

Memorandum of Understanding

This document represents an agreement between

Hornsby Shire Council

and

Broken Bay Oyster Association

1 Objective

This Memorandum of Understanding (MOU), an initiative of Hornsby Shire Council (HSC) and Broken Bay Oysters Association (BBOA), supports an environmentally sustainable oyster industry within the Hawkesbury River. Both HSC and BBOA seek to responsibly manage estuarine resources on behalf of present and future generations. Improvement in the health of the estuary has resulted from various industry, government and community activities. As a result of these activities, which have improved water quality, oyster harvest areas within the Hawkesbury have been given export approval (October, 2010) by the Australian Quarantine and Inspection Service (AQIS) and direct harvest classification by the NSW Food Authority (NSW FA). Hence, the principal objective of this MOU is to improve the environmental conditions required for oyster aquaculture so that BBOA export and direct harvest approvals are secured and oyster stress and the likelihood of disease is reduced. In achieving this objective, improved estuarine water quality and amenity will provide additional public benefits to other commercial and recreational users of the Hawkesbury river.

2 Collaborating organisations

Hornsby Shire Council (HSC)- Hornsby Shire Council's Lower Hawkesbury estuary Management Plan and Program (LHEMP) provides an integrated and strategic approach to the management of estuarine assets. The Water Catchments Team within Hornsby Council implements the LHEMP through planning, research, education, compliance and capital works initiatives. Of importance to the oyster industry is Councils' role in managing estuarine water quality and resolving land use conflicts through estuary management planning. Council also directly assists the oyster industry with water quality monitoring, investigation of water pollution incidents and the management of boat pumpout facilities.

Broken Bay Oysters Association (BBOA)- The Association of Broken Bay Oyster farmers was formed in 2005. Members of BBOA have agreed to a code of conduct which requires farming practises to be undertaken in accordance with the NSW Oyster Industry Sustainable Aquaculture Strategy (2006). BBOA have been recognised for their stewardship of the river, receiving numerous awards for their environmental contribution to the Hawkesbury River. BBOA members are committed to producing high quality oysters based on environmentally sustainable production

methods. BBOA has developed an Environmental Management System to promote sustainable farming practices and identify risks that could impact oyster production. BBOA is also developing a marketing strategy to define and promote the unique attributes of Hawkesbury River oysters.

3 Public benefit of this Memorandum of Understanding

In supporting the MOU, Hornsby Shire Council recognises the public benefit of the oyster industry as a means of generating employment, supporting local communities and improving the health of the Hawkesbury River. Public benefits of the local oyster industry are detailed in Table 1.

Table 1 Memorandum of understanding public benefits

Category	BBOA Industry activity	Public benefit
Environment	Implementation of BBOA Environmental Management System	Improved estuarine water quality
	Removal of abandoned infrastructure and equipment	Reduced waste which is a hazard to the environment and navigation safety
	Water quality monitoring (including event monitoring)	Improved data acquisition and knowledge of key estuarine processes
	Potential to cultivate a native species	Reduced risk of marine invasive pest species establishing in the Hawkesbury
	Maintenance of infrastructure which provides habitat and a food source for aquatic organisms	Improved estuarine biodiversity and support for recreational pursuits such as fishing
	Annual oyster productivity provides an indicator of estuarine health	Indicator of cumulative impacts within the estuary and requirements for catchment remediation
Economy	Participation in local economy	Encourage and support for regional business
	Promotion of BBOA and oyster products	Improved local employment and investment opportunities
Society and Culture	Iconic, inter-generational farming industry which attracts external interest (e.g. tourism, film making, etc)	Maintain tourism and local identity
Local community	Participation in local events, fairs and educational field days	Improved community understanding of estuarine values and local industries
	"Eyes and Ears" of the water-provide informal surveillance on activities within the estuary	Presence on the estuary provides informal assistance to other users (e.g. clean-up operations) and are able to report potential water quality problems to relevant authorities
	Maintenance of oyster infrastructure within shallow tidal areas of the estuary	Improved navigational safety and awareness of shallow areas
	Implement a good neighbour policy which respects the peace, concerns, comfort and privacy of estuarine users	Reduced community conflict and improved social amenity
	Recognition the Aboriginal people who may have occupied lease areas and/or land adjacent	Increased preservation of Aboriginal heritage values
Governance	Involvement in local resource management planning, estuary management and land use decision making	Improved management of the Hawkesbury rivers' natural assets
	Advocacy for improved estuarine health	Implementation of Hornsby Shire Councils' 2020 Community plan and estuary management program

4 Service provision

To responsibly manage the Hawkesbury estuary and catchment the following community services are to be provided by HSC and BBOA.

