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### [Sydney Coastal Councils Group Inc.](#)

The Sydney Coastal Councils Group Incorporated (SCCG) is a voluntary Regional Organisation of Councils representing 15 Sydney coastal councils which together cover a land area of 1346 km<sup>2</sup>, encompass 11 waterways and represent ~1.4M people. Established in 1989, its mission is to provide leadership through a coordinated approach to sustainable coastal management. This Mission underpins six objectives which address capacity building, research, information and knowledge exchange, advocacy, and integrated planning and management.

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Tuesday 14 August 2012  
THE BARNET LONG ROOM, CUSTOMS HOUSE, LEVEL 1, 31 ALBERT ST, CIRCULAR QUAY, SYDNEY

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# 1. INTRODUCTION

The SCCG are pleased to report on the Boundaries and Barriers Forum held on the 14 August 2012 at Customs House.

## **Context**

Management in the foreshore is an ongoing issue and concern for many coastal and estuarine Councils. In lands above the Low Water Mark and below the High Water Mark Councils contend with a myriad management responsibilities, regulations, competing interests and user conflicts. These issues require ongoing attention to ensure effective, efficient and sustainable management.

Local Councils typically manage the use, access, safety and environmental matters in the foreshore and undertake numerous tasks such as:

- managing access and tourism
- regulating development
- conserving environmental and cultural values
- monitoring the use of marine parks
- managing risks
- undertaking internal and community education and deliver outreach activities and programs
- monitoring the safety of beach users and providing lifesaving services
- the facilitation of events

## **Forum**

The SCCG forum addressed the roles and responsibilities of Local Government in the foreshore; the plethora of legislation that applies to this zone; the challenges present in enforcement due to the lack of clarification of compliance roles, strategies to improve Council relationships with communities and user groups and expectations of Councils under Fisheries legislation.

Informative Member Council case studies addressed competing user issues and conflicts and reviewed consultation processes, environmental campaigns, management of off-leash dog areas and the development of boat storage facilities.

The forum also delivered three workshops to initiate discussions on the main issues Councils face in the management of this area and possible solutions and options.

## 2. PRESENTATIONS and CASE STUDIES

### PRESENTATIONS

#### 2.1 A Local Government Perspective

**Presenter:** Ms Susan Hartley  
**Position:** Senior Assessment Officer; Performance and Compliance.  
**Division of Local Government**

**Biography:** Susan has been with the Division of Local Government since 2004. As the Division's Senior Assessment Officer, Susan is responsible for the assessment of a variety of statutory applications made by councils. Before working at the Division, Susan was employed for 17 years in the local government sector, primarily in property management, risk management and governance roles.

**Synopsis:** Ms Hartley's presentation provided a general overview of the following:

In NSW for an area to be constituted as a local government area, it must have its boundaries defined by a proclamation and be a single area of contiguous land. Local government areas are generally defined in proclamations by using what is called a metes and bounds description.

Land and Property Information depict the metes and bounds descriptions.

The Division of Local Government has a complete record of all proclamations that alter the constitution of local government areas in NSW including proclamations for all past and present local Council boundaries.

Often individual councils will keep a copy of proclamations for their local government area in their legal document storage facilities. Councils seeking information on their current proclaimed boundary descriptions are welcome to contact Susan Hartley.

Ms Hartley limited herself to talking about what is defined as Local Land under the Local Government Act 1993. This included:

A common, roads or national parks are not public land


- i) the requirements of the *Local Government Act 1993*, for managing land categorised as natural area and foreshore
- ii) the recently announced Independent Local Government Review Panel
- iii) the upcoming review of the Local Government Act 1993.

Ms Hartley advised Councils to involve themselves in the Local Government Review and to assess the Local Government Review Report and place a submission as they see fit.

## Sydney Coastal Councils Group Inc

### Boundaries and Barriers: Managing the Intertidal Zone A Local Government Perspective


Presentation by  
Susan Hartley, Senior Assessment Officer,  
Performance and Compliance Group



## Presentation

A General Overview of:

- local government boundaries in NSW;
- the requirements of the *Local Government Act 1993*, for managing land categorised as natural area - **foreshore**;
- the recently announced Independent Local Government Review Panel; and
- the upcoming review of the *Local Government Act 1993*.




## How are local government areas created?

In NSW for an area to be constituted as a local government area, it must:

- have its boundaries defined by a proclamation; and
- be a single area of contiguous land.

Subject to this, the *Local Government Act 1993* provides that any part of NSW can be constituted as a local government area by Her Excellency the Governor, by a proclamation to that affect.

A proclamation to constitute or alter a local government area is made by the Governor on the recommendation of the Minister for Local Government. All proclamations are published in the NSW Government Gazette. (Section 204)




## How are local government areas described in these proclamations?

Local government areas are generally defined in proclamations by using what is called a metes and bounds description.

(Section 704)

This is an extract of a metes and bounds description:


*"Commencing at the intersection of the Murrumbidgee River and the boundary between the State of New South Wales and the Australian Capital Territory, near Cusacks Crossing; and bounded thence by that boundary, generally south-westerly to the source of Fastigata Creek; by a line westerly to Webbs Ridge; by that ridge generally north-easterly to the north-eastern corner of Lot 3, DP751811; by part of the eastern boundary of Lot 4, DP751811 northerly to the western prolongation of the east most northern boundary of the Parish of Cooree, County of Cowley;...."*



## Who prepares these metes and bounds descriptions?

Land and Property Information (LPI) prepares the metes and bounds descriptions that the Division uses in the preparation of proclamations to constitute or alter local government boundaries in NSW.

**Contact Details:**  
Land and Property Information  
Land and Property Management Authority  
346 Panorama Avenue  
PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8200  
F: 02 6331 8095




## Where can I get a copy of our council's current boundary description?

The Division of Local Government has a complete record of all proclamations that alter the constitution of local government areas in NSW including proclamations for all past and present local council boundaries.

We maintain these records in what we call our "constitution files".

Often individual councils will keep a copy of proclamations for their local government area in their legal document storage facilities.

Councils seeking information on their current proclaimed boundary descriptions are welcome to contact me at the Division.



## Public Place

A public place is defined in the Dictionary to the Local Government Act as:

- a public reserve, public bathing reserve, public baths or public swimming pool, or
- a public road, public bridge, public wharf or public road-ferry, or
- land that is declared by the regulations to be a public place for the purposes of this definition, or
- a Crown reserve comprising land reserved for future public requirements.



## Public Place cont...

Public land or Crown land that is not:

- a Crown reserve (other than those referred to on the previous slide), or
- a common, or
- land subject to the Trustees of Schools of Arts Enabling Act 1902, or
- land that has been sold or leased or lawfully contracted to be sold or leased.



## What land forms part of our local government area?

Under the *Local Government Act 1993*, the following land taken to be located within the boundaries of a local government area:

- land and water between high-water mark and low-water mark on the foreshores of an area
- The land and water enclosed by a straight line drawn between the low-water marks of consecutive headlands to any body of water on the foreshores of an area, and those foreshores
- Land on the boundary of an area is taken to be in the area if:
  - (a) it is reclaimed from tidal waters, or
  - (b) it is on the foreshores of the area and beyond low-water mark
- and it is privately owned or has a structure erected on it

However, this is subject to any specific variation identified in the proclamation constituting a particular local government area.

(Section 205)



## Offences occurring on the boundaries of a local government area

I draw the participants' attention to a specific provision in the *Local Government Act* about offences committed on local government boundaries.

The Act provides that in proceedings for an offence alleged to have been committed on:

- any part of a public road, or
- on or in any part of a river, watercourse or tidal or non-tidal water, Subject to the above

Part of which forms the boundary of the area.

In proceedings it is not necessary to prove that the place where the offence is alleged to have been committed was on either side of the boundary. It is sufficient for the Council to prove that the place where the offence is alleged to have been committed is part of the road, river, watercourse or water.

The council of the area or the council of any adjoining area may take proceedings for any such offence.

(Section 702)



## Community Land Management – Foreshore

Under the Local Government Act, public land is defined as land owned or controlled by council. However, it does not include:

- a) A road; or
  - b) Land to which the Crown Lands Act 1989 applies (includes land that council controls but which is owned by the Crown); or
  - c) a common; or
  - d) land subject to the Trustees of Schools of Arts Enabling Act 1902; or
  - e) a regional park under the National Parks and Wildlife Act 1974.
- (Dictionary to the Act).

Council owned public land is required to be classified as '**community**' land or '**operational**' land.



## Community vs Operational Land

The primary distinction between community land and operational land classifications is that

- **Operational land** can be alienated from the public, ie: sold or leased for more than 21 years.
- **Community land** cannot be sold, is subject to restrictions to ensure its long term retention for the public and is required to be used and managed in accordance with an adopted plan of management.



## Plans of Management

"A plan of management" is a document that provides the framework for managing community land. It provides the "why, how and by whom" community land should be managed.

Plans of management **must** be prepared for all **community land**. They are not only required under the Act but are an essential management tool.

Plans of management:

- are prepared by councils in consultation with their community;
- identify the important features of the land (eg: natural significance, sportsground);
- clarify how council will manage the land; and in particular
- indicate how the land may be used or developed.



## Plans of Management cont...

Plans of management for community land **must** include:

- the category of land;
- the objectives and performance targets;
- the means of achieving the performance targets;
- the manner of assessment (achieving performance targets);
- express authorisations for granting estates; and
- provisions applying to the granting estates, including the circumstances where a council will call for tenders for leasing land for periods in excess of 5 years.



## Categorisation of Community Land

The categorisation of community land:

- is intended to focus a council's attention on the essential nature of the land, how it should best be managed and is the key to its management.
- will determine the core objectives for the land.



## Core Objectives

The core objectives for categories of community land were introduced into the Act and Regulations by amendments in 1998. The core objectives impact on the management of community land in the following ways:

- Community land must be managed in accordance with the core objectives for its relevant category.
- Once land is categorised, the core objectives apply automatically to the land. Plans of management should set out how these objectives are to be achieved and assessed.
- The ability for a council to grant any estate (eg an easement, lease or licence) must comply and be consistent with the core objectives for the particular category.

(Sections 36E to 36N)



## The Categories

Local Government Act requires community land to be categorised as one or more of the following:

- a natural area
- a sportsground
- a park
- an area of cultural significance
- general community use



## The Categories cont...

Community land categorised as **natural area** needs to be further categorised as one or more of the following:

- bushland
- wetland
- escarpment
- watercourse
- foreshore
- a category prescribed by the regulations

(Section 36)





## Land Categorised as Natural Area - Foreshore

The core objectives for management of community land categorised as foreshore are:

- to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

(Section 36N)



## Natural Area - Foreshore

Local Government (General) Regulation 2005 provides that land categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

**This means that community land should not be categorised as foreshore just because it is located within reasonable proximity to the ocean, if that community land that is not touched by water.**



## Natural Area – Foreshore cont...

The foreshore category should only be used in relation to land that is wet at high tide and dry at low tide. For example:

- Rock platforms in tidal zone should have a foreshore categorisation.
- Beach side land above the tidal zone should not. (clause 111)

**Councils should review their plans of management to ensure that they do not have community land incorrectly categorised as foreshore.**

This is because the requirements for the management of community land in this category is quite stringent. Particularly in relation to the council's ability to grant estates over this category of land.



## Natural Area - Watercourse

Land Categorised as Natural Area – Watercourse

**A similar situation exists in relation to community land categorised as a natural area - watercourse .**

The core objectives for the management of this community land with this categorisation are contained in section 36M and the guidelines for management of community land categorised as watercourse are set out in clause 110 of the Local Government General Regulation 2005.



## Independent Local Government Review Panel

### The Local Government Review Panel

The establishment of the Review Panel is an outcome of Destination 2036 conference held in Dubbo in 2011. At this conference councils identified the three greatest challenges as:

- infrastructure and asset management;
- financial sustainability; and
- coping with the changing nature of their populations and demographics.

The Panel will investigate and identify options to address these challenges and look at:

- governance models;
- structural arrangements; and,
- voluntary boundary changes for local government in NSW.



## Local Government Review Panel cont...

The Panel

- Will consult widely with communities and local government stakeholders
- Will consider councils' ability to:
  - support the needs of their communities;
  - deliver services and infrastructure efficiently;
  - provide local representation and decision making;
  - the financial sustainability of each council area; and,
  - any barriers that inhibit, or incentives that could encourage, voluntary boundary changes.
- The Panel is independent from the operations of the Division of Local Government.



### Local Government Review Panel cont...

Local Government Review Panel contact information:  
 Website Address: [www.localgovernmentreview.nsw.gov.au](http://www.localgovernmentreview.nsw.gov.au)

Postal Address: C/- Locked Bag 3015, Nowra NSW 2541

**Project Manager - Vaughan Macdonald**  
 email: [vaughan.macdonald@localgovernmentreview.nsw.gov.au](mailto:vaughan.macdonald@localgovernmentreview.nsw.gov.au)  
 phone: 4428 4179 | fax: 4428 4199 | mobile: 0400 455 067

**Project Officer - Sue Anderson**  
 email: [sue.anderson@localgovernmentreview.nsw.gov.au](mailto:sue.anderson@localgovernmentreview.nsw.gov.au)  
 phone: 4428 4140 | fax: 4428 4199




### Local Government Act Review

The Local Government Act has been in place since 1993.

Although the Act has been amended during this time, it has not undergone a comprehensive review since 1998.

The NSW Government has made a commitment to the local government sector to proceed with a comprehensive review of the Act.



### Local Government Act Review cont...

The Act review will look at changes to the legislative framework required to facilitate the initiatives identified in the Destination 2036 Action Plan.

The initiatives identified in the Destination 2036 Action Plan are:

- Efficient and effective service delivery in local government
- Quality governance and leadership in local government
- Financial sustainability in local government
- Appropriate, flexible structural models in local government, and
- Strong relationships within local government



### Local Government Act Review cont...

The Act review will include significant engagement and consultation with:

- the wider NSW community, and
- local government sector stakeholders

The Division expects the Act review to result in legislation that:

- is comprehensive and easily understood,
- is more streamlined,
- reduces red tape and bureaucracy.
- assists in the delivery quality services and infrastructure to the community



### Current Legislation

NSW local councils are subject to a wide range of State and Commonwealth legislation.

