



SYDNEY COASTAL COUNCILS GROUP INC.
Councils caring for the coastal environment

SUBMISSION

Hawkesbury Shelf Marine Bioregion
– Marine Park Proposal

To: Marine Estate Management Authority

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Date: September 2018

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**SYDNEY COASTAL
COUNCILS GROUP**

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About the SCCG

Established in 1989, the Sydney Coastal Councils Group (SCCG) is a regional organisation of Councils comprising nine-member councils, with experience in leading sustainable coastal management.

The Sydney Coastal Councils Group Strategic Plan 2015 – 2019 sets out three guiding principles which encapsulate the core vision, mission and goals of the SCCG, namely to:

1. Restore, protect and enhance the coastal environment, its associated ecosystems, ecological and physical processes and biodiversity.
2. Facilitate the sustainable use of coastal resources, now and in the future.
3. Promote adaptive, integrated and participatory management of the coast.

SCCG is a strong advocate for working collaboratively and transparently, with all levels of government, regional bodies, industry and the community. As managers and planners of the coastal zone, our member councils share an interest in the development and implementation of a multi-use marine park that will achieve positive and sustainable outcomes for the NSW marine estate.

Our group represents the following nine Sydney Councils:

Bayside Council
Inner West Council
Northern Beaches Council

North Sydney Council
Randwick City Council
Sutherland Shire Council

Waverley Council
Willoughby City Council
Woollahra Council

Our Submission

SCCG previously provided submissions in relation to:

- Hawkesbury Shelf Marine Bioregion Options Paper in 2016
- the NSW Marine Estate Threat and Risk Assessment (TARA) Draft Report in April 2017
- the draft Marine Estate Management Strategy in December 2017.

In forming this submission, SCCG attended a stakeholder engagement workshop on 20 August 2018 and SCCG and Council staff also attended some of the community information sessions held across the bioregion. It also reviewed the *NSW Government's Discussion Paper – Enhancing conservation of marine biodiversity: Hawkesbury shelf marine bioregion* (2018) hereafter referred to as 'discussion paper'.

This submission is structured using the three categories outlined in MEMA's on-line submission portal:

1. the proposed marine park sites in the Newcastle-Sydney-Wollongong region
2. changes to management described in the Discussion Paper (Enhancing conservation of marine biodiversity - Hawkesbury Shelf marine bioregion - Part 2)
3. the benefits and costs to your activities, community or industry to inform the final marine park proposal.

It should be noted that a key aim of this submission is to provide a regional and strategic perspective of the proposal. It represents a collaborative and considered view of our:

- Full Group which comprises representative Councillors and senior staff from our nine-member Councils
- Technical Committee which consists of technical staff.

It does not necessarily represent the views of all member Councils who may wish to provide their own submission.

In the event of no fishing lockouts

On the 17 September 2018 and prior to the close of consultation period, the NSW Government announced that although a marine park was still being considered, fishing lockouts would not be part of this proposal.

If fishing lockouts are not part of the proposed marine park, SCCG believes that alternative management approaches will need to strengthen, in particular:

- greater compliance and enforcement strategies
- consideration of 'catch and release' at those proposed marine protected sites where sanctuary and conservation zones were proposed
- improvements to water quality
- greater focus on reducing user conflicts
- focus on developing a marine park management plan swiftly and collaboratively.

These alternative management approaches are further outlined in our submission below.

SCCG is also concerned that the recent government announcement may cause confusion with some community members where they may assume that fishing restrictions on existing marine protected sites have also been removed. Following 17 September's announcement, spearfishes were caught taking fish in Cabbage Tree Bay which is a no fishing site. It is strongly recommended the NSW Government undertakes a community awareness campaign to ensure that this is not repeated in existing 'no-take' sites.

Proposed marine park sites in the region

SCCG continues to strongly support a marine park for the bioregion to reduce 20 priority threats

The SCCG strongly supports the enhancement of marine biodiversity in the Hawkesbury Shelf Marine Bioregion and continues to support the establishment of a multi-use marine park to facilitate this. As identified in our submission on the project's previous discussion paper¹:

The SCCG strongly supports Management Initiative 4 [spatial management for biodiversity conservation and use sharing] and sees this initiative as one of the key strengths of the Hawkesbury Shelf Marine Bioregion Assessment as a whole, if it is sufficiently implemented.

