

FOR ACTION

COUNCIL MEETING

14/11/2019

TO: Works Program Co-ordinator (Anne Shearer)

Item Number: SI19/14
Subject: Memorandum of Understanding between National Parks and Wildlife Services and Coffs Harbour City Council for the Joint Management of Coffs Coast Regional Park
Target Date: 21/11/2019

Notes:

Resolution Number: 2019/202

RESOLVED (Cr George Cecato / Cr Sally Townley)

That Council Approve the revised Memorandum of Understanding between National Parks and Wildlife Services and Coffs Harbour City Council for the Joint Management of Coffs Coast Regional Park.

The Motion on being put to the meeting was carried unanimously.

CARRIED

MEMORANDUM OF UNDERSTANDING

between

Coffs Harbour City Council

and the

National Parks & Wildlife Service

for the

**Joint Management of the
Coffs Coast Regional Park**

PURPOSE

- 1.1 This Memorandum establishes a framework for cooperation and shared responsibility between each agency to jointly manage the area of the Coffs Coast Regional Park. The Park is established for the combined purposes of the provision of public access and recreational opportunities and the conservation of natural and cultural values.

SCOPE

- 2.1 The Coffs Coast Regional Park covers a disjunct strip of coastal land in the Coffs Harbour City Council (CHCC) Local Government Area stretching from Corindi to and including Macauleys Headland in Coffs Harbour.
- 2.2 The Regional Park is bounded to the east by the mean High Water Mark and does not include any land west of the Pacific Highway.
- 2.3 This memorandum applies to all lands gazetted as the Coffs Coast Regional Park, as depicted in Schedule 1 of this Memorandum.



DEFINITIONS

3.1 In this Memorandum:

- “each agency” means the NSW National Parks and Wildlife Service (NPWS)] and the Coffs Harbour City Council (CHCC).
- “Memorandum” means this Memorandum of Understanding.
- “Act” means the *National Parks and Wildlife Act 1974 (NP&W Act 1974)*.
- “Chair” means the elected chair of the Trust Board.
- “Corporation” means the Trustees of the Coffs Coast Regional Park who can officiate on behalf of the Minister under s. 47S of the NP & W Act 1974.
- “CHCC” means Coffs Harbour City Council
- “Deputy Secretary” means the Deputy Secretary of the National Parks and Wildlife Service.
- “Minister” means the Minister for the Environment
- “Trust Board” means the Trust Board of the Coffs Coast Regional Park as appointed by the Minister under s. 47T of the *NP&W Act 1974*.
- “Trustee” means an appointed member to the Regional Park Trust by the Minister.
- “Plan of Management” means the Coffs Coast Regional Park Plan of Management under the (*NP&W Act 1974*).
- A Trust Account means an internally restricted equity account established by CHCC to manage the finances of the Trust Board.

TERM

- 4.1 This agreement is for the long-term management of the prescribed land in accordance with the Coffs Coast Regional Park Plan of Management. This Memorandum will be reviewed annually or as both parties agree.

BACKGROUND

- 5.1 The Coffs Coast area is important for recreation and tourism with facilities that provide public use, enjoyment, and access with many thousands of local residents and tourists using the area annually.
- 5.2 This region has significant natural and cultural values. The area contains spectacular headlands and beaches and there is a high diversity of vegetation types adjacent to the coast.



- 5.3 The area is important to the traditional inhabitants of the land: people of the Gumbaynggir Aboriginal Nation. The land including such features as the headlands and islands have particular significance to the Aboriginal community. In addition the area contains sites of Aboriginal significance.
- 5.4 Coffs Coast Regional Park allows for the combined uses of recreation and conservation. The strengths of each agency (NPWS and CHCC) will combine to maximise the public benefit and achieve the best land use for the Regional Park.
- 5.5 Coffs Coast Regional Park is an important educational resource and support programs such as the NPWS Discovery program and the Coffs Ambassador program. Research within the park assists in the management of the park's values.

LEGISLATIVE RESPONSIBILITY

- 6.1 The creation and management of Regional Parks is set out in *Division 5* of the *NP&W Act 1974*.

