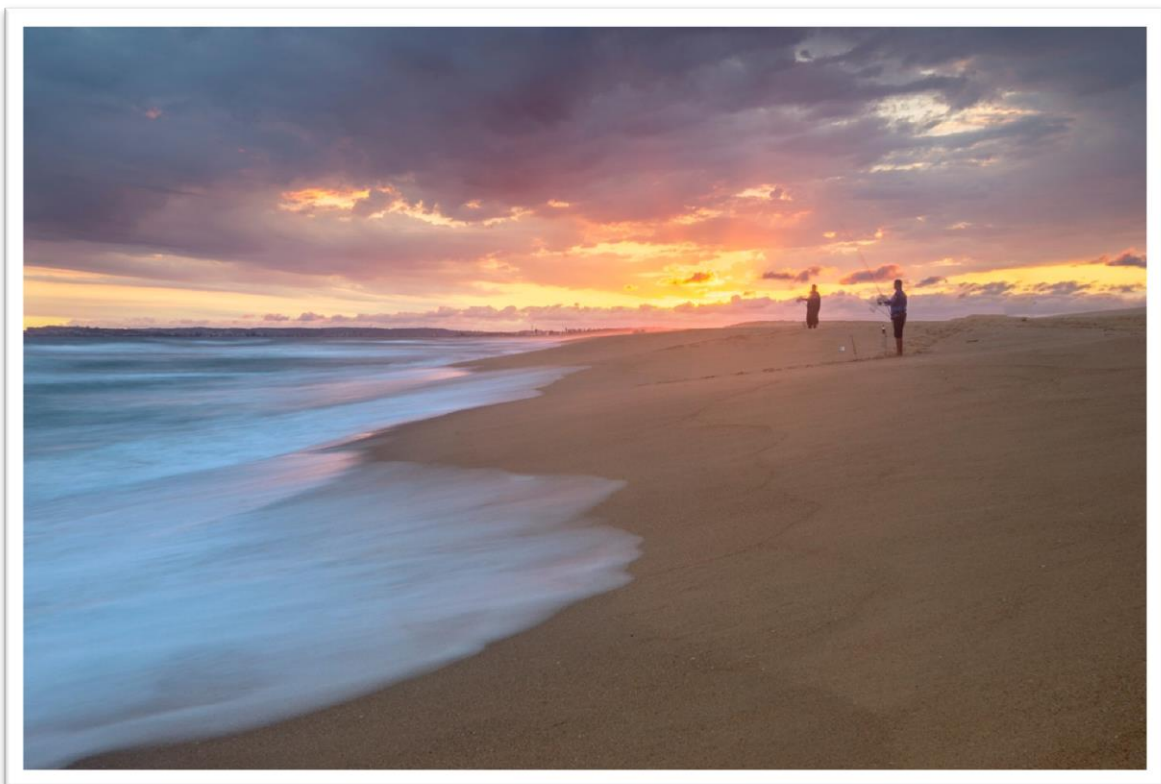




DPI FISHERIES

## Summary of Submissions: Ocean Beaches and Headlands Assessment

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



Published by the NSW Department of Primary Industries

*Summary of Submissions - Ocean Beaches and Headlands Assessment –Proposed amendments to the Marine Estate Management (Management Rules) Regulation 1999 to allow recreational line fishing from certain ocean beaches and headlands in marine parks*

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**More information**

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www.dpi.nsw.gov.au

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2018). 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.

## Executive summary

This paper summarises the submissions that were received in relation to the proposed amendments to management rules to allow shore-based recreational line fishing in 10 sanctuary zones located in Cape Byron, Solitary Islands, Port Stephens–Great Lakes and Batemans marine parks.

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, while an assessment was undertaken.

The independent Marine Estate Expert Knowledge Panel (Knowledge Panel) used a threat and risk assessment based approach to assess a range of economic, social and environmental factors relating to the impact recreational line fishing has on ocean beaches and headlands. The Knowledge Panel's [assessment](#) plus the advice of the Marine Estate Management Authority were key inputs to the NSW Government's decision on some sites affected by the amnesty in December 2014.

