



# Coastwatchers

*Eurobodalla's voice for nature*

## **Submission: Draft NSW Mainland Marine Park Network Management Plan 2021-2031**

The Coastwatchers Association Inc. is the leading community environmental and conservation group serving the South Coast of NSW, principally in the Shire of Eurobodalla between Narooma and Batemans Bay. Since its establishment in 1983, Coastwatchers has worked to protect the local environment and preserve the integrity of the ecological systems of the South Coast of NSW. It opposes the unnecessary destruction and degradation of natural systems, unbalanced development and pollution. It opposes threats to the survival of plant and animal species and communities. It adopts a responsible approach, using political, social and legal avenues to oppose or support issues impacting on this region. The Association works closely with other groups in the region and is a member of the Nature Conservation Council of NSW, the National Parks Association of NSW, and the (NSW) SE Region Conservation Alliance.

Coastwatchers was significantly involved with the Batemans Marine Park at the time of its establishment in 2006, when the then President of Coastwatchers, Mark Fleming, was a member of the first Batemans Marine Park Advisory Committee. As you know, the deliberations of this Committee were crucial to the zoning of the Marine Park.

We have followed with concern the Government's review of the marine estate over the past ten years. We hoped to see a strengthening of our local marine park during this period, but we have been disappointed to see the opposite happening, with limited research, education, public information and compliance activity, and with an apparent reduction in staffing and resources.

The following comments are arranged according to the chapters of the draft plan that they relate to.

### **Introduction, legislation and policy**

We hope that describing the marine estate as a "valuable natural asset", which is "owned by the community" does not suggest a concern with economics rather than environmental values.

Coastwatchers strongly supports the long-standing primary purpose of marine parks, as set out in the Marine Estate Management Act 2014 and its predecessor legislation, that is, "*to conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate*". We are concerned however that the draft management plan does not ensure that this primary purpose will be appropriately reflected in government policies and action. We therefore do not agree that the draft management plan will improve the management of NSW marine parks.

Confusion around the primary purpose of marine parks is apparent in the draft plan's discussion of decision-making for marine parks (page 15) where it states that:

*The NSW Marine Protected Areas Policy Statement states that a new marine park management plan will be informed by the Marine Estate Management Authority's five step decision-making process.*

There are major problems with this approach, which undermine all that follows. The major one is that this five-step process was developed with reference to the marine estate as a whole, not marine parks. The MEM Act sets out somewhat different objectives for the marine estate, broadly considered, as compared with marine parks. It is arguable that the five-step process may be appropriate for the marine estate as a whole, with a view to balancing various interests and benefits. But there is no basis for using this process for marine parks, for which the Act sets out different purposes that expressly provide for a primary purpose that focuses on conservation. This primary purpose must be the starting point for marine park planning, not a set of principles developed for a different context.

The problem of confusing marine parks with the marine estate becomes immediately apparent in the ensuing discussion in the draft plan: instead of conservation being the starting point for decision-making as suggested by the legislation, 'Step 1' in the process is the identification of community benefits and threats. Apart from the problem of choosing the wrong starting point, there is no consideration of the difficulties in identifying community benefits and threats, for example how much weight should be given to ecological problems that the general community may not be aware of, such as ocean acidification. The discussion about decision-making then jumps straight into assuming that different categories of value can be "traded off". Once again this fails to acknowledge the primary purpose of marine parks. It also lacks any explanation as to how in practice this could be done and seems to assume that some common standard of value exists that can facilitate such trade-offs. It acknowledges that "judgement will still be required" but without analysing what criteria will be used in reaching judgements. It states that local evidence is limited and inconsistent, but then states there is plenty of useful evidence available.

