage 1, 2 and 3 of the CMP process are complete
- Currently in Stage 4 to prepare, exhibit, finalise, certify and adopt the CMP
- It was outlined in the Table of contents that there is an Entrance Management Policy under section 5 and a Business Plan under section 7.
- The presentation highlighted some of the 82 proposed actions in the CMP
- In the Business Plan possible funding mechanisms are highlighted
- The next step is for the draft CMP to go on Public exhibition for a minimum of 28 days.

Recommendation (Item to be determined under delegated authority)

That the Committee receive the report and presentation on the status of the Lake Conjola CMP for information.

RESOLVED (By consent)

That the Committee receive the report and presentation on the status of the Lake Conjola CMP for information.

CARRIED

There being no further business, the meeting concluded, the time being 5.33pm.

Clr Patricia White
CHAIRPERSON

SC24.3 Adoption of the Lake Conjola Coastal Management Program

HPERM Ref: D24/477320

Department: Environmental Services
Approver: Bruce Gibbs, Acting Director - City Development

Attachments:

1. Final Draft Lake Conjola Coastal Management Program – Full Document (under separate cover) [⇒](#)
2. Report - Lake Conjola Coastal Management Program - Public Exhibition Response to Submissions Document (under separate cover) [⇒](#)

Purpose:

To present to the Southern Coastal Management Program (CMP) Advisory Committee (the Committee) the Lake Conjola 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 relevant NSW Minister for certification, and then gazettal (pending certification).

Summary and Key Points for Consideration:

The Lake Conjola CMP has been developed in accordance with the legislative requirements and framework developed under the *Coastal Management Act 2016* (NSW). The development of the CMP has followed the required staged process and has involved the consideration of historical studies, completion of additional technical studies, and extensive consultation with the community and key stakeholders. The CMP comprises a program of integrated management actions responding to identified risks and opportunities that are to be implemented over a forward 10-year management timeframe under several overarching strategies. There are 30 management actions to be delivered through Stage 5 (Implementation) of the CMP.

A Business Plan has been developed that 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 \$12.2 million (2024 dollars) over 10 years, with approximately \$4 million of this funding proposed to be coming from Council.

Following the completion of the public exhibition of the CMP (25 October to 25 November 2024) (as required under legislation), the CMP has been finalised and 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 relevant NSW Minister for certification before Council can gazette the CMP and then commence Stage 5 (Implementation).

Recommendation (Item to be determined under delegated authority)

That the Committee endorse that the Lake Conjola Coastal Management Program (CMP) is provided to Council for adoption and submission to the relevant NSW Minister 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 Lake Conjola coastal zone 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 Lake Conjola 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 Climate Change, Energy, the Environment and Water (DCCEE) Coast and Estuary Grants Program with a fifty percent contribution by Council. Applications for additional funding and time, if significant, are likely not to be successful due to several variations already approved on this project and is dependent on available funding allocations from the NSW State Government and Council.

SC24.3

Background and Supplementary information

In accordance with the *Coastal Management Act 2016* (NSW) (CM Act), local councils are to prepare CMPs to meet the objectives of the CM Act. The CMP covers and apply to the coastal zone of Lake Conjola – as legally defined in the CM Act and the *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP). The Study Area for the purposes of the Lake Conjola CMP extends from the entrance of the lake westward to the tidal limit and 500 metres beyond consistent with the mapped Coastal Environment Area as prescribed by the RH SEPP.

The Lake Conjola 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 – 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 Lake Conjola and resulted in the development of the following reports:
 - *Lake Conjola CMP Stage 2: Report A – Environmental, Social & Cultural Assets and Attributes.* Provides a review of the physical and social attributes and assets within the Lake Conjola catchment, as well as noting the various pieces of legislation that afford protection to these attributes.

- *Lake Conjola CMP Stage 2: Report B – Threats and Risk Assessment.* Describes the range of, extent, and potential impact of threats posed by coastal hazards on the attributes, as well as providing initial consideration of potential mitigation options and actions
- *Lake Conjola CMP Stage 2: Report C – Entrance Processes and Entrance Management Options.* Provides a review of coastal processes and entrance dynamics, past and current entrance management practices, as well as consideration of potential options for management of the entrance into the future.
- **Stage 3 – Lake Conjola CMP Stage 3: - Identify and Evaluate Options Summary Report:** This included stakeholder engagement and options analysis 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 – Lake Conjola Coastal Management Program:** 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 Lake Conjola coastal zone. It outlines specific actions that are to be implemented over a forward 10-year management timeframe under several overarching strategies for managing the coastal zone, which include:

- Overarching Local Government Area (LGA) - Wide Management Actions
- Manage Foreshore Areas and Bank Erosion
- Improve Planning and Management Arrangements for the Lake Catchment Area
- Entrance Management Interventions
- Maintain and Improve Water Quality
- Protect and Rehabilitate Estuarine and Riparian Vegetation and Habitat
- Maintain and Improve Recreation and Amenity.

This has resulted in the development of a total of 30 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 \$12.2 million (2024 dollars) over 10 years, with approximately \$4 million of this funding proposed to be 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 and Federal Government grant programs and Council’s internal funds.

