

A Report card
Management of Port Hacking
NSW Government
1998-2001

A submission to the NSW government from groups with a concern for the ecological health and the interests of low impact users of Port Hacking, requesting urgent action to reverse the serious ecological problems and the decline of low impact use opportunities, in line with NSW state government policies.



Report card

Course: Management of Port Hacking
 Student: NSW Government
 Years: 1998-2001

Subject	Grade	Comment
Sustainability rhetoric	A+	<i>This government and its agencies have a proven mastery of the rhetoric of sustainability.</i>
Policies and strategies	C	<i>Policies of biodiversity, habitat, and the like are acceptable but strategy is variable. NPWS has produced a workable strategy for the Royal. DLWC is avoiding its sustainability and equity-of-use commitments. Waterways Authority continues to promote resource-intensive uses with a culture of indifference to the adverse effects it promotes.</i>
Action consistent with policy	C-	<i>There is little evidence of implementation of principles of sustainability, and the precautionary principle. Resource allocation is towards the capital and resource intensive uses, and away from low impact activities and protection/restoration of the damaged ecosystems. Regulations are poorly enforced.</i>
Effectiveness of protection of biodiversity	F	<i>The biodiversity of Port Hacking is at risk. 50% seagrass loss (70%+ in the main channels), major water contamination, Caulerpa is unchecked, there are problems of shellfish contamination. Foreshore habitat loss continues to increase. There is no evidence of action to protect, let alone restore, biodiversity.</i>
Effectiveness of protection of low-impact users	F	<i>Low-impact uses need areas that are in their natural condition, free from safety risks or intimidation, and free from engine noise, smell and the like. The main role of the NSW government has been to reduce these opportunities. Jetskis continue to cause noise, pollution and risk problems. Reporting and policing approaches are structured to reduce effectiveness, and are not adequately resourced.</i>
Equity in resource management	F	<i>The less wealthy and the less protected, and the needs of future generations, have been consistently sacrificed to the desires of the most powerful and those whose activities are most destructive.</i>
Administrative efficiency in management	F	<i>Jurisdictional in-fighting, lack of coordination, and inefficient administrative mechanisms such as problem-reporting or objective needs analysis, are the observed pattern</i>

Overall: *Good policy ideas have not been turned into action. The agencies of the NSW government have put their efforts into supporting activities that increase injury to the ecosystem and reduce opportunities for the less powerful and the less wealthy. The on-the-ground picture is a mess, reflecting a lack of real effort.. Some agencies demonstrate a culture of resistance to a commitment to sustainability or equity in the use of resources. There is still time for this government to try to reverse the major harm that has been done. But that time is running out- Port Hacking is in dire straits and needs protection.*

A Report Card on the Management of Port Hacking

The following report card has been collated from the views of organizations with a concern for the ecological health and sustainable use of Port Hacking.

- Bundeena Progress Association
Contact: Mr Bill Sinclair
- Cronulla Precinct Committee
Contact: Byron Hurst
- Dolan's Bay Residents Action committee
Contact: Mr Phil Black
- Local opposed to a boat ramp at Bonnie Vale
- National Parks Association
Contact: Mr Gary Schoer
- Nature Conservation Council of NSW
Contact: Ms Kathy Ridge
- Port Hacking Protection Society
Contact: Mr John Atkins
- Port Hacking Planning Advisory Panel
Contact: George Cotis (founding member)
- Sutherland Shire Council
Contact: Cr Robert Spencer
- Sutherland Environment Centre
Contact: Mr Jim Sloan

Date: August 8th 2001



BUNDEENA PROGRESS ASSOCIATION
INCORPORATING
THE BUNDEENA/MAIANBAR PRECINCT RESIDENTS' ASSOCIATION

31/7/01

REPORT CARD ON THE MANAGEMENT OF PORT HACKING

We wish to join with other groups to indicate our very strong concern about the lack of management of Port Hacking.

We are concerned at the continued deterioration of Port Hacking and the declining ability of many people to use it in traditional ways.

We have several times over the years asked both Council and state agencies to ensure the safety of swimmers in Port Hacking by making safe swimming areas off the beaches. Thus far, no area has yet been set aside as swimming zones – apart from a small area off Bonnie Vale. This token area is now compromised with the proposal for a boat ramp. Horderns Beach, Gunya Beach and Jibbon Beach are all very popular swimming and family play areas for both residents and visitors alike. Yet there is no protection for swimmers in these areas. Jet skis and other craft at, particularly at Jibbon Beach and along the length of Deeban Spit and Cabbage Tree Point, continue to intimidate swimmers. At Gunya, increased numbers of moorings – protested against by regular users of Gunya Beach – have compromised their enjoyment. There seems to be very little attention paid to the interests of low impact visitors and local residents.

Care of the foreshores of Port Hacking has been another issue we have written to government about. Jibbon Beach is undermanaged given the number of visitors it receives. We asked that toilet and garbage facilities and more care of the foredunes be considered, but the agencies who need to work together to resolve the issues surrounding Jibbon cannot agree on a plan. Waterways Authority will not put in place a plan which limits numbers to Jibbon Beach. Council, DLWC and NPWS claim that they do not have the resources to manage visitors in the numbers that come from the water.

We have also written about the appalling management of Deeban Spit. This once forested area is now barely a sandy hillock. It has had dredged sand dumped on it, it has been eroded beyond repair by vehicular traffic, it hosts hundreds of picnickers and boaties every fine weekend. Its use is unsustainable at current management levels.

