



Lake Illawarra
ESTUARY MANAGEMENT
COMMITTEE

DRAFT MINUTES

MEETING HELD
5:30PM WEDNESDAY 19
AUGUST 2020

MEMBERS PRESENT

Cr Ann Martin (Chair)	Danny Wiecek (DPIE – Environment)
Mayor Marianne Saliba (SCC)	Deon Voyer (Transport for NSW)
Cr Cath Blakey (WCC)	Graham Towers (DPIE – Planning)
Cr Dom Figliomeni (WCC)	John Davey (Community Representative)
Andrew Monk (Transport for NSW)	Cr John Murray (SCC)
Annie Marlow (Community Representative)	Dr Kerrylee Rogers (Scientific Advisor UOW)
Brian Jones (Scientific Advisor UOW)	Nathan Harrison (Sydney Water)
Carla Ganassin (NSW Fisheries)	Cr Peter Moran (SCC)
Colin Wilton (Community Representative)	Wayne Cooke (Community Representative)

IN ATTENDANCE

Andrew Heaven (WCC)	Jessica Faustini (WCC)
Andrew Lee (SCC)	Martine Fraser (WCC)
Andrew Sunny (WCC)	Renee Winsor (WCC)
Chris Stewart (WCC)	Sasho Srbinovski (WCC)
Claire Knight (WCC)	Wayde (SCC)
David Fitzgibbon (WCC)	
Grant Meredith (SCC)	

ITEM 1 - WELCOME

The Chair opened the meeting, welcomed committee members and thanked them for their attendance.

ITEM 2 - APOLOGIES

Apologies were received and accepted on behalf of Aunty Shaz.

MOVED: Cr Figliomeni

SECONDED: Peter Moran

ITEM 3 - ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional owners of the Land.

ITEM 4 - DECLARATIONS OF INTEREST

No Declarations of Interests were declared.

ITEM 5 - CONFIRMATION OF MINUTES OF MEETING HELD ON 13 MAY 2020 AND BUSINESS ARISING

Recommendation: The minutes of the previous Lake Illawarra Estuary Management Committee meeting held on 13 May 2020 be endorsed.

MOVED: Cr Figliomeni

SECONDED: Colin Wilton

ALL IN FAVOUR

Business Arising: No business arising.

ITEM 6 - CORRESPONDENCE IN AND OUT

Items received: Letter from Brendon Roberts, A/Director, Regional Assessment in response to a submission by LIEMC to Tallawarra Lands Modification. There is no determination yet, however it is following normal process.

Cr Martin is awaiting a response from the PR Manager for Tallawarra regarding resident concerns about maintenance issues, to enable LIEMC members to provide timely responses to residents who are under the impression that these foreshore areas are Councils responsibility. Cr Martin also suggested a Tallawarra representative be invited to a LIEMC meeting.

Items sent: Nil

Correspondence in and out is acknowledged by the LIEMC.

ITEM 7 - REZONING APPLICATIONS – LAKE CATCHMENT AND FORESHORE

Chris Stewart (WCC) referred to the attachments and highlighted the following:

- 340 West Dapto Road report, put to Council in July 2020, sought to revise the planning proposal and return to the DPIE seeking revise gateway determination. Changes relate to the extent of the B2 local centre zone and a refresh of the minimum lot size for medium density zone. Awaiting gateway determination prior to re-exhibition.
- Cleveland Road significant rezoning proposals for southern and northern sides of the road. Proponents are revising their proposal before we assess any further.
- There are 5 Neighbourhood Plans under assessment. No major milestone to report.
- Development Applications – refer to report.

Jessica sent LIEMC an email about the new format for the planning report. Annie Marlow has returned some comments and will add to them via email to Jessica Faustini.

Annie Marlow also enquired what LIEMC's responsibility was in regard to potential impact on health of the lake from sediment, development or faulty stormwater (ie how is Council dealing with legacy problems from previous developments to ensure they are not repeated, particularly in regard to Actions recommended in CMP). Upcoming presentation at ITEM 11 - Risk-Based Stormwater Management Framework to shed more light.