The Acts and Regulations that affect councils can be categorised as:

- The Principal Act, and
- Acts and regulations that have significant impacts on councils, and
- Acts and regulations that may have some impact on the operation of councils or enable councils to meet their obligations.

There may be other legislation that impacts on councils, given the scope of functions of local councils and the ongoing legislative amendment process.




### Current Legislation cont...

The following list gives a guide to some of the legislation, under which councils have obligations, it is **NOT** a definitive list:

**Principal Legislation**

Local Government Act 1993  
 Local Government (General) Regulation 2005



### Current Legislation continued

**Legislation that has a significant impact on council operations:**

- Companion Animals Act 1998
- Environmental Planning and Assessment Act 1979
- Fluoridation of Public Water Supplies Act 1957 & Regulation 1992
- Food Act 1989
- Impounding Act 1993
- Impounding (Penalty Notice Offences) Regulation 1993
- Justices (Short Description of Local Government Offences) Regulation 1993
- Noxious Weeds Act 1993
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Roads Act 1993 & Regulations
- Traffic (Savings and Transitional) Regulation 1993
- Water Supply Authorities Act 1987



### Current Legislation cont...

- Library Act 1939
- Marine Parks Act 1997
- National Parks & Wildlife Act 1974
- Noise Control Act 1975
- Occupational Health and Safety Act 1983
- Ombudsman Act 1974
- Pollution Control Act 1970
- Protected Disclosures Act 1994
- Privacy & Personal Information Protection Act 1998
- Recreational Vehicles Act 1983
- Rural Fires Act 1997
- Sales Tax (Exemptions and Classifications) Act 1992 (Commonwealth)
- State Authorities Superannuation Act 1987
- State Emergency and Rescue Management Act 1989
- State Emergency Services Act 1989
- State Records Act 1998



### Current Legislation continued

- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Swimming Pools Act 1992
- Swimming Pools Regulation (No 2) 1992
- Threatened Species Conservation Act 1995
- Trade Practices Act 1974 (Commonwealth)
- Traffic (Parking Regulation) Amendment 1993
- Training Guarantee Act 1990 (Commonwealth)
- Unhealthy Building Land Act 1990 & Regulations 1991
- Waste Minimisation and Management Act 1995
- Waste Recycling and Processing Service Act 1970
- WorkCover Administration Act 1989
- Crown Lands Act 1989
- Coastal Protection Act 1979
- State Emergency Services Act 1989
- Environmental Planning and Assessment Act 1979 & Regulation



### Current Legislation cont...

**Legislation having an impact on council operations or meeting their obligations**

- Anti-Discrimination Act 1977
- Building and Construction Industry Long Service Payments Act 1986
- Building Services Corporation Act 1989
- Charitable Fundraising Act 1991
- Children (Care and Protection) Act 1987
- Coastal Protection Act 1979
- Contaminated Land Management 1997
- Community Land Development Act 1989
- Community Land Management Act 1989
- Community Welfare Act 1987



### Current Legislation cont...

- Construction Safety Act 1912
- Conveyancing Act 1919
- Copyright Act 1968 (Commonwealth)
- Crimes Act 1900
- Crimes Act 1900 (Extracts)
- Crown Lands Act 1989
- Dangerous Goods Act 1975
- Disability Discrimination Act 1992 (Commonwealth)
- Environmentally Hazardous Chemicals Act 1985
- Essential Services Act 1988
- Factories Shops and Industries Act 1962
- Fire Brigades Act 1989



### Current Legislation cont...

- Freedom of Information Act 1989
- Fringe Benefits Tax Act 1986 (Commonwealth)
- Heritage Act 1977
- Home and Community Care Act 1985 (Commonwealth)
- Human Rights and Equal Opportunity Commission Act 1992 (Commonwealth)
- Income Tax Act (various) (Commonwealth)
- Land Acquisition (Just Terms) Compensation Act 1991



## 2.2 Coastal Crown Land: Crown Lands Management

**Presenter:** Mr Stephen Fenn  
**Position:** Manager; Stakeholder Relations. Crown Lands South  
**Department of Primary Industries**

**Biography:** Stephen has worked in the area of Crown Land management for almost a decade, with experience working within the Department and the Minister's office. He is presently Manager of Stakeholder Relations in Crown Lands South, which receives land management issues from the Hawkesbury to the Victorian border. One of his roles is to facilitate positive relations with key stakeholders in Crown Land management, including local government.

**Synopsis:** Crown Land management has undergone a number of changes over recent decades, both in resources, priorities and the legislative framework in which it operates.

The recent structural reform will have a major impact of the way in which Crown lands does business. The logic underpinning the reform is to streamline client transactions in one stop shop business centres, freeing up scarce resources to focus on key priorities of strategic commercial development, stakeholder relations and natural resource/compliance issues.

This presentation addressed the principles of Crown Land management, future directions, and the role to be played by local councils in managing Crown land in Sydney.

NSW Department of Primary Industries Catchments & Lands

## Crown Land Management



Managing public lands in Sydney  
- principles, planning & partnerships

Sydney Coastal Council Presentation  
14th August 2012

## Principles of Crown Land Management

- **Section 11 of Crown Lands Act 1989**
  - (a) environmental protection and conservation of natural resources
  - (b) public use and enjoyment
  - (c) multiple use where possible
  - (d) sustainable use of land and resources
  - (e) crown Land is used, occupied, sold, leased and licenced in the best interests of the State
- **triple bottom line outcomes**

NSW Department of Primary Industries Catchments & Lands  
Sydney Coastal Council Forum  
14th August 2012

## How is Crown Land Managed?

**Non reserved**

- preferably leased, licenced

**Reserved/Dedicated**

- Managed under Reserve Trust
  - community council
  - other corporate administrator
- Managed by devolvement pursuant to section 48 of *Local Government Act*

NSW Department of Primary Industries Catchments & Lands  
Sydney Coastal Council Presentation  
14th August 2012

## Crown lands and strategic planning

- Shift from passive land allocators to strategic asset managers
- reforms in *Crown Lands Act* allows greater flexibility in managing Crown Lands
- effort by Crown Lands to become more proactive in terms of strategic planning
- Crown Lands is a state asset
- Crown lands takes a regional-State wide perspective

NSW Department of Primary Industries Catchments & Lands  
Sydney Coastal Council Presentation  
14th August 2012

## Crown land and the Sydney metro region

Sydney Crown Land management requires particular attention

- 41 LGAs
- 63% of population live in Sydney
- And growing – up to 6 million people by 2036
- Congested stakeholder environment – 41 Councils  
52 state MP's (> 50% of parliament)  
31 Federal MP's

NSW Department of Primary Industries Catchments & Lands  
Sydney Coastal Council Presentation  
14th August 2012

## Crown Lands today – reform and restructure

- Shift to asset management, strategic approach
- Resource constraints
- Crown Lands reforms
  - Review of *Crown Lands Act 1989*
  - Business Review

NSW Department of Primary Industries Catchments & Lands  
Sydney Coastal Council Presentation  
14th August 2012

## Partnering local councils


- Strategic partnerships with councils is here to stay
- Growing population - increased pressures on limited open space
- Environmental, recreation space under pressure
- Lands assumes a regional long term focus
- Play a positive role when dealing with local land use conflicts

**2.3****The Role of Enforcement: Challenges and Opportunities**

**Presenter:** Mr Carlos Da Rocha  
**Position:** Senior Ranger  
**Waverley Council**

**Biography:** Carlos is an employee of Waverley Council and community member of Matraville. Employed by Waverley for 25 years now, he has held the position of Senior Ranger for ten.

**Synopsis:** Carlos discussed the challenges that arise in monitoring the foreshore, from the perspective of a Council Ranger.



# The Role of Enforcement

## Challenges and Opportunities

Carlos Da Rocha  
Senior Ranger, Waverley Council




## Agenda

- ▶ What are the issues?
- ▶ Challenges of Enforcement
- ▶ Opportunities
- ▶ Questions




### Tidal Zone

Range of Enforcement Issues Arise




### Dog Management

- Pollution
- Conflict with kids
- Owners defying the rules



### Bait / Food Collection

- Cultural clash
- Lack of understanding of the rules
- Collect where they shouldn't / too much



### Misunderstanding of the Rules

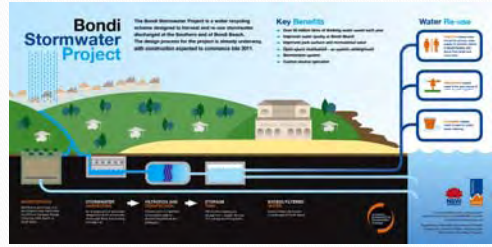
- Where is the Aquatic Reserve / Intertidal Protected Area?
- Can I fish / collect / spearfish / walk my dog?





Littering

2 million visitors each year  
Litter on beaches issue  
Smoking ban on all Waverley beaches



Stormwater Pollution

Poor catchment data  
Time lag for water analysis  
Delayed response



Spearfishing

Misunderstanding of the rules



Species	Legal Bag Limit	Legal Size Limit
Blue Swai	10	150mm
Bluefish	10	150mm
Bull Shark	10	150mm
Common Snapper	10	150mm
Flathead	10	150mm
Grey Mullet	10	150mm
Kingfish	10	150mm
Leatherjackets	10	150mm
Orange Roughy	10	150mm
Parrotfish	10	150mm
Sea Bream	10	150mm
Shoalwater Flathead	10	150mm
Spotted Seatrout	10	150mm
Whiting	10	150mm

Fishing / Bag Limits



Beach Safety


Managing the risks to protect visitors / locals



Anti-Social Behaviour

Illegal parties  
Alcohol consumption  
Violence

## The Challenges....



- ▶ Lack of education – not knowing the rules
- ▶ Unclear delineation of responsibilities
- ▶ Too many cooks
  - NSW Police, NSW Fisheries, Rangers, Lifeguards, EPA, Office of Environment & Heritage, Residents, Visitors
- ▶ Managing anti-social behaviour

## Opportunities

- ▶ Better education
  - Explaining the rules
  - Schools
  - Rate notices
  - Local media
- ▶ Signage
  - Need clear, integrated signage
  - Otherwise hard to enforce



## Opportunities

- ▶ Better Partnerships
  - Clear delineation of responsibilities of IPA and AR for Council and NSW Fisheries
  - Training of Council rangers, lifeguards in legislation / Powers of Authorised Officers in tidal areas
  - Think of new ways to better communicate the rules
  - Community Engagement

## Questions?

## 2.4 Working and Engaging with Community Groups

**Presenter:** Dr Judy Lambert AM  
**Position:** Director  
**Community Solutions**

**Biography:** Judy is the principal of a small consultancy business, Community Solutions that specialises in bringing together community, technical and government perspectives on sustainable management of our natural resources. Trained in environmental management, medical and social sciences and business administration, her career spans time as a research scientist, Canberra-based community sector, consultant to a former Federal Environment Minister and the past 19 years, as a consultant. After nine years as Manly Councillor, Judy became an honorary member of the Sydney Coastal Councils Group in 2008.

**Synopsis:** In this presentation Judy briefly explored some of the major barriers to engaging and working effectively with community groups.

Concerns about when to involve the community and why they might, or might not be involved, the additional knowledge they bring to issues and the ways in which some of these challenges can be addressed were discussed briefly. A coastal management case study was used to further explore both the barriers and possible solutions.

## Working & Engaging with Community Groups: Barriers & Boundaries

Dr Judy Lambert  
Community Solutions/  
SCCG Honorary member  
14 August 2012



## Engage early

Numerous reasons for failing to do so:

- Lack of preparedness – planning, staff, resources
- Lack of respect for community knowledge – we 'know' what we need
- Focus on "getting the job done" - results
- Fear of conflict



## What perspectives do we bring?

- Research scientist
- Community advocate
- Local Government
- State or Federal agency
- Someone else



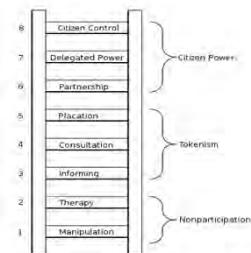
## Openness to new ideas

- many heads are wiser than one

Why are we engaging with the community?

Do we/they know the 'boundaries'?

Arnstein's ladder of public participation



## Barriers to effective engagement

- Failing to involve community early
- Lacking openness to new ideas
- Avoiding, rather than acknowledging 'conflict'
- Leaving out different types of knowledge



## Acknowledging conflict and addressing it constructively

When faced with conflict in a group:

- Recognise different personal strategies (Avoiding, Smoothing, Forcing, Compromising)
- Establish rules for proper discussion
- Develop respectful responses to disrespectful behavior
- Stick to issues and behaviors, not personalities or people
- Maintain focus on 'We can work this out'
- Count to 10. Use silence to increase calm and cool the air
- Give people a way out. Establish choices.
- Refuse the win-lose perspective



## Recognising different types of knowledge

Brown VA, Harris J & Russell JY (2010)

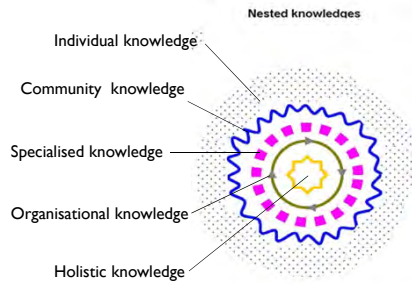
- INDIVIDUAL KNOWLEDGE**  
Own lived experience, lifestyle choices, learning style, identity  
Content: reflections, learning
- LOCAL KNOWLEDGE**  
Shared lived experience of individuals, families, businesses, communities  
Content: stories, events, histories
- SPECIALISED KNOWLEDGE**  
Environment and Health Sciences, Engineering, Law, Philosophy, etc  
Content: case studies, experiments
- ORGANISATIONAL KNOWLEDGE**  
Organisational governance, policy, strategies  
Content: agendas, alliances, plans
- HOLISTIC KNOWLEDGE**  
Core of the matter, vision of the future, a common purpose  
Content: symbol, vision, ideal

- A popular harbourside swimming enclosure
- Rapid siltation from unknown causes – much speculation
- Swimmers want it dredged
- Boat users fear dredging will affect nearby marina access
- Fishers & local environmentalists fear Harbour pollution from dredging

All expect Council to 'fix the problem' BUT...



## Collective knowledge



- Costs would be considerable
- Council is not the consent authority
- Results unlikely to be lasting

WHAT TO DO?