JOINT MANAGEMENT

- 7.1 The management of the Coffs Coast Regional Park will be shared between the two agencies (NPWS and CHCC).
- 7.2 The Coffs Coast Regional Park Trust Board will facilitate the cooperative management of the Coffs Coast Regional Park.
- 7.3 Both agencies (NPWS and CHCC) will work together in a cooperative process to manage the Regional Park in accordance with Schedule 2 of this Memorandum. Although the two agencies will be involved in the management of the whole park certain primary roles and responsibilities will be defined for each in accordance with the Coffs Coast Regional Park Plan of Management. This will provide a basis for recognising the skills and experiences of each agency and ensuring there is a clear understanding of responsibilities.
- 7.4 The NPWS is primarily responsible for the management of native vegetation and wildlife including threatened species and ecological communities, Aboriginal cultural sites, vertebrate pest species, law enforcement relating to environmental impacts, fire management, wildlife and weed removal, in accordance with Schedule 2.



- 7.5 CHCC is primarily responsible for the provision and maintenance of all facilities and infrastructure in accordance with Schedule 2 and including:
- picnic areas and playgrounds (Day Use Areas),
 - open space,
 - sewer, water and stormwater infrastructure such as pipelines, pump stations, inlet and outlet structures which service both Coffs Harbour and the Regional Park,
 - public toilets,
 - provision of access including walking tracks and roads
 - secretariat services to the Trust Board
 - administration of licensing and fees for the Regional Park.
- 7.6 This division of responsibility recognises the general areas of expertise of each agency; however, the management roles as shown in this Memorandum are not exclusively partitioned.
- 7.7 Provision and maintenance of facilities, infrastructure and areas of open space must be in accordance with the Plan of Management and may be subject to environmental assessment by NPWS.
- 7.8 CHCC and NPWS will share responsibility for customer liaison and public relations as per Schedule 2 of this Memorandum but particularly with regard to their management roles, subject to available resources.
- 7.9 A working group consisting of appropriate officers from CHCC and NPWS will meet quarterly to coordinate activities arising from the Annual Operations Plan and Trust Board resolutions. See Schedule 2.

OPERATIONAL ARRANGEMENTS

- 8.1 The operational arrangements for management are further detailed in Schedule 2 of this Memorandum.

TRUST BOARD

- 9.1 The Trust Board is formed under the provisions of s47T of the *NP&W Act 1974* and will be responsible for the care, control and management of the Regional Park. The Trust Board is subject to the control and direction of the Deputy Secretary.
- 9.2 The role of the Trust Board will be to oversee and approve at a strategic level the preparation and implementation of the CCRP activities, including the preparation and implementation of the Plan of Management, the Annual Operations Budget, community input and Regional Park policy.



- 9.3 Appointments to the Trust Board are made by the Minister under *s47S, s47T* and *Schedule 10* of the Act. Membership of the Coffs Coast Regional Park Trust Board is detailed in Schedule 3 of this Memorandum.
- 9.4 Terms of Reference for the Trust Board will be established under the guidelines specified by *s47* of the Act. The Terms of Reference will reflect the roles and responsibilities of the Trust Board as outlined both within the Act and as stated in Clause 9.2. *Schedule 10* of the Act has effect with respect to the members and procedure of a Trust Board. In addition, the provisions of the *NP&W (Administration) Regulations 1995* will be included in such a Terms of Reference.
- 9.5 The Trust Board, having no direct responsibility for CHCC or NPWS staff, will make recommendations to the two agencies on the undertaking of works. It is then the responsibility of the two agencies to program and implement the works.
- 9.6 The Trust Board will report annually to both the Deputy Secretary of NPWS, and CHCC Elected Members.

PLANNING

- 10.1 Planning for the Coffs Coast Regional Park will be in accordance with the requirements for planning under *Part 5 of the Act*. This necessitates the preparation of a Plan of Management as defined in the Act by NPWS in conjunction with CHCC.
- 10.2 The Plan of Management for the Regional Park will incorporate Masterplans and precinct plans for the Regional Park areas. A Pest Species Management Plan and a Fire Plan will be maintained by the NPWS for the Regional Park.

FINANCIAL ARRANGEMENTS

- 11.1 Each agency will contribute financially to the formation and day-to-day running of the Regional Park.
- 11.2 A Trust Account will be established by CHCC to assist in the management of funds allocated to the Trust Board.
- 11.3 Specific areas of fiscal responsibility are detailed in Schedule 2 of this Memorandum.



DISPUTE RESOLUTION

12.1 Disputes arising within the Trust Board will be dealt with by means of arbitration by the Deputy Secretary. The Deputy Secretary will refer disputes to a third party agreed to by NPWS and CHCC to assist in resolving the issue.

