

Environment Health and Regulation Committee

Sutherland Shire
COUNCIL 

02/02/2015	EHR074-15
Report Title:	Minutes of the Port Hacking Management Panel meeting held on 3 December 2014 commencing at 6.00pm
File Number:	GO/06B/897533
Author:	Manager Administration (GT)

Minute Number: 554 Council Meeting Date: 09/02/2015

REPORT SUMMARY

EXECUTIVE SUMMARY:

To consider the Minutes of the Port Hacking Management Panel meeting held on 3 December 2014.

SUMMARY OF RECOMMENDATION:

1. That the Minutes of the Port Hacking Management Panel meeting held on 3 December 2014 be received and noted.
2. That any proposal to dredge navigation channels to residents properties in the north west head of Burraneer Bay as part of any remediation process as outlined in the Royal Haskoning DHV Draft Feasibility Dredging Study, not be supported.
3. That the comments from residents, and representatives of the PHMP regarding the need for remediation and not dredging be noted, and that the preparation of an estuary management plan for the whole of Burraneer Bay be investigated.
4. That it be noted that the Port Hacking Management Panel supports the continuation of the Riverkeeper role for Port Hacking and highly values the contribution of the Riverkeeper towards the management of this important estuary.
5. That a statement of duties be provided for both the positions of Boating Safety Officer and Riverkeeper to allow the Panel to compare the two roles and assess what implications will occur from the RMS decision to discontinue the Riverkeeper role.
6. That Council commence a process for the development of a dredging policy for heads of bays, navigation channels and tidal channels.
7. That a Working Party consisting of interested Panel members and relevant staff from the Stormwater & Waterways Unit be formed to develop a Dredging Policy for Port Hacking.

FINANCIAL / RESOURCE IMPLICATIONS:

Nil.

POLICY / LEGAL IMPLICATIONS:

Proposal to develop policy for dredging of Port Hacking.

LIST OF APPENDICES:

Photos of current signage/restrictions at Henry Turner Reserve - Port Hacking Sailing Club.

PREVIOUS CONSIDERATION / HISTORY OF MATTER:

Reports EHR045-15  and EHR061-15  refer to dredging proposals/feasibility studies for Fishermans Bay and Burraneer Bay.

REPORT IN FULL**1. PRESENT**

Cr Carmello Pesce (Acting Chairperson); Cr Peter Towell; George Elias (Office of Environment & Heritage); Alberto Albani, George Cotis, Tony Griffiths, Don McKinnon, Joe Gilles, Michael McInerney (Community Representatives); Manager Environmental Science (Ian Drinnan); Guy Amos (Stormwater & Waterways Manager); Leah Wedmore (Senior Environmental Planner); Joga Jayanti (Stormwater Engineer); Fiona Thomson (Riverkeeper); and Grant Tyler (Executive Officer - Governance).

2. APOLOGIES

Apologies were tendered and accepted on behalf of Cr Carol Provan; Cr Phil Blight; Cr Kevin Schreiber; Carla Ganassin (NSW Fisheries); Director - Shire Infrastructure (Peter Hazeldine); Director - Planning & Environment (Peter Barber); Gwyn Cleaves (Parks & Waterways Manager) and Mark Bieder.

3. QUORUM

A quorum, being a minimum three (3) community members plus one (1) councillor, was achieved. (Note: Agency representatives not included).

4. DISCLOSURES OF INTEREST

Councillor Pesce advised of having a not significant non-pecuniary interest in the matter concerning the Burraneer Bay Dredging Draft Feasibility Study advising that he knows the residents of Grandview Parade who put in a submission to the Environment Health & Regulation Committee.

5. WELCOME

The Acting Chairperson, Councillor Pesce welcomed those in attendance and declared the meeting open.

6. MINUTES OF PREVIOUS MEETING

Decision: (Cotis/Albani)

That the Minutes of the Meeting of the Port Hacking Management Panel (PHMP) held on 17 June 2014 be confirmed as a correct record subject to the following amendment:

Page 6 - "In relation to Fishermans Bay, the meandering channels of the sand spit are the result of the commercial dredging for shell, and not navigation channels".

7. BUSINESS ARISING

Port Hacking Past & Present CD RoM

The free CD RoM and brochure were advertised in the Shire Newsletter - November 2014

edition. Subsequently, numerous requests have been received from the public to receive copies of the document "Port Hacking Past & Present" which have been either collected from the Council's Administration Centre Reception desk or posted by mail. Copies of the document are also on Council's website.

