

APPENDIX 1

Plans and Policies Relevant to the Management of the Port Stephens Foreshore

Appendix 1 – Plans and Policies Relevant to the Management of the Port Stephens Foreshore

NSW Coastal Policy (1997) and NSW Estuary Policy (1992)

These policies are two key parts of the statewide approach to achieving ecologically sustainable development of the coastline. Many different government authorities share responsibility for sound management of estuaries and their catchment areas with local and regional businesses and residents.

The Coastal Policy and the Estuary Management Policy provides a program of plans and actions to assist all these groups to work together to maintain and enhance healthy waterways, robust economies and vibrant growing communities.

The overriding vision of the 1997 Coastal Policy is the ecological sustainability of the NSW Coast. In order to give expression to this vision, nine goals have been adopted, which represent a commitment to:

- protecting, rehabilitating and improving the natural environment of the coastal zone;
- recognising and accommodating the natural processes of the coastal zone;
- protecting and enhancing the aesthetic qualities of the coastal zone;
- protecting and conserving the cultural heritage of the coastal zone;
- providing for ecologically sustainable development and use of resources;
- providing for ecologically sustainable human settlement in the coastal zone;
- providing for appropriate public access and use;
- providing information to enable effective management of the coastal zone; and
- providing for integrated planning and management of the coastal zone.

In 2001, the NSW Government's Coastal Protection Package was announced. This consists of the Comprehensive Coastal Assessment (a program designed to build a set of consistent and comprehensive data on the physical, biological, social and economic values of the NSW coastline), SEPP71 (see below), extension of the 1997 NSW Coastal Policy, and a number of other strategies and programs.

The general goal of the Government's Estuary Management Policy is to achieve an integrated, balanced, responsible and ecologically sustainable use of the State's estuaries, which form a key component of coastal catchments. Specific objectives of the policy are:

- protection of estuarine habitats and ecosystems in the long-term, including maintenance in each estuary of the necessary hydraulic regime;
- preparation and implementation of a balanced long-term management plan for the sustainable use of each estuary and its catchment, in which all values and uses are considered and which defines management strategies for:

- conservation of aquatic and other wildlife habitats;
- conservation of the aesthetic values of estuaries and wetlands;
- prevention of further estuary degradation;
- repair of damage to the estuarine environment; and
- sustainable use of estuarine resources, including commercial uses and recreational uses as appropriate.

State Environmental Planning Policies (SEPP 71, SEPP 44, SEPP 26, SEPP14 and Infrastructure SEPP)

State Environmental Planning Policies (SEPPs) deal with issues that are considered to be significant to the state.

SEPP71 – Coastal Protection was made under the *Environmental Planning and Assessment Act 1979* to ensure that development in the coastal zone is appropriate and suitably located, and to ensure that there is a consistent and strategic approach to coastal planning. It also ensures that there is a clear development assessment framework for the coastal zone. This means that any development that is considered to be state significant within the coastal zone must be referred to the Director-General of the Department of Planning.

SEPP44 – Koala Habitat Protection aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas. The policy does not apply to land reserved under the *National Parks and Wildlife Act 1974* or the *Forestry Act 1916*. Local Councils cannot approve development in an area affected by the policy without an investigation of core koala habitat.

SEPP 26 provides planning protection for littoral rainforest communities. It aims to protect approximately 130 remaining areas of littoral rainforest in the NSW coastal zone 'in their natural state'. Maps showing the areas to which the policy applies are held by Department of Planning. The SEPP requires consent be obtained for certain activities and requires that consent authorities give specific consideration to the impact of activities that will disturb, damage or destroy the patches of littoral rainforest to which it applies. The concurrence of the Director General of National Parks and Wildlife (now part of DECC) is also required before a Council may grant consent.

The objective of SEPP14 – Coastal Wetlands is to ensure that coastal wetlands are preserved and protected for environmental and economic reasons. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local Council and the agreement of the Director-General of the Department of Planning. Such development also requires an environmental impact statement to be lodged with a development application.

The State Infrastructure SEPP (commenced 1 January 2008) replaces 20 other SEPPS and is designed to streamline and update planning processes for twenty five types of infrastructure. Some of these types of essential infrastructure are relevant to the management of the Port Stephens foreshore, including stormwater systems, park and public reserves, foreshore management and facilities and flood mitigation activities. The SEPP identifies development which can occur under Part 5 of the EP&A Act without consent, as complying development and after the preparation of an REF or other environmental assessments. The SEPP also identifies zones where infrastructure development can now be undertaken without consent.

Hunter-Central Rivers Catchment Action Plan (Hunter-Central Rivers Catchment Management Authority)

Under the *Catchment Management Authorities Act 2003*, the Hunter-Central Rivers Catchment Management Authority is responsible for coordinating the management of natural resources in the Hunter-Central Rivers region. The CMA is responsible for involving communities in managing the natural resource issues facing the region through partnerships and collaborations. They are also the primary means for delivering natural resource funding from the state and federal governments.

