



MINUTES

MEETING HELD
5:30PM WEDNESDAY
18 NOVEMBER 2020

MEMBERS PRESENT

Mayor Marianne Saliba (Chair)	Danny Wiecek (DPIE – Environment)
Cr Ann Martin (WCC)	Graham Towers (DPIE – Planning)
Cr Cath Blakey (WCC)	John Davey (SCC Community Representative)
Cr Dom Figliomeni (WCC)	Cr John Murray
Andrew Monk (Transport for NSW)	Nathan Harrison (Sydney Water)
Annie Marlow (WCC Community Representative)	Paul Knight (ILALC)
Dr Brian Jones (UOW)	Cr Peter Moran (SCC)
Carla Ganassin (NSW DPI- Fisheries)	Jason Carson (LLS)
Colin Wilton (SCC Community Representative)	Wayne Cooke (WCC Community Representative)

IN ATTENDANCE

Andrew Lee (Senior Environment Officer – Biodiversity, SCC)	Jessica Faustini (Environmental Project Officer - Lake Illawarra (Acting) WCC)
Ben Stewart (Director Amenity and Assets, SCC)	Justin Kennedy (Building + Facilities Planning Manager (Acting) WCC)
Chris Stewart (Manager City Strategy, WCC)	Kim Di Leva (Property NSW)
Claire Knight (Administration Officer, WCC)	Martine Fraser (Environment Strategy Officer, WCC)
Renee Winsor (Environment Planning Manager, WCC)	Matthew Apolo (Group Manager, Built & Natural Environment SCC)
Sasho Srbinovski (Senior Stormwater Development Engineer (Acting), WCC)	Natalia McGregor (Manager Environment, SCC)
Paul Wearne (EPA)	David Fitzgibbon (Urban Release Manager, WCC)
William Dove (EPA)	

ITEM 1 - WELCOME AND INTRODUCTIONS

The Chair opened the meeting, welcomed committee members, thanked them for their attendance. The Chair also introduced Natalia McGregor, new Manager Environment at SCC, and Matthew Apolo, new Group manager Built and Natural Environment at SCC. Kim Di Leva from Property NSW was introduced to the LIEMC and it was announced that all community representatives and scientific advisors will continue on the committee until the election where membership will be reviewed.

ITEM 2 - APOLOGIES

Apologies were received and accepted on behalf of Cr Kelly Marsh, Cr John Murray, Dr Kerrylee Rogers, Sharralyn Robinson, Peter Bloom, Wayne Peterson and Andrew Heaven who is replaced by Justin Kennedy.

MOVED: Cr Cath Blakey
SECONDED: Annie Marlow

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 19 AUGUST 2020 AND BUSINESS ARISING

Recommendation: The minutes of the previous Lake Illawarra Estuary Management Committee meeting held on 19 August 2020 be endorsed.

MOVED: Cr Figliomeni
SECONDED: Annie Marlow
ALL IN FAVOUR

Business Arising: No business arising.

ITEM 6 - CORRESPONDENCE IN AND OUT

Items received:

1. Letter from Ian Rankine, SCC Senior Strategic Planner on 30 September 2020 regarding Shellharbour Local Environmental Plan 2013 Planning Proposal No 0004/2018. (forwarded to LIEMC a month prior).
2. Notification of the CMP Certification.

Items sent: Nil

Colin wished to acknowledge all the work done by all parties in achieving this major success.
Correspondence in and out is acknowledged by the LIEMC.

ITEM 7 - REZONING APPLICATIONS - LAKE CATCHMENT AND FORESHORE

SCC

The Planning proposal (Shellharbour PP4/2018) for land in Tullimbar has now been given Gateway approval by DPIE. The Planning Proposal has a total area of about 75 ha which is currently deferred from SLEP 2013. The application proposes rezoning existing Rural 1(a) and 2(e) to a mix of R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and SP2 Infrastructure (Electricity Transmission and Distribution). For more detail see Attachment 3.

WCC

Chris Stewart mentioned three pieces of work as listed in Attachment 2.

