



NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that of a meeting of **Community Environment Committee** will be held:

DATE: Wednesday 8th July

TIME: From 6:30pm

PLACE: Training Room, Manly Town Hall, 1 Belgrave Street, Manly

COMMITTEE MEMBERS:

Councillors

Cllr Jean Hay AM, Mayor (ex officio)
Cllr Cathy Griffin
Cllr Mark Norek

Manly Council
Manly Council
Manly Council

Other Representatives

Eva Battaglia
Louise Bochner
Susan Buchan
Diana Deeley
Richard Hewitt
Keelah Lam
Terry Metherell
Cheryl Rose
Peter White
Angelika Treichler
Peter Hay

Community Representative
Community Representative
Community Representative
Community Representative
Community Representative
Community Representative
Community Representative
Community Representative
Community Representative
Little Penguin Warden
National Parks and Wildlife Service

Council Staff

Judy Reizes
Anthony Hewton

Manager, Manly Environment Centre
Divisional Manager Corporate Planning and Strategy

All other Councillors are free to attend as observers and are invited to do so and to engage in discussions, but not in voting, on any matter before the Committee.

Stephen Clements
Deputy General Manager

Date:



AGENDA

COMMUNITY ENVIRONMENT COMMITTEE

**MEETING TO BE HELD ON WEDNESDAY 8TH JULY, 2009 AT 6:30PM
TRAINING ROOM, MANLY COUNCIL**

- ITEM 1** Apologies and leave of absence
- ITEM 2** Declarations of Interest – Pecuniary
Non- Pecuniary
- ITEM 3** Confirmation of Minutes of meeting 10th June 2009 and Matters Arising
- ITEM 4** Implementing Companion Animals Legislation 1998 in various local government areas. Presented by Eira Battaglia.
- ITEM 5** Reports – Manly Environment Centre and Current Local Environmental Issues:
 - MEC
 - Penguin Warden's Report
 - North Head Issues
- ITEM 6** Update on the extension of North (Sydney) Harbour Aquatic Reserve.
- ITEM 7** General Business brought to the attention of the Chair prior to the meeting and approved for consideration.
- ITEM 8** Date for Next Meeting - 12th August, 2009.



MINUTES OF MEETING
COMMUNITY ENVIRONMENT COMMITTEE
HELD 10TH JUNE, 2009

PRESENT:

Councillors

Cllr Cathy Griffin

Manly Council

Other Representatives

Peter White

Community Representative

Diana Deeley

Community Representative

Jacqueline French

Community Representative

Keelah Lam

Community Representative

Terry Metherell

Community Representative

Cheryl Rose

Community Representative

Angelika Treichler

Penguin Warden Representative

Staff Representatives

Anthony Hewton

Divisional Manager, Corporate Planning & Strategy

Judy Reizes

Manager, Manly Environment Centre

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL

The **Community Environment Committee** met on 10th June, 2009, to consider the matters referred to it and now provides Council with the following advice:

OPEN The meeting commenced at 6.45 pm.

ITEM 1 APOLOGIES AND LEAVE OF ABSENCE

ACTION

Eira Battaglia, and Richard Hewitt.

ITEM 2 DECLARATION OF INTEREST

Nil.

ITEM 3 WELCOME AND INTRODUCTIONS

ITEM 4 CONFIRMATION OF MINUTES OF THE MEETING OF 13 MAY 2009

The minutes of the Committee meeting held on 13th May 2009 are confirmed.

It was noted that the minutes had not been adopted by Council at the time of the meeting and were subsequently adopted on 15 June 2009.

MATTERS ARISING – Terms of Reference

Recommendation

The Committee requests that the General Manager agree to the removal of the NSW National Parks and Wildlife representative from membership of the Committee, but that NPWS be sent the agendas for meetings so that an observer can attend when possible.

**ACTION
IBM**

General Manager's Note:

The General Manager does not agree to the removal of the representative from National Parks and Wildlife being removed from the Committee. The involvement of State Agencies in Council's Advisory Committees is an invaluable resource and aids communications between Council and the State Government as well as improving coordination on the ground.

ITEM 5 REPORT – MANLY ENVIRONMENT CENTRE REPORT ON CURRENT ACTIVITIES AND LOCAL ENVIRONMENTAL ISSUES ITEM MEC Report 5.1

Recommendation

That the report be received and noted.

ITEM PENGUIN WARDEN'S REPORT 5.2

Little Penguins at Manly Wharf and Federation Point

The Penguin Warden Representative tabled a draft submission from this committee on the amended plan for the redevelopment of the Manly Bathers' Pavilion (DAs 25/2009 and 26/2009) for discussion and endorsement.

