

## Minutes 12 September 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 12 September 2006, commencing at 8.14pm.

PRESENT:

Councillors C. Baumann (Mayor); R. Swan (Deputy Mayor);  
G. Dingle; G. Francis; G. Robinson; J. Nell;  
H. Brown; S. Dover; R. Westbury; J. Hodges;  
K. Jordan; S. Tucker; General Manager; Executive Manager  
– Corporate Management; Acting Facilities and Services  
Group Manager; Sustainable Planning Group Manager;  
Business and Support Group Manager.

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# MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO:PSC2006-0534**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) (ii) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Meeting agenda namely ***PORT STEPHENS VISITOR INFORMATION CENTRE ATM SPACE – LEASE TO ANZ BANK***
  - 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include details of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of Council;
  - 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council’s commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
  - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
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<b>659</b>	<b>Councillor Nell Councillor Hodges</b>	<b>It was resolved that the recommendation be adopted.</b>
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ITEM NO. 2

FILE NO: A2004-0029

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary Meeting agenda namely **NAL – COVERED WALKWAY TENDER.**
  - 2) That the reasons for closing the meeting to the public to consider this item be that:
    - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
    - ii) In particular, the report includes confidential pricing information in respect of **NAL – Covered Walkway Tender.**
  - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
  - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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660	<b>Councillor Nell Councillor Hodges</b>	<b>It was resolved that the recommendation be adopted.</b>
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ITEM NO. 3

FILE NO:P738.8

**MOTION TO CLOSE MEETING TO THE PUBLIC**

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Information Item 1 on the Ordinary Meeting agenda namely ***UNAUTHORISED CONSTRUCTION – 8 DODDS PLACE, ANNA BAY***
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
  - 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
  - 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is completed.
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661	Councillor Nell Councillor Hodges	It was resolved that the recommendation be adopted.
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# OPERATIONS COMMITTEE RECOMMENDATIONS

**ITEM NO. 1**

**FILE NO: A2004-0653**

**ECONOMIC DEVELOPMENT ACTIVITIES FOR 06/07**

**REPORT OF: PETER GESLING – GENERAL MANAGER**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the activities listed in Attachment 1 as the initial program for 06/07.

**OPERATIONS COMMITTEE – 12 SEPTEMBER 2006**

**RECOMMENDATION:**

That the recommendation be adopted.

**ORDINARY MEETING – 12 SEPTEMBER**

**RESOLUTION:**

662	<b>Councillor Robinson Councillor Westbury</b>	<b>It was resolved that the recommendation be adopted.</b>
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**BACKGROUND**

**The purpose of this report is for Council to approve activities to be undertaken through the Economic Development budget for 06/07.**

Council has been briefed on the Economic Development Review and has endorsed resources proposed to achieve a greater focus on Economic Development. The review identified the following activities to be included in the updated Economic Development Plan:

- Regional perspective;
- Business generation;
  - Regional
  - Local Government Area
  - Business Chambers etc.
- Community capacity building;
- Land development including employment lands;
- Interactions and research;
  - Networking activities
  - TAFE, Newcastle University and other institutions
- Tourism;
- Product development;
- Services and marketing;



It has been agreed that Council would review the current Economic Development Plan and funds allocated for this project. These funds will be supplemented with State government funding through the Department of State & Regional Development.

It is expected that the reviewed Economic Development Plan will inform the structure and activities required for 07/08 onwards. For the current year, it is proposed to focus on community capacity building, working opportunities and supporting business activities in local areas. Other components will be resourced from existing staff and budgets.

Attachment 1 details projects to be specifically supported in 06/07.

## **LINKS TO CORPORATE PLANS**

This report links to Council's Charter, in particular:

- 1 To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- 2 To exercise community leadership;
6. To have regard to the long term and cumulative effects of its decision;
7. To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
8. To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
10. To keep the local community and the State government (and through it the wider community) informed about its activities.
12. To be a responsible employer.

## **FINANCIAL/RESOURCE IMPLICATIONS**

This Economic Development Model is premised on Council reviewing its Internally Restricted Funds Policy which is dealt with in a separate report to this Committee.

The proposal shown in Attachment 2 indicates that investment property returns be allocated to land development and investment property development. As investment property returns increase, it is expected that tourism (development and marketing) would be re-allocated to this funding source rather than existing revenue sources.

## **LEGAL AND POLICY IMPLICATIONS**

Council's current Restricted Funds Policy will need to be varied to authorise this proposal. A separate report is provided to this Committee to achieve this.

Port Stephens Council has been involved in property development and management as commercial activities with the aim of generating surplus funds to supplement rate revenue. Services demanded by the Port Stephens community far exceed rate revenue.

Council's underlying deficit will only be addressed by developing revenue sources along with cost management.

**Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 6) Continual improvement and innovation depend on continual learning
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

**SUSTAINABILITY IMPLICATIONS**

Environmental, social and economic outcomes are improved through a strong business community that provides services to ensure an integrated and engaged community. Cultural outcomes are enhanced with a robust economic development program.

**CONSULTATION**

NSW Department of State & Regional Development, Councillors, relevant staff, Hunter Economic Development Corporation, Business Chambers, Nelson Bay Town Management and Karuah Working Together Committee.

**OPTIONS**

- 1) Endorses the activities listed in Attachment 1 as the initial program for 06/07. 2) Variations to Attachment 1.

**ATTACHMENTS**

- 1) Economic Development Program 06/07.
- 2) Investment Property Returns.

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

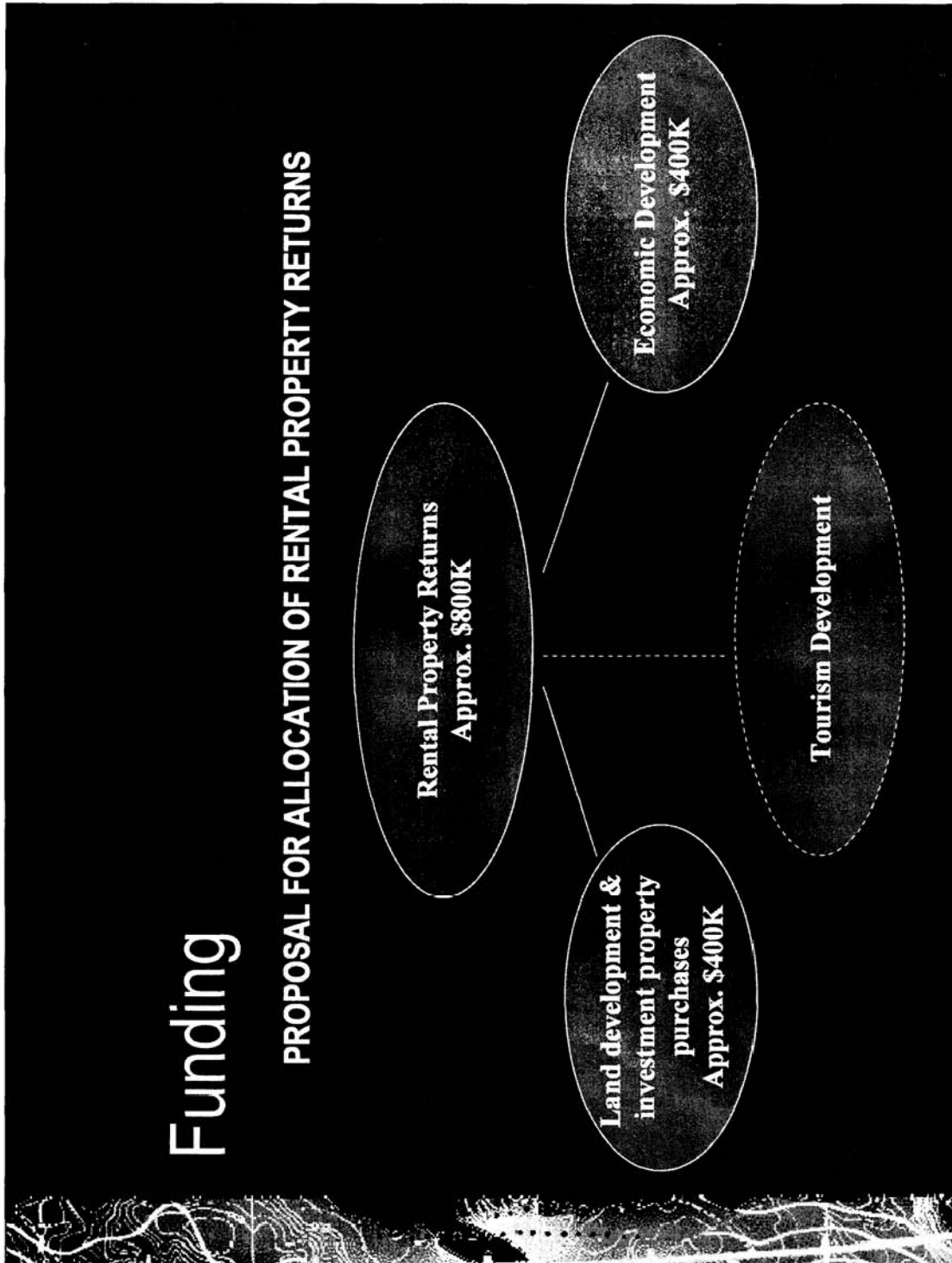
Nil

ATTACHMENT 1

ECONOMIC DEVELOPMENT PROGRAM 06/07

<b>Activities</b>	
<b>Regional Perspective</b>	From existing staff resources
<b>Participation in the Hunter Prospectus</b>	Approximately \$5,000
<b>Business Generation</b> ○ Regional ○ LGA ○ Business Chambers etc. ○ Nelson Bay Town Management ○ Raymond Terrace Business Chamber	From existing resources From existing resources \$155,000 \$10,000
<b>Community Capacity Building</b> ○ Karuah Working Together Committee ○ Nelson Bay Events Strategy	\$15,000 \$5,500
<b>Land Development Including Employment Lands</b> ○ Heatherbrae Sewerage Study ○ Nelson Bay DCP	\$30,000 Say \$50,000
<b>Interactions and Research</b>	From existing resources
<b>Tourism</b>	From existing resources
Sub Total	\$265,500
<b>Other projects (to be developed)</b>	\$129,500
<b>Total</b>	<b>\$400,000</b>

ATTACHMENT 2



**ITEM NO. 2**

**FILE NO: PSC 2005-4446**

**DRAFT ZONING PLAN**

**REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the Draft Submission (Attachment 1) to the Marine Parks Authority in relation to the Draft Zoning Plan for the Port Stephens-Great Lakes Marine Park.

**OPERATIONS COMMITTEE – 12 SEPTEMBER 2006**

**RECOMMENDATION:**

- 1) That Council adopts the Draft submission (Attachment 1) to the Marine Parks Authority in relation to the Draft Zoning Plan for the Port Stephens-Great Lakes Marine Park
- 2) Write to the Ministers responsible for the Marine Park Authority (and Shadow Ministers) informing them of Council's submission with particular emphasis on the need to allow fishing off Little Beach and to ensure access to the ramp for people with disabilities at Little Beach.

**Matter Arising:**

Moved Cr Baumann Seconded Cr Jordan

**That Council submits a second submission urging that the whole of port in the Marine Park be a habitat protection zone. That there be a ban all commercial netting and that the State Government enter into negotiations with fishermen to buy out their leases.**

**ORDINARY MEETING – 12 SEPTEMBER 2006**

**RESOLUTION:**

663	Councillor Francis Councillor Jordan	It was resolved that Council; 1. Adopts the Draft submission (Attachment 1) to the Marine Parks Authority in relation to the Draft Zoning Plan for the Port Stephens-Great Lakes Marine Park 2. Write to the Ministers responsible for the Marine Park Authority (and Shadow Ministers) informing them of Council's submission with particular emphasis on the need to allow fishing off Little Beach and to ensure access to the ramp for people with disabilities at Little Beach. 3. Is strongly of the view that the major issue is commercial netting and licence buyout. Therefore Council suggests that these could be achieved by making the whole marine park a habitat protection zone to
