

Memorandum of Understanding for Navigation Dredging in Port Hacking

A letter was sent to several agencies on the 7 August 1997, those agencies were:

- Sutherland Shire Council (Attn: Des Hewitt, Mike Rogers and Mike Fursland)
- DLWC - Eric Zvirbulis (Attn: Mike Geary and Mark Porter)
- Waterways Authority (Attn: Trevor Williams & Steven Black)

The three Agencies have replied to our correspondence. Their responses have been compiled, see below:

Agency	a) limitation of moorings west of Deeban Spit	b) limitation on marina berths west of Deeban Spit	c) enhancement of boat maintenance facilities in Gunnamatta Bay	d) clear specification of the standard of navigation channels required for the Port, and the objective indicators to be used to signal the requirements for further dredging
Waterways Authority (Stephen Black, p:9524 7899 or 0418 417 032)	The number of mooring licences which may be issued in an area by Waterways is achieved through an agreement between Council and Waterways giving the area a total limit	The issue and control of marina berths is by DLWC. The Waterways Authority consent is required on a navigational aspect.	(no response)	(no response)
DLWC (Mark Porter)	(no response)	(no response)	(no response)	The standard of navigation channels is defined clearly in the MOU and adhered to by DLWC.
SSC (Mike Rogers)	Development Applications should be lodged with Council for moorings - this apparently is not occurring. Waterways has designated areas already determined limiting swing moorings.	the number of marina berths is pretty well constrained by the lack of opportunities for sites and also by the lack of availability of space for parking areas. Development Consent is required and larger developments constitute Designated Development for which an EIS is required.	Development Consent required. Conditions of consent would address environment concerns in order to protect water quality.	The standard is set out in the memorandum. Objective indicators to signal the requirements for further dredging have not, to my knowledge, been determined.

	e) education of the boating community, that the estuary is naturally shoaled and that it is not to be expected that the government and the community be responsible for ongoing access for those who elect to use deep keeled vessels within the Port	f) a program of reduction of marine pollutants, including those associated with large vessel maintenance	g) a program of controls to prevent noise nuisance from vessels (including PWC) and near boating facilities; and to prevent any harm to seagrass beds or shallow spawning areas	h) A program to ensure that potentially hazardous vessel uses are isolated from more passive recreational uses such as swimming and surfing.
Waterways Authority	When enquiries are made to Waterways regarding channel depths in the Port Hacking, they are advised of the minimal depth that exists in some areas of the port. They are also advised that access cannot be guaranteed to some areas.	The Waterways has authority under the Clean Waters Act 1970 in regard to pollution of waters. No major repairs to vessels on moorings can occur without the Authority's consent	A measure of controls exist under the Noise Control Act 1975 and Noise Control (Marine Vessels) Regulation 1996, where the Waterways has authority. NSW Fisheries are the contact for fisheries management.	The Water Traffic Regulations contain rulings, including vessels at speed and the distance that they must remain from other craft and people standing or swimming in the water; and PWC exclusion zones in designated swimming and surf areas. In addition, no power vessel and PWC free zones have been implemented.
DLWC	(no response)	(no response)	(no response)	(no response)

<p>SSC</p>	<p>PHPAC has been generally facilitating coordination of the efforts of the relevant government authorities, however, Waterways has the primary responsibility in regard to this facet of community education.</p>	<p>Council has recently adopted a new policy document entitled "Stormwater Management Policy and Guidelines, July 1997". Development Consent is required for slipways etc. PHPAC is proposing an initiative to have Port Hacking declared a discharge free zone in relation to "through hull" discharge.</p>	<p>Waterways' responsibility. Development Consent conditions would be applied to proposed facilities.</p>	<p>(no response)</p>
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	i)A program to protect the quiet enjoyment of surfers, divers, swimmers etc from the perceived risk and resulting loss of amenity associated with adjacent power craft	j) Improvement in regulatory effectiveness, through community involvement, increased resourcing and sharing of powers by regulatory authorities.	k) Cross deputisation by authorities to create a seamless policing structure.	l) Restructure of the Waterways User Group, to reflect broader usage patterns and interests
Waterways Authority	(same as h)	NPWS have officers authorised under marine legislation	(Same as j)	The user group consists of many users of the river including Clubs, Local Government bodies, local business and residents. When particular issues arise, representatives from other areas are invited as guests to achieve broader consultation
DLWC	(no response)	(no response)	(no response)	(no response)

SSC	(no response)	<p> Council's Environmental Enforcement Officers are authorised as Fisheries Officers under the Fisheries Management Act 1994, to assist with protection of intertidal areas (Bundeena, Boat Harbour and National Park off Kurnell only). Can issue Infringement Notices under Clean Waters Act for EPA. Health Inspectors are authorised officers. Council was offered powers by Waterways regarding control of PWCs etc.. But this was rejected at the time. </p>	(same as j)	(no response)
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	m) A strong boating code for Port Hacking	n) A program of performance monitoring of these policies and educational activities	o) a community education program to engender higher levels of environmental responsibility	p) A study designed to identify limits to recreational use or Port Hacking, and what will be required to ensure that such use is sustainable environmentally
Waterways Authority	(no response)	(no response)	As part of an ongoing plan, pumpout stations have been implemented into the Port Hacking for the disposal of waste and sewerage. One such example resides at Cronulla Marina	(no response)
DLWC	(no response)	(no response)	(no response)	(no response)
SSC	(no response)	(no response)	Council has a number of programs in place (including Bushcare & Waste Education in schools)	This need was identified in the Port Hacking Plan of Management - it has not been undertaken to date.