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 relevant NSW Minister for certification before Council can gazette the CMP and then commence Stage 5 (Implementation).

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 Lake Conjola coastal zone, 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 NSW State Government agencies, adjacent local councils and Non-Government Organisations. These included:

- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries
- NSW Department of Planning, Housing and Infrastructure (DPHI) – Crown Lands and Planning
- Transport for NSW (TfNSW)
- National Parks and Wildlife Service (NPWS)
- State Emergency Services (SES)
- Local Land Services (LLS)
- Jerrinja Local Aboriginal Land Council (LALC)
- Jerrinja Tribal Group

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. Following the completion of the CMP Public Exhibition Period, Council is currently seeking letters of support from the relevant NSW State Government agencies listed as supporting agencies within the CMP. These letters are required for submission of the CMP for certification by the relevant NSW Minister. 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 and to ensure that the relevant legislation under each of their jurisdictional boundaries is appropriately complied with.

Community Consultations

Stakeholder and community engagement has been implemented progressively through each stage of the CMP. The various engagements were coordinated and 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, one-on-one meetings and interactive online map-based platforms. The draft CMP document outlines the community consultation process employed throughout the lifecycle of the CMP.

To summarise the feedback received during Stages 2 and 3 of the development of the CMP a ‘closing the loop’ summary document was prepared and is available on the project *Get Involved* webpage (linked below). The intention of this summary document was to provide responses to all submissions received on the risks, vulnerabilities and opportunities identified by the community for the Lake Conjola CMP, as well as the potential management actions considered for the CMP. The document outlines how and where feedback had been considered in the development of management actions as presented in the Stage 4 draft CMP document.

The draft CMP was on public exhibition from 25 October 2024 to 25 November 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 for a total of 32 calendar days. The public exhibition process involved:

- Provision of the document electronically on the Shoalhaven City Council *Get Involved* webpage for the project: <https://getinvolved.shoalhaven.nsw.gov.au/lake-conjola-cmp> and the *Documents on Exhibition* section of the Council website.

Other engagement methods deployed during the Public Exhibition Period included *Get Involved* page posts and updates, direct emails to Council community and stakeholder participation lists, and Council attendance at the Lake Conjola Emergency Management Mini Expo hosted by the NSW Reconstruction Authority on 19 November 2024.

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

- 222 online submissions on the draft CMP through the *Get Involved* page.

Following the public exhibition period, the draft CMP has been updated based on the submissions received. A response to submissions (RTS) has also been prepared and is available as an appendix to the final CMP (Attachment 2 to this report) 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 that 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 has indicated in principle support for the draft CMP and is 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 considering 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). In addition, the CMP has been prepared giving consideration to Council’s suite of CMPs, notably the certified and gazetted Shoalhaven Open Coast and Jervis Bay CMP, to ensure consistent management of the coastal zone throughout the Shoalhaven.

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, considering 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 NSW 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 Lake Conjola in an integrated and holistic way.

A revised draft Entrance Management Policy (EMP) for Lake Conjola has been developed as part of the CMP process, consistent with management action EM1. This draft EMP has been prepared in consultation with key internal Council and NSW State Government agency stakeholders including DPIRD – Fisheries, DPHI – Crown Lands, DCCEEW, and the NPWS. Following the completion and certification of the CMP, Council will need to prepare a Review of Environmental Factors (REF) to support the implementation of the revised EMP and obtain the necessary licenses and permits to operate the EMP. Once this documentation has been prepared and endorsed, the revised EMP will become the primary policy for the management of the entrance of Lake Conjola.

Financial Implications

The CMP has been prepared by Council with funding assistance received from NSW DCCEEW through a Coast and Estuaries Grant. This grant funding has provided a fifty percent contribution from the NSW State Government for the completion of the CMP. Delivery of the CMP is estimated to cost \$12.2 million (2024) over 10 years, with approximately \$4 million of this funding to come from Council, which will be subject to inclusion in the long-term financial plan.

Following the certification of the CMP, Council will be eligible to apply for grant funding for the implementation of management actions through the DCCEEW 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 NSW 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 Lake Conjola coastal zone. 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 involved the completion of a two-step methodology including:

- **Qualitative Threat-Based Risk Assessment**
 - An **outcome**-based approach that reflects the interests of the community and agencies and enables consideration of catchment wide issues that may impact on many assets and attributes.
- **Quantitative Asset-Based Risk Assessment**
 - An **output**-based approach that reflects the interests of Council asset managers and enables consideration of factors impacting on each asset so that accurate forward planning for asset improvement / renewal / removal can be undertaken.

The threat-based risk assessment considered a wide range of threats and the hazards they present. The potential impact of these threats was evaluated for several key interconnected risk assessment themes, comprising public safety, infrastructure, environmental, and public amenity. The broad indicative control measures identified against each risk were used as the basis for further prioritisation and refinement of management actions in Stage 3 of the CMP process.

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 – to account for future climate changes impacts, and the impacts of population growth and future development on the coastal zone.

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 DCCEEW Coast and Estuary Grants Program with a fifty percent contribution by Council. Applications for additional funding, if significant, are likely to be not successful due to several variations already approved on this project and is dependent on available funding allocations from the NSW State Government and Council.