REVIEW

13.1 The Plan of Management will be available for public review as specified in s73A the Act prior to its adoption.

13.2 The Plan of Management will be reviewed after five (5) years from the date of adoption.

13.3 The Memorandum of Understanding will be reviewed after five (5) years from the date of gazettal.

13.4 The Trust board shall keep detailed records and minutes of all dealings and minutes. The Trust Board through the Secretariat position shall furnish reports as required to the Deputy Secretary.



SIGNATORIES

14.1 The signatories to this Memorandum are:

- The Deputy Secretary National Parks and Wildlife Service
- The General Manager and Mayor of CHCC

IN WITNESS WHEREOF the parties have executed this Agreement

SIGNED by the DEPUTY SECRETARY OF THE NATIONAL PARKS AND WILDLIFE SERVICE

) 
A/ Deputy Secretary
Atticus Fleming

in the presence of

) 

Witness
Kashmira Shrestha

in pursuance of a resolution passed by CHCC on the 14th November 2019

) 
Mayor

hereunto affixed on the

day of 3rd December 2019

in pursuance of a resolution passed

) 
Acting
General Manager



LIST OF SCHEDULES

SCHEDULE 1:

Figures (mapping) depicting lands included in gazettal of Coffs Coast Regional Park. [Updated October 2018]

SCHEDULE 2:

Table of areas of management and operational responsibility

SCHEDULE 3:

Composition of the Trust Board.



Schedule One: Figures depicting lands included in gazettal of Coffs Coast Regional Park. [Updated October 2018]