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		<b>exclude commercial netting and to allow for the negotiation of buyouts of commercial fishermen's leases. The habitat protection issues can be resolved with existing legislative and administrative procedures.</b>
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## **BACKGROUND**

**The purpose of this report is seek Council support for a submission to the Marine Park Authority in relation to the Draft Zoning Plan for the Port Stephens- Great Lakes Marine Park.**

### **Summary**

The Draft Zoning Plan for the Port Stephens – Great Lakes Marine Park is on public exhibition until the 23 September 2006. The Marine Park Authority (the Authority) briefed Council on the Draft plan on the 27th of June 2006. Discussions are currently being held between the Authority and Council officers to develop the framework for a Memorandum of Understanding (MOU) between Council and the Authority to help clarify some referral arrangements for Development Applications and other issues relating to estuary management. A separate report has been prepared in this regard.

A decision on the Marine Park Zoning Plan was deferred in August pending the collection of further information regarding recent issues relating to the zoning plan draft.

### **Marine Park and Draft Zoning Plan**

On the 1st December 2005 the NSW Government established the Port Stephens – Great Lakes Marine Park. The aim of the park is to preserve marine habitats, biological diversity and maintain ecological processes. Four zones will be created in the park, including:

- **Sanctuary**, which provides the highest level of protection for biological diversity, natural processes and natural and cultural features. Only activities that do not involve the harming of any plant or animal, or causing any damage to or interference with natural or cultural features will be allowed. Only activities such as boating, swimming, diving, research and non-extractive commercial tour operations are allowed in these zones. These zones may also restrict any new commercial or industrial developments adjacent to these zones due to their sensitive nature.
- **Habitat Protection**, which provides for conservation of marine biodiversity by restricting certain activities. Most forms of fishing will be allowed in these zones as well as edible oyster farming.
- **General Use**, which provides for a wide range of uses including commercial and recreational activities including fishing. These zones are flexible and allow for most existing uses.
- **Special Purpose**, which allows for the management of places and features requiring special arrangements including cultural and heritage issues. Existing marinas and other similar commercial operations and maritime facilities are allowed in these zones. These are the most flexible zones as they can be tailored to the specific management requirements of a site/location.