## Case study: Harbourside pool siltation



- Council:
- Involved
    - The local community precinct participants
    - Other community users (on-site consultative session)
    - Relevant State agencies
  - Shared possible solutions – shared understanding of challenges
  - Sought external funding to support dredging, approved with numerous environmental conditions



## Conclusions

The outcomes are not always positive  
The pathway is rarely easy

**BUT...**

Worth investing in community engagement

- Planning from the outset
- Involving the community & those with other types of knowledge, early
- Being clear about the purpose of the engagement
- Being ready to address conflict constructively

## 2.5 Fisheries Legislation and Management in the Intertidal Zone: Implications for Council

**Presenter:** Mr Chris Clarke  
**Position:** Supervising Fisheries Officer; Sydney North  
**Fisheries, NSW Department of Primary Industries**

**Biography:** Chris Clarke has been working as a Fisheries Compliance officer in NSW for over 27 years. His work has taken him to many locations throughout the state including the South Coast, the Highlands, Far West and Sydney Regions. His Compliance role includes the management for the sustainability of the Natural Resource Fisheries and the protection of aquatic habitats. Chris represents DPI on various committees that impact on Sydney Harbor and he is the Project Manager for FO Training and assists with managing assets and communications state-wide.

**Synopsis:** This presentation discussed Fisheries legislation and management activities that relate to Sydney's intertidal zone. These included management of fishing activities, intertidal protected areas, aquatic reserves, and aquatic habitat protection and fisheries compliance activities. Implications for Councils and Fisheries NSW expectations of Councils were discussed. Fisheries' Carla Ganassin from the Aquatic Habitat and Protection Unit and Rodney James from Aquatic Reserves Unit assisted with the presentation by discussing their particular activities that occur within their unit.

NSW Department of Primary Industries

## Fisheries Legislation and Management in the Intertidal Zone

Implications for Councils

Rodney James – Carla Ganassin – Chris Clarke      SCCG Intertidal Forum – 14 August 2012

### Outline

- Fisheries Management Act – objectives
- Fisheries NSW in Sydney's intertidal zone
  - Aquatic reserves
  - Aquatic habitat protection
  - Recreational fishing
  - Compliance



NSW Department of Primary Industries

### Fisheries Management Act 1994

**Objects include:**

- To conserve fish stocks and key fish habitats
- To conserve threatened species of fish and marine vegetation
- To promote ecologically sustainable development

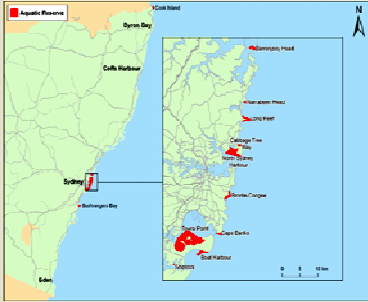
And, consistently with the above:

- To promote viable commercial fishing and aquaculture industries
- To promote quality recreational fishing opportunities
- To share fisheries resources between the users of those resources
- To provide social and economic benefits for the wider community
- To recognise and promote Aboriginal cultural fishing

NSW Department of Primary Industries

### Aquatic reserves

- 12 in NSW; 10 in Sydney:
  - ✓ Pittwater
  - ✓ Warringah
  - ✓ Manly
  - ✓ Randwick City
  - ✓ Waverley
  - ✓ Sutherland Shire
- Size ranges from 2 to 1400 hectares
- Intertidal:
  - ✓ oceanic rocky shores
  - ✓ estuarine rocky shores
  - ✓ estuarine wetlands



NSW Department of Primary Industries

### Legislation – aquatic reserves

- Fisheries Management Act 1994
- Aquatic reserves aim to **conserve the biodiversity of fish and marine vegetation** and:
  - to protect fish habitat or,
  - to provide for species management or,
  - to protect threatened species, populations and ecological communities in the reserve or,
  - to facilitate educational activities and scientific research.
- Public appreciation, understanding and enjoyment of the marine environment?
- Work with Councils and State agencies

NSW Department of Primary Industries

### Legislation – management tools

- Regulations, notifications and closures
- Management plans for aquatic reserves
  - Optional – made as Regulation and require public consultation
  - Cabbage Tree Bay Aquatic Reserve Draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy
- Development assessment
  - Mining in aquatic reserves is prohibited
  - Provisions for proposals within or adjacent to an aquatic reserve

NSW Department of Primary Industries



## Management issues and challenges

- Enforcement/compliance
- Signage
- Education
- Branding and promotion
- Development applications
- Threatened species
- Commercial operators
- Boating and mooring
- Conflicting uses
- Water quality/pollution
- Research
- Climate change
- Declarations and boundaries
- Fishing closures



Shiprock



Cabbage Tree Bay



Towra Point



## The future for aquatic reserves

- Transferred from OEH to DPI
- Decentralisation
- Marine Parks Audit and Government response
- Continue to work with Councils and State agencies

**Contacts**

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## Aquatic Habitat Protection

**Protect key fish habitat (Part 7 FM Act)**

- Seagrasses, mangroves, saltmarsh, algae
- Sandy and rocky substrates
- Free passage of fish within waterways
- Aquatic reserves

**Conserve threatened species (Part 7A FM Act)**

- Endangered Populations of *Posidonia* seagrass
- Black cod
- Grey nurse shark + critical habitat
- Great white shark
- Hammerhead sharks (Great and Scalloped)



## For Local Councils this mostly means:

Permits are required for works that involve:

- Dredging and reclamation
- Harm of marine vegetation
- Blockage of fish passage

+ *Integrated Development Referrals*

+ *Threatened Species Assessments*






**Dredging:** excavating water land or the removal or disturbance of material from water land

**Reclamation:** using any material to fill in or reclaim water land (including for construction)

**Harm of marine vegetation:** harm of saltmarsh, mangroves, seagrass, attached marine and estuarine macroalgae and sometimes unattached dead marine vegetation

**Blockage of fish passage:** blockage or other obstruction of a waterway

**Water land:** land submerged by water whether permanently / intermittently; natural / artificial water body



## Examples of Council works in Intertidal Zone that may require permits:

- Works on intertidal pools / swimming enclosures
- Foreshore access / boardwalks
- Foreshore erosion control and seawalls
- Boat ramps and public jetties
- Stormwater outlet maintenance
- Wrack removal
- Beach nourishment
- Dredging

*NB. Fisheries permits still required under Infrastructure SEPP*












### Recreational Fishing

- The main fishing activity in Sydney
- Main methods in intertidal zone: rock fishing, beach fishing, spearfishing, bait harvesting



### Recreational Fishing

- Managed through gear restrictions, spatial and seasonal closures, bag and size limits

### Intertidal Protected Areas

- To protect selected rocky habitats and intertidal species
- From mean high water mark to 10m seaward from low water mark
- Collecting invertebrates (including bait collection) prohibited, fishing is permitted
- Compliance – outcomes

### Fisheries & Compliance ROLE of a Fisheries Officer



Education

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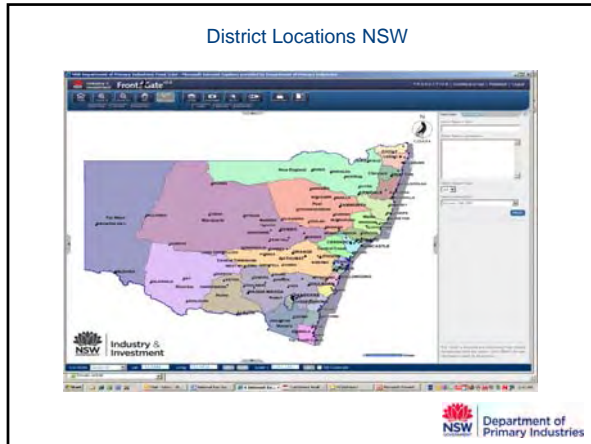
### Operational Functions

Fisheries Officers ensure compliance with State legislation concerning:

1. Recreational fisheries, Commercial fisheries, Threatened species and Habitat protection by undertaking:
  - Field Inspections – by way of vessel and vehicle patrols
  - Advisory and Educational Presentations – to school groups, fishing clinics, angling clubs & other external clients

Note:  
Coastal officers undertake Commonwealth inspections on behalf of the Australian Fisheries Management Authority regarding commercial fishing activity in Commonwealth waters

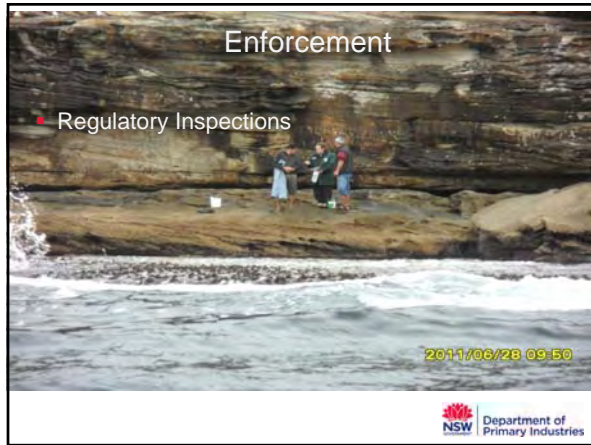




## Roles & Responsibilities of Council Rangers

Authorised Council Rangers have:

- Limited Powers under the FM (Gen) Regs for the purpose of Enforcement within IPA and or Aquatic Reserves.
- These Powers usually refer to the collection of shellfish and or other prohibited species.



## Summary

- Fisheries Officers have & will continue to undertake Joint Operations with Council Rangers
- Advise on rules
- Patrol IPAs & MRF activity
- Conduct educational programs
- Provide training to Rangers relating to fisheries legislation



## Questions?

## 2.6

## Shared Boundaries

**Presenter:** Mr Gary Dunnett  
**Position:** Regional Manager; Metro North East  
**National Parks and Wildlife Service**

**Biography:** *Mr Gary Dunnett is the Regional Manager of Metro North East for National Parks and Wildlife Service as well as the Acting Director of Metropolitan and Mountains Branch. Gary was previously the National Parks Area Manager for Botany Bay.*

**Synopsis:** Gary discussed the issues (and opportunities) that arise when Councils and National Parks share property boundaries on and near intertidal areas. He presented Botany Bay as a case study and discussed the diverse range of ecosystems present in Sydney and discussed the ways National Parks managed this area.

## BOUNDARIES AND BARRIERS: MANAGING THE INTERTIDAL ZONE

### ***BOTANY BAY- A CASE STUDY IN MANAGING THE INTERTIDAL ZONE FOR CONSERVATION AND RECREATION***

#### **Introduction**

In this presentation I will be looking at the management issues confronting a series of intertidal sites around Botany Bay.

There are several reasons for selecting Botany Bay as a case study. Firstly, the bay offers a remarkable mix of major infrastructure, industry, residential suburbs and public lands that are managed for a variety of conservation and recreational outcomes.

Secondly, it is a coastal landscape that includes a surprising number of places that are significant at the state, national and international level. These range from infrastructure assets such as Kingsford Smith Airport, Port Botany and the Kurnell Oil Refinery; to the historic sites of the first meetings between Aborigines and the 18<sup>th</sup> century maritime expeditions of Cook, Phillip and Laperouse; to wetlands listed as of international significance on the RAMSAR convention.

Finally, and most importantly for the purpose of this case study, the bay's most significant conservation and recreational assets are very much concentrated in the intertidal zone. The management of that intertidal zone is a matter of genuine consequence if we are to protect the bay's natural, cultural and recreational values.



*Botany Bay Reserves*

One of the extraordinary features of Botany Bay is the number and extent of areas that have been set aside as conservation reserves. Starting in the southwest corner where the

Georges River enters the bay is Towra Point. Towra Point is a complex of relatively mobile sediments that rise to a maximum of a couple of metres above the high water mark. The area above the mean high water mark is gazetted as a nature reserve under the National Parks and Wildlife Act, while the surrounding mangroves, mud and sandflats and deeper waters are gazetted as an aquatic reserve under the Fisheries Management Act.

Moving up the Georges River to the west is an extensive area of mudflats and sandflats along the southern shore of the river. This area has been gazetted as an Endangered Ecological Community under the title 'Taren Point Shorebird Community'. It was the first EEC in NSW to be based upon an assemblage of fauna rather than a vegetation community.

Crossing the Georges River northwards is a long low lying sandy shoreline, commencing in the suburb of Sandringham and stretching northwards all the way to the Cooks River in the northwest corner of the bay. This is one of the most popular stretch of beach in Sydney, supporting a wide variety of water sports ranging from swimming and angling to kite surfing. The area around Sandringham is important for migratory waders and shorebirds.

The northern entrance of the bay is gazetted as Kamay Botany Bay National Park. The seaward third of the national park adjoins the Cape Banks Aquatic Reserve. Heading south across the heads the southern headland of the bay is also part of Kamay Botany Bay National Park. The northern fringe of the headland is gazetted as an Intertidal Protected Zone, while another aquatic reserve, Cape Banks Aquatic Reserve starts near the southern tip of the park and continues around to the privately owned Boat Harbour and Merries Reef.

The result is that a remarkable proportion of what is one of the most intensively developed and actively utilised harbours in Australia has been recognised as such conservation values as to warrant statutory protection of one form or another. I'll now turn to some of the different scenarios that play out amongst the Bay's intertidal zones

### **Towra Point wetlands**

The optimum situation for managing an area for conservation outcomes is one where all of the core landscape and habitat components sit within a statutory framework that provides control of potential threats, and each component is secured at a spatial scale sufficient to enable long term ecological stability. The Towra wetlands are an example of such a situation.

The Towra wetlands were owned by the Commonwealth and private landholders prior to the gazettal of Towra Point Nature Reserve. Indeed, the last sections have only been transferred from sand mining interests in the last decade.

The Towra wetlands contain the full succession of coastal wetland habitats including coastal forest; littoral rainforest; freshwater lagoons and swamps; extensive saltmarsh flats; mangrove forest; sand and mudflats; and seagrass meadows.

The key point is that this full succession is now under tenures that protect them from inappropriate uses. The terrestrial component is gazetted as Towra Point Nature Reserve, while the surrounding marine habitats are gazetted as Towra Point Aquatic Reserve.

It is not unusual to have different reserve categories abutting one another. However, in the case of coastal wetlands systems, such complementary reserves are essential if we

are aiming to preserve those attributes of the wetland system that are concentrated around and reliant upon the intertidal zone.

