

## GENERAL MATTERS

### 20.4 SYDNEY HARBOUR COUNCILS "OUR HARBOUR" AGREEMENT

<b>ATTACHMENTS:</b>	<b>1. MINUTES OF SYDNEY HARBOUR COUNCILS 13<sup>TH</sup> JANUARY 2011 MEETING</b> <b>2. DRAFT "OUR HARBOUR" AGREEMENT</b>
<b>RESPONSIBLE OFFICER:</b>	<b>GREG WOODHAMS - ENVIRONMENTAL SERVICES DIRECTOR</b>
<b>AUTHOR:</b>	<b>LINDA MCCLURE</b>
<b>DELIVERY PROGRAM ITEM:</b>	<b>6.3.5 COUNCIL WORKS WITH STATE AND REGIONAL ORGANISATIONS TO IMPROVE SERVICE DELIVERY AND ADDRESS REGIONAL ISSUES</b>
<b>MEETING DATE:</b>	<b>7 FEBRUARY 2011</b>

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#### **Purpose of Report**

The existing "Our Harbour" Agreement between the Sydney Harbour Councils (of which Willoughby is a member), and the State Government has now lapsed and is outdated due to changes within the State Government. It is recommended that Council endorse a revised Agreement and agree that the Sydney Harbour Councils approach the Minister for Planning and the Minister for Ports and Waterways seeking the State Government's commitment to the revised Agreement. It is also recommended to seek the Leader of the Opposition's commitment to including the revised Agreement in the Opposition planning policy.

#### **Background**

The "Our Harbour" Agreement was originally developed in 2001 with the Department of Planning's Sydney Harbour Manager in response to the State Government's objective of recognising the regional importance of the Harbour. A subsequent new Agreement was executed with Minister Craig Knowles in December 2005 which was for a period of 3 years. The Agreement has now expired and the position of Sydney Harbour Manager has been abolished by the Department of Planning.

#### **Sydney Harbour Councils Meeting**

A meeting of the Sydney Harbours Councils was held on the 13<sup>th</sup> January 2011, attended by the General Manager Nick Tobin and the Strategic Planning Manager Linda McClure, to discuss matters relevant to Sydney Harbour development, including pursuit of a new Agreement with the State Government.

The meeting unanimously resolved that the Sydney Harbour Councils agree "in-principle" to support the "Our Harbour" Agreement and its eight core issues, that the Agreement be amended to remove those matters no longer relevant and the revised document be forwarded to all member Councils for endorsement.

The meeting resolved that following endorsement of the proposed revised Agreement, by members, the Sydney Harbour Councils will request the Minister for Planning and Minister for Ports and Waterways to renew the Agreement (as amended) and to also request the

Leader of the Opposition to consider accepting the revised Agreement as part of the Opposition planning policy.

A copy of the Minutes of the meeting of 13<sup>th</sup> January 2011 and the draft "Our Harbour" Agreement proposed at the meeting of 13<sup>th</sup> January 2011 are at Attachments 1 and 2.

### **Conclusion**

The existing "Our Harbour" Agreement between the Sydney Harbour Councils and the State Government has expired. At the 13<sup>th</sup> January 2011 meeting of the Sydney Harbour Councils, it was recommended that member Councils endorse a draft new "Our Harbour" Agreement, the draft new Agreement be renewed with the Minister for Planning and the Minister for Ports and Waterways and the Leader of the Opposition be requested to accept the Agreement as part of the Opposition planning policy.

### **OFFICER'S RECOMMENDATION**

That:

1. **The draft "Our Harbour" Agreement proposed by the Meeting of Sydney Harbour Councils on 13<sup>th</sup> January 2011, at Attachment 1 to the Environmental Services Director Report, be endorsed.**
2. **The Sydney Harbour Councils:**
  - (a) **Request the Minister for Planning and the Minister for Ports and Waterways to renew the "Our Harbour" Agreement (as amended); and**
  - (b) **request the Leader of the Opposition to accept the revised "Our Harbour" Agreement as part of the Opposition Planning Policy.**

ITEM NO : 1  
Subject : Minutes Sydney Harbour Councils Meeting  
Thursday 13 January 2011, The Deckhouse, Woolwich  
REPORTING OFFICER : Barry Smith  
FILE : 370/36

MEETING OPENED: at 2.15pm.

