

# Amendments to the Marine Estate Management (Management Rules) Regulation 1999 to allow recreational line fishing from certain ocean beaches and headlands in marine parks

Consultation paper



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**More information**

[www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

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**Acknowledgments**

Cover Image: Mullimburra Beach, Batemans Marine Park, NSW DPI, Justin Gilligan.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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## Making a submission

You are invited to comment on the [draft management rules](#) for marine parks which are proposed to be included in the Marine Estate Management (Management Rules) Regulation 1999 and described in this document.

You can lodge your submission by post or e-mail and it should be marked 'Ocean Beaches and Headlands – Draft Regulations'. You can also complete a survey on the website if you wish:

**Web** [Ocean Beaches and Headlands – Draft Regulations](#)

**E-mail** [contact.us@marine.nsw.gov.au](mailto:contact.us@marine.nsw.gov.au)

**Post:**

Ocean Beaches and Headlands – Draft Regulations  
NSW Department of Primary Industries  
Locked Bag 1  
Nelson Bay NSW 2315

**Submissions close on Friday 13 November 2015.**

### **Important note: public release of submissions**

Submissions may be made publicly available on the NSW Government's marine estate website [www.marine.nsw.gov.au](http://www.marine.nsw.gov.au). If you do not want your personal details or any part of your submission published, please indicate this clearly in your submission together with your reasons. Even if you state that you do not wish certain information to be published, there may be circumstances in which the NSW Government is required by law to release that information, for example to meet obligations under the *NSW Government Information (Public Access) Act 2009*.

All answers and information provided by you are bound by the *NSW Privacy and Personal Information Protection Act 1998*. By making a submission, you indicate your acceptance of the terms of this Privacy Statement.

## 1. Introduction

This consultation paper outlines proposed amendments to the management rules for Cape Byron, Solitary Islands, Port Stephens–Great Lakes and Batemans marine parks.

### 1.1 NSW marine parks

NSW marine parks aim to conserve marine biodiversity, maintain ecosystem integrity and function, and provide for sustainable uses of the marine environment.

The six marine parks in NSW cover 345,000 hectares, or around 34 per cent of NSW coastal waters in three of the five marine bioregions. They are managed by the Department of Primary Industries under the provisions of the *Marine Estate Management Act 2014*.

The management rules of each park arrange them into zones. It also sets out the range of activities that can be undertaken in each of these zones. The four types of zones are sanctuary, habitat protection, general use, and special purpose.

### 1.2 Amnesty on recreational line fishing from beaches and headlands

In 2011, the NSW Government commissioned an Independent Scientific Audit of Marine Parks to provide advice on future management directions for marine parks and the broader NSW marine environment. The Audit concluded that information was lacking for some sanctuary zones, specifically in relation to ocean beaches.

In March 2013, the NSW Government announced an amnesty from prosecution for shore-based recreational line fishing from ocean beaches and headlands at 30 sites in the sanctuary zones of the five mainland marine parks. The NSW Government made this decision following consideration of the Audit findings and public submissions received both during and after the Audit. The amnesty was implemented while the impacts of the activity were assessed by the independent Marine Estate Expert Knowledge Panel (Knowledge Panel).

### 1.3 Ocean beaches and headlands assessment

The Knowledge Panel used a threat and risk based approach to assess a range of economic, social and environmental factors relating to the impact recreational line fishing has from beaches and headlands in NSW.

Local information was gathered through interviews with more than 40 coastal users (including surfers, recreational and commercial fishers, divers, snorkelers, kayakers and coastal community groups), and two online surveys of over 6,600 people from across the state.

The Knowledge Panel's assessment plus the advice of the Marine Estate Management Authority (the Authority) were key inputs to the NSW Government's decision on the amnesty. On 19 December 2014 the relevant Ministers announced that the amnesty was immediately removed from 20 sites deemed to be at moderate or high risk, and that the government proposed to rezone the remaining 10 sites to allow the continuation of shore-based recreational line fishing.

### 1.4 Proposed rezoning

Rezoning the 10 sites in question requires an amendment to the management rules for Cape Byron, Solitary Islands, Port Stephens–Great Lakes and Batemans marine parks. These rules are set out in the [Marine Estate Management \(Management Rules\) Regulation 1999](#).

Before these rules can be amended, the relevant Ministers must give public notice and invite submissions. The submission period must be at least two months and the relevant Ministers must consider any submissions received before finalising any changes.