Cr Martin requested these issues be itemised on next LIEMC meeting's agenda as it refers to implementation. Members to think about what kind of roles would be appropriate for LIEMC.

Jessica will also soon be asking members to do a review to assess LIEMC progress, successes and improvements in preparation of going forward into implementation stage.

Graham clarified that the Productivity Commission has made various recommendations, some of which related to the Minister's Delegation being provided to different parties to determine sensitive developments. In this case it was delegated from the Independent Planning Commission back to the DPIE to determine. This project wasn't selected for various processes that can accelerate planning projects but instead fell under a general change to delegations.

Grant Meredith (SCC) spoke to the report at Attachment 3 stating at SCC meeting on 9 June Council resolved to prepare Planning Proposal for land at southern end of Tullimbar. Documentation is being sent to DPIE for a gateway determination. The proposal affects ~75 Ha and rezones existing Rural 1(a) and Residential 2(e) land to a mix of R2 Low Density, R5 Large Lot Residential and E3 Environmental Management Land.

Cr Martin enquired if LIEMC can comment on planning proposals. Chris Stewart confirmed these reports the councils prepare for the committee just to note; however, the CMP strategic policy can influence how proposals are assessed (eg RBMF results in certain changes to DCPs, provisions and engineering standards). LIEMC should be assured that appropriate levels of standard and policy are being applied to development and the application comes back to the councils.

Cr Martin concurred, reflecting as Council has endorsed West Dapto Strategy and Estuary Management plans, it forms a strong policy framework for future decisions in a whole range or areas and not just planning proposals.

Mayor Saliba agreed plans have been through scrutiny and thus are information just for LIEMC to note.

ITEM 8 - MAJOR CAPITAL WORKS – COUNCIL BASED - UPDATE

WCC Update

Entrance Study History

- July 2018 Water Research Lab was engaged by WCC for the main study which included the sediment tracer study.
- August 2019 additional modelling undertaken on the rock protection works around Windang Bridge.
- Following that WCC opted to continue works without the tracer study which resulted in a need to rescope the project. A Lake Illawarra technical working group met with key consultants Manly Hydraulics Lab and Water Research Lab about pursuing a revised scope.

Currently

- July 2020 WCC received the revised scope which is seeing further discussions between SCC, DPIE and Transport NSW about how that progresses.
- Project is partially budgeted for but there are provisional items to be discussed between the two councils, who are also pursuing grant opportunities.
- The scoping study is the next step to arriving at a solution.

- Scoping study is planned to take six months with options for further consideration next calendar year and timeframe is dependent upon those considerations.

Andrew Heaven will send a link to an interactive map on WCC website that shows all planned works in WCC's Infrastructure Delivery Program, anywhere in Wollongong LGA, including stormwater projects.

WCC is also investigating all assets inherited from the disbandment LIA to determine ownership between councils and Crown Lands so we can move forward with planning maintenance.

Cr Martin – Jetties are on the agenda because there's a lot of community enquiries received regarding them and community reps need to be able to give feedback to residents.

SCC Update

Attachment 4 from SCC shows which jetties have been accepted by SCC and have been included in asset management plans.

Attachment 5 shows capital works which surround the lake, including which actions they address in the CMP. Wayde will take it as read.

ITEM 9 - UPDATE – WATER QUALITY REPORT CARD

The aim of the report card is to present results of the annual water quality summary report in an easy way for the community to understand which can be also be relayed every year.

It shows water quality results from the Beachwatch program, which tests for primary and secondary contact from three sites and estuary health indicators (Chl-a and turbidity) from 11 sites around the Lake.

The Recreational Water Quality grade indicates the percentage of test occasions that meet the primary and secondary recreational water quality guidelines.

Estuary health grades range from Very Poor to Very Good are based on a combination of Chl-a and turbidity data and the grading is based on NSW sampling, data analysis and reporting protocols.

