



Marine Estate  
Management Authority

# Annual Report 2015

MARINE ESTATE MANAGEMENT AUTHORITY



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*Annual Report 2015 – Marine Estate Management Authority*

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**More information**

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

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# CHAIR'S MESSAGE



Strong results have been delivered in 2015 across key reforms under the marine estate Schedule of Works.

The Authority's vision for the NSW marine estate is a **healthy coast and sea, managed for the greatest well-being of the community**. To achieve this, the Authority has been working with key stakeholders and the broader community to implement the new approach to marine estate management, which is outlined in the Authority's Principles Paper, *Managing the Marine Estate: Purpose, Underpinning Principles and Priority Setting* (2013).

The Authority has an ambitious reform agenda and has achieved a number of significant milestones during 2015, including delivering on key projects and complex assessments which are now well underway. I am pleased to highlight these in further detail in this annual report.

Most recently, the Authority has applied the new evidence-based approach to:

- assess options to enhance marine biodiversity conservation in the Hawkesbury Shelf Marine Bioregion while maximising community benefits
- undertake the first ever statewide assessment of threats and risks to the marine estate.

Early community engagement is the first step in the new approach and I am proud to say that this has been adopted for all projects undertaken by the Authority to date.

There will continue to be a range of opportunities for members of the NSW community to have their say on the Authority's priority projects, including face-to-face meetings, workshops, via email, written submissions or on our website at [www.marine.nsw.gov.au](http://www.marine.nsw.gov.au).

The Marine Estate Expert Knowledge Panel has provided sound counsel along with technical and scientific advice to the Authority. While the Knowledge Panel have found the concurrent timelines of various projects challenging, their contribution has been substantial and invaluable.

The achievements outlined in this report would not be possible without the good will and cooperation of the people who participate in our activities. Ministers, Authority members, agency staff, the Marine Estate Expert Knowledge Panel and those in the community who in one way or another have contributed have enabled us to move to a point where we are starting to develop recommendations for the future management of the NSW marine estate that will make a real difference. I am grateful to them and look forward to continuing to work with them on delivering the reform program in 2016.

A handwritten signature in blue ink, appearing to read 'Wendy Craik'.

**Dr Wendy Craik, AM**

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## ABOUT US

The Marine Estate Management Authority (Authority) advises the NSW Government on the management of the marine estate consistent with the objects of the *Marine Estate Management Act 2014*. Key functions include undertaking threat and risk assessments, development of management strategies, promoting collaboration and co-ordination between public authorities in their exercise of functions, and fostering consultation with the community in relation to the management of the marine estate.

The Marine Estate Expert Knowledge Panel (Knowledge Panel) provides independent expert advice to the Authority on matters referred to it by the Authority including environmental, social and economic considerations.

### OUR VISION

- ➔ A healthy coast and sea, managed for the greatest well-being of the community, now and into the future.

### OUR ROLE

- ➔ Ensure that policies and programs address priority issues, are well-coordinated, efficient, evidence based and result in positive outcomes.

### OUR PRINCIPLES<sup>1</sup>

1. Effective community engagement to identify and prioritise benefits and threats
2. Identification of priority actions will be based on threat and risk assessment
3. Values will be assigned to enable trade-off decision between alternative uses of the marine estate
4. Best available information will be used in trade-off decisions, but judgment will still be required
5. The well-being of future generations will be considered
6. Existing access arrangements will be respected
7. The precautionary principle will be applied
8. Efficient and cost-effective management to achieve community outcomes
9. Management decisions will be transparent and adjust in response to new information
10. Management performance will be measure, monitored and reported and information pursued to fill critical knowledge gaps.

## SCHEDULE OF WORKS

The marine estate [Schedule of Works](#) identifies priority areas of work for the Authority and the Knowledge Panel (Appendix 1). The schedule is updated periodically as the marine estate reform program progresses and is publicly available on the marine estate website at [www.marine.nsw.gov.au](http://www.marine.nsw.gov.au).