These and other issues in Port Hacking continue to concern us. We call on the government to urgently review management practices in Port Hacking and to implement a coordinated/integrated whole of government approach to the management of Port Hacking to stop further deterioration of this wonderful waterway.

The waterway is very popular with many people. It is a lovely place to live by and to recreate in. We would like to keep it that way for ourselves and for future generations. We believe we can only achieve this if we are sensible about the way we manage and use the Port.

Yours sincerely



Report Card on Gunnamatta Bay
Compiled by Byron Hurst
Cronulla Precinct Committee
Tonkin Park Bushcare Group

Foreshore Issues

- 1) Loss of remnant vegetation in the Bay catchment is still proceeding at an alarming rate. Most removals have occurred due to development, and more trees are threatened by pending D.A.'s. Efforts to replace loss at the three bushcare sites within the Bay are small compensation.
- 2) Council development control plan (DCP) for the head of the Bay is currently on hold pending the Estuary Management Plan, however the draft plan threatened dredging, reclamation and extension of car parking into the Bay waters.
- 3) Foreshore development throughout the Bay is not dealt with consistently, with non-complying development either being allowed to remain or to be erected.

Water Issues

- 1) *Caulerpa taxifolia* has now overrun the sea-bed under the public wharf and marina. No effective control or education is in place.
- 2) Heavy metal contamination of siltation at the head of the Bay is at alarming levels (ie qualifying as industrial waste by the EPA), yet remains unaddressed.
- 3) Gross pollution is unsightly and virtually unaddressed by Sutherland Shire Council. No foreshore litter removal occurs. Litters socks on drains are not replaced. No litter patrols by C.L.E.O.'s occur in public parks. Enough litter enters the bay annually to fill two lanes of a 25m pool.
- 4) Gunnamatta Baths are unsuitable for swimming 20% of the time. The Bay is constantly impacted by pathogens and nutrients from leaking sewers.
- 5) The head of the Bay is often affected by fuel oil-spills, which are left to dissipate.

DOLANS BAY RESIDENTS ACTION COMMITTEE

Current Issues of Concern to The Committee -July,2001

1. The lack of an integrated approach to the management of Port Hacking. Proposed marina developments or expansions thereof are considered on an individual basis and not on the basis of the cumulative effect on the Port or parts thereof. The Environmental Study done for the proposed private marina in Dolans Bay gives no consideration to the cumulative impact on Dolans Bay where the existing commercial marina (Dolans Bay Marina) in the closed end of Dolans Bay is continuing to freely allow slipway wastes to pass into the bay.
2. The proposed private marina in Dolans Bay cannot be allowed to occur as this will set an undesirable precedent. As higher density housing replaces large homes around the waterway every such development will seek approval for a private marina. In Dolans Bay where it is acknowledged by Waterways that there are already excessive moorings, we now have a proposal to add even further boats and so increase congestion.
3. The developer of the private marina has already received significant concessions for the associated land component. Building forward of the foreshore building line has been allowed .6.8 metres in the case of one villa, and it appears that foreshore structures have been allowed to remain in contravention of the related Sutherland Council building code.
4. It is of deep concern that Sutherland Council has continuously failed to have the commercial Dolans Bay Marina comply with the conditions of its 1985 development consent. In particular the marina continues to operate at well in excess of its approval to berth 20 boats and last summer averaged some 30 boats berthed in the marina. While instructed to do so by Council the marina has not yet applied for approval of part of its floating structure built without authorisation and which conveniently facilitates part of the chronic over-berthing occurring in the marina. Until recently many of the constructional requirements set for the marina in its 1985 development consent had not been met. Council did commence legal process in June 99 on non compliance issues but this has unbelievably been deferred pending the outcome of a January 2000 D.A. to increase the number of boats approved for berthing in the marina.
5. Water quality testing by two independent authorities conducted at the end of Dolans Bay reveals water in the bay is failing to meet 6 out of 13 water quality parameters tested. This pattern is similar throughout the Port.
6. The need for one authority responsible for the Port is illustrated by the fact that Waterways does an excellent job in policing the boat mooring situation in Dolans Bay but is powerless to be equally fair in rectifying the over-berthing in the Dolans Bay marina where Sutherland Council holds responsibility.
7. The draft Boating Plan of Management for Port Hacking released by Waterways for public comment does not include a process which is subject to public scrutiny for setting, reviewing and managing swing mooring levels throughout the Port particularly from the environmental impact and ecologically sustainable points of view.



P.L. Black

Secretary/ 0295401534

The Hon R J Carr
Premier
Suite 501, Level 5
806 Anzac Parade
MAROUBRA NSW 2035

6th August 2001

Dear Sir

RE: MANAGEMENT PLAN FOR SIMPSONS BAY

As residents of Bundeena we are deeply concerned by the proposal to develop a boat launching facility at the eastern end of Bonnie Vale. We would like to see this area properly maintained and managed as a picnic area with the safe swimming zone fully protected and enforced. This would preserve the historical and environmental importance of the area while making it available for the greatest number of people to enjoy.

We object to the proposal on the following grounds:-

POSITION -The proposed site is too close to homes, picnickers, swimmers, wildlife and important historical buildings. The design (limited width) is suitable only for the launching of small watercraft which will encourage the PWC users and present safety problems for those launching boats.

CONSTRUCTION -A ramp 25Mtrs long will have a huge impact visually on the area and metal mesh decking will mean it is noisy.