[Draft management rules](#) have now been prepared and the NSW Government is currently inviting submissions on the draft rules until **13 November 2015**.

The amnesty will continue at the 10 sites proposed for rezoning until amendments to management rules have been finalised and come into effect.

The proposed amendments only allow for shore-based recreational line fishing in these areas. Vessel-based fishing and spearfishing will continue to be prohibited and any other pre-existing restrictions including bag and size limits will also continue to apply.

## 2. Proposed amendments

The NSW Government is proposing to rezone 10 sites in four marine parks from sanctuary zone to habitat protection zone so that shore-based recreational line fishing is allowed. The rezoning will extend from the shoreline to 100 m offshore.

The proposed amendments are set out in the [draft management rules](#). These proposed changes to fishing rules are summarised in maps below.

### 2.1 Cape Byron Marine Park

Two sites are proposed to be rezoned from sanctuary zone to habitat protection zone:

- Tyagarah Beach
- East Cape Byron

The proposed changes are shown in Figure 1.

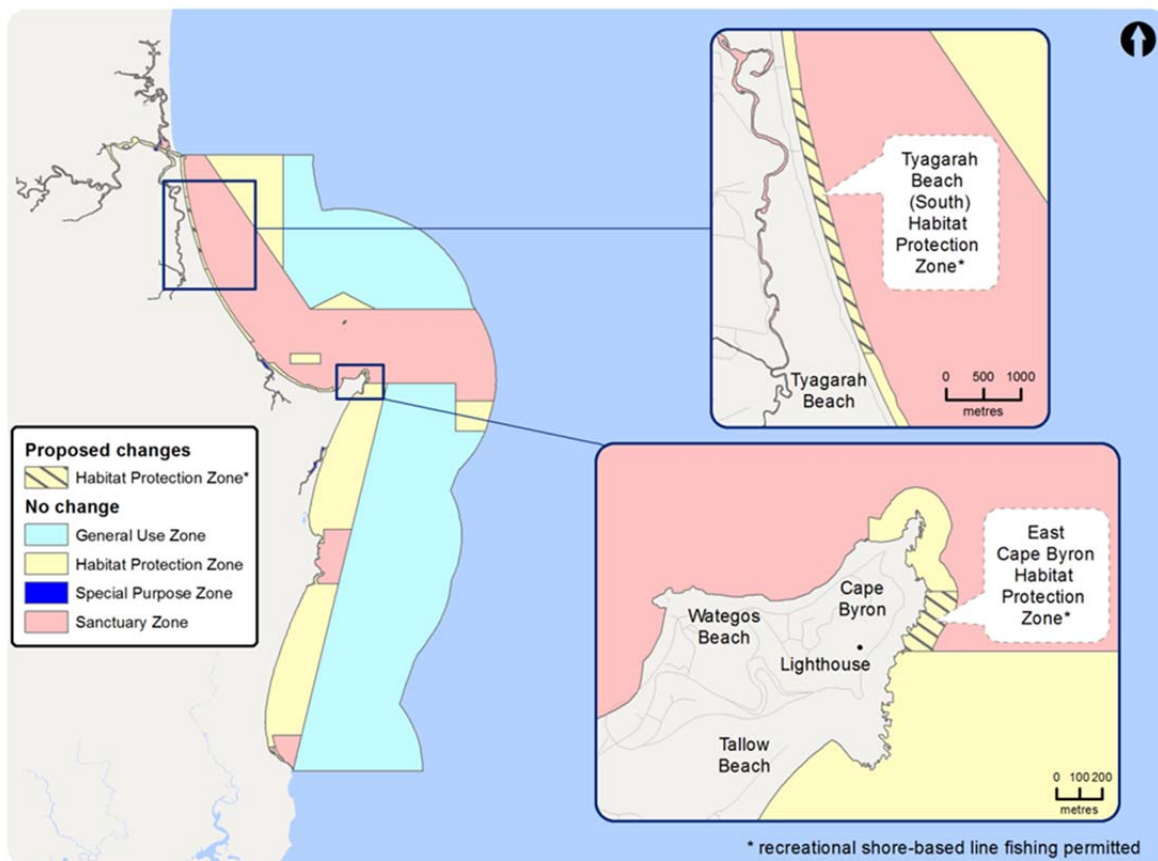


Figure 1: Map of Tyagarah Beach and East Cape Byron showing the proposed changes to zoning at Cape Byron Marine Park to allow shore-based recreational line fishing.