At this time, the Minister for Primary Industries and the Minister for the Environment jointly announced the immediate removal of the amnesty from 20 sites. They also proposed to rezone the remaining 10 sites from sanctuary zones to habitat protection zones (out to 100 metres from shore) to allow for the continuation of shore-based recreational line fishing.

A total of 6,664 submissions were received during the two month community engagement period. Most submissions commented on the arrangements across all parks (6,652). Only 15 submissions provided comments relating to individual parks or sites. The majority of submissions came from campaigns run by conservation non-government organisations (NGOs) (96% or 6,425).

Aboriginal representatives noted that this proposal should not in any way disadvantage Aboriginal people and requested meaningful engagement but did not indicate whether they supported the proposal or not to rezone the 10 sites.

The management of coastal waters and marine resources in NSW has attracted controversy and conflict in the past. Most responses either advocate for fishing in sanctuary zones or advocate that they should be retained as sanctuary zones.

Those that did not support the proposal to rezone the 10 sites raised issues related to the need to retain or increase sanctuary zones in NSW. They identified a range of benefits that sanctuary zones provide including to tourism operators, fishers, divers, and other ocean users. Dive industry representatives provided a statement in support of marine sanctuaries generally.

Those that supported the proposal to rezone the 10 sites identified issues with the range of activities to be allowed. In particular, they called for spearfishing to be allowed at these sites, raised issues with fishing access and safety, questioned the assessment process and requested recreational fishing be allowed at other sites in marine parks.

Other key issues that have been raised included calls to allow low impact recreational fishing at other sanctuary zone locations, that fishing should be allowed on beaches but not headlands and that parts of sites should be available for fishing but not the entire site.

All submissions have been carefully considered. There were very few submissions that provided information specific to the 10 sites. No new evidence has been provided that would require a reconsideration of the rezoning proposals contained in the Consultation Paper.

The management rules for all marine parks will be progressively reviewed over the years to come as new management plans are prepared for each park. The development of new management plans will be piloted in Batemans and Solitary Islands marine parks and then rolled out to the other marine parks. This will allow for the appropriate zoning and management of all activities across the parks to be considered.

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## Introduction

This paper summarises the submissions that were received in response to the proposed amendments to management rules to allow shore-based recreational line fishing in 10 ocean beach and headland sanctuary zones located in four marine parks:

- Cape Byron Marine Park
  1. Tyagarah Beach
  2. East Cape Byron
- Solitary Islands Marine Park
  3. Minnie Water Back Beach
  4. Bare Bluff to Diggers Point and Moonee Beach
- Port Stephens–Great Lakes Marine Park
  5. Cellito South
  6. Fiona Beach
- Batemans Marine Park
  7. North Head
  8. Congo Point South Beach and Mullimburra Point to Bingie Beach
  9. Brou Beach
  10. Bullengella Beach and Bogola Head Beach to Loader Beach.

## 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% of the NSW marine estate. The Minister for Primary Industries and the Minister for the Environment jointly administer the *Marine Estate Management Act 2014*. The Department of Primary Industries manages the operations of marine parks.

The management rules of each park outline the zoning arrangements and set out the range of activities that can be undertaken in each zone. The four types of zones currently used in NSW marine parks are:

- sanctuary
- habitat protection
- general use
- special purpose.

## Amnesty on recreational line fishing from ocean 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 estate. The Audit concluded that information was lacking for some sanctuary zones, specifically in relation to ocean beaches.

In its response to the Audit, 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).

### 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 on ocean 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
- two online surveys of over 6,600 residents and tourists 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. In December 2014 the Minister for Primary Industries and the Minister for the Environment jointly announced:

- the immediate removal of the amnesty from 20 sites assessed as moderate or high risk to economic, social and environmental factors
- the proposed rezoning of the remaining 10 sites from sanctuary zones to habitat protection zones (out to 100 metres from shore), to allow for the continuation of shore-based recreational line fishing.