Various suggestions were made and referred to the Chair to finalise the submission on behalf of the committee, and submit it to Council in due course.

The final submission will be tabled at the next meeting.

Recommendation

That the information be received and noted and the submission referred to Council once finalised by the Chair and tabled at the next meeting.

ITEM Community Reference Group 5.3

As a number of developments over recent years have had the potential to significantly impact on Penguins, these concerns were brought to the attention of Council through the operation of a Community Reference Group. Council has advised that this group will not be reformed. Just as development applications are forwarded to representatives of the Heritage Committee and Precinct Chairs, the committee requests that all development applications in Critical Habitat or on Manly Cove's foreshore should be forwarded to the Penguin Warden Representative for penguin specific comment.

Recommendation

In the absence of the Community Reference Group, and in order to provide penguin warden input (beyond that provided by Natural Resource staff), this committee requests the General Manager be requested to advise the head penguin Warden in Manly of all development applications in Penguin Critical Habitat.

IBM

General Manager's Note:

This matter relates to the administration of the Development Application assessment, notification and approval process and as such is an operational matter.

All Development Applications that come into Council where the property falls within a State Government declared critical habitat (in Manly's case for our endangered population of Little Penguins) are referred as a standard operational business practice within Council from the Development Assessment Unit (DAU) to a professional member of Council's Natural Resource Team who ensures such DAs are conditioned appropriately in the light of the property being within declared critical habitat. This work is done in an integrated way with the conditions applied from an urban planning perspective by the DAU as well.

Furthermore all Development Applications that are within or likely to impact on declared critical habitat are referred by DAU to the Department of Environment and Climate Change, in the case that Council intends to approve the application. Where critical habitat is involved Council cannot approve the DA without the Department's concurrence and general terms of approval (i.e. conditions).

I acknowledge the Department of Environment and Climate Change Volunteer Penguin Wardens have an important role to play in protecting and monitoring our local Little Penguin population. They are free on an equitable basis, as all citizens, to lodge submissions in relation to any development applications.

Sufficient transparency exists with Council's online and media display of publically available information about DAs before Council. A further consideration is the proposed introduction of an additional layer of administration to DA notifications relating to critical habitat outside of what exists would also add to the time to reach a determination.

Given the above I cannot support this recommendation.

ITEM 6 Sydney Water – North Head Sewage Treatment Plant

The Chair reported that the Sydney Water North Head Consultative Group has been dissolved. New Terms of Reference will be written and expressions of interest invited from the community.

Recommendation

That the information be received and noted.

ITEM 7 Quarantine Station

Recommendation

The General Manager be requested to arrange for a report to be prepared for a future meeting in accordance with the Committee's agreed priorities on the impacts of any future proposals which may result in waiving any of the conditions imposed by the original approval for the Q Station.

IBM

ITEM 8 Sydney Marine Park

The proposed representative from the National Parks Association (NPA) was unable to attend the meeting to give a presentation on this issue. She tendered her apologies for this meeting and the next few months. As the support of N.S.W. for the Commonwealth Marine Parks process has not been comparable to other states, she requested our immediate support for the Marine Parks concept by sending an e-letter to the Premier; see www.marine.org.au/elobbyform.htm.

There is an excellent description of NPA's concept in their report "The Torn Blue Fringe" at www.marine.org.au/marineparks7.htm.

Council's letter of support last year for the Sydney Marine Park concept, addressed to the Minister of the Environment, was re-tabled at the meeting and briefly discussed.

NSW Fisheries had indicated at Cabbage Tree Bay meetings last year that they would provide support for the extension of the North (Sydney) Harbour Aquatic Reserve as part of the Marine Parks process.

Recommendation

That the General Manager be requested to provide an overview report on Council's support for the Sydney Marine Park for a future meeting in accordance with the Committee's approved priorities.

IBM

ITEM 9 Environmental Levy

The Environmental Levy papers will be re-sent to committee members so that they can study the various programs in preparation for the August meeting.

Recommendation

That the General Manager be requested to provide a report on an overview of the past 10 years' levy expenditure for the August meeting.

IBM

ITEM 10 NEXT MEETING DATE:

Date: Wednesday 8th July 2009

Time: 6:30 pm

Venue: Training Room, Ground Floor, Town Hall

Meeting closed at 9:10 pm



TO: Manly Community Environment Committee

MEETING DATE: 8th July 2009

AUTHOR: Judy Reizes, Community Environment Committee Co-ordinator

SUBJECT: **IMPLEMENTING COMPANION ANIMALS LEGISLATION 1998
IN VARIOUS LOCAL GOVERNMENT AREA**

1. INTRODUCTION

Eira Battaglia will verbally present a report to the next Environment Committee based on her years of experience as a Wildlife Carer.