## ATTENDANCE

<b>Council</b>	<b>Name</b>
Auburn	Clr Ronny Oueik Mr John Burgess Mr Mark Brisby
Hunter's Hill	Clr Richard Quinn (Chairman) Mr Barry Smith Mr Kerry Smith
Lane Cove	Clr Win Gaffney Jane Gornall Stephanie Bashford
Leichhardt	Peter Conroy
Manly	Ms Jennie Minifie
Mosman	Linda Kelly
North Sydney	Ms Penny Holloway Clr Genia McCaffery
Parramatta	Dr Robert Lang
Pittwater	Mr Lindsay Dice
Ryde	Mr Adrian Melo
The City of Sydney	Clr John McInerney
Warringah	Mr Malcolm Ryan
Willoughby	Mr Nick Tobin Ms Linda McClure
Woollahra	Clr Chris Howe Mr Allan Coker
Also present:	
LGSA	Ms Jennifer Dennis
NSROC	Ms Carolynne James
Barangaroo Action Group	Mr Ian Campbell

## APOLOGIES:

Council	Name
Ashfield	Clr Ted Cassidy Clr. Monica Wangmann
Canada Bay	Mr Gary Sawyer Mr Tony McNamara Clr Angelo Tsirekas
Hornsby	Mr Robert Ball Mr Robert Stephens Clr Nick Berman
Hunter's Hill	Clr Sue Hoopmann Mr Steve Kourepis
Ku-ring-gai	Mr John McKee Mr Andrew Watson Clr Ian Cross
Lane Cove	Mr Peter Brown Mr Michael Mason
Leichhardt	Peter Head Clr Jamie Parker
Manly	Mr Henry Wong Clr Jean Hay
Marrickville	Mr Marcus Rowan Clr Fiona Byrne
Mosman	Mr Viv May Mr John Carmichael Clr Anne Connon
North Sydney	Mr. Warwick Winn
Parramatta	Clr John Chedid
Pittwater	Mr Mark Ferguson
Ryde	Mr John Neish Mr Dominic Johnson Clr Artin Etmekdjian
The City of Sydney	Clr Clover Moore
Warringah	Mr Michael Regan
Willoughby	Clr Pat Reilly
Woollahra	Clr Isabelle Shapiro
Department of Planning	Minister Tony Kelly MLC Mr Neil McGaffin
LGSA	Mr Keith Rhoades

ITEM NO. 1: Minutes of Meeting of Sydney Harbour Council held 1 March 2007

Resolved on the motion of Alan Coker, seconded Clr John McInerney that the minutes of the meeting held on 1st March 2007 are adopted.

ITEM No. 2: Matters Arising

There were no matters arising.

ITEM No. 3: Our Harbour Agreement – Review and Renew

Resolved unanimously on the motion of Clr McCaffrey, seconded Jenny Minifie that:

1. The Sydney Harbour Councils agree 'in-principle' to support the 'Our Harbour' Agreement and its eight core issues.

3.1.1 The harbour is the focus of Sydney. Sydney Harbour is of fundamental importance to the residents, and workers of the harbour catchment, to the people of the Sydney region and its visitors, to all of New South Wales and to all the people of Australia. All spheres of government need to work as one to protect and manage all aspects of the harbour without favouring single sectors or special interests at the expense of the harbour's integrity and sustainability.

3.1.2 The quality of the physical and natural environments is under pressure. The urgent and continuing attention of all levels of government is needed for the protection and restoration of the terrestrial and aquatic environments and for the rehabilitation and maintenance of infrastructure, both through new programs and the concerted implementation of existing action and management plans.

3.1.3 The harbour is a key cultural and recreational resource. Projects in the Sharing Sydney Harbour Regional Action Plan – particularly the cultural audit and the Sydney Harbour Dreaming project Tuhbowgule Nangamay – provide enhanced opportunities for community involvement and for links to the full range of cultural, educational, and recreational resources.

3.1.4 Our maritime industries are in danger of disappearing from the Harbour. All spheres of government, acting together, need to act to ensure that Sydney Harbour remains a working harbour with (a) suitable zones and policies administered by councils on land which is appropriate for a wide range of water related activities and (b) a stock of well located government-owned land available for water related activities under secure tenure and affordable terms.