The Hunter-Central Rivers Catchment Action Plan (CAP) outlines the most important natural resource issues in the region. The CAP also guides how improvements in natural resources will be achieved in ten years. It defines where effort and funding should be focused to get the best protection and improvement in natural resources and the most benefits for the community.

In order that the limited funding available is used to the greatest benefit, a series of Management Targets have been identified. The CMA aims to achieve these targets within ten years. Targets which are relevant to the Foreshore Management Plan include:

- manage Aboriginal culture and heritage landscapes;
- protect and enhance wetlands (Australia is also a signatory to international migratory bird agreements with Japan (JAMBA) and China (CAMBA));
- manage nutrient runoff;
- protect and regenerate native riparian vegetation;
- instream and foreshore stabilisation;
- urban stormwater management;
- effluent management;
- protect marine habitat; and
- enhance foreshore vegetation.

Lower Hunter Regional Strategy (Department of Planning)

The objective of the Regional Strategy is to 'ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing, employment and environmental needs of the region's population over the next 25 years'.

Those elements of the strategy that are likely to influence pressures on the Port Stephens foreshore include new release areas for major urban development at North Raymond Terrace and Medowie. Less substantial urban development (less than 2000 dwellings) is planned at Karuah. The Regional Strategy does not cover the Great Lakes Local Government Area; however, the planned urban expansion is likely to increase the number of people visiting the northern and western shorelines of Port Stephens.

Lower Hunter Regional Conservation Plan

The Lower Hunter Regional Conservation Plan was released as a draft in 2006 and the final plan was adopted by the NSW Government in March 2009. The Conservation Plan was prepared by DECC to accompany the Regional Planning Strategy and identifies areas for formal conservation, to ensure that the Lower Hunter Strategy can be implemented without having a detrimental impact on the biodiversity of the region.

The Conservation Plan recommends the transfer of large areas of Crown land (approximately 20,000 hectares) to the National Park estate, as National Park, State Conservation Area. A further 12,000 hectares of private land is set aside for conservation purposes. Approximately 14,000 hectares of land between the Watagan Ranges and Port Stephens, including extensive wetlands in the Hunter Estuary and along Tilligerry Creek, was transferred to conservation uses in 2007.

The Conservation Plan resulted in the addition of 3,000 hectares to the Karuah and Worimi Nature Reserves, which will:

- protect Paperbark Swamp Forest and coastal wetlands;
- provide habitat for birds such as the grey knot, white-bellied sea eagle and the migratory lesser sand plover and terek sandpiper, which are listed under international agreements; and
- protect important foreshore areas which will help maintain water quality for the local oyster industry and recreational activities.

Mechanisms such as biobanking, voluntary conservation agreements and protective covenants will be used to enhance conservation outcomes on priority private property.

Port Stephens – Great Lakes Marine Park (Marine Park Authority)

The Port Stephens – Great Lakes Marine Park was declared in November 2005 under the *Marine Park Act 1997*. The NSW Marine Parks Authority is responsible for the administration of this Act and so is responsible for the declaration, management and zoning of marine parks. The objectives of the *Marine Parks Act 1997* are:

- (a) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks;
- (b) to maintain ecological processes in marine parks;
- (c) where consistent with the preceding objects:
 - (i) to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and
 - (ii) to provide opportunities for public appreciation, understanding and enjoyment of marine parks.

The Marine Park Authority released the zoning plan for the Port Stephens – Great Lakes Marine Park in 2007, under the Marine Parks Amendment (Port Stephens-Great Lakes) Regulation 2007. The Zoning Plan divides Port Stephens into four zones:

- sanctuary zones – provide the highest level of protection for habitats, animals and plants, ecological processes, natural features and areas of cultural significance by allowing only activities that do not remove or harm plants, animals or habitats;

- habitat protection zones – conserve marine biodiversity by protecting habitats and reducing damaging activities. Some ‘extractive’ activities, including line fishing and collecting, can occur in these zones;
- general use zones – provide for a wide range of activities including both commercial and recreational fishing. General use zones complement other zones within the marine park; and
- special purpose zones – allow for management of places or features requiring special arrangements. This may include management of cultural heritage and boating facilities.

The Zoning Plan and accompanying User Guide explain permitted uses in each of the zones and outline the important values that the Zoning Plan is intended to protect. A key value is the extensive foreshore of Australia’s largest drowned river valley. The Port Stephens Foreshore Management Plan is intended to complement the Marine Park Zoning Plan (2007).

