

DRAFT NSW MAINLAND MARINE PARK NETWORK MANAGEMENT PLAN 2021-2031

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1. WHAT DOES THE PLAN AIM TO DO?

- a. Set out a consistent approach to marine park management for the 5 mainland marine parks in NSW (including Jervis Bay Marine Park);
- b. It aims to do this by identifying a common set of values, threats, objectives, actions and programs. In some (limited number of) cases it identifies local (park specific) actions and programs.

2. WHAT IS THE TIMELINE?

- a. Once finalised, the plan will be in place for 10 years. Note the plan is out for consultation with comments due 31 January 2022. After this phase comments will be collated and a revised MPNMP³ prepared by mid-2022, along with draft regulations and rules. The latter will be available for community consultation in the second half of 2022.
- b. The management plan will be supported by three-year implementation plans which include detail on management programs (for example, education and research), rules (such as zoning) timeframes and resourcing. These are to be developed in consultation with Marine Park Advisory Committees, marine estate agencies and (yet to be) identified partners. Management rules will be subject to a minimum two months of community consultation.
- c. Delivery of the implementation Plans are to be reported on and updated annually.

¹ Jervis Bay Community CruiseShip Coalition

² Keep Jervis Bay Unspoilt

³ Marine Park Network Management Plan

- d. A progress report on the Marine Park Management Plan is to be delivered every three years.
- e. The Marine Park Management Plan is to be reviewed after 10 years.

3. WHAT DOES IT SAY?

a. It suggests a new approach is needed to ensure consistency, avoid duplication, clear and equitable arrangements for stakeholders, streamlined planning processes, reduced engagement fatigue, and better management of scarce resources.

Our comments - However, the Plan fails to detail the need for this or provide evidence of an evaluation of the current management approach to achieving the primary purpose of marine parks.

- b. It notes that the main primary purpose of marine parks is to:
 - Conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate.
- c. It lists the following as secondary purposes that **must be consistent with the primary purpose**:
 - to provide for the management and use of resources in the marine park in a manner that is consistent with the principle of ecologically sustainable development;
 - to enable the marine part to be used for scientific research and education;
 - to provide for opportunities for public appreciation and enjoyment of the marine park; and
 - to support Aboriginal cultural uses of the marine park.

Our comments - Unfortunately, the emphasis of the Plan is on the secondary purposes without considering the impacts of these on the primary purpose of conservation in Marine Parks. For example, of the six management objectives identified for the marine parks, only three are related to the primary purposes. There is an emphasis on improving access for commercial, recreational and tourism activities at the expense of environmental stewardship and protection. A key word search of the document references the Environment 105 times, Economic 140 times, Social 168 times, and Ecological 21 times.

By downplaying the primary purpose, the plan places greater emphasis on increased extractive and commercial use, with partners and business interests determining key aspects of marine park management. It is telling that there were some 438 references to commercial and extractive activities (commercial fishing 81, recreational fishing 98, aquaculture 71, spearfishing 23, tourism 104, business 61) and only 121 references to low impact activities (boating 55, sailing 12, swimming 18, snorkelling 21, kayaking 15).

The plan talks about win-win outcomes and trade-offs. It notes that quadruple bottom line outcomes can deliver benefits **but these should not be at the expense of the primary purpose**. The legislation states that “the principles of ecologically sustainable development require the effective integration of economic, social and environmental considerations in decision-making processes” and that achievement of this should be done through the use of: the precautionary principle; assuring intergenerational equity; conservation of biological diversity and ecosystem integrity. **The plan should (but does not) outline how trade – off**

strategies are consistent with the first three principles of Ecologically Sustainable Development (use of the precautionary principle; assuring intergenerational equity; conservation of biological diversity and ecosystem integrity).

d. What does the community value about marine parks – the document lists two pages of values listed under six broad groups – environmental, social, cultural and economic.

Our comments - It acknowledges that the marine environment is not only a value for the community today, but also for future generations; but it fails to demonstrate via the proposed objectives, programs and actions how the marine park environment is going to be protected for future generations – indeed there is an emphasis on unlocking opportunities for the community to participate in more recreational activities (fishing, diving, tourism) and expand commercial opportunities, but without any clear indication how the impacts of these activities on marine park ecosystems will be monitored.

The Survey⁴ used to determine the values presented in the plan is flawed from a number of perspectives. It was conducted in 2014 and was for the entire Marine Estate - not for Marine Parks; only 1200 people were surveyed and the majority were unrepresentative of communities which live in or utilise the 5 Marine Parks.

The plan does not provide information on which values were primarily informed by expert scientific advice, peer-reviewed evidence, input from the community, or input from identified stakeholder groups.

e. It identifies six threat themes (or areas) – ecosystems, habitats and species; water quality; climate change; community access and opportunity; and community engagement and governance.

Our comments - Threats have been determined via reference to the Threat Assessment Risk Analysis (TARA)⁵. This assessment relates to the Marine Estate and not specifically to Marine Parks.