Note: aquaculture is allowed to continue as per existing leases or identified expansion areas under the NSW Oyster Industry Sustainable Aquaculture Strategy.

The limit of the Marine Park is up to the mean high tide level.

As Councillors are aware, the Marine Park Authority will have a planning role within the estuary. For example: proposed wharves, jetties, commercial aquatic tourism and aquaculture activities etc

will need to be forwarded to the Authority for their approval. Development Applications for proposed activities adjacent to the Estuary that could have an impact on the park will need to be forwarded to the Authority for their comments.

To help clarify some of the referral requirements, the Marine Park Authority and Council will enter into a Memorandum of Understanding (MOU). This MOU will outline the sorts of proposals that need to be referred to the Authority for their comments or their concurrence. A separate information paper on the MOU process is included in these papers.

### **Draft Zoning Plan**

The Draft Zoning Plan went on public exhibition in May this year. Submissions on the draft zones are to be lodged with the Marine Parks Authority by the 23rd of September 2006. The Draft Zoning Plan is available in the Councillors' Room.

Council staff have considered the likely impact of the proposed zones and following discussions with Councillors and Community group representatives, have drafted a submission which is attached as Attachment 1.

Issues that have been addressed in the submission include:

- The impact that the zoning plan could have on recreational activities within the Port. A number of recommendations relate to this issue, particularly adjacent to residential areas and Little Beach.
- The impact that a Sanctuary Zone within Cromarty Bay would have on the existing oyster industry in that area. The submission suggests the creation of a Special Purpose Zone to compliment Council's Industrial Zoning of existing oyster businesses along Cromarty Bay foreshore.
- The submission highlights the importance of providing flexibility for existing residential development in Port Stephens where a Sanctuary Zone is proposed.
- A system of Regional Crown Reserves within Port Stephens will allow the State Government to conduct activities on Crown land that generates income for a Crown Lands Reserve Trust. Most of the profit from these activities will be used to enhance Crown Land or to reinvest in commercial activities on Crown Reserves. Council will retain its management role of most Crown Reserves, which includes wharves, boat ramps and jetties within the Marine Park. The Department of Lands and Council are therefore liaising with the Marine Park Authority to ensure existing public assets within the Marine Park such as marinas, wharves, boat ramps and jetties are protected by Special Purpose Zones to allow appropriate expansion and maintenance activities.
- Planning matters have been raised in terms of Development Applications and the referral process that will be subject to an MOU. Strategic Planning issues also need to be addressed by both organisations and this will be the subject of further discussions with the Authority.
- Water quality and the Estuary Management Planning process have been raised as issues that require a cooperative approach between both organisations. The need for continued access to Council assets along the foreshore has also been included in the submission and this will also be included in the MOU.

### **LINKS TO CORPORATE PLANS**

The draft Marine Park submission relates strongly to the Estuary Management Plan.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The financial implications associated with the Marine Park Zoning Plan will be limited, but difficult to quantify. The costs will be administrative, associated with referrals to the Marine Parks Authority. There will be some resource implications due to the referral mechanisms.

## **LEGAL AND POLICY IMPLICATIONS**

There are a number of legal and policy implications associated with the Marine Park and the Zoning Plan. Before determining a development proposal within the Marine Park, Council will be required to:

- Take into consideration the objects of the Marine Park Act 1997.

If Council intends to grant consent to the proponent for an activity within the marine park, the Council will need concurrent approval from the relevant Minister.

- Submit development applications to the Marine Park Authority for activities outside the marine park, where proposals may have an adverse impact on the Park in accordance with the Marine Park Act.

## **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

## **SUSTAINABILITY IMPLICATIONS**



**SOCIAL IMPLICATIONS**

The proposed Marine Park Zonings may have a number of social impacts including impacts on industrial land and recreational fishing. The draft submission seeks to address these issues.

There may be positive social impacts as well associated with increased tourism in some areas due to the Marine Park.

**ECONOMIC IMPLICATIONS**

There may be some economic impacts associated with changes to commercial and recreational fishing. There may also be a positive impact on tourism related income in some areas.

**ENVIRONMENTAL IMPLICATIONS**

The Marine Park and its Zoning Plan should result in an overall positive environmental impact, particularly in relation to the marine environment of Port Stephens.

**CONSULTATION**

Groups consulted with during the preparation of this report include the Department of Lands, Marine Park Authority, Department of Primary Industries, community representatives and Council's Facilities & Services Group.

**OPTIONS**

- 1) Adopt the draft submission attached to this report.
- 2) Adopt the draft submission attached to this report with modifications.
- 3) Do not make any submission to the Marine Park Authority.