Hunter and Central Coast Sustainable Aquaculture Strategy (Department of Primary Industries (Fisheries)) (June 2005)

The NSW Department of Primary Industries (Fisheries) has released this strategy to assist future land based aquaculture development in the region. It provides information on business planning, species and site selection, planning and design, and best practice guidelines for aquaculture.

An environmental assessment framework for proposed land-based aquaculture sites is provided in the document, and it is noted that all relevant legislation, plans and government policies should be considered when selecting a site. To assist in the identification of suitable sites, an Estuarine Aquaculture Land Suitability Map has been produced. This identifies areas around Port Stephens that meet some of the broad landscape requirements for pond and tank aquaculture. While a large proportion of areas identified as suitable are outside the current study area, suitable areas at Taylors Beach, Tilligerry Creek, Oyster Cove, Swan Bay, Yalimbah Creek, Carrington, Bundabah Creek and Station Creek, and Nanabah Creek, and Pindimah fall within the study area. The Department of Primary Industries states that land-based aquaculture industry should be at least 50 metres away from a waterbody, and that aquatic habitats, threatened species and heritage sites should not be impacted.

Policy and Guidelines – Aquatic Habitat Management and Fish Conservation (Department of Primary Industries (Fisheries) (1999)

The objective of this document is to improve the conservation and management of aquatic habitats in NSW. Policies and guidelines relevant to the current document include those regarding development on or adjacent to a waterway, minimisation of water pollution, impacts to aquatic habitats, sustainable aquaculture, and habitat rehabilitation.

NSW Fisheries is an approval body for many of the above actions under Part 7 of the *Fisheries Management Act 1994*.

Crown Land Foreshore Tenures Policy (Non-Commercial Occupations) (Department of Lands) (1991)

This policy is currently being reviewed. However, the current policy stands until a replacement is approved.

The objectives of this policy are to:

1. conserve and maintain the natural and cultural environment of Crown tidal and adjoining foreshore lands;
2. facilitate and optimise the use of Crown tidal and adjoining foreshore lands consistent with sound environmental management;
3. facilitate and maximise public access to Crown tidal and adjoining foreshore lands;
4. retain Crown tidal and adjoining foreshore lands in public ownership; and
5. administer existing and future occupations of Crown tidal and adjoining foreshore lands, consistent with objectives 1 to 4.

Under the *Crown Lands Act 1989*, a land assessment must be undertaken before the issue of a licence for a waterfront structure, or before considering the granting of a lease over Crown tidal lands. A land assessment is also required for any proposed public facility.

Crown tidal and foreshore lands will remain in public ownership to ensure effective and environmentally sensitive management, and provision of practical and environmentally sensitive public access is a prime consideration in the management of this land.

A Waterfront Licence (and so consent to the lodgement of a development application) will be issued where the proposed structure:

- are sympathetically located and designed to harmonise with the landscape and maintain the visual quality of the foreshore and waterway environments;
- is to be erected in locations where authorised structures are already in existence and the presence of those structures can be shown to have community acceptance. Shared or communal arrangements for structures will be encouraged;
- will not impede practical public access;
- will not adversely impact on the local environment;
- will not encroach onto the water space fronting adjoining freehold lands; and
- are designed and proposed to be constructed in a manner, which is acceptable to the Department of Lands, local Council, and other Government authorities.

The policy also lists the types of structures which will not be approved:

- reclamation and retaining walls (unless foreshore erosion requires arresting and where no alternative strategy such as relocation is possible; or where a limit line of reclamation has been identified and adopted to conform with a smooth tidal flow created with adjacent reclamation, such reclamation having already been erected or approved);
- residences;

- boatsheds (unless water is the only practical means of access, and public access is not obstructed);
- private swimming enclosures;
- solid fill jetties (unless required as groynes for the protection of the foreshore);
- ramps and slipways (which do not conform to natural foreshore levels and significantly obstruct practical public access); and
- slips that provide for any type of boat storage on tidal or adjacent foreshore Crown lands.

The policy states that unauthorised occupations will be required to be removed where they are not supported by land assessment, cannot be modified to comply with the policy, fail to meet statutory requirements of a local Council or related government authority, or, where appropriate, cannot be relocated to the adjoining freehold property of the occupant. As discussed in **Section 10**, there are numerous illegal structures around the foreshore of Port Stephens.

Crown Lands Policy for Marinas and Waterfront Commercial Tenures (2005)

This Policy was 'developed to guide the creation of new and renewed tenures for marinas and waterfront commercial facilities in accordance with the requirements of the Crown Lands Act 1989, the principles of Crown Land Management, and the wider policy considerations reflected in ICAC guidelines and government business directives such as the National Competition Policy'.