TARA has been externally evaluated and criticised as, while noting that Environmental Assets face significantly more high risks than Social and Economic Benefits, both appear to be given equal consideration. The plan attempts to treat threats to community activities and uses, as equivalent with threats to environmental values, rather than prioritising as per the Legislated primary and secondary purposes of marine parks.

Interestingly, the document fails to mention population pressure either via increased urban/rural development, recreational activity and tourism, as major pressures on the environment. For example, it fails to mention the impact of boats and jet skis on wildlife disturbance; it omits any reference to the impact of day tourists on litter, marine debris on water quality. It suggests that community access and opportunity is under threat by limited access/loss of access to infrastructure or development but does not highlight what

⁴ The Marine Estate Community Survey (see: [marine-estate-community-survey-report-appendix-4-2.pdf \(nsw.gov.au\)](https://www.nsw.gov.au)) (Sweeney Consultants, 2014)

⁵ [NSW Marine Estate Threat and Risk Assessment Draft Report EDO NSW submission Mar 2017.pdf \(d3n8a8pro7vhmx.cloudfront.net\)](https://www.nsw.gov.au)

increased access or development may do to other areas such as the environment and ecosystems.

f. The main part of the document sets out the objectives, actions and programs aligned to the six threat themes.

Our comments - The plan fails to acknowledge enhancement of knowledge and improved management of the marine environment as a key objective. The plan does not provide an opportunity for the public to comment on SMART (objectives that are specific, measurable, agreed, realistic and time-based). The plan fails to provide a clear indication of the costs and benefits of the shortlisted actions and any indication of relative weightings or the alluded to, “trade-offs”.

g. The Plan provides key Objectives and Actions in table format.

Our comments – The overall impression is that priority Actions in the Plan were determined with minimal, or extremely selective, community engagement, and with little to no transparency to, or consultation with, the public.

Of 152 identified Actions for implementation, less than 15 named or unspecified partnerships are associated with non-government local, state or national conservation groups, marine educators or researchers, academic institutions, or marine science professional bodies. This suggest inadequate links with partners with conservation skills, even for actions which are clearly within the immediate field of interest, expertise and scope of these stakeholders (for example 1.2c, 1.2e, 2.2b, J&B 5.6e, 5.7b, 6.1h).

By contrast, 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 (for example items, 3.1d; all actions under 1.1 and 1.3).

Worse, these non-governmental, extractive stakeholders are listed as sole partners on action/decisions that may have extremely deleterious consequences for the primary purpose of marine parks (for example items under 5.5).

The Plan includes action items which appear to be paving the way to allowing for approvals that have already been determined, prior to education or engagement with the public to canvas benefits and threats (for example 5.7c which describes a preliminary risk assessment to determine if cruise ship visitations are appropriate in Jervis Bay, despite such visitations already being planned and sold to consumers).

We have provided a more detailed summary of key objectives and actions in the table below. It is a condensed version of the very detailed table in Section A of the Plan⁶. As the old saying goes “the devil is in the detail” and we have tried to tease out some of this detail and looking at potential implications, whilst also offering some alternative or additional actions. These are highlighted in our Table below in blue.

⁶ Objectives and Actions Table A1, pages 47-80, [NSW Mainland Marine Park Network - Draft Management Plan 2021-2031 \(amazonaws.com\)](https://www.amazonaws.com)

