

NSW Department of Primary Industries

Fisheries Legislation and Management in the Intertidal Zone

Implications for Councils

Rodney James – Carla Ganassin – Chris Clarke SCCG Intertidal Forum – 14 August 2012

Outline

- Fisheries Management Act – objectives
- Fisheries NSW in Sydney's intertidal zone
 - Aquatic reserves
 - Aquatic habitat protection
 - Recreational fishing
 - Compliance



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Fisheries Management Act 1994

Objects include:

- To conserve fish stocks and key fish habitats
- To conserve threatened species of fish and marine vegetation
- To promote ecologically sustainable development

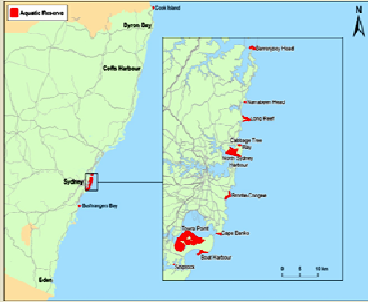
And, consistently with the above:

- To promote viable commercial fishing and aquaculture industries
- To promote quality recreational fishing opportunities
- To share fisheries resources between the users of those resources
- To provide social and economic benefits for the wider community
- To recognise and promote Aboriginal cultural fishing

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Aquatic reserves

- 12 in NSW; 10 in Sydney:
 - ✓ Pittwater
 - ✓ Warringah
 - ✓ Manly
 - ✓ Randwick City
 - ✓ Waverley
 - ✓ Sutherland Shire
- Size ranges from 2 to 1400 hectares
- Intertidal:
 - ✓ oceanic rocky shores
 - ✓ estuarine rocky shores
 - ✓ estuarine wetlands



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Legislation – aquatic reserves

- Fisheries Management Act 1994
- Aquatic reserves aim to **conserve the biodiversity of fish and marine vegetation** and:
 - to protect fish habitat or,
 - to provide for species management or,
 - to protect threatened species, populations and ecological communities in the reserve or,
 - to facilitate educational activities and scientific research.
- Public appreciation, understanding and enjoyment of the marine environment?
- Work with Councils and State agencies

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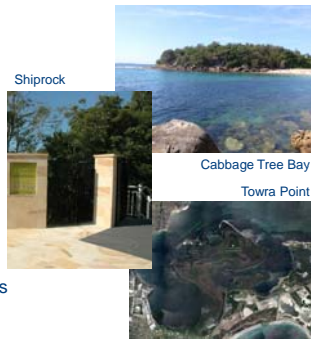
Legislation – management tools

- Regulations, notifications and closures
- Management plans for aquatic reserves
 - Optional – made as Regulation and require public consultation
 - Cabbage Tree Bay Aquatic Reserve Draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy
- Development assessment
 - Mining in aquatic reserves is prohibited
 - Provisions for proposals within or adjacent to an aquatic reserve

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Management issues and challenges

- Enforcement/compliance
- Signage
- Education
- Branding and promotion
- Development applications
- Threatened species
- Commercial operators
- Boating and mooring
- Conflicting uses
- Water quality/pollution
- Research
- Climate change
- Declarations and boundaries
- Fishing closures



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The future for aquatic reserves

- Transferred from OEH to DPI
- Decentralisation
- Marine Parks Audit and Government response
- Continue to work with Councils and State agencies

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Aquatic Habitat Protection

Protect key fish habitat (Part 7 FM Act)

- Seagrasses, mangroves, saltmarsh, algae
- Sandy and rocky substrates
- Free passage of fish within waterways
- Aquatic reserves

Conserve threatened species (Part 7A FM Act)

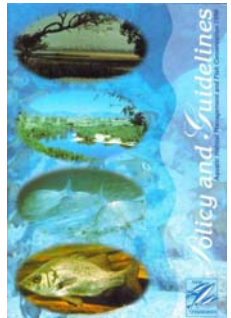
- Endangered Populations of *Posidonia* seagrass
- Black cod
- Grey nurse shark + critical habitat
- Great white shark
- Hammerhead sharks (Great and Scalloped)

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For Local Councils this mostly means:

Permits are required for works that involve:

- Dredging and reclamation
- Harm of marine vegetation
- Blockage of fish passage
- + *Integrated Development Referrals*
- + *Threatened Species Assessments*



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Dredging: excavating water land or the removal or disturbance of material from water land

Reclamation: using any material to fill in or reclaim water land (including for construction)

Harm of marine vegetation: harm of saltmarsh, mangroves, seagrass, attached marine and estuarine macroalgae and sometimes unattached dead marine vegetation

Blockage of fish passage: blockage or other obstruction of a waterway

Water land: land submerged by water whether permanently / intermittently; natural / artificial water body

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Examples of Council works in Intertidal Zone that may require permits:

- Works on intertidal pools / swimming enclosures
- Foreshore access / boardwalks
- Foreshore erosion control and seawalls
- Boat ramps and public jetties
- Stormwater outlet maintenance
- Wrack removal
- Beach nourishment
- Dredging



NB. Fisheries permits still required under Infrastructure SEPP

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Recreational Fishing

- The main fishing activity in Sydney
- Main methods in intertidal zone: rock fishing, beach fishing, spearfishing, bait harvesting



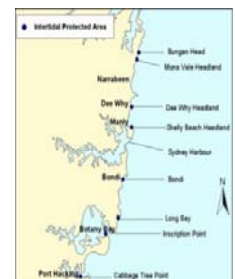
Recreational Fishing

- Managed through gear restrictions, spatial and seasonal closures, bag and size limits



Intertidal Protected Areas

- To protect selected rocky habitats and intertidal species
- From mean high water mark to 10m seaward from low water mark
- Collecting invertebrates (including bait collection) prohibited, fishing is permitted
- Compliance – outcomes



Fisheries & Compliance ROLE of a Fisheries Officer



Education

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Operational Functions

Fisheries Officers ensure compliance with State legislation concerning:

1. Recreational fisheries, Commercial fisheries, Threatened species and Habitat protection by undertaking:
 - Field Inspections – by way of vessel and vehicle patrols
 - Advisory and Educational Presentations – to school groups, fishing clinics, angling clubs & other external clients

Note:

Coastal officers undertake Commonwealth inspections on behalf of the Australian Fisheries Management Authority regarding commercial fishing activity in Commonwealth waters



District Locations NSW



Roles & Responsibilities of Council Rangers

Authorised Council Rangers have:

- Limited Powers under the FM (Gen) Regs for the purpose of Enforcement within IPA and or Aquatic Reserves.
- These Powers usually refer to the collection of shellfish and or other prohibited species.

Enforcement

- Regulatory Inspections



Summary

- Fisheries Officers have & will continue to undertake Joint Operations with Council Rangers
- Advise on rules
- Patrol IPAs & MRF activity
- Conduct educational programs
- Provide training to Rangers relating to fisheries legislation



Report compliance matters to:
Fishers Watch Phone Line 1800 043 536
or contact local fisheries office

Questions?