2. INFORMATION

The presentation will provide a comparison between Ku-ring-gai, Hornsby, Pittwater, Warringah, Mosman and National Parks & Wildlife. Furthermore, the presentation will include publications, procedures and the processes involved in implementing the Companion Animals Legislation 1998.

Other issues which will be addressed include:

1. Feral animals
2. Companion animals
3. Wildlife only zones
4. Differing approaches for managing dogs
5. Hints on responsible cat ownership
6. Wildlife rescue statistics

3. RECOMMENDATION:

For discussion by the committee to work towards a long term objective of "reduction of wildlife casualties and mortality in the Manly LGA (number of rescues/mortalities and identification of wildlife corridors)".

Judy Reizes

Community Environment Committee Coordinator

1 July 2009



TO: Manly Community Environment Committee

MEETING DATE: 8th July 2009

AUTHOR: Judy Reizes, Community Environment Committee Co-ordinator & Anthony Hewton, Divisional Manager Corporate Planning and Strategy

SUBJECT: **MEC and Current Local Environmental Issues Report**

1. INTRODUCTION

The MEC has worked on the following initiatives:-

2. INFORMATION

EDUCATION

- As part of Taronga Zoo's Project Penguin MEC spoke to 7 local primary schools on the history of the Little Penguins, the role of the MEC and current issues.
- MEC created a display at Oceanworld celebrating World Environment Day.
- Writing article at the invitation of Department of Education and Training for their newsletter.

YOUTH

- Manly Environment Committee **MEC** met with Youth Centre to discuss opportunities to work in partnership to engage young people at the Manly Lagoon Festival.

MEETINGS, TALKS, FESTIVALS & EVENTS

- As part of the Manly Sustainability Fair, MEC occupied a stall for two days over the 6th and 7th of June 2009.
- Frances Bodkin talk at the Manly Art Gallery and Museum saw one of the largest crowds for MEC's talk series.
- Manly lagoon festival meeting with various stakeholders.
- Met with the Outdoor Education Group to discuss various opportunities and MEC involvement in programs.
- Attendance at Minister for Volunteering Conference on Environmental Volunteering.
- Met with Head of the Korean internship organisation 'Mentor Group'.

COMMUNICATIONS

- Continued distribution of Jennifer Simpson's book.
- Attendance at University of Technology shopfront for communications student presentation.

RECOMMENDATION:

It is recommended that the report is received and noted.

Judy Reizes
Community Environment Committee Coordinator
1 July 2009



TO: Manly Community Environment Committee

MEETING DATE: 8th July 2009

AUTHOR: Rafiq Islam Estuary Management officer

SUBJECT: **UPDATE ON THE EXTENSION OF NORTH (SYDNEY)
HARBOUR AQUATIC RESERVE.**

1. INTRODUCTION

North Harbour Aquatic Reserve is one of the 12 Aquatic Reserves established at present in NSW. Council has proposed to the State government to extend the boundaries of existing North Harbour Aquatic Reserve to include Little Manly Cove, Manly Cove and North Harbour to align with ecological boundary instead of an artificial boundary. In response to the proposal, the state government responded *"the Department (DECC) is currently analysing the adequacy of the existing system of marine protected areas in NSW, and this analysis will inform decision regarding the declaration of new or the expansion of existing, marine protected areas including the Hawkesbury Shelf Marine Bioregion"*.

This proposal for extension of the North Harbour Aquatic Reserve is **independent of the National Parks Association's (NPA) proposal** for establishing large scale Marine Parks including Sydney Marine Park.

The NPA has proposed the establishment of a large scale marine sanctuary system for NSW. The aim of this campaign is to gain marine sanctuary status for 20% of NSW coastal waters, reaching from Tweed Heads in the north to Cape Howe in the South, including the proposed Sydney Marine Park. At the request of NSW NPA, Council has supported the NPA proposal on principle. The state Government's status, as communicated to Council is *"that the NSW Government does not accept the recommendations in the NPA report. The report has been referred to the Marine Park Authority for analysis and advice."*

This report has been prepared in response to a request from the Community Environment Committee meeting in April 2009 for the Council's General Manager to provide clarifications on these two proposals.