SAFETY - There is a serious risk of injury to children swimming or using open picnic space by increased traffic - boats or cars and trailers.

CONTROLS - The lack of any enforceable management plan means there is no effective way of policing issues of speed, anti-social behaviour, noise and pollution. At

present there are no controls in place to regulate the use of this waterway.

ENVIRONMENTAL – Residents and visitors need to be protected from pollution by noise and the degradation of the water quality for swimming by fuel, rubbish, and discarded fish as well there will be damage from boats to rare sea grasses and fish populations.

PARKING – The proposal does not fully address the issue of adequate parking at peak times. The allocated parking will fill quickly and as a result cars and trailers will park in those streets nearby avoiding payment of fees, as well this would cause a problem for residents as well as a safety issue as the streets are very narrow.

HISTORICAL SIGNIFICANCE – A boat ramp in this area would cause the destruction of a site that has survived as an area of open picnic space for generations and has importance as an historical record of the early history of National Parks and of Bonnie Vale.

ONGOING UPKEEP AND CONTROLS – Who would be responsible for ongoing upkeep and policing? There is no effective control at present and it will deteriorate as more motorised craft use this area.

There is a need for further consultation on this matter.

National Parks are areas put aside for the use of all. Bonnie Vale is a precious resource and should be valued for the open space and opportunity it gives all residents of Sydney to visit and enjoy an unspoilt part of Australia's oldest National Park.



**NATIONAL PARKS
ASSOCIATION OF NSW INC
SOUTHERN SYDNEY BRANCH**

**NPA Report Card on the
Management of Port Hacking**

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National Parks Association of NSW (NPA) is a Peak Environment Group representing 6000 National Park users state-wide. Our report card on the NSW government's management of Port Hacking addresses three major issues... the proposal to place a boat ramp within the boundaries of the Royal National Park at Bonnie Vale; the failure to implement specific promises to provide protection to the ecological and other values of Port Hacking; and the oversight of the destruction of the ecological values of the estuary, which interact with the terrestrial values of the Royal National Park.

The government is failing to honour its obligations with respect to Bonnie Vale. In 1999 NPA's State Council resolved to oppose any type of boat ramp at Bonnie Vale, and that rehabilitation of foredune contiguous with existing vegetated dune and conservation of area as an absolutely passive area are priorities for managing this site. NPA believe that the proposal for a boat ramp at Bonnie Vale is contrary to internationally accepted purposes for what a National Park should be. Its construction is potentially legally challengeable under the National Parks and Wildlife Act and the current Plan of Management.

Bonnie Vale has many core values currently conserved due to the management of the area as part of Royal National Park. These values are not being recognized and given appropriate weight in the consideration of the future uses of this area.

1. Occurring as it does within a National Park Bonnie Vale is arguably legally and morally protected from developments which are incompatible with core national park values.

(Statements in the The current Plan of Management commit the NPWS only into "discussions with Sutherland Shire Council and the Department of Land and water Conservation to resolve the issue of a boat ramp near the wharf at Bundeena"). To go beyond this is contrary to the legally binding Policy of NPWS expressed within the Plan of Management: *The natural setting of waterways in Royal National Park will be protected.*

2. It is a northern gateway to the major wetland areas adjacent to Royal National Park

3. It is a relatively rare in Sydney to have an uninterrupted sweep of white sand and rock platforms within a high quality estuarine waterway.

4. Its values extend to the intertidal and subtidal zones where a large relatively undisturbed bed of seagrasses occur.
5. It is an area completely undisturbed by infrastructure related to access for motor boats
6. It is a relatively quiet refuge in a near urban setting.
7. It still retains sand dune associations whose regeneration is possible at the site of current informal motor boat access.
8. The whole Bonnie Vale precinct has extremely high educational value due to the many ecosystem types which meet here.
9. It has a long term history of passive use by picnickers, canoeists, swimmers, anglers and walkers...the predominant user groups
10. It harbours migratory wading birds at western edges.

The sustainable option for the management of this area, and the one that NPA believes is essential, is working to restore damaged ecosystems, and carrying out positive planning initiatives to both improve the Bonnie Vale Precinct and reverse the pattern of cumulative impacts now clearly threatening the southern shores of Port Hacking.

The government is failing to honour promises for protective regimes in Port Hacking.

For a number of years there have been promises of extension of appropriate protection into the waters of the Hacking, which have been broken once the immediate political needs which led to these promises, had been met.

In 1994, prompted by the requirements of the then Public Works Department, a number of environmental groups including NPA, agreed with serious reservations to a Memorandum of Understanding which was to form the basis for the ongoing management of navigation access dredging. We were told that this MOU was a fundamental prerequisite for funding of dredging, and that it would form the basis of the ongoing program. We participated in good faith on the basis that this MOU between the key environmental and user interests and the local and state government agencies would ensure some honouring of the principles of sustainability and equity. Since then, none of the agencies involved have honoured any part of the commitments that they made, dredging has gone on without regard to the issues dealt with in that MOU, and the agencies have consistently played word-games to work their way around the clear commitments that were made at the time.

Prior to the last election, the policy of Labour was to extend the boundaries of coastal national parks into the adjacent waterways. This policy had the support of NPA and a range of environmental groups, and would have provided some measure of protection within Port Hacking.

This promise has, it seems, been abandoned.

Prior to the last election there were commitments by NSW government to create an effective program of protection for the ecology and non-boating uses of Port Hacking, with first Fisheries, and then Waterways Authority, charged with developing such an integrated program. That promise too has been broken.