OBJECTIVES AND ACTIONS FOR IMPLEMENTATION ACROSS THE NSW MAINLAND MARINE PARK NETWORK

ACTION	Objective 1: To protect and enhance species, habitats and ecosystems within marine parks
1.1	1.1 Support planning and development to conserve marine park values
1.2	Conserve marine park values, species and ecosystem values 1.2d Partners - should add Universities, Community Groups, Citizen Science, NGO Conservation Groups
1.3	Manage beaches and foreshores to conserve marine park values 1.3d Develop and implement best practice guidelines for 4WDs, domestic dogs and horse riding on beaches in partnership with local land managers. The question is: what is the justification for this, and what are the impacts on marine parks? The suggestion is that these activities will be managed via education rather than rules that are enforceable. 1.3f Where is the data coming from to back-up and develop Best Management Practices (BMP)?
1.4	Minimise the impact of pest and disease Cruise Ships have been shown to carry exotic pests on their hull and in bilge and represent a biosecurity threat to Marine Parks and the Australian Marine Estate. They should not be permitted in Marine Parks.
1.5	Enhance marine habitat 1.5c What are “Clean up activities Projects”?
1.6	Support sustainable marine resource use 1.6a “Education” should be linked to obtaining a boat & fishing licence – to be regulated like car licence (with demerit points and loss of licence for repeated non-compliance) to prevent boat and Jet ski harassment of marine mammals and impacts on other marine park users (swimmers, non-motor craft e.g., kayaks, paddle boards, wind surfers). Consultation should occur with all the community, not just boating interest groups, and the impacts of all motorised watercraft on marine mammals, the marine park ecosystems, and other marine park users, assessed. 1.6b Needs more research & on-ground enforcement and monitoring of tourism impacts on marine mammals. Increasing tourism – the impacts on the Marine Parks will get greater and need to be monitored. 1.6c Ban use of unattended lines and traps in Marine Parks. 1.6d Removal of intertidal species is a common and frequent occurrence in Marine Parks For example collecting of crabs and cunjevoi for bait, or shellfish for consumption. This is also a frequently occurring issue in Sanctuary Zones. Many cultures either plead ignorance or just don’t understand the regulations around collecting marine species in these areas. There is a need for multi lingual regulation compliance education campaigns; these backed up by increased on-ground enforcement of regulations. This issue will only get worse with increased tourism. Illegal fishing in Marine Park No Take & Sanctuary Zones requires the same education and regulatory response. 1.6e all Marine Park intertidal areas should be protected from extractive uses as well as the impacts from development.
Jervis Bay Action	Support the implementation of priority actions to protect and recover Cauliflower Soft Coral; Identify and map areas of occurrence. Support development and implementation of a Domestic Waterfront Structures Strategy for Currumbene Creek – This could potentially pave the way for much further development and large infrastructure e.g. Marinas and jetties. Needs greater assessment and investigation of impacts on water flows, water quality and sensitive estuarine and mangrove systems in Currumbene Creek. Without detailed scientific environmental assessment it should be deemed incompatible with Primary Purpose of Marine Parks.

<p>Objective 2 To improve water quality and reduce marine litter for the environment and community</p>
<p>2.1 Protect Riparian Buffers 2.1a Development impacts – draining / clearing of estuaries and mangroves; including for jetties and marinas. Potential for mobilisation of Acid Sulphate Soils. Without detailed scientific environmental assessment of development impacts this should be deemed incompatible with Primary Purpose of Marine Parks. 2.1c Resources are inadequate to enforce compliance</p>
<p>2.2 Reduce Marine Debris 2.2a & 2.2b Partners – include Clean up Australia, Local Community Groups, Schools 2.2c Should also include waste from Commercial Fishing sources 2.2d Yes, as long as structures don't biodegrade into something more harmful e.g., microplastics 2.2e Increase Education</p>
<p>2.3 Reduce diffuse and point source pollution A number of these actions require independent monitoring by a body such as the Environmental Protection Agency (EPA) than rather relying on the Department of Primary Industry which covers the fishing industry. 2.3a Agree, but EPA should also be involved. Is it appropriate that Fisheries is involved in this aspect of Marine Park management? If this is the case there is a need to separate Fisheries Divisions - Research for Conservation and Commercial for Fishing Interests. 2.3b Whilst we agree with this sentiment, we don't believe education will work. Local governments are constantly under pressure from developers. This ACTION should come under Rules and there should be legislation against inappropriate development - saves a lot of ambiguity around current processes. 2.3c Agree. But given failure of developers to comply with Standards, and Council inability to enforce these, this should be developed as a Marine Park Regulation. 2.3d Why is Professional Fisherman's Association involved? Is EPA involved? 2.3e Needs to be multicultural education. Also backed by regulation and penalties for non-compliance. Should be cross-over with Rules Program. 2.3g Presumably there is the potential for human health impacts as well. Therefore, there should also be research focussed on this, and Partners should include Dept. of Health.</p>
<p>2.4 Minimise impact from sediment contamination Understand and mitigate the impacts of PFAS on marine park values. J2.4b Impact to Jervis Bay Marine Park. Also, in Jervis Bay Marine Park impacts from urban runoff (stormwater) and sewage systems into creeks and estuaries - Moona Moona – originating Bayswood Estate. Localised - sewage systems at Greenfield Beach (National Park and Wildlife Service toilet block is a septic pump-out system), Blenheim Beach, and stormwater runoff into creeks; Collingwood - sewage stench at Vincentia roundabout. Currumbene Creek and Moona Moona Creeks – developments adjacent to mangroves and estuaries and Key Fish Habitats.</p>
<p>Objective 3 To help understand, mitigate and adapt to the impacts of climate change on the NSW Marine Estate</p>
<p>3.1 Understand, mitigate, and adapt to the impacts of climate change 3.1c Moona Moona 'motel' development is inappropriate under this scenario. Foreshore development to consider rising sea levels. Marine Park habitat will migrate to areas of potential foreshore development – so requires restrictions on development along foreshore to enable marine habitat adaptation. 3.1d Seagrass areas to be preserved and activities which encourage enhancement to be researched and promoted.</p>
<p>Objective 4 To partner with Aboriginal people for protection of Aboriginal cultural values and improved marine park management</p>
<p>4.1 Improve access and opportunity for Aboriginal cultural values</p>
<p>4.2 Incorporate traditional Aboriginal knowledge in marine park management Develop a Marine Park Indigenous Ranger Program.</p>
<p>4.1e Bherwerre Beach currently being utilized by Wreck Bay Community for 4- wheel driving; it may be useful to undertake a collaborative research project with the Community investigating the impacts of 4WD on the beach.</p>