<sup>1</sup> Source: *Managing the Marine Estate: Purpose, Underpinning Principles and Priority Setting* (2013)

## HIGHLIGHTS FOR 2015

✓	Published marine estate <a href="#">Threat and Risk Assessment Framework</a>
✓	Community engagement completed regarding proposed amendments to the Marine Estate Management (Management Rules) Regulation 1999 to rezone <a href="#">ocean beaches and headlands</a>
✓	Commenced <a href="#">Hawkesbury Shelf marine bioregion</a> assessment and community engagement
✓	Developed seven technical background reports as part of the <a href="#">Hawkesbury Shelf marine bioregion assessment</a>
✓	Assisted with appointing <a href="#">marine park advisory committee members</a>

## OUR ACHIEVEMENTS

### ENGAGEMENT

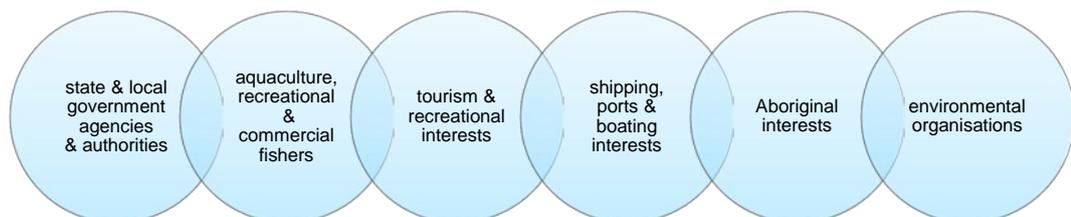
Community and stakeholder engagement continues to be a priority for Authority and the Knowledge Panel.

Being open and transparent is important to the Authority and the Knowledge Panel. All key marine estate documents and information are available on the marine estate website at [www.marine.nsw.gov.au](http://www.marine.nsw.gov.au).

The *Marine Estate Community and Stakeholder Engagement Strategy* details the rationale and approach the Authority and the Knowledge Panel take towards stakeholder engagement, community participation and communication activities. The engagement strategy outlines seven over-arching principles for engagement and recognises that consultation, as a process, comprises a number of steps with a range of different engagement techniques. Various communication tools that can be used, along with key interest groups, are listed in the engagement strategy.

Engagement with a wide variety of marine estate stakeholders was undertaken during 2015 (Figure 1, Appendix 2).

Figure 1 Key groups the Authority has engaged with during 2015



## PROJECTS

Following is a summary of progress on various marine estate reform projects over the course of 2015.

### OCEAN BEACHES AND HEADLANDS ASSESSMENT

In December 2014 Ministers announced an interim decision on the future of recreational line fishing from [ocean beaches and headlands](#) at 30 marine park sanctuary sites in NSW and an associated amnesty which was in place since March 2013.

Based on the Authority's advice and the Knowledge Panel's independent scientific assessment, which took into account environmental, social and economic considerations, the NSW Government:

- lifted the amnesty at 20 sites, which means sanctuary zone rules are again being enforced
- proposed to rezone the remaining 10 sites from sanctuary zones to habitat protection zones to allow for the continuation of shore-based recreational line fishing.

Rezoning the 10 sites requires an amendment to the Marine Estate Management (Management Rules) Regulation 1999. The Government invited submissions on the draft management rules from 1 September to 13 November 2015. Over 6,500 submissions were received and analysed. The NSW Government is currently considering the submissions and is expected to publicly announce the final decision about the zoning of these 10 sites during 2016.

### THREAT AND RISK ASSESSMENT FRAMEWORK

In April 2015 the Authority published a [Threat and Risk Assessment Framework](#). This framework provides guidance on how threats and associated risks to the marine estate are assessed.