The more recent specific Plan of Management for the Royal National Park embeds more promises, including the integrity of Bonnie Vale, protection of sensitive areas like The Basin and South West Arm, and control of boating-related deterioration of national park values. These promises, too, it seems the NSW government is prepared to break.

These broken promises are reflected in the continued pattern of allocation of resources towards high impact boating proposals, and away from National Park and environmental needs. Ample money is provided for dredging, boating promotion and boating support activities. Very little is made available for protection of the natural values. NPA believes that in these times of government fiscal constraint, allocation of funds for developing boat ramp infrastructure when many of tracks and track heads in Royal are in a shoddy state of maintenance, is a further example of this misuse of funds. Even if a special construction budget were allowed, it will be highly unlikely that NPWS can allocate funds for continued monitoring of the environmental impact of the ramp and supervision of the high-level safety responsibilities. The consultant study emphasises the necessity for "additional ongoing management resources". Such reallocations will further entrench a pattern of anti-sustainability and anti-National Park allocation of funds.

Oversighting the destruction of natural values

The deterioration of the natural values of Port Hacking is, sadly, well proven and well documented. Virtually every biophysical aspect of the Port is now severely degraded, from water quality, to the foreshore habitat, intertidal zones and the estuary bed. This destruction has been largely the result of management failures of the NSW government. In virtually every instance warnings have been given of the harm being caused by mistaken promotion of destructive activities, and the failure to take any protective steps where destructive activities are apparent.

The recent discovery of *Caulerpa* is the latest instance where the risks are being ignored, even where the consequences are potentially serious. There is ample data to show that boat access across seagrasses (including anchoring and mooring) is a major cause of loss of seagrasses. There is ample data to show that in Port Hacking this has already led to the loss of the majority of seagrasses that existed only forty years ago. There is also ample evidence that the main vector to spread *Caulerpa* (and other such threats) is boating activity.

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The management of Port Hacking - A report card

The NSW government has a strong espoused commitment to the protection of coastal areas. This is because:

- Port Hacking has historically been free of industrial use;
- Virtually all of the Southern shoreline is made up of the Royal National Park;
- There is an absence management complexity, with only Sutherland Shire and the National Parks and Wildlife Service having foreshore control, and the normal mix of state agencies governing the uses of the waterway and the estuary beds;
- Port Hacking has, at least until the last twenty years, been a relatively intact ecosystem; and
- The local community (and users of the National Park) have consistently signaled with every research of community attitude in the area, that above all they value the unspoiled natural qualities of the Port and want to see these protected.

Environmental Degradation in Port Hacking

The biophysical status of Port Hacking demonstrates a very rapid decline on all available data:

1. Decline in Seagrass Meadows

Seagrass beds have suffered a disastrous decline over the last 40 years (Fisheries data). All seagrasses are of critical importance and provide critical habitat to fish and other aquatic organisms. There are three species of seagrass that exist within the estuarine environment of Port Hacking. These include: *Zostera*, *Posidonia* and *Halophilla* species. *Posidonia* seagrass represent the 'old growth forests' of estuaries (Paul Martin, PHPS President). Permanent losses of seagrass, particularly *Posidonia* beds have occurred. Some sites where dense *Posidonia* meadow that once grew and supported healthy diverse benthic communities have been destroyed. Studies have shown that high-powered vessels have contributed to this loss by stirring up the sediment, blocking out sunlight and inhibiting photosynthesis of seagrass communities. Extensive moorings and anchoring have also lead to this dramatic and significant decrease in seagrass coverage and density.

2. Foreshore degradation and development

Foreshores are of particular importance. Many species of fauna send a portion of the juvenile life stage in the intertidal zone of estuaries. These animals are often used as bait for recreational anglers. Predicted population increase has the potential to impact on the sustainable yield of the harvest of bait species, resulting in a decrease in stocks that can lead to localised extinctions. Foreshore development has removed native vegetation buffer strips resulting in an increase of runoff and water quality problems in Port Hacking.

3. Poor Water Quality

Water quality is very poor (DLWC and Coastwatch data). Major sources of pollution include: suspended solids from development and land clearing in urban areas, nutrients and organic chemicals from fertilizers, pathogens and bacteria from domestic animal faeces, stock manure and sewage outfalls, industry discharge, oil leaks from vessels and weeds from garden refuse in runoff.

There has been a further marked deterioration in the natural conditions of the Northern foreshore and the urbanized parts of the Southern foreshore (visual survey, Sutherland Shire Council). One of the most pressing impacts comes from stormwater drains.

NCC Recommendations

To be consistent with policy, a number of actions are urgently required.

