

REPORT OF THE COASTLINE MANAGEMENT, LAGOON MANAGEMENT AND COASTAL PLANNING COMMITTEE (CLP COMMITTEE) (840.11.01)

Held on Monday 6 August 2001

Meeting No CLP/01/08 commenced at 9.30 am.

ATTENDANCE

Present: Councillor Brooks (Chairman), Councillor Preece
Gary Chestnut, Val Hartwell,
Jerry Abbott Wagstaffe Pretty Beach Progress Association
Neil Kelleher DLWC
Beryl Strom Community Representative
Barbara Wills Community Representative
Ron Clifton Community Representative
Bob Cochrane Community Representative
David Holland CCCEN
Ron Leckie Avoca Beach Community Association
Neil Martin National Parks & Wildlife Service
Bert Hunter Wamberal Terrigal Beach Protection Association

Apologies: Councillor Penton
Chris Carloss
A Henderson National Parks & Wildlife Service

DECLARATION OF INTEREST

The Chairperson invited Committee members to declare any interest they might have, in accordance with Chapter 14 of the *Local Government Act 1993*, in respect to the business of this meeting.

Declarations of Interest received from Mr B Hunter regarding Wamberal Terminal Protective Structure – Item No CL.006 and G Chestnut regarding Correa Bay – Water Quality Study - Item No CL.003.

CONFIRMATION OF PREVIOUS MINUTES

The minutes of Meeting No CLP/01/07 held on the 2 July 2001 and adopted by Council on the 24 July 2001 were confirmed. (J Abbott/B Strom)

MATTERS ARISING FROM PREVIOUS MINUTES**CL.013 BRISBANE WATER – MARINE CRAFT WASTE DISPOSAL**

The committee was informed that the installation of the marine craft waste disposal facility on Gosford Wharf was programmed to commence in September 2001 and that the contract period is approximately eighteen (18) weeks.

Objections from nineteen (19) groups/individuals relating to the proposal to locate the 2nd marine craft waste disposal facility on the Araluen Drive public wharf in Hardys Bay have been received by Council. Additionally, it was noted that some of the aforementioned objections had also been forwarded to The Mayor, State & Federal Government local members and the Special Minister for State requiring thirty one (31) responses by Council. The representative from the DLWC stated that the department had received one (1) objection. The committee was informed that a letter of response had been prepared which clarified the current situation with regard to the proposal. B Strom stated that Council's response had been tabled at a Wagstaffe Progress Association meeting and had effectively diffused the alarm some members felt about the proposal.

In the main, the objectors were concerned about possible spills/smells generated by the facility. The meeting was informed that this problem was considered to be minimal and certainly not as high a risk as the current practice of water craft disposing of sewerage in Brisbane Water. It was again noted that NSW Waterways, the Brisbane Water Users Group and the Oyster Farmers Association supported the preferred location option.

A Question Without Notice from Councillor Wales asking whether the installation of facility on Killcare/Wagstaffe Wharf had been fully investigated and found to be the appropriate site was discussed. It was determined that there had been a misunderstanding regarding the location of the preferred site. In addition a verbal request from the Killcare Marina owners that the 2nd facility be placed on his marina was discussed and noted. It was noted that NSW Waterways had indicated that the use of private marinas for installation of marine craft waste disposal units had not been found to work satisfactorily in other areas.

The committee determined that the Project Manager should be requested to use an external consultant to prepare the Part 5 Assessment and that it should be placed on public exhibition due to the possible social impacts of the proposal. The committee then sought clarification as to when the public exhibition was likely to occur. As the brief had to be prepared, expressions of interest called and a consultant commissioned to undertake the Part 5 Assessment, in broad terms it was agreed that the public exhibition was likely to occur within a minimum period of two to three months.

Financial Impact Statement

There is no financial impact on Council.