Nutrient parameters are not estuary health indicators but help us interpret the Chl-a and turbidity data. Estuary health indicators reflect the Lake's ecosystem response to pressures such as nutrient overloading.

10 years of data allows us to do a trend analysis to see where estuary health is improving or declining (eg Site 5 Chl-a and turbidity is Good and the trend is improving and 90% of the time it's met Recreational Water Quality guidelines). This is a long-term trend indication and differing results can be understood in conjunction with looking at the Average Rainfall.

The flipside of the card shows the programs in place around the lake and how the community can get involved in caring for the lake.

Well done to Martine and Claire for their work.

Jessica will send the card to LIEMC for their comments to be submitted via email however immediate feedback is that:

It should be an image on the website, rather than a download.

It should also be downloadable as an A3 poster for display in Neighbourhood Centres, yacht and sailing clubs and various entities around the Lake (eg fishing tackle shops, etc) as a familiar guide for people to seek.

Add to the Getting Involved section 'Respect bag limits' and 'For further information, contact Fisheries on...' with reference to cockle harvesting and fishing.

Carla – an announcement on a reduction of cockle harvesting bag limits is coming soon.

ITEM 10 - UPDATE – WINDANG BRIDGE

Work to replace rock at Windang Bridge is complete and currently stable. Now at stage of assessing impact and investigating long term affects on scour and discerning long-term actions.

Transport NSW are part of the inter-agency committee looking at the entrance. A report will come out of a meeting held today.

ITEM 11 - UPDATE – RISK BASED STORMWATER MANAGEMENT FRAMEWORK (RBMF)

Sasho Srbinovski, WCC Stormwater Development Engineer presented on RBMF.

Project led by DPIE with WCC and SCC as project partners.

The pilot study, led by DPIE began in March 2019 and is directly related to Action WQ1 in the CMP (ie implement a risk-based stormwater management framework for the Lake Illawarra Catchment) and also falls under improving water quality which was identified as one of the nine management strategies to mitigate threats and challenges identified for the Lake such as considering waterway health outcomes in strategic land use planning decisions.

The RBMF by DPIE is a protocol that decision makers such as Councils and planners, etc can use to help manage the impact of land use activities on the health of waterways in NSW. It's directly related to two actions in the Illawarra Shoalhaven Regional Plan for managing water quality and waterway health outcomes in Lake Illawarra.

Project Objectives

1. Identify stormwater flow targets for different stream types in the catchment to protect stream bed and bank erosion.
2. Assess feasibility of achieving those stormwater flow, water quality targets by investigating site constraints, stormwater treatment options, capital and operational costs of stormwater infrastructure and benefits to the Lake Illawarra community.
3. Develop a stormwater management staging strategy for efficient and effective delivery of infrastructure in the context of the fragmented development and stage release of development sites (eg West Dapto).
4. Identify and recommend any opportunities, procedures or actions to support Council's delivery and maintenance of stormwater infrastructure.

Project Staging

1. Gather data and review, field investigations to identify a site for the pilot study
2. Review long and short-term stormwater management measures to come up a treatment train/s
3. Evaluate stormwater measures, build models, look at flow-management targets and do economic appraisal.

4. Develop planning design guideline for managing stormwater within the release areas relating to the catchment
5. Provide that reporting inclusive of a workshop and final handover.

Currently the project is at 4 and 5. Completion estimated for late October 2020.

Cr Martin – are we looking at best practice?

Sasho – Yes – Water Quality targets are within the DCPs. The aim is to provide high water quality targets and test them within the pilot study site to see what outcomes can be achieved in terms of improving water quality and cost efficiency.

Carla – will there be opportunities for state agencies and community members to comment on the draft of this report. WQ1 is a key action and something Fisheries pushed for and supported and one of the main reasons they signed off on the CMP so agency input would be good.

Sasho – not a public document. Within project partners and leader (DPIE).