The NSW Government's vision of maximising community wellbeing through the effective management of the marine estate depends on maintaining and increasing where possible the environmental, social and economic benefits to the community derived from the marine estate. A central challenge is to ensure that threats to community benefits are efficiently and effectively managed by targeting management effort towards the most significant threats.

The Knowledge Panel, in collaboration with Authority member agency staff, invested significant effort into the development of this framework. The framework can be used to assess threats and risks at different scales (statewide, regional or local), take into account cumulative impacts and consider how threats are likely to operate in the future.

### HAWKESBURY SHELF MARINE BIOREGION ASSESSMENT

During 2015 the Authority commenced a comprehensive and evidence-based assessment of the entire Hawkesbury Shelf marine bioregion, from Newcastle to Shellharbour south of Wollongong including Sydney Harbour.

For the first time, threats to the environmental assets and social and economic benefits of the bioregion have been identified and prioritised through community engagement, expert input and an evidence-based threat and risk assessment.

The results of the threat and risk assessment, together with a Discussion Paper outlining suggested management initiatives, is being developed and due for release early in 2016.

Further analysis and consideration of the feedback from the community in 2016 will inform the Authority's final advice to government.

Seven technical background reports were prepared for the Authority during 2015 as part of the assessment of the Hawkesbury Shelf marine bioregion:

1. [Summary of Hawkesbury Shelf community and stakeholder engagement](#)
2. [Hawkesbury Shelf environmental background report](#)

3. [Review of 15 pre-identified sites](#)
4. [Hawkesbury Shelf Marine Bioregion Threat and Risk Assessment \(TARA\) Report](#)
5. [Social and economic background information report on the NSW marine estate](#)
6. [Sea countries of New South Wales: a benefits and threats analysis of Aboriginal people's connections with the marine estate](#)
7. [Peer review of 'Sea countries of New South Wales: a benefits and threats analysis of Aboriginal people's connections with the marine estate'](#)

## STATEWIDE THREAT AND RISK ASSESSMENT

Development of the draft statewide threat and risk assessment of the marine estate is well underway. This is being undertaken consistent with the threat and risk assessment framework finalised earlier this year.

The purpose of the statewide threat and risk assessment, as set out in the *Marine Estate Management Act 2014* (Act) is to:

- identify threats to the environmental, economic and social values (benefits) of the marine estate
- assess the risks associated with those identified threats
- inform marine estate management decisions by prioritising threats and risks according to the level of impact on the values derived from the marine estate.

The NSW marine estate has multiple uses and associated benefits that contribute to community wellbeing including swimming, fishing, shipping, whale-watching and living on the coast. The statewide threat and risk assessment considers social, economic and ecological needs as part of the aim to maintain a clean, ecologically healthy biodiverse marine estate. The assessment will identify the priority threats to the multiple uses and benefits of the marine estate and their associated risk level, using a consequence and likelihood approach.

The draft threat and risk assessment report incorporating workshop dialogue on findings, expert peer review and Knowledge Panel and Authority member agency input, will be released for community engagement in 2016.

## MARINE ESTATE MANAGEMENT STRATEGY

In 2015 the Authority and Knowledge Panel continued preliminary work on developing a 10-year Marine Estate Management Strategy. The Strategy will respond to the outcomes and findings of the statewide threat and risk assessment.

The NSW Government aims to balance economic growth, use, enjoyment and conservation of the marine estate by setting policy directions, and identifying management priorities and opportunities in the Strategy. The purpose of the Marine Estate Management Strategy as detailed in the Act is to set the over-arching strategy for the NSW Government to coordinate the management of the marine estate, with a focus on ecologically sustainable management that promotes a biologically diverse, healthy and productive marine estate.

The Knowledge Panel has assisted in reviewing the project and engagement plans and the proposed Strategy outline. The Panel has identified the required inputs including:

- the results of the marine estate community survey and outcomes of engagement with local councils along the NSW coast
- Aboriginal engagement
- outcomes of the statewide threat and risk assessment
- the assessment of management responses to the priority threats and opportunities identified
- stakeholder and community engagement on the draft threat and risk assessment and Strategy documents.

