

**C/O Cooks River Alliance**  
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27 January 2022

Draft Marine Parks Network Management Plan  
NSW Marine Estate Management Authority  
Locked Bag 1 Nelson Bay NSW 2315

**Re: Draft Management Plan for the NSW Mainland Marine Park Network 2021-2031**

To whom it concerns.

Congratulations on the release of the Draft Management Plan for the NSW Mainland Marine Park Network 2021-2031. Each of our four organisations represent the majority of Councils in the Sydney metropolitan region and provide a regional and collaborative approach to the protection of our coastal and estuarine environments. Although there are no marine parks areas in the Sydney region, in time, we hope that the NSW Government will establish one to strengthen our existing aquatic reserves and reduce key threats to marine values which are best managed through spatial planning.

We also believe that strengthening marine park management will help to strengthen how we manage our environmental assets across NSW. Given that roughly 80% of marine based pollution originates on land<sup>1</sup>, we wish to highlight the importance of taking a catchment management approach in managing current and future marine parks, particularly given the impact that urban stormwater discharge has on public and ecosystem health.

In this spirit of collaboration, we have identified the following issues and opportunities to improve your plan for your consideration.

**Greater emphasis on the importance of linkages with other complementary programs.**

Given that marine environments are highly susceptible to coastal and land-based activities, we feel the Marine Estate Management Authority (MEMA) should have far greater involvement and influence over the roll-out of complementary programs such as the NSW Government's Coastal Management Programs (CMPs). CMPs can effectively reduce priority threats at a catchment scale which is critical for effectively managing marine pollution. Accordingly, we suggest that linkages with CMPs be given greater emphasis earlier in the drafting of management plans and greatly collaboration occurs with local Councils.

We also suggest that creating such linkages be made a specific mainland marine park network management objective. Specifically, this could be added to Threat Theme "Ecosystems, habitats and species" (Table 3 of the draft management plan), by expanding the corresponding network management objective as follows:

"To protect and enhance species, habitats and ecosystems within marine parks, including

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<sup>1</sup> UNEP 2022. Addressing Land-Based Pollution: <https://www.unep.org/explore-topics/oceans-seas/what-we-do/addressing-land-based-pollution>

forming linkages with other coastal and terrestrial programs that will benefit them”.

### **Poor land management and terrestrial activities needs to be given greater emphasis.**

Given the proximity of NSW’s marine parks to the mainland, it is critical that development on adjacent land is closely managed to ensure indirect impacts such as run-off does not degrade the value of the marine parks. Accordingly, greater emphasis needs to be given to the threat from poor land management and terrestrial activities. This includes acknowledging shortcomings in the current NSW environment and planning policy framework, including:

- The highly fragmented responsibilities and accountabilities for the protection of waterway health, particularly in developed catchments
- The highly fragmented and often weakly worded state environmental and planning instruments that directly and indirectly impact on the health and protection of our waterways and, ipso-facto, marine environments.

### **Emphasise the importance of working with and supporting agencies, organisations and entities that are working to improve coastal and catchment management policy and practice.**

Working with and advocating on behalf of these groups will provide marine park authorities with greater influence over the threat presented by poor land management and land-based activities. We recommend that the need for such advocacy and support be given greater emphasis in the early stages of the draft management plan. We also suggest it be given specific mention in Table 3, Table 4 and most (if not all) of the tables in Part A – *Objectives, actions and programs of the draft management plan*.

**Remove the statement “However best practice is not dependent on regulation”** (page 8 of the draft management plan, last paragraph).

While such a statement may have merit in the commercial domain where market forces and competition can be relied upon to drive best practice, this is not so when managing ‘the commons’. Accordingly, regulation must be part of the best practice tool kit when managing natural areas, including marine parks. Further, this statement contradicts statements about the need for compliance and effective policy throughout the remainder of the draft management plan. Hence, for pragmatic reasons and for consistency in the draft management plan, we recommend removing this statement.

### **Adoption of CAR principles critical for building resilience to climate change**

It is disappointing that the discussion paper provides limited consideration of CAR principles in the design and management of marine parks. It states that the principles of comprehensiveness, adequacy and representativeness will be considered in design options, but does not specify how this will be achieved. This is despite:

- 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.

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 the State-wide Threat and Risk Assessment such as climate change, diffuse source water pollution, marine litter, recreational and commercial fishing, and anchoring. This is underpinned by the establishment of sanctuary zones where fishing and other extractive activities are prohibited. Without extensive sanctuary zones, the benefits of the CAR system cannot be achieved including conservation of species and ecosystem integrity, scientific reference sites and bequest values.

### **Managing inherent weaknesses in the Marine Estate Management Act 2014**

Finally, we also note our concerns about the reliance of the draft management plan on the NSW *Marine Estate Management Act 2014*. Due to the use of the phrase “consideration” (and variants thereof) throughout the Act, the Act’s strength is much reduced. The use of such phrases implies that threats to the long-term health of marine environments need only be considered, but not necessarily addressed or managed. Pertinent examples include Section 4(2), 11(3), 18(7), 55, and 56.

This inherent weakness in the Act represents a potentially serious threat to our marine parks. Consequently, this threat needs to be given specific mention and definition within the plan, and mitigating measures identified accordingly.

Yours sincerely,



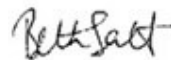
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