A marine park for the bioregion is vital to address a myriad of priority threats identified through the expert led threat and risk assessment (TARA) process which is documented in the *NSW Marine Estate Threat and Risk Assessment Final Report* (MEMA, 2017). As identified in Table 2 of the discussion paper, 20 priority threats can be addressed by using spatial management (i.e. a marine park) in the bioregion. These environmental, social and economic threats include:

- recreational and commercial fishing
- boating and anchoring
- climate change
- limited or lack of access infrastructure to the marine estate
- lack of compliance with regulations or lack of compliance effort
- conflict over resource access and use.

¹ Hawkesbury Shelf Marine Bioregion Assessment – Suggested management initiative
http://www.marine.nsw.gov.au/data/assets/pdf_file/0009/595044/hawkesbury-shelf-discussion-paper.pdf

A marine park is also important to complement and support the suite of initiatives committed to in the *Marine Estate Management Strategy* (MEMA, 2018) including:

- improving water quality and reducing litter (Initiative 1)
- reducing impacts to threatened and protected species (Initiative 5)
- ensuring sustainable fishing and aquaculture (Initiative 6)

Despite further details now being provided on the spatial initiative for the bioregion, however, implementation continues to remain a key concern for our member councils particularly in the areas of compliance and enforcement, funding and monitoring, and evaluation.

These and other issues that SCCG would like to raise are identified below along with recommendations that we believe are needed to ensure that this proposal is in accordance with s.22 of the *Marine Estate Management Act 2014* (MEM Act):

- (1) *The primary purpose of a marine park is to conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate.*
- (2) *The secondary purposes of a marine park are, where consistent with the primary purpose:*
 - (a) *to provide for the management and use of resources in the marine park in a manner that is consistent with the principles of ecologically sustainable development, and*
 - (b) *to enable the marine park to be used for scientific research and education, and*
 - (c) *to provide opportunities for public appreciation and enjoyment of the marine park, and*
 - (d) *to support Aboriginal cultural uses of the marine park.*

Complexity of proposal will create significant compliance challenges

To meet the primary purpose of a marine park required by s.22(1) of the MEM Act, a strong compliance and enforcement framework is needed. This is to ensure that:

- the public is aware of the locations of marine protected sites and the management rules that govern them
- compliance officers are appropriately trained and resourced so that they can be effective and efficient regulators
- all layers of government are guided by a strategic compliance and enforcement framework so that they can be fully committed to collaborating on the management of the marine estate and can support compliance and enforcement efforts.

The SCCG believes that there will be significant compliance challenges due to the marine park proposal prescribing:

- **mostly small sites** scattered over large distances across the bioregion and challenges this brings for compliance officers to cover these distances regularly and effectively
- **complex rules prescribed** at most of these sites which would be difficult to describe in an easily interpreted sign and for the public to understand and comprehend
- **conflicting zones directly adjacent to each other** for example, sanctuary zones (which restrict fishing) being adjacent to special protection zones (which allow fishing) – e.g North Harbour Reserve and Cabbage Tree Bay. This is likely to entice illegal fishing activities in sanctuary zones particularly if compliance officers are not regularly seen.
- no changes to address the **powers of Council or National Parks & Wildlife staff** which only have jurisdiction to the mean high-water mark. This is despite one of the supporting initiatives identified in the *Marine Estate Management Strategy* (MEMA, 2018) being ‘delivering effective governance’ and the *Report of the Independent scientific Audit of Marine Parks in NSW* (2012) recommending that compliance rangers to be integrated with other ranger staff in the new marine estate authority.

- no recognition of the **difficulty of Council staff enforcing the laws** from a personal safety perspective particularly where fishing activities occur at night – these activities are usually undertaken in large groups and people are often in possession of knives.

The discussion paper recognises this. It states that the “existing levels of compliance and enforcement in the bioregion is inadequate and the complexity of management rules complicates education materials and voluntary compliance due to confusion and misunderstanding”². However, there are limited details provided on how this will be addressed by the proposal. No commitment is given to provide adequate compliance resources or address the other key issues identified above.