In the case of the Towra wetlands the habitats that occur around the intertidal zone are the saltmarsh, mangrove forests, sandflats, mudflats and the upper reaches of the seagrass meadows. These habitats and their associated faunal and vegetation assemblages are all considered significant at the state, national and international scale.



*Saltmarsh, Towra Point Nature Reserve*



*Saltmarsh, Towra Point Nature Reserve*



*Saltmarsh, Towra Point Nature Reserve*

The broad saltmarsh flats of Towra Point represent around 5% of the remaining extent of this vegetation community in NSW. Saltmarsh has been highly impacted by coastal infill and residential development, and is even vulnerable to displacement by mangroves.

Saltmarsh tends to occur in sheltered locations where mangrove forest provides protection from wave action and allows the deposition of fine sediments.

Saltmarsh occupies the interface between marine and terrestrial habitats. This is reflected in the dual declaration of saltmarsh communities as an Endangered Ecological Community under the *Threatened Species Conservation Act* and as protected marine plants under the *Fisheries Management Regulation*.

Fauna associated with Towra saltmarsh includes threatened species such as White Fronted Chat and Masked Owl and migratory waders such as the Pacific Golden Plover.

The next intertidal habitat in the typical sequence is mangrove forest. The Towra mangroves provide roosting for migratory species such as Whimbrel and Terek Sandpiper and nesting sites for endemic waterbirds such as Pied Cormorant.





*Mangroves and Saltmarsh, Towra Point Nature Reserve*



*Mangroves, Towra Point Nature Reserve*



*Mangroves, Towra Point Nature Reserve*

On the bay side of the mangrove forests Towra is fringed by extensive areas of sandflat and mudflat. These habitats are critically important as the primary foraging sites for a variety of migratory waders and shorebirds. These low lying systems are not wholly contained within the nature reserve and aquatic reserve. The flats to the west have been declared as an Endangered Ecological Community under the Threatened Species Conservation Act, the Taren Point Shorebird Community.



*Towra Beach view west*



*Towra Beach view east*



*Towra Beach, Royal Spoonbills*

Where the sandflats rise into dunes they provide nesting opportunities for threatened species including Little Terns, Pied Oystercatchers and Red capped Dotterel.

Below the intertidal zone Towra is fringed by the largest remaining seagrass meadows along the Sydney coast. These include substantial areas of the deeper meadows dominated by Southern Strapweed, a threatened species under the Fisheries Management Act.

The entire Towra wetlands are listed under the RAMSAR convention as a wetland of international significance. The listing reflects the presence of the major wetland habitats as well as the suite of migratory waders and threatened species. The migratory waders and shorebirds that visit Towra are also covered under the Japan Australia and China Australia Migratory Shorebird Agreements. The result of this international dimension is that any actions within the wetlands potentially trigger the need for approvals under the Commonwealth *Environment Protection and Biodiversity Conservation Act*.

The other important point about the seamless interplay of nature reserve and aquatic reserve is that notional boundary at the mean high water mark. If we consider dynamic nature of coastal wetlands systems, based as they are on highly mobile sediments, it is clear that this is point changes from year to year. Indeed, areas such as the Towra Spit Island have 'migrated' between nature reserve and aquatic reserve. Either legal tenure offers much the same level of protection.

Towra is very much a 'Rolls Royce' situation when it comes to managing intertidal zones of high conservation significance. The multiple layers of statutory protection and recognition over the site ensure a high level of community awareness about the vulnerability of the system and greatly reduce the likelihood of development proposals with the potential to seriously impact upon the core values of the site.

## Habitats, selected species and statutory controls

Habitat	Species	National Parks and Wildlife Act	Threatened Species Conservation Act	Fisheries Management Act	Environment Protection and Biodiversity Conservation Act	RAMSAR	JAMBA	CAMBA
Littoral rainforest		Y	Y		Y			
	Magenta Lilly Pilli	Y	Y		Y			
Coastal Forest		Y	Y		Y			
	Masked Owl	Y	Y		Y			
Freshwater Wetland		Y	Y		Y	Y	Y	Y
	Green and Golden Bellfrog	Y	Y		Y			
Coastal Saltmarsh		Y	Y	Y	Y	Y	Y	Y
	Beaded Glasswort	Y	Y	Y	Y	Y	Y	Y
	Golden Plover	Y	Y		Y	Y	Y	Y
Mangrove Forest		Y		Y	Y	Y	Y	Y
	Grey Mangrove	Y		Y	Y	Y		
	River Mangrove	Y		Y	Y	Y		
Sand Flats and Mudflats			Y	Y	Y	Y	Y	Y
	Pied Oystercatcher	Y	Y		Y	Y		
	Eastern Curlew	Y	Y		Y	Y	Y	Y
	Terek Sandpiper	Y	Y		Y	Y	Y	Y
	Whimbrel	Y	Y		Y	Y	Y	Y
	Red necked Stint	Y			Y	Y	Y	Y
	Red capped Plover	Y				Y		
Seagrass Meadows		Y		Y	Y			
	Southern Strapweed	Y		Y				
	Little Tern	Y	Y		Y	Y	Y	Y

However, Towra is still part of a broader landscape and like any natural system is vulnerable to impacts from outside that system. In the case of Towra these range from the insidious impacts of grasses introduced in the late 19th century in an attempt to establish sheep on the site through to the alterations in wave regime as a result of dredging at the bay entrance and the construction of reflective surfaces on the northern shore. The result of the latter has been accelerated erosion rates on the seaward flank of Towra, necessitating a round of beach nourishment back in the mid 2000s.

Nonetheless, the questions of managing the intertidal zone are as straightforward as you can ask for in the case of Towra. A not dissimilar situation exists in the other Botany Bay case where an aquatic reserve directly abuts a terrestrial one, in this case Kamay Botany Bay National Park and Cape Banks Aquatic Reserve.

The management of the intertidal is not so straightforward elsewhere around Botany Bay and I'd now like to turn to some of the more difficult, but typical, conservation and recreational issues confronting public land managers.

### **Sandringham**

Towra Point forms the southern shore at the discharge of the Georges River into Botany Bay. The variable flows of salt and freshwater through the Georges is one of the factors which drives the complexity and dynamic nature of the wetlands. The opposite northern shore at the entrance to the Georges River is Sandringham. It had a different character to the Towra side: instead of mangroves and saltmarsh it appears to have been a series of low sanddunes leading to the river across a low beach and broad sandflats. The sand dune system is now the residential suburbs of Sandringham and Ramsgate and the foredune area is road and concrete pathway. However the interface between bay and land, the beach and sandflats, are still there at the water's edge.

From the perspective of the migratory waders and shorebirds that use the area the key habitat attributes are still intact. This shore is a regular haunt of migratory waders such as Bar tailed Godwit and Eastern Curlew over the summer season. The Little Terns nesting over on Towra Spit Island use the shallows as hunting grounds.



*Sandringham, view south to Towra*

The most distinctive feature of this area is the aggregations of Pied Oystercatchers that congregation to roost over the high tide and at night. As many as 70-80 Pied Oystercatchers can be observed roosting along this section of shoreline. This is somewhere between 25 and 50% of the estimated population of the threatened species in NSW.



*Sandringham, Pied Oystercatchers*

The remarkable thing about Sandringham is that this shoreline is one of the most heavily utilized pieces of coast around Sydney. The walking track around the shore sees a constant procession of walkers, joggers and cyclists, many with their dogs in tow. The actual beach is used by swimmer, anglers, and sailors and is probably the most popular kite surfing site in the city. Nonetheless, most evenings as the light falls the oystercatchers fly in from their foraging sites around the bay to sleep on the beach.

Part of the reason why these activities can all coexist so well is undoubtedly down to the nature of the beach, which is more than a hundred metres wide in most places allowing the birds plenty of notice of approaching hazards. Council has also played an important role, providing advisory signage about the shorebird communities and actively discouraging the use of the beach by dogs.

### **Merries Reef**

The Boat Harbour Aquatic Reserve starts near the sewerage outfall at Potter Point, as which point it is adjacent to Kamay Botany Bay National Park. The reserve continues west to a long rocky reef known as Merries Reef. The reef is of low relief and much of it is inundated by the tide. It stretches south in a series of disconnected reefs interspersed with deeper water, with the most extensive area of reef that connected to the mainland. Merries Reef is especially important for a group of migratory waders that prefer to forage over rocky habitats, including Ruddy Turnstone; Red necked Stint, and Double banded Plover and the complex of Sand Plover species. The only other site with similar characteristics and usage by these waders is Long Reef on the northern beaches.

The attraction of the reef to waders seems to be a combination of the extensive areas suitable for foraging, the low relief and the lack of structures or vegetation abutting the reef. What this means is that roosting waders have long view lines to detect and avoid predators.

The terrestrial area adjoining Long Reef is probably unique in the Sydney region in that the dunes and beach are privately owned all the way down to the low tide mark. This unusual tenure has allowed the beach to be declared as a recreational 4WD park.





*Aquatic Reserve sign, Kamay Botany Bay National Park*



*Merries Reef, Boat Harbour Aquatic Reserve*

The owners have made serious attempts to limit adverse impacts on the waders and shorebirds in the face of the serious challenges in managing the impacts of vehicles, people and dogs upon the reef. Advisory signage and the presence of their beach rangers are testimony to that intent.



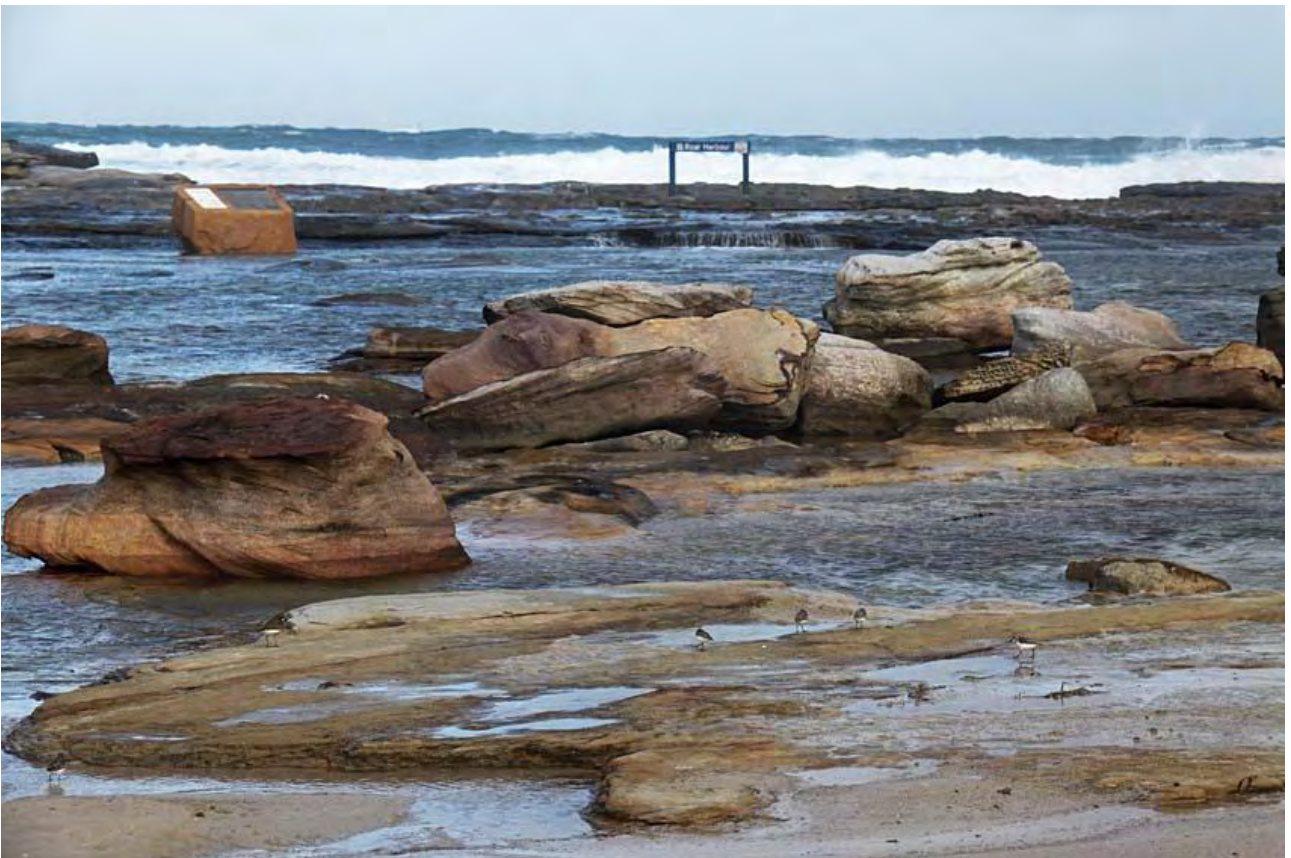
Signage, Merries Reef, Boat Harbour Aquatic Reserve



4WDs, Merries Reef, Boat Harbour Aquatic Reserve, August 2012



*Walkers with dogs, Merries Reef, Boat Harbour Aquatic Reserve, August 2012*



*Migratory waders, Merries Reef, Boat Harbour Aquatic Reserve, August 2012*



*Double Banded Plover and Red necked Stint, Merries Reef, Boat Harbour Aquatic Reserve, August 2012*



*Double banded Plover, Merries Reef, Boat Harbour Aquatic Reserve, August 2012*

The dominant recreational uses of Boat Harbour are four wheel driving along the beach,

dog walking, angling and fossicking along the shoreline. Merries Reef acts as a natural attractor for visitors with their vehicles and pets. Even on the worst of days of winter, such as during the gale force system that hit the Sydney coastline in mid August 2012, there is a steady stream of visitors to the reef.

Migratory waders live on a metabolic tight rope. If you fly across the equator twice every year energy management becomes critically important. Waders feed whenever possible, and when they are not feeding they need to minimize their energy expenditure by roosting in locations with minimum disruption.

The current pattern of visitor activities at Merries Reef does not help this energy equation. There is no questioning the land manager's efforts to manage the situation, however there remains a fundamental question about the compatibility of this range of recreational uses with the needs of the migratory waders. The basic conclusion I'll draw from Merries Reef is that we are very fortunate that the majority of the intertidal zone is under public ownership and with management regimes that limit high impact activities on site dependant species such as the migratory waders.