**ATTACHMENTS**

- 1A) Draft Council Submission on the Zoning Plan
- 1B) Draft Marine Park Plan – List of Issues
- 2) Glossary of Terms

**COUNCILLORS ROOM**

- 1) Draft Zoning Plan

**TABLED DOCUMENTS**

Nil

**ATTACHMENT 1A**

**DRAFT COUNCIL SUBMISSION ON THE ZONING PLAN**

Following a review of the draft zoning plan for the Marine Park, Council submits the following comments and suggestions. Attachment 1B provides a comprehensive list of issues, Councils comments and recommendations.

**GENERAL COMMENTS**

**Commercial Netting**

One of the most significant issues raised by residents regarding the Marine Park and its associated zoning plan is commercial netting. Many residents are concerned with the social impact of net fishing in Port Stephens and the by-catch while others are concerned with the impact on fish stocks. Residents are particularly interested in net fishing in the southern areas of the Port and considerable negative comment has been received regarding the apparent contradiction of net fishing in a sensitive Marine Park (see Attachment 1B).

**Sanctuary Zones**

The proposed Sanctuary Zone in Cromarty Bay is adjacent to existing businesses (oyster farming) located off Diemars Road and is zoned 4a Industrial General under the current Local Environment Plan. This zoning will make it problematic for these businesses to continue and/or expand their existing operations.

Council has a number of other 4a Industrial General zonings adjoining the Marine Park. As a general comment, Council requests that an appropriate marine park zone be located in the Park immediately adjacent to these zones, such that the existing commercial/industrial uses can continue, with expansion capacity where appropriate.

The proposed Sanctuary Zone at Little Beach will prevent beach fishing and fishing off the local jetties. Fishing by local residents and tourists has occurred in this manner for many years and it is evident that it has had little impact on the Aquatic Reserve. It is suggested therefore that a Special Purpose Zone or Habitat Protection Zone be established close to the shoreline to allow the existing practice of beach and jetty fishing to continue.

The issue of keeping the channel open at Swan Bay for trapping of crabs has been raised and is included in this submission to open the Channel as a General Use Zone.

A number of Sanctuary Zones will be adjacent to existing residential developments in Port Stephens. Council would like to be assured that these residents will not be disadvantaged by this zoning.

Attachment 1B provides detailed recommendations on the above issues.

**Special Purpose Zones**

The use of Special Purpose Zones is supported, particularly where there is existing infrastructure including publicly owned wharves, jetties and marinas. Council would like to see all publicly owned wharves, jetties, boat ramps and marinas on Crown Land, Council land and other government lands) covered by an amendment to the Marine Park Regulation to allow for the maintenance or where appropriate, the expansion of some of these assets.

Privately owned jetties, boat ramps, marinas and other authorised foreshore structures will need similar treatment.

Attachment 1B outlines a proposal to relocate the proposed Sanctuary Zone from Fingal Island to the rocky foreshore near Samurai Beach to allow recreational fishing off Fingal Island to continue.

### **Planning Issues**

There is a need to ensure that Council and the Marine Parks Authority continues to work closely together in relation to planning issues in the Marine Park and its catchment. In this regard the Memorandum of Understanding that is being developed between the Authority and Council will provide a clear framework to facilitate this process. This relationship will be important not only for future development applications but also for long term strategic planning and operational matters within and adjacent to the marine park.

### **Estuary Management Issues and Foreshore Management**

The Port Stephens Myall lakes Estuary and Coastal Management Committee in recent years developed an Estuary Management Plan for Port Stephens and The Myall Lakes. As part of this planning process, a Foreshore Management Plan is currently being developed. This plan will highlight foreshore issues that need to be addressed into the future including foreshore erosion, the most appropriate location for wharves and jetties, (and associated car parking areas), water quality issues, weed management, beach renourishment and loss of foreshore vegetation. This plan will be finalised later this year. Aesthetic issues are also an important consideration in any planning or restoration proposal within the estuary. Therefore this issue will need to be incorporated into future proposals by all groups involved in estuary management.

Council will need access to the foreshore within the marine park to carry out remedial and enhancement works including maintenance on Council assets, erosion control, and weed-management and mosquito control. These matters will need to be addressed in the MOU between Council and the Marine Parks Authority.

The foreshore is also important to the community as recreational space, therefore the social impact on this continued use needs to be considered in any future proposals.

### **Water Quality**

Water quality is a significant issue for the Estuary and this has been highlighted in the Estuary and Coastal Management Plan. In this regard Council has an ongoing water quality-monitoring program in Port Stephens that focuses primarily on contamination and source control. Council's budget for water quality monitoring in 2006/07 is almost \$100,000.

Council will need to liaise with the Marine Park Authority to identify priority areas for water quality monitoring and follow up action. Water quality management is a shared responsibility between State and local Government bodies and a spirit of cooperation is encouraged.