## MARINE ESTATE REGULATION REVIEW

The Authority has commenced preliminary work for the review of the Marine Estate Management Regulation 2009 (Principal Regulation) and Marine Estate Management (Management Rules) Regulation 1999 (Management Rules Regulation). Further work and stakeholder engagement is expected to occur in 2016.

Coastal communities will also be interested to know that once regulations to support the new *Marine Estate Management Act 2014* have been reviewed, the new approach to marine park management and zoning will be piloted at Batemans and Solitary Islands marine parks.

## MARINE PARK ADVISORY COMMITTEES

Marine Park Advisory Committees are established to provide a voice for local communities contributing to the management of marine parks.

The NSW Government committed to revitalising these committees to give local communities a better say in decision making as part of the new approach to the management of the marine estate.

During 2015 all vacancies on the six marine park advisory committees were reappointed and committees are now fully operational.

# GOVERNANCE

## NSW MARINE ESTATE

The NSW marine estate covers the coastline, estuaries and marine waters in NSW out to three nautical miles off the coast (map 1). It stretches approximately 1,250 kilometres along the eastern coast of Australia. It includes coastal lakes, lagoons and over 750 beaches. The NSW marine estate is home to an extensive variety of marine life, ecosystems and natural resources. It is a valuable asset that supports the social, economic and environmental well-being of NSW (Figure 2).

Map 1 NSW marine estate



Figure 2 NSW marine estate fast facts



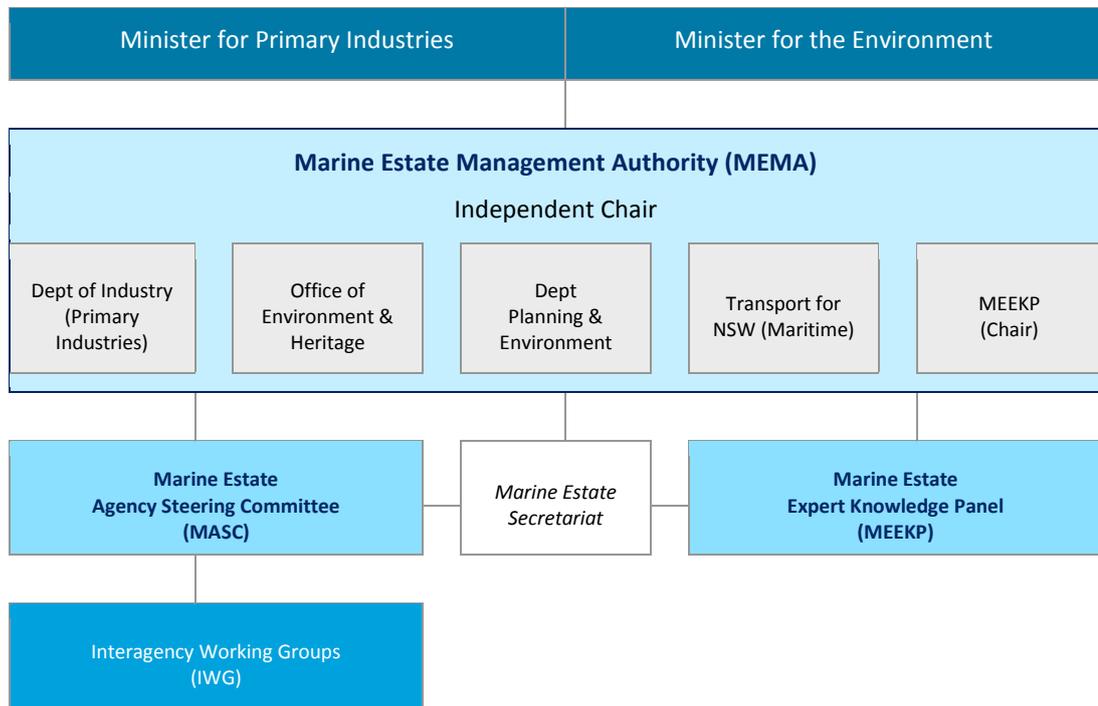
## ORGANISATIONAL STRUCTURE

The Authority provides advice to the Minister for Primary Industries and the Minister for the Environment. The Authority brings together the heads of the four government agencies with key marine responsibilities to provide advice to the NSW Government on strategic, evidence-based management of the marine estate.