- a. Clear directions to the agencies to take a strongly precautionary approach to sustainability (given the already demonstrated marked deterioration in the ecology of Port Hacking) in line with NSW policy directives;
- b. Implement a protective zoning of the Southern half of Port Hacking as a low speed, habitat protected area, preferably in the form of an extension of the boundaries of the Royal National Park to cover the Southern half of the Hacking estuary and a substantial distance off the coastal foreshore of the Royal National Park;
- c. Ban the use of Jet skis in Port Hacking Estuary. Decrease the speed limit of other high-powered vessels to minimise impacts of turbidity caused by high-powered vessels;
- d. Declare the intertidal waters of Port Hacking an "Intertidal Protected Area" by order of NSW Fisheries;
- e. Integrate catchment management needs to be undertaken to ensure that water quality in Port Hacking is not further compromised by human activity and urban development;
- f. Local Environmental Plans should adopt stricter development controls along the foreshore and water bodies that are tributaries to the Hacking River. These controls could include greater buffer zones (e.g. minimum of 50m buffer zones from the foreshore, restriction on building heights to prevent shading of seagrass meadows, prevention of the removal of salt marshes, wetlands and mangrove habitats, incorporation of Water Sensitive urban design into new development application and DCPs for the Sutherland Shire Council LGA);
- g. Implementation of a seagrass protection program for Port Hacking, including the removal of moorings and the prohibition of anchoring within seagrass beds;
- h. Require that any future expenditure on dredging be subject to implementation of a full environmental protection program;
- i. Embed strong foreshore and estuary bed protection in development controls permissive occupancy, marinas, and foreshore development (in conjunction with Sutherland Shire Council).

On present trends, if such a program is not implemented, Port Hacking will move from being a severely compromised environment, to a fully degraded estuary. The rate of degradation under current management approaches is such that the time frame for such a collapse will be brief rather than extended. Urgent action is essential.



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A Report Card on Port Hacking

The Port Hacking Protection Society is committed to maintaining and enhancing the environmental qualities of Port Hacking and to the promotion of sustainable recreational activities.

In respect to both these aims the history of management decisions taken for the Port has produced negative outcomes.

A dramatic deterioration of the Port in environmental terms and an escalation of foreshore development and high impact recreational usage has flowed from the failure of government agencies responsible for the Port to manage for ecological sustainability, equity of recreational opportunity and protection of amenity of life for residents.

These failures have resulted from poor planning, failure to commit to integrated planning, a lack of enforcement capacity to ensure compliance with current planning instruments and most alarmingly a consistent refusal by one major agency to develop management plans which will protect critical habitat in Port Hacking and control damaging and unsafe forms of recreation on the Port.

Issues, which need to be addressed through integrated and effective management, are:

1. Continuing environmental deterioration

Evidenced by

- Damage and destruction of seagrass with a loss of over 50% of original cover.
- The failure of the Waterways Authority in its (draft) Boating Plan of Management for Port Hacking to protect seagrass from anchoring and mooring by vessels.
- Water quality - impact of stormwater, sewage overflows and sewage from vessels resulting in the most popular swimming area in the Port, Gunnamatta baths consistently failing Beachwatch water quality tests and 50% of shellfish within Port Hacking testing as unfit for human consumption.
- Heavy metal contamination of sediments at heads of bays, consistent with poor sediment control at building sites and poor control over pollutants entering the stormwater system through the catchment.
- Foreshore development which continues to reduce the cover of natural vegetation along the shoreline and to impact negatively on foreshore habitats as shown in Sutherland Shire Councils Visual Surveys of Port Hacking.
- Failure to protect sensitive habitats, chiefly the Cabbage Tree Basin from impact by noisy and polluting water craft.
- Inaction on the threat posed to the ecology of Port Hacking by the invasive algae *Caulerpa taxifolia*

2. The failure to secure and protect the rights of residents and low impact users of the Port from escalating use of the Port by dangerous, noisy and polluting forms of recreation and the promotion of these high impact uses.

Evidenced by

- The failure of the Waterways Authority to address in its (draft) Boating Plan of Management for Port Hacking the question of adequate management of Personal Water Craft (Jet Ski) on Port Hacking
- The current move to alienate a section of the Royal National Park at Bonnie Vale used extensively by swimmers, picnickers and local residents to construct a boat ramp and for parking associated with the ramp.
- The continuing subsidy provided to owners of large vessels through government funded dredging of navigation channels, without implementation of any arrangements to control the adverse environmental impacts of these uses, or to balance the adverse effects on other less intrusive users of the Port.
- Current applications to alienate a publicly owned resource –the waterway- to private usage through granting consent for the development of marina facilities associated with foreshore property developments.

3. The failure to implement virtually any of the plethora of management policies and plans that have been created with the purpose of balancing the interests of users, and protection of the long term sustainability of their use.

Evidenced by

- The abandonment of the precautionary principle reflected in the NSW government's Coastal and Estuary management policies, in relation to seagrasses, and sensitive habitats, such as the Basin and the threatened Posidonia beds, despite scientific evidence of their at-risk status and the deleterious impact of power boating, anchoring and overuse.
- The consistent failure of agencies to embrace the Port Hacking Plan of Management notwithstanding its status as the Estuary Management Plan ostensibly driving management of this estuary.
- The disingenuous denial by the Department of Land and Water Conservation and Waterways Authority of the commitments which they made to a Memorandum of Understanding on Navigation Dredging., notwithstanding that this memorandum was required by the NSW government as a prerequisite to the funding of navigation dredging, and notwithstanding the agreement in good faith by Council, environmental and boating interests to the elements within this Memorandum.
- The failure to reflect the content of the Coalition of Coastal Council's strategic plan in any of the agencies' proposals for the management of the Hacking estuary.
- The failure to take into account Aboriginal cultural interests and potential entitlements in the management of the Hacking estuary.
- The failure to give full effect to the contents of the Management Plan for the Royal National Park in relation to the protection of Bonnie Vale and the Basin, the control of illegal moorings and the overall protection of opportunities for quiet enjoyment of the peaceful surroundings of a national park, coupled with the failure to honour previous commitments to extend the protection of coastal national parks such as the Royal into the adjacent waters.