8. CORRESPONDENCE

Inwards

- Mark Bieder - email dated 15/9/14 regarding concerns over behaviour of fisherman at Port Hacking Sailing Club. Referred to email from Peter Connor (Club President) to Aaron Gaida in Property Unit re: Verbal threats and phone calls from fisherman.
- NSW Roads & Maritime Services- letter dated 1/12/14 advising that RMS wish to discontinue the position of Port Hacking Riverkeeper.
- George Cotis - various submissions from Mr Cotis pertaining to the Fishermans Bay and Burraneer Bay Dredging Feasibility Study, and his response to resident's submission from Neil Harries (on behalf of Grandview Parade, Caringbah South residents) tabled at Environment Health & Regulation meeting of 3/11/14.

Outwards

- Invitations to all stakeholders (local residents, state government agencies, relevant staff/Councillors, and PHMP representative Alberto Albani) to the North West Arm Coastal Zone Management Plan initial consultation meeting on 22 September 2014 at 2.00pm.

9. HENRY TURNER RESERVE

The following report was tabled on behalf of the Parks & Recreation Manager, Gwyn Cleaves:

"I visited the Henry Turner Reserve site this morning and took photos of the existing signs. This matter was being managed by Property Officer, Aaron Gaida.

The Panel adopted the following:

2. *That the following issues be investigated as a matter of urgency:*
 - (a) *The feasibility of implementing a total ban on all fishing to be trialled at the Henry Turner Reserve at Yowie Bay.*
 - (b) *That a review be undertaken of the adequacy of gates and fencing in order to prevent unauthorised access to the Henry Turner Reserve and Port Hacking Sailing Club during the evenings'.*

Point B has been actioned with the installation of new locks and gates and the implementation of a security patrol to check the gates and ensure that they are locked at night.

Aaron indicated in an email of 16 September 2014 that he had received representation from a local resident indicating that they would oppose any ban on fishing at the site.

Since the implementation of the security measures I'm not aware of any ongoing issues at the site. When I inspected it this morning there was no rubbish, broken bottle or any other indication of misuse.

The existing signs (photos attached as appendix "A") state no access to the wharf between the

hours of sunset and sunrise and the fishing is not permitted whilst the club is in operation. There is also a sign indicating the reserve is an alcohol prohibited zone. These signs give the police powers to act if required.

I believe that the existing combination of signs, locking of gates and security patrols provides adequate protection of the reserve. If the Panel wish to pursue the matter further I would recommend that fishing be banned only at night though this ban is effectively in place already with the existing arrangements. Any attempt to ban fishing off the wharf altogether is likely to be opposed by residents".

DECISION

That the Port Hacking Management Panel consider at its next meeting on 25 February 2015 as to whether a 6 month temporary ban on evening fishing is required at the Henry Turner Reserve in order to reduce the level of anti-social behaviour by fisherman at this site.

10. FISHERMAN'S BAY AND BURRANEER BAY DREDGING DRAFT FEASIBILITY STUDY

Council at its meeting of 1 December 2014 resolved as follows in relation to report EHR061-15 (report tabled/distributed to members prior to meeting):

1. *That the presentation from Mr Harries on behalf of the residents on Burraneer Bay Dredging Feasibility be received and noted.*
2. *That the information presented by the residents be provided to Council.*
3. *That a report be provided to the Environment Health and Regulation Committee considering the information provided from the residents, the Port Hacking Management Panel, the Office of Environment and Heritage, NSW Department of Primary Industries Fishing and Aquaculture and the report EHR045-15, noting the prior acceptance of \$630,000 under the State Government's Rescue Our Waterways Program.*
4. *That a site visit be arranged for A ward Councillors and all other interested Councillors".*

Mr Alberto Albani representing the PHMP, and Mr Harries (a resident of Grandview Parade, Caringbah South) representing a local group of Burraneer Bay residents, addressed the Environment Health & Regulation Committee on 24 November 2014 regarding Fishermans Bay & Burraneer Bay Draft Dredging feasibility study, but more specifically issues pertaining to the siltation of the north western end of Burraneer Bay (refer to reports EHR045-15 and EHR061-15). At that meeting, the residents tabled a report from their consultant, Hayes Environmental Consulting (dated 21/11/14) in response to the Royal Haskoning DHV study and previous commentary from the Panel/Council on this matter.

Mr Cotis discussed his submission to the Panel (tabled/distributed) in response to the resident's submission (Hayes Report) from Neil Harries. Unfortunately, Mr Harries was not present at tonight's Panel meeting however other local residents were present and available to answer questions.