Cr Martin – does LIEMC get to comment? It's important as LIEMC are water quality police on behalf of community, given the recreational fishing in and around the Lake and the Water Quality Report card.

Sasho – not a present – but will ask the project leader DPIE and get back to LIEMC.

David Fitzgibbon – If recommendations result in changes to DCPs, the DCPs changes are subject to the usual process of draft exhibition. Implementing recommendations would certainly be something the Council has control of in terms of providing opportunity through public exhibition for public comment.

Cr Blakey – Does this cover stormwater in Wongawilli mine as well?

Sasho – no only new development.

Cr Blakey – Is there opportunity as standards improve, to request increased standards by existing operations, eg – mine.

Graham Towers – generally only the standards in place at time of development are required, however if there is expansion, the new standards apply. BASIX has new requirements for energy efficiency, but they're not retrofitted over existing infrastructure, it only applies to new infrastructure.

Cr Martin – compliance still stands.

Graham – if there was significant risk to life, they would need to be addressed (eg dam barriers). EPA can then get involved.

Annie – Mines are outside the jurisdiction of local government, but they still need to comply to their EPA license. Surely if there was enough grade of the way run off is handled in the catchment going into Lake Illawarra – then Councils would have some influence on the EPA to upgrade the licence for those businesses in the catchment?

Grant – from a regulatory perspective, there are options such as POEO Act, sediment control with or without a DA in place. But when you delve into where there was licence under EPA, it would be under the EPAs control.

Cr Martin – companies get fined when in breach of their license.

Annie – The EPA licenses for the mines are not consistent and, in this case, if there is an upgrade, then maybe the EPA license should be upgraded as well. I am now on the Community Consultative committee for Wongawilli.

Cr Martin & Figliomeni – this is outside LIEMC's brief. Email Jessica and she will find you a contact.

Cr Ann Martin – please log questions in the chat box and we'll address them later.

ITEM 12 – PRESENTATION - MANGROVES

Danny Wiecek gave a presentation on the mangrove population in the Lake and how that is changing and how that relates to the work they've done with the CMP.

Background – since Lake was opened in 2007 mangroves have increased significantly in the Lake, prior to that there were only a few in the entrance channel. Now there are a large extent in the entrance back channel and Duck Creek and where represented by red dots in the presentation. There is concern about this increase on other estuarine vegetation communities such as saltmarsh. The increase is largely driven by the constant tidal variation.

Site A - In 2008 there were large areas of salt marsh and only a few mangroves. By 2017 most of that salt marsh is replaced by mudflats and extensive mangroves.

Site B - In 2010 the mangroves started to increase. By 2018 most of the salt marsh is gone.

In the early stages of the CMP they looked at where key estuarine vegetation such as saltmarsh is and examined what established, potentially parent mangroves were doing in those areas. An action out of the CMP was to prepare a implement an estuarine macrophyte mapping and monitoring program to look at saltmarsh and mangrove areas to see if mangroves are having an impact on these saltmarsh areas – for a period of two years and if they are, work with key stakeholders to look at what strategies may be required or whether a mangrove management plan is necessary.

Fisheries have been watching the change. Koona Bay shows mangroves have spread up to 200 metres in distance from their parent tree. However, in the broad expanse of the saltmarsh area the mangroves do not appear to be having much effect on the saltmarsh.

Between 2012 and 2018 in Koona Bay the saltmarsh distribution and cover hasn't changed much. Species may have changed from time to time, but mangroves have not impacted the saltmarsh.

Haywards Bay mangroves have spread from parent trees around the Lake up to around 150m from the parent tree. Whilst saltmarsh has decreased, mangroves have not spread into their area.

Cr Figliomeni – is there more silt around the trees?

Danny – Mangroves encourage sedimentation around their tree and pneumatophores.

John Davey – mangroves were planted near the Police boys for the purpose of bank stability BECAUSE they attract sediment.