Despite its purported function as a planning document, the draft plan does not provide for any specific planning mechanisms. It should now be standard that planning documents incorporate specific objectives, performance indicators, timeframes and milestones, budgetary provisions and monitoring mechanisms. This the draft plan fails to do. Indeed it is noticeable that it foreshadows for these more specific elements numerous further planning instruments, such as three year implementation plans, together with plans in areas such as research, compliance and education. But given that no detail is provided, we have to assume that these plans do not yet exist and that no-one knows what they might contain, if ever they appear. Although the draft management plan is a lengthy document, it thus fails to provide clear guidance to either the public or to managers as to what will be implemented and how. Given the poor quality of marine park management to date, we are concerned that this vague approach will only provide rhetorical cover for the future downgrading of marine parks in NSW.

## **Community and Partners**

Coastwatchers welcomes the emphasis given to partnering with Traditional Owners. We note that there has been a history of difficulty in this area on the South Coast, including prominent media recently relating to what appears to be harassment of local Aboriginal people for seeking to access sea resources. The sentiments in the draft plan are laudable but we hope they are pursued vigorously and sensitively and with outcomes satisfactory to local Aboriginal people.

Marine park advisory committees have not worked well at the local level. There have been suggestions of political interference in their composition and they have been progressively constrained to the point where their members are regarded only as individuals with some expertise rather than true representatives of interest groups and stakeholders. In addition, there have been stringent requirements around confidentiality that have prevented advisory committee members from consulting effectively with their own communities. As a result, local communities are denied a meaningful way of contributing to ongoing consultations on marine park issues. We note that the plan envisages ensuring that there is a place on advisory committees for representatives of the SCUBA diving community. This is welcome, and it is regrettable that this was not in place already. However, there is a need for a revamp of the whole advisory committee process so that it can provide a vibrant and effective channel for community engagement.

The listing of partners for the various proposed activities is concerning. We note that, in its analysis of the draft plan, the Australian Marine Conservation Society found that of 152 identified actions for implementation, “more than 120 named and unspecified partnerships are listed with non-governmental stakeholders from extractive industries *even when they have no direct relationship to or expertise in the listed action item*”. By contrast, “less than 15 named or unspecified partnerships are listed with any non-governmental local, state or national conservation groups, marine educators or researchers, academic institutions, or marine science professional bodies *even for actions which are clearly within the immediate interest, expertise and scope of conservation or science stakeholders*”. This calls into question the credibility of the process of developing the draft plan. How is it possible that organisations such as OceanWatch and the Professional Fishermen’s Association were granted access to the early stages of developing the plan while conservation organisations were kept in the dark?

## **Marine Park Values**

Coastwatchers broadly supports the statement of values in the draft management plan. However we are concerned about the way in which values might be used in the plan process. For example, it should always be clear that conservation of the environmental values of marine parks is paramount and that other values are secondary. The draft plan begins by referring to the 2014 Community Survey, but omits any reference to the results of that survey, particularly the strong general support for marine conservation. It also fails to address problems with the community survey approach, in particular that members of the public generally prioritise issues that are superficially obvious to the casual observer and that data established through scientific research is more authoritative but may be less well-known. It is not clear from the draft plan what the source of the various values statements might have been, i.e. whether they are based on scientifically rigorous data or on superficial shopping mall surveys.

The draft plan states that there was “a comprehensive review of local evidence and extensive discussions with marine park advisory committees” on local community values. No information is provided on what local evidence was adduced and our information on the consideration of local values by the Batemans Marine Park Advisory Committee suggests this statement is a considerable exaggeration of what occurred. The problem is that for years research in the Batemans Marine Park has been neglected, with the result that there is not nearly enough data to satisfactorily describe local environmental values. For example, there is little if any local research on Black Rockcod, Grey Nurse Sharks, syngnathids, the extent of urchin barrens, trophic relationships, and marine life other than those relevant to commercial and recreational fisheries.

