



MINUTES OF MEETING

COMMUNITY ENVIRONMENT ADVISORY COMMITTEE

HELD WEDNESDAY 12 NOVEMBER, 2014

NOTE: All minutes are subject to confirmation at a subsequent Council or Planning and Strategy Committee meeting.

PRESENT:

Councillors

Cllr Cathy Griffin

Chair

Cllr Hugh Burns

Other Representatives

Michella Burgers

Community Member

Jacqueline French

Community Member

Lloyd Keen

Community Member

Keelah Lam

Community Member

Jan Ritchie

Community Member

Janne Seletto

Community Member

Council Staff

Judy Reizes

Manager, Manly Environment Centre

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL

The **Community Environment Advisory Committee** met on 12 November, 2014, to consider the matters referred to it and now provides the following advice to Council.

OPEN The meeting commenced at 7.10pm.

ITEM 1 APOLOGIES AND LEAVE OF ABSENCE

Diana Deeley, Natasha Hammond, Jon Panic, Karen Pitt, David Thomas.

ACTION

ITEM 2 DECLARATION OF INTEREST

Nil

ITEM 3	CONFIRMATION OF MINUTES The minutes of the Committee meeting held 8 October, 2014 are confirmed. However, it was noted that Keelah Lam was shown as an apology when she was present at the meeting. MATTERS ARISING It was resolved at Council's Ordinary Meeting held on 10 November, 2014 that the minutes of the Community Environment Advisory Committee be adopted.	ACTION
ITEM 4	MEC REPORT and MANLY ENVIRONMENT CENTRE ISSUES That the monthly MEC Report as tabled be accepted.	
ITEM 5	ENVIRONMENTAL LEVY BALANCES The Committee has not received the Environmental Levy Balances for the current financial year to date. The Chairperson will request a meeting with the General Manager and staff to discuss the environmental levy balances.	
ITEM 6	RURAL FIRE SERVICE 10/50 VEGETATION CLEARING CODE OF PRACTICE a. Update on Legislation There will be a demonstration outside the Premier's office on Monday 24 November at 11am. Recommendation: This Committee expressed concern about the devastating impact of the loss of large trees being cut down by residents under the guise of the new 10/50 Legislation. In particular the Committee expressed concern about the trees and bushland on the church land at Spring Cove and at the rear of Bower Street and on both sides of Darley Road. b. Significant Trees within the Curtilage of New Developments Recommendation: Manly Council to write to Rural Fire Service expressing concern about the 10/50 legislation and managing appropriately for fire. This committee supports the content of the submission made by Sydney Coastal Councils.	IBM IBM
ITEM 7	LONG-NOSED BANDICOOT ROAD MORTALITY PREVENTION OPTIONS The Chair reported that Council has considered the proposal and it will now go to the Traffic Committee for consideration and implementation.	

ITEM 8 LITTLE PENGUIN REPORT

We note that the NSW Government is proposing to reduce the number of fast ferry operators from two to one, and that they will operate from the main wharf.

Recommendation:

Council should write to RMS requesting that the second wharf, beside the Manly Wharf Hotel, revert to a public wharf to allow small watercraft to birth there to avoid their impacting on the seagrass and reducing the traffic on the western side of Manly Wharf.

We note that since the installation of the four courtesy moorings outside the swimming enclosure, the number of people anchoring there and coming ashore to shop and buy takeaway has increased. This is causing damage to the seagrass and is endangering penguins and people as they anchor and then use their motorized dinghy and park on the beach.

ITEM 9 SYDNEY WATER ODOUR ISSUES

a. Odours from Trade Waste Customers discharging into the NSOOS

The Committee looks forward to the reply to the letter Council has written to the Managing Director of Sydney Water requesting information on what and why western Sydney companies apparently permitted to discharge waste with a high organic content creating odour and corrosion problems in the NSOOS. The Committee expresses its concern regarding the effects this may have on the odour problems identified in Manly, including the Whistler Street Sewage Pumping Station and the North Head Sewage Treatment Plant.

b. Odours from the North Head Sewage Treatment Plant

It is noted the Sydney Water has engaged a consultant to consult with the community on odour issues from the North Head Sewage Treatment Plant.

Recommendation:

That Council should write to Sydney Water to invite the new consultant to address a CEC meeting and discuss their brief.

ITEM 10 CABBAGE TREE BAY –

a. Marine Estate Management Bill of 2014

This Bill was passed through Parliament last week. This document subsumes all of the regulations for Aquatic Reserves and Marine Parks.

Recommendation:

Council should write to the Minister and ask him to clarify when a Management Plan for the Cabbage Tree Bay Aquatic Reserve will be developed and adopted.

ACTION

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b. Designated Swimming Zone

The Committee is extremely disappointed to read the response of Mr. Graham Dunleavy from RMS when he has restated the RMS position that motorised boats cannot be prohibited from the CTBAR because the RMS does not have the capacity to ensure compliance and the area must be available at all time as a 'safe haven'. In addition prohibiting boats would also include non motorised vessels such as kayaks and SUPs.

This Committee accepts that Cabbage Tree Bay should be a "safe haven" in the event of an emergency. However, it is not appropriate for boats to enter and spend time anchoring and then remaining for long periods of time. There has been a dramatic increase in the use of the area for passive recreation in the bay and this conflicts with large vessels entering the area. In addition the Committee expressed concern that the boats were using the area as a parking lot to idle while the occupants manoeuvred to the shoreline to access the coffee shops and restaurants in the area.

