

Wamberal Seawall Advisory Taskforce

Meeting Number: 2

Location : Microsoft Teams

Date : 8 September 2020

MINUTES

Attendees:

Members:	Representing
Phil Watson (PW)	Chair
Gary Murphy (GM)	Central Coast Council
Adam Crouch MP (AC)	NSW Government
Sharon Molloy (SM)	DPIE Environment Energy and Science
Jamie Murray (JM)	DPIE Crown Land
Maria Plytariasis (MP)	DPIE Planning
Paul Donaldson (PD)	Central Coast Council
Observers:	Representing
Michelle Fletcher (MF)	Minister Hancock's Office
Ed Couriel (EC)	Manly Hydraulics Laboratory
Matt Phillips (MP)	Manly Hydraulics Laboratory

Note that the minutes paraphrase and summarise the discussion.

1. Welcome and apologies: Chair

All members present.

PW opened the second meeting of the Wamberal Seawall Advisory Taskforce at 2.32pm. Welcome to two guests from Manly Hydraulics Laboratory (MHL) Matt Phillips and Ed Couriel who are updating the Taskforce on the current MHL engagement (Item 5.2).

As with Meeting No. 1, PW sought consent for the meeting to be recorded for the purposes of minute taking. All agreed.

2. Acknowledgment of Country: Chair

PW, on behalf of the Taskforce, acknowledged the traditional custodians of the land on which we work and conduct our meeting from various locations online. We recognise and pay respect to elders past, present and emerging.

3. Declaration of interests: All

Nil to report.

4. Confirmation of minutes of previous meeting (Chair)

PW thanked everyone for suggestions/edits in order to finalise the minutes so quickly. The minutes for meeting No. 1 were formally finalised, endorsed and distributed to Taskforce Members on Monday 17 August 2020. The Minister's Chief of Staff was also forwarded a copy of the finalised Minutes to accord with the requirement in the Taskforce's Terms of Reference to report monthly to the Minister.

5. Matters arising from previous meeting(s)

5.1 Council appointment of Project Manager (Gary Murphy)

GM advised it was a pleasure to introduce Paul Donaldson to the Taskforce as Council's dedicated Project Manager, outlining Paul's significant experience around coastal zone management. GM also advised that Paul had already met with the Chair to discuss contemporary issues and expectations concerning the Wamberal issue expressing every confidence in Paul to serve the Taskforce well.

PW also endorsed GM's introduction having known Paul for many years, acknowledging his technical abilities and considerable experience around the coastal zone management space. PW noted the Project Manager is a formal member of the Taskforce.

AC advised apologies for remainder of meeting.

5.2 Presentation by MHL

PD provided an introduction of MHL outlining their role to assist Council with a coastal engineering study that involves a concept design of the terminal protection structure (TPS) and also some coastal economics assessments. Ed Couriel is the Project Director for the MHL engagement and Matt Phillips is the Project Manager.

EC provided the presentation to the Taskforce on the work MHL have been engaged to undertake for Central Coast Council including an update on progress to date. The presentation (PDF attached) covered the following elements:

- Background and project team
- Project Scope
- Project Schedule
- Project Status and Progress
- Discussion

EC advised the initial deliverable (Information Review Report) will be provided in the next 2-3 weeks. The project is tracking reasonably well and is expected to wrap up before Christmas. One of the fundamental goals of the project is to have the protection structure located as far landward as possible.

Questions:

PW asked whether during the preliminary investigations MHL have identified any knowledge gaps beyond the current scope of work.

EC responded that in terms of current stage, they have sufficient information to progress to the option development and concept stage. The big unknowns are around what community wants, what are the landowners prepared to accept and how will it be funded. And the interplay of these questions with the various options. Acknowledged that as a project team, there will need to be more focus on consultation and making sure it's sufficiently well-resourced. Need to ensure the community are well informed and ready to participate, with realistic expectations.

EC advised the process might be able to save time and money by integrating detailed design and concept design phases, to avoid getting to the concept preferred option and then having to restart. EC also noted there is no actual Master Planning for the area under consideration to benefit from or draw upon.

PW noted that on the question of consultation, this has been starting to bubble away in the broader community. PW, AC and others are being contacted directly about what is happening, from both directly affected landowners and the wider community, noting both entities are keenly interested in developments around this space. PW asked EC about the scope of the community engagement elements of their consulting commission.