## 2.2 Solitary Islands Marine Park

Two sites are proposed to be rezoned from sanctuary zone to habitat protection zone:

- Minnie Water Back Beach
- Bare Bluff to Diggers Point and Moonee Beach.

The proposed changes are shown in Figure 2.

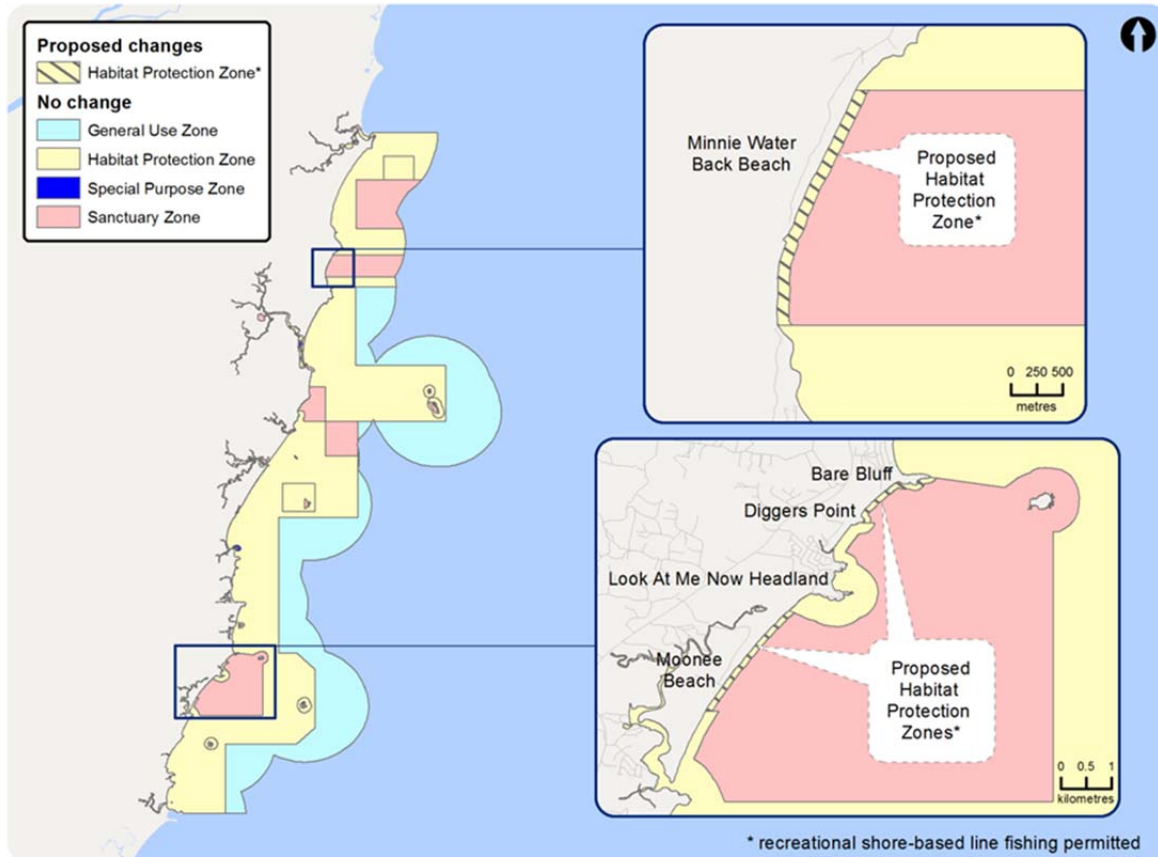


Figure 2: Map of Minnie Water Back Beach and Bare Bluff to Diggers Point showing the proposed changes to zoning at Solitary Islands Marine Park to allow shore-based recreational line fishing.



### 2.3 Port Stephens–Great Lakes Marine Park

Two sites are proposed to be rezoned from sanctuary zone to habitat protection zone:

- Cellito South
- Fiona Beach.

The proposed changes are shown in Figure 3.