Recommendation:

Council responds to the RMS re affirming the need to permit only non motorised passive recreation vessels in the CTBAR.

Council request that RMS take into consideration the following:

Background:

- **1995**, the Council formed the first Cabbage Tree Bay Working Group including the community and other stakeholders
- **2000**, the Manly Council Cabbage Tree Bay Plan of Management (funded by Coastcare) was adopted.
- **2002** Cabbage Tree Bay was gazetted as a No-Take Aquatic Reserve (the only accessible No-take Aquatic Reserve in Sydney). The council and the community regard it as having "Sanctuary" status.

Since that time NSW Fisheries and Manly Council have worked hard to ensure compliance and enforce the 'no take' regulations. RMS have on occasions been requested to manage the large boats entering the area. Anchoring was initially permitted in the area, however in successive gazettals this has been removed and now there is confusion as to whether boats are permitted in the area.

- **2008**. DECCW formed a Working Group of all the stakeholders to protect the Bay.
- **2010**. A draft Plan of Management was circulated for discussion. This draft plan recommended a small number of boat moorings be installed in the bay, however over 200 submissions objected to this proposal as well as outright objecting to motorised boats in the area. The plan remains in draft.

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- **February 2011.** World Surfing Reserve declared. The Boundary confirmed by Crown Lands extends from outside the headland and into the foreshore of Shelly Beach. This coincides with the boundaries of Manly Council and the Cabbage Tree Bay Aquatic Reserve. All of these boundaries extend into the ocean.
- **May 2012.** Cabbage Tree Bay Working Group (CTBAR) was formed under the auspices of Manly Council and NSW Fisheries.
- **December 2012.** The CTBAR Working Group launched the Friends of Cabbage Tree Bay Volunteers Group to assist Council and Fisheries in the protection and conservation of Sydney's only accessible No-take Aquatic Reserve. The volunteers have actively engaged in the area by recording activities on the Bay demonstrating the need for a review and adoption of a Management Plan for the area. There is overwhelming opposition to motorised boats being in the area.
- **March 2014.** Shelly Beach rated NSW Best Beach and 4th in Australia
- **July 2014.** Keep Australia Beautiful NSW awarded the Friends of Cabbage Tree Bay Volunteers an Award for Community Actions and Partnerships.

The committee supports the contention that motorised boats should be prohibited from the CTBAR because the area is regarded as a passive recreation area for swimmers, snorkelers, divers and surfers.

BOATS AND MOORING BUOYS

- Boats moored in waters where people are snorkelling, diving and swimming create a great risk, particularly as the environment changes rapidly and boats are affected by the currents and wind. Experienced diver Valerie Taylor often speaks about how she was snorkelling at a distance from a large moored boat and the wind changed suddenly so the boat swung around and almost hit her in the head.
- Large vertical displacements between wave crests on very short time frames (seconds) as a result of the wave amplitude in the Bay create a major entanglement hazard for recreational divers, snorkelers, surfers and swimmers.
- Manly divers have reported in meetings with RMS staff a number of incidents because boaters ignored dive flag warnings and almost ran over divers in Cabbage Tree Bay.

BOAT ACCIDENT STATISTICS, 3,000 + in TEN YEARS

Analysis of NSW Maritime's "Boating Incidents in NSW, June 2012" demonstrates the risk of injury from boats to people in the water. In nearly a third of all serious injury incidents, the victim was undertaking an 'in water' activity.

	FISHERIES VOLUNTEER TRAINING ASSISTS WITH COMPLIANCE	ACTION
	Illegal fishing has been an ongoing problem in the reserve, however Fisheries and Council have facilitated numerous training sessions for the Volunteers. Monitoring, onsite education and improved reporting processes by the Volunteers has moderated the negative and illegal behaviours and provided valuable information to Fisheries and Council to target resources to ensure greater levels of compliance.	
ITEM 11	SQUID FISHING IN NORTH (SYDNEY) HARBOUR AQUATIC RESERVE The whole of North Harbour is zoned W2 Environmental Protection in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The objectives of this zone are as follows: - To protect the natural and cultural values of waters in this zone - To prevent damage or the possibility of longer term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores. - To give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores. - To provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores. It would appear that squid fishing in this zone is incompatible with all of these objectives. Recommendation: That Council write to NSW Fisheries reiterating support for the continuation of the current prohibition of taking squid from the North (Sydney) Harbour Aquatic Reserve as it accords with the W2 objectives of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	IBM
ITEM 12	WILDLIFE CORRIDORS – STREET TREES The consultant will have a meeting shortly to show the results of the survey and the plan to the community. Recommendation: That members of this Committee be invited to the presentation by the Consultant.	IBM

	ACTION
ITEM 13 SHARK CAMPAIGN The Committee continues to support the NoNSWsharkcull campaign Recommendation: That Manly Council reiterate its desire to commence the shark meshing program later in the year and end earlier the following year to avoid the whale migration season as well as continuing to investigate the non-lethal methods of detection that keep the beaches safe.	IBM
ITEM 14 GENERAL BUSINESS NATIONAL SURFING RESERVE CONVENTION IN 2015 As Manly Council is designated as Surf City, the Committee supports the concept of a National Surfing Reserve Convention in Manly and is happy to provide advice to the organisers.	IBM
ITEM 15 NEXT MEETING DATE: Date: Wednesday 10 December, 2014 Time: 7.00pm. Venue: Manly Council Chambers.	
Meeting closed at 9.10pm.	