3.1.5 There is concern over the privatisation of the harbour foreshore. All spheres of government need to enhance the ecological and urban qualities of the shoreline, to seize every opportunity to increase the public ownership of foreshore land, and to progressively remove impediments to access to and from the water, for instance through the foreshore and access improvement program of the Sharing Sydney Harbour Regional Action Plan.

3.1.6 Foreshore developments should display the highest possible quality of design. All spheres of government must adopt consistent standards for the design of all elements added to the harbour environment, must share a commitment to quality, must maintain and enhance views to and from the water, and must actively and consistently re-establish the native plant communities of the harbour catchment.

3.1.7 A complex arrangement of administrative responsibilities has developed around the harbour. In Sydney Harbour there are necessarily a very large number of distinct roles and responsibilities, technical, administrative, regulatory, financial, local and central. Inter-agency and inter-government coordination mechanisms must continue to be developed as the only way to enable the planning and place management outcomes to be achieved with efficiency and effectiveness. Of highest priority are the mechanisms established under this agreement.

3.1.8 Proactive consultation is essential. Forums are needed for the resolution of issues between all harbour councils and agencies, based on the principles of this agreement. The sustainable management of Sydney Harbour is not achieved through unilateral action but through meaningful prior consultation between agencies and the Sydney Harbour Councils.

2. The agreement is amended to remove those matters that are no longer relevant and the revised document is forwarded to all Sydney Harbour Council members requesting endorsement at their first Council meeting in 2011.

Following receipt of endorsement from members the Sydney Harbour Councils:  
Express their concern at the apparent lack of commitment from the government to the eight core issues and request The Minister for Planning and the Minister for Ports and Waterways to renew the 'Our Harbour Agreement' (as amended); and

The Leader of the Opposition is requested to consider accepting the revised 'Our Harbour' Agreement as part of their planning policy.

ITEM No. 4: Issues and Concerns Discussion

#### 4.1 Proposed Barangaroo Development

proceedings in brief

Clr John McInerney (Sydney City Council) and Dr Ian Campbell (Australians for a Sustainable Barangaroo Inc) made brief presentations to the meeting.

Resolved unanimously on the motion of Clr Howe, seconded Clr McCaffrey that:

1. The Sydney Harbour Councils request the constituent Mayors form a deputation to the Premier and the leader of the Opposition expressing their concern at the overdevelopment at Barangaroo, the intrusion of a major building into the harbour and the ill-conceived relocation of the overseas passenger terminal to White Bay; and further

2. Noting that the Barangaroo development was removed from the City of Sydney planning control using Part 3A of the Environmental Planning and Assessment Act that other foreshore Councils, are faced with similar issues; that the Premier be requested to ensure that all Part 3A applications be referred to the independent Planning Assessment Commission for assessment.

#### 4.2 Exempt and Complying Development in Scenic Foreshore Protection Areas

Resolved unanimously on the motion of Clr McCaffrey, seconded Alan Coker that:

Sydney Harbour Councils urgently institute a Working Party to consider an approach to take regarding how exempt and complying development can be applied in Scenic Foreshore Protection Areas.

Membership of the working party consists of representatives of Woollahra, Hunters Hill, North Sydney, Lane Cove and Mosman Councils.

ITEM No. 5 Responses to Issues and Concerns

#### 5.1 NSW Maritime

Resolved unanimously on the motion of Clr McCaffrey, seconded Clr Howe that:

Sydney Harbour Councils express their concern to the Premier and the Minister for Ports and Waterways that NSW Maritime continually fails to comply with, or give adequate consideration to, the aims and objectives of the Sydney Harbour REP particularly on properties that are under their own control.

#### 5.2 NSW Maritime Leasing Policies

Resolved unanimously on the motion of Clr McCaffrey seconded Jenny Minifie that North Sydney Council writes to Minister for Planning, The Hon Tony Kelly MLC commending his approach to jetty and waterfront facility leasing on private land.

General Business

Resolved on the motion of Clr McCaffrey, seconded Clr McInerney that NSROC (Carolynne James) in conjunction with Hunters Hill Council (Barry Smith) take carriage of matters until the next meeting.

**Next Meeting**

Resolved on the motion of Alan Coker, seconded Penny Holloway that the next meeting of the Sydney Harbour Councils be held following the State elections at Woollahra Council.