Recommendations

1. Investigate the impacts and benefits of enlarging certain marine protected sites in the bioregion and simplify the management rules as suggested in Appendix A
2. Investigate the outcomes and possible improvements in the existing compliance effort and developing a compliance and enforcement policy which articulates the NSW Government’s approach, principles, methods and priorities to increase compliance and to guide collaborative enforcement activities
3. Provide adequate funding to ensure there are enough compliance officers on the ground and that they are adequately supported and trained
4. Investigate capacity of Councils and NPWS staff to increase their role as authorised officers. This should include investigating their jurisdictional powers beyond the mean high-water mark so that they can enforce the proposed management rules in collaboration with NSW Fisheries officers.
5. Establish a 24-hour hotline to enable the public to report non-compliance activities
6. Establish a community education program.

Limited consideration of CAR principles despite NSW Government’s previous commitment

No mention is given in the discussion paper to the internationally recognised conservation planning principles of comprehensiveness, adequacy and representativeness (CAR principles). This is despite the project’s previous discussion paper³ released in 2016:

- recognising that the current system of aquatic reserves and the marine components of national parks in the bioregion do not meet CAR principles
- committing to considering CAR principles in spatial management design “where social, economic or environment risks are considered best managed by spatial management initiatives”.

SCCG strongly advocates for the use of CAR principles, raising this previously in 2016:

The SCCG recommends that the best available scientific information and community consultation be used to create an appropriate mix of use, reduced or partial-use, and fully protected (no-take) areas across the Hawkesbury Shelf Marine Bioregion. This should include a Comprehensive, Adequate and Representative (CAR) network of fully protected areas for adequate protection of the full suite of environmental values within the bioregion.

MEMA may argue that CAR principles have been considered for this marine park proposal due to the application of the Marxan tool. However, **no specific mention of CAR is given** in the discussion paper.

SCCG is disappointed that the NSW Government has gone back on its public commitment to consider CAR in designing the proposed marine park, despite:

² P25 of Discussion Paper. https://www.marine.nsw.gov.au/__data/assets/pdf_file/0018/821520/Hawkesbury-Shelf-Discussion-Paper-1.pdf

³ Hawkesbury Shelf Marine Bioregion Assessment – Suggested Management Initiatives (MEMA, 2016)

- **legal obligations to do so.** The goal of a CAR system of reserves for Australia was endorsed by all Australian governments as signatories to the *National Strategy for Conservation of Australia's Biological Diversity* (2010). The principle of comprehensiveness is specifically reflected in the *Marine Estate Management Act 2014* (MEM Act). CAR principals are also critical to ensure s.22(1) of the MEM Act regarding the purpose of marine parks are met.
- **approximately 2% of the bioregion is identified as a sanctuary zone.** The International Convention on Biological Diversity (CBD) has recommended 10% of each country's marine ecological regions (i.e. habitat types) be conserved in marine protected areas. Amounts recommended in the scientific literature generally fall in the range of 20% to 40% of the ocean's environment in no-take areas.
- **only 2 of the 25 proposed marine sites are close to meeting CAR principles in their design.** These are Forrester and Bronte-Coogee which protect a range of habitats out to three nautical miles. Many of the remaining sites are:
 - **inadequate in size** (identify size range)
 - do not consider **appropriate orientation** (e.g. protection from southerlies),
 - **have complex management rules and/or conflicting adjacent zones** (e.g. sanctuary zones adjacent to SPZs) which will be difficult for the public to understand and for government to enforce.

A CAR designed marine park system is vital to improve the ecological resilience of marine biodiversity. Embedding the principles of CAR can ensure marine biodiversity has a chance of being resilient to many of the key threats identified through MEMA's threat and risk assessment such as climate change, diffuse source water pollution, marine litter, recreational and commercial fishing, and anchoring.

Recommendations

7. Enlarge sanctuary zones at those marine protected areas identified in Appendix A
8. Add additional sites to the marine protected areas network identified in Appendix B to achieve greater than 2% of sanctuary zones in the bioregion. Please note that many of these were previously recommended by our member Council as part of the 2016 consultation process.

Greater protection needed for species and populations of conservation significance

The marine park proposal provides a unique opportunity to enhance the conservation of key marine species and populations in the bioregion. Although proposed marine protected sites provide some level of protection for these biota, SCCG believes that stronger protection is needed for the following.

Seagrasses

Seagrasses are a protected species in NSW and provide important habitat for a range of biota. SCCG supports their protection but believes that there is too much reliance on the boating community knowing where seagrass beds are located so that anchoring damage can be avoided.

Instead of restricting all anchoring at a proposed marine protected site, the management rules at many only restrict anchoring where seagrasses are present. This approach relies on boaters knowing the difference between seagrasses and other types of marine vegetation and relying on good visibility.