EC advised MHL have proposed two workshops as part of this commission which are basically presentation style sessions but doesn't currently extend to talking to each beachfront owner. Council's community engagement team are best placed to do the consultation work with MHL supporting/giving specialist advice on coastal engineering aspects.

PD noted that since the storm occurred mid project, the context has changed. PD asked whether council would be eligible to apply to DPIE's Coast and Estuary grant funding program to assist with this work. If so, would it be via the planning or implementation stream?

[Task: SM advised that DPIE's regional team can provide this advice to council and MF agreed to facilitate this contact.]

PD advised he had a high level of confidence in the capabilities of council's communication team having worked closely with them and noting the quality of their work, reiterating the task ahead is about resourcing not skills and capabilities.

PW agreed, emphasising the urgent need to do some baseline direct community engagement at the moment, as evidenced by the increasing representations around this issue. For example there is an immediate need for some baseline information such as elements of what MHL have presented to the Taskforce, concepts rather than detailed design work in order to start conditioning the community to some of the things we are turning our attention to and the trade-offs associated with certain pathways. The key intent would be not just consulting but educating the community and preparing them for how best they can get involved. There will be many considerations around elements including beach amenity, public access, sand nourishment, aesthetics and the respective plan footprint of alternative structures. Some in community may not even understand what a seawall will physically look like. It is critical to advance those discussions urgently.

GM echoed what PW outlined about the community education piece, noting it was often overlooked. People may have a fixed viewpoint or perception about what the final structure or broader project will look like.

[Task: All agreed that a baseline community consultation program needs to be urgently progressed in advance of the MHL consultation workshops.]

GM asked EC could he comment on the feasibility of an offshore structure or artificial reef as a protection strategy?

EC advised he had been involved in artificial reefs for protection and surfing purposes for 30 years and was a founding member of the original international symposium. For an area like Terrigal/Wamberal, you would have to build a very substantial reef to create a salient or tombolo behind it (almost like an island) to be effective and it would likely change the character of the bay completely. It's not that it can't be done, these things can be engineered, but they are often very expensive and is this what the community want?

PD asked about the permissibility of an offshore structure of the scale mentioned.

PW advised that any offshore structure would need to be determined on its merits under the planning system. In general, the complexity of the structure and approvals process along with greater uncertainty in performance and costs all go up as you move further from the shore into offshore waters. Such a structure might get approval, but it would not be straightforward and would generally involve more government agencies.

EC noted MHL has been commissioned to do design work for offshore structures for recreational fisheries and notes that one of the key design criteria was that these structures did not impact coastal processes. In a circumstance where you are specifically trying to change coastal processes through imposition of an offshore structure, environmental approvals would be extremely complex.

PD observed that the costs and complexity would likely render such an option unfeasible for managing the hazard threat at Wamberal.

PW advised there are better onshore options that are more cost effective with a more certain approval process. One would need to be sure that such a proposal did not focus erosion elsewhere creating unforeseen further problems. There are better alternatives than going offshore but Council are entitled to ask these questions and have them considered. The benefits would have to outweigh all onshore solutions for it to be a viable proposition.

[Task: MP to follow up on approval pathway for such a proposal.]

EC advised there was also a gap in knowledge regarding geotechnical information, flagging that more specific geotechnical details will likely be required once a preferred option and layout is known. In addition, detailed design will need to consider how the current emergency works can be recycled into the final design of the preferred solution.

PW advised EC and PD that there were emerging opportunities for sourcing sand for beach nourishment purposes at Wamberal regardless of the protection option selected. PW to provide EC and PD with details of an appropriate contact in Hunter/Central Coast Development Corporation with specific knowledge of potential sand sources from Sydney Metro tunnelling projects and a site in the Hunter River with an existing state approval to remove sand. In the past sand sourcing has been considered problematic for Wamberal in various studies. PW noted there might currently be some great opportunities to access sand for nourishment at Wamberal that haven't previously been available.

[Task: PW to provide PD and EC with relevant contact in Hunter/Central Coast Development Corporation regarding potential sand sources for nourishment at Wamberal.]

PW thanked EC and MP for the informative presentation and subsequent discussions. MHL left the meeting at 3.33pm.