**Close**

There being no further business the meeting closed at 4.05pm.

c/- Hunter's Hill Council  
PO Box 21  
HUNTERS HILL NSW 2110

February 3, 2011

Dear Members,

Sydney Harbour Councils Meeting – 13 January 2011

For your information attached please find a copy of the 'draft' minutes and action sheet from the meeting held last Thursday.

Our Harbour Agreement

The main decision resulting from the meeting was a unanimous resolution that the 'Our Harbour' Agreement should be continued and that all Sydney Harbour Councils are requested to endorse a revised agreement at their first Council meeting in 2011.

A copy of the meeting resolution and a draft of a revised agreement are enclosed for your Councils consideration and adoption.

The meeting also resolved that following endorsement of the revised agreement by member Councils that the Sydney Harbour Councils will approach the Minister for Planning and the Minister for Ports and Waterways seeking the State Governments commitment to the agreement and also seeking the Leader of the Oppositions commitment to including the agreement in their planning policy.

It would be appreciated if you could advise me as soon as possible of your Councils decision, so that the above approaches can occur prior to the March State elections.

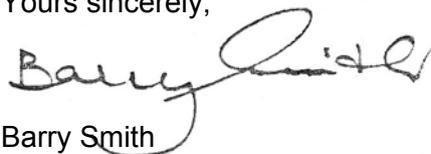
Other Issues

- The meeting also considered a number of other issues including:
- The proposed Barangaroo development
- Exempt and complying development in scenic foreshore protection areas
- NSW Maritime
- NSW Maritime Leasing Policies

The attached 'action sheet' includes the decisions made by the meeting in respect of each issue, a list of proposed actions, who is to take the action and by when.

Should you require any further information, or have any questions, please do not hesitate to contact me on 9879 9430 or email [genmanager@huntershill.nsw.gov.au](mailto:genmanager@huntershill.nsw.gov.au)

Yours sincerely,



Barry Smith  
GENERAL MANAGER  
HUNTER'S HILL COUNCIL & CONVENOR SYDNEY HARBOUR COUNCILS

ENCL.

Copy of resolution – Our Harbour Agreement

Copy of draft revised Our Harbour Agreement

ITEM No. 3: Our Harbour Agreement – Review and Renew

Resolved unanimously on the motion of Cllr McCaffrey, seconded Jenny Minifie that:

1. The Sydney Harbour Councils agree 'in-principle' to support the 'Our Harbour' Agreement and its eight core issues.

3.1.1 The harbour is the focus of Sydney. Sydney Harbour is of fundamental importance to the residents, and workers of the harbour catchment, to the people of the Sydney region and its visitors, to all of New South Wales and to all the people of Australia. All spheres of government need to work as one to protect and manage all aspects of the harbour without favouring single sectors or special interests at the expense of the harbour's integrity and sustainability.

3.1.2 The quality of the physical and natural environments is under pressure. The urgent and continuing attention of all levels of government is needed for the protection and restoration of the terrestrial and aquatic environments and for the rehabilitation and maintenance of infrastructure, both through new programs and the concerted implementation of existing action and management plans.

3.1.3 The harbour is a key cultural and recreational resource. Projects in the Sharing Sydney Harbour Regional Action Plan – particularly the cultural audit and the Sydney Harbour Dreaming project Tuhbowgule Nangamay – provide enhanced opportunities for community involvement and for links to the full range of cultural, educational, and recreational resources.

3.1.4 Our maritime industries are in danger of disappearing from the Harbour. All spheres of government, acting together, need to act to ensure that Sydney Harbour remains a working harbour with (a) suitable zones and policies administered by councils on land which is appropriate for a wide range of water related activities and (b) a stock of well located government-owned land available for water related activities under secure tenure and affordable terms.

3.1.5 There is concern over the privatisation of the harbour foreshore. All spheres of government need to enhance the ecological and urban qualities of the shoreline, to seize every opportunity to increase the public ownership of foreshore land, and to progressively remove impediments to access to and from the water, for instance through the foreshore and access improvement program of the Sharing Sydney Harbour Regional Action Plan.

3.1.6 Foreshore developments should display the highest possible quality of design. All spheres of government must adopt consistent standards for the design of all elements added to the harbour environment, must share a commitment to quality, must maintain and enhance views to and from the water, and must actively and consistently re-establish the native plant communities of the harbour catchment.