There are 10 marine protected sites where seagrasses have been mapped:

- Tuggerah Bay
- Barrenjoey
- Cabbage Tree Bay,
- North Harbour
- Chowder Bay
- Camp Cove
- Nielson Park
- Towra Point
- Ship Rock
- Cabbage Tree Creek

SCCG questions whether signage and/or maps will make it clear where anchoring is prohibited. It will also be extremely difficult to enforce unless significant investment is provided to support compliance activities. The use of seagrass friendly mooring could be considered but there is no commitment given to establishing these in all nine locations.

Recommendation

9. Revisit the adequacy of protection measures for seagrasses at the ten marine protected sites where seagrasses occur.

Little Penguins

The Little Penguins (*Eudyptula minor*) at Manly are an endangered population under the NSW *Biodiversity Conservation Act 2016* (BC Act). SCCG strongly supports enhanced protection of this population at North Harbour Reserve, particularly after 27 breeding adults were recently killed during the 2015-16 breeding season from fox attacks at North Head. Enhanced conservation measures are therefore critical to ensuring its long-term survival in the Sydney region.

SCCG recommends that additional protection measures be provided at those marine protected sites identified in Table 1.

Table 1 – Recommendations for specific marine protected sites for the Little Penguin

Marine Protected Site	Impacts on Little Penguin	Recommendation by SCCG
Cabbage Tree Bay	The recovery plan for this population ⁴ identifies that this species used to nest at this location. It also identifies disturbance from boating is a key threat. Although no recent breeding activity has been recorded at Cabbage Tree Bay, this site is still important potential habitat that should be protected and boating threats minimised for future populations.	10. Investigate the impact of restricting boating and anchoring at Cabbage Tree Bay – recommended for addressing user conflicts as well as enhancing protection for the Little Penguin population
North Harbour Reserve	<p>Division 3.2 (Little Penguin declared area) of the <i>Biodiversity Conservation Regulations 2016</i> sets additional boating and anchoring restrictions which have not been reflected in Table 30 (North Harbour) of the discussion paper. These are stronger than what is being proposed by the marine park proposal.</p> <p>The regulations for Area A (which includes Spring Cove, Store Beach and Quarantine Beach) are:</p> <ul style="list-style-type: none"> • no anchoring or mooring a vessel in such a way that it is within critical habitat Zone A (50m out from the MHW mark) during the Little Penguin breeding season (July 1 to 28 Feb.). • No watercraft access (other than a non-motorised tender) in critical habitat Area A between sunset and sunrise during the Little Penguin breeding season (July 1 to 28 Feb.) 	11. Reflect current boating and anchoring restrictions as specified in Division 3.2 (Little Penguin declared area) of the BC Regulations

⁴ Endangered Population of Little Penguins (*Eudyptula minor*) at Manly – Recovery Plan (NPWS, 2000)

Lion Island	As discussed above, boating and anchoring activities are a recognised threat to this species. Despite the key reason for proposing Lion Island as a marine protected site, the only changes proposed which would have a benefit to the species is to reduce boat speed. SCCG believes that this does not go far enough and that boating, fishing and anchoring should be restricted from this important breeding site.	12. Restrict boating, fishing and anchoring for the long-term survival of the Little Penguin colony at Lion Island
Five Islands	In the recovery plan ⁵ for this population, it is identified that fishing activities disturb nesting birds: <i>Fishermen may also have an impact by hauling nets outside burrows and obstructing penguins from returning to their nests. This impact is worse during the breeding season as the adult bird is forced to stay in the water longer and may digest a large portion of food that would have been available for the chicks. This was observed by researchers at Five Islands, where penguins were unwilling to return to their nests to feed their chicks whilst fishers were hauling nets on shore (L. Smith, pers. comm. SOSSA).</i>	13. Provide more extensive sanctuary zones at this location to minimise disturbance of nesting birds by fishing activities which is consistent with the findings of the populations Recovery Plan.

Migratory Shore Birds

A variety migratory shore-bird species that inhabit the bioregion are protected both state and federally. SCCG strongly supports the establishment of marine protected sites to conserve these species and their habitats.