### Proposed rezoning

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

As required by the *Marine Estate Management Act 2014*, the Ministers gave public notice and invited submissions on the [draft management rules](#) from 1 September to 13 November 2015.

The amnesty will continue at the 10 sites proposed for rezoning until amendments to management rules have been finalised following consideration of submissions by the Ministers.

The proposed amendments allow for shore-based recreational line fishing only in these 10 areas. Vessel-based fishing and spearfishing continue to be prohibited and any other pre-existing restrictions including bag and size limits also continue to apply.

### Submissions process

A media release was circulated and advertisements were placed in regional and national newspapers.

A Consultation Paper explaining the draft regulations, including copies of the draft regulations themselves, was available on the website ([www.marine.nsw.gov.au](http://www.marine.nsw.gov.au)) or by contacting a NSW marine park office.

Submissions were made via an online survey, by email ([contact.us@marine.nsw.gov.au](mailto:contact.us@marine.nsw.gov.au)) or in writing.

### Submissions received

A total of 6,664 submissions were received. The majority of submissions (93%) came from emails that were generated from conservation non-government organisations (NGO) websites (6,194). A postcard campaign from one of these NGOs was also conducted which increased the total NGO submissions to 96% of all submissions (6,427).

Further details on the types of submissions received are in Appendix 1.

## Issues raised in submissions

Most submissions commented on the arrangements across all parks (6,478), with very few submissions providing comments relating to individual parks or information at the site level.

In summary:

- 6,626 (99.4%) did not support the proposal to rezone the remaining 10 sites from sanctuary zones to habitat protection zones (out to 100 metres from shore), to allow for the continuation of shore-based recreational line fishing.
- 35 (0.5%) submissions did support the proposal
- 3 (0.05%) had other views, supported more than one position or did not indicate support either way.

Table 1 details the range of issues raised in submissions. Most submissions focused on the merits, or otherwise, of sanctuary zones. In general, conservation interests did not support the proposal and called for more sanctuary zones. In contrast fishing interests generally supported the proposal and called for less sanctuary zones.

**Table 1 – Range of issues raised in submissions**

Marine Park*	Issue
All	Proposed 10 sites should be changed to habitat protection zones to allow shore-based line fishing
All	Proposed 10 sites should remain sanctuary zones
All	Spearfishing, cultural fishing and other forms of fishing (other than line fishing) should be included for the 10 sites to be changed to habitat protection zones
All	Low impact fishing methods should be considered at the 20 sites. Allow fishing methods that pose no risk or threat to the ecological values of the sites
All / CBMP / BMP	Other areas of sanctuary zones should be 're-zoned' to allow fishing
All / other areas	There should be an increase in the sanctuary zones in marine parks and in other areas, because sanctuaries are popular, there is less than 7% of the coast protected, and a strong network of marine sanctuaries will ensure the resilience of the marine environment and provide benefits to local communities including to tourism operators, fishers, divers, and other ocean users
All	Should allow fishing from beaches, but not headlands, as there are species at risk particularly blue groper
All	Safety must be assessed at all sites that allow recreational fishing and in particular safe access to fishing sites
CBMP	Allow fishing in another area in Brays Beach and Kings Beach in the Broken Head sanctuary zone
BMP	These areas if created should not be named 'habitat protection zones' as they are different to other similar zones in the park
PSGLMP	Proposed 2 sites in Port Stephens–Great Lakes marine park should remain sanctuary zones

\* All = The five mainland marine parks: Cape Byron; Solitary Islands; Port Stephens–Great Lakes; Jervis Bay; Batemans  
 CBMP = Cape Byron Marine Park  
 BMP = Batemans Marine Park  
 PSGLMP = Port Stephens–Great Lakes Marine Park



## Summary of stakeholders views expressed in submissions

### Views expressed by conservation interests

Conservation interests are opposed to what they view as a proposal to reduce the area of marine sanctuaries in NSW.