3.1.7 A complex arrangement of administrative responsibilities has developed around the harbour. In Sydney Harbour there are necessarily a very large number of distinct roles and responsibilities, technical, administrative, regulatory, financial, local and central. Inter-agency and inter-government coordination mechanisms must continue to be developed as the only way to enable the planning and place management outcomes to be achieved with efficiency and effectiveness. Of highest priority are the mechanisms established under this agreement.

3.1.8 Proactive consultation is essential. Forums are needed for the resolution of issues between all harbour councils and agencies, based on the principles of this agreement. The sustainable management of Sydney Harbour is not achieved through unilateral action but through meaningful prior consultation between agencies and the Sydney Harbour Councils.

2. The agreement is amended to remove those matters that are no longer relevant and the revised document is forwarded to all Sydney Harbour Council members requesting endorsement at their first Council meeting in 2011.

Following receipt of endorsement from members the Sydney Harbour Councils:

Express their concern at the apparent lack of commitment from the government to the eight core issues and request The Minister for Planning and the Minister for Ports and Waterways to renew the 'Our Harbour Agreement' (as amended); and

The Leader of the Opposition is requested to consider accepting the revised 'Our Harbour' Agreement as part of their planning policy.



'DRAFT'

'Our Harbour' Agreement

An agreement between

The Sydney Harbour Councils, the Minister for Planning and Minister for Ports and Waterways for managing Sydney Harbour, its tributaries and catchment as a special place.

1.0 Preamble

1.1 Considering that Sydney Harbour, its waterways, foreshores and catchment area constitute an internationally recognised fusion of the built, natural and cultural environments: the city, the bush and harbour, and its people;

1.2 Recognising that the current generations hold the responsibility and honour of enhancing and managing the intrinsic values associated with the harbour and its catchment for the benefit of future generations;

1.3 Acknowledging that the New South Wales Government sees the Sydney Harbour catchment as a system, which must be managed as a single complex place, and has developed new and innovative mechanisms to manage Sydney Harbour and its catchment on a whole-of-government basis;

Acknowledging that this agreement requires the cooperation of the Sydney Foreshore Harbour Authority, the State Property Authority, Sydney Metropolitan Catchment Management Authority, The Department of Climate Change and Water, The Sydney Coastal Councils, The Sydney Harbour Federation Trust and the Indigenous peoples of Sydney Harbour.

1.5 And recognising that the Councils of the Sydney Harbour catchment are taking a whole-of-local-government place management approach to the harbour, while maintaining the focus and integrity of community involvement at the local level:

1.6 Therefore this agreement is entered into for the following purposes:

1.6.1 To provide the Sydney Harbour Councils with an enduring mechanism for action to better research, plan for, manage and protect the whole harbour and catchment, consistent with their primary obligations to their local communities and within their powers and resources.

1.6.2 To enable the Sydney Harbour Councils to collaborate and negotiate effectively with the New South Wales Government and its agencies in a coordinated manner on matters concerning the management of Sydney Harbour and its catchment.

1.6.3 To acknowledge and formalise the New South Wales Government's participation and commitment to managing Sydney Harbour and its catchment.

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## 2.0 The Parties

2.1 The parties to this agreement are the Sydney Harbour Councils, the Minister for Planning, the Minister for Ports and Waterways and the members of the Sydney Harbour Councils as listed in Schedule One.

2.2 The roles and functions of the Sydney Harbour Councils include: representation of the interests of their respective communities; providing local governance including the development of policy and the provision of works, services and community programs; contributing to the delivery of outcomes for the whole of the harbour; consistently liaising and collaborating with the agencies and councils of the harbour on a whole of government basis; promoting strategic and coordinated whole of government management of Sydney Harbour and its catchment; sharing information on the management of Sydney Harbour and its catchment and developing joint responses to emerging Sydney Harbour issues; and recognising that the Sharing Sydney Harbour Regional Action Plan is the primary guide to principles, directions and priorities in the management of Sydney Harbour and its catchment; and, is the basis for coordination, collaboration and whole of government management actions for Sydney Harbour and its catchment

The roles and functions of the Minister for Planning and the Minister for Ports and Waterways include:

representing the New South Wales Government's commitment to managing Sydney Harbour and its catchment.

promoting strategic and coordinated whole of government management of Sydney Harbour and its catchment

promoting collaboration within government, and between government and other peak stakeholder groups

sharing information on the management of Sydney Harbour and its catchment and develop joint responses to emerging Sydney Harbour issues recognising that the Sharing Sydney Harbour Regional Action Plan is the primary guide to principles, directions and priorities in the management of Sydney Harbour and its catchment; and, is the basis for coordination, collaboration and whole of government management actions for Sydney Harbour and its catchment.