Greater protection is needed for the proposed marine protected sites of Towra Point and Cabbage Tree Creek. The Shore Bird Reserve at Towra Point should be a sanctuary zone instead of a special purpose zone. At Cabbage Tree Creek, extensions are needed to include the adjacent tidal sand flats known as Deeban Spit as the Pied Oystercatcher the Eastern Curlew inhabitat this location and are protected under the EPBC Act and the BC Act.

Recommendation

14. Change the zoning of the Shore Bird Reserve at Towra Point from Special Purpose Zone to Sanctuary Zone.
15. Extend the marine protected site at Cabbage Tree Creek to include the tidal sand flats at Maianbar. Designate this area be a sanctuary zone with hand-gathering being prohibited given that nipper pumping is an identified threat to shore birds.
16. Identify the intertidal flats in Port Hacking (from Simpsons Bay to Costens Point) to the marine park network as this is an important area for migratory shore birds and seagrasses.

Grey Nurse Shark

Grey Nurse Sharks are listed as critically endangered in the *Fisheries Management Act 1994* and the east coast population is also listed as critically endangered in the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

⁵ Endangered Population of Little Penguins (*Eudyptula minor*) at Manly – Recovery Plan (NPWS, 2000).

Magic Point off Sydney is a declared critical habitat and aggregation site for the threatened Grey Nurse Shark. At this site, certain activities such as:

- no line fishing using bait although soft plastics, artificial baits and vegetable baits are permitted
- restrictions on SCUBA divers including night dives and the use of mechanical apparatus such as scooters being prohibited
- commercial fishing requiring ocean trap and line export approval notifications.

Given these restrictions, it is unclear why Magic Point would not be identified as a marine protected site and included as part of the Sydney marine park. This would ensure greater awareness of the rules operating at this site to protect this important species and inclusion of these rules in the park's Management Plan.

Recommendation:

17. Consider declaring the critical habitat for the Grey Nurse Shark at Magic Point to be part of the marine park. This aligns with the approach taken for the Little Penguin population at Manly.

Seahorses

All species of the families 'Syngnathidae', 'Solenostomidae' and 'Pegasidae' are listed as protected under the *NSW Fisheries Management Act 1994*. All Syngnathids are also protected by the EPBC Act.

SCCG believes that known sites of seahorses in the bioregion should be recognised as part of the marine park proposal and protected as sanctuary zones. Due to declining seagrass in Sydney Harbour, seahorses have been finding refuge in swimming and shark nets. They are also particularly threatened by illegal poaching and inappropriate cleaning of nets.

Recommendation

18. Add the following sites to the marine park network to increase protection of seahorses:
 - Manly Cove – although part of the proposed North Harbour Site, swimming nets at Manly Cove only identified as a special protection zone.
 - Parsley Bay – There is a growing population residing on the swimming net. Last count was over 50 individuals. It is also an important scientific reference site – University of Sydney is undertaking a research program there, as part of a broader Sydney Harbour research project which includes Manly and Chowder Bay.

Zoning is not appropriately addressing certain user conflicts and public safety issues

The objective of reducing user conflicts in the bioregion is strongly supported. User conflicts are evident across the bioregion and need to be appropriately managed to ensure human safety and to enhance recreational enjoyment. As the population of Sydney swells and tourism continues to grow, user conflicts will continue to become a greater issue unless appropriate management such as marine park zonings are applied and enforced.

SCCG is particularly concerned about certain marine protected sites which are popular for snorkelling and diving. Proposed management rules at some of these sites are allowing for and encouraging boating, anchoring and recreational fishing activities which create conflicts between these user groups and jeopardises public safety. These sites are identified in Table 2.

Table 2 – Recommendations for specific marine protected sites to address user conflicts and public safety issues

Marine Protected Site	User conflicts/public safety issues	Recommendation by SCCG
Cabbage Tree Bay	<p>Popular swimming, snorkelling and diving location. Vessel strike from boating activities at this location creates a high risk to the public. This is unlikely to have a significant impact upon the boating community due to the infrequent nature of boats in this area – mainly on weekends and in Summer.</p> <p>North Head is one of NSW most dangerous rock fishing locations in NSW. Those that fish at this location risk their lives and risk the lives of those that may need to save them. SCCG believes that by not extending the sanctuary zone to cover the whole of North Head is a greatly missed opportunity to address a significant public safety hazard. It is also not consistent with the approach taken at other marine protected sites where marine protected areas have been established or strengthened where they are adjacent to national park estate.</p>	<p>19. Investigate the impact of restricting boating and anchoring unless for emergency purposes.</p> <p>20. Investigate extending the sanctuary zone to cover the whole of North Head to reduce rock fishing deaths.</p>
Cabbage Tree Creek	<p>Boating access to the creek is already limited due to shallow water at the entrance to the creek and the presence of a low foot bridge. It is a popular site for swimming, snorkelling and kayaking and paddle boarding which can conflict with motor boats</p>	<p>21. Restrict motor boats in Cabbage Tree Creek to address user conflicts.</p>

