



NOTICE OF MEETING

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

DATE: Wednesday 12 August 2009

TIME: From 6.30pm – maximum 2 hours

PLACE: Councillors' Room, Manly Town Hall, 1 Belgrave Street, Manly

COMMITTEE MEMBERS:

Councillors

Cllr Jean Hay AM, Mayor (ex officio)

Cllr Cathy Griffin

Manly Council

Manly Council (Chair)

Other Representatives

Eira Battaglia

Louise Bochner

Susan Buchan

Diana Deeley

Richard Hewitt

Keelah Lam

Terry Metherell

Cheryl Rose

Peter White

Carole Douglas

Jacqueline French

Angelika Treichler

Peter Hay

Community Representative

Community Representative

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.


Henry Wong
General Manager



**MEETING TO BE HELD ON WEDNESDAY 12TH AUGUST, 2009 AT 6:30PM,
COUNCILLORS' 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 8 th July 2009 and Matters Arising |
| ITEM 4 | PRESENTATION - Underwater Australia – Presentation by Richard Vevers on contemporary underwater art and photography |
| ITEM 5 | REPORT - Improved Consideration of Environmental Levy Programs – Dalene Amm |
| ITEM 6 | REPORT - Extension of Penguin Critical Habitat Federation Point – Dalene Amm |
| ITEM 7 | REPORT – Manly Environment Centre and Current Local Environmental Issues: <ul style="list-style-type: none">▪ MEC▪ Penguin Warden’s Report▪ North Head Issues |
| ITEM 8 | General Business brought to the Attention of the Chair Prior to the Meeting and Approved for Consideration. |
| ITEM 9 | Date for Next Meeting - 9 th September, 2009 |



MINUTES OF MEETING
COMMUNITY ENVIRONMENT COMMITTEE
HELD 8 JULY 2009

PRESENT:

Councillors

Cllr Cathy Griffin

Manly Council

Other Representatives

Eira Battaglia

Susan Buchan

Diana Deeley

Carole Douglas

Jacqueline French

Richard Hewitt

Keelah Lam

Terry Metherell

Cheryl Rose

Peter White

Peter Hay

Angelika Treichler

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

Community Representative

National Parks & Wildlife Representative

Penguin Warden Representative

Staff Representatives

Judy Reizes

Rafiq Islam

Manager, Manly Environment Centre

Estuary Management Officer (For item 4.2)

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL

The **Community Environment Committee** met on 8th July, 2009, to consider the matters referred to it and now provides the following advice to Council.

OPEN The meeting commenced at 6.40pm.

ITEM 1 APOLOGIES AND LEAVE OF ABSENCE
Louise Bochner.

ITEM 2 DECLARATION OF INTEREST
Nil

ITEM 3 WELCOME AND INTRODUCTIONS
The Chair introduced Peter Hay, Local Area Manager, NPWS and welcomed him to the committee. Peter Hay apologised for his absence from last month's meeting, due to illness.

ACTION

ITEM 4	CONFIRMATION OF MINUTES	ACTION
	The minutes of the Committee meeting held on 10th June 2009 are confirmed, as adopted by Council and as highlighted in Attachment A. The Chair drew the Committee's attention to the amendments resolved by Council to the initial minutes which were circulated for the 10th June 2009 Committee meeting. The Chair also wished it to be minuted that Council resolved at its meeting of 10th June 2009 that in future all draft minutes of Special Purpose Advisory Committees will be sent to the Chair of each Committee for their confirmation before being presented to Council for adoption. The Chair also wished it to be noted and minuted that it had not been the Committee's intention to remove the National Parks representative from the Committee.	
ITEM 4.1	MATTERS ARISING	
	It was resolved at Council's Planning and Strategy Committee meeting held on 6th July 2009 that the minutes of the Community Environment Committee for the 10th June 2009 be adopted, as highlighted in Attachment A.	
ITEM 4.2	Update on the Extension of North (Sydney) Harbour Aquatic Reserve	
	The Committee welcomed Rafiq Islam, Estuary Management Officer and thanked him for the report circulated, and presenting the information to the Committee in person. It was noted that a Plan of Management for North Harbour is being developed for exhibition later in the year based on the completed North Harbour Coastline Management Study (see attached web link). www.manly.nsw.gov.au/IgnitionSuite/uploads/docs/north%20harbour%20coastline%20management%20study%20-%20final%20report.pdf It was noted that Council first expressed an interest in extending the Aquatic Reserve and the Marine Park process in 1998. Area Manager, NPWS advised that the involvement of National Parks staff in the management of marine areas in Sydney Harbour, including the North Harbour Aquatic Reserve is under discussion at present.	
	Recommendation:	IBM
	The General Manager is requested to develop a one page fact sheet outlining the proposal for the extension of the North (Sydney) Harbour Aquatic Reserve to assist in gaining wide support for this concept.	
ITEM 5	REPORT Implementing Companion Animal Legislation 1998	
	Ms. Battaglia's presentation outlined the following: Companion Animals Legislation 1998 and the responsibilities of local government for enforcement and ensuring compliance for the control of cats and dogs. The legislation will be reviewed in the near future.	