<p>Objective 5 To improve access and opportunity for enhanced social, cultural and economic values from marine parks</p>
<p>5.1 Improve access and opportunity for boating General comment – this needs to be considered against the impact of congestion and noise on the local community, impact on estuarine and mangrove systems, anchor impacts on benthic communities, speed and noise impacts on marine mammals. 5.1a Boating congestion and noise can be an impact on local residents. Boating impact on estuarine and mangrove systems, anchor impacts on benthic communities, speed and noise impacts on marine mammals and other Marine Park users.</p>
<p>5.2 Improve access and opportunity for commercial fishing and aquaculture General comment WHY? CURRENTLY ONLY 17% OF MARINE PARKS IS NO TAKE – WHY IS THERE A NEED TO EXPAND? These are extractive and potentially polluting industries and should not be permitted OR the “trade-off” should be: more fishing / commercial aquaculture permitted in Marine Parks = expansion of the area set aside for Marine Park Sanctuary / No-Take Zones to 30% within each Marine Park (Note - The Australian Marine Sciences Association recommends marine parks ‘with at least 30 percent sanctuary (no-take) zones’ are the most effective) 5.2b – rationale for this is not elaborated on and it appears a justification to reduce Sanctuary/No Take Zones. Where is the scientific evidence that these actions are consistent with the primary purpose of marine parks? 5.2c Comment - As above 5.2e As Above 5.2f, 5.2g & 5.2h As above</p>
<p>5.3 Protect marine heritage</p>
<p>5.4 Improve access and opportunity for outdoor recreation and enjoyment</p>
<p>5.5 improve access and opportunity for recreational fishing (including spearfishing) Why has this been identified as a specific action? Where is the research to support that expansion of these activities won’t have a negative impact on biological diversity? 5.5c Who is going to monitor impacts and police these activities? Just because TARA doesn’t identify Spearfishing or recreational fishing as potential to be a moderate to high impact threat activities to all sorts of marine habitat doesn’t mean they aren’t! TARA was undertaken for the entire Marine Estate and was NOT Marine Park specific. Where is the up-to-date research on this? Increasingly more people are undertaking these activities. 5.5d Partners - What about other users of the marine environment as partners?</p>
<p>5.6 Provide safe opportunities that are free from conflict 5.6a Agree, but needs to tie in and have feedback loop with Tourism Policy. 5.6b Include Boat and Jet Ski users and should be enforced via rules. 5.6c This also a concern with spearfishing (speared fish attracting predatory species) and fishing (use of burly attracting predatory species).</p>
<p>5.7 Improve Tourism opportunities The question is WHY? Marine parks are already inundated with tourists. Where is the research showing the impacts of increasing tourism on the marine park environment? And how those ‘improvements’ to tourism opportunities are consistent with the primary purpose of marine parks. 5.7c THIS IS OF MAJOR CONCERN. IT APPEARS THAT THE POLICY TO ALLOW CRUISE SHIPS HAS ALREADY BEEN MADE – CRUISE COMPANIES ARE ALREADY ADVERTISING (see end of this summary). This is post facto justification. Good policy development would undertake research and a cost: benefit analysis to inform a policy on whether to allow or not to allow cruise ships into Jervis Bay. This is putting the cart before the horse! Where is the community consultation, environmental impact risk assessment and cost: benefit analysis?</p>
<p>5.8 Enhance bequest and intrinsic values</p>
<p>J5.5f Negotiate with Booderee National Park to allow transit of unloaded spear guns through the National Park to provide access to valued shore based spearfishing sites in NSW marine park waters; This is a ludicrous proposal. Spear guns are not allowed into Booderee – loaded or unloaded! It should be kept that way. NSW Government has no jurisdiction to be making decisions for Booderee.</p>