The Marine Park needs to be supported by stronger pollution controls

SCCG supports the recently released Marine Estate Management Strategy (MEMA, 2018) which has committed to various initiatives to reduce these threats. However, SCCG strongly believes greater commitment is needed by the NSW Government to implement these initiatives, particularly those to improve water quality. Significant funding and a commitment to developing a collaborative implementation plan with Councils are critical to complement the marine park proposal and ensure its primary objective of enhancing marine biodiversity is achieved.

As identified through the State-wide TARA, water pollution is the number one threat to both environmental assets and the social, cultural and economic benefits derived from the marine estate. Litter is also a state-wide priority with the NSW Government committing to reducing the volume of litter in NSW by 40% in 2020.

The Marine Estate Management Strategy commits to delivering several actions specifically under Management Initiative 1 – improving water quality and reducing litter. SCCG supports these actions but notes that they are high level with limited detail on how they will be implemented, funded, monitored and reviewed. For example, Action 1.2 identifies building local government capacity to implement the *Risk-based framework*. Limited details are provided on how this capacity will be built within Councils and how much funding will be provided to do this.

Recommendations

22. Empower SCCG to work closely with MEMA on the development of the implementation plan for the water quality initiative including assisting in identifying the scope of work and funding requirements needed for its delivery.

Commitment needed to develop management plan collaboratively and swiftly

The MEM Act requires the development of a management plan for the marine park. SCCG strongly advocates for this plan to be developed collaboratively with Councils and that there is a commitment from the NSW Government to deliver this swiftly to prevent any further degradation of our region's marine biodiversity. SCCG also believes that it has the capacity and experience to assist MEMA to deliver this management plan.

A key risk during the transition period of getting the management plan developed, is a surge of fishing activities at proposed marine protected sites that are to become sanctuary zones. As seen in Queensland with pending native vegetation clearing laws, 'panic clearing' occurred in anticipation of a perceived blockade on landholder's rights.

Recommendations

23. Sydney Marine Park Management Plan is developed in close consultation with relevant Councils and there is a strong commitment to deliver it within 12 months of gazettal of the marine park. SCCG offers to take a lead role in coordinating this collaboration across its member Councils.

Monitoring and adaptive management are critical

As identified in the Report of the Independent Scientific Audit of Marine Parks in NSW⁶ (Beeton et al, 2012) *"more attention needs to be paid to monitoring and evaluation; if it is done rigorously, then management that is truly adaptive can be achieved"*.

Setting static zoning boundaries and management rules, like what has been currently been done in this bioregion, needs to be strongly discouraged. We need to establish a regular monitoring, evaluation and reporting framework that tests whether the marine park boundaries and management rules are meeting marine park objectives.

A commitment to adaptive management following regular monitoring and evaluation is critical⁷. This would involve the potential redesign of zoning boundaries and management rules where they are determined to be ineffective.

SCCG is encouraged that the NSW Government is committed to establishing a state-wide Marine Integrated Monitoring (MIM) Program which *"will provide data and information to inform adaptive management for this [spatial] initiative and others outlined in the Strategy"*. However, it is silent on the details of how this program will be implemented including whether baseline information will be firstly gathered so that the bioregion's current marine biodiversity can be recorded and then compared following the establishment of the marine park.

⁶ Beeton et al (2012) Report of the Independent Scientific Audit of Marine Parks in NSW.

⁷ Fairweather et al (2009) Marine Park Science in NSW: An independent review. A report prepared for the Marine Parks Advisory Council of NSW

Recommendations

24. Establish base-line information on all marine protected sites before the establishment of the marine park proposal
25. Commit to regular monitoring and reporting involving collaboration with Councils and the public through citizen science programs
26. Commit to reviewing the marine park boundaries and management rules five years after establishment to determine if they are meeting objectives.