Mr Cotis reminded the Panel that in 2007, Council had a prioritisation of heads of bays and a process of estuary management studies based on priorities. It was noted that Council has engaged Royal Haskoning DHV to undertake a feasibility study into dredging the channel into Fishermans Bay and head of Burraneer Bay in response to requests from the community. Mr Cotis expressed disappointment as the Feasibility Study for Burraneer Bay is too narrow in its

scope as we needed a broader estuary management study to understand the entire fluvial delta. There are technical challenges if dredging went ahead in Burraneer Bay and also can Council afford to spend money on this area when much higher priorities exist elsewhere in the port.

Mr Albani was concerned about the science behind the conclusions and recommendations in the consultants reports/studies. Mr Albani provided a powerpoint slide presentation showing the original age of the fluvial delta followed by aerial images of the fluvial delta in 1943 and 2014. Mr Albani questioned whether the photos are revealing the edge of the tidal delta or are we in fact just seeing the changes in seagrass population on top of the fluvial delta. The boundary of the fluvial delta is not at the edge of the seagrass but where the sediment is visible. It is important that the seagrass not be used to measure the movement of the fluvial delta as the seagrass progresses and retreats continually.

Mr Albani took core samples in the north west head of Burraneer Bay (up to 2 metres deep) and it was found that many rocks are too big to have been transported by water. At 80cm the sand is relatively dirty, at 85cm to 90cm there are big chunks of shells/clay and compacted sediment. Such material is likely to be pre-European and was not deposited in the area in recent history. It should be noted that the Royal Haskoning DHV study states on page 27 that the sediments from Fishermans Bay and the head of Burraneer Bay are considered sufficiently compatible to the near-shore sediments off the Cronulla Beach to be suitable for beach nourishment purposes. Mr Albani strongly disagreed with this conclusion as the samples are totally different in grain size composition. Burraneer Bay sediment is not at all suitable for beach nourishment purposes. There are only two ways to dispose of this material being to either take from the site by truck after dewatering; or dump in a deeper part of Burraneer Bay. However, you cannot dispose easily of the fines component of the sediment without damaging the seabed. The bulk of material in the delta is pre-European, so dredging should not be considered.

In relation to Fishermans Bay, fines sand sediment from dredging could adversely impact Shiprock Aquatic Reserve as the fines sediment may deposit in that area.

Mr Henderson and Mr Ivan Lampret (Burraneer Bay residents) agreed with Mr Albani that the disposal of dredged material off Cronulla Beach should not be considered. The residents also agreed that the subject area (fluvial delta) was not previously deep water. The resident's aim is not to have the bay dredged, but to have the support of Council to remediate the head of the bay and to stop things getting worse.

Mr Cotis was pleased to now hear the resident's response and questioned as to why the Royal Haskoning DHV Study raises the issue of dredging of 2 metres, yet residents are now saying 'NO' to dredging, and are supportive of just remediation of the head of the bay? The study appears to have served no real purpose but was developed at great cost to Council. It appears that what the residents want is the same as the PHMP, which is remediation of the area to make it more visually attractive, not dredging. We need to work together to remove the building refuse and other rubbish that sticks in the mud in the head of bay after storms. Unfortunately the Royal Haskoning DHV Study can lead people into believing that waterfront can be converted to a deep waterfront by dredging, yet this is not what residents want. The overriding constraint needs to be remediation.

Recommendation

1. That any proposal to dredge navigation channels to residents properties in the north west head of Burraneer Bay as part of any remediation process as outlined in the Royal Haskoning DHV Draft Feasibility Dredging Study, not be supported.

2. That the comments from residents, and representatives of the PHMP regarding the need for remediation and not dredging be noted, and that the preparation of an estuary management plan for the whole of Burraneer Bay be investigated.

11. NORTH WEST ARM COASTAL ZONE MANAGEMENT PLAN

Mr Amos advised that Council is currently preparing a Coastal Zone Management Plan. A consultant has been engaged to perform the initial stage being a Processes Study. The field work has been completed and the results will be tabled at the next PHMP meeting. A newsletter for residents (some 1800) will be distributed on 8 December 2014. Preliminary discussions have revealed that the sediment is just moving around. Mr McInerney stated that rubbish has been dumped in the head of the bay and when the tide is out, debris is on show. There is a need to have some high-tech devices to treat stormwater before it enters the bay, and have these traps routinely cleaned out by Council.

12. RIVERKEEPER

The following report was tabled on behalf of the Parks & Recreation Manager, Gwyn Cleaves:

"We recently (1 December 2014) received correspondence from RMS that they wish to discontinue the position of the Port Hacking Riverkeeper currently held by Fiona Thomson. Under the current agreement with Council either party can terminate the agreement with three months notice. The correspondence from RMS should be tabled tonight for discussion at the panel and the panel may wish to note a formal position on the matter. It will need to be reported to Council for a decision prior to a response to RMS and it is timely that the panel has the opportunity to comment on the RMS decision prior to a report and recommendation going to Council.