I now want to turn away from the challenges of managing the land and water interface for conservation outcomes to look at some of the issues involved in provision of public access and recreational opportunities.

## **The Leap**

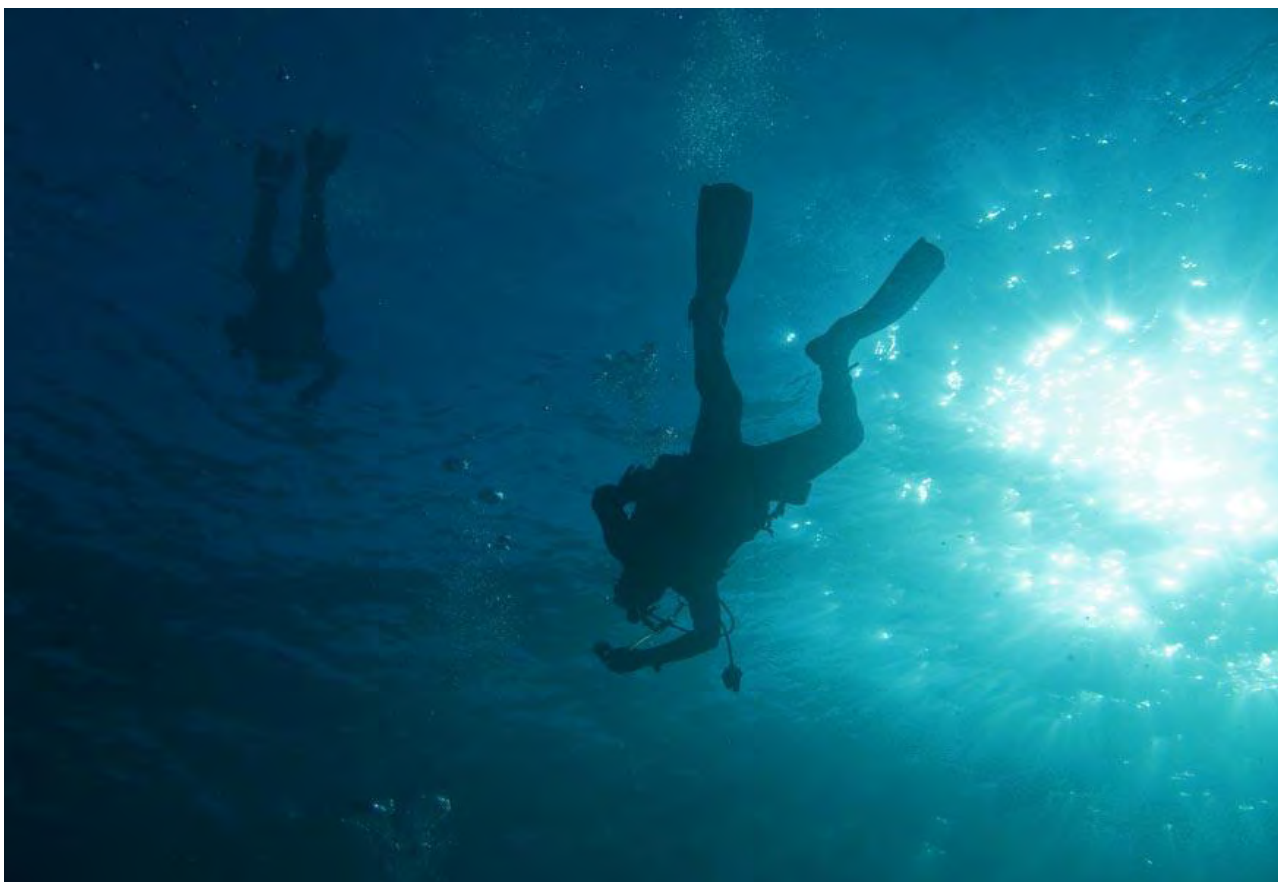
The Leap is located on the southern headland at the entrance to Botany Bay in Kamay Botany Bay National Park. It faces east to the open sea, however immediately to the north the shoreline curves westwards and into the bay. This location makes it extremely popular for two very different activities, scuba diving and fishing.



*The Leap, Kamay Botany Bay National Park*

The name 'The Leap' comes from the entry into the water, which requires a drop of, depending on tide, 1.5- 2.5 meters. The attraction for divers is the steep slope immediately below the Leap. This descends to the sand line at around 24m depth. This depth, combined with the nutrient rich location at the head of a major bay has encouraged the establishment of extensive sponge gardens complete with soft and gorgonian corals, ascidians and other encrusting organisms. It is really a remarkably rich patch of reef, possibly the most so around Sydney waters.

These attractions are made even more appealing to divers by the action of the tide as it enters the bay. Provided divers get into the water during the rising tide the currents basically carry them into the bay and to the exit point within minimal effort. It is nonetheless a relatively long swim to the first available exit point, around an hour. In combination with the moderately deep start the dive requires good air management. I'll come back to the point shortly.



*Divers, The Leap, Botany Bay*

The other key user group for the Leap is anglers. Deep water at the entrance to a bay is a recipe for great fishing, with a long cast past the reef and onto the sand providing good prospects of species such as snapper and morwong. Predatory surface species such as kingfish, tailor, salmon and bonito are even more abundant especially at dawn and dusk.

The rockplatforms around the Leap are both comfortable for fishing and high risk. The reason is the vertical walls around the edge of the platform. This has the effect that many waves lap against the vertical wall without spilling onto the platform, which is broad and relatively flat. The risks in this situation are twofold: firstly the platform is covered in a fine layer of extremely slippery algae; and secondly any wave that does crest the edge then rolls over the platform with great force. There is nowhere to retreat and if swept into the water the angler is faced with an impossible task of scaling the vertical walls, requiring a swim of several hundred meters to find a safe exit point.



*Gorgonian corals and sponges, The Leap, Botany Bay*



*Crested Port Jackson Shark, The Leap, Botany Bay*

The rockplatform at the Leap sits below a nearly vertical slope that rises to the coastal escarpment around a hundred meters above. Access was by an informal 'Goat Track' that zigzagged its way down the cliff and through piles of boulders. There is no doubt that the track was dangerous, especially when you consider that the divers are usually carrying around 25-30 kilograms of gear and clad in restrictive wetsuits. Around 2 years ago the inevitable happened and a young woman was injured after falling several meters while

circumnavigating one of the boulder piles.

In response to this accident the NPWS allocated funding to improve access to the site. This involved the installation of a series of steps as well as cutting through boulders and bedrock.

These works have done a wonderful job of reducing the risks involved in the climb from the carpark above to the rock platform. It undoubtedly addresses the risk of visitor injury within the national park, that is, the land above the high water mark.

However, the Leap also serves to illustrate the compromises that can happen when we make interventions to manage risk. The immediate effect of installing the new pathway and steps is that the Leap has become far more accessible to the general public. The previous 'Goat track' required a good mobility and fitness, the new one far less so. Compounding this reduced threshold of physical ability is the message that a high quality track provides to park users, the 'invitation by implication'.

This has implications for both divers and anglers. For divers, the length and depth of the dive required good air management skills, while it is also a rare shore dive where it is reasonably easy to breach no decompression limits. It is not a site that suits inexperienced divers.

Similarly, the easier access to the rock platform for anglers has seen an increase in usage by anglers, potentially including those with less experience in managing challenging platforms.

The risk of a fall while climbing down the cliff face has unquestionably been reduced. The net benefit to public safety clearly falls on the side of addressing the dangerous climb. However, any intervention in respect to access to the intertidal does generate new hazards and risks that need to be managed.

## **Conclusion**

Botany Bay contains some of the most important natural and cultural heritage sites on the NSW coast, made all the more remarkable by the fact that the bay is one of the more developed landscapes in Sydney.

A large part of why the bay's conservation attributes has endured can be attributed to the retention of critical parts of the bay ecosystem in a largely unmodified and functional state, including the two headlands and the Towra wetlands. However, simply putting a line on a map does not achieve conservation outcomes in its own right, nor can it possibly capture all of the habitats and places that are necessary for a healthy environment.

The bay needs to be managed in the knowledge that it is an integrated and mutually system of habitats and species assemblages. The entire bay, and in particular those key habitats of the intertidal zone, requires our sensitivity to the presence of the splendid array of species and habitats with which we share Botany Bay.





*Weedy Seadragon, The Leap, Botany Bay*

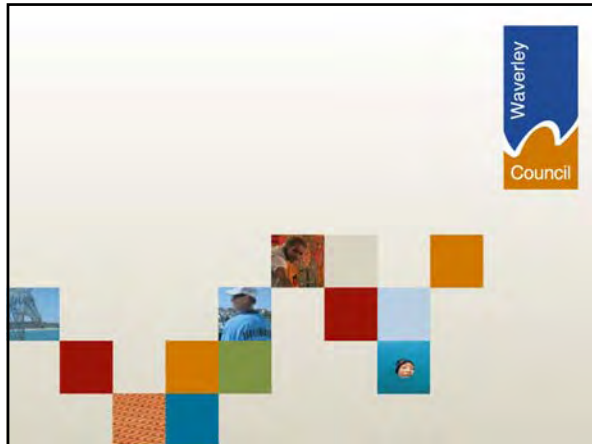
## CASE STUDIES: HOW TO ENGAGE AND COMMUNICATE WITH USER GROUPS

### 2.7 **What Lies Beneath: Addressing Conflicts Arising From Spearfishing Activities in the Waverley LGA. Waverley Council Case Study.**

**Presenter:** Ms Emily Scott  
**Position:** Divisional Manager, Environmental Services  
**Waverley Council**

**Biography:** Emily Scott graduated from Southern Cross University in 2001 with a Bachelor of Applied Science (Honours) majoring in Coastal Management. Following graduation, Emily was fortunate enough to secure an internship at Waverley Council where she commenced work as an Environment Officer. In 2002, Emily was appointed to the role of Environmental Services Manager, a position which she still holds. Working closely with Strategic Planners and Assessment staff at Waverley, Emily developed an interest in land use planning and in 2004 enrolled in a Masters of Urban Planning at the University of Technology, Sydney. She is currently finishing her Master's thesis researching future options for Municipal Solid Waste Management in Sydney.

**Synopsis:** Every summer on the northern headland of Bondi Beach, snorkelers, swimmers, rockpool rambblers and fishers come to enjoy the beautiful environment on offer within in the designated Intertidal Protected Area. However, the sharing of this relatively small area between these passive and active uses is a common source of conflict. Conflict that requires regular intervention and resolution by Council Rangers, Lifeguards and other Council staff. In 2005, Waverley Council embarked on a program to reduce these user conflicts by attempting to restrict and control spearfishing activities in North Bondi. This presentation provided an overview of the Waverley spearfishing program, the key learning from our attempts to better manage these coastal conflicts, and the importance of good consultation with all stakeholder groups in the decision making process.



# What lies beneath:

## Addressing conflicts arising from spearfishing activities in Waverley

Emily Scott  
Divisional Manager, Environmental Services  
Waverley Council



## Defining the conflict

anti-spearfishing nutters


Has anybody ever had anybody chase them down when they've been out spearfishing?

I went out for an afternoon spearfishing off Coogee beach in Sydney today, then some lady saw me snorkelled over to me and said what do you think your doing to which I told her to "go away" (my exact words) then she followed me around for the next half an hour and shadowing my every move even as much to follow me up onto the beach telling me how "I am pathetic and I should go to the fish market like everybody else the fish are only there to view and I mustn't be a local if I want to kill fish" to which my response is "So you go up to every line fisherman on the beach and have the same argument with them?" She replies something to the effect that no one line fishes on her beach which I can tell you isn't true cause 2 lines rooked up within 20 mins

Is this a constant problem that anybody else has had?

Just edited by forums: 01-10-2012 at 04:25 PM

<http://www.spearfishingplanet.com/australia-new-zealand/17247-anti-spearfishing-nutters.html>




Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

## Spearfishing 101

- Ancient method of fishing used for millennia
- Modern spearfishing utilises elastic powered spear guns and slings or compressed gas pneumatic powered spear guns
- Spearfishers catch < 1% of fish globally
- Activity itself generates much emotion and debate –is it a sustainable fishing method or environmental vandalism?
- Sport heavily regulated in Australia
- Research shown that in Australia spear fishing is the most sustainable method of fishing!
  - diver is restricted to shallow water, can be selective and target specific size and species to capture
  - No adverse impacts compared to other types of fishing such as by-catch, bait, loss of equipment and habitat destruction

Reference: Smith, A and Nakaya, S (2002) Spearfishing – Is it Ecologically Sustainable? Available at [http://www.cifed.com/documents/sustainable\\_spearfishing.pdf](http://www.cifed.com/documents/sustainable_spearfishing.pdf)



Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

## Spearfishing in NSW


- One million recreational fishers in NSW including spearfishers
- All fishing activities in NSW regulated by Department of Primary Industries
- Spearfishing is a relatively small sector within the overall fishing sector and in comparison to other user groups
- Many factors constrain the activity of spearfishing – depth of diving, visibility, swell, harvesting, range etc.
- Much more constrained than line fishing
- Spearfishers are required to pay NSW Recreational Fishing Fee
- Compliance infringements by spearfishers are low but high profile when they occur




Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

## What are the rules?

- In Australia, spearfishers are not permitted to:
  - Use a spear to take Blue, Brown or Red Groper
  - Take fish with a spear using a light
  - Spearfish on ocean beaches (except for the last 20m at each end)
  - Use SCUBA equipment
- A number of longstanding spearfishing closures exist in river mouths, coastal lagoons, and tidal waters



[http://in.wikipedia.org/wiki/File:Spearfisherman\\_Pyo\\_Kyo\\_Islands\\_July\\_2007.JPG](http://in.wikipedia.org/wiki/File:Spearfisherman_Pyo_Kyo_Islands_July_2007.JPG)



Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Why do spearfishers get a bad wrap?

ALUMINIUM HAND SPEAR 2 PIECES

Magika Aluminium Hand Spear 2 Pieces

\$19.99

ADD TO CART

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Illegal groper spearing under investigation

NSW Fisheries and Randwick Council are investigating the illegal spearing of a blue groper on Sunday.