2. INFORMATION

Proposed North Harbour Aquatic Reserve Extension

Aquatic reserves have been established to protect biodiversity and provide representative samples of varied marine life and habitats. New South Wales currently has 12 aquatic

reserves declared under the *Fisheries Management Act 1994*. North Harbour and Cabbage Tree Bay Aquatic Reserves are two of the 12 reserves located at the vicinity of Manly LGA.

North (Sydney) Harbour Aquatic Reserve lies between an imaginary line from the headlands at North Head and Grotto Point and another line joining Little Manly Point, Manly Point and Forty Baskets Beach (**Figure 1**). The reserve extends from the seabed at these outer boundaries up to the mean high water mark between them and covers an area of approximately 260 hectares.



Figure 1. North Harbour Aquatic Reserve

The reserve's intertidal rock pools provide homes for many invertebrates, including anemones, worms, sponges, shrimps, crabs and molluscs. Sheltered bays and inlets provide seagrass and algal habitats for species, including seahorses and sea dragons. In summer, tropical fish are a common sight, carried from the Great Barrier Reef by the East Australian Current. The rocky reefs and kelp are also home to both invertebrates and fish. Read about the marine life of Sydney's rocky shores.

Within the reserve, line fishing is allowed only for fish with fins. Otherwise, the collection or disturbance of marine life or habitat is prohibited. This includes collecting shellfish, pumping for worms, spear fishing and collecting dead or empty shells.

The NSW Department of Environment and Climate Change (DECC) is responsible for the administration and management of all Aquatic Reserves.

At the Ordinary Meeting of 17 March 2008, Manly Council moved a resolution to extend the boundaries of the North Harbour Aquatic Reserve to include both Little Manly Cove and North Harbour (**Figure 1**). Council resolved:

Consistent with previous representations to the State Government, Manly Council write to the Minister responsible for Marine Parks and Aquatic Reserves seeking:

- to extend the boundaries of the North Harbour Aquatic Reserve to include Little Manly Cove, Manly Cove and North Harbour; and
- to develop a detailed Conservation Management Plan for the expanded Reserve.

The justification for the proposed extension is as follows:

- To ensure consistent management and enforcement over North Harbour. The boundaries proposed would more clearly delineate the extent of the Reserve and the area within which conservation is a priority;
- To facilitate improved research and integrated management of user group activities;
- The inclusion of North Harbour, Little Manly Cove and Manly Cove would enable improved management areas identified as known habitat for the endangered population of Little Penguins; syngnathid species, including populations of pot-bellied and White's seahorse.
- Council has developed Coastline Management plans for Little manly and Forty baskets areas and in the process of developing similar for North Harbour and Manly Cove.
- In general, environmental management is moving in the direction of ecologically defined boundaries as demonstrated in total catchment management. This principle should also be applied to the management of the aquatic environment and therefore include the entirety of the North Harbour area.

Letters of support on Council's proposal were received from:

- Mike Baird, State Member for Manly
- Sydney Institute of Marine Science
- Sydney Coastal Councils Group
- Underwater Research Group
- EcoDivers
- Clean Up Australia
- Keep Australia Beautiful
- Nature conservation Council of NSW
- Taronga Zoo
- Project AWARE
- Dive Centre Manly

Council submitted a formal proposal, including letters of support, to the Hon. Carmel Tebbutt MP Deputy Premier of NSW and Minister for Climate Change and the Environment on 2nd December 2008 for its review and approval.

The state government response outlined "The Department (DECC) is currently analysing the adequacy of the existing system of marine protected areas in NSW, and this analysis will
Community Environment Committee 8 July 2009 – Report Proposed Extension of North Harbour Aquatic Reserve - Approved

inform decision regarding the declaration of new or the expansion of existing, marine protected areas including the Hawkesbury Shelf Marine Bioregion.

The Department has noted Council's proposals for expansion and integrated management plan for North Harbour Aquatic Reserve in the broader context of biodiversity conservation within the bioregion. The development of a management plan for the reserve could be considered at the same time."

The response also acknowledge the strong relationship Council has with DECC for the cooperative management of marine protected areas adjacent to its local government area.

Proposed NSW Marine Parks System

National Parks Association is an independent environmental organisation. The Association has proposed the establishment of a large scale marine sanctuary system for NSW

Figure 2. The aim of this campaign is to gain marine sanctuary status for 20% of NSW coastal waters, reaching from Tweed Heads in the north to Cape Howe in the South, including the proposed Sydney Marine Park (**Figure 3**).

These sanctuaries would be established to provide NSW waters with improved protection from the impacts of fishing and would assist in the protection of critically endangered species. Sydney Harbour has some of the richest biodiversity of any urbanized harbour in the world with the Australian Museum having recorded nearly 600 species of fish.