They argued that a strong network of marine sanctuaries will ensure the resilience of the marine environment and provide benefits to local communities including tourism operators, fishers, divers, and other ocean users. They further argued that with less than 7% of NSW coast protected in marine sanctuaries, the NSW Government should be expanding – not decreasing – marine sanctuaries.

They noted that marine sanctuaries are popular in NSW and refer to a Galaxy Research survey of over 1,000 NSW residents in 2014. This survey found that 94% of people support marine sanctuaries and that amongst recreational fishers support is 91%.

They noted the scientific and conservation benefits of marine sanctuaries are well established. They argued there is no evidence that reopening sanctuaries to recreational fishing in NSW resulted in any demonstrable increases in fishing participation, or fishing-related economic activity.

They support a comprehensive, adequate and representative network of marine parks and marine sanctuaries across NSW.

They are calling on the NSW Government to preserve current sanctuary zones and consider new areas for protection to strengthen marine conservation in NSW to ensure the NSW community has fish for the future and a healthy ocean for all to enjoy.

### Views expressed by recreational fishing interests

Some recreational fishing interests argued that spearfishing should be allowed in all of the 10 sites.

Some argued that sanctuary zones do not work and there should be none.

A range of questions and issues were raised about sites that have not been included in the proposals and/or assessment.

Some submissions raised safety concerns regarding some of the sites that are to be opened to recreational fishing and requested an assessment of fishing safety be undertaken. They also argued that if any areas are closed on the basis of safety, then other sanctuary areas should be opened.

There was a specific request to allow fishing in a smaller area of one of the sites that has been closed between Brays Beach and Kings Beach in the Broken Head sanctuary zone.

### Views expressed by the dive industry

The dive industry provided a statement in support of marine sanctuaries. The statement outlined that the Australian dive industry may generate as much as \$4.2 billion nationwide. They commend the NSW Government on restoring 20 sites to no fishing, but want the other 10 to also be restored to sanctuary zones. The dive industry see any reduction in the area of sanctuary zones as a threat to their industry and the economic benefit it brings to local economies.

### Views expressed by marine park advisory committees

The Batemans Marine Park Advisory Committee provided comment from some individual members as the Advisory Committee could not reach a consensus and chose not to vote on the proposal. Not all representatives on the Advisory Committee provided comment. Marine science and conservation representatives indicated they did not support the proposal. The Advisory



Committee noted support from recreational fishing, spearfishing, charter fishing, community and local council representatives.

The Port Stephens–Great Lakes Marine Park Advisory Committee rejected the proposal to allow line fishing at two sites within their park (Cellito South and Fiona Beach). The reasons provided included:

- both these sites are protected from urbanisation, and backed by National Park
- these sites are the only representation of open ocean beach habitat in the marine park
- due to lack of access or locked gates, they are not viewed as high priority recreational fishing areas
- there are significant Aboriginal heritage sites in both areas.

### Views of local councils

Clarence Valley Council voted and supports the changes in their local government area, which includes Minnie Water Back Beach in the Solitary Islands Marine Park.

No other responses from councils affected by the changes were received.

### Views of local representative

The Member for Ballina, Tamara Smith, noted the overwhelming sentiment from her constituents was opposition to the proposed changes.

### Views of Aboriginal representative

The Native Title Service Corporation did not make a statement for or against the proposal in their submission.

They noted the proposal should not disadvantage Aboriginal people or impinge on Native Title rights. They advised changes should be consistent with DPI Fisheries cultural fishing proposals. They also reiterated the need for meaningful consultation with Aboriginal people regarding any proposed legislative reforms. They requested that any amendment to management in marine parks should comply with and promote the Aboriginal Engagement and Cultural Use of Fisheries Resources in NSW Marine Parks Policy.