Land owned by Bluescope - part of West Dapto, Marshall vale and Duck Creek are already zoned and have received some planning proposals to tweak zoning and WCC are working on the Neighbourhood plans for both precincts

Cleveland Rd North, South and West is being rezoned from its current rural zoning with plans for around 3000 lots, currently in early stages.

ITEM 8 - MAJOR CAPITAL WORKS - COUNCIL BASED - UPDATE

WCC

Justin Kennedy presented a list of WCC projects and their status (as seen at Attachment 5), all of which are on track and invited questions for WCC's Civil Engineering and Stormwater teams.

- Cr Martin enquired on the budget breakdown on where additional funds were being spent on maintenance (eg Purry Burry and Hooka Creek). How much is allocated around maintenance on foreshore of the lake.
- Justin advised allocated budgets were being worked on in light of the CMP being certified. Status of the Lake Illawarra entrance management options study, in addition to all the planned work derived in the CMP. Justin can return with more detail.
- Cr Figliomeni raised the issues of the prolonged cordoned off areas of Windang becoming of concern to residents.
- Cr Blakey enquired after the drain at William Beach Park and Justin confirmed that was included in planned works.
- Annie Marlow enquired whether the artworks configured into the construction of Hooka Creek Berkeley bridge works will be taken into consideration. Justin to return an answer.

SCC

- Ben Stewart presented on 15 capital works in different stages around Central Park, Skiway Park play and fitness equipment (as seen at Attachment 4). Some works are undergoing Aboriginal heritage investigations or are in the design phase, including Review of Environmental Factors (REF) at Skiway Park dredging assessment which they have grant funding for, as well as Reddall Reserve promenade renewal works and Boonerah point amenities.
- John Davey enquired whether the Skiway Park dredging assessment was in design phase and how long will it be before something tangible commences. Ben Stewart advised the REF is underway. Stakeholder consultation will be over next 4 – 6 weeks. The dredging assessment report and REF will be finalised after Xmas. A Coast and Estuary Grants application has been submitted for the dredging; however, REFs are required prior to that. Approximately April 2021 we should see the outcome of the assessment, followed by investigation into funding of the works. This area is problematic as Marine Rescue can't get to the ramp, causing issues in terms of maritime access.
- Colin Wilton enquired as the Reddall Reserve land has been reclaimed, why the delay on the play area? The reserve has areas reclaimed (ie dredged and then filled with sand) is owned by Crown Lands and has considerations on Native Title claims. However, the playground is delayed due to the possibility of potential middens in the area as shells were recovered. DPIE are advising and a heritage impact permit may be required. Austral Archaeology are gathering information which is to be presented and they need to engage a range of stakeholders. He is happy to discuss the process of unexpected finds.

Unscheduled Agenda Item – EPA Update on Darcy Road Drain

Annie Marlow was concerned about the article regarding the Darcy Road drain in Port Kembla.

William Dove (EPA) advised Dr Ian Wright from University of Western Sydney (UoWS) provided the EPA with analysis results from Darcy Road drain which showed elevated levels of metals.

Darcy Road is a small channel which takes water from the industrial precinct (where EXIOM is and Port Kembla Copper and MM Metals previously were). The area has a long industrial history from 1908 through to 2003. There is well known site contamination in that general area. It drains under Darcy Road and Foreshore Road into the Port Kembla outer harbour at Red Beach. A community member took a sample from the drain and provided it to UoWS who analysed it and discovered elevated levels of metals.

The EPA have since collected a sample from the same site and another point upstream to better understand the results found by UoWS. Various industrial premises have licenced discharge points into the drain,

including Port Kembla Copper, currently under care and maintenance, and EXIOM who have a process discharge point which discharges to the drain for 10 minutes 10 times a day. At this stage they EPA are not aware of any licence non-compliance, however the analysis and sampling done will hopefully help them understand the results obtained by a community member and give direction into what further investigation is required.