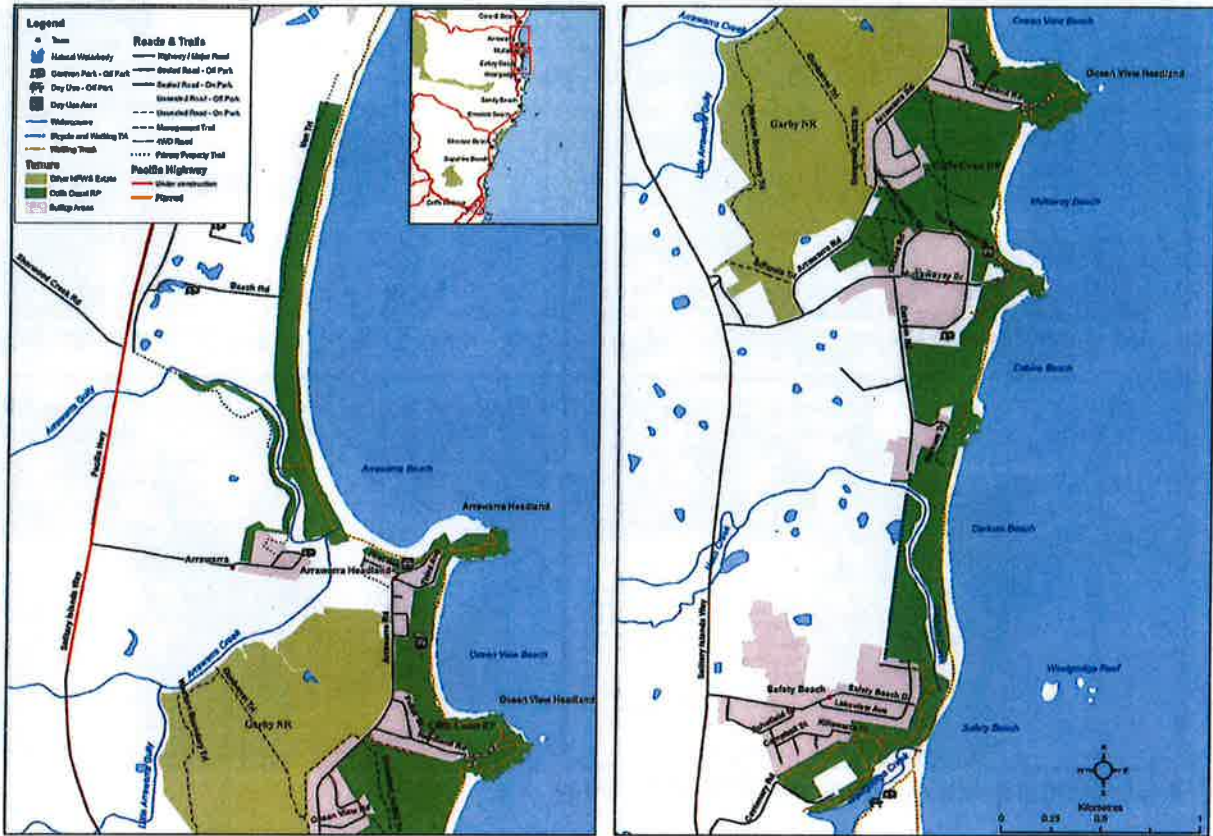


Fig 1: Northern Section of Coffs Coast Regional Park



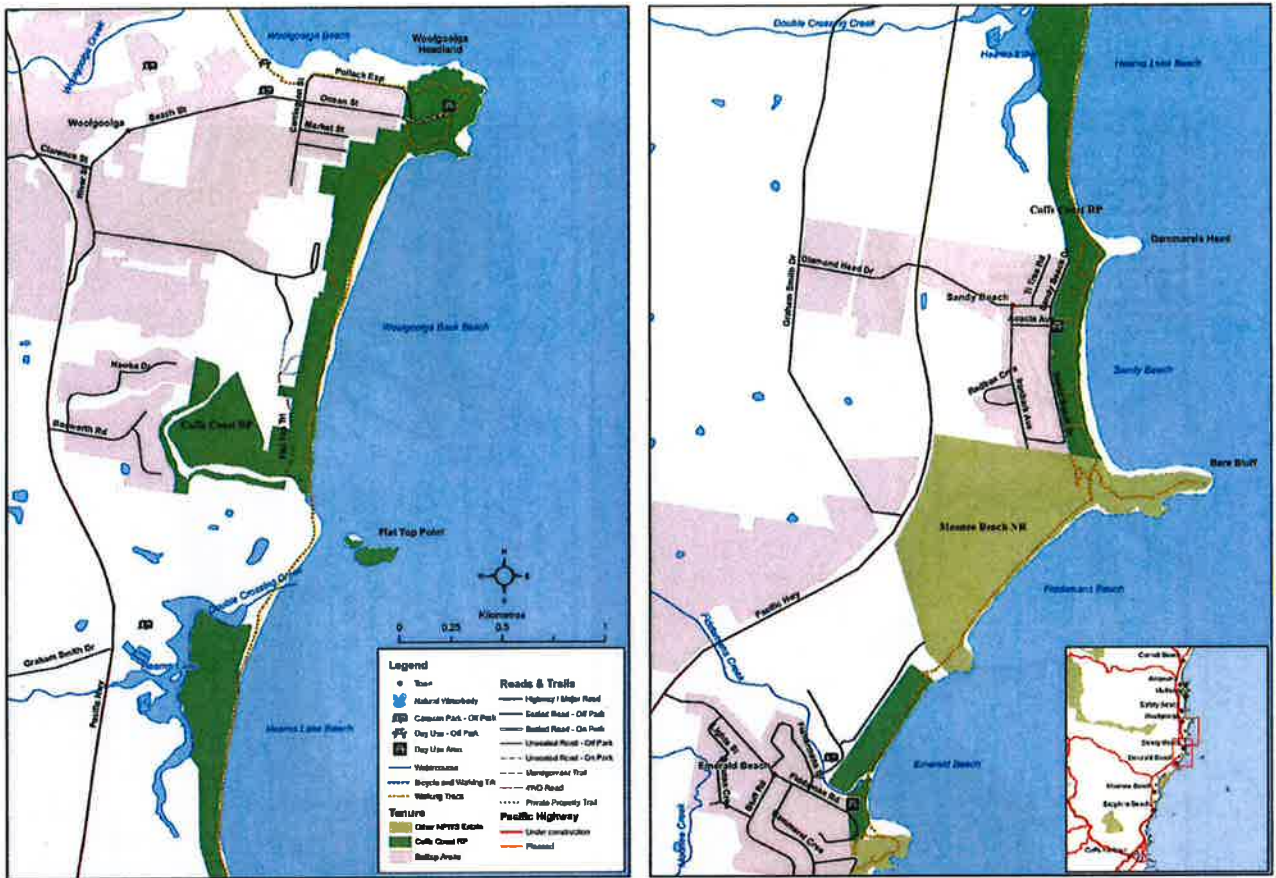


Fig 2: Central Section of Coffs Coast Regional Park



Schedule 2 - Management and Operational Responsibility

Task	NSW National Parks and Wildlife Service (NPWS)	CHCC	Other
Funding			
Funding – application for external grants	NPWS will have primary responsibility for applying for grants available to State Government departments. Trust Board will manage funds provided by State Government treasury through NPWS.	CHCC will have primary responsibility for applying for grants available to Councils and community groups. The Trust Board will manage funds provided by CHCC.	The community members of the Trust Board will have responsibility for working with CHCC and NPWS to apply for grants available to the community.
Management of Funds for the Trust Board	The Trust Board will manage the funds provided by NSW Government Treasury through NPWS. NPWS to provide an annual financial report to the Deputy Secretary.	The Trust Board will manage funds provided by CHCC to the CCRP. Some capital works funds will be provided to a Trust Account established by CHCC for use by CHCC to upgrade visitor facilities and other related works. CHCC will establish a Trust Account on behalf of the Trust Board. All funds from for the CCRP will be placed in this account. CHCC will administer the funds and provide financial reports to the Trust Board on a quarterly basis. CHCC to provide an annual financial report.	In principle Trust funds will be matched 1:1 with CHCC and NPWS funds. CHCC and NPWS to coordinate a long term financial operations plan (10 years) to be approved by the Trust Board. Trust Board funds will be used where possible to attract external funding opportunities.



Insurance			
Public liability	The NPWS Public Liability Insurance Policy covers the public use of the Coffs Coast Regional Park.		
Staff / workers compensation	NPWS workers compensation insurance will cover staff and volunteers employed by NPWS in the Coffs Coast Regional Park	CHCC workers compensation insurance will cover CHCC staff and volunteers employed in the Coffs Coast Regional Park	
Assets	The NPWS policy covers assets in the park.		
Staff Management			
Secretariat Support		CHCC will provide a secretariat support to the Trust Board. They organise the Trust Board meetings, take and distribute minutes and coordinate correspondence-	