1. The failure of agencies of the NSW government to implement the most basic of the good management practices that one would expect is they had a serious commitment to protecting the environment or the interests of all users.

Evidenced by

- DLWC – not requiring implementation of initiatives (within the MOU on Navigation Dredging or otherwise) to provide an integrated approach to reducing the adverse ecological and social effects of the dredging which they fund to increase the access for large recreational vessels into this naturally shoaled estuary;
- Waterways Authority – Failure to give effect to normal good management practice, such as ensuring that there are effective complaints lodgement mechanisms at times when problems are likely, sufficient resources on hand to address any problems that may arise, effective mechanisms for consultation with the most vulnerable, and a reliable statistical basis for testing whether strategies are effective in protecting these users, and ensuring sustainable use of the environment.
- All agencies – failure to implement strategies spanning organisational jurisdictional boundaries to ensure efficient achievement of the key aims of government – ecological sustainability, equity in recreational and other opportunities, and efficient allocation of scarce government resources to meet the stated policy priorities of government.

Residents and users of Port Hacking have a right to expect that state and local government authorities manage Port Hacking to produce equitable outcomes for all, within the absolute constraints of maintaining the viability of the natural systems of the Port. They should be able to expect that where funds are expended, they will be consistent with the stated ecological and social priorities of the government. They should be able to expect that all agencies will be working together to ensure that natural resources are protected and financial resources are actually directed to the areas of greatest need, the protection of the vulnerable and the safeguarding of the environment.

Given that Port Hacking is a small waterway with much of its foreshore and catchment protected as a consequence of lying within the Royal National Park, given that little industry is located in its catchment and the density level of residential development is low, given that the whole of the estuary lies within one local government area it would seem that Port Hacking has unique advantages that should allow this expectation to be met!

As things currently stand any reasonable person marking the report card of those authorities responsible for the Port would be recording F for fail.

The Port Hacking Protection Society calls on the State Government to review the current management of Port Hacking and to implement an effective “whole of government “approach to ensure protection of what remains of Port Hacking’s natural systems and to reverse the current promotion of dangerous and damaging high impact recreation through the promotion and enhancing of forms of recreation compatible with ecological sustainability.

It is our intention to revisit the issues raised in this paper within six months and report to our members and the community at large on the response by government.

ISSUES RELATING TO THE MANAGEMENT OF PORT HACKING
George Cotis, August 2001

Sutherland Shire Council broke new ground with its Port Hacking Plan of Management for two reasons. First, for the concept of integrated management, and second for the multi-agency collaboration.

Since the adoption of the Plan of Management, the plethora of agencies combined with the lack of commitment have militated against outcomes on many critical issues.

The major issues are:

Absence of an integrated plan within in which to plan and conduct dredging of the mobile shoals of the estuary delta.

Serious environmental, social and economic questions revolve around the pursuit of dredging to accommodate a minority user group. This user group persists with the expectation that craft unsuitable for Port Hacking should not only be accommodated, but expanded. This expectation is supported by government, without a supporting rationale.

This is exacerbated by:

- The failure to honour and implement a Memorandum of Understanding on navigation dredging, which, when combined with Council's Port hacking Plan of management provided the means of integrated management.
- The failure of the Waterways Authority's Draft Boating Plan of Management for Port Hacking to provide a management framework based on sustainability.

Failure to manage recreational and commercial demands.

- The responsible agencies have failed to address matters of capacity, suitability, and sustainability. As a consequence, demand is being met at the cost of sustainability and the quality of the amenity, and at the cost of the recreational experience for the more low key users.

Note the rationale supporting the outright rejection of the Waterways Draft Boating Plan of Management, Port Hacking. Further, this issue is directly related to the navigation issue.

Failure to protect and to rehabilitate marine and terrestrial habitat.

Relevant agencies have presided over a degradation of habitat throughout Port Hacking, evidenced by

- Marine.
 - Loss of seagrasses
 - Contamination of benthic organisms
 - Poor water quality in some areas
 - sedimentation at heads of bays.(including toxic contamination) *
 - failure to act in a timely way with respect to the invasion by caulerpa taxifolia
- Terrestrial
 - Continuing loss of native vegetation,
 - Severe modification to the natural landform,
 - The conversion of natural foreshore to built-form, and
 - The use of exotic plants, especially palms, in residential landscaping (Refer to Sutherland Shire Council's Visual Survey's of 1986 and 2000)
- Special
 - Failure to afford especially sensitive areas protection from threats from power boating:
 - The Basin (Cabbage Tree Basin)
 - The headwaters of South West Arm

Loss or degradation of residential and foreshore amenity through the failure of codes and administrative processes to produce outcomes

- Council's development codes (DCP) have not produced intended outcomes. Consequently development of a kind not intended or envisaged is causing loss of the very attraction for residents.
 - Part of the problem only rests with the Land and Environment Court.
- Noise and other boating related nuisance degrades the quality of life of foreshore zone residents.

Alienation of foreshore by unconstrained waterfront development.

Developers of waterfront land have their expectations of developing beyond their boundaries into a public resource, i.e. the waterway, met by the presiding State and local agencies.

The consequence is the alienation of a public resource, and the confirmation to subsequent developers of their "right" to continue the trend.

It would seem that there needs to be the tests of compelling reasons why a public resource should be alienated for private benefit, otherwise the current trend is unsustainable.

