



OUT17/38623

Ms Sally Barnes
Director of National Parks
Australian Marine Parks Management Planning
Department of the Environment and Energy
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Re: Draft Temperate East Commonwealth Marine Reserves Network Management Plan

Dear Sally

Thank you for meeting with Sarah Fairfull, Director Aquatic Environment for NSW Department of Primary Industries (Fisheries), and I on 22 August 2017 to discuss the Draft Temperate East Commonwealth Marine Reserves Network Management Plan. Please find below a summary of the issues discussed and I would ask that you take these into consideration during the finalisation of the Management Plan and its implementation adjacent to the NSW marine estate.

Of the eight Commonwealth marine parks off the coast of NSW and Queensland that make up the Temperate East Network, five of these either adjoin (Lord Howe, Solitary Islands and Hunter), or are in close proximity to (Jervis), existing NSW marine parks or the NSW marine estate (Cod Grounds).

Six types of zones are proposed to manage activities in these Australian Marine Parks, ranging from National Park Zone (similar to NSW sanctuary zone) to Special Purpose Zone (Trawl) (similar to NSW general use zone).

Values and pressures

The Draft Management Plan refers to marine park values and pressures. While the values have been identified at an individual marine park scale, the pressures have not, potentially highlighting knowledge gaps at the local scale. In relation to NSW, the Marine Estate Management Authority commissioned a comprehensive NSW Marine Estate Community Survey in 2014. The survey sought the views of over 1700 NSW residents and visitors about their values and attitudes towards the NSW marine estate (coastline, estuaries and marine waters of NSW). The survey findings outline the environmental, cultural, social and economic values and benefits the NSW community derives from the NSW marine estate, the threats to those benefits and management responses to address these threats and improve outcomes over time. See <http://www.marine.nsw.gov.au/key-initiatives/marine-estate-community-survey> for a copy of the survey findings.

The Authority has also recently completed the first ever comprehensive, evidence-based threat and risk assessment of the NSW marine estate which has identified the priority (high and moderate) threats to the environmental assets (water quality, biodiversity, habitat types) and social, cultural and economic benefits derived from the marine estate. This report, which has drawn on over 1000 references and government and independent experts, should be considered in assessing the pressures to the Commonwealth Marine Reserve Network where it is adjacent to the NSW marine estate. See <http://www.marine.nsw.gov.au/key-initiatives/threat-and-risk-assessment> for a copy of

the draft report – the final report and supporting background environmental report will be released later this year.

Complementary management of marine parks

As part of the NSW marine estate reforms, the Authority has developed a new Marine Protected Areas Policy Statement which outlines the role and purpose of marine protected areas in NSW. The statement notes that marine protected areas are one tool, within a suite of tools or management responses that may be effective at addressing priority threats to social, environmental and economic benefits of the NSW marine estate.

The Policy Statement will also inform the development of a new management plans for NSW marine parks, starting with the Solitary Islands and Batemans Marine Parks in 2017/18. Current zoning and operational plans will be reviewed as set out in the *Marine Estate Management Act 2014* (NSW) and in light of the Marine Estate Community Survey and statewide threat and risk assessment findings to inform a new management plan for each park. A review of the zone types, zone objectives and activities requiring consent will also be done to seek better alignment with the priority threats. The Policy Statement will shortly be publicly released and the Authority will forward a copy to you as soon as it is available.

Advisory Committee

The Marine Estate Management Authority does not support the establishment of a new Advisory Committee for the Temperate East Commonwealth Marine Reserves network. It is recommended that the Commonwealth Government consider opportunities to link in with the current governance arrangements for the NSW marine estate, preferably via:

- Involvement as an observer on the NSW Marine Estate Agency Steering Committee, which is a group of Director/Senior Officers from the four member agencies involved in marine estate management in NSW, including the Department of Primary Industries, Office of Environment and Heritage, Transport for NSW and the Department of Planning and Environment. This Committee is chaired by DPI Fisheries and meets weekly to progress collaborative, holistic outcomes for marine estate management in NSW.
- Commonwealth representation and involvement in the existing Advisory Committees for Lord Howe Island, Solitary Islands, Port-Stephens–Great Lakes and Jervis Bay Marine Parks. These Advisory Committees have representatives from local government and peak stakeholder groups, including Aboriginal communities and local communities. A representative from the Department of the Environment and Energy (Cwth) is currently appointed to the Lord Howe Island Marine Park Advisory Committee and this approach could be used for other existing Advisory Committees.