Park management staff	NPWS staff will report to the Coffs Coast Area Manager.	CHCC staff will report to their relevant Council supervisory officer.	The Trust Board have no staff management responsibilities
Public Relations	NPWS will have primary responsibility for public relations within their area of management such as flora and fauna and will share responsibility for community consultation, customer enquiries and media releases for all other areas of management.	CHCC will have primary responsibility for public relations within their area of management such as installation of infrastructure, and will share responsibility for community consultation, customer enquiries and media releases for all other areas of management, subject to available resources.	Communication plans to be discussed at Working Group meetings.



<p>Enforcement</p>	<p>NPWS Rangers to enforce legislation associated with flora and fauna in the Regional Park, including dangerous bird and feral animals such as dogs, cats and rabbits which have an environmental impact.</p>	<p>CHCC to enforce legislation as per its 'traditional' responsibilities: illegal parking in and around the Regional Park; camping, domestic animals in accordance with the Companion Animals Act; littering and dumping; vehicles on beaches etc. as per Part 13, Sec. 15 and Part 12, Division 2 & 3, Part 14 and Clause 10 of the Act. See also attached <i>Authorisation of Coffs Harbour City Council Rangers to certain statutory powers under NPW Act and Regulation within Coffs Coast Regional Park</i></p>	
<p>Approvals, Licences and Consents</p>	<p>NPWS will execute approvals, licences and consents relating to Regional Park as prepared by CHCC staff. New approvals will be put to the Trust Board for ratification.</p>	<p>CHCC is responsible for the administration of temporary licenses, leases and agreements as well as the management of the licensee. CHCC will publish a schedule of fees and charges on the website and administer the collection of such. A financial report will be prepared annually for the Trust Board.</p>	<p>Approvals, licences and consents relating to common activities will be identified to implement on a temporary basis. These activities may include group use of facilities, commercial photography, etc. The approvals will be in accordance with the Act, Part 13, sec 15 and Part 12, Division 2 and 3.</p>