<p>J5.6e Undertake education programs to increase community understanding of seal behaviour and interactions and strategies to reduce risk</p> <p>Some Fishers target seals – deliberately kill or injure seals where they are seen to be competing for fish resources. Marine Parks should be a safe haven for seals and fishers should be prosecuted for inflicting harm to seals.</p> <p>Ban jet ski use - threat to swimmers and marine mammals and the ongoing source of conflict amongst marine park recreational users. Note Jet Skis are not permitted into Booderee National Park. They have also been banned in other, less sensitive, areas in NSW waters.</p> <p>Partners – include ORCCA (Organisation for the Rescue and Research of Cetaceans in Australia) in education, monitoring and compliance. Is NSW National Parks & Wildlife Service involved? They are currently the Agency responsible for Marine Mammal wellbeing?</p>
<p>Objective 6 To support evidence-based, inclusive and effective decision making and marine park management</p>
<p>6.1 Improve knowledge to support evidence-based management</p> <p>General comment – The Plan acknowledges that resources for research is limited. How can the plan promote more commercial use and extractive activities when limited research has been undertaken? Baseline research should be undertaken before any further extractive or commercial activities are considered or approved.</p>
<p>6.2 Improve education, stewardship and compliance</p> <p>6.2b Shark Week introduced by Jervis Bay Marine Research and Discovery Centre (JBMRDC).</p> <p>6.2e Within each Marine Park there is a need to expand the full-time regulatory compliance force.</p> <p>6.2f Need to increase resources and on-ground public presence.</p> <p>6.2g Establish a real-time local response hotline for each individual Marine Park for the public to contact when breaches are observed.</p>
<p>6.3 Improve community engagement and partnerships in marine park management</p> <p>Definitely needed. In Jervis Bay, the Jervis Bay Community CruiseShip Coalition (JBCCC), Keep Jervis Bay Unspoilt (KJBU) and Our Future Shoalhaven (OFS), local community consultative bodies and other interested parties should be listed as major partners and consulted on all matters.</p>
<p>6.4 Reduce the regulatory burden.</p> <p>Better use of available resources and backed up by better messaging and consistent and coordinated Agency enforcement.</p> <p>Many of the activities suggested as needing reduced regulation occur at the expense of other users (e.g., filming, weddings - leave litter and damage marine and foreshore environments). A movement away from rules to general codes of conduct is a lessening of requirements.</p> <p>6.4a Many of these activities impact on Marine Park values e.g. events, tourism. In fact, they compete with other users e.g., Filming and events can force exclusion of other beach users, leave litter and damage local marine and foreshore environments.</p> <p>6.4b What sort of Estuarine works are we talking about?? E.g. drainage, development? And who would assess? Taking it out of Marine Park approval process could be disastrous. This is a potential lessening of requirements which may allow drainage and development at the expense of the environment.</p> <p>6.4c Don't hand approval over to Fisheries - conflict of interest. Extractive vs Conservation values.</p>
<p>6.2b Shark Week introduced by Jervis Bay Marine Research and Discovery Centre.</p> <p>6.3 Community Groups (in Jervis Bay - JBCCC, KJBU, OFS) should be involved in decision making in Marine Parks.</p>
<p>J6.3d Develop a memorandum of understanding with the Australian Government to support complementary management arrangements for Commonwealth and NSW waters that protect and enhance marine park values. This could open the doors to Cruise Ships in Jervis Bay. Removing regulatory hurdles has been advocated under the NSW Cruise Ship Industry Strategy. THIS IS CODE FOR ALLOWING CRUISE SHIPS INTO NAVAL WATERS IN JERVIS BAY.</p>

h. Delivery of the plan will be supported by three-year implementation plans which will be developed for each marine park in partnership with marine park advisory committees, marine estate agencies and partners identified for specific actions. Implementation plans for each marine park will detail responsibilities, timeframes, key performance indicators, resourcing, and prioritisation.

Our comments - It is disappointing that there is no community consultation on the implementation plans or indeed on their proposed annual review. There should be a high level of transparency of the development of these local plans and strong accountability. Similarly, prioritisation of actions should be subject to community input and feedback.

i. The plan notes that implementation plans will prioritise actions for implementation according to available resources and funding priorities.

Our comments - There is no clear commitment on the level of funding to support the plan or specific actions for the marine parks. Of concern is the statement that this management plan will support a business case for any partner to seek additional resources. Government funds for the Plan development are minimal (reportedly around \$5million) so further development and implementation will rely largely on external contributions by partners (such as corporate sponsorship). External partners should be subject to strict transparency and accountability checks to ensure conflicts of interests do not arise or undermine priority actions that support the primary purpose of marine parks.

j. The plan provides for the making of management rules, including zones. These will be developed by marine park advisory committees, key stakeholders, and government agencies. Changes to management rules will be subject to an assessment of costs and benefits to environmental, social, cultural and economic values, financial costs to government and trade-offs. Draft management rules will be available for a minimum of two months consultation.

Our comments - Again, there is a lack of transparency in the specification of how management rule changes will be determined and how they will be assessed against the overriding primary purpose of marine parks.

The determination of Zones will also be influenced by the agreed objectives and actions. There should be detailed research specific to each Marine Park that should inform both the action and appropriate zoning controls. The Plan lacks this level of detail.

'Trade-offs' should not occur without being substantiated by detailed scientific research and evidence; and should not occur where the result **might** be detrimental to the primary purpose, as per the precautionary principle.

k. The plan proposes a monitoring plan for the marine park network, annual reports on the delivery of implementation plans, and a report on the overall delivery of the management plan after 3, 6, and 9 years of implementation. A formal review of the plan and management rules is required after 10 years.