Zone types and activities requiring authorisation

The Authority notes the proposed use of six zone types within the Temperate East Commonwealth Marine Reserve network.

It is noted that the Multi Use and General Use (Trawl) Zones are specifically targeted at allowing, under authorisation, various commercial fisheries, with the requirement for authorisations of a range of other activities in this and other zones. It is unclear why commercial, charter and recreational fisheries management could not be more appropriately managed via spatial restrictions under existing fisheries management controls authorised via the Australian Fisheries Management Authority, rather than duplicating and increasing the level of required administrative authorisations in marine parks through marine park zoning and authorisation requirements.

The list of activities requiring authorisations within the Temperate East Network is extensive, but not clearly linked to the types of environmental assets and priority threats or pressures that the proposed zoning is trying to address.

As noted above, the Authority will be reviewing the permits and approval processes operating within NSW marine parks in order to streamline and better align them with the priority threats identified via the statewide threat and risk assessment.

Annual Business Agreement

The Draft Management Plan does not outline the specific partnerships in place with the NSW Department of Primary Industries (DPI) and other NSW Government agencies. DPI currently provides various compliance, communications, community engagement, administrative, research and monitoring services to the Commonwealth through an Annual Business Agreement (ABA). These services are provided at Solitary Islands, Lord Howe and Cod Grounds marine reserves. The provisions and implications of the new management plan will need to be reviewed and further considered as part of the ABA process.

One example of likely impacts is that zoning changes will require replacement of park signage (information signs and regulatory signs) and user guides at Solitary Islands and Lord Howe Island, and potentially Port Stephens–Great Lakes Marine Parks and also on Apps such as Avenza and FishSmart developed by DPI Fisheries. This will require further consultation through the ABA process.

Areas to discuss for operational synergies between NSW and Commonwealth Marine Parks and in the review of the existing ABAs include:

- Authorisations and accreditation of users
- Moorings (biodiversity, safety for visitors)
- Incident response
- Traditional owner involvement
- Regulation of commercial and recreational fishing (VMS, reporting etc.)
- Compliance
- Community education and awareness.

Commercial fishing

It is noted that the Australian Government is committed to providing fair and reasonable adjustment assistance to commercial fishing operators directly affected by the new management arrangements in Commonwealth Marine Reserves.

In addition it appears that Vessel Monitoring Systems (VMS) and class approvals will be required for NSW commercial fishers operating in the Temperate East Network. Clarity is sought on whether this applies to operations specifically within Commonwealth Marine Reserves, or all waters outside the 3nm limit of NSW coastal waters?

The documentation implies fees are likely to be charged for the class approvals (4.4.2, p. 63). 'Assistance' is mentioned to address the additional cost burden of VMS and fees on commercial fishers, however it is unclear whether this would be specific to implementing VMS, or whether it may relate to reduced access through zoning?

Specific comments

- p. 80 – there is an incorrect reference to the *Fish Resource Management Act 1994* applying to NSW. This should be the *NSW Fisheries Management Act 1994*.
- Figure 2.3 – the legend and graphic for 'Commonwealth Fishing Activity' shows this activity occurring within the 3nm limit of NSW coastal waters. 'Commonwealth' should be changed to 'Commercial' in the legend.