RMS' motivation is to bring Fiona's job description in line with that of other Boating Safety Officers(BSO) as part of an overall organisational review. She will retain her substantive role as BSO with RMS.

They have indicated that they will no longer seek a contribution from Council to partly fund the position but have given assurances verbally that Fiona will continue to undertake the duties that she currently does for Council as part of her role as a BSO and have provided written assurance that they have an ongoing commitment to the environmental and user management of Port Hacking. For example assistance with hydrographic surveys for navigation Channel dredging and organising contractors to undertake work from the water such as rubbish removal.

The position has always been a combination of BSO work and Riverkeeper duties. Having the position with the RMS enabled a greater range of relevant enforcement powers than if the position was with Council.

I've spoken to Fiona and she is disappointed that the position is changing and that there has been little consultation with those affected but is also committed to continuing the work she does for Council".

Mr Gilles stated that the Panel need to know the difference between a Boating Safety Officer and the Riverkeeper role, as we don't want to see the Riverkeeper position diminished. The two roles need to be clarified and defined.

Fiona stated that it depends on the workload given to her by RMS as to whether there will be an impact on Riverkeeper duties.

Recommendation

1. That it be noted that the Port Hacking Management Panel supports the continuation of the Riverkeeper role for Port Hacking and highly values the contribution of the Riverkeeper towards the management of this important estuary.
2. That a statement of duties be provided for both the positions of Boating Safety Officer and Riverkeeper to allow the Panel to compare the two roles and assess what implications will occur from the RMS decision to discontinue the Riverkeeper role.

13. VISUAL SURVEY

Mr Cotis advised that both himself and the Riverkeeper, Fiona Thomson, have volunteered to carry out the Visual Survey of Port Hacking. Planning staff are currently unavailable to physically attend to the Survey due to work commitments with the Sutherland Shire Local Environmental Plan. It is now intended to postpone the Survey until early 2015.

Previous studies will be used to do comparisons. Selected areas of the Port will be photographed. There is important compliance value in conducting the survey in relation to illegal tree lopping and identifying non-approved/non-complying structures, as well as planning staff can assess if planning codes are delivering planning outcomes.

Ms Wedmore advised that in theory the survey will generate the benefits described above by Mr Cotis, however in reality the survey results will not be used proactively but rather reactively, and are not used strategically.

Action

Mr Cotis to liaise with Fiona Thomson and Leah Wedmore to expedite the Visual survey in early 2015.

14. GENERAL BUSINESS

Draft Dredging Policy

At present, Council does not have a dredging policy. The Council resolution from report EHR045-15 states that the Stormwater & Waterways Manager provide a report on a proposed Dredging Policy and that consideration of the Dredging Policy be incorporated into the Council planning processes, and any recommendations required be made by Council staff. The Panel at its previous meeting of 17 June 2014 requested if investigations could be made into whether there is a protocol for private dredging.

Mr Gilles referred to the above issues and supported comments contained in correspondence from Mr Cotis where it has been reiterated that "...for many years there has been an absence of a dredging policy... and the need for proper studies over a good period of time..".

Recommendation

1. That Council commence a process for the development of a dredging policy for heads of bays, navigation channels and tidal channels.
2. That a Working Party consisting of interested Port Hacking Management Panel members and relevant staff from the Stormwater & Waterways Unit be formed to develop a Dredging Policy for Port Hacking.

15. DATE OF NEXT MEETING

The next meeting date is the 25 February 2015 at 6.00pm.

The Meeting closed at 7.48 pm.

REPORT RECOMMENDATION

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7. That a Working Party consisting of interested Panel members and relevant staff from the Stormwater & Waterways Unit be formed to develop a Dredging Policy for Port Hacking.

COMMITTEE RECOMMENDATION

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Panel regarding the need for remediation and not dredging be noted, and that the preparation of an estuary management plan for the whole of Burraneer Bay be investigated.

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7. That a Working Party consisting of interested Panel members and relevant staff from the Stormwater & Waterways Unit be formed to develop a Dredging Policy for Port Hacking.

(Councillor Schreiber / Councillor Provan)

COUNCIL RESOLUTION

1. That the Minutes of the Port Hacking Management Panel meeting held on 3 December 2014 be received and noted.
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(Councillor Williams / Councillor Awada)

APPENDIX

Minutes of the Port Hacking Management Panel meeting held on 3 December 2014 commencing at 6.00pm

Current Signage at Henry Turner Reserve / Port Hacking Sailing Club



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(To view the document, double click on icon and select 'Open'. Select 'File' 'Close' to return to report.)