An area of particular concern for water quality is Tilligerry Creek. The closure of oyster harvesting zone 5A in 2005 was due to failing septic systems within that catchment. Council has undertaken an auditing and regulatory role within the Salt Ash/ Bobs Farm areas to ensure all failing septic systems are repaired or upgraded. Now that most systems have been repaired, additional water quality monitoring is being conducted to determine if zone 5A can be reopened by the NSW Food Authority. This will be subject to the results of viral testing later this year.

**Access for Dogs and Vehicles**

Council is concerned that the Marine Park Authority's approach to dog access be compatible with Council's policy on dog access to the foreshore. The only exception may be where the foreshore backs onto a National Park. Council also notes that vehicle access may be restricted in some areas under the current Regulation.

Council would preferably like to retain Lead Agency Status in relation to access issues See Attachment 1B in relation to these issues.

**Coastal Issues**

Coastal issues of interest to Council include planning and natural resources matters. Planning has been briefly discussed above. Weed management is a significant issue along the coastal areas of Port Stephens. In this regard Council works closely with the community and State Government Departments to control coastal weeds. However the majority of weeds are above the mean high tide level on the coastal strip, therefore are outside the Marine Park's area of interest. The potential does exist for spread of ballast related weeds.

**General Issues**

Council is interested in working closely with the Marine Park Authority, the community and other agencies to help protect the ecological, social and economic health of Port Stephens. In this regard, Council would be pleased to discuss any issues your organisation believes can foster this cooperative approach.

**Commercial Activities**

There is a need to address commercial activities within the Marine Park in a balanced manner, taking into account the social, economic and environmental aspects of each proposal. Council would like to include this as an issue in the proposed MOU.

**ATTACHMENT 1B  
DRAFT MARINE PARK PLAN  
LIST OF ISSUES TO ADDRESS FOR SEPTEMBER COUNCIL**

**NOTE:** ISSUES represent a list of issues raised by Councillors at formal and informal meetings and by interest groups in relation to the Marine Park and its Draft Zoning Plan.

ISSUE	COMMENTS	RECOMMENDATION
<b>Sanctuary</b>		
1. Little Beach – recreational fishing will not be permitted under the proposed sanctuary zone.	MPA is considering modifying the draft zoning plan to allow recreational fishing from the beach and jetties/wharves.	MPA to modify the zoning plan to create a Special Purpose Zone or Habitat Protection Zone to allow recreational fishing from the beach, jetties and wharves.
2. The issue of keeping the channel open at Swan Bay for recreation and commercial trapping of crabs has been raised.	The MPA are proposing to leave this channel open by designating it General Use Zone.	Support the proposal to keep the Swan Bay Channel open for trapping crabs by creating a General Use Zone in the Channel.
3. Access for vessels should be enabled through the Sanctuary Zones between Nelson Bay and Jimmy’s Beach.	The current Marine Park Regulation for Sanctuary Zones does not allow vessels to travel through the Sanctuary Zones if the fishing gear on board is “rigged”. The MPA is proposing an amendment to the Regulation which will allow the movement of boats through these zones with rigged fishing gear. If vessels are anchored, moored or aground in a Sanctuary Zone they must be unrigged.	Support the proposed amendment to the Marine Park Regulation to allow rigged vessels to travel through the Sanctuary Zone.
4. There is strong concern about the location of Sanctuary Zones at Cromarty Bay and Little Swan Bay in relation to existing uses – oyster farming and recreational fishing by adjacent residents.	The proposed Sanctuary Zone at Cromarty Bay will impact adversely on the existing oyster businesses in that area. The Sanctuary Zone proposed for Little Swan Bay will prohibit recreation fishing from the foreshore (residents have been fishing in that area for many years).	MPA to create appropriate zones in 1. Cromarty Bay to allow oyster farming businesses to continue; and 2. Little Swan Bay to allow recreational fishing to continue in that area (off the foreshore).