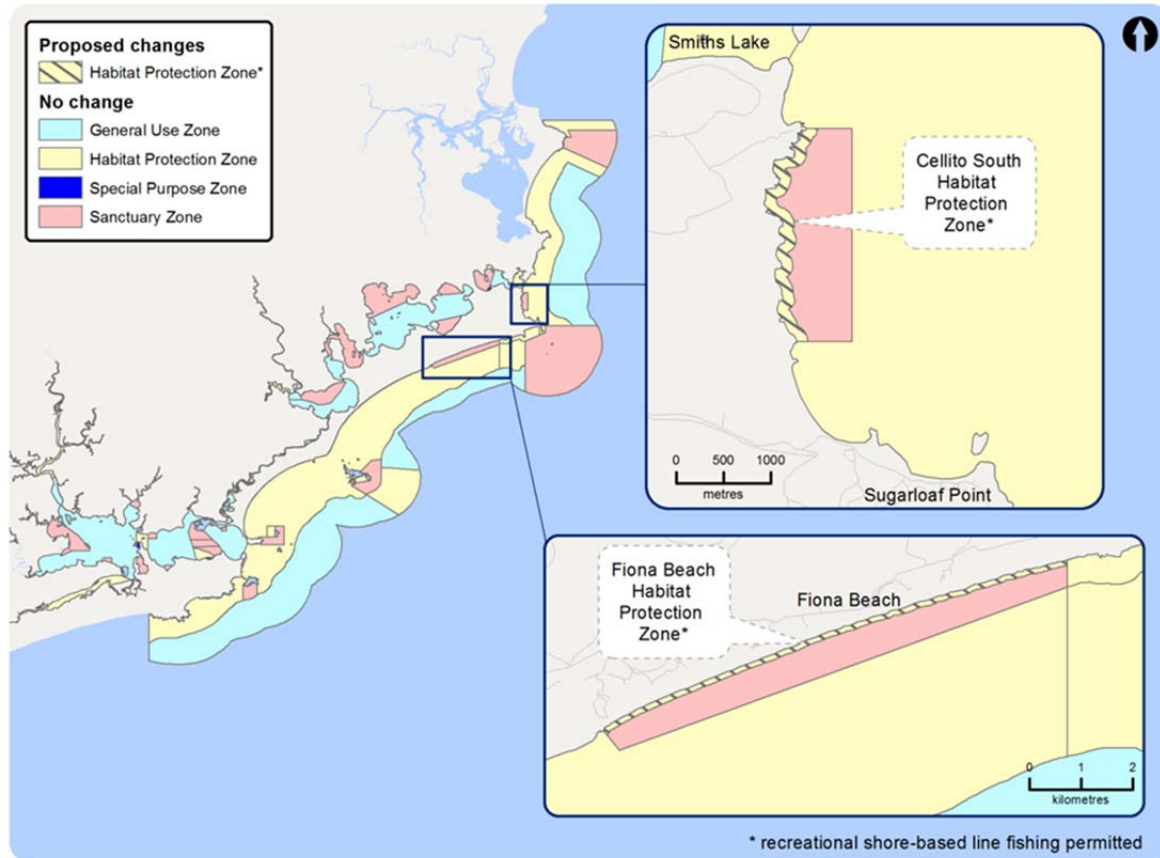


Figure 3: Map of Cellito South and Fiona Beach showing the proposed changes to zoning at Port Stephens–Great Lakes Marine Park to allow shore-based recreational line fishing.



## 2.4 Batemans Marine Park

Four sites are proposed to be rezoned from sanctuary zone to habitat protection zone:

- North Head
- Congo Point South Beach and Mullimburra Point to Bingie Beach
- Brou Beach
- Bullengella Beach and Bogola Head Beach to Loader Beach.

The proposed changes are shown in Figure 4.