Hornsby Shire Council

- Implementation of actions within the Lower Hawkesbury Estuary Plan (2009) which improve and protect estuarine water quality and habitats.
- Provide and promote boat pump out facilities that are cost effective and easy to operate.
- Implement onsite sewage management strategies that are adhered to and appropriately managed.
- Educate residents regarding their on-site sewage management systems and how to best manage them to reduce environmental impacts.
- Undertake compliance of river settlement on-site sewage management systems such as dye tracing and smoke tracing of systems to ensure no leaks
- Council to maintain an emergency response procedure and reporting protocol in the event of estuarine pollution events (e.g. sewage, oil, chemical, algal bloom, etc).
- Rural Land Incentive Scheme to encourage rural residents to, (i) use fencing to prevent stock access to riparian and estuarine vegetation, (ii) establish riparian filters and settlement ponds for runoff that may be contaminated, and (iii) prevent farm waste from discharging into water courses.
- Implementation of Councils' bushcare program to improve the quality of riparian areas and reduce sedimentation generated from degraded creeks which discharge into the estuary.
- Implementation of local government planning requirements as directed by the NSW Oyster Industry Sustainable Aquaculture Strategy, namely referral to I&I NSW of development applications likely to impact on the oyster industry or adversely affect estuarine water quality and consideration of the oyster industry in preparation of local environmental plans.
- Implementation of Councils' Catchment remediation program to improve stormwater quality and reduce pollutants being transported to the estuary.
- In-situ monitoring and modelling of estuarine water quality via the deployment of water monitoring stations within the estuary to assist with harvest area closure and openings.
- Attend public information days and festivals to highlight the need for clean waters and respect for estuarine assets.

Broken Bay Oysters Association

- Implementation of the BBOA Environmental Management System which seeks to contribute to the sustainability of oyster farming and the health of the estuary.
- Implement measures to ensure there is no litter or pollution to the estuary arising from oyster farming operations.

- Take responsible measures to minimise existing or potential impacts to land adjoining harvest and operational areas
- Support and be involved in catchment management initiatives that maintain or improve estuarine health.
- Participate in estuarine management planning to ensure that the industries knowledge of the estuary is incorporated.
- Support initiatives that manage pest, disease and noxious species risks to the estuary.
- Maintain an awareness and presence on the estuary and report environmental problems to relevant management authorities.
- Participate in activities that recognise and promote the public benefit of estuarine water and environmental monitoring and reporting.
- Actively promote responsible oyster farming operations and estuarine stewardship.
- Produce annual public environmental reports on the implementation of the BBOA Environment Management System, compliance and industry performance.

5 Service provision in response to harvest area classification downgrade

The NSW Government's *Incident Response Protocol, Aquaculture Estuaries in NSW* (unpublished) co-ordinates the government response to the downgrade or imminent threat of downgrade of an oyster harvest zone caused by a decline in water quality if the NSW Shellfish Program water quality thresholds are exceeded. If this protocol is enacted for a Hawkesbury River oyster harvest area then the following services will be provided by HSC and BBOA.

Hornsby Shire Council

- Assist BBOA and NSW government to investigate the cause for the classification downgrade by providing technical and logistic support to responsible agencies, in such areas as on-site sewage management systems contamination, surface water investigations and shoreline investigations.
- Implement remedial action (or causing the landowner to remediate) where the problem is related to onsite sewage management systems, sewerage treatment systems not licensed under the POEO Act, or stormwater.
- Undertake investigations of possible sources of pollution not licensed under the POEO Act
- Assist BBOA and NSW government with press release, media and community enquiries.
- Assist relevant agencies to reinstate direct harvest classification and export licensing following the classification downgrade.
- Participate in a response strategy, as directed by NSW State Government, within 30 days of the downgrade being announced.

- Investigate and evaluate improvements in water quality and shoreline conditions and update affected agencies and BBOA on the results of water quality monitoring.
- Assist BBOA and state agencies in identifying potential funding mechanisms to implement the response strategy

Broken Bay Oysters Association

- BBOA with direction from NSW Government –investigate the cause of classification downgrade by utilising local knowledge and data from Shellfish Program
- Be involved with NSW Government and HSC in any remedial action
- Post remedial action data collection to reinstate classification and export licence
- Investigate funding mechanisms through BBOA EMS
- BBOA to maintain relevant Shellfish Program testing regime to ensure continuance of classification status

6 Definitions and interpretations

AQIS- Australian Quarantine and Inspection Service

BBOA- Broken Bay Oysters Association

EMS- Environmental Management System

HSC- Hornsby Shire Council

LHEMP- Lower Hawkesbury Estuary Management Plan

MOU- Memorandum of Understanding

NSW FA- NSW Food Authority

7 The terms of the agreement

The MOU will be operational for 5 years until June 2016. During this operational period, the MOU will be reviewed annually by representatives from both HSC and BBOA. Outcomes from this review will be reported to members of the Lower Hawkesbury Estuary Management Committee.

This MOU will be effective when the signed by the partners and may be terminated upon 40 days written notice by any of the partners. The agreement may be amended or extended at any time by mutual consent of the involved partners.

All actions and services provided are dependent on the availability of sufficient resources.

8 Effective dates and signatures



Name:

ROBERT BALL

General Manager- Hornsby Shire Council

Date:

29/8/2011



Name:

JOHN STUBBS

President, Broken Bay Oyster Association

Date:

29/8/2011