Developments of concern include:

- Reclamation
- Construction of seawalls
- Construction of ramps, slipways and jetties
- Installation of dolphin poles for the creation of boat storage pens.

Failure to achieve an improving marine water quality

- The State has failed to afford Port Hacking the same environmental protection measures as for Sydney Harbour on the issues of pollution from boats and for the containment of slipway/boat maintenance waste.
- Sewerage infrastructure design and failures continue as a source of pollution
- Construction continues as a source of pollution, including sediment input.

The State has failed to provide a waterway which is safe, equitable and sustainable for all uses and users.

The Waterways Authority has failed to address matters of waterway safety, user conflict, and equity of opportunity in its Draft Boating Plan of Management Port Hacking. There are many areas on Port Hacking where a dangerous mix of activities occurs, and the State shows no intention of seriously addressing the matter.

Note the rationale supporting the outright rejection of the Waterways Draft Boating Plan of Management, Port Hacking. Further, this issue is directly related to the navigation issue.

In terms of sustainability, consideration should also be had to the previously referred Memorandum of Understanding.

Inequitable allocation or availability of funds

The State continues to fund dredging for navigation in Port Hacking, even in the knowledge that it encourages incompatible activity. Given that this amounts to a considerable government subsidy to a minority user group, it is clearly inequitable that other activities are fund starve. Sutherland Council struggles to maintain swimming enclosures. Sporting clubs such as the Lilli Pilli Kayak Club have no opportunity for an amenity to pursue their sport on Port Hacking..

Summary

Sutherland Shire Council, and later the Hacking River Catchment management Committee provided the springboard for sustainability through a process of collaborative integrated management.

All involved agencies involved have, to some extent or another failed to deliver.

In the case of Sutherland Shire Council, the principal failures are

- Outcomes not produced with foreshore and integrated development
- Loss of native vegetation
- major land form modification
- sediment and other polluting inputs

In the case of the State government,

- Failure to provide a safe and equitable recreational environment
- Lesser environmental protection standards than exist elsewhere with respect to boating related activities
- Failure to provide a management framework for boating sustainability, against which, among other things, dredging for navigation can legitimately and intellectually be considered.
- Failure to initiate studies to provide adequate understanding of processes, demands, and sustainability.

Councillor Robert Spencer

Chair: Sutherland Council Port Hacking Planning and Advisory Panel A report card on the NSW government management of Port Hacking

The Port Hacking Planning and Advisory Panel is the Estuary Management Committee for Port Hacking, and it has been in operation since the mid 1980's. During that time the Panel has developed two main management programs for Port Hacking, designed to ensure whole-of-government management for sustainable use of the Port, in line with NSW government policy. The first of these was the Sutherland Shire Council Plan of Management for Port Hacking (1992). The second was the Memorandum of Understanding on Navigation Dredging (1995).

In addition to these plans, the relevant policy frameworks governing management of the Port include the various NSW habitat and environment protection policies and programs, the Estuaries Policy, the NSW Coastal Policy, and the Sydney Coalition of Coastal Councils' Strategy.

Together these instruments should describe the basis on which Port Hacking is being managed.

What should be occurring?

Based on all these policies and plans, what should be occurring in Port Hacking is the following:

- a. Any species, habitat or ecosystem that is under threat should be the subject of appropriate and careful protection.
- b. Opportunities for low impact and peaceful recreation should be being protected and enhanced.
- c. Activities which threaten either the environment or opportunities for healthy, low impact recreation should be being controlled to prevent any such threats reducing the ecological or social values of Port Hacking.
- d. All NSW government agencies should be directing their efforts and resources to these ends, and to the achievement of the estuary management plans (represented by the Plan of Management for Port Hacking and the Memorandum of Understanding on Navigation Dredging).

What is occurring

What is occurring within Port Hacking is an almost total reversal of what should be occurring:

- a. Government agencies which did negotiate the Memorandum of Understanding on Navigation Dredging as the basis of the commitment of public funds into dredging have not implemented their commitments under that agreement, and have engaged in a process of legalistic re-interpretation to avoid the clear commitments that were made.
- b. The same agencies are ignoring the Plan of Management for Port Hacking and are not actively involved in ensuring that this estuary management plan is implemented.
- c. Contrary to the various statements about sustainability and the precautionary principle embedded in NSW government policy, there is no action apparent on any of the major ecological concerns that have been brought to their attention:
 - i. The loss of 50% overall of the seagrasses within Port Hacking, with around 70% in the main channels.

- ii. The more recent threat of *caulerpa taxifolia*, which poses the risk of greater losses.
 - iii. The impact within the remaining seagrass beds of anchoring and mooring.
 - iv. The threats to important areas of habitat and juvenile fish production, notably the Basin and the southern shores of Port Hacking.
- d. Contrary to general principles of social and economic responsibility, the pattern of management has been to displace low impact uses and those enjoyed by the less wealthy, by subsidisation and support for particularly machine-intensive uses.
- i. Funding has been directed to support for boating activities alone, including substantial expenditures on dredging and provision of facilities for the boating community. Funds have not been made available for foreshore facilities such as toilets at Jibbon, or sufficient infrastructures to reduce boating-related issues such as through-the-hull sewage disposal or anchoring in sensitive areas such as *Posidonia* seagrass beds.
 - ii. There is a pattern of management discounting of the problems of other than the boating community, represented by the lack of complaints lodgement mechanisms at peak times (after hours or on weekends), and the failure to fully implement the range of existing nuisance protection mechanisms (such as the “offensive noise” regulations), and the creation of consultative mechanisms that discount other concerns.
 - iii. The approach of creating only token areas for low impact use, and then failing to make even these effective due to an absence of policing or other resources.

