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"The objects of the *Marine Parks Act 1997* state that conservation of marine biological diversity and maintenance of ecological processes are of most importance. Thus zoning must satisfy these objectives as set out below:

- (a) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,
- (b) to maintain ecological processes in marine parks,
- (c) where consistent with the preceding objects:
 - (i) to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and
 - (ii) to provide opportunities for public appreciation, understanding and enjoyment of marine parks." (1)

"Marine protected areas are widely cited as a precautionary management method to buffer against the effects of fishing (e.g., Allison et al. 1998). Their efficacy will be determined by a wide range of localized factors, particularly the degree to which fish move and the spatial structure of fish populations. Marine protected areas will also be more effective if they have the support of the local communities (Hilborn 2004). Blanket recommendations for the necessary area to be protected are therefore meaningless. The size and location of spatial closures should be determined on a case-by-case basis if costly, unpopular and ineffective protected areas are to be avoided" (2)

"NSW marine parks are declared under the principle objective of biodiversity conservation. Marine parks in NSW are not declared as a fisheries management tool nor for the purpose of protecting or enhancing specific fisheries. However, there is evidence that marine park establishment can have positive impacts for resident fish communities." (3)

"Wherever possible, multiple representation of like habitats need to be protected to ensure ongoing conservation of such habitats if, for whatever reason, a catastrophe severely impacts any one location." (4)

Dear Sir or Madam,

Introduction

The Anglers' Action Group (Sydney Northside) Inc., more commonly referred to as the AAG, is a voluntary community group made up of people with an interest in recreational fishing. The goals of AAG are to protect the interests of amateur fishing, to protect the rights of amateur fishermen, to promote amateur fishing and to protect and enhance its public image; to engage in public discussion, debate, research and activity to protect, maintain and enhance the marine and aquatic environment and all fish habitat; to disseminate to the public knowledge acquired by anglers; to co-operate with other organizations, individuals and public bodies in activities consistent with these objects; and to engage in negotiation and dealings with government agencies and engage in political activity consistent with these objects.

As a group we welcome the opportunity to provide a submission to, and make comments on, the Draft Zoning Plan proposed for the Pt Stephens/Great Lakes Marine Park. Our interest in this zoning plan is two-fold:

- Many of our members holiday in the Port Stephens area and are interested in local issues.
- We consider the processes involved in determining the zoning plans for the Port Stephens/Great Lakes Marine Park to be more than local issues and have wider reaching implications.

Aims of Marine Parks

AAG accepts the fact that the establishment of Marine Protected Areas is inevitable and that there is an obligation by the State government for their establishment within NSW waters. AAG also recognizes that:

- i) the associated "sanctuary zones":

- can be used as an effective tool for protecting marine biodiversity, but only where they have been justified and are warranted by identifying specific threats and have identified measures to ameliorate these threats that will not be effective,
- where scientific work needs to be undertaken,
- as representative examples of purely unique habitat areas.

ii) that there is a defined goal of what is to be achieved in the various zones, particularly the "sanctuary zones", and that progress towards these goal are identified and measurable

iii) Economic consequences have been taken into consideration.

Precautionary Principal and Marine Parks

The objective of the precautionary principal in marine parks is the taking of precautionary measures to protect the environment when a threat of serious or irreversible damage has been identified but there is no known amelioration of this threat. A weak implementation of the precautionary principal will not implement precautionary measures on activities that have no or minimal adverse effects on the environment. A strong or excessive implementation of the precautionary principal involves taking measures that prohibit activities that have minimal detrimental effects on the environment.

Commonwealth, state and territory legislation for environmental protection follows the UN Convention on Biological Diversity for a weak application of the "precautionary principal". The UN declaration on biodiversity only mentions about 10% sanctuary zones by 2020, and this figure has since been revised downwards since 2000.

The Port Stephens/Great Lakes Marine Parks

The Draft Zoning Plan (DZP) for Pt Stephens/Great Lakes Marine Park is based on the overly strong use of the "precautionary principal" and the individual zones, particularly the sanctuary zones, have not been justified on a case by case basis. The DZP fail to satisfy the goals of a marine park stated above, namely:

- Nowhere in the DZP has it been stated how recreational fishing, both by line and spear, is detrimental to the conservation of biological diversity and the marine habitats - with possibly one exception being for the protection of the grey nurse shark but these have their own plans to ameliorate possible threats.
- Nowhere in the DZP has it been stated of what the goal is for the individual zonings on a case-by-case basis and of what is to be achieved. Neither has it been stated how progress towards these unstated goals will be measured.
- The socio-economic study on the impacts of recreational fishing to the affected area, when looked at in detail, is meaningless.

Representative Areas

Sanctuary zones are meant to contain a representative sample of each habitat type, but there appears to be an overuse of sanctuary zones for what is required to be representative samples for each habitat type, particularly those favoured by recreational fishers, the reef and rocky headland and the intermediate reefs (20-60m). The total area of the park is 98,720 hectares, and the sanctuary zones total 20.6% of the park over the 16 habitat types delineated. The area of reef and rocky headlands is 3,224.47 hectares. The percentage of reef and headlands in the park is 3.3%. The percentage of reef and headlands in sanctuary zones where fishing is prohibited is 30.3%. The percentage of reef and headlands in habitat protection zones where fishing is often restricted is 62.7%. Similarly, the intermediate reefs total 1468ha of the park, of which 708ha is zoned as sanctuary, giving 48.2% of intermediate reefs being sanctuary. The MPA has taken an overly excessive amount that required of a representative sample for sanctuary zones habitat protection zones for two of the habitats most favoured by recreational fishers.