- Cr Figliomeni enquired whether they would investigate the sites to determine if the contamination is from historical use. William advised they will decide based on their test results.
- Annie asked if the licenses are readily available to which William provided the two types of licence numbers, publicly available, showing the monitoring and disclosure requirements. Port Kembla Copper do not have a website, so those results are not easily available. EXIOM do report the data from their discharge point on their website. 1753 Port Kembla Copper and 549 is EXIOM.
- Cr Blakey enquired what penalties were for breach of licence besides prosecution. Improved infrastructure or increased dilution of discharge? William advised that the sampling points were not taken from the industrial discharge points, but rather the same points the community took them from to better understand the analysis. If licensees are found to be breaching licences the EPA can issue directions or apply punitive measures. At present there is no evidence the companies are breaching licenses. The levels in the analysis are high, but probably due to historical use of the site.
- Wayne Cooke enquired as to whether it was safe to swim or consume fish where there are large numbers of fishermen on Christie drive and surrounding rocks. William advised that they have no evidence to suggest otherwise.

ITEM 9 - PRESENTATION – OUT OF THE ASHES II WATER POLLUTION AND NSW AGING COAL-FIRED POWER STATIONS REPORT

Johanna Lynch and Paul Winn from the Hunter Community Environment Centre (HCEC) presents findings of the recently published Out of the Ashes II report which outlines regulation failures enabling hundreds of tonnes of harmful heavy metals to pollute NSW waterways.

The findings of Out of the Ashes II are drawn from public, Government and industry data, as well as field investigations completed by the HCEC and concludes that coal ash management and reuse practices are failing to prevent the contamination of ecosystems with leachate from seven dumps across NSW in Lake Macquarie, Lithgow and the Hunter Valley.

The report found the former Tallawarra power station ash dump hasn't been decommissioned appropriately and is sitting in unlined dumps next to Lake Illawarra, causing concern that there is a high likelihood that of the three million tonnes dumped at Tallawarra, an estimated 60 tonnes of metals has leached from the ash dump; the annual figure being one tonne of metals per year.

- As the lake is not flushed very often, of particular concern is the ongoing accumulation of selenium and cadmium which is known to cause significant deformities in young fish, leading to concerns over the health effects of consuming lake seafood. They are rallying support for requesting the government to mandate reuse of coal ash for government concrete as Australia only recycles around 20% compared to the rest of the world recycling around 50%. There is an Upper House enquiry discussing this piece of work. The EPA is going to be undertaking comprehensive studies of surface and ground water around power stations and their potential impact on the surrounding environment to assist with deciding end use.
- Cr Martin asked Brian Jones whether there was any evidence of this found in his work. Brian advised that as the dumps weren't directly impacting on the lake and only a limited amount of water flows from them into the lake, they have not found evidence of a major problem.
- Cr Figliomeni enquired whether use of fly-ash in concrete compromises it's structure? Fly-ash increases the strength of concrete up to a certain point and around 30% fly-ash can be used as a cement replacement. HCEC would like to see changes to RMS engineering standard for concrete in roads which could be the largest potential use for recycling the 220m tonnes of coal ash. You can replace raw fly-ash

from the bag filters without any processing. However, the dump at Tallawarra must be processed, dried, and graded. The reason it isn't used more at present is because Boral has exclusive access to coal ash in NSW. Very similar contracts at play in NSW to access coal-ash reuse were found to be anti-competitive by the ACCC in QLD which is something they're working on with an economist to learn where more coal-ash can fit into the market.

- Annie Marlow – Historic coal ash dumps at Tallawarra would need a big open mine to dig it out? Paul Winn believed it can be done without any problems and removing half the ash is better than removing none, however if there is no leaching into Lake Illawarra it is best to leave the ash where it is.
- Cr Saliba stated that it was good to know in case there were any problems with Lake Illawarra and great that the EPA were doing their work too.
- Cr Blakey noted that Tallawarra Coal-fired Power Station has been decommissioned for 30+ years with no remediation plan. Does the State Government have liability for the ash if it's now owned by a private company, how does it get remediated? Current advice is that if the ash is not contaminating the lake, it is best to leave it as ash dumps need better remediation than what current standards set.

ITEM 10 - UPDATE – WINDANG BRIDGE

Andrew advised another visual inspection revealed no issues. A third visual inspection and bathymetric survey to be done end of year which will give them a better idea of any changing nature in the base of the inlet area.

The long-term footprint outlook is still being determined.