Carla – tidal amplitude is more varied now (high tides are higher and low tides are lower). Salt marsh tends to grow at the very high range of the tidal range. So, if it's getting more flooded than it used to be it turns into mudflat and while you can see mangrove growing in an area and think it's attracting sediment, it's also growing in an area that wasn't exposed before.

Danny – the entrance channel has a much bigger tidal range now compared to in the lake basin.

Summary

- Mangroves around the lake are increasing
- Seeding is occurring up to 200 metres away on foreshores around the large established mangroves, close to and within priority saltmarsh areas. In some cases, it's within the saltmarsh, but other cases it's seaward of the saltmarsh.
- We're not seeing mangroves establishing within the biggest patches of saltmarsh, more right on the edge or seaward of the saltmarsh.
- Whilst some isolated loss of saltmarsh would be possible under newly established mangroves as they're bigger, we're not seeing it happen yet and we can't see the mangroves are having any significant impact on saltmarsh areas as only isolated mangroves and seedlings that are coming up in close proximity or on the foreshore of the large saltmarsh areas.
- Recommend just to continue to monitor. Mangroves only seed once a year.

John Davey – how are the mangroves impacting shorebirds who like open areas.

Danny – the increase in mangroves in mudflats or sandy areas could potentially have an impact on shorebirds in time. We haven't done a lot of work on it yet but it's something we should start looking into.

Cr Blakey - Are there areas where seagrass is establishing more? Does the Tallawarra Power station have any impact due to thermal discharge?

Danny – Mapping done by Fisheries in 2004 and again in 2019 show some areas of gain but a greater proportion of loss. EPA is required to monitor thermal discharge from the Power station, but nothing significant found. Seagrass is growing where the discharge comes out.

Islands inhabited by birds that were lost during creation of the entrance were rebuilt as part of the mitigation plan, however they have disappeared over time as scouring has resulted in insufficient sand, so funds were funnelled into shorebird rehabilitation and other strategies around the lake.

Question – how long does this mangrove study take?

Danny – we encourage participation with students at UOW, however it only needs a day a year to continue the study.

Car Blakey – as these impacts weren't predicted, is this information being shared with other areas that are considering opening the entrances to their estuaries?

Danny – definitely. A lot of time is spent publicising the work and lessons learnt just so people are aware of the full range of impacts that do occur.

Mayor Saliba – if mangroves could be a danger to saltmarsh areas – why aren't we removing them instead of letting them establish into a larger problem.

Carla – Fisheries Policy Presentation

Mangroves are part of an estuarine system (eg stabilising foreshores, sediments in the waterway).

They're protected under the Fisheries Management Act along with seagrasses and saltmarsh, so permits are required for harming or removing. The issuing of permits is guided by Fisheries policy and guideline for fish habitat conservation and management.

Policies relating to harm to mangroves – when encroaching into saltmarsh, for the trimming and removal of mangroves adjacent to private and public waterfront facilities (boat ramps, paths, roads, etc). Maintenance works for electricity supply, storm water outlets. Restoration of natural estuarine habitats that support rehabilitation of wader bird habitats or other threatened species. Permits not issued for aesthetic purposes. Estuarine systems change (eg mangroves now grow in Sydney Harbour).

Mayor Saliba – what about them impeding access to the lake for tourism?

Carla – only for regular access points (eg ramps and paths).

CMP AMENDMENTS DISCUSSION

Danny - Council has received feedback that there were a couple of changes and additions to the plan required before it could be certified but one problematic or frustrating change that's been picked up from the assessment of the CMP mandatory requirements is to action EC1 which is do the entrance study and implement the options.

Delegates who completed the assessment requested that that action be changed to complete the option study and once that has been completed and the preferred options are known we will look at modifying that action in the CMP and then submitting to be recertified.

It just means taking out what we have guesstimated until we do the options study and we know the exact outcomes and costs. DPIE recommends that if Council could make those slight text changes, resubmit a new version, it would then be certified quickly from here.

