

ITEM-30 CCL 23/06/20 - ENDORSEMENT OF THE DRAFT STOCKTON COASTAL MANAGEMENT PROGRAM

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MANAGER ASSETS AND PROJECTS

PURPOSE

To adopt the Final Draft Stockton Coastal Management Program (Stockton CMP) and endorse for submission to the Minister for Local Government.

RECOMMENDATION

That Council:

- 1 Adopt the Final Draft Stockton Coastal Management Program as shown at **Attachment A**, and endorse its submission to the Minister for Local Government by 30 June 2020 as required under the *Coastal Management Act 2016* (CM Act) and *Local Government Act 1993* (Act).

KEY ISSUES

- 2 All Coastal Councils are required under the CM Act to have a Coastal Management Program (CMP) to outline the long-term strategy for managing the coastal zone, by 31 December 2021.
- 3 The Stockton CMP has been prepared in accordance with the requirements under Division 2 of the CM Act, the provisions of the State Environment Planning Policy (Coastal Management) (CM SEPP), and the NSW Coastal Management Manual Part A (OEH, 2018).
- 4 City of Newcastle (CN) had commenced the preparation of a CMP for the Newcastle Local Government Area and had completed the Newcastle Coastal Management Program Scoping Study 2019 (Scoping Study) as shown at **Attachment B**, which outlined the coastal zone area, the actions, and its proposed delivery by 30 December 2020.
- 5 On 17 February 2020, following successive severe erosion events at Stockton, CN received a direction from the Minister for Local Government under Section 13 of the CM Act, to submit the Stockton CMP by 30 June 2020 (**Attachment C**).
- 6 In order to meet the Minister's direction, CN prepared the Stockton CMP and completed a public exhibition process on 10 June 2020. The Stockton CMP has been updated for Council consideration to address issues raised by the community as well as agency submissions.

- 7 The public exhibition outcomes were overwhelmingly positive (75%) towards the strategic approach CN has taken to long term management of the Stockton coastline through mass sand nourishment and required works to address immediate risks.
- 8 On 4 June 2020 the NSW Deputy Premier announced the membership and intent of the Deputy Premier Stockton Erosion Taskforce (Taskforce). The Taskforce is working to provide a long-term solution for Stockton including investigating all source options for sand nourishment, and mechanisms to overcome inter-governmental department issues surrounding approvals and confirmation of funding options. Under the *Offshore Minerals Act 1999*, sand extraction is not permissible in NSW coastal waters without being authorised by a mining license. An applicant cannot apply for a mining license without the Deputy Premier inviting applications. In addition, the *Offshore Minerals Act 1999* requires that royalties be paid to the state for offshore sand extraction.

FINANCIAL IMPACT

- 9 Certification of the Stockton CMP will enable CN to seek funding for the coastal management actions under the State Government's competitive Coastal and Estuary Grants Program, as a 1:2 funding formulae, administered by the Department of Primary Industry and Environment.
- 10 The coastal management actions will be delivered over multiple financial years. Certification of the Stockton CMP will allow the implementation of adopted actions, commencing in the 2020/2021 financial year. Initial actions are included in the draft 2020/2021 Our Budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The Stockton CMP aligns with the following Newcastle 2030 Community Strategic Plan directions:

Protected Environment

2.2a Provide and advocate for protection and rehabilitation of natural areas.

2.3a Ensure decisions and policy response to climate change remains current and reflects community needs.

Vibrant, Safe and Active Public Places

3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.

Liveable Built Environment

5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 Coastal management actions that require funding are identified in CN's Delivery Program and Operational Plans, allowing CN to undertake the actions as funding / resources allow.
- 13 Certification of the Stockton CMP will enable CN to seek funding for the coastal management actions through a range of competitive grant programs.