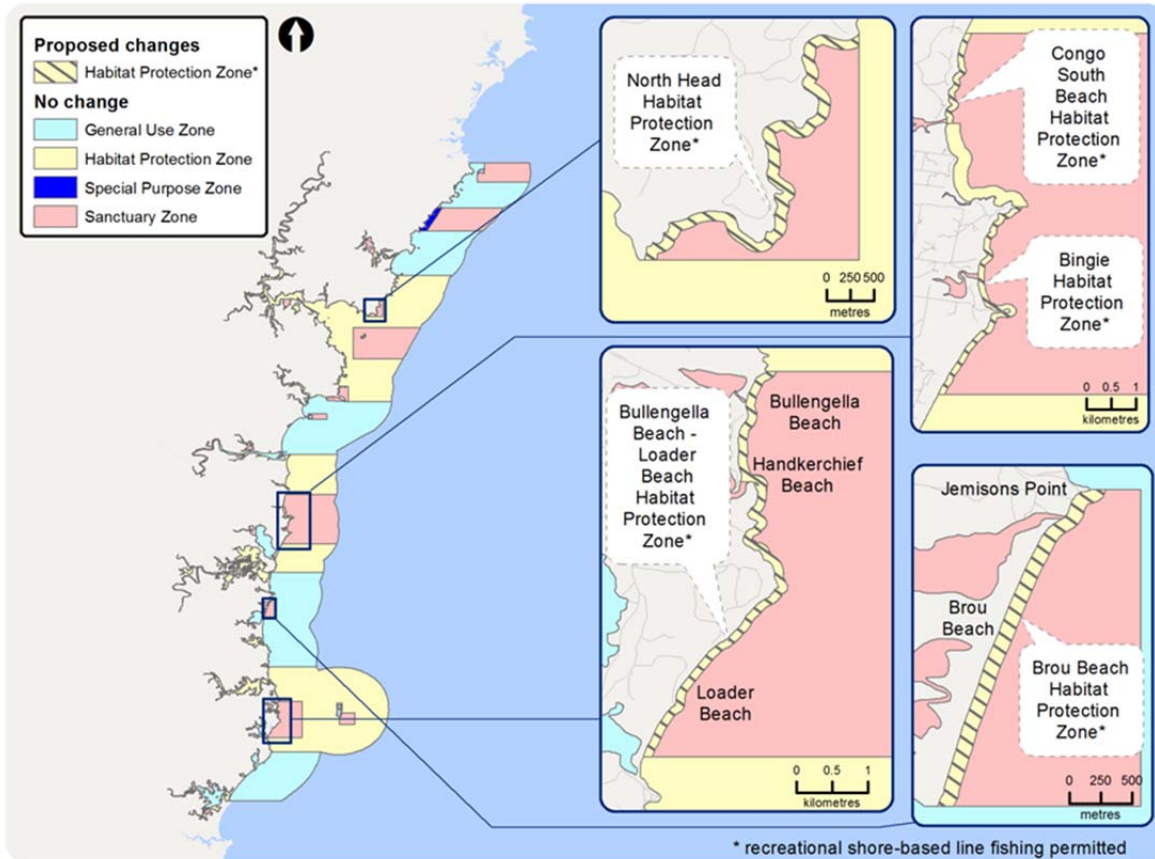


Figure 4: Map of four sites showing proposed changes to zoning at Batemans Marine Park to allow shore-based recreational line fishing.

### 3. Miscellaneous amendments

There was need to update the maps for the parks to reflect the changes proposed above. There was an opportunity to update the maps for the other parks and to make a small number of minor amendments that correct existing inconsistencies in the Regulation, for example incorrect descriptions of areas or the incorrect spelling of site names.

### 4. Further information

The [NSW marine estate website \(www.marine.nsw.gov.au\)](http://www.marine.nsw.gov.au) includes links to key documents prepared during the ocean beaches and headlands assessment. These include:

- Assessment report (Marine Estate Expert Knowledge Panel)
- Summary report (Marine Estate Expert Knowledge Panel)
- Letter of transmission from the Marine Estate Expert Knowledge Panel to the Marine Estate Management Authority
- Letter of advice from the Marine Estate Management Authority to the Minister for Primary Industries and the Minister for the Environment
- Maps of sites proposed to be rezoned to allow recreational shore-based line fishing, and sites where amnesty has ceased and enforcement of sanctuary zone rules has recommenced.

### 5. Marine estate reforms

The outcomes of the beaches and headlands assessment are part of the NSW Government's broader [marine estate reforms](#). The NSW marine estate is there for everyone to use and enjoy. The reforms are intended to support a healthy coast and sea including marine parks and aquatic reserves, and manage them for the greatest community well-being now and into the future.

A range of marine park management reforms will be progressively implemented including:

- developing a better approach for reviewing management of marine parks (including multiple use zoning)
- conducting targeted research on the ecological, economic and social aspects of marine protected areas to address key knowledge gaps and applying the information in planning and management
- incorporating threat and risk assessments into marine park planning and management
- developing ways of incorporating local Aboriginal knowledge and expertise of land and sea management into the management of marine parks
- improving local consultation and engagement processes
- developing a performance assessment system for marine parks
- reviewing and updating marine parks legislation.

Management rules for all marine parks will be progressively reviewed over the years to come as part of these reforms. Future proposals may modify in part or whole the proposals in this paper. Further consultation will be undertaken on any future proposals to ensure the community continues to have a say on the marine estate reforms and changes to marine park management.