A failure to support Council on sustainable use

Sutherland Shire Council is committed to sustainable, equitable use of Port Hacking. We are in favour of facilitating all forms of recreational use, and have been active in lobbying for foreshore facilities and for navigation dredging. But we have always done so within the framework of plans to ensure that in promoting use, we do not threaten the natural qualities of Port Hacking, or the legitimate expectations of low impact users and residents to be able to continue to enjoy the peace, beauty and quality of our Port.

The failure of the agencies of the NSW government to do their part in supporting Sutherland Shire Council in this endeavour is posing a serious threat to the sustainability of the estuary and is prejudicing low impact users.


- a. Sutherland Council has recently been trenchant in our criticisms of Waterways Authority and its draft Boating Plan of Management for its failure to deal in any convincing way with any issues other than support for boating. Unless the issues that were raised in these criticisms are dealt with, the rate of deterioration in Port Hacking will increase.
- b. We have sought to have in place an effective foreshore development code, and to control the loss of vegetation and natural conditions of the foreshore. Sutherland Shire Council is currently preparing a new L.E.P. which will be addressing this issue.
- c. National Parks and Wildlife Service has in place a management plan, but has shown a lack of willingness to stick to that plan in the face of local pressure for a boat ramp at Bonnie Vale. The Service has not been prepared to require that potential users or other agencies demonstrate how all consequent environment and social problems will be prevented, nor to require trade-offs that will protect nearby residents. It seems to us likely that the net effect of this failure will be a “worst of all worlds” outcome of an ill-maintained, ill-managed facility which meets neither the needs of the boating users or protects the interest of those who will have their present use prejudiced.

- d. We are faced with ever-increasing demands for marina and mooring expansion, with the consequent demands on Sutherland Shire Council for further facilities, and with increasing pressure on the natural qualities of Port Hacking. Yet we see no signs of the NSW government standing beside us to ensure that the matters of social equity and ecological health that are so important to our ratepayers, and to the voters who elect the government, are given the weight that they should have.
- e. Banning of jet-skis in Sydney Harbour will not stop their use in the Sydney region. It will simply exacerbate the problem elsewhere. Port Hacking is already a problem area, and the recent announcements must make our problems significantly worse.

What report can we give the NSW government on its management of Port Hacking:

On rhetoric and policy, the NSW government scores high. On practice to protect the environment and to protect the recreation and social opportunities of the majority, or of residents around Port Hacking, the NSW government agencies is a long way short of an acceptable standard.

There is a great deal more action required to prevent the permanent loss of the environmental and recreational values of Port Hacking that are valued by many. There is an urgent need to implement the precautionary approach that is so evident in the rhetoric, and to pay real heed to the needs of the people who use Port Hacking as an escape from the noise and industrial pressures of Sydney.


6/8/01



SUTHERLAND SHIRE

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REPORT CARD

The environment of Port Hacking continues to degrade and conflict continues between its users. In ten years, in spite of repeated calls for action, government has not undertaken effective programs to deal with Port Hacking's environmental and equity use issues.

Two years ago, we joined with other environmental groups to call on the State Government to develop and implement a strategy to stop the decline of the environment of the Port Hacking waterway. At that time we were told that a plan was being put together by the Waterways Authority, which would act as a basis for an integrated plan of management. A draft of that plan was released earlier this year by the Waterways authority and was found to be unacceptable by concerned community groups. Even more disturbing is that other government agencies – whose Ministers originally wrote to us to inform us that there was no need for the establishment of an integrating workgroup because of the pending Waterways plan – said that the Waterways Authority had no right to draft a plan that included them. This is the unfortunate and sad history of much of what has happened – and not happened – in Port Hacking. There has been a lack of cooperation, a lack of sharing of responsibilities, a lack of agreement about how to tackle problems, a lack of agreement on the nature of the problems, and a lack of taking responsibility by all the many government authorities who have a say in this waterway.

As a consequence of mismanagement, undermanagement and no management Port Hacking has been turned in ten years from a pristine waterway to a waterway now showing signs of stress: significant loss of seagrasses; significant reduction of fish; weed infested, rubbish strewn foreshores on the southern side and overdeveloped foreshores on the northern side; a significant loss in native foreshore vegetation; erosion of dunes; bitter conflict among residents and waterway users over access rights such as boat ramps, moorings, marinas and rights of way; bitter battles between those who declare rights to enjoy a peaceful waterway and those who believe the waterway can be a superhighway for noise toys.

Many rules and regulations have been passed such as those reducing speed limits, offset of jetskis from shore and swimmers, access, foreshore building restrictions and the like. The problem is that all rules and regulations require policing and enforcement. Without exception, government agencies claim they do not have sufficient resources to carry out the task satisfactorily. As a consequence, the minority (?) of people who do not obey rules and regulations continue to cause environmental damage to unsustainable levels and to invade the rights of all people to the safe and equitable use of the Port.

We call upon the State Government to set up the means for an INTEGRATED regime for managing Port Hacking. A regime that can adequately look at all issues, their impact on the environment and on people and make decisions about sustainability, usage rights, tradeoffs and resources.

We ask for action now, before Port Hacking becomes a degraded waterway beyond rehabilitation and enjoyment by the many groups who currently use it.

Miriam Verbeek
Policy Adviser