

A new approach to managing the NSW marine estate

FAQs 5 – Marine park management reforms

March 2013

The NSW Government's response to the Audit is intended to improve management of the entire marine estate including marine parks and aquatic reserves.

A range of marine park management reforms will be implemented in response to the recommendations of the [Report of the Independent Scientific Audit of Marine Parks in NSW](#), particularly Audit recommendations R4, R5 and R6.

What are the reforms?

The main reforms to marine park management will be:

- 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 indigenous 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.

What are the reforms aiming to achieve?

These reforms aim to ensure an integrated and coordinated approach to management of the marine estate occurs and that decisions are based on research across ecology, economics and social science.

The role of marine parks and other marine protected areas in overall management of the marine estate will be adjusted over time as recommended by the Marine Estate Management Authority, with input from the community and the Marine Estate Expert Knowledge Panel, to achieve the best possible alignment with other marine management programs and a significantly more coordinated (and less fragmented) approach to managing the marine estate. For example, linkages between catchment management and marine parks are expected to be increasingly harmonised and emerging management approaches such as marine spatial planning will be investigated.

In the short term, specific aims include:

- replacing the Marine Parks Authority with the Marine Estate Management Authority to drive coordinated management of the marine estate
- revitalising local marine park advisory committees by filling any vacant positions, to give local communities a better say in decision making
- replacing the Marine Parks Advisory Council with a focus on targeted stakeholder and expert consultation and engagement on strategic matters
- updating the approach to marine park planning and management

- developing planning tools to improve consideration of economic and social information in planning and decision making
- improving community engagement in marine park planning and management.

What action will the NSW Government take to enhance conservation of marine biodiversity in the key gaps identified by the Audit?

Enhancements to the conservation of marine biodiversity will be explored, as recommended by the Audit, following development and application of the threat and risk assessment framework.

The government will maintain the existing system of aquatic reserves, noting 10 of the state's 12 aquatic reserves are located in metropolitan Sydney, between Barrenjoey Headland and Port Hacking.

Will the NSW Government declare any new marine parks or alter the boundaries of existing marine parks in response to the Audit?

The government remains committed to the moratorium on new marine parks, pending advice from the Marine Estate Expert Knowledge Panel.

The focus will be on the government's priorities, which are improving management of the entire marine estate (including existing marine parks) and addressing key information gaps in line with the Audit recommendations.

Initiatives to deliver on these priorities in response to the Audit are on establishing the Marine Estate Management Authority, appointing a Marine Estate Expert Knowledge Panel, developing a threat and risk assessment framework, developing a Marine Estate Management Strategy and improving the management of existing marine parks, as well as providing input to coastal land use reforms.

Will the moratorium on declaration of new marine parks, zoning plan reviews and alteration of sanctuary zones be lifted?

The moratorium on new marine parks is supported, and any planned changes would be based on advice from the Expert Knowledge Panel.

The moratorium will need to be altered to allow the future review of existing marine park zoning and alteration of sanctuary zones before September 2016.

When will marine park zoning plan reviews be done?

It is clear that the community expects reviews into zoning arrangements to be carried out and for this to be done in new and improved ways.

Lessons from the three zoning plan reviews conducted to date include the need for better community engagement and a stronger focus on all aspects of marine park management, rather than zoning alone.

Marine park management reforms will involve:

- developing a framework for threat and risk assessments
- replacing zoning plan reviews with 'marine park management reviews' to focus on all aspects of marine park management
- reviewing the objectives of zones
- legislative amendments to implement future marine park management reviews and management plans
- lifting the moratorium on zoning plan reviews.

How will marine park management plans differ from the current approach?

Each of the state's six marine parks are currently managed in accordance with separate zoning plans and operational plans as required under the *Marine Parks Act 1997*. They aim to conserve biodiversity, habitats and provide opportunities for sustainable use, public appreciation, enjoyment and understanding.

The zoning plan is a regulation that defines the activities that can occur within different areas (or zones) of a marine park. Marine park user guides include detailed maps of each marine park reflecting the zoning arrangements defined in the *Marine Parks (Zoning Plans) Regulation 1999*.

The current operational plans define the strategies and activities the Marine Parks Authority will undertake to sustainably manage the marine park, consistent with the zoning plan. Existing operational plans include strategies to protect threatened species, assess developments, undertake compliance, research and monitoring activities and to manage commercial activities Aboriginal cultural heritage, tourism and recreation.

The government considers that a single statutory 'management plan' is a clearer, simpler tool to drive effective management of each marine park in the future. A single management plan will replace the separate zoning and operational plans and be informed by threat and risk assessment, improved social and economic evaluation, and better stakeholder and community engagement processes. Management plans will clearly document park management objectives, and strategies including zoning, compliance, education and communications intended to deliver on the objectives. A stronger emphasis on performance monitoring and assessment of management activities will be a key feature of the new approach.