It sets out considerations that apply to existing Crown tenures, as well as new development sites. The intent of the Policy is to:

- ensuring that the commercial leasing and licensing of Crown lands is consistent, transparent, fair and impartial;
- encouraging the sound environmental management of New South Wales' waterways and foreshores;
- encouraging the ongoing development and improvement of existing and new waterfront sites to ensure the availability of high infrastructure for the storage, maintenance, repair and use of watercraft by the boating public;
- encouraging the use of waterfront land for public use and enjoyment;
- securing a market return from the commercial use of Crown land and the best outcome for the State;
- providing certainty for the holders of Crown tenures in a commercially secure environment; and
- promoting and encouraging the operation of market forces in the development and operation of Crown tenures.

Department of Lands, Crown Lands Policy for Tourist and Associated Facilities on Crown Land

Tourist facilities, including caravan parks, are important elements of the tourist industry of NSW. The State Government recognises the economic and social importance of the tourist industry and related commercial tenures on Crown land. The ongoing need to improve existing facilities, including the provision of new facilities for the tourism industry is also recognised. The intent of this Policy is to provide benefits to NSW by:

- ensuring that the commercial tenure (leasing and licensing) of Crown lands is consistent, transparent, fair and impartial;
- encouraging the sound environmental management of Crown land in NSW;
- encouraging the ongoing development and improvement of existing and new tourist facilities to ensure the availability of high quality infrastructure and accommodation for tourists;
- encouraging the use of suitable Crown land for public use and enjoyment;
- Securing a market return from the commercial use of Crown land and the best outcome for the State; and
- providing certainty for the holders of Crown tenures in a commercially secure environment; and promoting and encouraging the operation of market forces in the development and operation of Crown tenures by removing unnecessary restrictions on commercial transactions.

Department of Lands Regional Crown Reserve Strategy (Department of Lands) 2006

The NSW Department of lands has gazetted the Port Stephens Regional Crown Reserve which encompasses waterfront Crown lands within the Port Stephens LGA. This gazettal is part of the Department's Regional Crown Reserve Strategy.

The creation of the Regional Reserve is the first step in implementing a planned and integrated approach to the development, ongoing maintenance and use of strategic Crown assets for the benefit of the local community and visitors to Port Stephens. In particular the Regional Reserve framework provides:

- (a) for a more efficient and equitable allocation of funds across the regional reserve network; and
- (b) an opportunity to enter into a partnership with Port Stephens Council to ensure optimum planning and development outcomes for crown land assets within the Port Stephens LGA.

Port Stephens Local Environmental Plan (LEP) 2000

The Port Stephens LEP aims to 'provide for appropriate planning and environmental control over the use and development of land within the area of Port Stephens, in order to uphold and promote the objectives of the *Environmental Planning and Assessment Act 1979*'.

The majority of the Port Stephen foreshore is zoned 6a General Recreation and the wetlands included in the study area are zoned 7a Environmental Protection. The areas containing

marinas on the southern foreshore are zoned 3a Business General, and the land-based oyster industries in the area are zoned 4a Industrial – General. The waters of Port Stephens are zoned 7w Environmental Protection – Waterways.

The objectives of the General Recreation ‘A’ Zone are:

- (a) to identify publicly owned land and ensure that it is available for open space recreation;
- (b) to provide an open space network to serve the present and future recreational needs of residents and visitors;
- (c) to permit development associated with, or complementary to, open space;
- (d) to allow development on foreshores where that development is water related and enhances the recreational use of natural environment of the foreshore;
- (e) to preserve the aesthetics of the land that is prominent and visible to the public along foreshore areas; and
- (f) to reserve privately owned land that is essential for future open public space and to provide for its acquisition by the Council.

The Environmental Protection ‘A’ Zone comprises land which is environmentally sensitive. The objective of the zone is to encourage the conservation and proper management of environmentally sensitive land and to ensure that existing and future land uses and land management practices do not detract from the environmental values of the land.

In accordance with directions from Department of Planning, Port Stephens Council is preparing a new LEP to give effect to the Lower Hunter Regional Strategy and Regional Conservation Plan, and to make the LEP consistent with the NSW Standard Instrument. The new LEP is to be completed by 2011.

Great Lakes LEP 1996

The aim of the Great Lakes LEP is the same as that of the Port Stephens LEP, but covers the Great Lakes Local Government area.

The majority of the northern foreshore of Port Stephens is zoned 1(a) – Rural. According to the LEP, the objective of the zone is to restrict development to those uses which are unlikely to:

- (a) prejudice in a significant manner the agricultural production potential of land within the zone;
- (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road;
- (c) have an adverse impact on the area’s water resources; and
- (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services.

Small sections of the foreshore are zoned 2 – Village and include small settlements such as North Arm Cove and Bundabah. Limited areas south of Tea Gardens are zoned 7(a) Wetlands and Littoral Forest and areas at Winda Woppa are zoned 7(b) – Conservation and 6(a) – Open Space and Recreation. The Tea Gardens area is zoned 2(a) – Low Density Residential, 2(b) – Medium Density Residential and 3(a) – General Business.