RISK ASSESSMENT AND MITIGATION

- 14 The successful completion of the Draft Stockton CMP public exhibition is a legislative requirement, that is incorporated in the Stockton CMP. Positive feedback on the extent and quality of the public exhibition materials and processes was received by CN from both the Stockton and broader community and agency sources.
- 15 Based on the comprehensive current and historical technical data analysis, hazard assessment investigations highlight the immediate and future risks posed for the Stockton CMP area as a result of shoreline recession, storm erosion and projected climate change. The results indicate a very high to extreme risk range for the Stockton coastal zone, noting that immediate action is required. The management actions outlined in the Stockton CMP aim to minimise risk.
- 16 Hazard lines and associated risk assessment investigations conducted in 2020 as part of the Stockton CMP development will inform an update of the 2014 notation of private property 149 certification.

RELATED PREVIOUS DECISIONS

- 17 On 24 July 2018, Council unanimously adopted the Newcastle Coastal Zone Management Plan 2018 (NCZMP), which outlined an action for the development of a CMP for the Newcastle coastal zone.
- 18 On 25 June 2019, Council supported the Lord Mayoral Minute Offshore Sand Extraction for Beach Nourishment at Stockton Beach. Council resolved to write to the Minister for Local Government, the Deputy Premier, and Minister for Regional NSW, Industry and Trade; the Minister for Planning and Public Spaces; and the Minister for Agriculture, seeking the NSW Government's policy position regarding offshore sand extraction for the purposes of beach replenishment and nourishment.
- 19 On 24 September 2019, Council noted the ongoing coastal erosion at Stockton Beach, and resolved to invite the NSW Premier, Deputy Premier, Minister for Local Government and Minister for Energy and Environment to inspect the impact of coastal erosion on Stockton. Council also resolved to advocate to the Commonwealth Government to intervene and provide support to address coastal erosion.

- 20 On 25 February 2020, following the Natural Disaster declaration and significant erosion, Council reiterated the need for the NSW Government to consider legislative or regulatory change to allow access to offshore marine sediment for beach nourishment at Stockton.
- 21 On 12 May 2020, Council endorsed the public exhibition of the Draft Stockton CMP for a period of 28 days from 13 May to 10 June 2020.

CONSULTATION

- 22 Extensive consultation has been undertaken with the Stockton community, various agencies and other stakeholders. The Stockton Community Liaison Group (CLG) has been pivotal in enabling the views of the community to be incorporated in the process since its formation in February 2018.
- 23 The public exhibition resulted in 73% of overall submissions and 75% of Stockton residents supporting the Draft Stockton CMP proposal to use mass offshore sand nourishment for the amenity and protection of Stockton Beach, and the need for immediate protection structures to address risk.
- 24 A high percentage of submissions acknowledged the constricted timeframes imposed on CN by the Ministerial direction. The extent and integrity of technical investigations that informed the Draft Stockton CMP was acknowledged as a comprehensive body of work that will continue to inform the Newcastle CMP.
- 25 The working partnership with the Department Planning Industry and Environment has assisted to ensure that the legislative requirements of the CM Act and Part A of the Coastal Management Manual are met to enable certification. A summary of how the Stockton CMP meets these requirements is shown at **Attachment D**.
- 26 A summary of community consultation and a report on the outcome of the extensive community engagement undertaken during the COVID19 pandemic is shown at **Attachment E**.

BACKGROUND

- 27 The CM Act commenced on 3 April 2018. Under the CM Act, transition arrangements allowed councils to have Coastal Zone Management Plans certified under the Coastal Protection Act 1979. The NCZMP was certified by the Minister for the Environment on 24 August 2018, however, under the provisions of the CM Act the NCZMP will cease as a certified plan on 31 December 2021.
- 28 The NCZMP outlined the short (one to two years) to medium term (one to five years) management actions for the open coastline of the Newcastle LGA, from Glenrock Lagoon in the south to the Local Government boundary on Stockton Bight in the north, and included an action for CN to complete a CMP for the LGA's coastal zone.