- Manly Council provides some information on its website (www.manly.nsw.gov.au/Companion-Animals.html) and holds an annual Dogs Day Out
- A wide range of information and resources is provided through a variety of other Councils through websites, brochures and programs. The level of information varies from extensive and easily accessible to little or no information. Various examples were tabled.
- There is no central database for the collection of injuries and mortality to wildlife in the Manly LGA. However, some local vets keep statistics based on animals brought to them, e.g. one local vet at Seaforth reported wildlife mortality figures the last twelve months of:
 - 31 ringtail possums (20 killed by cats and 11 by dogs),
 - 15 brushtail possums (11 cats and 4 by dogs)
 - 23 birds.

Discussion:

The committee discussed:

- ways that the community could prevent deaths and injuries to wildlife in Manly by them being better informed about their responsibilities under the Act
- Given the death of 7 penguins from suspected dog attacks, Manly LGA could benefit from more education, compliance and enforcement of the Act.
- considered that the community were unaware of the need to keep cats indoors at nights because of the risk to wildlife from cats allowed out at night.
- NPWS Local Area Manager stated that he and his staff would be willing to work with Council on this issue, particularly as Manly is adjacent to several national parks.

Suggested actions for Manly LGA:

- Consider adding wildlife mortality and injury statistics to council website. Encourage collection of these statistics from vets, WIRES, Sydney Wildlife Rescue and eventually update monthly
- Review information on the Council website, research and recommend alternatives
- Develop new brochure in conjunction with NPWS explaining why compliance with the Act is important.
- Distribute information at local vets, real estate agents, through rate notices and precinct forums, etc.
- Continue the Dogs Day Out program and develop a similar program for cat owners – Cats Day In to promote responsible cat ownership
- Review on and off leash areas in the LGA in particular those in and adjacent to critical habitat and wildlife protection zones. Ensure signage is adequate and publication of these areas is easily accessible and enforced.
- Devise a proforma Council letter on the importance of complying with the legislation. This could be letterboxed in areas where a problem cat or dog has been identified using the assistance of residents.
- Consider responsible dog and cat ownership requirements for “conditions of consent” for new DAs, particularly in critical habitat and areas adjacent to bushland.
- The Committee suggested that the MEC be requested to initiate discussion of the suggestions outlined.

Recommendation

The General Manager is requested to consider Manly Council's education, compliance and enforcement of the Companion Animals Act, and provide a report back to the relevant Committee and/or Council on how this area is managed.

**IBM
ACTION**

ITEM 6

REPORT

The Manly Environment Centre Report on Current Activities and Local Environmental Issues was tabled.

Resolved:

That the report be received and noted.

ITEM 6.1

Penguin Warden's Report

The submission on the Development Application for the Bathers' Pavilion was completed and submitted. The report and issues in detail were discussed at a meeting between Council staff and Committee representatives. In order to observe penguins currently nesting, staff agreed to provide a key to the Penguin Warden Co-ordinator to access the boardwalk area.

The 2009/10 breeding season has commenced. Penguin Wardens have commenced closing the barriers at the wharf at dusk each night and have observed nesting activities of several penguins.

Penguin Warden training by NPWS will be held on 25th July for new Penguin Wardens.