This is exemplified in the "Basis for Zoning Sanctuary Zones" document for the Port Stephens - Great Lakes Marine Park states "Wherever possible, multiple representation of like habitats need to be protected to ensure ongoing conservation of such habitats if, for whatever reason, a catastrophe severely impacts any one location." This is not science. It is the taking to the extreme of what's referred to as "the precautionary principal". It is merely a poor excuse in attempting to justify the basis for zoning for the large percentage of the park as being declared "sanctuary zones".

A great percentage of what is zoned as sanctuary should be rezoned General Purpose, or some other zoning classification be considered. This includes The Pinnacle, Seal Rocks, Broughton Island, Myall Lake, Fingal Island, Yagon Beach. The percentage of sanctuary zones for representative areas do not need to exceed say 2-8% of the area for that habitat type.

Scientific Areas

Smiths Lake being the States largest intermittently open/closed coastal lake, is also a system that undergoes constant scientific study, and this should continue. There would be no objection if scientific endeavours require parts of Smiths Lake to be closed to all access.

Ownership of the Marine Park

It is becoming increasingly recognized by international and Australian marine scientists that for marine parks to work there needs to be a sense of ownership by all stakeholders. Excluding one of the major stakeholder groups from 48% of intermediate reefs, 16% of shallow reefs and 11% of rocky shores does not provide this "sense of ownership" for recreational fishers. It is clear that these marine parks and particularly the sanctuary zones do not have the support of the local communities.

With the two major stakeholders, the commercial and recreational fishers, being excluded from a fairly large portion of the park with an overuse of exclusion zones so that: "such habitats need to be protected in several places to ensure their ongoing conservation in the likelihood of significant natural and/or human impacts", there is no sense of ownership for the marine park.

Protecting Biodiversity

There is an overly strong implementation of the "precautionary principal" being applied in many of the areas designated as sanctuary zones. There appear to be only two issues where there is possible areas of concern with regard to biodiversity - sea grass beds and the grey nurse shark

Sea Grass Beds

With an estimated 21.9km² of sea grass beds remaining in the estuaries and sheltered coastal waters from the Hunter River to the NSW/Queensland border any potential loss of sea grass beds in the estuaries of NSW is to be avoided. Recently DPI Fisheries have been working with commercial fishers, and legislation has been passed to prohibit trawling over Posidonia beds. This approach is incorporating people as part of the solution.

However, the Fisheries Management Act 1994 recognizes that dredging, eutrophication and acid sulphate soils are the main destructors of seagrass beds. Dredging is an issue that is already covered by the Fisheries Management Act 1994 as permission to dredge sea grass areas needs to be obtained from Department of Primary Industries, and will generally not be given except for essential navigation purposes. The other two are land management issues that may affect the marine environment. Sanctuary zones do nothing to control pollution from these sources.

Grey Nurse Shark

One issue is the increased protection sanctuary zones are to offer the grey nurse shark in the areas of Broughton Island and Seal Rocks. But the grey nurse shark already has its own strategies which are aimed at ameliorating any possible threat, and these protection plans apply to all declared "critical habitat sites". Extra protection within marine parks is not required. The added exclusion zones around The Pinnacle and Broughton Island are not justified.

Recommendations

- There should be a weaker implementation of the precautionary principal in the zoning plan such that low impact activities such as recreational line fishing and spear fishing are not restricted. The percentage of sanctuary zones should be of the order of 2-8% for a particular habitat type.

- Justification for zoning should be stated on a case-by-case basis. It should also include the goals for that zone, plus a description of how progress towards those goals will be measured or determined.
- There should be a greater emphasis on creating a “sense of ownership” in the park amongst the affected stakeholders. For recreational fishers this would involve permitting the targeting of pelagic species via trolling or spear. For commercial fishers this would be through consultation and legislation to identify and modify certain methods over certain habitat types such as the current consultation/legislation with trawling and Posidonia beds
- There should be no zoning aimed at protecting threatened species nor ecologies as these are covered under existing, legislation to ameliorate any identified threat that covers the entire coastal waters.
- There should be consideration to other alternatives and zoning classifications where low impact activities are permitted, or at least a relaxation of the interpretation of sanctuary zones that allows trolling and spearfishing for pelagic species, and rock and beach fishing.

CONCLUSION

AAG is totally opposed to the Draft Management Plan for the Pt Stephens/Great Lakes Marine Park as it now stands. A properly structured and managed marine park will allow for multi-use by all stakeholders, and for sustainable use of resources while at the same time protecting significant ecological communities. This is not the case with this draft plan, as it is seen as anti-fishing with the exclusion of this activity from many areas. This exclusion has not been adequately justified and relies on an overly strong use of the "precautionary principal", which is against the Commonwealth, state and territory legislation for environmental protection and that for the UN Convention on Biological Diversity. Consequently, the Draft Zoning Plan is protecting through exclusion rather than conservation, resulting in affected stakeholders not having a "sense of ownership". Parts of the plan are inequitable, others are not consistent, and others are divisive.

Quotations

(1) "Basis for Zoning Sanctuary Zones" web page for the Port Stephens - Great Lakes Marine Park: <http://www.mpa.nsw.gov.au/psglmp/pdf/Basis-for-Zoning.pdf>

(2) Robyn Forrest and Tony J Pitcher, 2006, Misguided claims of Overfishing in New South Wales: Comment on “Empty Oceans Empty Nets. An evaluation of NSW fisheries statistics from 1940 to 2000”. Fisheries Centre, University of British Columbia Working Paper Series Working Paper #2006-16, pp 10-11

(3) Ian Macdonald MLC, Minister NSW Dept of Primary Industries, in a letter to AAG of 9th November 2005

(4) "Basis for Zoning Sanctuary Zones" web page for the Port Stephens - Great Lakes Marine Park: <http://www.mpa.nsw.gov.au/psglmp/pdf/Basis-for-Zoning.pdf>

Yours sincerely

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