- 29 The Stockton coastal zone has been the subject of several studies to assess coastal processes, and the objectives of the Stockton CMP are supported by the most recent studies and investigations which include:
- i) The Newcastle Coastal Zone Hazards Study (BMT WBM, 2014(a)),
 - ii) Newcastle Coastal Zone Management Study (BMT WBM, 2014(b)),
 - iii) Stage 2 CMP Sediment Transport Study and Probabilistic Hazard Assessment (Bluecoast, 2020), as at **Attachment F**; and
 - iv) Cost Benefit Analysis for Stockton Beach CMP (Bluecoast & Rhelm, 2020) as at **Attachment G**.
 - v) Options Evaluation (Royal Haskoning DHV, 2020) as at **Attachment H**.
 - vi) Potential Nourishment Sources (Royal Haskoning DHV, 2020) as at **Attachment I**.
- 30 Due to the shortened timeframe imposed under the Minister's Direction, the Stockton CMP is focused on the area of Stockton Beach from the northern breakwater of the Hunter River in the south, to Meredith Street in the north.
- 31 The northern section of Stockton Beach to the LGA boundary and the remaining area of the LGA coastal zone as identified in the Scoping Study will be delivered in a combined Newcastle CMP in 2021. It is anticipated that the actions identified within the Stockton CMP will be subsumed into the Newcastle CMP.
- 32 The Stockton CMP now reflects an adaptive management approach to the Stockton CMP area. Management actions are defined by comprehensive knowledge and analysis to reflect what is feasible, viable and acceptable for CN and the community. The overarching strategy of the Stockton CMP is aimed to establish a pathway for the delivery of mass sand nourishment to the Stockton area, designed to both return amenity to the Stockton coastal zone, whilst also establishing a sand protection buffer between the ocean and public assets. The approval, funding and sand source of such mass nourishment is the remit of the Taskforce.
- 33 The development and delivery of mass sand nourishment is preceded by the response to the risk assessment for the area that requires planning and delivering on the urgent protection of critical public assets in the short-term.
- 34 The establishment of the Taskforce is a key initiative in securing the cohort of government agencies and coastal experts that is required to cover the investigation, approvals and delivery of the required marine-based mass sand nourishment for Stockton. The role of the Taskforce complements the scope of the actions within the Stockton CMP and is critical in delivering a long-term viable mass nourishment solution for Stockton Beach.

OPTIONS

Option 1

35 The recommendation as at Paragraph 1. This is the recommended option.

Option 2

36 Council resolves not to adopt the Final Draft Stockton Coastal Management Program. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 30 Attachment A:** Final Draft Stockton Coastal Management Program.
- Item 30 Attachment B:** Newcastle Coastal Management Program Scoping Study -Stockton CMP Supporting Document B.
- Item 30 Attachment C:** Correspondence - Minister's Direction 17 February 2020 - Stockton CMP Supporting Document A.
- Item 30 Attachment D:** Summary of Coastal Management Program Mandatory Requirements and Objectives of the Coastal Management Act, Coastal Management SEPP and Coastal Management Manual - Stockton CMP- (Royal HaskoningDHV, 2020)- Supporting Document H.
- Item 30 Attachment E:** Public Exhibition Outcomes Report – Stockton CMP Supporting Document G.
- Item 30 Attachment F:** Stage 2 Coastal Management Program Sediment Transport Study and Probabilistic Hazard Assessment (Bluecoast, 2020) - Stockton CMP Supporting Document C.
- Item 30 Attachment G:** Cost Benefit Analysis for Stockton Beach, Coastal Management Program (Bluecoast & Rhelm 2020) - Stockton CMP Supporting Document F.
- Item 30 Attachment H:** Options Evaluation (Royal HaskoningDHV, 2020) - Stockton CMP Supporting Document D.
- Item 30 Attachment I:** Potential Nourishment Sources (Royal HaskoningDHV, 2020) - Stockton CMP Supporting Document E.

Item 30 Attachments A to I distributed under separate cover