Our comments - A number of items are missing from this approach – specifically the identification of baseline data against which performance can be monitored and judged; the criteria against which the effectiveness and success of the plan is measured; determination and implementation of continuous improvement and resourcing for the monitoring program.

4. WHAT SHOULD WE BE CONCERNED ABOUT FOR THE JERVIS BAY MARINE PARK?

a. The plan often ignores the primary purpose of marine parks and proposes objectives and actions that are not underpinned by the legislated primary purpose of protecting marine ecosystems. The plan has a strong emphasis on improving access whether it be boating, fishing (recreational or commercial), tourism etc. it does not provide any substantive evidence of the need for this increased access and how this will be consistent with the primary purpose of marine parks. It provides generalised data on the value of these activities to the NSW or the Shoalhaven region but it does not indicate the value to the Jervis Bay community. Most importantly **it does not indicate the cost associated with the expansion of these activities** – whether it be the cost to the environment and marine ecosystem, the local community through loss of amenity (e.g. congestion, overcrowded beaches, increased rates to pay for maintenance and upgrading of infrastructure) and to local Councils and other organisations.

b. It highlights the need for best practice guidelines for 4WD's, domestic dogs and horse riding on beaches – **it omits other power craft such as speed boats, jet skis and other PWCs**. Most concerning this is to be managed by education rather than a rules-based approach. Jet skis are notorious for inappropriate harassment of Jervis Bay's resident dolphin population. They have been banned in other areas where they have caused problems – why, under the guise of 'PWC', are they promoted as an 'opportunity' for Jervis Bay Marine Park?

c. It identifies the need for the development and implementation of a domestic waterfront structures strategy for Currumbene Creek. It notes that identification of appropriate and inappropriate areas for waterfront structures ensures clear expectations for residents and developer, can expedite approval processes, and ensure consideration of marine park values. This is concerning as it potentially opens the door for upgraded wharf facilities which would allow the docking of larger vessels. In this context other NSW Government documents note that marine based tourism in Jervis Bay is hindered by current wharf facilities at Huskisson. The community needs to be vigilant to ensure that the waterfront at Huskisson is protected and maintained to support low impact marine-based activities. Furthermore, and perhaps most significantly, it does not acknowledge the key roles that the Currumbene Creek estuaries and mangroves play in sustaining Jervis Bay Marine Park ecosystems. What will be the impact of additional structures and increased boat activity on water flows and water quality (e.g., turbidity, risk of boat fuel/oil leakage) and hence on the estuarine and mangrove ecosystems? These are after all, the breeding grounds for many of the marine species that call Jervis Bay Marine Park their home.

d. The Plan completely misses the impact of increased population and in particular increased tourism on water quality, marine debris, and marine creatures.

e. The report indicates there is a need to support local marine pollution prevention, noting that marine vessel accidents do occasionally occur in marine parks. The community should be concerned about any expansion of boating, including commercial vessels, whether they be fishing or tourism operators/cruise ships. It should be noted that most cruise ships are foreign owned and operated with their insurance based offshore. The clean-up of any accident associated with these ships would inevitably be met by the Australian taxpayer as it takes years to get foreign operatives to accept responsibility.

f. **Action 5.7 of the report is of most concern** – it seeks to identify tourism precincts in each marine park; support marine park tourism operators and accommodation providers to promote marine park values and regional tourism and undertake a risk assessment to inform development of a policy on sustainable cruise ship visitation in NSW Marine Parks – **the report specifically refers to opportunities to expand cruise ship visitations in Jervis Bay**. It notes that the cruise ship industry can make a valued contribution to regional economies – this statement is not quantified nor is evidence provided to support it. In addition, it does not provide any reference to the costs to the environment or the local community. A risk assessment should include a full environmental impact statement as well as detailed modelling of all the costs and benefits to community.

JERVIS BAY CRUISE CALENDAR

CRUISES VISITING JERVIS BAY

		16 DEC 2022	7 NIGHTS	Treasures Of The South Australian Coast And Tasmania Ship: Le Laperouse Departs: Sydney Returns: Hobart	INSIDE Sold out	BALCONY \$5,840	DELUXE SUITE \$10,060	PRIVILEGE SUITE \$15,080	VIEW >
		28 DEC 2023	16 NIGHTS	Auckland to Sydney Ship: Silver Whisper Departs: Auckland Returns: Sydney	OCEANVIEW SUITE \$13,200	VERANDAH SUITE \$16,000	PREMIUM SUITE \$24,200	GRAND SUITE \$41,200	VIEW >
		04 JAN 2024	14 NIGHTS	Auckland to Sydney Ship: Silver Muse Departs: Auckland Returns: Sydney	OCEANVIEW SUITE \$12,900	VERANDAH SUITE \$15,400	PREMIUM SUITE \$24,000	GRAND SUITE \$41,300	VIEW >
		13 JAN 2024	16 NIGHTS	Sydney to Auckland Ship: Silver Whisper Departs: Sydney Returns: Auckland	OCEANVIEW SUITE \$12,700	VERANDAH SUITE \$15,200	PREMIUM SUITE \$22,900	GRAND SUITE \$38,900	VIEW >
		18 JAN 2024	14 NIGHTS	Sydney to Auckland Ship: Silver Muse Departs: Sydney Returns: Auckland	OCEANVIEW SUITE \$12,900	VERANDAH SUITE \$15,400	PREMIUM SUITE \$24,000	GRAND SUITE \$41,300	VIEW >