THE COMMITTEE RECOMMENDS (G Preece/B Strom) that:

- A Council reaffirms its support of the second marine craft waste disposal being located on the Araluen Drive public wharf at Hardys Bay subject to further investigations into the possible extension of the wharf and the undertaking of a Part 5 Assessment pursuant to the provisions of the *NSW Environmental Planning & Assessment Act, 1979*.
- B The Works Directorate Project Manager use the services of external consultant to prepare the Part 5 Assessment and that the proposal be placed on public exhibition.

CL.047 NSW – OYSTER FARMERS ASSOCIATION

The committee recommended at 2 July 2001 that a meeting involving representatives of the Oyster Farmers Association, Councillor Brooks, Manager – Water & Sewer Operations and the Manager - Environmental Control be arranged to address any further concerns held by the Oyster Farmers Association. The Chairman was subsequently informed that a meeting had taken place between representatives of the Oyster Farmers Association and the Manager – Water & Sewer Operations which was considered by both parties to be satisfactorily addressed the relevant issues.

The Chairman informed the committee that a letter had been forwarded to the Oyster Farmers Association enclosing a copy of the Manager – Water & Sewer Operations report to the CLP committee and informing them that a further meeting could be arranged as per the CLP committee resolution on request. Copies of Council's letter and report were distributed to each of the Oyster Farmers Association members that attended the June CLP committee meeting.

To date no response had been forthcoming.

THE COMMITTEE RECOMMENDS (G Preece/B Hunter) the information be noted.

CL.003 CORREA BAY WATER QUALITY STUDY*Point 9 Review of water testing program*

The committee considered a review of water quality testing practices in relation to Correa Bay. The report concluded that the current testing undertaken by Council and other authorities which includes sampling for trace and/or heavy metals would detect the presence of any leachate from near its source. It was determined that further ground and surface water testing was not considered necessary. The committee was informed the water quality monitoring in Brisbane Water undertaken by both consultants and community groups (Streamwatch) had not found evidence of any problems.

The committee deferred a determination on the review and requested a further report be presented to committee which included the details of other sources of water quality monitoring relating to the three creeks systems entering Correa Bay.

Point 1 (iv) Request State Government fully fund an investigation into the possible dredging of Correa Bay.

The committee considered the Minister for Land & Water Conservation's response (DW 209965) dated 9 July 2001 to Council's request that the department provide one hundred per cent funding to investigate the possibly dredging and the actual dredging, if found to be appropriate, of Correa Bay. The Minister stated that the funding of the project could only be considered under its Estuary Management Program on a 1:1 basis and taking into consideration the project's priority in relation to other environmental priorities.

The committee discussed the Crown Lands' responsibility for the problems associated with the Bulls Hill Quarry. It was acknowledged that over a number of years several factors could have resulted in sediment being deposited in Correa Bay. These factors include the construction of the railway tunnel, Bulls Hill Quarry and Rudds Quarry which contrary to the Minister's comments the committee considered did make the siltation in Correa Bay dissimilar to other state wide estuaries.

Committee members stated that the Minister's response was bureaucratic and did not acknowledge any departmental responsibility for the events affecting Correa Bay. The committee was informed that under the circumstances the State Government may be able to access Environment Trust funds which are held for pollution incidents where the responsibility is not clearly defined. It was also acknowledged by the committee that the dredging option may not be the outcome of investigation. It was determined that a further letter should be forwarded to the Minister incorporating the above details.

Point 11 Release of report for public reference

The Manager – Environmental Control tabled a work in progress report relating to the handling of the parts of the study document considered to be spurious and defamatory. The 'work in progress' report contained feedback from the NSW Fisheries' legal section and a part report/comments from DLWC.

The Chairman stated that the Council resolution was to block out both defamatory and spurious information and if the blocked out areas were considered to be 'large slabs', then the report would be handed back to the former Correa Bay committee members to rewrite. It was explained that Council's legal opinion stated that it was inappropriate to delete sections of the report but Council should retain the community perspective and add the Council perspective.