The Authority is supported by the independent Knowledge Panel which provides independent expert advice spanning ecological, economic and social sciences and an Agency Steering Committee of senior executives, who in turn receive technical support from project specific interagency working groups.

The marine estate governance structure (Figure 3) fosters interagency collaboration. Improved linkages between NSW Government agencies is intended to lead to better outcomes for the community, industry and the environment by ensuring integrated management that focuses on addressing priority threats and opportunities to achieve the vision for the marine estate.

Figure 3 Marine estate organisational structure



## MARINE ESTATE MANAGEMENT AUTHORITY

### ESTABLISHMENT

The Authority is established under section 7 of the *Marine Estate Management Act 2014* (Act), which commenced on 19 December 2014.

### MEMBERSHIP

The Authority comprises the following members:

- Dr Wendy Craik AM, independent Chair
- Secretary, NSW Department of Industry (delegated to Director General, Department of Primary Industries)
- Chief Executive, Office of Environment and Heritage
- Secretary, Department of Planning and Environment
- Secretary, Transport for NSW
- Professor Quentin Grafton, independent Chair, Marine Estate Expert Knowledge Panel

### FUNCTIONS

Statutory functions of the Authority under the Act are to:

- advise the Minister for Primary Industries and the Minister for the Environment (Ministers) on management of the marine estate in line with the principles of ecologically sustainable management
- undertake assessments of threats and risks to the marine estate
- prepare a draft Marine Estate Management Strategy for submission to Ministers and advise Ministers of its implementation by public authorities

- promote collaboration and co-ordination between public authorities in the management of the marine estate
- foster consultation with the community in management of the marine estate.

The Authority and Knowledge Panel do not have any statutory decision-making powers or direct regulatory functions.

Schedule 1 of the Act sets out the constitution and procedures of the Authority.

During 2015 the Authority and Knowledge Panel operated in accordance with schedule 1 of the Act, Department Premier and Cabinet's [Guidelines for NSW Boards and Committees](#) and a [Protocol Manual](#).

## ATTENDANCE

Six Authority meetings were held during 2015, with a quorum achieved at all meetings. Meeting summaries are available on the [marine estate's website](#).

Table 1 MEMA meeting attendance 2015

Member	Number of meetings attended/held
Dr Wendy Craik AM (MEMA Chair)	6/6
Department of Primary Industries*	6/6
Office of Environment & Heritage	6/6
Department of Planning & Environment	6/6
Transport for NSW	6/6
Quentin Grafton (MEEKP Chair)	6/6

\* Delegate of Secretary NSW Department of Industry.

## FUNDING

The Authority has no annual budget allocation. All costs associated with the establishment and ongoing operations of the Authority and the Knowledge Panel are funded by the Department of Primary Industries within the NSW Department of Industry cluster and other agencies by agreement.

## STAFFING

The Authority does not employ staff, but drives reforms by drawing on existing resources of agencies. The Department of Primary Industries, under the NSW Department of Industry cluster, provides assistance to the Authority and the Knowledge Panel through the marine estate secretariat, including administrative support.

## MARINE ESTATE EXPERT KNOWLEDGE PANEL

### ESTABLISHMENT

The Knowledge Panel is established under section 9 of the MEM Act.

The Knowledge Panel is tasked by and reports directly to the Authority. Knowledge Panel effectiveness and performance is monitored by the Authority and is also reported in this progress report.