In accordance with directions from Department of Planning, Great Lakes Council is preparing a new LEP to give effect to the Lower North Coast Regional Strategy and Conservation Plan, and to make the LEP consistent with the NSW Standard Instrument. The new LEP is to be completed by 2011.

Port Stephens Environmental Management Plan (2000)

The Environmental Management Plan was developed to:

- to meet the international requirements under Local Agenda 21, formulated at the Rio de Janeiro World Conference on the Environment;
- to bring together the many different environmental activities within Council and develop a strategic approach to concerns identified by Council staff, government agencies and the local community regarding:
 - atmosphere;
 - biodiversity;
 - community;
 - heritage;
 - land;
 - noise;
 - waste; and
 - water; and
- to ensure that Council's efforts are directed in the best possible way, taking into account the most urgent problems, community need, and the most efficient use of available resources.

The Plan is structured in the following way: identification of environmental issue, goals which aim to address the issue, community actions required to achieve the goals, current Council activities being undertaken to achieve the goals, proposals as to how the goals can be achieved over the next three years. Issues that have been identified as high priority include: vegetation clearing for development, loss of habitat, erosion, pollution runoff and sedimentation, and effluent disposal.

Commonwealth and State Heritage Registers

Places of European heritage significance are listed in the Port Stephens LEP and the Great Lakes LEP, as well as in state and Commonwealth registers, such as the State Heritage Register and the Register of the National Estate. Some of these registers provide statutory protection to the sites listed, others simply encourage interest and conservation.

APPENDIX 2

Government Agencies Responsible for Management of the Port Stephens Foreshore

Appendix 2 – Government Agencies Responsible for the Management of Port Stephens Foreshore

Agency	Responsibility
<p><i>Port Stephens and Great Lakes Councils</i></p>	<p>Under the <i>Environmental Planning and Assessment Act 1979</i>, local Councils must prepare Local Environmental Plans. The Port Stephens and Great Lakes LEPs guide planning decisions for the local government areas through zoning and development controls. Under this Act, Councils also have the responsibility of liaising with relevant bodies in plan preparation.</p> <p>In accordance with directions from Department of Planning, both Port Stephens and Great Lakes Councils are preparing new LEPs to give effect to the Lower Hunter and Lower North Coast Regional Strategies and Conservation Plans, and to make them consistent with the NSW Standard Instrument. New LEPs are to be completed by 2011.</p> <p>Local Councils are also responsible for the maintenance and management of all divested Crown and Council owned foreshore reserves.</p> <p>Local Councils also have wide ranging responsibilities to manage their areas sustainably in accordance with the Local Government Act. They make plans and take action in relation to multiple aspects of sustainable management of foreshore areas, including stormwater, wastewater, vegetation management, weed management, public access and recreation facilities. Councils also provide support for community groups such as Landcare/Bushcare.</p>
<p><i>Department of Planning</i></p>	<p>The Department of Planning administers parts of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment Regulation 2000</i>. The Department of Planning deals with state-wide planning issues through State Environmental Planning Policies (SEPPs). These make sure that state government policies are carried out uniformly; deal with important state-wide issues; set general guidelines for regional environmental plans and local environmental plans; and plan important projects in specific locations. The Department of Planning is also responsible for the assessment of state significant development, and certain SEPPs and regional plans.</p> <p>The Department of Planning has introduced a range of planning reforms in NSW since 2005, including the Lower Hunter Regional Strategy and requirements for Councils to prepare new LEPs using a standard template, to give effect to Regional Strategies.</p>
<p><i>Department of Environment and Climate Change (DECC)</i></p>	<p>DECC incorporates the Botanic Gardens Trust, National Parks and Wildlife Service, parts of the former Department of Natural Resources and the former Environment Protection Authority. The Department is responsible for air and water quality, national parks and reserves, biodiversity and threatened species, Aboriginal cultural heritage, historic sites and pest management. DECC has responsibilities and powers under the following Acts: <i>Environmental Trust Act 1998</i>, <i>Marine Parks Act 1997</i>, <i>National Parks and Wildlife Act 1974</i>, <i>Threatened Species Conservation Act 1995</i>, and the <i>Protection of the Environment Operations Amendment Act 2005</i>. DECC also administers either wholly or partly the following Acts: <i>Catchment Management Authorities Act 2003</i>; <i>Coastal Protection Act 1979</i>; <i>Native Vegetation Act 2003</i>.</p> <p>Within the study area, the NPWS manages Tomaree National Park, Myall Lakes National Park (Fame Cove) and Worimi Nature Reserve.</p> <p>The Department also acts as a funding source and provides technical advice to Councils in relation to climate change, coast and estuary management, cleaner production and sustainability.</p>