The DLWC representative stated that spurious information about which the department had concerns related to lack of scientific rigour applied to conclusions contained in the study and the possible implications of these conclusions if not properly clarified. The committee supported the approach taken by the Manager – Environmental Control, pursuant to legal advice, contained in the 'work in progress' report and requested that the process be finalised as a matter of priority.

Point 7 Investigations into assertions relating to material from Homebush Bay being dumped at Woy Woy tip

The Chairman reported to the committee that following the comprehensive revaluation and further investigation undertaken by the Manager – Environmental Control and reported to the Director – Development/Environment, it was acknowledged that a person did make allegations at a public meeting in regard to material from Homebush Bay being dumped at Woy Woy landfill. In addition it was confirmed the meeting was noisy and the allegations were not heard by all attending Council staff. The person is not known personally by the Director – Development/Environment.

Information regarding the person that made the allegations was provided confidentially and that person is not prepared to become further involved. The Chairman informed the committee that with the disbanding of the Olympic Authority, whilst acknowledging that the Authority may still have legal responsibilities, together with the lack of any person(s) prepared to give evidence, Council could take no further action on the matter. The Chairman undertook to explain the situation to the former Chairman of the Correa Bay committee,

THE COMMITTEE RECOMMENDS that:

- A *Relates to Point 9.* Council's Environment Engineer prepared a combined report addressing the testing for leachate and other sources of water quality monitoring relating to the three creeks systems entering Correa Bay being part of Brisbane Water. (M Brooks/R Clifton)
- B *Relates to Point 1 (iv)* A second letter be prepared to the Minister requesting that the Department of Land & Water Conservation fully fund the investigation into whether dredging of Correa Bay is appropriate and drawing to his attention the department's historical responsibilities in the matter. Further more the Minister consider that the funding not be provided under the Estuary Management Program but possibly from Environmental Trust funding given the historical circumstances relating to the matter.(R Clifton/R Leckie)
- C *Relates to Point 11* That further to outlined legal advice the Manager – Environmental Control finalise the 'work in progress' report to deal with the sections of the draft Correa Bay study considered to be spurious and/or defamatory as a priority item.(B Strom/B Wills)
- D *Relates to Point 7* The Chairman to explain the findings and outcome of the revaluation/further investigation in to assertions relating to material from Homebush Bay being dumped at Woy Woy landfill to the former Chairman of the Correa Bay committee, Mr Derek Britten.(J Abbott/D Holland).

CL.006 WAMBERAL – TERMINAL PROTECTIVE STRUCTURE EIS

The committee noted the comments prepared by the task group distributed with the meeting agenda and requested that they be finalised and forwarded to the consultants as soon as possible.

THE COMMITTEE RECOMMENDS (B Strom/M Brooks) that the list of comments be completed and forwarded to the consultants as soon as possible.

CL.040 GOSFORD BEACHES SAND NOURISHMENT STUDY

Committee members expressed concern over the low quality of the draft study.

The committee noted the comments prepared by the task group distributed with the meeting agenda and requested that they be finalised and forwarded to the consultants as soon as possible.

THE COMMITTEE RECOMMENDS (B Strom/N Kelleher) that the list of comments be completed and forwarded to the consultants as soon as possible.

CL.020 BRISBANE WATER – LOWER ESTUARY PROCESS STUDY

The final draft brief for the Data Compilation Study for Brisbane Water Estuary was distributed for the committee's consideration. N Kelleher of DLWC informed the meeting that the study was likely to cost in the region of fifteen thousand dollars (\$15,000). The committee was requested to review the document and forward any comments to Council's Environmental Engineer no later than 5 pm, Monday 9 August 2001.

It was agreed that the quotations should be invited from a minimum of four (4) consultants including The University of NSW Water Research Laboratory who are undertaking the Brooklyn Estuary Literature Review.