To celebrate the Penguin Breeding Season, a Clean-up Day will be held on 26th July at Manly Wharf. Dave Thomas from Eco Divers will lead a clean-up of the area to raise awareness of negative effects of rubbish on the penguins.

Seven penguins have been found dead in the critical habitat. Zoo autopsies have determined that a dog was the cause of death. NPWS tabled a letter calling on residents to contact them with any information on the deaths. NPWS and Penguin Wardens have started letterboxing the area.

Resolved:

That the report be received and noted.

ITEM 6.2

North Head Issues

Area Manager, NPWS reported the following:

- NPWS has been encouraged by the support received from the media, Manly Council, Penguin Wardens, Taronga Zoo and residents in their enquiry into the cause of death of the 7 penguins and to protect the remainder of the colony from further attacks.
- Working with North Head stakeholders to improve signage on walking tracks and roads. The objectives are to make it more user friendly, destination based and consistent with DECC Signage Manual.
- Outlined the significant works on the Manly Scenic Walkway which will be completed by the end of next financial year
- Plan of Management for Sydney Harbour National Park is being revised.
- Stakeholder meetings are being held and issues papers being developed. The public will be notified of the process

and opportunities to make submissions through the media and on the DECC website.

- Fox baiting program is in progress at North Head. There is a need to eliminate foxes in areas in close proximity to residential areas. As it is not permitted to use traditional baiting techniques, the support of the Committee and Council is sought to use soft-jaw trapping. The Committee will be updated on the extent of clearing of bushland in the National Park for protection against bushfires of the Police College.
- The Committee encouraged the NPWS to write to the General Manager to formally seek Council's support of soft/jaw trapping of foxes at North Head.

ACTION

Recommendation

That the General Manager and Council be advised that the Community Environment Committee supports the use of soft/jaw trapping of foxes in areas adjoining residential areas where it is not permitted to use traditional fox baiting.

IBM

ITEM 8

NEXT MEETING DATE:

Date: Wednesday, 12th August 2009

Time: 6.30pm

Venue: Councillors' Room, Manly Council

Meeting closed at 8:45pm



TO: Community Environment Committee

MEETING DATE: 12 August 2009

AUTHOR: Anthony Hewton, Divisional Manager, CPS

SUBJECT: **Presentation by Underwater Australia**

1. INTRODUCTION

Since the last meeting Mr Richard Vevers approached Council via the Mayor's Office to discuss the opportunities for the Underwater Australia website to have a dedicated page about the marine life of Manly. The Mayor, Cllr Jean Hay, AM has requested the proposal be referred to the Community Environment Committee and staff for their comments.

2. INFORMATION

Mr Vevers will provide a five minute presentation, followed by five minutes for questions.

Any final arrangements with Underwater Australia involving a financial contribution will be subject to the approval of the General Manager. It is important that the Committee view the presentation within the overall strategic framework of Council's involvement in providing environmental services. No funds are currently budgeted this financial year for this project.

With over 600 marine life species in underwater Manly it was felt this proposal was worthy of bringing to the attention of the Committee, possibly as part of Council's broader environmental education program or the activities of other tiers of government.

3. RECOMMENDATION

Recommendation to the Committee

It is recommended that the Committee receive and note the information and presentation by Mr Vevers.

Anthony Hewton
Divisional Manager, CPS
29 July 2009

ATTACHMENTS

Nil



TO: Community Environment Committee

MEETING DATE: 12 August 2009

AUTHOR: Dalene Amm, Sustainability Team Leader

SUBJECT: **Review / Consideration of current Environmental Levy Programs**

1. INTRODUCTION

At the last meeting of the Committee, the group requested that staff list an agenda item and prepare a presentation on current Environmental Levy Programs to enable an in-depth discussion on the appropriateness of the current environmental focus of the programs.

This information was also requested in order to further inform the Committee's discussion on their priorities for 2010-11 financial year expenditure of funds from the Environmental Levy.

2. INFORMATION

The Committee requested the opportunity for a facilitated discussion on the current programs of the Committee after due consideration of Council's overall strategic framework, to ensure the programs are aligned with Council's strategy.