ITEM 11 – GROUP DISCUSSION – MANGROVES IN LAKE ILLAWARRA

John Davey has sent a list of 5 questions answered by Danny Wiecek (DPIE – EES) and Carla Ganassin (DPI Fisheries).

Q: What about mangroves is being monitored and for what purpose?

A: EV4 in the CMP requested determination of whether and where mangroves were encroaching on salt marsh, views and recreation.

Q: What is the monitoring period?

A: Every summer after propagules are released by the mangroves to see if they're getting more seedlings establishing.

Q: Are there any milestone events at the end of the monitoring period that would trigger a decision or action?

A: Trigger would be if significant amounts of seedlings are establishing within saltmarsh. To date most of the mangroves establishing in the saltmarsh areas are seawards of the saltmarsh, not within in.

Q: What would be the action?

A: The information would be presented to LIEMC to determine best management (ie removal of seedlings, investigate flows of back channels, saltmarsh encroachment from sea level rise instead of mangroves, prepare a management plan if necessary). Sedimentation whilst trapped by mangroves, needs to be stopped at the sources flowing into the lake.

John stated a plan of management should already be in place because we already know what the mangroves are going to do in the future, encroaching saltmarsh and crowd out shore birds. Danny advised there is no threat yet, however local experts who have been observing the shore bird populations for years could be invited in to study the effects of mangroves on shore bird populations and present findings to the LIEMC.

Carla added that as part of the Marine Vegetation Strategy, NSW Fisheries is producing vegetation management plans which is an evolution of the mangrove mapping and sea level mapping work that Danny has already done in the Lake. There is also a management component of the project still in formulation looking at ways we can respond to these issues in a strategic manner. DPIE will then rely upon this for future decisions regarding mangrove management.

ITEM 12 – UPDATE – LAKE ILLAWARRA JETTIES

Eddie Love, Manager of Built Assets in Crown Lands gave an update. The State Government has provided Crown Lands with \$1.3m over two years to spend on Lake Illawarra Crown Land infrastructure (ie 17 jetties) as a part of the COVID economic stimulus package. They are in the final stages of contracting a consultant to conduct community engagement to develop priorities for upgrade, repair or removal. Crown Lands focus is on asset management and structures not found to be providing a benefit will be removed.

The community engagement cost comes out of the total budget so the engagement is as targeted as possible, which will include using previous comments that Council has undertaken as part of CMP engagement which will also be taken into consideration to gain efficiency.

It's likely derelict heritage platforms 1, 2, 3 and 4 will be removed. The Old Merinda and Dixons Wharf will most probably be kept.

- Cr Moran - How can the engagement be targeted when so many users are not affiliated with any group? They will be relying upon the engagement skills of the consultant to get as much data as possible as quickly as possible given it is stimulus funding.
- Cr Blakey - Any funding announcements for the Property NSW and the King Street Wharf? Kim Di Leva advised there is no announcement of funding, however they're still looking at the site and hoping to have some position on what Property NSW will do with the site towards the end of the year. They are currently in discussions with WCC as to what we can and can't do with the site going forward. Hopefully will have an update in the next two meetings.
- Wayne Cooke – when will the engagement begin. How long will it take for action? Condition assessment done on 17 jetties. They will remove the 4 and engage on the remaining 13. Engagement starts within next fortnight. Works should commence early 2021.
- Mayor Saliba - Is this the only funding? If it's stimulus funding, will there be opportunity to apply for more funding into the future? Eddie Love is not aware of any but there may be more phases of funding to come. The long-term approach they're going to be focussed on is to manage assets more proactively and get in place asset management plans, providing justification for funding applications to treasury.