THE COMMITTEE RECOMMENDS (G Preece/G Abbott) that:

- A Committee members review the final draft brief for the Data Compilation Study for Brisbane Water Estuary and forward any comments to Council's Environmental Engineer no later than 5 pm, Monday 9 August 2001.
- B Quotations be invited from a minimum of four (4) consultants, including The University of NSW Water Research Laboratory, to undertake the data compilation study.

CL.054 BROOKLYN ESTUARY MANAGEMENT COMMITTEE

It was confirmed that Council's Environmental Engineer had discussed the Brooklyn Estuary Processes Study Literature Review with D Holland, Council's representative on the committee, and forwarded comments to the committee coordinator as requested.

D Holland informed the committee that a public meeting had been organised at Mooney Mooney Workers Club on Thursday, 16 August 2001 commencing at 6.30 pm and requested that Gosford City be represented at the meeting. Councillor Preece confirmed his intention to attend.

THE COMMITTEE RECOMMENDS (D Holland/G Preece) that all interested persons and available staff attend the public meeting on the 16 August 2001.

CL.039 GOSFORD – KARRABEE FLOATING RESTAURANT

The committee was advised that Council refused the Development Application for the Karrabee Floating Restaurant on the 3 July 2001. The possibility of there being a current DLWC lease was discussed and how the department intended to arrange for the removal of the vessel now that the development approval had been refused by Council.

Subject to clarification of actions undertaken by Council's Regulatory Operations Unit following the refusal of the development application, the committee sought information from the DLWC at East Maitland to clarify the lease situation and ascertain how and when they intend to arrange for the removal of the vessel.

THE COMMITTEE RECOMMENDS (J Abbott/G Preece) that subject to clarification of action undertaken by Council's Regulatory Operations Unit that a letter be prepared to DLWC at East Maitland requesting the department clarify the following:

- A Pursuant to Council's resolution to refuse the development application for the Karrabee Floating Restaurant, the DLWC, as the responsible authority, clarify how and when it intends to arrange for the removal of the vessel.
- B DLWC advise Council of the status of any lease granted to the vessel owners by the department.

CL.057 COMMITTEE ISSUES – INTER DEPARTMENT COMMUNICATION

The committee acknowledged receipt of a draft map identifying seagrasses and their locations within Brisbane Water prepared as part of a draft study on behalf of NSW Fisheries. The final document and mapping to be available to Council when finalised.

THE COMMITTEE RECOMMENDS (B Strom/G Chestnut) that the information be noted.

CL.061 NSW – LEGISLATION FOR COASTAL PROTECTION

The letter from the Acting Director General of the Department of Urban Affairs & Planning dated 28 June 2001 detailing the NSW Government Coastal Protection Package to protect the State's beaches and headlands for future generations was discussed. It was stated that the package provided legislative weight when dealing with major high risk development. It was considered that the legislation would most likely be addressed at the annual NSW Coastal Conference to take place in Newcastle between the 13 and 16 November 2001.

The committee determined that they should await further information and then provide a further report to Council if appropriate.

THE COMMITTEE RECOMMENDS (G Preece/B Wills) that the information be noted.

CL.055 NSW FISHERIES – AQUATIC RESERVES FOR ROCKY SHORES & ESTUARIES

The committee considered the letter from the Avoca Beach Community Association Inc dated 2 July 2001 relating to proposed NSW Fisheries aquatic reserves.

It was noted that Council had made a submission and determined that a copy should be forwarded to the Association. The fact that 'no takes zones' only relate to the removal of bait etc from the rocky shelves and did not prohibit fishing was clarified.

THE COMMITTEE RECOMMENDS (B Strom/B Wills) that the information provided by the Avoca Beach Community Association Inc be noted and a copy of Council's submission to NSW Fisheries be forwarded to the association.

CL.016 STATUS REPORT

A review of the status report was undertaken by the committee. It was noted with regard to CL.056 – Koolewong – Development Application for Jetty, Lot 519, DP 729020 Brisbane Water Drive that the Development Application was to be considered by Council on the 7 August 2001.

THE COMMITTEE RECOMMENDS (N Kelleher/D Holland) that the information be noted.