95-98% of the plan is considered to have met all the requirements that we assess against. There's just a couple of little things that require changing and certainly realise that the most frustrating one is to action EC1, but again it doesn't really change what we're going to do, it just means that once we've got the outcomes from that option study we would then have to go through a process of modifying that action to put the implementation stage back in and unfortunately that would require recertification but it would be a far quicker process because we're not changing anything else.

Cr Martin - Ok so do we need a recommendation from the committee on that?

Chris Stewart - Danny if you could just clarify my understanding is that the CMP went to Council and was endorsed by Council for certification so what I'm hearing is that the DPIE require these changes in order for certification to go ahead so are you suggesting that there is no need for Council to reindorse these changes?

Cr Martin - Minor changes

Danny - That is my opinion and I guess the DPIE's opinion in that ultimately nothing is really changing with the actions, we're still going to be doing that option study, it just means another bureaucratic step would have to be added back in to put the outcomes from that study back in it once we've done it.

Cr Figliomeni - Yes I would agree. I think its minor change – doesn't have to go back to Councils.

Cr Martin - I would prefer NOT to go to Council, but I did want to ask that question, because I don't want us to be six months down the track and going hang on, why wasn't this done? We want this thing certified as soon as possible.

Dom – It's just a process change.

Danny - That's the way we see it and we'd be hoping that we go down the path of doing it that way because it would certainly allow the CMP to be certified very quickly from here. It would be a very quick turn-around if we made those minor tweaks to some of the wording and in terms of the changes we're talking about a couple of hours.

Dom – I'm happy to move it that way Ann if that would help.

Cr Martin – So we move that we adopt the recommendation to amend the plan at the request – and that we understand those amendments are minor.

Chris – I think we're in agreement. We spoke about it internally this morning and we thought we might just send all our Councillors an Info Note just to let them know that there will be some changes just so there's no surprises for the Councillors. That we're requesting the need to put it back through Council.

Danny - Just to clarify and give confidence around that situation, we had a similar situation with Shoalhaven and their CZMP back in 2018 and that was the decision they took. They're minor changes. They just made them and then just notified the Councillors, and everybody concerned – we've resubmitted these changes, they're minor, it doesn't really affect anything but it was just that process that we needed to do to get it over the line.

Cr Martin – Marianne are you happy with that?

Marianne - Yes, Ann and you're right. They are only minor, and I think that we'll just do the same thing. We'll send a memo out to our Councillors just advising them of the minor changes.

Cr Martin - So we'll take that up and thanks Danny for that advice.

Dom moved

Marianne seconded

ITEM 13 - LAKE ILLAWARRA PROJECT OFFICER REPORT

Community Representatives and scientific advisors' terms are ending on 31 October 2020. Next meeting is scheduled for November 2020. Jess sent an amended version of the business paper that proposes we extend the Community Representatives and scientific advisors' terms of appointment until 31 August 2021 in case there are any unforeseen delays with the CMP.

Mayor Saliba mentioned that in other areas of coastal NSW with waterways, they have Estuary Management Committees that continue to operate similar to advisory committees and whilst it's a decision for both WCC and SCC we need to consider celebrating the completion of the CMP but also whether there is a need to continue with a committee of some sort for both Councils for the Lake. Can we discuss this at LIEMC?

Cr Martin – yes, we will be moving onto another stage after CMP.

All in favour.

Please email Jessica if you have any questions about the rest of her report.

ITEM 14 - COMMITTEE MEMBER UPDATES (ROUND TABLE)

John – when will Lake walks resume?

Jessica – not feasible due to COVID but will advise when that changes.

Cr Blakey – Ash ponds enquiry. What remediation is needed and is more monitoring needed?

Cr Martin – put that one on notice for a response to be provided as an information note to Councillors.

ACTION SUMMARY

Item	Action	Officer	Status
8	Andrew Heaven to provide LIEMC with link to map that shows WCC IDP projects	AH	Done
11	Find out if LIEMC can comment or view RBFW report	SS	Pending
12	Mangrove debate on next agenda with enough time for discussion.	JF	Pending