## Response to submissions

All submissions have been considered. Some points that were raised have already been considered during the assessment and development of the proposal to rezone the 10 sites.

No substantial new evidence was provided that would change the proposal to rezone 10 sites to habitat protection zones. A number of issues raised are or will be addressed through other government programs and reforms including:

- Hawkesbury Shelf marine bioregion management initiatives
- Marine Estate Management Strategy
- review of regulations under the Marine Estate Management Act 2014.

Information in submissions relating to specific marine parks will be considered during marine park management planning in the future. The development of new management plans will be piloted in Batemans and Solitary Islands marine parks and then rolled out to the other marine parks. This will allow for the ecological, economic and social aspects of all activities across the parks to be considered.

## Appendix 1 – types of submissions received

### Letter submissions

Thirty three submissions were received from individuals or organisations by way of hardcopy or e-mail letters. These submissions comprised:

- 21 submissions that did not support the proposal
- nine submissions that supported the proposal
- one provided an alternative view that the Government should allow fishing from beaches, but not headlands, highlighted concerns regarding the targeting of blue groper
- one had mixed views on the proposal
- one had other comments.

Fifteen of these submissions related to all marine parks, eight specifically related to Cape Byron Marine Park, five to Batemans Marine Park, three to Port Stephens Great Lakes Marine Park and two to Solitary Islands Marine Park.

### Online survey submissions

A total of 204 submissions were received in the form of a completed survey (excluding two duplicate submissions).

These submissions were categorised as either supporting or not supporting the proposal<sup>1</sup>:

- 178 (87%) did not support the proposal to rezone the remaining 10 sites from sanctuary zones to habitat protection zones (out to 100 metres from shore), to allow for the continuation of shore-based recreational line fishing in all marine parks
- 26 (13%) of the submissions supported the proposal.

Most survey submissions commented on the arrangements across all parks. Few of these submissions provided comments relating to individual parks or information at the site level. Three submissions identified they did not support the proposal for Cape Byron Marine Park and one identified they did not support the proposal for Port Stephens–Great Lakes Marine Park. Two other submissions specifically mentioned Jervis Bay and Cape Byron marine parks.

The majority of the submissions were from people who self-identified as having conservation interests: 95 (46%). The next largest group were scuba divers with 32 (16%) and 22 (11%) from recreational fishing interests.

### Campaign submissions

A large number of emails were received, largely through email campaigns set up on websites by the Australian Marine Conservation Society, Nature Conservation Council and Save Our Marine Life alliance (see Appendix 2 and Appendix 3). As a result, a number of emails from individuals across these three email campaign platforms, and in some cases a number of emails from the same email address, were received. A total of 5,720 emails from unique email addresses were identified from these campaigns.

The campaign emails from these three sites called for the reinstatement of all sanctuary zones and generally do not support the proposal. More details of these campaigns are outlined below.

A number of submissions raised concerns in relation to the assessment process. This included identifying and refuting statements made in the assessment report and supporting reports. This

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<sup>1</sup> In the survey 155 said they did not support the proposal, 24 chose other as a response, 22 said they support the proposal and 3 identified that they wish to make comment regarding specific parks. All the responses were reviewed and based on the comments all of the responses could be categorised as either supporting or not support the proposal.

was noted by submissions that both supported the changes and those that did not support the changes.

Two types of campaign mail were received, postcards and a petition. The Nature Conservation Council had a postcard campaign. This included 182 submissions that related to all marine parks. There was also a postcard campaign specifically related to Cape Byron Marine Park and 51 of these were received. All of these postcards called for the restoration of sanctuary zones and were not supportive of the proposal.

Nature Coast Marine Group Inc. is a community organisation established to help protect and enjoy the marine environment in the Eurobodalla area on the NSW south coast. The group held information stalls and gathered 145 signatures on a petition at two local markets at Broulee and Moruya. The petition calls for the reinstatement of sanctuary zones in the Batemans Marine Park.