[VIEW ALL CRUISES VISITING JERVIS BAY >](#)

Source: [Cruises visiting Jervis Bay | 2022-2024 Jervis Bay Cruises visiting \\$793/day \(cleancruising.com.au\)](https://cleancruising.com.au), viewed at 18 December 2021.

g. There is an implicit assumption in the Plan that spear fishing is not a threat to the marine environment. Little evidence is provided to support this or the impact on localised species' populations and their regeneration.

h. The action to reduce regulatory burden involves a move away from rules to a general code of conduct, streamlining of regulatory oversight and approvals, and other Marine Park based self-assessments. Should this occur, several existing protections will be undermined and reduced. It suggests that 'low impact' activities such as tourism (not defined) and filming may not be subject to a Marine Park permit. This may open the door for a large range of activities to take place – e.g., cruise ships, film sets that restrict the access of the broader community to beaches and other areas of the park. Film and advertising companies have already sought exclusive access to use some of the beaches at Jervis Bay, but to date Council has maintained considered approach to these activities. Lessening of requirements

may open the floodgates. Note that Council does not have control over these activities where beaches are located within National Parks.

g. **Be wary of** the action that calls for the development of a memorandum of understanding with the Australian Government to support complementary management arrangements for Commonwealth and NSW waters that protect and enhance Marine Park values. This is code for 'action required' to facilitate the entry of large cruise ships. Jervis Bay has a naval installation and as such the Naval Waters Act regulates areas where the Commonwealth has responsibilities and facilities. Any proposal for cruise ships to use Jervis Bay on a regular and ongoing basis, including the addition of moorings and other facilities, would need to be compliant with provisions of the Act.

h. It is of concern that the report does not know the geography of Jervis Bay. It incorrectly notes that Moona Moona Creek flows into Hare Bay and refers to Seaman's Beach as Sailors Beach. Minor details, but facts are important, and illustrates a lack of local knowledge and input.

5. WHAT CAN YOU DO?

Go to our webpage: <https://www.ourfutureshoalhaven.org.au/get-involved>

There you can find links to

1a) Print a submission and post to DPIE

OR

1b) Complete the survey on the DPIE website – but only after at least reading this summary or indeed the full report, or follow our guidelines. It has been noted that some options provided in individual responses in the online survey might not be in the best interest of Marine Parks

AND

2) The Australian Marine Conservation Society (AMCS) strongly suggests that you write to your local State MP. You can go their website and add your name to their submission. You can copy the following letter if you wish and paste into the AMCS email.

Letter to your representative

Dear

I write to you as my representative in matters of significance to the people of NSW.

The NSW Government has asked for feedback on the draft NSW Mainland Marine Park Network Management Plan 2021-2031. I am extremely concerned about the proposed Plan, particularly the potential for further cutbacks to marine sanctuaries.

I'm equally concerned about the lack of good process, transparency, and accountability when it comes to making decisions relating to our marine parks.

My key concerns with the Plan are summarised in my submission below, which I will also submit through the formal channels (to see a more detailed list of concerns, I refer you to <https://www.marineconservation.org.au/nsw-mainland-marine-park-network-management-plan-2021-2031/>).

Furthermore, as evidenced by the shocking authorisation of illegal fishing in Batemans Marine Park sanctuary zones in 2019, and the Minister for Agriculture's statement last year that he is eager to remove further sanctuary areas in marine parks (1), it's clear that our NSW marine life will remain at risk from this Government.

For these reasons, I ask that you personally raise these concerns with the NSW Minister for Energy and Environment and the Minister for Agriculture and Western New South Wales, on my behalf and on behalf of the NSW community who support our marine parks and sanctuaries, and whose lifestyles and/or livelihoods depend on them.

Please also urge these Ministers to ensure that the results of public feedback to the proposed Plan are reported publicly, once the consultation period is completed in line with good governance practice (standard in other jurisdictions).

My Feedback to draft NSW Mainland Marine Park Network Management Plan 2021-2031:

I welcome the opportunity to provide feedback on the draft NSW Mainland Marine Park Network Management Plan 2021-2031 (the Plan).

I strongly support Marine Parks, in particular the highly-protected areas (sanctuaries) within them that are the most effective tool for conserving marine biodiversity for future generations.

While I appreciate the vision for a consistent, holistic approach to managing marine parks in NSW, I'm deeply alarmed that the Plan substantially downplays their primary purpose as conservation tools. I do NOT support the proposed framework that appears to primarily pave the way for increased extractive and damaging activities to be allowed within them.