Western Australia, Victoria and South Australia have adopted marine park management plan approaches rather than separately focusing on zoning and other park based management activities. The experience of these jurisdictions will be considered as the detail is being further developed.

Will the NSW Government retain sanctuary zones as a management tool?

Input from submissions indicates there is broad support for marine parks and sanctuary zones, and that the main concerns are the locations of zones and effectiveness.

The government accepts the Audit's view that sanctuary zones, or areas where extractive activities including fishing are prohibited, do have an important role in marine estate management, including as scientific reference points for monitoring, evaluation and reporting, and in helping conserve biodiversity from a range of threats.

The government agrees that sanctuary zones should not divert attention from the range of actions needed to improve management of the marine estate and do not represent a simple solution to a complex problem.

Future marine park management reviews will consider whether existing sanctuary zones are appropriate for meeting their objectives and whether improvements are necessary. The reviews will be an evidence based process, incorporating analysis of threats and risks, social and economic evaluation, the use of decision support tools as recommended by the Panel, and expert, stakeholder and community input including from revitalized local marine park advisory committees.

Will beach sanctuary zones remain in place?

Yes, but beach sanctuary zones have been identified by the Audit as habitats where information is particular lacking and as needing further consideration. Concerns about sanctuary zone restrictions on beaches were evident across recreational fishing interest group submissions to the Audit.

Access to ocean beaches in marine park zones for recreational fishing will be assessed in 2013, and arrangements then altered based on the outcomes of this work. There will be an immediate amnesty for the duration of the beach assessment on compliance action relating to recreational fishing from open ocean beaches and headlands in sanctuary zones in NSW mainland marine parks. For information on this a Beaches and Headlands Factsheet can be found at www.marine.nsw.gov.au.

Will the needs of Aboriginal communities be considered in marine park zoning?

Access to marine parks by Aboriginal communities was raised as an issue in several submissions. Future marine park management reviews will consider whether the existing zones of marine parks are appropriate for the needs of Aboriginal communities. In addition, the NSW *Policy on Aboriginal Engagement and Cultural Use of Fisheries Resources in Marine Parks* remains in place.

Will Aboriginal liaison officers be employed in marine parks?

The Audit recommended that local Indigenous knowledge and expertise of land and sea management be explicitly incorporated into the establishment and ongoing management of NSW marine parks and the NSW marine estate. To facilitate this, the Audit recommended the employment of an Aboriginal Liaison Officer in each marine park, along with ongoing support of the Aboriginal Cadet Program in each marine park.

Aboriginal rangers and Aboriginal liaison officers have previously been employed in marine parks and will continue to be employed. Aboriginal Cadet programs will continue to be applied to marine parks in addition to terrestrial areas.

Several submissions on the Audit called for Aboriginal representation on governance bodies. Aboriginal communities will continue to be represented on marine park advisory committees and to be consulted on park management matters.

Will enforcement of marine park zoning be changed?

The Audit recommended that compliance rangers be integrated with other ranger staff in the new authority and that no staff carry batons, handcuffs or any other such intimidating paraphernalia.

The government is currently conducting an on-water compliance review that will inform future arrangements for marine compliance.

Compliance programs in marine parks will continue to focus on both education and enforcement. Thankfully, there has not been a need to use batons and handcuffs in marine park enforcement activities however they will continue to be available for particular high risk enforcement operations subject to implementation of any new arrangements resulting from the on-water compliance review or amendments to operational procedures.

Who will oversee the reforms?

The Marine Estate Management Authority will oversee the reforms to marine park management, with advice from the Marine Estate Expert Knowledge Panel and in conjunction with the community.

Will legislation be amended to implement the reforms?

New legislation will be required to implement the government's response to the Audit. A new Marine Estate Management Act will be developed in 2013 to support the government's response and will be mindful of the need to reduce red tape and regulatory burden.

How long will it take to implement the reforms?

Establishment of the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel are the immediate priorities, together with development of a threat and risk assessment framework in 2013 and a Marine Estate Management Strategy in 2014/2015.

Work on marine parks reforms will commence over the next 12 months and be guided by development of the Marine Estate Management Strategy.

How have public submissions influenced our response?

Submissions received illustrate that there is broad support for marine parks conceptually across interest groups, as well as sanctuary zones, with concerns focusing on how and where existing parks and zones had been established and managed to date.

There were calls from various interests to lift the marine park moratorium as a priority so zoning can be revisited. Whilst the moratorium on declaring new marine parks is supported, the parts of the moratorium relating to reviewing zoning and changes to sanctuary zones will be amended so that they can be lifted independently. This will allow marine park management reforms to be implemented, based on the advice of the Marine Estate Management Authority and Expert Knowledge Panel.

More information

More information is available at www.marine.nsw.gov.au

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