5.3 Chair & Council CEO meet monthly with landowner representatives (Chair/Gary Murphy)

On Thursday afternoon 27 August 2020, GM and PW met with representatives of the Wamberal Protection Association Incorporated whose membership currently encompasses 89% of all property owners along the beachfront strip. These meetings will prove to be a very valuable vehicle through which to exchange general information and re-establish trust and cooperation between residents and Council. It was certainly a very collaborative and beneficial meeting. Key matters discussed included:

- Clarification around the extent of the emergency works phase;

- Transitioning from emergency works to the longer-term solution;
- The role of the Association in representing a united voice and point of contact for beachfront property owners moving forward;
- The role and function of the Taskforce;
- Understanding Council's level of commitment toward the longer-term protection solution;
- Necessity to develop a Project Plan with relevant timelines to condition community expectations;
- Increased community consultation.

GM acknowledged the main things we need to work on are the relationship and trust. Next meeting is scheduled on 15 September 2020 to provide an update on this Taskforce meeting and to advise of the appointment of the Project Manager. PD will join GM and PW at future meetings of the Wamberal Protection Association Incorporated.

PW advised PD of the necessity to develop a project plan detailing milestones and activities from the current post emergency and recovery phase through to implementation and finalisation of the permanent solution.

[Task: PD to develop project plan in terms of the above.]

PW advised that property owners recognise the importance of speaking with one voice rather than a collective of wide-ranging opinions.

5.4 Fortnightly community communication via local MPs office

PW advised processes are in place for Council and the Chair to facilitate the necessary communications which are processed via the Ministers Office on a fortnightly turnaround.

5.5 Council to provide update on progression of legal advice on acquiring private landholding on the beach (Item 7) (Gary Murphy)

GM advised that the challenge is that we don't yet know the footprint or layout. If we are looking at a terminal structure for protection only, the goal would be to have it as far landward as possible and it may be primarily on private land. Perhaps part of the road reserve would revert to crown or council and relevant parcels joined to the private parcels so that it's entirely on private land. If we are looking at more of a promenade on public land, there could be some justification that the easement remain in the public domain (crown or council). Council hasn't formed a particular view and would like to get advice from the Taskforce on the approach once the final plan footprint of the structure is known.

JM also supported understanding where the structure is likely to be located before we start looking at land status. JM advised she had met with council staff on 4 September 2020 to discuss matters that had been raised by operational staff about closing the road reserve on Wamberal Beach. The position of Crown Lands is that they wouldn't support a road closure at this early stage in the process without the location of the proposed structure known or confirmed. That's one issue, however the actual acquisition that PW is referring to is the freehold remnant title. Crown provided information to council about the status of the land some time ago and staff advised either they hadn't seen that or weren't sure about it so I am getting our regional team to reissue that. JM is happy to continue working with council noting the importance staff understanding that any changes to land status should be undertaken through the Taskforce. JM reiterated that until there is certainty over where the proposed structure sits, Crown Lands is not supportive of a road closure. Such

closures trigger a range of issues and that the statutory framework can be very complex undertaking.

JM advised for example, each private resident needs to have a tenure with Crown, there are Aboriginal Land Rights, and if you are talking about land outside the road reserve the Native Title Act comes into play so closures and acquisitions need to be carefully thought through and would be the option of last resort. In regard to development on Crown land, if you could avoid it, which further emphasises why you would place the proposed structure as landward as possible. In saying that for this site there is no crown land in the area where you generally assume a structure would be, the crown has land only below the mean high-water mark, which is quite different to sites such as Stockton and Collaroy.

JM advised that Crown Lands are happy to work with council on all the land ownership issues and provide all the status documentation and assist however we can. All decisions can be looked at and assessed through the Taskforce so we know exactly what we are doing before we start taking administrative action and overcomplicate issues.

PW advised the first thing we need to do in order to progress tenure issues substantively is to know exactly what the planned footprint of each concept option is and what the land implications will be. No matter what is proposed within the area that forms the structure, it would certainly be a preference to have one continuous easement covering the structure's footprint, not divided up between public and private entities. We can then manage whatever particular planning aspects pertain to that parcel on behalf of everybody because as we have seen at Collaroy Narrabeen, dealing with individual parcels has created significant problems. One of the learnings from Collaroy is that you wouldn't do it the same way again Let's benefit from the knowledge we have, noting the State are happy to work closely with council to remove any undue level of complexity.