Agency	Responsibility
<i>Natural Resources Commission</i>	The Natural Resources Commission (NRC), established by the <i>Natural Resources Commission Act 2003</i> , recommends state-wide standards and targets for natural resource management, recommends the approvals of Catchment Management Plans, and audits Catchment Management Authorities' implementation of these plans. The Natural Resources Advisory Council of NSW (NRAC) was established to enable the NSW Government to consider all aspects of stakeholders' interests in the management of natural resources. The NRAC comprises 27 members including State and local government, forestry, fishing, farming, environmental, Aboriginal, union, and industry sectors.
<i>Department of Primary Industries (Fisheries)</i>	The Department of Primary Industries (Fisheries) administers the <i>Fisheries Management Act 1994</i> . The objectives of this Act are to conserve, develop and share the fisheries resources of the State for the benefit of present and future generations. Under the Act a permit is required before dredging or reclamation is carried out, or to cut, remove, damage, or destroy mangroves, sea grasses and any other marine vegetation. Concurrence from the Department of Primary Industries (Fisheries) is required before it is issued by the Department of Lands (see over).
<i>Department of Lands</i>	<p>The Department of Lands, through the Crown Lands Division, is responsible for management of Crown land in NSW. Following reforms on 2003, Crown Lands Division has established a platform for land management, commercial flexibility and protection of environmental values. Crown land is administered through lease, licence, permit and reserve trust arrangements under the <i>Crown Lands Act 1989</i>.</p> <p>The ethos of Crown Lands Division is that Crown lands are a major asset of the State that deliver important social, environmental and economic benefits, including development opportunities, stronger regional and rural economies, regional jobs, improved access to public land, business investment, public infrastructure and opportunities to participate in the growth strategies of NSW, including public private partnerships.</p> <p>Department of Lands is developing and promoting partnerships with local government authorities and is currently working with Port Stephens Council on a number of planning initiatives targeted at delivering foreshore improvements for the Port Stephens/Great Lakes communities and visitors. It is also working with the NSW oyster industry to ensure cleaner production and sustainable use of Crown land for shore based oyster depuration facilities in accordance with the NSW Oyster Industry Sustainable Aquaculture Strategy.</p>
<i>Marine Parks Authority</i>	<p>The Marine Park Authority is responsible for the declaration, management and zoning of marine parks under the <i>Marine Parks Act 1997</i>. There are six marine parks in NSW. Marine parks are managed to protect marine biodiversity and to ensure that NSW meets its conservation obligations under international agreements. The Marine Parks Authority has concurrence roles in relation to certain planning decisions.</p> <p>The Port Stephens Great Lakes Marine Park was declared in 2005 and a zoning plan for the Marine Park commenced in April 2007 (<i>Marine Parks Amendment (Port Stephens-Great Lakes) Regulation 2007</i>). The Port Stephens-Great Lakes Marine Park Advisory Committee will represent stakeholder interests in the park.</p>
<i>Hunter-Central Rivers Catchment Management Authority</i>	The CMA co-ordinates the management of natural resources in the Hunter-Central Rivers region, which includes Port Stephens. It is directed by a Board that reports to the NSW Minister for the Environment. The CMA has prepared a Catchment Action Plan that guides how improvements in natural resources will be achieved in ten years.

Agency	Responsibility
<i>NSW Maritime Authority</i>	<p>The responsibilities of the NSW Maritime Authority are:</p> <ul style="list-style-type: none">• to promote the safe commercial and recreational use of NSW navigable waters;• to protect the marine environment from degradation by vessel use; and• to provide the infrastructure, including moorings that are required for safe, efficient and sustainable vessel use. <p>Concurrence is required from NSW Maritime before a Waterfront Licence will be issued by the Department of Lands.</p> <p>NSW Maritime is currently mapping existing mooring areas and consolidating moorings into specific areas. A Mooring Management Plan for Port Stephens is scheduled for 2007. The Authority provides a number of courtesy moorings in Port Stephens.</p> <p>NSW Maritime also maintains a Waterway User Group Consultation to discuss user issues.</p>

APPENDIX 3

Community Information Brochure

Port Stephens



We look forward to hearing from you and working with you to prepare a Foreshore Management Plan that delivers the outcomes that are important to the Port Stephens community. To assist us to focus the project effectively, we would prefer initial responses by mid March 2005.

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A Foreshore Management Plan for Port Stephens

What's Involved?

The Foreshore Management Plan

The estuarine waters of Port Stephens are rightly described as a “Blue Water Wonderland”, and attract thousands of visitors each year as well as being a major draw card for permanent residents. However, the shoreline around of the estuary is also an important asset for the community. It provides the scenic backdrop for waterway users and protects some important ecological habitats; it is the place where people gather to enjoy the waterway and the gateway through which people gain access to the activities that they enjoy on and around the waterway.