ITEM 13 – UPDATE – LAKE ILLAWARRA OFFICERS REPORT

- The Lake Illawarra CMP was certified. Implementation can now officially begin.
- LIEMC Committee Members updated. Terms for Community Representatives and the Scientific Advisors extended until next election upon which time the LIEMC will be reviewed. Jessica will be conducting a review seeking input from the LIEMC on what can be improved to get the best out of a future stakeholder reference group.
- WCC and SCC have submitted a total of six applications for Coastal & Estuary grants (refer page 5 and 6 of Business Paper for details).
- Community Engagement, Education and Participation Program for Lake Illawarra focused on Litter Clean Up and Environmental Education (WCC and SCC)
- Restoring Ecological Function to Endangered Ecological Communities around Lake Illawarra (WCC and SCC)
- Implement water quality monitoring in Lake Illawarra (WCC and SCC)

- Understanding and Assessment of the Bank Condition of Lake Illawarra (WCC and SCC)
- Lake Illawarra Entrance Channel Management Options Study (WCC and SCC)
- Ski Way Park Localised Dredging (SCC only)
- WCC's Rise 'n' Shine Program have collected 13.4 tonnes of rubbish from the foreshore of Lake Illawarra in just a couple of months. Please report rubbish to Mike McKeon on 0418 420 915.
- Jessica is liaising with WHS to work towards resuming LIEMC walks now restrictions have eased.
- Terms of Reference are attached to the meeting invitation. Please update your contact details.

ITEM 14 – UPDATE – COMMITTEE MEMBERS (ROUND TABLE)

- Carla Ganassin (DPI Fisheries) - On 7 October 2020 the NSW Government announced state-wide changes to the cockle bag limit from 50 to 20 per person. This was published in the NSW Government Gazette on 14 October 2020. NSW Fisheries are doing education and advisory work involving NSW Fisheries Education Officers and Fishcare volunteers (ie community members), distributing material to community groups in various languages including English, Chinese, Thai and Vietnamese. The state-wide education program along with addition weekend advisory focus groups will be in the Illawarra program when weather permits and plan to continue over summer and they have posted the education material on Facebook and Newscast (ie recreation fishing e-newsletter with 500K subscribers). They've designed and installed a couple of new signs around the Lake. They have new stickers and bag and size limit boat stickers and the saltwater recreational fishing guides will also be updated. NSW Fisheries inspectors have been asking people whose bag limits they're checking to see if they've seen the education material and the majority have said yes. Sydney Fisheries do a targeted engagement through Fishcare volunteers from those communities.
- Compliance – Operation Stingray focused on invertebrate harvesting has seized a bag of 3,900 cockles in Beelong, Shoalhaven; before the announcement, a bag of 1,500 invertebrates were seized. Prosecution brief is being prepared for that person. There has been a 2-month compliance effort focussed around this change. Before they were getting 85-95% compliance rate. Since the announcement, there have been just few minor breaches. The numbers of offenders appear to be reducing. Officers are also doing covert operations (eg hiding in bushes).
- Mayor Saliba mentioned that what the community is seeing doesn't seem to correlate with the figures of compliance reported.
- John Davey questioned whether patrols were happening at night because the major non-compliance is at night.
- Carla to find out if night patrols are done and bring the answer to the next meeting.
- Annie Marlow - wished to thank Jess for changing to Teams instead of Skype.
- Jason apologies for his absence. He has been doing bushfire recovery. There are funding opportunities through LLS for Marine Estate Management Funding for restoration.
- Cr Blakey observed that cockle harvesting in the past had been predominantly for bait, not human consumption. Has there been work on that and metal concentrations in them and the advisability of eating them, particularly in Lake Illawarra? Carla advised Fisheries Act on the advice of health authority or the EPA on contamination of food products and she would recommend Brian answer that. Brian referred to the previous report done at a time when there was more pollution going into the Lake. He can't comment on recent levels.

ITEM 15 – OTHER BUSINESS

Nil

ITEM 15 – NEXT MEETING

Mayor Saliba announced next meeting was 24 February 2021, thanked the LIEMC for their work and wished them all Merry Xmas and Happy New Year.

ACTION SUMMARY

Item	Action	Officer	Status
	Carla to find out if night covert cockle patrols are done and bring the answer to the next meeting.	Carla Ganassin	
8	Justin Kennedy to provide detail on budget breakdown on where additional funds were being spent on maintenance and if the artworks configured into the construction of Hooka Creek Berkeley bridge works will be taken into consideration when being renewed.	Justin Kennedy	
	Committee Members to ensure Terms of Reference contact details correct	All	