MEMORANDUM OF UNDERSTANDING

between

Coffs Harbour City Council

and the

Director-General of the
Department of Environment and Conservation

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 stretching from the northern boundary of the Coffs Harbour City Council Local Government Area to and including Macauleys Headland in the south in the city of 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 Department of Environment and Conservation Parks and Wildlife Division [National Parks and Wildlife Service (NPWS)] and the Coffs Harbour City Council (CHCC).
- "Memorandum" means this Memorandum of Understanding.
- "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.
- "Council" means the Coffs Harbour City Council
- "Director-General" means the Director-General 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 Act.
- "Trustee" means an appointed member to the Regional Park Trust by the Minister.
- "Plan of Management" means a Plan of Management under the NP&W Act 1974.
- A Trust Account means an internally restricted equity account established by Council to manage the finances of the Trust Board.

TERM

4.1 This agreement is for the long-term management of the prescribed land. This Memorandum will be reviewed annually or as both parties agree, with a major review after five (5) years from the date of gazettal.

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 The region is recognised as having 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 The creation of Coffs Coast Regional Park will allow for the area to be used for the combined purposes of recreation and conservation. The strengths of
each agency will combine to maximise the public benefit and achieve the best land use for the Regional Park.

LEGISLATIVE RESPONSIBILITY

6.1 The creation and management of Regional Parks is set out in Division 1B of the National Parks & Wildlife Act 1974.

JOINT MANAGEMENT

7.1 The management of the Coffs Coast Regional Park will be shared between the two agencies.

7.2 The Coffs Coast Regional Park Trust Board will facilitate the cooperative management of the Coffs Coast Regional Park.

7.3 Both agencies will work together in a cooperative process to manage the Regional Park. Although the two agencies will be involved in the management of the whole park certain roles and responsibilities will be defined to be primarily undertaken by one agency or the other. 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, Aboriginal cultural sites, threatened species, vertebrate pest species, fire management, wildlife and weed removal.

7.5 Council is primarily responsible for the provision and maintenance of all facilities and infrastructure, such as picnic areas and playgrounds, maintenance of areas of open space, maintenance of sewerage infrastructure such as public toilets, provision of access including walking tracks and roads and provision of secretariat services to the Trust Board.

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.

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 will be formed under the provisions of s47T of the NP&W Act 1974. The Trust Board has the care, control and management of the Regional Park. The Trust Board is subject to the control and direction of the Director-General.

9.2 The role of the Trust Board will be to oversee the implementation of the Plan of Management, to prepare and oversee an Annual Works Program and to provide a forum for community input.

9.3 Appointments to the Trust Board are made by the Minister under s47S, s47T and Schedule 10 of the NP&W Act 1974. Membership of the Coffs Coast Regional Park Trust Board is detailed in Schedule 3 of this Memorandum.

9.4 A Terms of Reference for the Trust Board will be established under the guidelines specified by s47 of the NP&W Act 1974. The Terms of Reference will reflect the roles and responsibilities of the Trust Board as outlined both within the NP&W Act 1974 and as stated in Clause 9.2. Schedule 10 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 Council 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 Director General of NPWS, and Coffs Harbour City Council.

PLANNING

10.1 Planning for the Coffs Coast Regional Park will be in accordance with the requirements for planning under Part 5 of the NP&W Act 1974. This necessitates the preparation of a Plan of Management as defined in the Act by NPWS in conjunction with Council.

10.2 The Plan of Management for the Coastal Reserves prepared by Council will be incorporated into a Plan of Management for the Regional Park. A Pest Species Management Plan and a Fire Plan will be prepared 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 Council 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 Director-General. The Director-General will also if required refer disputes to a third party agreed to by NPWS and Council to assist in resolving the issue.

REVIEW

13.1 The Plan of Management will be available for public review as specified in s75A of the NP & W Act 1974, 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 gazettel.

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 Director-General.

SIGNATORIES

14.1 The signatories to this Memorandum are:

- The Director-General of the Department of Environment and Conservation
- The General Manager and Mayor of Coffs Harbour City Council
IN WITNESS WHEREOF the parties have executed this Agreement

SIGNED by the DIRECTOR GENERAL OF THE NEW SOUTH WALES DEPARTMENT OF ENVIRONMENT AND CONSERVATION in the presence of

[Signature]
Director General

[Signature]
Witness

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF COFFS HARBOUR was hereunto affixed on the 28th day of October 2003 in pursuance of a resolution passed by Council on the 28th November 2003

[Signature]
Mayor

[Signature]
General Manager
LIST OF SCHEDULES

SCHEDULE 1:
Figures (mapping) depicting lands included in gazettal of Coffs Coast Regional Park. [Mapping may be updated from time to time as parties agree to additions]

SCHEDULE 2:
Table of areas of management and operational responsibility

SCHEDULE 3:
Composition of the Trust Board.