GENERAL BUSINESS

CL.063 BRISBANE WATER – REQUEST TO INCREASE NUMBER OF MOORINGS

A letter from NSW Waterways dated 28 June 2001 was tabled requesting that the number of moorings within Brisbane Water be raised from fifteen hundred (1500) by one hundred and fifty (150) to sixteen hundred and fifty (1650).

Committee members raised concerns in relation to the proposed increase of the number of moorings in relation to the possible detrimental effect on seagrasses, the potential increase of pollution from oil spills/effluent etc, the infrastructure required to support the increase in moorings, the adverse affects on water skiers and the authority's long term targets.

THE COMMITTEE RECOMMENDS (M Brooks/B Strom) that a representative of NSW Waterways be invited to attend the September 2001 CLP Committee meeting to present their proposals including the location of the proposed additional moorings.

CL.025 KINCUMBER – ISSUES RELATING TO WARREN YACHTS

The Manager – Environmental Control informed the meeting that the rehabilitation works on the site had been completed and the project was now in the maintenance phase.

THE COMMITTEE RECOMMENDS (B Wills/B Strom) that the information be noted.

CL.064 KINCUMBER – REZONING OF LOTS 4–9, 11-13 & 31-33, DP 2180 KERNS ROAD

B Wills requested that the proposed rezoning of the Kincumber Quarry (Rex Norman Quarry) from part 7(c2) Conservation & Scenic Protection (Rural Small Holding) and part 7 (a) Conservation & Scenic Protection to 2 (a) Residential and appropriate open space zone be referred to the CLP Committee.

THE COMMITTEE RECOMMENDS (B Wills/R Leckie) that the proposed rezoning of the Kincumber land be referred to the CLP Committee for comment.

NEXT MEETING **Date:** Monday, 3 September 2001
 Time: 9.30 am
 Venue: Committee Room *

CLOSE OF BUSINESS

The meeting closed at 11.45 am.

**SUMMARY OF RECOMMENDATIONS****A The Information be Noted**

CL.047 NSW – OYSTER FARMERS ASSOCIATION
CL.057 COMMITTEE ISSUES – INTER DEPARTMENTAL COMMUNICATION
CL.061 NSW – LEGISLATION FOR COASTAL PROTECTION
CL.016 COMMITTEE – STATUS REPORT
CL.025 KINCUMBER – ISSUES RELATING TO WARREN YACHTS

B For the Action of the Committee

CL.003 CORREA BAY WATER QUALITY STUDY
CL.006 WAMBERAL – TERMINAL PROTECTIVE STRUCTURE EIS
CL.040 GOSFORD BEACHES SAND NOURISHMENT STUDY
CL.020 BRISBANE WATER – LOWER ESTUARY PROCESS STUDY
CL.054 BROOKLYN ESTUARY MANAGEMENT COMMITTEE
CL.039 GOSFORD – KARRABEE FLOATING RESTAURANT
CL.055 NSW FISHERIES – AQUATIC RESERVES FOR ROCKY SHORES &
 ESTUARIES
CL.063 BRISBANE WATER – REQUEST TO INCREASE THE NUMBER OF
 MOORINGS
CL.064 KINCUMBER – REZONING OF LOTS 4–9, 11-13 & 31-33, DP 2180
 KERNS ROAD

C For the Action of Council

CL.013 BRISBANE WATER – MARINE CRAFT WASTE DISPOSAL

THE COMMITTEE RECOMMENDATIONS (G Preece/B Strom)

- A Council reaffirms its support of the second marine craft waste disposal being located on the Araluen Drive public wharf at Hardys Bay subject to further investigations into the possible extension of the wharf and the undertaking of a Part 5 Assessment pursuant to the provisions of the NSW *Environmental Planning & Assessment Act, 1979*.
- B The Works Directorate Project Manager use the services of external consultant to prepare the Part 5 Assessment and that the proposal be placed on public exhibition.