

**Motion to be presented to the Port Hacking Management Panel
regarding the Waterways Authorities Port Hacking Boating Draft
Plan of Management**

The Port Hacking Management Panel has resolved to **reject** the Waterways Authorities Port Hacking Boating, Draft Plan of Management on the following grounds;

1. With respect to Sutherland Shire Council's Port Hacking Plan of Management (PoM) and the Memorandum of Understanding on Navigation Dredging (MoU)
 - The Boating Plan of Management offers nothing to manage boating to achieve the aims of the PoM
 - The Boating plan of Management offers nothing to promote or achieve equity of access, opportunity or enjoyment for residents and low impact users of the Port even though these groups represent the majority community sector for which the Port should be managed by Waterways.
 - The Boating Plan of Management offers nothing to manage user conflicts with a view to resolving conflict to ensure user safety or resolving conflict to protect the right of users to obtain quiet enjoyment of the Port.
 - The Boating Plan of Management fails to offer actions to achieve the MoU, other than dredging.
2. The document is an incomplete statement of the values, issues, interests and conflicts which should inform planning for the Port.
3. The document offers an incomplete set of actions to support the narrow set of community values tabled in the document and the actions offered do not achieve strategic planning for sustainable management of boating and water based activities on Port Hacking.
4. The statistics and data offered to support the document are flawed or misinterpreted and so do not assist planning for sustainable management of boating on Port Hacking.
5. The document does not recognize the physical and other constraints to usage of Port Hacking and does not promote, plan for or encourage water based activities which can be enjoyed within these constraints.
6. The document does not conform to the general requirements of Agenda 21 and The Sydney Regional Coastal Management Strategy (to which SSC is committed) that planning and management of activities which impact on the environment be constrained by the "precautionary principle" and by principles of equity of access for all users.

In summary, the draft fails to provide a policy framework for the future sustainable use of Port Hacking. It offers little more than a current perspective of Port Hacking and looks to formalize current practices in management of boating on Port Hacking.

For a range of contemporary reasons but most importantly the current and potential impact of *Caulerpa taxifolia* on the ecology of the Port no plan which continues the practice of moorings located in seagrass beds and does not expressly act to prevent vessels anchoring among seagrass can be acceptable to the Panel.

Ideally, the Management Panel's response to the draft should have been to offer suggested amendments. However, the Panel believes there are too many areas of inaccuracy, dispute and uncertainty to allow a constructive or detailed critique of the existing document to have value.

The Panel believes the process by which the document was produced has been flawed resulting in a document which fails to manage boating for the interests of the whole community of users of Port Hacking.

This failure has in part arisen through the lack of opportunity of the Management Panel to input into the development of the draft.

Despite this, the Panel invites the opportunity to participate in a reconstruction of the draft after the close of public submissions.

List of Actions to be undertaken by Waterways

(extracted from the draft plan)

Comments on the adequacy of these actions re' sustainability and equity.

Note The plan states that the strategies and actions have been discussed in consultation with the local community and relevant government agencies.

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Outside the Use group who was consulted- the User group in open session were only asked to pass up values they wanted to identify as important to the Port any actions must have come through private meetings and discussion.

Action Plan
Pages 37-54.

Management Unit – Port Hacking as a whole.

Investigate mooring numbers and locations to minimize sediment disturbance.

Comment -This is not an action but further investigation, no indication of impact of sediments disturbed on seagrass when moorings layed or serviced. We should be protecting this seagrass resource from all major and minor impacts given the state of the resource.

Encourage use of slipways to conduct all hull cleaning activities.

Comment- It is illegal to discharge pollutants to the waterway so this practice should be halted by Waterways and offenders prosecuted.

Consider submissions to Sewage Paper and develop statewide sewage strategy

Comment- Other waterways such as Sydney Harbour are declared and policed as discharge free zones why should the users and residents of Port Hacking accept less.

Consider results of waste reception study

Implement results of study re education programs and pump out facilities

Comment- What study is this? What results are to be implemented? What results from this study are not to be implemented?

Riverkeeper to assist in educating boaters in use of pump out facilities.

Publicise pump out facilities in newsletter.

No comment

Complete voluntary installation of porta-potty in houseboat fleet.

Comment- Why voluntary, why are we allowing this commercial usage to go ahead when there is a known threat of negative impact on the health of other users from sewage? How in any sensible strategy for managing boating sustainable could boats designed for use by a number of people for potentially a number of days not have holding tanks for their waste. Why should such vessels continue to be licenced?

General Comment- All of these actions are inadequate to support sustainability and ignore the precautionary principle embedded in all state environmental and other planning documents.

Upgrade statewide fleet

No comment

Dredging a raft of actions to **develop a properly scheduled and costed dredging plan within the MOU**

Comment- Dredging is costly to the community, has considerable potential to negatively impact the environment and despite some comments in the body of this document there is no way dredging to maintain navigation channels will impact on flushing times at heads of bays or in south west arm.

The documented action wants dredging to go forward within the MOU but does not action the components of the MOU which were to reduce the need for dredging and the potential for negative environmental impacts; that is the moving of deep draught vessels to the eastern end of the Port and giving advise to boaters that the port is not suitable to large deep draught vessels.

Continue maintenance of channel markers to ensure accuracy and visibility.

No Comment

Conduct full environmental assessment when investigating changes to mooring ceiling, in addition to standard part 5 assessment which now takes place

Comment – What mooring ceiling? This document for the first time actually gives some information on mooring numbers currently in Port Hacking. A freeze on any new moorings should be implemented as question of sustainability especially near seagrass are determined – this would implement the precautionary principle.

