



MINUTES OF MEETING
COMMUNITY ENVIRONMENT COMMITTEE
HELD 8 DECEMBER 2010

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

PRESENT:

Councillors

Cllr Jean Hay AM, Mayor
Cllr Cathy Griffin
Cllr Hugh Burns

Manly Council
Manly Council (Chair)
Manly Councillor

Other Representatives

Susan Buchan
Diana Deeley
Richard Hewitt
Keelah Lam
Terry Metherell
Jacqueline French
Julie Taylor Mills
David Thomas (late)
Neil Ohlbach
Eira Battaglia
Angelika Treichler

Community Member
Community Member
Community Member
Community Member
Community Member
Community Member
Community Member
Community Member
Community Member
Community Member
Penguin Warden Representative

Council Staff

Judy Reizes

Manager, Manly Environment Centre

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL

The **Community Environment Committee** met on 8 December, 2010, to consider the matters referred to it and now provides the following advice to Council.

ITEM 1 APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Lee deGail and Cheryl Rose.

ITEM 2 DECLARATION OF INTEREST

Nil

ITEM 3 CONFIRMATION OF MINUTES

The minutes of the Committee meeting held on 10 November, 2010 are confirmed. It was noted that Jacqueline French had tendered an apology for this meeting.

ACTION

MATTERS ARISING

It was resolved at Council's Planning and Strategy meeting held on 6 December 2010 that the minutes of the Community Environment Committee be adopted.

ACTION

ITEM 4 MANLY ENVIRONMENT CENTRE

a. Another Highly Successful Ocean Care Day

The committee congratulates the MEC staff and volunteers for organising another highly successful Ocean Care Day with its theme of "Keep Our Sea Plastic Free". Ian Kiernan from Clean Up Australia expressed his congratulations for such an impressive event with such a strong community feel to it. This was no doubt due to the many volunteers who assisted with the event and displayed their various projects and the committee extends their congratulations to the volunteers too.

b. "Day at the Bay – an Earth Day Event" Wins Local Government Award

This week, the MEC were won an award in the Local Government Association of NSW's Communication, Education & Empowerment Category.

Recommendation:

That Council commend the MEC staff and volunteers at the end of another highly successful year.

This was marked by:

- the highly successful 17th Manly Ocean Day, commended by Ian Kiernan from Clean Up Australia as a "very impressive event with
- such a strong community feel to it"
- winning an award in the Local Government Association of NSW's Communication, Education & Empowerment Category for the "Day at the Bay ...an Earth Day Event".

ITEM 5 PENGUINS

Little Penguin Report

Seven penguins were killed on the 3rd December at the Federation Point habitat. It is believed that the deaths were caused by a single medium to large dog. The deaths of these protected wildlife calls into question the adequacy of the protection measures currently in place as well as the apparent failure to ensure compliance and enforcement. Although the Federation Point area is a Wildlife Protection Area it is not part of the Little Penguin Critical Habitat declared by DECCW.

Signage

Signage in the area regarding whether the area is 'off leash' or 'on lease' is confusing and inadequate. In addition the area is not well sign posted to advise that the area is a Little Penguin habitat. Fishing should not be permitted in the area and signage advising this should also be prominently displayed.

Protocol for Notification of Penguin Mortality

The committee expressed thanks to the Council Rangers for their cooperation and responding to the notification of the dead penguins at Federation Point. On Friday 3rd December the Ranger took the Penguin to the Zoo, however was not aware that there were other

dead penguins in the vicinity that required recovery for identification purposes by DECCW as they are part of the Endangered Colony. In all seven Little Penguins were recovered over a number of days by the Penguin Volunteers. Had the Rangers notified DECCW staff or the Penguin Volunteers it is likely all seven penguins would have been recovered on the same day.

The committee requested that the Protocol for the Notification of Dead Penguins be provided to the Council staff, including the Rangers, Biodiversity Officer, MEC staff as well as DECCW, and Taronga Zoo staff as well as the Penguin Volunteers.

The committee discussed these matters extensively and supported these points, noting that at some times of the year the penguins around the Manly Wharf area attract up to 1,000 visitors a night.

Sensitive Environmental Areas

The committee identified 10 sensitive environmental areas which require special consideration for enforcement and compliance of regulations to ensure their preservation.

- Federation Point – to protect penguins
- Manly Wharf to protect penguins
- Manly Cove seahorse habitat on the swimming enclosure net (recently vandalised) and boats anchoring over seagrass
- Manly Peace Park – Wildlife Protection Area
- Manly Point – illegal fishing in Critical Habitat
- Little Manly Boat Ramp
- Collins Beach
- Cabbage Tree Bay
- Marine Parade – illegal fishing, theft of eastern water dragons, sculptures, etc
- Manly Lagoon

This issue should be an item for the Manly Cove Coastline Management Plan.

Recommendation:

That Council write to the appropriate authorities requesting the following:

i. Simplify Critical Habitat regulations.

Regulations relating to Little Penguin Critical Habitat should apply all year round and 24 hours.

Currently restrictions apply to access and activities such as fishing on the foreshore in the critical habitat only during the Little Penguin breeding season. Residents and others find this confusing and often report dogs or fishermen in the area out of the official breeding season.

ii. The inclusion of Federation Point as Little Penguin Critical Habitat

Manly Council adopt the following measures to ensure protection of the Little Penguins at Federation Point

1. Council adopt a consistent approach to regulation of dogs being "on leash" on popular promenades, as is currently the case on Manly

Ocean Beach promenade. For ease of communication and public understanding the "on leash" regulations should be consistently applied to East Esplanade, West Esplanade, Federation Point up to and including Delwood Beach. These areas are critical due to the proximity of nesting Little Penguins and the Wildlife Protection Zone.