The Trust Board will consist of:
- Two representatives from Council
- 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 Coffs Harbour City Council, National Parks and Wildlife Service, Marine Parks Authority, 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.
Schedule 1 Part 1
Coffs Coast Regional Park
Stage 1 Northern Section
### Schedule 2 - Management and Operational Responsibility

<table>
<thead>
<tr>
<th>Task</th>
<th>Department of Environment &amp; Conservation (DEC)</th>
<th>Council</th>
<th>Other</th>
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<tbody>
<tr>
<td><strong>Funding</strong></td>
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<tr>
<td>Funding – application for external grants</td>
<td>DEC will have primary responsibility for applying for grants available to State Govt departments</td>
<td>CHCC will have primary responsibility for applying for grants available to Councils and community groups.</td>
<td>The community members of the Trust Board will have responsibility for working with Council and DEC to apply for grants available to the community.</td>
</tr>
<tr>
<td><strong>Management of funds for the Trust Board</strong></td>
<td>Will manage funds provided by State Govt treasury through DEC. Some capital works funds will be provided to a Trust Account established by Council for use by Council to upgrade visitor facilities and other related works.</td>
<td>Will manage funds provided by Coffs Harbour City Council. Council will establish a Trust Account for the Board of Management. This Trust Account will be utilised to place all funds directed to the Trust from both agencies and externally from grants. Council will administer on behalf of the Trust Board the Trust Account.</td>
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<tr>
<td><strong>Reporting on Finances</strong></td>
<td>Financial reports will be provided every 6 months to the Trust Board. A yearly financial report will be prepared for the DG of DEC and Council by local officers based on information provided by Council and DEC</td>
<td>Financial reports for Council and Trust Board funds located in the Trust Account will be provided every 6 months to the Trust Board. Council through the Secretariat position will also provide a yearly report on finances expended on the Regional Park</td>
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<tr>
<td>Insurance</td>
<td>Expenditure of funds by both agencies and from the Trust Account.</td>
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<tr>
<td><strong>1.2 Public liability</strong></td>
<td>The DEC GIO Public Liability Insurance Policy covers the public use of the park.</td>
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<tr>
<td><strong>1.3 Staff / workers compensation</strong></td>
<td>DEC GIO workers compensation insurance will cover staff employed by NPWS when working in the park. Council workers compensation insurance will cover Council staff when working in the park.</td>
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<tr>
<td><strong>1.4 Assets</strong></td>
<td>The DEC GIO policy covers assets in the park.</td>
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<tr>
<td><strong>1.5 Staff</strong></td>
<td><strong>1.6 Management</strong></td>
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<tr>
<td>Secretariat Support</td>
<td>Council will provide a secretariat support to service the Trust Board and have responsibility for organising the Trust Board meetings, taking and distributing minutes and the coordination of any correspondence that the Trust generates.</td>
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<tr>
<td>Park management staff</td>
<td>Staff employed by DEC will report to the Coffs Coast Area Manager of the DEC. Council employed staff will report to the Parks and Recreation Manager of Council.</td>
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<tr>
<td>Trust Board</td>
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<tr>
<td>Selection process for Trust Board members</td>
<td>DEC will identify 1 representative to be appointed to the Trust Board. Council will identify its 2 representatives to be appointed to the Trust Board. The Coffs Harbour Local Aboriginal Land Council and the Yarrawarra Aboriginal Corporation will be asked to provide one representative each.</td>
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<tr>
<td>Meetings of the Trust Board</td>
<td>The Director General of DEC in accordance with the Act will call the first Trust Board meeting.</td>
<td>Council will provide secretarial services to the Trust Board.</td>
<td>The running of the Trust Board will be in accordance with the NP&amp;W Act 1974 Division 1B and Schedule 10 and Part 3 of the NP&amp;W Administration Regulations. The Trust Board will meet up to 4 times a year.</td>
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<tr>
<td>Constitution of Trust Board</td>
<td>DEC will in develop a draft constitution for the operation of the Trust Board in accordance with the NP&amp;W Act and Regulations and this agreement in consultation with Council</td>
<td>Council to have input on the constitution.</td>
<td>The constitution will be considered and adopted by the Trust Board.</td>
</tr>
<tr>
<td>Correspondence to the Trust Board</td>
<td>Will respond to those parts of any correspondence relevant to the key responsibilities outlined.</td>
<td>The Secretariat will coordinate the response to all correspondence. The Secretariat will send copies of all correspondence to each agency and coordinate input into</td>
<td></td>
</tr>
<tr>
<td>Approvals, Licences and Consents</td>
<td>Draft approvals, licences and consents relating to the areas identified in the list of primary responsibilities will be developed. These draft approvals will be put to the Trust Board for ratification. Implementation of regular approvals, licences and consents as delegated by the Trust Board.</td>
<td>Draft approvals, licences and consents, relating to the areas identified in the list of primary responsibilities will be developed. These draft approvals will be put to the Trust Board for ratification. Implementation of regular approvals, licences and consents as delegated by the Trust Board.</td>
<td>Approvals, licences and consents relating to common activities will be identified and delegated to the appropriate agency to implement on a daily basis. These activities may include group use of facilities, commercial photography, etc. This list will be put to the Trust Board for ratification.</td>
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</tbody>
</table>