In response to a request from NSW NPA, Council sent a letter of support on 18 February 2009.

In response to the NPA proposal for National Marine Park, the state government responded (19 May 2009):

"that the NSW Government does not accept the recommendations in the NPA report. The report has been referred to the Marine Park Authority for analysis and advice."



Figure 3: Proposed Sydney Marine Park

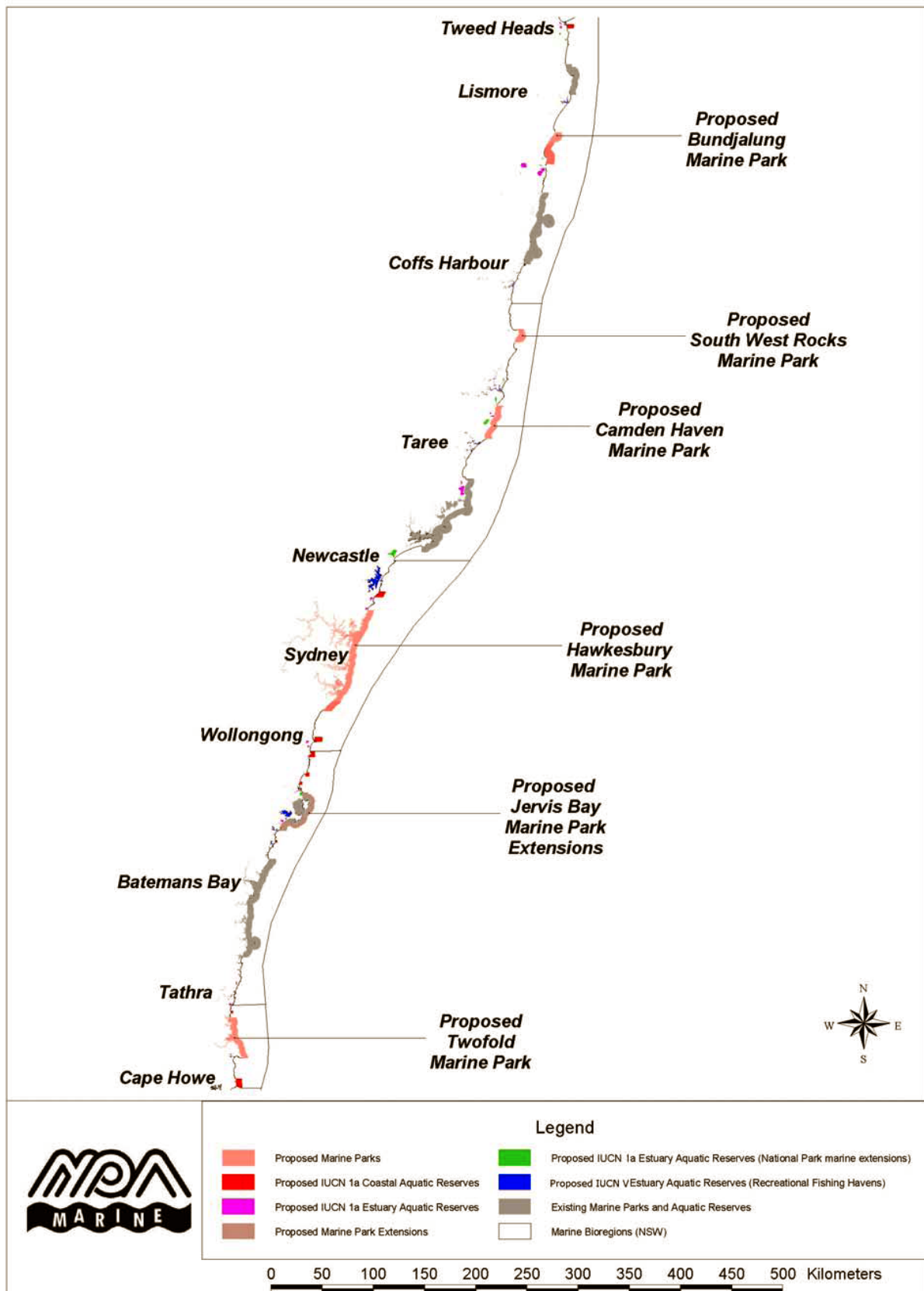


Figure 2: Proposed large scale marine sanctuary system for NSW

3. RECOMMENDATION:

It is recommended that the Committee supports Council to continue to pursue the State Government for extension of the North Harbour Aquatic Reserve

Tim Macdonald

Team Leader Coastal Management

And

Rafiq Islam

Estuary Management officer

25th June 2009