1. The Marine Estate Management Act 2014 (the Act) describes that the primary purpose of marine parks is "to conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate". Other purposes for marine parks (to

provide for management of uses, development and activity within the marine park) should only, according to the Act, be provided for “where consistent with the primary purpose” (2). The proposed Plan fails to account for this prioritisation; including in the so-called “trade off” outcomes, Threats, and Action items.

2. I oppose the entry of Cruise ships to Jervis Bay on the basis that they are not consistent with the primary purpose of marine park:

- They are a potential threat to species, habitats and ecosystems through, for example, the importation of pest species and marine strike of marine mammals and other species;
- They do not improve water quality – indeed they have a track record for doing the latter through spillage and additional litter and debris;
- They will impact on the local community via reduced access to the marine park, additional congestion and increased strain on current poor infrastructure.
- There has been no direct community consultation on cruise ship visitation to Jervis Bay.
- There has been no modelling of the cost benefit analysis of cruise ships to Jervis Bay – who benefits at what cost? Where is the environmental impact statement? What are the short- and long-term impacts on the marine park? Where is the scientific evidence? All these questions should be addressed prior to making any proposal to include cruise ship visitation as an action in the management plan.
- It is obvious Government has made a commitment to facilitate cruise ship visitation to Jervis Bay without doing its homework – normal practice would be to undertake the relevant research and risk assessment to inform a decision on whether to allow or disallow cruise ships to Jervis Bay. The plan proposes to do this analysis after the event as cruise companies are already advertising Jervis Bay as a destination. Government is being duplicitous and has shown it cannot be trusted on this issue.

3. The proposed Plan suggests there is a need for additional wharf and other marine infrastructure at Currumbene Creek – private or public. This will impact on sensitive estuarine environments and mangrove systems. Any developments such as marinas or additional wharfs (to facilitate landing craft or tenders from cruise ships) will also impact on water flows, water quality – not to mention access by existing residents and businesses. This proposal has been made without reference to the primary purpose of marine parks, analysis of the environmental impacts of these changes, or justified by any cost benefit analysis.

4. The proposed Plan includes Action items which pave the way for future downgrading protections in sanctuaries and other zones. While the rest of Australia and the world are scaling up protection in the face of increasing threats, NSW isn’t committing to protecting marine life for the next generation.

5. Across 152 Actions for Implementation, the proposed Plan shows fewer than 15 partnerships 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. By contrast, more than 120 partnerships are named with non-governmental stakeholders who exploit marine resources, even when the

Action items are outside their field of expertise/reference. This represents an unacceptable level of planned bias in management.

6. The proposed Plan omits the names of two bioregions (the Hawkesbury Shelf and Twofold Shelf) that remain completely unprotected in NSW under the nationally agreed CAR (Comprehensive Adequate and Representative) principles; and makes no reference to any Objective or Action to increase sanctuary protection in line with CAR principles, for the next 10 years of management.

A revised Plan to include:

1. The Plan be amended to provide an unambiguous commitment across all marine parks that any assessment of risks & trade-offs give primacy to biological and ecosystem outcomes & be consistent with principles of ecological sustainable development
2. All action items in the Plan be amended or removed to be consistent with Legislative requirement to conserve, i.e., in regards to commercial ventures such as cruise ships & aquaculture & any supporting works and infrastructure; recreational activities such as boating, jet skiing, four-wheel driving & dog walking; & any proposed marine infrastructure works such as jetties, wharves & pontoons proposed in Jervis Bay
3. An additional action item to increase no-take sanctuary zones to 30 percent of the Jervis Bay Marine Park, consistent with current scientific recommendations
4. An additional action item to invest in research and monitoring of the impact of sanctuary zones on local ecology and fish stocks in Jervis Bay Marine Park
5. An additional action item to invest in communication & compliance resources, such as signage & enforcement staff to improve community knowledge of marine park rules & zoning
6. Additional action items for Jervis Bay Marine Park to research and monitor the impacts of urchin barrens, the health of sea grass beds and any carbon opportunities, and the impacts of increasing tourism on Marine Park ecosystems and organisms.
7. An additional action item to partner with conservation and community organisations to address key threats, such as urchin barrens and coastal development, noting that the Plan refers to several partnerships with extractive industries.

My concerns about the Plan are greatly heightened by the NSW government's poor track record on marine protection, its willingness to ignore expert advice, and lack of open engagement and transparency. This was highlighted by the Government's decision, without consultation or scientific evidence, to allow illegal fishing in Batemans Marine Park sanctuaries two years ago, and the Minister for Fisheries publicly stated intention in 2020 to remove further sanctuary areas in marine parks.

I request that DPI-Fisheries and DPIE-EES compile and present to the public a formal report of the public feedback on the draft Plan, as is standard good governance practice in other jurisdictions.

Name _____ Address _____

Signature _____

Date _____