**MINUTES OF ORDINARY MEETING – 12 SEPTEMBER 2006**

ISSUE	COMMENTS	RECOMMENDATION
5. Some residents have expressed a desire to continue recreational fishing in Cromarty Bay.	The proposed Sanctuary Zone in Cromarty Bay will prohibit recreational fishing. PROAM have advised Council that they have agreed to give up this area for recreational fishing and focus instead on other areas.	Support the establishment of a Sanctuary Zone in Cromarty Bay with allowance for existing oyster businesses (see point above).
6. Some of the community generally are very upset about the extent of the sanctuary zones and the habitat areas and there is a major problem with these areas not being clearly defined – there is a major need for information and a signage plan to clarify where these areas are and where they begin and end	This is a concern for zones which are not clearly defined. There is a need for education and some flexibility in enforcement.	MPA to provide adequate signage and educational programs to ensure visitors are aware of the location and nature of zones.
7. There is considerable community concern with the location of the proposed Sanctuary Zones at: <ul style="list-style-type: none"> <li>• North Arm Cove;</li> <li>• Mallabula;</li> <li>• Fame Cove;</li> <li>• Salamander Bay.</li> </ul>	There is a proposal by the MPA to relocate the Sanctuary Zone at Salamander Bay away from the residential area. The MPA is not proposing to relocate the other 3 Sanctuary Zones. The MPA are considering adjusting the boundary of the Sanctuary zone at Fame Cove so that fishing can continue from the existing moorings in this area.	MPA to relocate the Salamander Bay Sanctuary Zone away from the residential area to allow recreational fishing from the foreshore.
8. There is concern regarding the proposed location of the Sanctuary Zone off Fingal Island.	Families, tourists and residents currently use Fingal Island for many recreational purposes including fishing. The proposed zone would impact on families and other recreational users of this area. If the Sanctuary Zone was moved to Samurai Beach rocky foreshore area it would have little impact on families etc.	MPA to move proposed Sanctuary zone adjacent to Tomaree National Park rocky foreshore area near Samurai Beach.

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<p>9. Council has a number of 4a Industrial General zonings adjoining the Marine Park. Existing businesses may be affected by Sanctuary Zones within these areas.</p>	<p>Existing commercial and industrial uses should be allowed to continue (with expansion capacity where appropriate).</p>	<p>The MPA provide an appropriate Marine Park zoning adjacent to existing 4a Industrial General zoning to allow these businesses to continue operating.</p>
<p><b>ISSUE</b></p>	<p><b>COMMENTS</b></p>	<p><b>RECOMMENDATION</b></p>
<p><b>General – Commercial Fishing</b></p>		
<p>10. Commercial fishing representatives have ongoing opposition – to the proposed zoning plan.</p>	<p>This is primarily an issue of compensation and Council have little ability to influence this outcome.</p>	<p>No recommendation in relation to this issue.</p>
<p>11. Policing of the zones will be a major issue and there should be some “buying out” of where commercial fishers currently have netting and gain income from fishing in the bay.</p>	<p>This is primarily an issue of compensation and Council have little ability to influence this outcome.</p>	<p>No recommendation in relation to this issue.  See recommendation relating to commercial netting.</p>
<p>12. Commercial netting in Port Stephens is a critical issue that has been raised by many residents, particularly in areas including Bagnalls, Dutchies, Nelson Bay and Shoal Bay beaches</p>	<p>Considerable negative comments have been received regarding the practice of netting by commercial operators on Port Stephens beaches. The disruption to other users of the Port and the visual impact of the by catch are often raised by residents.</p>	<p>Commercial netting be excluded from Bagnalls, Dutchies, Nelson Bay and Shoal Bay by establishing habitat protection zones in these areas.</p>
<p><b>Habitat Protection</b></p>		
<p>13. Habitat protection zones – this prohibits the collection and removal of shells and seaweed from beaches which could be considered “over the top”</p>	<p>MPA are considering an amendment to the Marine Park Regulation to allow limited collection of dead shells on the beach.</p>	<p>MPA to amend MP Regulations to allow limited removal of dead shells and seaweed from beach but not live shellfish from rock platforms.</p>



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<b>General - Boating</b>		
14. If the only boat ramp designated area for launching vessels is at Shoal Bay (for Little Beach and Nelson Bay) then some residents see this as a possible safety hazard due to the sandbars in that area.	Council officers are currently investigating this issue and are liaising with Maritime NSW and MPA.	Council to liaise with Maritime NSW regarding this issue.
15. Ski boats and hovercraft are an issue to some residents and visitors.	Some vessels are noisy or can present a danger to swimmers if they are not controlled properly. Motorised water sports are not permitted in Sanctuary Zones and hovercraft are not permitted in any zones without a permit.	The issue of hovercraft be re-evaluated for certain areas under an appropriate permit system.
16. There is a need to confine jet skis to certain areas of Port Stephens due to the impact on other waterway users.	There is a need to ensure the safety and amenity of swimmers and marine animals such as dolphins.	MPA to liaise with Maritime NSW and Council to determine the most appropriate areas of Port Stephens for jet skis and other similar water craft.
<b>General - Justification</b>		
17. There are claims that there is a major deficiency of scientific evidence to demonstrate the need for a Marine Park and to justify the locations of the proposed zonings.	There is scientific evidence of the existence of important marine habitats that need to be protected. The critical issue is to achieve a reasonable balance between habitat protection, recreational uses and commercial interests within the Marine Park.	No recommendation.