## Appendix 2 – Nature Conservation Council campaign

<http://www.nature.org.au/get-involved/take-action/save-our-sanctuaries/>



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The voice for nature in NSW

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☰ » Get Involved » Take action » Save Our Sanctuaries

### Act now to save our marine sanctuaries

*Thanks to your support, 20 of our 30 NSW marine sanctuaries were restored just before Christmas. But 10 precious sanctuaries are still at risk of being erased and now is our chance to save them. Marine sanctuaries are the best way to protect marine life and the coastal lifestyle we enjoy in NSW.*

 Share  215  Tweet  24

Less than 7% of the NSW coastline is fully protected in marine sanctuaries. But crucial sanctuaries in Byron Bay, the Coffs Coast, Port Stephens and Batemans Bay could be erased. Premier Baird says he cares about protecting the ocean yet actions speak louder than words. Tell the government to restore our remaining 10 sanctuaries – for our marine life and way of life.

To restore full protection to our marine sanctuaries.

2614

2614 signatures (93.4%) towards our goal of 2800

Please enter your name \*

First Name

Last Name

Postcode \*

Postcode

Email address \*

e.g., email@domain.com

Mobile phone

Insert your personalised email header \*

Save our marine sanctuaries

You can edit the text below to personalise your message \*

Dear Minister,

The NSW marine environment is a special place. As well as its natural beauty and inherent values, our marine environment forms the backbone of our coastal lifestyle and the economy of many coastal communities.


I am opposed to the Government's plans to wind back marine sanctuary protections in NSW. With less than 7% of NSW coast protected in marine sanctuaries, now is the time to be expanding marine sanctuaries. A strong network of marine sanctuaries will ensure the resilience of the marine environment and provide benefits to local communities including to tourism operators.

Send my action now

\* Indicates mandatory input


## Appendix 3 – Save Our Marine Life campaign

<http://saveourmarinelife.org.au/nsw-submission/>




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[Who are we?](#)
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# We know you love our oceans Mike!



So finish the job and **SAVE** our sanctuaries.



Fill in your details and send a message to the Premier to save our NSW sanctuaries!

You can edit the text below to personalise your message.

A greeting will automatically be added to the top of your message, and your name and postcode will be added to the end.

**Subject Line:**

**Your message:**

Dear Minister for the Environment & Minister for Fisheries (CC my MP),

Please **RETAIN AND INCREASE** current levels of sanctuary protection.

With less than 7% of NSW coast protected in marine sanctuaries, we should be expanding – not decreasing – marine sanctuaries.

As well as its value for marine life, the NSW marine environment is central to our regions' coastal lifestyle, reputation and

**Your details**

**First name**

**Last name**

**Email**

**Postcode**

We'll send a copy of your message to the NSW Environment Minister, the NSW Fisheries Minister and your state MP.

\* Required fields

I am a recreational fisher

I am a business owner/operator

This is really useful to show just how many fishers and businesses support marine protection.

We will only use your details to send this email to the NSW Government and to your state MP, and to forward you other campaign related material. Your details will not be passed on to any third party entities. You can read our privacy policy [here](#).

**SEND**

Together we've restored a number of our important NSW sanctuaries. Now's our chance to save the remaining 10.

Less than 7% of the NSW coastline is fully protected in marine sanctuaries. Yet crucial sanctuaries in Byron Bay, the Coffs Coast, Port Stephens and the Batemans region could be erased.

Premier Baird says he cares about protecting our oceans, but actions speak louder than words. Tell the government to **RETAIN AND INCREASE** current levels of sanctuary protection in NSW – for our marine life and way of life.

Messages in your own words work because the Government will measure how much you care by seeing how much effort you've put into contacting them.

If you live or spend time in one of the affected areas, tell them why it matters to you. And if you're a recreational fisher or a business owner/operator, it's really useful to let them know this too.