<p>| 1.7 Volunteers | DEC will provide regular assistance and support to Dune Care groups in accordance with already developed regeneration plans, Plan of Management and pest plans. In conjunction with Councils Dune care program and Land care, provide materials, training and coordination will be provided to volunteers. Assist in the preparation of grants, such as | Council will continue to manage Dune care groups during the process of transition to NPWS. As NPWS establishes systems and resources to manage the groups the transfer of responsibility will occur ensuring no reduction in the level of service provided to volunteers. Council will provide expert input into bush regeneration plans for individual groups. Council will in conjunction with the Trust Board assist in applying for funds from the | The transfer of responsibility for the coordination of Dune Care activities from Council to DEC will be undertaken over a period of time to ensure a consistent level of service to volunteers. The volunteer program will remain a member of the broader Dune care / Land care program. A report will be provided every 6 months to the Trust Board on the works undertaken by volunteer |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Coast care.</td>
<td>The dune care volunteers will be registered as DEC volunteers in accordance with the DEC Volunteer policy and covered by DEC insurance cover. A DEC representative will attend meetings of Coffs Harbour Land care.</td>
</tr>
<tr>
<td>Environmental Levy groups.</td>
<td>To further assist in the management of these groups. Will also assist in the preparation of grants, such as Coast care.</td>
</tr>
<tr>
<td>Other volunteers</td>
<td>Manage volunteers in areas relating to primary responsibilities outlined in MOU in accordance with agency policies.</td>
</tr>
<tr>
<td>Manage volunteers in areas relating to primary responsibilities outlined in MOU in accordance with agency policies.</td>
<td>A report will be provided every 6 months to the Trust Board on the works undertaken by volunteer groups.</td>
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</tbody>
</table>

### Planning

<table>
<thead>
<tr>
<th>Plan of management</th>
<th>DEC will have the primary responsibility to prepare a Plan of Management in accordance with the Part 5 of the NP&amp;W Act.</th>
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</thead>
<tbody>
<tr>
<td>Council will participate and provide input into the plan of management.</td>
<td>The existing Coastal Reserves plan of management prepared by Coffs Harbour City Council and the Department of Land and Water Conservation will provide management direction until a new plan is adopted. The plan is to be approved by the Trust Board before being placed on public exhibition.</td>
</tr>
<tr>
<td>Fire management plan</td>
<td>DEC will prepare a fire management plan for the park.</td>
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<tr>
<td>Council will have input on the plan.</td>
<td>The plan is to be approved by the Trust Board before being placed on public exhibition.</td>
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<tr>
<td><strong>Pest management plan</strong></td>
<td>DEC will prepare a pest management plan for the park.</td>
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<tr>
<td><strong>Recreational areas – precinct plans</strong></td>
<td>DEC will have input in such plans.</td>
</tr>
<tr>
<td><strong>Environmental assessment</strong></td>
<td>Due to the provisions of the Environment Planning and Assessment Act, DEC will prepare environmental assessments of all activities requiring such assessment. The DEC Environmental Protection and Regulation Division will assess any such environmental assessment.</td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
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<tr>
<td><strong>Assets</strong></td>
<td>Will assist in the identification of assets and establishing a maintenance plan if required.</td>
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</tbody>
</table>