NSW's emblem fish has a special place in the hearts of a lot of southeast residents with one giant groper in Clovelly Bay nicknamed Bluu, a name that has become so synonymous with the area that it has been adopted in city's promotional material.

Randwick Mayor Murray Mason said he was extremely saddened to hear that a blue groper was illegally speared at north Coogee on Sunday.

"Blue Groper are much loved by snorkellers and divers along Sydney's eastern coast renowned for their playful and friendly antics and also their stunning colour," he said.

He said Randwick lifeguards responded to complaints from police and beach-goers that a one-metre blue groper had been taken by spear fisherman.

"The lifeguards immediately contacted Industry and Investment NSW to report the incident and spoke to the person involved, taking their details. I'm told Fisheries Officers are currently investigating the matter," he said. "I would like to remind everybody that the spearing of Blue Groper in NSW is illegal."

The person involved could be facing an illegal fishing charge. The maximum penalty for spearing a blue groper is an \$11000 fine.

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Eastern Blue Groper

Waverley Council

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

Images: <http://farm3.static.flickr.com>

### Bronte to Coogee Aquatic Reserve

- Prohibition on:
  - the taking of groper by all methods of fishing from the northern end of Clovelly to the southern end of Gordon's Bay and the adjoining waters to 100 metres
  - spearfishing from the northern end of Clovelly to the southern end of Gordon's Bay and then subject to normal restrictions in other parts of the reserve
  - the collection of cunjevoi, commonly used as bait, and all invertebrates (dead or alive)

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Spearfishing in Waverley

- Southern Bondi located in a Intertidal Protected Area (IPA)
- Restriction on collection of bait in intertidal areas but fishing allowed
- North Bondi popular area for recreational activities including snorkelling, swimming and fishing
- The proximity of spear fishing to other swimmers has given rise to public safety concerns in this area.
- Confusion about the regulations between aquatic reserves and IPAs – rules are confused / misunderstanding cause of conflict
- Strong community opposition to all spearfishing activities in Bondi Bay – safety and perceived link to groper decline (later disproved by Macquarie Uni research)

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Intertidal Protected Area (IPA)

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012



### Spearfishing in Waverley

- Council does not have the authority manage areas below the mean low water mark.
- Authority lies with Industry & Investment NSW.
- Council resolved to reduce conflict by prohibiting the carriage of spearfishing equipment through Biddigal Reserve and Ray O'Keefe Reserve
- Administered under section 632 of the *Local Government Act 1993* and deemed lawful by Council solicitors.
- Complaints that signage at Ray O'Keefe was unclear and was interpreted as Council banning the activity itself – confusion and conflict continued

Waverley Council

Boundaries and Barriers: Managing the Tidal Zone, 14 August 2012

### Council response

- In 2007, Council requested a fishing closure for Bondi Beach from Minister Primary Industries
- As an interim measure Council requested officers investigate ways to legally restrict the activity
- There have been no reported spearfishing related incidents in the past 13 years.
- Investigation showed Council management practices were adding to the confusion and making the only legal entry point via the children's pool at North Bondi

Waverley Council

### Current Approach

- Consultation with local spearfishing clubs, the Underwater Spearfishing and Fishing Association (USFA), Council staff and members of the community
- Council resolved to:
  - Lift the current ban at Ray O'Keefe Reserve
  - Work with local spearfishing clubs to use this as the only access point
  - Install signage regarding voluntary separation of swimmers and spearfishers
  - Prohibit the carriage of spearfishing equipment through other entry points to Bondi Beach.
  - Communicate the new regulations
  - Work with local spearfishing organisations to promote safer spearfishing practices

Waverley Council

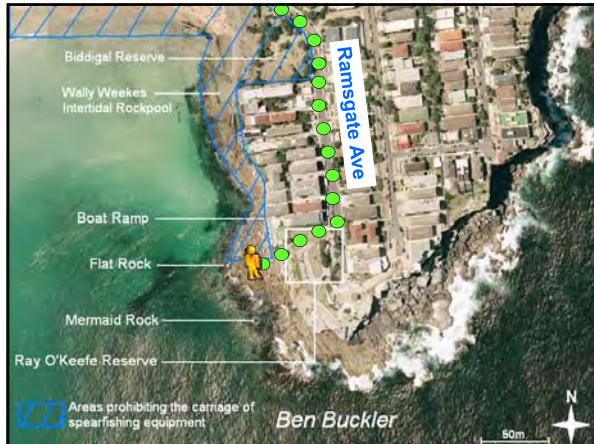
### Council Regulations

- Council prohibits the carriage of any spearfishing equipment through certain areas around Bondi Beach
- Promote sole access through Ray O'Keefe Reserve via Ramsgate Ave
- The purpose being to provide a more direct, legal and safer access point to Flat Rock therefore minimising beach user conflict and promote public safety

Waverley Council

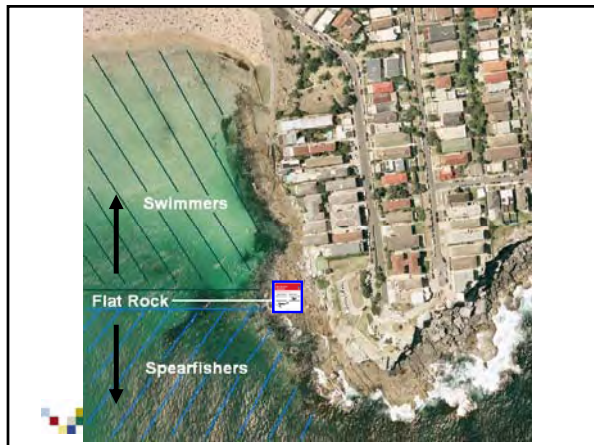
### Beach Regulation signs

Waverley Council



## Voluntary Separation Zone

- Installed informational signage regarding voluntary separation of swimmers and spearfishers at Flat Rock - Ben Buckler.
- Council discourages spearfishing in Bondi Bay or landward of Flat Rock
- This is to target inexperienced spearfishers
- Council are not permitted to ban spearfishing activities
- Purely a voluntary separation zone for the purpose of public safety



## Informational Signage

In addition to the new regulations:

- Council has installed updated signage enforcing the DPI bag and size limits for saltwater species.
- Continues to promote safe spearfishing practices through education and awareness
- Will only pursue further action in regards to a fishing closure zone in the LGA if warranted and supported by scientific research and data.

## Public Forum

- November 2010
- Purpose to launch new regulations
- 200 attendees
- Highlighted need to address the misunderstanding on the rules governing spearfishing, Aquatic Reserves, and IPAs
- Need for better education on the rules governing spearfishing as well as Aquatic Reserves and IPAs
- Need for partnerships with all interest groups
- Need to work with USFA to improve regulation of sport and education of those new to the sport
- Lobby the NSW Government to require the distribution of the USFA Code of Conduct with the sale of any spearfishing equipment

## NEWS

### Snorkeller takes aim at spear fishing

Snorkelling enthusiast David Hempton has challenged Waverley Council to hold an anti-spear fishing event after what he said was a "pro-spear fishing forum" last year.

The meeting, hosted by the council in November, was advertised in a fishing magazine and addressed by representatives of the Underwater Swan Divers and Fisherman's Association.

Mr Hempton said this excluded passive users who wanted to see spear fishing banned at Bondi, Camp Cove and from Bronte to Coogee.

A council spokeswoman said it did not pay for the advertisement but promoted it to residents via posters and its website.

Meyer Sally Betts said the purpose of the forum was not to promote the sport but explain new restrictions on it. She said the council did not have the power to ban spear fishing altogether but had prohibited carrying spears across beaches.

Mr Hempton said creating a marine sanctuary would boost the area's tourism potential and conservation credentials. "News of that would go all around the world, and for free," he said. "We've got a sanctuary there for the last of the grey nurse sharks in NSW and fishermen get upset that they can't spear fish there. They've got everywhere to go and passive users have nowhere."

The spokeswoman said there were no plans for another spear fishing forum.

## 2.8

## Community Engagement in Cabbage Tree Bay, Manly Council Case Study

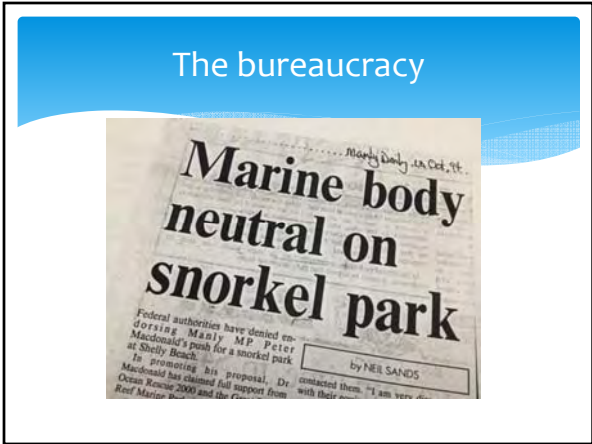
**Presenter:** Clr. Cathy Griffin  
**Position:** Councillor  
**Manly Council**

**Biography:** A member of The Greens, Cathy Griffin is a mother of three and has been a Manly resident for 11 years. She gained wide experience in administration, logistics and facilities management from 17 years service in the Regular Army as an Officer. As Past Chair of the Little Manly Precinct Community Forum and as a member of the Manly Council Environment and Climate Change Committees, Cathy has a history of active community consultation and is the Vice-Chairperson (Ocean) of the SCCG. Participation in the North Head Sewerage Treatment Plant Community Consultative meetings as well as the Quarantine Station Community Consultative Committee also contributes to Cathy's knowledge and understanding of the community and environment in which she lives. Cathy is interested in and committed to social justice, ecological sustainability, grassroots democracy and peace; the four pillars that inform the Greens policies.

**Synopsis:** Councillor Griffin discussed the community engagement process that Council undertook to collaborate with LGA residents in the conservation of Cabbage Tree Bay.

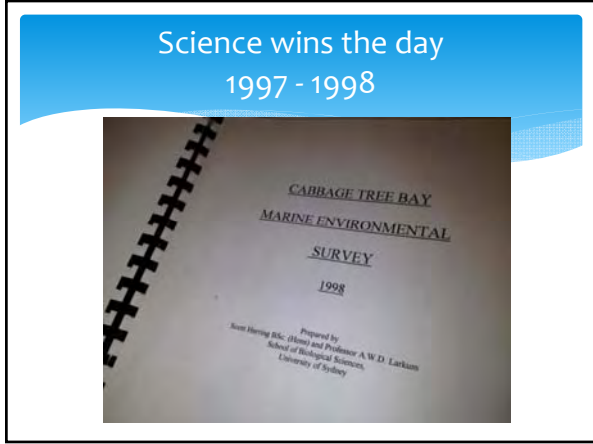
# Cabbage Tree Bay Community Engagement

The Brutal Truth  
20 years

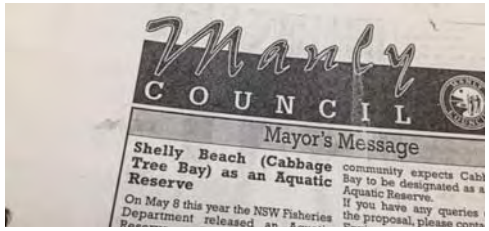


- 1995 Cabbage Tree Bay Consultative Group established
- \* Spearfishers
  - \* Commercial and recreational fishers
  - \* Commercial and recreational divers
  - \* Residents
  - \* Boaties
  - \* Experts
  - \* Scientists

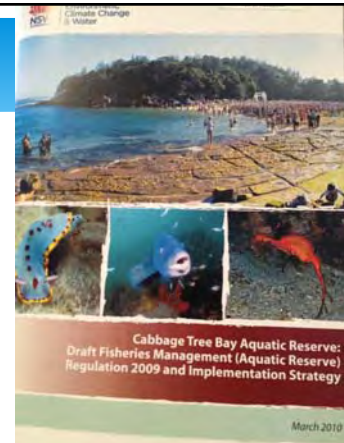




### 2001 The Declaration



### 2002 Ministerial Announcement



### 2010



### 2011





## Where are we now?

A partnership initiative of Manly Council & NSW Dept of Primary Industries Fishing and Aquaculture

Information Day  
Saturday 25<sup>th</sup> August 2pm  
Manly Council Chambers, 1 Belgrave St, Manly

**PROGRAM**

- Friends of Cabbage Tree Bay Volunteer Group
- NSW Fisheries
- University Research Projects in Cabbage Tree Bay
- Eco Divers
- Compliance – Land & Marine
- Manly Environment Centre
- Sign up on the day for
- Training as a volunteer

Regular newsletters and updates on the Cabbage Tree Bay marine environment

**RSVP and Info - Manly Environment Centre 9976 2842 or**  
[mec@manly.nsw.gov.au](mailto:mec@manly.nsw.gov.au)  
No Later than Wednesday 22<sup>nd</sup> August 2012

## Changing place

**NEWS**

**Bold & Beautiful pay tribute to North Steyne local**

LOCAL NEWS 28.3.12 @ 12:54PM BY BRUCE EAY

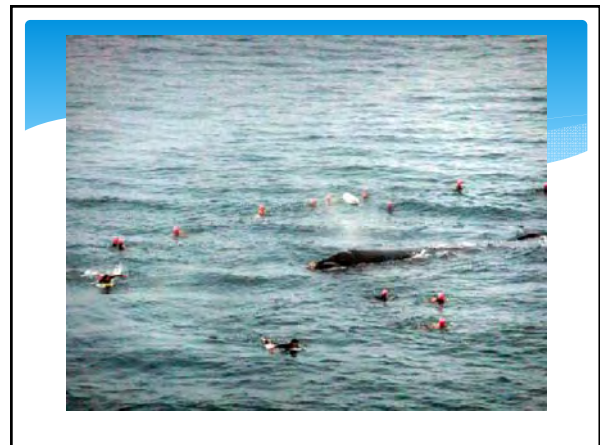
Recommended Send Anna Alvidotter and 18 others recommend this. Tweet

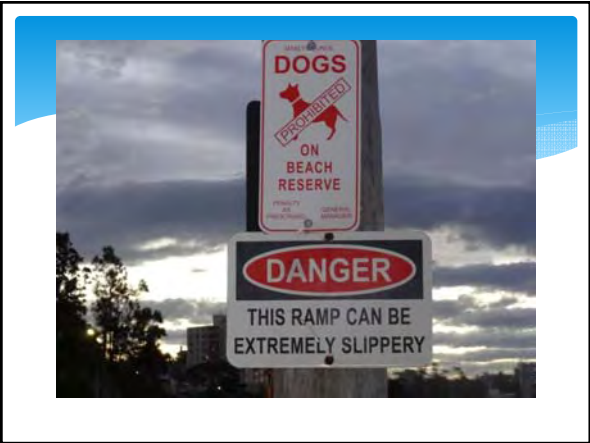
**The Manly Daily on Facebook**  
Like 1,367

HUNDREDS gathered at Manly Beach on Sunday to farewell and remember northern beaches identity Bruce Paterson.