A powerpoint presentation by staff will be provided to facilitate the discussion. The presentation will outline each of the key program activities and proposed outcomes for each, and will be followed by a discussion. Input will be expected from all committee members and will be white-boarded with a view to gaining consensus on priorities to be programmed for the 2010/11 financial year.

3. RECOMMENDATION

Recommendation to the Committee

It is recommended that the Committee:

- a) receive and note the information and staff presentation on the Environmental Levy Programs; and
- b) subsequently discuss and identify priorities for the Environment Levy for the 2010-11 period to achieve its objectives.

Dalene Amm
Sustainability Team Leader
29 July 2009

ATTACHMENTS

Nil



TO: Community Environment Committee

MEETING DATE: 12 August 2009

AUTHOR: Dalene Amm, Sustainability Team Leader

SUBJECT: **Little Penguin Critical Habitat Declaration**

1. INTRODUCTION

The Committee has requested (via Minutes of the 13 May 2009 Committee meeting) a staff report on the State Government's decision not to extend the Little Penguin critical habitat to include Federation Point (Manly Cove).

The Little Penguin Recovery Team met in October 2008. The meeting included a discussion on the review of Little Penguin critical habitat in Manly. A number of options were tabled at the meeting. The Department of Environment & Climate Change (DECC), on behalf of the Recovery Team, wrote to the NSW Scientific Committee, seeking their advice on each of the options presented, including:

- Option 1: no change;
- Option 2: include new nesting areas in natural habitat;
- Option 3: include all known nesting areas (this option included Federation Point).

The NSW Scientific Committee is an independent committee of scientists appointed by the Minister for the Climate Change and the Environment. The Committee was established under the *Threatened Species Conservation Act* and is charged with making decisions on threatened species, populations, ecological communities, critical habitat, key threatening processes and the like. The DECC must take the Scientific Committee's advice into consideration.

The DECC letter to the NSW Scientific Committee was sent at the end of October 2008 (with monitoring data enclosed), outlining the three options with regard to critical habitat identified above. A representative member of the NSW Scientific Committee discussed the issues further with the DECC to seek further information and to clarify some points. The NSW Scientific Committee responded formally in December 2008, noting the options and supporting Option 1 (no change).

As a result, the critical habitat declaration has not been altered and it is considered that the current area protects the habitat that is critical to the survival of the population (i.e. the Manly Point and North Head areas). The Regulation has also been re-made without change, as such the issue is now considered closed.

This report recommends that no further action be taken on the matter of the critical habitat extension.

2. INFORMATION

Critical habitat for the Endangered Population of Little Penguins at Manly was originally declared in September 2002, commencing on 1 January 2003. The *Threatened Species Conservation Regulation 2002*, which prescribes the area and protective mechanisms within the Little Penguin critical habitat, was required to be legally remade by September 2009. This process provided the opportunity for a review of the critical habitat area and declaration.

The Little Penguin Recovery Team met on 9 October 2008. The Recovery Team comprises representatives from; DECC (Threatened Species Officer, Rangers, Quarantine Station), MEC, Manly Council, Sydney Harbour Federation Trust, Penguin Warden Coordinator, Taronga Zoo, AIPM, NSW Maritime and DECC's Monitoring Consultant.

One of the main agenda items at the October meeting was a discussion on the review of Little Penguin critical habitat in Manly. A number of options were identified at the meeting, including (in no particular order and in summary):

- Option 1: no change;
- Option 2: include new nesting areas in natural habitat;
- Option 3: include all known nesting areas (this option included Federation Point).

In order to amend listed critical habitat DECC must consult the NSW Scientific Committee seeking their advice on any proposed changes. This advice must be taken into consideration in any decision to amend the critical habitat area.

The NSW Scientific Committee is an independent committee of scientists appointed by the Minister for Climate Change and the Environment. The Committee was established under the *Threatened Species Conservation Act* and is charged with making decisions on threatened species, populations, ecological communities, critical habitat, key threatening processes and the like.

The letter to the NSW Scientific Committee was sent from the DECC, on behalf of the Recovery Team, at the end of October 2008 (with monitoring data also provided). The letter outlined the three options with regard to critical habitat (see above). A representative member of the NSW Scientific Committee discussed the issues further with the DECC's threatened species officer to clarify some points and to seek further detail. The NSW Scientific Committee responded formally in December 2008, noting the options and supporting Option 1 (no change). The NSW Scientific Committee's response is attached (Attachment 1).