JM advised there are a range of ways to make that happen. A key thing for council to consider is that land to the south on the beach is actually private land, the road and other parcels we can work with, but if council doesn't start the process for acquisition of this private land on the beach soon, administrative processes might delay implementation of proposed works.

PW noted that is precisely the reason why he asked council about 15 months ago via the Project Working Group to enquire about relevant legal processes associated with such an acquisition in order to understand what time frames are involved so this doesn't delay trying to aim for one continuous easement to facilitate the construction, occupation and maintenance of a structure into the future.

JM noted by way of example that for an acquisition at Collaroy, it took some 7-8 months to acquire native title rights to facilitate an easement.

[Task: PD/GM to pursue the legal advice about the process required to facilitate acquisition of the private landholding on the southern section of Wamberal Beach in the event it was required to create an easement for the plan footprint of the proposed seawall structure.]

5.6 Council to provide draft Erosion Policy to Taskforce seeking advice

PW asked if council could exchange the draft policy document with the Taskforce out of session so that members can consider and understand the document prior to bringing questions and concerns back at a future meeting. GM agreed to circulate the draft policy document to the Taskforce out of session.

[Task: PD/GM to circulate draft Coastal Erosion Policy to Taskforce members out of session.]

PW asked GM to provide an update on the status of that document. GM advised council had been looking at the Northern Beaches Policy, noting that the Taskforce had expressed considerable reservations about elements of that Policy and how it has played out. GM noted the draft Policy is still a work in progress, but happy to take advice from the Taskforce in formulating the Policy which will be an important piece of work noting council has around 7km of coastline identified as at risk with associated liabilities.

PD further advised that large stretches of council's open coast is considered medium risk based on existing hazard mapping. One of the considerations for council on any policy, is around affordability. The work so far on the policy was largely based on the work of the Northern Beaches Council and perhaps that might be a suitable starting point around which to provide advice. PD advised of the decision made at the July 2020 Wamberal Working Group Meeting for council to wait for the coastal engineering and economic assessment to be completed, before progressing any further with the policy. The draft Erosion Policy is in a preliminary draft form only at this stage.

PW noted this is a prudent course of action given the fact that what occurs at Wamberal will establish what might end up being a standard protocol throughout the LGA. Until we know what that looks like you don't want to inadvertently create a policy through good will that ends up working against you. For example, down the track if we determine a better way to do something that doesn't align with a policy that's been endorsed by council, difficulties arise. The one thing we all want is the best possible result at Wamberal.

GM advised apologies for remainder of meeting.

5.7 Meeting with Lucy Wicks to discuss possibility of Federal Government funding assistance

A meeting arranged between AC, GM, PW and Lucy Wicks (Federal Member for Robertson) for Friday 28 August 2020 was cancelled at very late notice due to unforeseen circumstances. A further email follow-up by the Chair to Lucy Wicks on Monday 31 August 2020 has gone unanswered.

6. Coastal Council review on implementation of the Gosford Open Beaches CZMP in respect of Wamberal Beach (Chair)

PW updated the Taskforce on the Coastal Council review. PW advised the Minister wrote to the Chair of the Coastal Council on 9 April 2020, seeking advice from the Coastal Council under section 25 (1)(a) (ii) of the Coastal Management Act 2016 (CMA), to review the implementation of the Gosford Beaches Coastal Zone Management Plan (CZMP) by Central Coast Council (CCC). The review is to specifically have regard to Terrigal-Wamberal Beach. The review aims to understand how the implementation of a certified CZMP is progressing, to identify any issues/opportunities and present recommendations on how to better enable implementation of CZMPs.

The review was finalized on 30 April 2020. On 1 July 2020 I was asked to brief the Minister's Office and AC on the findings of both the review and advice on addressing the apparent stalemate with progression of the protection works under the existing Project Working Group model.

On 7 July 2020, AC arranged for a meeting with GM and PW to discuss these issues and agreed to work closely and collaboratively to progress relevant matters before the current tranche of funding for actions in certified CZMPs finish at the end of 2021. In effect it was the informal beginnings of the Taskforce.

However, the findings of the report must be clearly understood as at the time they were delivered, noting the world has moved forward including the imposition of the emergency event and relevant pro-active steps relating to delivering the protection option.