The foreshore is the transition between the land and the water. It incorporates estuarine beaches, wetlands, rocky headlands, parks and reserves, as well as commercial activities such as marinas, motels and restaurants, and residential areas. Stormwater runoff from urban areas passes into the estuary via the foreshore and can have a significant impact on the health (clarity, algal blooms etc) of foreshore waters. For planning purposes, the foreshore extends approximately 100 metres landward of high tide and 20 metres seaward of low tide.

Effective management of the foreshore is fundamental to achieving a healthy estuary and to balancing the competing demands of urban growth, tourism and recreation, conservation and traditional primary industries such as fishing and oyster growing.

Port Stephens Council, Great Lakes Council and the Department of Infrastructure, Planning and Natural Resources (DIPNR) have commenced the preparation of a new Foreshore Management Plan for Port Stephens. The Plan will be prepared on behalf of these partners by Umwelt Environmental Consultants, over the next two years. It will guide the use and management of the entire estuary foreshore, extending from Yacaaba and Tomaree Headlands to the tidal limit of the Karuah River at Allworth. The Plan will also cover the foreshore of major estuarine tributaries such as Tilligerry Creek and the Lower Myall River. This is a total length of more than 250 kilometres. The extent of the planning area is shown in **Figure 1**.

The concept of a Foreshore Management Plan was a key management recommendation of the Port Stephens Estuary Management Plan (2000). The preparation of the Plan is partly funded by Port Stephens Council's environmental levy. The Foreshore Management Plan will complement other existing management plans for waterway use or catchment management.

The aim of the Plan is to set out a systematic and co-ordinated management program for the foreshore areas of Port Stephens, including:

Protection of important foreshore values such as scenery, plant and animal habitat, commercial and cultural assets;

Restoration and rehabilitation of high conservation value habitats that have been affected by development impacts (eg by weed infestation);

Provision of safe and appropriate community facilities in foreshore reserves, including boat ramps, jetties, swimming areas, shady picnic facilities, walking and cycle ways, parking etc.

Identification of foreshore *areas suitable for further commercial development* or intensive recreational use;

Informing the community about *the natural, historical and Aboriginal heritage* of the foreshore and adjacent wetlands;

Works to *control bank erosion and sedimentation* where active processes are threatening other important natural and community assets around the foreshore;

Improved design and management of foreshore structures on private and public land.

Recommended actions will be specific to particular localities. Priority actions will be identified.

What's involved in preparing the Foreshore Management Plan?

Community participation. Information about the project will be available via Port Stephens Council & Great Lakes Council web sites. Interested community members can also contribute ideas, comments and information via these sites. Project team members will visit many community groups during the project, to discuss what's important, current and future threats, and how issues can best be managed. We hope to hear from many people who live along the foreshore, who use foreshore parks, boat ramps, etc., or who have strong interests in conservation. Council, the community and State agencies will all be consulted about the important things that the Plan must achieve.

An asset inventory for the foreshore, which will document (using GIS map layers) important features and values associated with the foreshore. This baseline information about the foreshore will also be checked by targeted field surveys that will look at the current condition of “assets” that include significant habitat, recreational facilities and views. Potential threats to foreshore features and values will also be mapped using GIS. These include stormwater outlets, and other discharge points, shoreline erosion, clearing, weed and fire impacts.

Information about what's changing around the Port Stephens estuary, that will affect the foreshore. This will include information about population growth, accessibility of the Port Stephens foreshore to the population of the Greater Metropolitan Area, different styles of development and redevelopment, trends in fishing and oyster production, recreational preferences, predicted sea level rise and other climatic changes such as drought and storminess. All of these variables will affect the future management of Port Stephens' foreshore.

A decision making process that allows Council and the community to be very clear about how priority actions have been identified and how progress will be checked.

Preparation and exhibition of a draft Foreshore Management Plan, together with briefings for Councillors, local Members of Parliament, Council staff and community groups.

Initial opportunities to contribute to the preparation of the Foreshore Management Plan

Early tasks include:

Identifying groups and individuals who have an interest in the management of the foreshore;

Identifying, collating and analysing the available studies and environmental mapping for the Port Stephens Foreshore. Whilst many of these reports will be held by Council, other information will be community knowledge;

Discussing with community representatives and Council the features of the foreshore that are of particular value and interest, aspirations for these locations and the activities or processes that are currently posing a threat to the continuity of the values of these places. This information is essential to develop clear statements of the issues that need to be addressed by the Foreshore Management Plan and how the different issues inter relate.

You can help with this initial scoping of interests and issues by:

filling in and returning the attached Interest Advice; or

by contacting the project consultants with information; or

lodging information on the project website.



Figure 1

Port Stephens Foreshore Management Plan Interest Advice

By confirming your interest using this sheet, you will help us to contact you in the future, to keep you informed about progress towards the Foreshore Management Plan. Please also let us know if you have information that would help us to better understand issues that affect the foreshore of the estuary.