## **Threats to Marine Park Values**

The idea of threat and risk has become the keystone for planning for the marine estate, to the extent that it has been written into the governing legislation. The problem is that it has proven difficult to come up with data on threats that is sufficiently specific to form the basis for any planning for action in marine parks. The draft plan refers to the Threat and Risk Assessment (TARA) undertaken in 2017. This was a desk review of available information on NSW coastal waters. Inevitably this information was patchy. There were no new studies specifically done for marine parks. This is acknowledged in the draft plan (p30) where it is stated that evidence was “limited and inconsistent at a local marine park scale”. The draft attempts to suggest, however, that “ground-truthing” remedied this difficulty to the extent that problems were largely resolved. No specific information is provided about this ground-truthing, but our information regarding the Batemans Marine Park Advisory Committee’s contribution to ground-truthing indicates that information provided was superficial and anecdotal. The results of all this bureaucratic activity, as set out both in the TARA and the draft plan, is far too complicated to be useful for planning. Even at the basic level of the listing of threats, the potential for confusion is apparent where the draft plan fails to note that environmental values will be at risk from threats such as habitat disturbance, wildlife disturbance, reductions in abundance of species or excessive extraction.

While the threat and risk approach is now unavoidable seeing it is written into legislation, planning should seek to maximise the use of CAR (Comprehensive, Adequate, Representative) principles for marine park design. These have been acknowledged as fundamental in all Australian jurisdictions and are recognised as “best practice”, for example in the Great Barrier Reef Marine Park. They have been endorsed by the Government’s own Marine Estate Expert Knowledge Panel in its recent technical paper (*Evaluation of the performance of NSW Marine Protected Areas; biological and ecological parameters*, August 2020), as well as in the 2019 *Position Statement on Marine Protected Areas (MPAs)* of the Australian Marine Sciences Association (AMSA). By using these principles as basic to planning, the legislated primary purpose of NSW marine parks will be best promoted. The AMSA recommendation should be implemented, i.e. that marine parks ‘with at least 30% sanctuary (no-take) zone are the most effective and therefore the preferred design option’.

## **Management Objectives**

Coastwatchers supports the objectives as set out in Table 3 (p38). However, as mentioned above, these very general objectives are not articulated in a way that would enable their achievement or otherwise to be meaningfully measured.

## **Actions, Implementation, Monitoring and Governance**

The draft plan’s listing of actions is seriously compromised by the failure to provide specific detail as to targets, timeframes, budgets, monitoring mechanisms and so on. It presents as a vague wish list that will make it difficult for meaningful public scrutiny for another 10 years. The substance of what management actions might be taken is postponed to some indefinite time in the future. Most of the references in the draft plan to resources are to their scarcity. The track record and structures for

community consultation are not encouraging. Given that marine parks have already been run down over the past 10 years by the present administration, the draft plan sets them up for decades of neglect.

Coastwatchers notes that the draft plan is regarded as 'Stage 1' of the process and that rules and zoning are to be considered as 'Stage 2'. However, we in the Batemans area are acutely conscious of the Government's action in December 2019 when it opened up six sanctuary zones within the Marine Park to various forms of recreational fishing. This was done without any process, without consultation, scientific study or even informing marine park officials. The situation of these sanctuary zones is unresolved. Fishing in these areas remains illegal but is covered by the device of the amnesty, which is offensive to most members of the public and flies in the face of any proper process of community consultation. The FAQs for the draft plan state that "draft management rules to implement the Final Network Management Plan, *incorporating these zone changes*, will be subject to a minimum two-month statutory consultation period during stage two of the planning process." This is contrary to the statement by the former Environment Minister, Mr Matt Kean, who stated publicly on 31 October 2020 that these zones would be restored. It should be understood that there are credibility issues here. The Government cannot expect to be regarded by the public as serious about consultation when it acts arbitrarily in such a manner, on top of years of neglect of the marine park. What should happen is that the amnesty should be immediately rescinded so that any and all proposals for management rules and zonings can be considered when we get to Stage 2. If there is still an intention to open up these zones, that could be put forward as part of the Stage 2 process.

Sincerely,



Mark Rote  
President  
The Coastwatchers Association Inc  
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