Address challenges of recreational fishers crossing sanctuary zones

The establishment of certain proposed sanctuary zones may result in challenges for recreational fishers crossing these areas in water craft. The Department of Primary Industries'⁸ web-site states recreational fishers:

- can transit through sanctuary zones with stowed fishing gear, but fishing lines cannot be baited, and no part of the line immersed in the water
- must have the fishing gear in an unrigged state. That means no part of the fishing line is attached to any hook, artificial lure, artificial fly, swivel or other piece of fishing tackle (other than the reel the fishing line was spooled on).

Recommendation

27. Consider establishing transit zones within certain sanctuary zones to minimise impacts to recreational fishers traversing these zones to access fishing locations.

Changes to management described in the Discussion Paper

It is understood that there will be further opportunity to consult on the management rules prescribed for the marine park proposal in the MEM Act. Section 43 of the Act requires a two-month consultation period to be held (compared with the current six week period consultation period). It is therefore inferred that the management rules prescribed in the discussion paper are only suggestions at this stage and open for debate and refinement.

SCCG suggests several changes to the management rules of the proposed marine protected sites as discussed above. These recommendations have been consolidated into Appendix A. It also welcomes and encourages further discussions with our member Councils on the locations, boundaries and management rules prior to any further formal consultation period.

The benefits and costs

The discussion paper identifies the social, cultural, economic and environmental benefits the community derives from Hawkesbury Shelf marine bioregion. SCCG believes that the benefits of establishing a marine park have not been adequately articulated in the discussion paper and would like to identify the following specific benefits. These comments have been structured into the categories identified in Table 3 – note that comments have not been specifically made on the environmental benefits as these have already been discussed in the previous section.

⁸ <https://www.dpi.nsw.gov.au/fishing/marine-protected-areas/marine-parks/batemans-marine-park/recreational-fishing>

Table 3 – Recommendations for specific marine protected sites to address user conflicts and public safety issues

Social and economic benefit Category⁹	Specific benefits of establishing a marine park
Participation (safety, health and wellbeing)	Increased marine biodiversity provides greater opportunities for diving, swimming, recreational boating and fishing. Areas where boating activity is prohibited or restricted promote safe swimming, snorkelling and diving areas and indirectly enhances health and wellness. Enhances people’s connection with nature Protects cultural and spiritual connections
Participation (socialising and sense of community)	
Enjoyment – biodiversity and beauty	
Scientific reference sites	Establishment of base-line information to assist with monitoring, evaluation and adaptive management Opportunities for education and awareness raising
Education and learning	Greater opportunity for public education through the establishment of sanctuary zones increasing marine biodiversity
Enjoyment – consumptive use (catching fish)	Benefits to exploited species include: <ul style="list-style-type: none"> - abundance, size and biomass increased - reproductive potential increased - ‘spillover’ or movement into adjacent areas
Aboriginal cultural heritage and use	Supports cultural resource use in the collection of marine fish and plants as for traditional purposes, including food and medicine. Traditional use of marine resources activities may include fishing, collecting (eg shellfish), hunting, and looking after cultural and heritage sites Opportunities for Indigenous tourism, which would raise employment while preserving cultural values and traditions.
Indirect values (intrinsic and bequest)	Promotes inter-generational equity by safeguarding future opportunities for future generations to derive benefit from our marine environments
Viability of businesses (employment and value of production)	Creation of jobs and economic activity: <ul style="list-style-type: none"> - Opportunities for growth in marine tourism and eco-tourism; for example, the Jervis Bay Marine park has brought \$2.4 million in tourism to the region - The Solitary Islands Marine Park saw a 20% increase in local business turnover in the first five years - The Greater Reef Marine park generates around \$5 billion annually by attracting visitors who generate demand for accommodation, meals, souvenirs, tours, and other entertainment <p>A trade-off for creating a marine park is the possible loss of jobs and revenue for the commercial fishing industry.</p>
Direct values (individual enjoyment)	Marine parks offer a safe space for the family and community to come together to socialise and live a healthy and active lifestyle. Ability to address user conflicts and public safety issues such as boating and passive recreational users.

⁹ As identified in Table 3 of the discussion paper.

Conclusion

The SCCG congratulates the NSW Government on its bravery in proposing a marine park for the Sydney region.

It is essential that the key issues outlined in this submission be considered and resolved to ensure the benefits of establishing a marine park can be achieved and to ensure adequate protection, threat abatement, and sustainable management of the marine estate occurs into the future.