### MEMBERSHIP

Knowledge Panel members are appointed for a period up to four years. Members are:

- **Prof R. Quentin Grafton (Chair)** – Professor of Economics, Crawford School of Public Policy, Australian National University – extensive experience in natural resources, including marine fisheries
- **Dr Kate Brooks** – specialist in social science research and community engagement, particularly planning for sustainability
- **Dr Neil Byron** – environmental economist and policy analyst
- **Dr Rick Fletcher** – expert in fisheries, population and community ecology, risk assessment and governance systems
- **Prof Emma Johnston** – expert in human influence on the ecology of marine and coastal systems
- **Mr Peter McGinnity** – expert in marine and integrated coastal planning.

## FUNCTIONS

The role of the Knowledge Panel is to provide independent expert advice on matters referred to it by the Authority. The Knowledge Panel has a role in identifying key knowledge gaps and supporting evidence-based decision making as the NSW Government implements the new approach to managing the marine estate.

In 2015 the Knowledge Panel operated according to its [roles and responsibilities](#). This progress report fulfils the requirement for the Authority to undertake an annual review of Knowledge Panel effectiveness and performance.

Knowledge Panel members have been successful in collaborating as individual experts to provide consolidated advice that takes into account ecological, economic and social considerations. The Knowledge Panel have contributed significantly to the marine estate reform program both in terms of strategic and technical advice.

## ATTENDANCE

Five Knowledge Panel meetings were held during 2015, with a quorum achieved at all meetings.

Significantly, pre-meetings enable the Knowledge Panel to collectively discuss preliminary views relating to each agenda item, negotiate a consolidated position and provide an opportunity to identify and discuss strategic and governance issues.

During 2015 Knowledge Panel members also participated in out-of-session expert panel workshops on specific marine reform projects, held discussions with agency staff and consultants, were involved in the drafting of project plans, engagement plans, communications material, reports and various publications.

Table 2 MEEKP meeting attendance 2015

Member	Number of meetings attended/held
Prof Quentin Grafton (Chair)	5/5
Dr Kate Brooks	4/5
Dr Neil Byron	4/5
Dr Rick Fletcher	5/5
Prof Emma Johnston	4/5
Mr Peter McGinnity	4/5
Dr Wendy Craik AM (Authority observer)	4/5

# APPENDIX 1 – SCHEDULE OF WORKS

The marine estate Schedule of Works outlined below identifies priority areas of work as part of the new strategic, holistic, evidence based approach to managing the NSW marine estate – marine waters, the coast and estuaries, including our marine parks.

In forming advice for the Minister for Primary Industries and Minister for the Environment, the Marine Estate Management Authority (Authority) has direct access to independent expertise across economic, social and ecological sciences through the Marine Estate Expert Knowledge Panel. The Authority is helping the NSW Government focus their programs on priority issues and will oversee implementation of appropriate, innovative, cost-effective management responses to priority threats and risks.

This schedule is updated periodically as work progresses.

Table 1 Priority projects for delivering the new approach to managing the NSW marine estate

Indicative timing of completion	Initiative	Status as at August 2015
Ongoing	Input relating to the marine estate provided to NSW planning system reforms.	On-going
2015	<i>Marine Estate Management (Management Rules) Regulation 1999</i> amended to implement the ocean beaches and headlands assessment decision, to rezone 10 sanctuary zone sites in four marine parks to allow shore-based recreational line fishing.	In progress
2015	State-wide threats and risks to the marine estate assessed.	In progress
2015-2016	Possible ecological, economic and social objectives and indicators for the marine estate in relation to development of marine and estuarine monitoring, evaluation and reporting investigated.	In progress
2016	Hawkesbury Shelf marine bioregion assessment completed - explore mechanisms to enhance conservation of marine biodiversity in the Hawkesbury Shelf marine bioregion (Newcastle – Sydney – Wollongong).	In progress
2015-2016	Regulations to complement the <i>Marine Estate Management Act 2014</i> reviewed.	In progress
2016	Marine Estate Management Strategy developed.	In progress
2016	Marine Estate Management Authority's 2015 progress report published.	Pending
Following review of Regulations (2016-2017)	New approach to marine park management and zoning at Batemans Marine Park and Solitary Islands Marine Park developed and piloted.  This is to include reviewing zone types, objectives and guidelines for use.	In progress