As AC and GM have left the meeting, PW agreed to circulate the Executive Summary of the Coastal Council review to Taskforce members for their information. This summary will be formally tabled at the next Taskforce meeting with PW happy to also take any questions then.

[Task: PW to circulate Executive Summary of Coastal Council review to Taskforce members out of session and table the document at the next meeting.]

7. Other business (All)

Items raised by Phil Watson

Reiterated the importance of Project Manager to focus on developing a broad Project Plan with key steps leading to implementation of the wall and nourishment. Refer further discussion in minutes at item 5.3.

Reiterated the necessity to urgently advance some broad community consultation around where we are currently at, what is proposed moving forward, the role of the Taskforce, work already underway, etc. Good opportunity to do some positive media around this also. This could then be followed by a round of more specific consultation concerning the outcome of the MHL commission to avoid the first interface with the community being presented with options for walls going through properties, etc. Strongly endorsed by SM. Refer further discussion in minutes at item 5.2.

SM advised apologies for remainder of meeting.

Items raised by Paul Donaldson

Reading the minutes from the first meeting, I note that there was some discussion concerning the utility of the Project Working Group. We recognise there is some overlap with the Taskforce and if the Working Group were to progress it might add an additional administrative burden, noting the limited resources of council to service both. Does the Taskforce have a view on the future of the Working Group?

PW observed that both SM and he sat on the Project Working Group and see the group as largely redundant and potentially a distraction. PW happy to take that issue on notice given that three members have left the meeting (AC, GM and SM). PW advised he did not see any great utility in the group continuing. PD noted council had formed a similar view.

[Task: Consider the utility of the Project Working Group and provide a Taskforce recommendation as an agenda item for Meeting No.3]

8. Date for next meeting: Secretariat

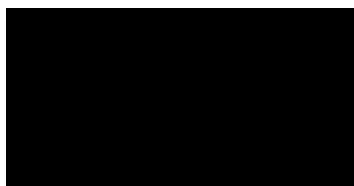
Tentative date for second Tuesday in October – Tuesday 13th October (suggested start: 2.00pm).

Meeting ended at 420pm.

TASK LOG

Meeting	Action No.	Action	Status
1	1A	Council to appoint Project Manager	DONE
1	1B	MHL to present at next Taskforce meeting on their engagement and progress to date	DONE
1	1C	Council's Project Manager to develop a project plan including governance and community engagement plan	Underway
1	1D	PW and GM to meet monthly (or on as needs basis) with affected landowners' representatives	Ongoing
1	1E	Confirm with Minister Hancock communication to be issued to community on a fortnightly basis via Adam Crouch's office.	DONE
1	1F	Council to provide update of progression of legal advice pertaining to managing/acquiring private landholdings on the beach.	DONE
1	1G	Council to update Taskforce on draft Erosion Policy	DONE
1	1H	GM, AC and PW to request meeting with Federal Member for Robertson, Lucy Wicks MP to discuss possibility of federal funding.	DONE
2	2A	SM and MF to facilitate discussion between DPIE's regional team and council about funding assistance for increasing community facilitation.	Underway
2	2B	PD and council's community engagement team to work with GM and PW on urgently developing a baseline community consultation program in advance of the MHL consultation workshop.	Underway
2	2C	MP to follow up on approval pathway for an offshore breakwater/submerged reef type proposal	Underway
2	2D	PW to provide PD and EC with relevant contact in Hunter/Central Coast Development Corporation regarding potential sand sources for nourishment at Wamberal.	Underway
2	2E	PD/GM to pursue the legal advice about the process required to facilitate acquisition of the private landholding on the southern section of Wamberal Beach in the event it was required to create an easement for the plan footprint of the proposed seawall structure.	Underway
2	2F	PD/GM to circulate draft Coastal Erosion Policy to Taskforce members out of session.	Underway
2	2G	PW to circulate Executive Summary of Coastal Council review to Taskforce members out of session and table the document at the next meeting.	Underway
2	2H	Consider the utility of the Project Working Group and provide a Taskforce recommendation as an agenda item for Meeting No.3	Underway

Minutes finalised and endorsed 21 September 2020.



Dr Phil Watson

Chair

Wamberal Seawall Advisory Taskforce