1. Name of group or individual (if you are registering interest as an individual citizen, you do not need to respond to the next question)

2. Principal contact person (if a group)

3. Contact details (address, phone and email if available)

4. Number of members that your group represents

Less than 10

10-30

More than 30

5. Would you like to receive further information about the project? Are you/your group able to access the internet or email information?

6. Does your group have interests in a particular area/locality along the foreshore?

7. What are the principal topics of interest to you or your group, and what are your main activities?

8. Do you or your group have information that would help Council and the consultants to better understand and define management issues for the Port Stephens foreshore? For instance, you may have information about preferred boat ramps, or dangerous launching areas, good fishing spots from the foreshore, or about the use of the foreshore by regionally important animal species (eg threatened species), or about bank erosion or about the history of the foreshore etc, that you would be willing to share with the project.

9. What do you see as the most important threats to the character of the Port Stephens foreshore?

Please return to:

**Pam Dean-Jones
Umwelt (Australia) Pty Limited
PO Box 838
Toronto 2283**

Or fax: 4950 5737

APPENDIX 4

Suggested Content for Parks and Reserves Maintenance and Guidelines (Environmental)

Appendix 4 – Suggested Content for Parks and Reserves Maintenance Guidelines (Environmental)

This set of guidelines are designed to be used by Council managers and employees, Tidy Town/Landcare members, Contractors and any other person undertaking maintenance and other works in Council or Crown land.

The guidelines should include but not be restricted to the following:

1. Vegetation Management

The foreshore should comprise a diversity of native trees and understorey plants in the riparian zone provides shoreline stabilisation, valuable habitat for wildlife, and a buffer zone to filter pollutants. Riparian vegetation also provides shade, acts as a wind break, reduces glare from the water, and enhances views from and to the shoreline.

- Forward plan the planting of native trees in foreshore reserves. Provide recruitment trees for when existing mature trees become old and dangerous and need to be removed.
- Manage mowing carefully:
 - leave a buffer strip of at least five metres adjacent to waterways;
 - do not mow drainage easements where possible;
 - do not mow banks or steep slopes;
 - remove grass clippings from reserve or place in an area where they cannot be washed or blown into waterways; and
 - re-establish riparian vegetation where required using appropriate native species (consider height and impact on water views).
- Tree hazard assessment and maintenance:
 - provide procedures for the protection of native birds and fauna.

2. Weed Spraying and Application of Fertiliser and Pesticide

The application of such chemicals can have a detrimental effect on water quality (through runoff) if they are not applied properly.

- Apply as per EPA guidelines and manufacturers instructions.
- Apply in conditions that optimise the effectiveness of treatment.
- Application should not be carried out when wet or windy.

3. Wrack Removal

A build up of dead seagrass, or wrack, along the foreshore is an indication that there are healthy seagrass beds offshore. Wrack provides important habitat for many animals and protects the foreshore from erosion.

- Where the wrack is not causing any inconvenience it should be left *in situ*.

- A permit is required from the Department of Primary Industries (Fisheries) for the collection of more than 20 kg per day of dead seagrass.

4. Foreshore Stabilisation

Refer to recommendations made in Section 10 of *Port Stephens Foreshore Management Plan*.

5. Aboriginal Heritage Sites

There are numerous Aboriginal heritage sites around the foreshore of Port Stephens, including middens, stone artefact scatters, and scarred trees. There is also the potential that previously unrecorded Aboriginal sites occur within foreshore reserves. These may be obscured by vegetation or soil, or simply may not yet have been discovered.

- Consult DEC and the relevant Local Aboriginal Land Council to establish whether previously recorded sites exist in the work area. Alternatively, refer to Council's Aboriginal Heritage Management Plan when it is completed.
- Ensure that activities such as landscaping or mowing do not impact registered sites (it is an offence under the National Parks and Wildlife Act 1974 to disturb or destroy an Aboriginal site).
- If essential works are required on, or in the vicinity of an Aboriginal site, an assessment by a qualified archaeologist and/or the appropriate Local Aboriginal Land Council should be undertaken. An appropriate permit to disturb or destroy an Aboriginal site will be required from National Parks and Wildlife Service (NPWS) (DEC).
- If works involving substantial disturbance to the ground surface are required within a foreshore reserve, an assessment by the appropriate Local Aboriginal Land Council and/or a qualified archaeologist should be undertaken.
- If a suspected Aboriginal site is uncovered during maintenance or other works within a foreshore reserve, work should stop immediately and the Local Aboriginal Land Council and NPWS should be contacted. Work should only resume once appropriate management strategies and permits have been obtained.

Also refer to recommendations made in Section 5 of *Port Stephens Foreshore Management Plan*.

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