Lord Howe Island

- Concerns have been raised by marine parks staff on Lord Howe Island regarding the allowance of ballast/industrial discharge, mining operations and aquaculture in the Lord Howe Habitat Protection Zone (LHHPZ), Recreational Use Zone (RUZ) and National Park Zone (NPZ). Biosecurity risks and waste discharges have the potential to impact on the World

Heritage Agreement values, marine biodiversity conservation and the world's southern-most coral reef.

- It is recommended that a Biosecurity Zone is established 12nm around Lord Howe Island (LHI), Balls Pyramid, and Elizabeth and Middleton Reefs and the LHPZ is extended so that the above activities are prohibited from waters surrounding Lord Howe Island and Elizabeth and Middleton Reefs to ensure an adequate 'buffer zone' around the NSW Lord Howe Island Marine Park and the proposed NPZ.
- It is also recommended that the Commonwealth extend the proposed NPZ around and to the north of Middleton Reef to include the seamount in this area as per the original 2012 draft management plan to ensure adequate protection of the seamount chain, or as an alternative, the proposed extension of LHPZ (point above) will ensure adequate protection while also providing for operations of the Eastern Tuna and Billfish Fishery.
- Allowing Fish Aggregating Devices (FADs) in the Commonwealth zones is supported.
- The prohibition of spearfishing is supported. The Lord Howe Island Marine Parks Advisory Committee also supports this prohibition. The number of spearfishers accessing Elizabeth Reef is minimal and allowing spearfishing at this Reef would make compliance challenging as spearfishing is banned throughout NSW Lord Howe Island Marine Park and nearly all vessels stop at Lord Howe Island on their way to and from Elizabeth and Middleton Reefs.

Solitary Islands

- There are concerns with the proposed name for the Solitary Islands Marine Park in Commonwealth water, causing confusion for NSW users of the park and impacting on compliance and enforcement outcomes. Further consultation is requested to avoid confusion and to ensure naming is complementary and easily understood by users of the marine parks.
- The draft plan appears to allow (with authorisation) a variety of commercial fishing methods in the Commonwealth Marine Park that are currently not permitted in the adjacent waters of the NSW Marine Park. These include drop lines, pelagic long lines and purse seine nets. There are likely to be difficulties containing pelagic longlines to the small discrete areas that are fitted between the NSW Solitary Islands Marine Park boundaries. Longlines are not permitted in NSW waters and allowing them in the Commonwealth Solitary Islands Marine Park is likely to cause confusion and compliance issues within NSW waters.
- There are Greynurse Shark aggregation sites located at North and South Solitary islands and the use of pelagic long lines and droplines in the vicinity of these aggregation sites may increase the risk of incidental bycatch of this species.
- Dumping of ballast water and other waste in Commonwealth waters increases the risk of pollution and bio-security issues impacting the Solitary Islands and associated reef systems. The risk is significant given that the Commonwealth waters are small and nestled between the Solitary Islands and reefs, and are subject to north and south currents flowing along the coast.

Hunter Marine Park

- The Hunter Marine Park (HMP) appears to provide limited protection to the environmental assets of the shelf, slope and abyssal plain.
- The draft plan identifies key ecological features of the HMP, such as shelf rocky reefs, but these do not appear to be mapped, and it is not clear how the proposed zoning protects these features.
- The HMP proposes an area of Special Purpose Zone (Trawl) immediately adjacent to the Seal Rocks Sanctuary Zone which is the largest and most biodiverse sanctuary zone in the largest marine park in NSW.
- There is merit in considering the alignment of the northern and southern boundaries of the HMP with the adjacent Port Stephens-Great Lakes Marine Park for ease of communication

with stakeholders and to promote understanding and participation in the management of both marine parks.

The Authority member agencies look forward to ongoing discussion with the Commonwealth during the finalisation of the management plan and its implementation and welcome the opportunity to workshop these issues at a NSW location in early 2018.

Should you wish to discuss this summary of our discussions further, please contact Mr Peter Gallagher, Program Leader, Marine Operations on (02) 4916 3875.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wendy Craik', written in a cursive style.

Dr Wendy Craik
Independent Chair
Marine Estate Management Authority

20 September 2017