Rationalise moorings in seagrass areas or replace with seagrass friendly moorings depending on results of trial.

Use results of seagrass study to guide management decisions.

Make results of interim and formal studies available to boating community erect signs/alter maps.

Comment- Even the friendliest mooring damages seagrass-they still have a block I think, they still must be laid and serviced. In the case of Jibbon they attract vessels which if unable to access a mooring anchor on seagrass.

The whole question of seagrass protection as required in Habitat Plan 2 is dodged;

“Where damage to seagrass beds is likely, the Waterway’s authority and NSW Fisheries will generally not approve new or replacement moorings;

Vessel operators should avoid anchoring in seagrass beds and should avoid damage to seagrasses in shallow water through the actions of the propeller or keel—penalties up to \$50,000.”

If rationalize means remove we may be getting somewhere, but why is the action here not simply a statement of the legislation?

Continue boater education and enforcement programs incorporating night patrols, ride smart team and Riverkeeper activities; targeting distance off requirements, wash and noise.

Comment- No indication of level of resourcing of enforcement program, this program has been unable to deliver in the past why should anyone have confidence that a “continuation” of these programs will satisfy the increasing need to manage for safety and amenity? No addressing of the inadequacy of the complaints process.

Incorporate more environment related information in Safe Boating Handbook

Incorporate questions re impact of boating activities on the environment in all boat licence tests.

Comment- Good idea but needs enforcement. In the context of this plan this is “feel good filler”.

Monitor cost effectiveness of seagrass friendly mooring trial.

Comment- Monitor environmental impacts , manage for sustainability remove moorings from seagrass beds.

Commission environmental consultant to revise and update environmental assessment guidelines for BSO’s

Consultant to deliver supplementary environmental training to BSO’s

Comment – BSO’s and all Waterways staff should understand their duty is to the community first and that they must manage boating to achieve environmentally sustainable and equitable outcomes. BSO’s are not there to promote boating they are there to ensure the safety of all waterway users.

Develop and enhance mutual respect among users

Consult with User Group re' management issues on needs basis.

Reassessment of membership on needs basis.

Comment- Waterways User group is unrepresentative and the meetings focus almost exclusively on strategies to promote boating usage of the Port they do not ever in my experience (as a rep of PHPS I have been to a number of meetings in 1999 and 2000) initiate any move to restrict boating for environmental protection nor do they ever countenance restricting boating to encourage low impact usages of the Port.

In this draft plan they again resist any suggestion that power boats be restricted from the most sensitive areas of the Port- Cabbage Tree basin and South West Arm, were for both environmental reasons and for promotion of quiet enjoyment of these areas appropriate to the aesthetic of both areas being entirely within the Royal NP there is compelling argument for promoting the areas for non power craft usage.

Please note there are to my knowledge no shore/migratory bird nesting sites in either area as suggested in the body of the draft document(specifically in relation to the Basin). The most recent and relevant study on disturbance of Water Birds'

"Disturbance Distance for water Birds and the management of human recreation"

By Paton, Ziembicki, Owen and Heddle of the Department of Environmental Biology University of Adelaide May 2000.

States that the disturbance of birds can have a marked negative impact on their lifecycle They ranked disturbance ranked in this order;

1. Walking canoeing, least disruptive
2. Boating (presented as a stationary boat with person fishing)
3. Walking with a dog
4. **Jet skiing most disruptive**, and which the study indicated was probably considerably more disruptive than they could demonstrate given they used a dinghy with outboard to simulate a jet ski and this was not as noisy and lacked the plume of water expelled by a jet ski.

In fact the greatest relevance of this study is to sections of the "central channel" (draft plan management unit) where boating activity goes on in very close proximity to the sand and mud flats favored as resting and foraging areas by migratory birds. It should be noted that disturbance of these birds which prevents feeding or causes them to use energy when "flushed" may result in there being unable to endure the migration journey which they must undertake.

Section on facilities

WA has no listed actions for itself other than;

Riverkeeper to review facilities and develop program of maintenance and improvement

Comment- No mention of the infrastructure intensive needs of boating especially large boats! How sustainable is it to keep providing berths, moorings, boat repair facilities. There is no approach in the plan to addressing the finite capacity of the Port just a mention that boating is limited by the existing facilities to (WA estimate maximum of 3,400 boats at any one time on the Port) are we to assume that if this infrastructure problem can be eliminated that Waterways would have no problem with further increases in boating?

Also not considered is the burden placed on recreational and environmental resources when boating facilities such as moorings are provided before any other facility , for example at Jibbon where toilets are not available and pressure of usage (BSO quoted as estimating 100 boats on peak days) from boats and their occupants is intense.

This section makes no attempt to suggest strategies to alleviate these impacts only suggests development of further facilities to service the boating community. Far less money spent on water and shore based facilities to promote walking, picnicking swimming, diving, snorkeling and kayaking could encourage people out of their boats and into pleasant low impact and healthy water based activities.

Were in this document on is there mention of promoting or extending designated swimming zones to enhance this activity?

Were is there mention of improved foreshore access to facilitate the launching of non powered craft?

Were is there mention of speed restrictions to allow safe passage of non powered craft between the northern and southern shores of the Port?

Were is their mention of promoting diving and snorkeling throught he provision of boat exclusion zones around popular dive sites?

Were is there provision for a snorkel trail to promote enjoyment of and knowledge of the marine environment of the Port?

Many of these ideas are contained in the PHPoM approved by SSC in 1994 why have they no currency in this document?