## 3.0 Agreement

3.1 The Sydney Harbour Councils, individually and jointly, working with the New South Wales Government will address, in managing their respective local areas, the following eight core issues.

3.1.1 The harbour is the focus of Sydney. Sydney Harbour is of fundamental importance to the residents, and workers of the harbour catchment, to the people of the Sydney region and its visitors, to all of New South Wales and to all the people of Australia. All spheres of government need to work as one to protect and manage all aspects of the harbour without favouring single sectors or special interests at the expense of the harbour's integrity and sustainability.

3.1.2 The quality of the physical and natural environments is under pressure. The urgent and continuing attention of all levels of government is needed for the protection and restoration of the terrestrial and aquatic environments and for the rehabilitation and maintenance of infrastructure, both through new programs and the concerted implementation of existing action and management plans.

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Proactive consultation is essential. Forums are needed for the resolution of issues between all harbour councils and agencies, based on the principles of this agreement. The sustainable management of Sydney Harbour is not achieved through unilateral action but through meaningful prior consultation between agencies and the Sydney Harbour Councils.

3.2 The Sydney Harbour Councils establish, by this agreement, mechanisms for whole-of-council, whole-of-local-government and whole-of-government action, having the following elements.

3.2.1 Sydney Harbour Councils the Sydney Harbour Councils comprise the Mayors of each of the Councils party to this agreement. The Sydney Harbour Councils will:  
meet at six monthly intervals, and in special session as required; implement, investigate and negotiate matters arising between councils and the state government, insofar as they relate to the management of Sydney Harbour and its catchment; provide a forum for discussion and agreement on local issues which have strategic implications for the harbour; on an annual basis elect from amongst the Mayors of each of the member Councils a Chairperson; the Council from which the Chairperson is elected will be responsible for providing the secretariat service, including meeting agendas and minutes of meetings held in that year; meetings shall rotate amongst member Councils; meetings shall be conducted in accordance with the NSW Local Government Meetings Regulations;

the records of the Sydney Harbour Councils will be held and maintained by the member Council providing the secretariat service; the logo and image for the Sydney Harbour Councils shall be as displayed on the cover of this agreement.

3.3 The Local Government and Shires Association of NSW is invited to participate as an observer at meetings of the Sydney Harbour Councils.

3.4 By this agreement each Council adopts the Sharing Sydney Harbour Regional Action Plan (as amended from time-to-time) (i) as the primary guide to principles, directions and priorities in the management of Sydney Harbour, (ii) as the basis for coordination, collaboration and whole-of-government action, and (iii) as a plan to be actively implemented.

3.5 By this agreement each Council commits to consider:

3.5.1 the Australian Natural Heritage Charter (see Schedule 2) and the Burra Charter (see Schedule 3) as formal policy of the council, for implementation through planning instruments, contracts and programs;

3.5.2 adopting and implementing the Spectacle Island Declaration (see Schedule 4) and actively participating in the processes associated with the continuing evolution of the Spectacle Island Declaration by the community;

3.5.3 participating in the development and application of the Sydney Harbour research agenda aimed at deepening our knowledge of the harbour's ecosystems and urban environments;

3.5.4 developing and maintaining close working relationships with the Aboriginal peoples of the area to recognise, protect and restore the cultural heritage of the Sydney Harbour catchment area for the benefit of all peoples;

3.5.5 jointly adopting consistent statutory planning provisions for development that impacts on the harbour;

3.5.6 fulfilling their responsibilities within their powers and resources in implementing catchment and stormwater management plans;

3.6.6 jointly formulating common policies on harbour issues such as seawalls, public and private wharves and jetties, the use and significance of foreshore mechanisms including building lines and the Mean High Water Mark, the retention of public foreshore land, the retention of bushland, and the use of environmental levies to achieve the purposes of this agreement.

#### 4.0 Duration and review

This Agreement shall remain in force for a period of three years after its date of commencement, or such other time as the parties may agree.

#### Schedules

#### 6.0 Signatures