Mr Paterson died aged 83 at Manly Waters Private Hospital following a long battle with cancer.

Involved heavily in bush regeneration on the northern beaches, Mr Paterson was an inspiration to many for his Sam bike rides and regular morning swims with





## 2.9

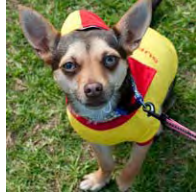
**Should Dogs be Allowed on Beaches? Warringah Council Case Study**

**Presenter:** Ms Liz Romer  
**Position:** Acting Manager: Regulatory Compliance  
**Warringah Council**

**Biography:** Ms Romer has been at Warringah Council for the past 3 and a half years. Her substantive position involves management of companion animals in Warringah where she works closely with the rangers. Her job includes addressing issues for Council regarding dogs such as unleashed areas, impounded animals, public education and cat issues such as un-owned cats. Liz's previous jobs include 20 years of experience in zoos as well as working with NPWS and the Australian Museum.

**Synopsis:** Warringah Council has had considerable pressure over many years to provide a beach for dog unleashed exercise and swimming. Most beaches were ruled out on environmental grounds such as presence of threatened species. The most recent study was a review of Curl Curl beach as the last suitable location. The study encompassed an environmental study which found nothing of significance. The study also involved a large public consultation component. As a result the recommendations concluded that no trial of dog swimming be undertaken due to conflict with other uses as per Council's policy for dog unleashed exercise areas.

## Study into allowing Dogs on Warringah's Beaches



Liz Romer, Projects Coordinator



warringah.nsw.gov.au

## Background

- Since the introduction of the Companion Animals Act 1998 dogs have been effectively banned from all beaches
- All councils are required to have at least one area for dog unleashed exercise



warringah.nsw.gov.au

## Council's Policy

Council allocates free-run areas for dogs on the basis that:

- Dogs are permitted free run only under effective supervision and in the locations identified in the attached appendix.
- The person in charge of the dog takes full responsibility for the activity and behaviour of the dog
- Before allocating an area as a free-run area for dogs Council will ensure there is no conflict with other users of the area
- All free-run areas for the exercising of dogs will be adequately signposted
- Free-run areas are to be allocated on the basis that faeces deposited by dogs are collected and removed by the person supervising the dog.



warringah.nsw.gov.au

## Issue

- Dogs are frequently illegally on the beach
- Dog owners have been requesting a beach swimming area to legally swim their dogs



warringah.nsw.gov.au

## History

- In 2000 a trial for dog swimming at Manly Dam was abandoned due to environmental impacts
- In 2005 a review into the suitability of Long Reef for dog swimming was undertaken
- Rejected on environmental grounds



warringah.nsw.gov.au

## History

- In 2009 Council granted access the Curl Curl lagoon adjacent to current unleashed exercise area for dog swimming.



Dog swimming area



warringah.nsw.gov.au

## Recent

- In August 2010 Council resolved to research potential areas in the northern end of the LGA for beach swimming.
- The aim was to find a beach suitable so people would not illegally take their dogs to environmentally sensitive areas



## Components of Study

- Literature review into suitable planning documents.
- Primary document relating to dog exercise areas is "Public Open Space and Dogs – A design and management guide for open space professionals and Local Government by Harlock Jackson (1995).



- Review of other councils way of dealing with allowing dogs on beaches. Most of these were in less populated areas such as north and south coast
- Community Consultation
- Environmental Impact Assessment



## Community Consultation

- Community consultation via on line forum March 2011
- <http://yoursaywarringah.com.au/dogsonbeaches>
- This is good for gauging how community feels about topics but is not a statistical tool
- Very active – over 5,000 site visits with 1,408 comments posted
- Clear the issue was very divided



## Random Phone Survey

- July 2011 a telephone survey of 600 residents
- When asked whether we should open selected beaches 29% strongly opposed, 9% were slightly opposed (total 38%)
- Conversely 24% strongly supported and 22% slightly supportive (total 46%)
- 16% were unsure



- Major concerns raised included dog waste, children's safety, amenity/peace of the area.
- These results differed slightly from a Council's previous survey on Environmental Perceptions in 2010 of which two questions were asked relating to dogs on beaches. This found 76% of participants thought all beaches should be dog free and 79% focused on dog droppings as an issue.



## Environmental Assessment

- A review of the previous studies and current beach use showed only one section of Narrabeen Beach would be potentially suitable.
- An environmental study by Eco Logical Australia found the presence of Sand Spurge (*Chamaesyce psammogeton*) in the dunes



## Sand Spurge



- Sand Spurge is listed as endangered under the Threatened Species Conservation Act 1995.
- Key threats include trampling.
- As the sand dunes would be difficult to effectively fence to keep dogs out this site was ruled out as a possibility.



## Last Hope – Curl Curl

- When Council realised that there were no suitable locations for swimming dogs in the Northern area of Warringah it passed a resolution into looking at trialling dog swimming at Curl Curl.



## Why Curl Curl?

- Adjacent to the beach is an unleashed dog exercise area from which it was proposed dogs could enter the beach



- The unleashed area was built on an old tip so it was unlikely endangered species were present
- Dogs are currently allowed to swim in the lagoon but many complain it is polluted
- The study was to look at restricted hours access 100 m away from flagged swimming areas



## Components of study

### Public Consultation

- Public engagement was essential due to high use of Curl Curl
- Council Policy states that an unleashed dog exercise area must not conflict with other users





## Engagement Strategies

- Letters sent to all residents adjacent to Curl Curl Beach – 653 letters were sent
- Significant stakeholders contacted which included both Surf Clubs and Curl Curl Lagoon Friends and Curl Curl boardriders and the Manly district dog club
- Advertisement in Manly Daily



- Emails sent to approximately 3000 people on council's community engagement register
- Information kiosk held on site 10am-12pm on a Sat & Sun in February
- Council's Companion Animal Advisory Committee notified.



## Results of Community Engagement

- 588 written submissions were received – 8 from stakeholder groups
- Of the individual responses 40% were in favour of a trial while 60% were against dogs on beaches at all.



## Reasons For

- Just want – 52%
- Community feeling/pets good for health 18%
- Works well in other places 15%
- Dog enrichment 8%
- Large numbers of dogs need facilities 5%
- Water quality poor in lagoon 4.2%
- Only acceptable with conditions 3.8%
- Dogs need to swim 1.7%
- Non dog owners a vocal minority – dogs owners have right to access beach 1.3%



## Reasons against

- Dog faeces not always picked up 70%
- Risk to safety particularly young and elderly 39%
- Conflict with other users eg joggers, fishermen, children 34%
- Resources to ensure compliance not available or economical 25%
- Unsustainable numbers would use beach 15%
- Dogs will urinate on belongings/can't pick it up 15%



- General non-compliance of dog owners to stick with rules 26%
- Dogs wont be under effective control 19%
- Environment/wildlife impact 19%
- Lagoon adequate for swimming 18%
- Zoonotic diseases from faeces 11%
- Owned a dog but didn't think should be on beach 12.5%
- Potential for shark attack 7%
- Seen damage done in other locations 5%



## Other Components

- Study done of beach use in proposed times (before 8am and after 5pm) showed up to 300 on beach – up to 129 joggers/beach walkers and 130 surfers in a one hour period.



## The Great Poo Pick Up

- Due to large number of complaints regarding dog poo we went to the dog park at Curl Curl to quantify issue.
- In an area 130m x 30 m 56 dog scats were collected
- Bins and bags were provided in this area.



## Environmental Study

- Eco Logical carried out an environmental impact study
- Concluded that proposal was unlikely to have significant impact on threatened or migratory shorebirds.



## Final Resolution

- Council's Policy states that "Before allocating an area as a free-run for dogs Council will ensure there is no conflict with other users of the area"
- Based on community engagement it was clear there would be conflict which has been supported by the study
- The recommendation to not proceed with the trial was adopted.

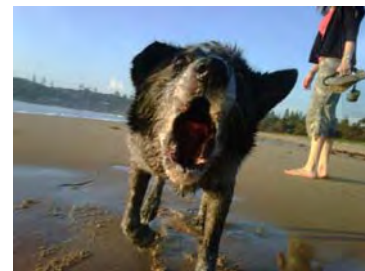


## Conclusions

- Hugely political with strong lobby groups (Nearly became a referendum at the upcoming Council election)
- Need to ensure a number of engagement strategies are used to ensure you can properly gauge the public opinion.



## Questions?



## 2.10 Regulating Foreshore Boat Storage

Presenter: Mr Paul Fraser  
Position: Team Leader of Open Space and Recreation Planning  
**Woollahra Council**

**Biography:** Paul is employed as the Team Leader of Open Space and Recreation Planning for Woollahra Council. His role is responsible for the management of the Open Space and Recreation team playing a key role in the development of plans and policy for Council's Open Space and the management of open space.

Paul has also worked at Liverpool Council and Baulkham Hills Council in similar roles within the open space and recreation area.

**Synopsis:** Woollahra has some of the most beautiful beaches, bays and inlets in Sydney. There is approximately 16km of harbourside extending from Rushcutters Bay to Watsons Bay. Our foreshores are under high demand for a wide variety of passive and active recreational pastimes. Informal, ad-hoc and unauthorised water craft storage can be unsightly, potentially dangerous, and alienate and restrict public access to the foreshore.

Woollahra Council has implemented a *Water Craft Storage Policy* to manage the storage of water craft on public land for the benefit of boat owners and for the enjoyment of the broader community accessing the foreshore.

**Boundaries and Barriers: Managing the Tidal Zone**




**Regulating Foreshore Boat Storage**  
14 August 2012

Woollahra Municipal Council

**Woollahra at a glance...**


- Population 52,000
- Area 12 km<sup>2</sup>
- 45 ha. of parkland
- 16 km of Sydney Harbour foreshores
- Bound by Sydney Harbour, Waverley Council, Randwick Council and the City of Sydney.
- The harbourside is one of the Municipality's greatest natural assets.
- High interest in recreational boating.
- Our foreshores play an important role in accessing the harbour and moored yachts.



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**The Issue?**

A review of Council's foreshore reserves indicated over 270 various types of craft, stored in public parks and on beaches in Woollahra.



Rose Bay Park, Rose Bay

Woollahra Municipal Council



Rose Bay Park, Rose Bay

Woollahra Municipal Council



Rose Bay Park, Rose Bay

Woollahra Municipal Council



Rose Bay Park, Rose Bay

Woollahra Municipal Council

**Why do people store water craft on public land?**

- Accessing swing moorings
  - Approx. 677 swing moorings
  - Dinghies are used to access the moorings.
- Avoid the need to transport water craft to and from home.
- Avoid costs associated with commercial water craft storage facilities.
- Ease of access into the harbour foreshore.
- Abandoned unwanted water craft.

*We do encourage and support public use of the foreshore by all users.*

*What we do not support are people storing water craft taking up precious public open space for private purpose.*

**Issues associated with hap hazard storage of water craft:**

- Physical and visual clutter of the foreshore.
- Restriction of access to a park, harbour beach or walkway.
- Alienation of public land.
- The collection of rubbish and debris.
- Damage to trees and Council's infrastructure (as a result of craft being chained or secured).
- Adverse public safety or risk/OH&S.
- Disturbance of Council park operations.



Damage to the tree caused by storage of watercraft

**Assessing the conflict / challenge / opportunity.**

- Foreshore public open spaces are limited and under high demand.
- There is no legislative requirement for Councils' to provide water craft storage in public open spaces.
- It was acknowledged that the storage of dinghies in some locations have long contributed to the maritime character of the area.
- We recognised that the absence of a policy or facilities to manage the storage of water craft had contributed to these issues.



Watsons Bay Promenade


**We identified:**

- **Conflicts**
  - conflict between Council and boat owners who had stored their water craft on Council land for many years
- **Challenges**
  - activating change and modifying the perception of boat owners that the storage facility was of benefit to them, as well as Council and the general public
  - facilitating / providing sufficient storage for the majority of boats stored on the foreshore
  - removal of derelict/abandoned water craft
- **Opportunities**
  - increasing access to public space
  - providing improved access to a secure storage space for boat owners
  - providing a detailed procedure and policy

**Management options - the way forward!**

Management processes involved:

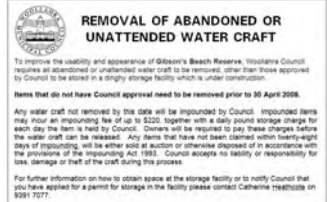
- A review of all foreshore areas
- What are other Councils' and Agencies doing?
- Report to Council
- Development and Adoption of a *Water Craft Storage on Public Land Policy*
- Community consultation
- Engagement with Council staff
- Impounding procedure
- Design and implementation of storage infrastructure
- Administration
- Monitor and review




**Engaging in consultation**

Community Consultation:

- Council adoption
- Local media adverts and media releases
- Notification signage at the various locations
- Stickers on affected water craft
- Liaising with RMS (NSW Maritime)
- Correspondence posted to mooring holders
- Correspondence posted to other interested parties





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### Our Management Approach

- **Water craft storage on public land policy.**
- Objectives of the policy are:
  - Orderly storage
  - Prevent alienation of public open space
  - Impounding procedure
  - Operation of storage facilities
- Policy relates to Councils' Management Plan
- Identification of sites
  - Rose Bay Park
  - Tingira Memorial Park
  - Gibsons Beach
  - Marine Parade
- Seek Funding
  - Sharing Sydney Harbour Access Program (SSHAP)
  - Better Boating Program (BBP)
  - Council Capital Works Program

**Water craft Storage**


**Water craft storage on public land policy**

*Our policy*

*Objectives*

*How this policy relates to our Management Plan*








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### Our Management Approach cont.