2. It would assist communication with dog owners and safety of penguins, if a zero tolerance to dog management infringements was adopted in these areas.

3. Out of the ten environmental hot spots needing regular ranger presence, the Committee requests Council prioritise East Esplanade/Federation Point and Manly Wharf/Manly Cove marine areas (to protect seahorses and seagrass from inappropriate behaviour).

4. That fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.

5. The protocols for notifying and handling dead penguins be reviewed in consultation with National Parks and Wildlife Service.

6. That Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.

ITEM 6 MANLY COVE ISSUES AND COASTLINE MANAGEMENT PLAN

Loss of Protected Seahorses from Swimming Enclosure Net

Dave Thomas reported that he is waiting for a meeting with the Deputy General Manager to discuss a permanent solution for the seahorse habitat on the swimming enclosure net. Reference was made to the recent Sydney Morning Herald which described successful solutions in other Council areas. The photo featured in the article was at Manly Cove. This issue should be an item for the Manly Cove Coastline Management Plan.

Protection of Seagrasses in Manly Cove

Dave Thomas reported that EcoDivers had given officers from NSW Maritime a tour of sensitive seagrass and threatened Posidonia seagrass habitat which is being impacted by boats anchoring off the swimming enclosure. Maritime has agreed to the boundaries recommended by Eco Divers to prohibit anchoring. This issue and the need for accurate Caluerpa mapping by Fisheries will be an item for the Manly Cove Coastline Management Plan.

Committee Submission to the Manly Cove Coastline Management Plan

Members of the committee will make a submission covering the above items, item 5 Penguins and item 10 Health Hazard at East Esplanade.

ITEM 7 NATIONAL PARKS & WILDLIFE SYDNEY HARBOUR PLAN OF MANAGEMENT

Harbourview – A Strategic Vision for the Revitalisation of Sydney Harbour

It was noted that in order to significantly increase tourism in Sydney Harbour, the Tourism and Transport Board have released the above

document. This document was tabled and pictured Island Hopping Ferries (of similar size to a Jetcat) which will regularly circle the harbour visiting Islands in the harbour and Quarantine Station. The committee expressed concern about the conditions of consent for Quarantine Station and the impact on the now threatened Posidonia seagrass and Little Penguins.

Sydney Harbour Plan of Management

National Parks have advised that the Plan will be available this month and will be on exhibition for a number of months at Council, MEC, Library, etc. The plan can be viewed on line at www.environment.nsw.gov.au.

Student interns from the MEC made a large display for Ocean Care Day featuring the earlier suggestion on the sydneyharbourpom.net.au website for a marine park which would link Cabbage Tree Bay and the North Harbour Aquatic Reserve, through marine extensions to the national park on North Head. Nearly 100 signatures were collected of people interested in making a submission to the plan. The committee will form a working party early next year to put together a submission.

ITEM 8 CABBAGE TREE BAY

Cabbage Tree Bay display at Ocean Care Day attracted over 60 signatures of people interested in forming a Friends of Cabbage Tree Bay Group.

Recommendation:

That the information be received and noted.

ITEM 9 PLANNED REMOVAL OF STORMWATER PIPES ON THE OCEAN BEACH

At a recent Council meeting, Council advised that they had commissioned consultants Cardno to prepare a report investigating the impact of removing the pipe, in response to surfers' concerns expressed through this committee.

The report claimed that the pipe's exposure to the surf zone was not significant enough to create localised currents that would influence "surf dynamics". It was also found the flow rate from the outlet was too minimal to form a local rip current which would affect the shaping of sand banks. The Cardno report can be viewed on the Council website.

At their meeting of the 7 December, the Council voted to proceed to the environmental assessment stage of the removal of the pipes.

Recommendation:

1. A study should be conducted to take into account the context of the sand bank.
2. That the Manly Hydraulics Laboratory be commissioned by Council to provide a report for the purpose of the environmental assessment. This matter should be an agenda item for the Coastline Committee prior to it going to Council.
3. Scientific evidence suggests that climate change will have a significant effect.

**ITEM 10 HEALTH HAZARD POSED BY POLLUTION AT EAST
ESPLANADE, MANLY COVE FROM ASHBURNER STREET
SEWAGE PUMPING STATION**

Committee member, Jacqueline French tabled a report and photographs of this recurring pollution of a favourite swimming/paddling spot for many mothers, babies and small children.

Pools of smelly, dirty water with a cap of scum often form at the base of the sea wall where two pipes are positioned and from this disgusting pond a channel is made that flows across the beach to the harbour in the southern corner. At other times, the sand is banked up and covers the pipes' apertures, although the dirty water still discharges through and under the sand into Manly Cove.

The report stated that Council has a duty of care to protect the public from the dangers this contaminated water creates.

Recommendation:

That Council:

- i. Collect at least three water samples after rain and test for faecal pollution and enterococci.
- ii. Make representations to the Minister for the Environment to direct Sydney Water to eliminate sewage overflows from their nearby infrastructure.
- iii. Erect large warning signs beside the steps down to the beach, alerting the public to the health hazards of paddling in this dirty ponding and swimming in the Cove.
- iv. Investigate a better engineering solution to prevent ponding on the beach.
- v. This matter should be included in the Manly Cove Coastline Management Plan.

ITEM 11 NEXT MEETING DATE:

Date: Wednesday, 10th February, 2011

Time: 6.30pm

Venue: Councillors' Room, Manly Council Chambers

Meeting closed at 8.40pm