Indicative timing of completion	Initiative	Status as at August 2015
Following endorsement of the Strategy (2016-2017)	Marine and estuarine monitoring, evaluation and reporting program implemented.	Pending
Following completion of Hawkesbury assessment	Twofold Shelf marine bioregion project completed - explore mechanisms to enhance conservation of marine biodiversity in the Twofold Shelf marine bioregion (Far South Coast).	Pending
Following completion of pilots	Batemans Marine Park and Solitary Islands Marine Park pilots evaluated and timetable for reviewing management and zoning in other marine parks prepared.	Pending

Table 2. Completed marine estate projects

Completed Projects	Note
Moratorium provisions in <i>Marine Parks Act 1997</i> amended to allow for changes to zoning including alteration of sanctuary zones.	Passed Parliament August 2013
The Authority's vision and principles determined, to guide management of the marine estate.	Principles paper published November 2013
Recreational fishing access on mainland ocean beaches and headlands in marine park sanctuary zones assessed, using a draft threat and risk assessment framework.	Announced December 2014
Marine Estate Management Authority's 2013 progress report on implementation of the new approach to managing the NSW marine estate.	Published May 2014
Social research, through a state-wide survey to capture NSW community views on the marine estate.	July 2014
<i>Marine Estate Management Act 2014</i> finalised.	Commenced December 2014
Vacant positions on marine park advisory committees filled.	2015
Threat and risk assessment framework developed.	Published June 2015
Authority's 2014 progress report published.	Published August 2015

## APPENDIX 2 – SUMMARY OF STAKEHOLDER ENGAGEMENT

During 2015 engagement with a wide variety of stakeholders and the community was undertaken on marine estate reforms. In addition to the summary of engagement below, targeted, multifaceted engagement was undertaken by government agencies on a number of projects.

Table 1 Summary of community engagement undertaken during 2015

Date	Stakeholders	
December 2015 September 2015 June 2015	Hawkesbury Shelf marine bioregion newsletters <ul style="list-style-type: none"> <li>• Distributed to over 3,000 community and marine estate stakeholders</li> </ul>	
September – November 2015	Ocean beach and headlands community and stakeholder engagement (submissions sought on Consultation Paper) as part of the Marine Estate Management (Management Rules) Regulation	
June 2015	Hawkesbury Shelf marine bioregion assessment - stakeholder engagement workshops, targeted consultation with NSW government agencies, local government and peak stakeholder groups and community web portal.	
May 2015	National Marine Science Committee	Peter Steinberg
April 2015	Presentation at the South Australian integrated marine management workshop. Attendees included representatives from the: <ul style="list-style-type: none"> <li>• European Union</li> <li>• Canadian Fisheries Research Network</li> <li>• Stanford University (United States)</li> <li>• Suzuki Environmental Foundation</li> <li>• Commonwealth Department of Environment</li> <li>• Great Barrier Reef Marine Parks Authority</li> <li>• Australian Fisheries Management Authority</li> <li>• South Australia Water</li> <li>• University of Tasmania</li> <li>• Western Australia Fisheries</li> <li>• University of Adelaide</li> <li>• Flinders University</li> <li>• Fisheries Research &amp; Development Corporation</li> <li>• CSIRO</li> </ul>	
March 2015	Presentation to the Sydney Coastal Councils Group on NSW marine estate reforms	
March 2015	The Panel met with the Chair of the Aboriginal Fisheries Advisory Council	Danny Chapman