- Implementing the impounding process
- Design and construction of storage facilities
- Managing allocation of storage bays
  - application form
  - "first in basis"
  - permit issued to be attached to the water craft
  - renewal of permits.

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### The outcome!

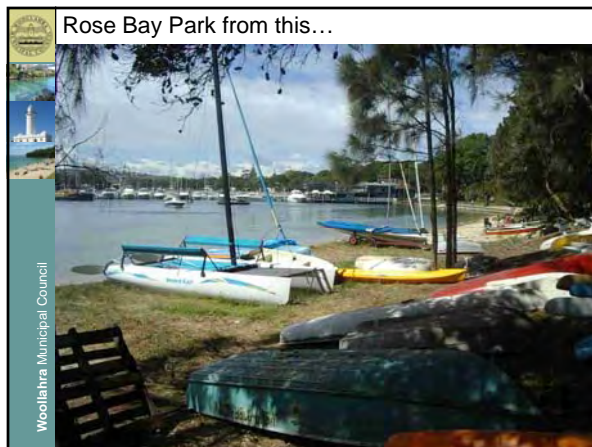
- 166 storage bays in 4 locations

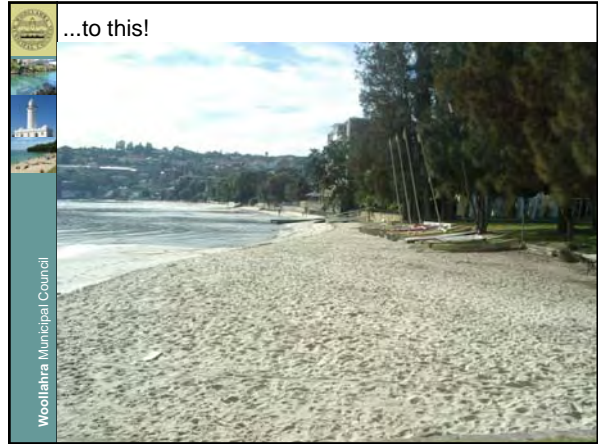
Location	Number of Racks	Storage Type
Rose Bay Park, Rose Bay	50	Vertical racks
Tingira Memorial Park, Rose Bay	30	Vertical racks
Gibsons Beach Reserve, Watsons Bay	21	Vertical racks
Marine Parade, Watsons Bay	65	Stainless steel fixing points attached to the edge of the promenade for horizontally storage

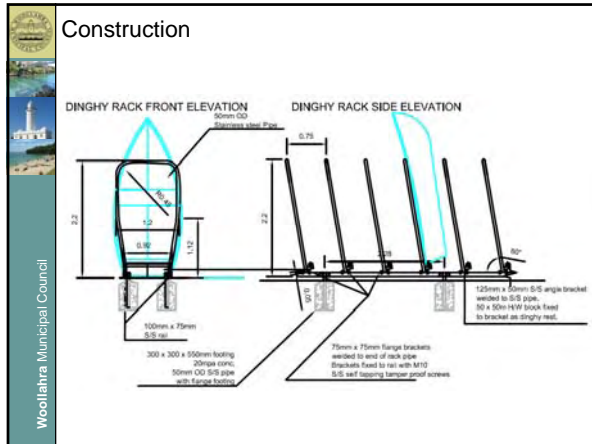
**Fees and charges**

Fee Type	Annual Fee	%
Resident or rate payer	\$105 per year (August – July)	71%
Non-resident	\$195 per year (August – July)	29%

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### What were some of the things the public said ?

**Some negative...**

*"What do you mean we have to pay ? I have had my boat there for 30 years and I have never had to pay... This is ridiculous..."*

*"You have no right to move my boat it's been there for 20 years. I'm going to call my solicitor..."*

*"Good take it! It is not sea worthy anyway!"*

**But the majority positive...**

*"This is a great idea..."*

*"Do residents get preference for storage spaces?"*

*"Since the racks have been built, I can now walk along Rose Bay Beach. It's beautiful..."*

*"Well done Council, you have given the beach back to the general public"*

### Lessons learnt and future opportunities

**Important**

- Consultation is very important!
- Successful collaboration of all staff, Councillors and NSW Maritime.
- Very clear correspondence.
- Ability to promote change in the community.
- 1 year permits.
- Regular inspection and enforcement.

**Opportunities**

- Where possible and if the demand requires, put in as many racks as possible.
- Woollahra will be implementing 30 storage bays at Steyne Park, Double Bay.





## WORKSHOPS

Three workshops were held in the afternoon session of the forum, initiating discourse on (1) the major barriers to successful, sustainable and effective management of the foreshore and (2) and solutions/options to address them.

### 2.11 Theme One: Education and Outreach to User Groups

This workshop focussed on the main barriers Councils face in the effective consultation and communication with residents and foreshore user groups on issues relating to foreshore management. Council case studies presented represented common management issues experienced by SCCG Member Councils.

**Table 1: Theme One Workshop Outcomes**

Barriers	Potential solutions/options
Lack of clear, concise and translated signage	<ul style="list-style-type: none"> <li>• Technology and social media to involve the community early</li> <li>• Celebrity ambassadors and other champions to spread key messages</li> <li>• Use the <i>keep it simple stupid</i> strategy in signage</li> <li>• Website translation options should be clearly and easily identified</li> <li>• Clear and universal foreshore user-rules so that ignorance cannot be used as an excuse</li> <li>• Distribution of translated brochures about protecting the coastal environment, (e.g. On all international flights into Sydney)</li> <li>• Community "aquatic champions"</li> <li>• Expand programs such as the Pittwater "coastal ambassadors program" and develop new conservation programs to engage the community for example, the Taronga Zoo project penguin</li> </ul>
Lack of options for users to provide feedback	
Too much information to pass on and insufficient time and resources to do so	
Lack of common messages spread across Council areas	
User backlash can occur when there is over-regulation and no explanation of why user groups are not aware of environmental and legal issues	
Lack of united educational programs/awareness events such as those under the Western Australia Department of Environment and Conservation's environmental Education Strategy	
Absence of early and effective community consultation	
Limited collaboration with business and industry, especially for matters outside legal obligations	

Parties identified as being able to implement the above solutions/options:

- State and Federal Government
- Division of Local Government
- State Agencies in collaboration with Councils
- Local Government and Shires Associations and private industries.

## 2.12 Theme Two: Enforcement

This workshop identified the main barriers Council Compliance Departments (mainly Enforcement Officer/Rangers) contend with, specifically in the foreshore area. Solutions were brainstormed and are detailed in Table 2, below.

**Table 2: Theme Two Workshop Outcomes**

<b>Barriers</b>	<b>Potential solutions/options</b>
Lack of clear and consistent signage	<ul style="list-style-type: none"> <li>• Protocols so that all warnings correspond; separating roles between parking rangers</li> <li>• Universal signage</li> </ul>
Lack of respect from the public for the enforcement officers role	<ul style="list-style-type: none"> <li>• Survey Head Rangers key compliance issues and how they deal with them now</li> <li>• Research partnerships</li> <li>• Resource LG enforcement</li> </ul>
Lack of regional consistency in enforcement/compliance	<ul style="list-style-type: none"> <li>• Develop Local Orders/Enforcement Policies</li> <li>• DLG Training Modules - themes - common to coastal councils such as dogs, spear fishers, boats</li> </ul>
Difficulty enforcing rules and confusion with rules and boundaries	<ul style="list-style-type: none"> <li>• Survey top 10 issues within Council</li> <li>• Clarify and regulate times and geographical areas of popular foreshore locations</li> </ul>
Need for consistent standards	<ul style="list-style-type: none"> <li>• Hold seminars/workshops for rangers. Invite key stakeholders, for example, Police, Fisheries Compliance, National Parks and Wildlife Services Rangers etc.</li> </ul>
Need for skills/technical reference group staff	<ul style="list-style-type: none"> <li>• Investigate additional funding opportunities</li> </ul>
Reluctance to abide by the rules	<ul style="list-style-type: none"> <li>• Recognition of this and the use of a strategic approach. Personable Rangers should be employed to make enforcement increasingly successful</li> </ul>
Lack of education	<ul style="list-style-type: none"> <li>• Targeted comprehensive education</li> </ul>
Cultural barriers	<ul style="list-style-type: none"> <li>• Identify and target leaders within demographics to liaise with and lead by example</li> </ul>
Need for additional resources – programs and expectations	<ul style="list-style-type: none"> <li>• Promote collaborations among Councils</li> </ul>
Minimal coordination across agencies	<ul style="list-style-type: none"> <li>• Better use of communication intelligence/input</li> </ul>
Need for partnerships	<ul style="list-style-type: none"> <li>• Build partnerships across enforcement groups (police, NP&amp;WS, Fisheries, etc.)</li> </ul>

### 3.3 Theme Three: Building Partnerships across Agencies

This workshop identified the main barriers encountered by agencies and government with overlapping responsibilities and legislation and potential solutions. A number of issues were identified and attempts to identify possible solutions were canvassed (Table 3). Responsible parties were identified as being all Federal, State and Local Governments and Agencies.

**Table 3: Theme Three Workshop Outcomes**

<b>Barriers</b>	<b>Potential solutions/options</b>
Shortfall in liaison between Agencies	<ul style="list-style-type: none"> <li>Facilitate communication between agencies</li> </ul>
Agencies compete and overlap each other	<ul style="list-style-type: none"> <li>Consistent communication</li> <li>Seek additional support from State and Federal Government to provide resources to do so</li> <li>Pool enforcement resources for coastal zone</li> </ul>
Lack of clarity in the roles and responsibilities across agencies	<ul style="list-style-type: none"> <li>Promote education in compliance and enforcement</li> <li>Interagency workshops</li> </ul>
Limited resources for enforcement	<ul style="list-style-type: none"> <li>Forums that bring Agencies together to look at efficient gains and shared experiences</li> <li>Support one another</li> <li>Lobby as a group for additional resources and funding</li> </ul>
Misunderstanding between user groups and Agency Enforcement Departments.	<ul style="list-style-type: none"> <li>Division of Local Government and Local Government and Shires Association (LGSA) to provide assistance</li> <li>Best practice models on dealing with user groups</li> <li>Operational seminar on coastal issues</li> <li>Conferences for Stakeholders/User Groups</li> <li>Write and lobby and behalf of Member Councils to LGSA and explain the need for consistency on these issues</li> </ul>
Sharing knowledge and valuing other knowledge	<ul style="list-style-type: none"> <li>Recognise, value and support networks</li> </ul>
Communication	<ul style="list-style-type: none"> <li>Organise regular support and networking</li> </ul>
Opaque science	<ul style="list-style-type: none"> <li>Education/fact sheets tailored for non-science audience</li> <li>Provide (transparent) scientific evidence as to why certain areas are off limits or there are certain restrictions</li> </ul>
Need to value other knowledge	<ul style="list-style-type: none"> <li>Implement engagement strategies</li> </ul>
Power imbalance	<ul style="list-style-type: none"> <li>Identify and allocate responsibility and authority</li> </ul>
Support for Local Government when enforcing legislation	<ul style="list-style-type: none"> <li>Give cross-agency capacity</li> </ul>
Conflicting legislation	<ul style="list-style-type: none"> <li>Streamline the plethora of legislation</li> </ul>
Cooperation between Councils at a regional level	<ul style="list-style-type: none"> <li>Utilise ROCs to a higher degree</li> </ul>
Need for inter-agency coordination	<ul style="list-style-type: none"> <li>Closer community involvement using agency Liaison Officers</li> </ul>

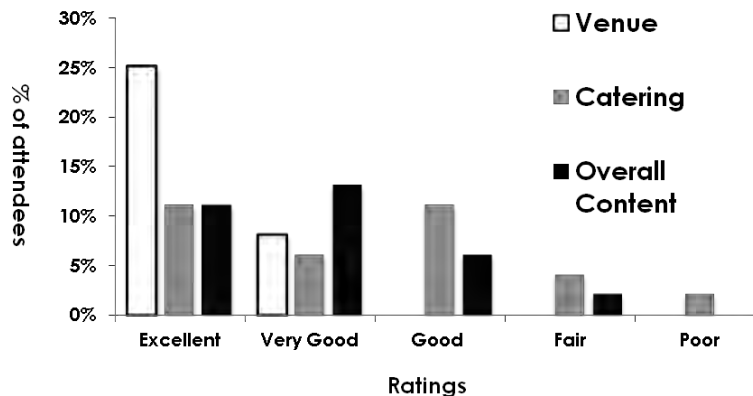
### 3. EVALUATION

At the end of the day, a survey was conducted to evaluate the event. The Evaluation Form employed a five level rating system addressing three elements of the Forum (Fig. 1). More than one-third of attendees completed the form. Overall, results fell within the excellent to very good range of the rating scale (Fig 1).

Attendees were also asked what they felt was the most valuable part or highlight of the Forum. Interaction and relationship building between attendees and understanding priorities of other councils and agencies were identified as valuable elements of the Forum. It was suggested that the contact details of all attendees should be distributed at the event to allow for further networking and collaboration across agencies, and that there should be a specific meet and greet facilitated during the day.

Overall, comments regarding each presentation were positive and included:

- *Great to get an idea of how other councils manage conflicts*
- *Hearing from Council officers/managers on issues and solutions*
- *Good venue, good cross section of topics.*
- *Longer time to workshop*
- *The case studies were useful and representative.*



**Figure 1: Column graph rating the venue, catering and overall content.**

### 4. SUMMARY

The SCCG would like to thank all presenters and attendees. It was a successful event that reinforced the view that successful management of the foreshore can be supported by a regional and coordinated approach with appropriate resources and funding.

The SCCG represents and advocates Member Councils' interests on issues relating to regional State and National coastal and estuarine management. The Forum emphasised the SCCG's role in this sphere and encouraged it to continue to lobby on behalf of Member Councils to promote sustainable coastal zone management.

The Forum addressed a wide range of contemporary topics of interest to attendees. Presentations and the informative Member Council case studies highlighted common user issues faced by Local Government and stakeholders in the management of the coastal zone. They were well received and increased capacity in the field. One of the most important outcomes of the day was the improved stakeholder communication and relationship building which will contribute to addressing the issues identified in the Forum.



**SYDNEY COASTAL  
COUNCILS GROUP**

**SCCG  
Capacity  
Building  
Program**

**Sydney Coastal Councils Group Inc.**

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