<p>Trust Board</p>	<p>NPWS will identify 1 representative to be appointed to the Trust Board.</p>	<p>CHCC will identify its 2 representatives to be appointed to the Trust Board.</p>	<p>The Coffs Harbour Local Aboriginal Land, CHCC and the Yarrawarra Aboriginal Corporation will be asked to provide one representative each. NPWS and CHCC staff will consider the applications and provide a joint recommendation to the Minister. An advertisement will be placed in local papers under joint NPWS and CHCC logos seeking community and conservation group representation.</p>
<p>Meetings of the Trust Board</p>		<p>CHCC will provide secretarial services to the Trust Board.</p>	<p>The running of the Trust Board will be in accordance with the Act Part 4 Division 5 and Schedule 10; and Part 3 of the NP&W Administration Regulations. The Trust Board will meet up to 4 times annually.</p>
<p>Operational Agreement</p>	<p>NPWS will maintain an Operational Agreement for the operation of the Trust Board in accordance with the Act, NP&W Administration Regulations and the Memorandum of Understanding, in consultation with CHCC</p> <p>NPWS will respond to those parts of any correspondence relevant to the key responsibilities outlined.</p>	<p>CHCC to provide input to the maintenance of the Operational Agreement</p>	<p>The Trust Board will operate in accordance with the Act, NP&W Administration Regulations, the Operational Agreement, and the Memorandum of Understanding in consultation with CHCC.</p>
<p>Correspondence to the Trust Board</p>		<p>The Secretariat will ensure all correspondence is circulated to relevant parties and will coordinate the response. CHCC will respond to correspondence relevant to their key responsibilities.</p>	



Implementation of Trust Board decisions	NPWS will implement Trust Board decisions in relation to environmental matters within the Regional Park. Implementation of other decisions will be coordinated via Schedule 2 or the working group meetings	CHCC will implement Trust Board decisions in relation to infrastructure matters within the Regional Park. Implementation of other decisions will be coordinated via Schedule 2 or the working group meetings	Representatives of CHCC and NPWS to attend working group meetings to coordinate actions 3 weeks before every Board meeting.
Volunteers			
Landcare	NPWS will provide regular assistance and support to Landcare groups in accordance with already developed regeneration plans, Plan of Management and pest plans and grant applications. A NPWS representative will attend meetings of Coffs Harbour Landcare.		
Other volunteers	NPWS will manage volunteers in areas relating to primary responsibilities outlined in the MOU in accordance with agency policies.	CHCC will manage volunteers in areas relating to primary responsibilities outlined in the MOU in accordance with agency policies.	A report will be provided every 6 months to the Trust Board on the works undertaken by volunteer groups.
Planning			
Plan of management	NPWS will have the primary responsibility to prepare a Plan of Management in accordance with the Part 5 of the NP&W Act 1974.	CHCC will participate and provide input into the Plan of Management.	The Plan of Management will be developed following community consultation; approved by the Trust Board and the Minister of NPWS.
Fire management plan	NPWS will maintain a Fire Management Plan for the park.	CHCC will have input into the Fire Management Plan. Council to inspect and maintain Asset Protection Zones in the CCRP	



Pest management plan	NPWS will maintain a Pest Management Plan for the park.	CHCC will have input into the Pest Management Plan.	The plan will also take into account community views.
Recreational areas – precinct / Master plans	NPWS will have input in such plans.	CHCC will prepare such plans in accordance with the Plan of Management or interim planning direction for the park.	Masterplans or precinct plans will be developed following community consultation; approved by the Trust Board.
Environmental assessment	Due to the provisions of the Environment, Planning and Assessment Act, NPWS will prepare environmental assessment of all activities requiring such assessment.	CHCC will provide information and data to assist in such environmental assessment.	
Standards		All capital works will be approved by the Trust Board. Designs will comply with Regional Park standards.	Maintain design standards for the Regional park.
Assets		CHCC will include all assets within Regional Park in the CHCC asset register and develop an asset management, operations schedule and long term financial plan for capital works. The AMP will make provision for actions to mitigate coastal hazards and the effects of climate change.	
Policies	Regulation and management of environmental activities in the Regional Park will operate in accordance with NPWS policy.	Maintenance and construction of infrastructure in the Regional Park will operate in accordance with CCHC policy.	



**SCHEDULE 3:
Composition of the Trust Board.**

The Trust Board will consist of:

- Two Elected Members from CHCC
- One representative from NPWS
- Two representatives from local Aboriginal community
- Two representative from the community

In addition, non-voting ex-officio members will be permitted to attend Trust meetings. These ex-officio members may include staff from CHCC, NPWS, Department of Primary Industries, Tourism Association and any other group or individual deemed to be required to attend Trust meeting to assist the Trust Board carry out its duties.