As a result, the critical habitat declaration has not been altered and it is considered that the current area protects the habitat that is critical to the survival of the population (i.e. the Manly Point and North Head areas). The Regulation has now been re-made without change. The issue is now considered by the DECC to be finalised.

3. RECOMMENDATION:

Recommendation to the Committee:

The independent NSW Scientific Committee has considered all options for the Little Penguin critical habitat review put forward by the Little Penguin Recovery Team, including but not limited to, the inclusion of Federation Point within the critical habitat area. Given the NSW Scientific Committee has responded in support of 'no change' to the existing critical habitat area, the declaration has already been re-made on this basis, and given the NSW Scientific

Committee has encouraged ongoing involvement of the community in protecting the Little Penguins, it is recommended that:

- 1) The matter of expanding critical habitat to include Federation Point be closed with respect to the Committee's future agenda and discussions.
- 2) That Council continue to work with and provide support and assistance to the DECC Little Penguin Volunteer Wardens protecting the Little Penguins nesting at Manly Wharf and Federation Point.

Dalene Amm

Sustainability Team Leader

Manly Community Environment Committee

12 August 2009

ATTACHMENTS

- 1 NSW Scientific Committee Letter to DECC dated December 2008.

NSW SCIENTIFIC COMMITTEE



Ms Monica Collins
Manager
Biodiversity Conservation Section - Metro
Department of Environment and Climate Change
PO Box 1967
HURSTVILLE NSW 1481

Dear Ms Collins,

Thank you for your letter of 30th October, 2008 regarding the amendment of a declaration of critical habitat for the endangered population of Little Penguins at Manly. The Committee noted the various options and supports option 1 which involves no change to the current critical habitat declaration.

The Committee also noted the various activities and the involvement of the community in the protection of the penguin population. The Committee supports continued activities aimed at raising public awareness of adverse human effects on the population.

Yours sincerely

Professor Lesley Hughes
Chairperson
Scientific Committee

- 1 DEC 2008



TO: Manly Community Environment Committee

MEETING DATE: 12 August 2009

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

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

Manly Environment Centre Report

The MEC has worked on the following initiatives:-

EDUCATION

- **Project Penguin:** MEC was one of four guest judges for the Project Penguin finalists from 10 secondary schools at Taronga Zoo. Project Penguin opened us up to our target audiences of school students and most importantly principals. MEC met with key local principals from major high schools including Manly Selective, and the Northern Beaches Secondary College. MEC also met with Karyn Paluzzano Member for Penrith and Parliamentary Secretary for Education and Training, who is keen to visit the MEC.

YOUTH

- **Australian Youth Climate Coalition 'Powershift':** MEC attended the event, workshops, and panels and manned at MEC stall at Green Jobs and Opportunities Expo. A short description of the MEC and our website address were included in over 1000 giveaway bags. The attendance at Powershift exposed MEC to another target audience, those aged between 15-25 years.
- **'Youth Forest'** at Manly Lagoon Life Festival: Proposal for the Youth Forest has been submitted to Bushcare Manager Co-ordinator.

MEETINGS, TALKS, FESTIVALS & EVENTS

- MEC has been allocated a full page in Council's new 'Green Up Your Life' newsletter to be distributed via mail.
- Met with Outdoor Education Group to further discuss local education opportunities.
- Attendance at National Science Week Committee meeting to promote Manly Lagoon Life Festival and Lab at the Lagoon.
- Promotion and development of Lagoon Life Festival, including mapping of area and meetings with the Aboriginal Heritage Office.
- Confirmed Louise Edgerton wildlife book launch at Manly Art Gallery and Museum for National Biodiversity Month and Manly Arts Festival.
- Confirmed 'Life at the Lagoon' art exhibition for Manly Arts Festival program at Safety Wolf, Belgrave St Manly.
- Meeting with vacation care coordinator and staff re vacation care activities relating to Lagoon Life Festival.

RECOMMENDATION:

Report be received and noted.

Judy Reizes
Manly Community Environment Committee Co-ordinator
Community Environment Committee
17 July 2009

ATTACHMENTS

Nil