SCCG formally requests that all discussion points and recommendations presented in this submission be considered, and that a submission response report be developed and made publicly available.

SCCG is keen to assist further throughout the finalisation of marine park proposal and associated implementation plan and monitoring program. It is also keen in representation on any such coordination group(s) or committee(s), as deemed appropriate.

Appendix A – Recommendations to change management proposed at marine protected sites within LGAs of SCCG member Councils

NBC = Northern Beaches Council

Marine Protected Site	Relevant LGA	Level of Support	Recommended Changes	Key reasons
Barrenjoey	NBC	Support with amendment	Undertake close collaboration with stakeholders to implement best practice moorings to protect endangered seagrass populations at Barrenjoey Headland. The proposed special purpose zone is considered as a trial site for alternative best practice fishing methodologies.	<ul style="list-style-type: none"> • Seagrass protection • enhance marine biodiversity and ensure recreational fishing opportunities for future generations
Narrabeen Head	NBC	Support with amendment	The proposed special purpose zone is considered as a trial site for alternative best practice fishing methodologies	<ul style="list-style-type: none"> • enhance marine biodiversity and ensure recreational fishing opportunities for future generations
Long Reef	NBC	Support with amendment	The proposed special purpose zone is considered as a trial site for alternative best practice fishing methodologies	<ul style="list-style-type: none"> • enhance marine biodiversity and ensure recreational fishing opportunities for future generations
Cabbage Tree Bay	NBC	Support with amendment	Current 'no-take' restrictions placed on the existing Cabbage Tree Bay Aquatic Reserve remain in place. Entry and anchorage of boats (known under the Water Traffic Regulations as a "registrable vessel") in Cabbage Tree Bay other than in a situation of "safe haven" be prohibited	<ul style="list-style-type: none"> • Greater protection for seagrasses and Little Penguins • User conflicts and public safety in Cabbage Tree Bay – popular location for diving, swimming and snorkelling.
North Harbour	NBC	Support with amendment	Reflect current boating and anchoring restrictions specified in the critical habitat (now 'Area of Outstanding Biodiversity Value') declaration for the Little Penguin population in Manly. Increase protection of seahorses at the	<ul style="list-style-type: none"> • Greater protection for the endangered Little Penguin population • Greater protection for seahorses at Manly Cove • Enhance marine biodiversity and ensure recreational fishing opportunities for future generations

			swimming nets of Manly Cove The proposed special purpose zone is considered as a trial site for alternative best practice fishing methodologies.	
Camp Cove	Woollahra	Support		
Nielson Park	Woollahra	Support		
Towra Point	Sutherland	Support with amendment	Shore Bird Reserve made a sanctuary zone	<ul style="list-style-type: none"> • ‘The shorebird community occurring on the relict tidal delta sands at Taren Point’ is an endangered ecological community • Home to critically endangered bird species
Cabbage Tree Creek	Sutherland	Support with amendment	Extend boundary of to include the tidal sand body known as Deeban Spit Exclude powered craft south from Constables Point	<ul style="list-style-type: none"> • Greater protection for known breeding site of the Pied Oystercatcher. • Habitat for the critically endangered Eastern Curlew • Address user conflicts – low level bridge is not adequately restricting powered craft from a popular passive recreational area.

Appendix B – New marine protected sites proposed

Additional Marine Protected Site	Relevant LGA	Recommended Zoning and management rules	Key reasons
Parsley Bay	Woollahra	Sanctuary zone or conservation zone to prohibit the collection of marine biodiversity	<ul style="list-style-type: none"> • Greater protection of seahorses (national and state protected species’) which reside on the swimming nets • used as a scientific reference site by the University of Sydney for studies on seahorses
Magic Point	-	Special protection zone which reflects the current restrictions on fishing and diving activities identified in the critical habitat declaration for the Grey Nurse Shark at this site.	<ul style="list-style-type: none"> • Greater protection of the Grey Nurse Shark which is critically endangered both nationally and in NSW. • Greater awareness of the rules operating at this site and inclusion of these rules in the park’s Management Plan.
Intertidal flats, Port Hacking	Sutherland	That the intertidal area from Simpsons Bay to Costens Point be a marine protected area which excludes powered craft and all fishing and hand gathering.	<ul style="list-style-type: none"> • Greater protection of migratory shore birds and seagrasses • address user conflicts