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<b>General - Tourism</b>		
<p>18 There have been concerns expressed that some visitors are not coming to Port Stephens any more to fish and have postponed holidays due to the greater restrictions in the Marine Park and the uncertainties of the zones and the fines and convictions that could result.</p>	<p>Assessing visitor behaviour is a complex issue and it cannot be assessed without a valid survey of tourist numbers and attitudes over one or more seasons. There will be the need for a marketing exercise by the MPA to “sell” the advantages of the Marine Park to tourists and residents.</p>	<p>MPA to develop a marketing strategy for the Marine Park and the new zoning plan once it is finished.</p>
<b>General – Ecological Values</b>		
<p>19. Contrary and supportive view that marine park has to happen to conserve the ecological values of the water bodies around Port Stephens including grey nurse sharks and sensitive benthic environments.</p>	<p>There is evidence that appropriately designed and managed parks and reserves can help conserve ecological values.</p>	<p>Support the conservation of critical habitat types in the Marine Park to help protect marine biological diversity.</p>
<p>20. A number of community group/resident group representatives and recreational fishing representatives have suggested that seagrass meadows in the Bagnalls Beach area needs protection in an appropriate Marine Park Zone.</p>	<p>Seagrass Meadows in Bagnalls Beach, Dutchies and Salamander Bay are important nursery areas for fish and other marine organisms. Habitat Protection would provide an acceptable level of protection.</p>	<p>MPA to establish an appropriate zone at Bagnalls Beach and Salamander Bay to offer protection to the existing seagrass meadows. Given the residential nature of these areas, the most suitable zoning may be Habitat Protection.</p>

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<b>General - Marketing</b>		
21. There will be the need to educate visitors and residents of the new zonings and the rules that will relate to these. Marketing is important.	Many residents and visitors will not understand the new zoning rules when they are implemented and there will be the need to provide advice and education in this regard.	MPA to develop and implement an education and awareness program to ensure residents and visitors are aware of the new zonings and the rules that relate to these.
<b>General – Foreshore Infrastructure</b>		
22. Existing foreshore infrastructure including Council/Publicly owned wharves, jetties, marinas, boat ramps, revetment walls and stormwater outlets need to be covered by an appropriate amendment of the Marine Park Regulation to allow for maintenance or future expansion.	There exists many publicly owned jetties and marinas etc in Port Stephens located on Crown Land, Council land or other publicly owned land. If these assets are not accommodated in the new zoning plan, maintenance or expansion will be extremely difficult.	The MPA to amend the Marine Park Regulation for Port Stephens – Great Lakes to accommodate existing publicly owned infrastructure on the foreshore including wharves, jetties, boat ramps, marinas, revetment walls and stormwater facilities to allow maintenance or future expansion.
23. Existing privately owned jetties, wharves, revetment walls and other authorised private structures on the foreshore need appropriate allowance to allow for ongoing maintenance.	As with publicly owned foreshore infrastructure there are many authorised privately owned structures such as jetties, wharves and retention/revetment walls which will require ongoing maintenance. Given the restrictive nature of zones such as Sanctuary Zones, this could be difficult.	All authorised privately owned foreshore structures be accommodated by an amendment to the Marine Park Regulation to allow ongoing maintenance.
24 Access for dogs and vehicles onto the foreshore has been raised as an issue by a number of residents.	Council currently regulates access by dogs to the foreshore reserves and beaches. It would be appropriate and easier if Council maintained this responsibility rather than two organisations sharing this regulatory role. Council and other landholders also control vehicle access to the foreshore. The regulation of vehicle access is best left to Council and other Government Agencies as they have existing resources and legislation to allow this current arrangement.	Marine Park Regulation for Port Stephens – Great Lakes be amended to allow Council to regulate dog access onto beaches owned or controlled by Council. The Regulation also be amended to retain the current arrangement for regulating vehicle access to the foreshore.

**ATTACHMENT 2  
GLOSSARY OF TERMS**

<b>Marine Park Zoning Plan</b>	A zoning plan for the Marine Park made under the Marine Park Act 1997
<b>Marine Park Regulation 2006</b>	A specific regulation made under the Marine Park Act for Port Stephens – Great Lakes Marine Park
<b>Sanctuary Zone</b>	The highest level of protection is provided by this zone. Only swimming, boating, diving, research and commercial tour operations are allowed.
<b>Habitat Protection Zone</b>	This is the second highest level of protection. Most forms of fishing are allowed in this zone.
<b>General Use Zone</b>	This provides for most of the existing uses within the waterway including fishing and commercial activities.
<b>Special Purpose Zone</b>	This allows for the management of areas such as marinas, cultural and heritage areas which require special arrangements.
<b>Rigging of fishing gear</b>	Hook lines and sinkers fitted to fishing gear
<b>Ecological values</b>	The values assigned to unique or sensitive marine habitat areas which support a diversity of marine organisms.

# CONFIDENTIAL ITEMS



*In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.*

*Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.*

*I certify that pages 1-107 of the Ordinary Meeting of Council dated 12 September 2006 were confirmed by Council at its meeting held on Tuesday 26 September 2006.*

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**Cr Craig Baumann**  
**MAYOR**