

Jervis Bay Community CruiseShip Coalition (JBCCC) submission to
Draft Marine Park Plan (the Plan)

24th January 2022

To:

Draft Marine Parks Network Management Plan
NSW Marine Estate Management Authority
Locked Bag 1 Nelson Bay NSW 2315

CC:

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This submission is from a coalition of community groups in the Jervis Bay area:

- Huskisson Woollamia Community Voice
- Callala Beach Progress Association
- Vincentia Matters
- Hyams Beach Villagers Association
- Keep Jervis Bay Unspoilt
- Basin Villages Forum

Over the past 12 months we have tried to obtain accurate information regarding the draft marine park management content, and the proposal to use Jervis Bay as a cruise ship port.

JBCCC wants to ensure that the management actions for Jervis Bay Marine Park will:

- prioritise the conservation of the biological diversity, ecosystem integrity and ecosystem function,
- protect the bioregions in the marine estate.

The above priorities must outweigh social, cultural and economic management considerations (as per the legislation). We believe that adhering to this primary purpose of environmental protection in Marine Parks will ultimately provide the most benefit to the community.

Summary of concerns

1. **Assess current management:** We are disappointed that the management plan is not underpinned by an assessment of the current management of NSW Marine Parks – there is no information for the community or industry as to how healthy our marine parks are, and how effectively the past management system has been in achieving the primary purpose of marine parks.
2. **Lack of reference to current research:** There is little effort to draw on current research, such as the literature around sanctuary zone effectiveness and NSW Marine Park instigated research.
3. **Lack of emphasis on the primary purpose:** We have studied the plan and have been disappointed at the lack of emphasis on conservation of the marine park ecosystems. The **emphasis** on economic, social and cultural uses can be inconsistent with the primary purpose of marine parks. This management plan may be appropriate for the marine estate as a whole, but not as a plan for marine parks and other conservation areas which are designated special conservation areas.
4. **Place based approach:** contrary to the Plan's intention and the original analysis in the TARA little acknowledgement has been made of the differences between the five marine parks.
5. **Threat themes, objectives, and actions** – comparison with TARA: The TARA analysis assessed threats across the whole marine estate. It is inappropriate, and inaccurate, to automatically transfer some of these threats to marine parks. Additionally, the conceptualization of threats in the Plan is confusing; and some threats are omitted.
6. **Development of objectives:** The process of objective development is not transparent.

7. **Under-emphasis on climate change:** despite the fact that climate change is predicted to have an impact across all values very few tangible actions have been allocated to this.
8. **Language:** The language used in the Plan is not conceptually clear and prioritises economic and recreation values over environmental values, despite the purpose of marine parks being one of environmental protection.
9. **Stakeholders:** the Plan lists 135 stakeholders who will be partners in the proposed actions – 120 of these stakeholders represent activities which are recognized as threats to marine ecology according to the TARA, and only 15 partnerships are with conservation groups..
10. **Lack of supporting evidence for proposed actions:** Despite a claim to be based on evidence based decision making the evidence underpinning this Plan is very thin.
11. **Shift to codes of conduct:** Without any evidence or reference to theory regarding compliance and management of illegal behaviours the Plan advocates a shift to codes of conduct in some instances.
12. **Lack of due process, transparency and accountability**
13. **Legislation:** lack of clarity around legislative outcome
14. **Cruise ships:** lack of published research around cost/benefits of cruise ships

Details of concerns

1. Assess Current management

The Plan fails to evaluate or provide evidence on the existing status of marine parks regarding their primary purpose. We are **extremely** disappointed that the management plan is not underpinned by a current status report on NSW Marine Parks. No information has been provided to the community or industry as to how healthy our marine parks are, and how effectively the past management has been in achieving the primary purpose of marine parks. This is a major oversight and undermines the credibility of the document.

This is despite such an evaluation being called for in the guidelines for assessing management options, page 15 the Plan states:

GUIDELINES FOR ASSESSING MANAGEMENT OPTIONS

The Authority's Guidelines for assessing management options for the NSW marine estate provide further guidance for steps three and four of the five-step decision-making process. The guidelines identify four questions to be considered in stages:

A. What issues need to be addressed in response to the threat and risk assessment?

B. What is being done already, should it be modified and where are the gaps?

C. What are additional and other mechanisms or tools that can be used?

D. Do these options effectively and cost-effectively address risk and maximise net community benefits?

These four stages have been applied in development and assessment of the management objectives and actions identified in this plan, as detailed in the corresponding sections below.

And again on page 39 step 3 requires 'assess current management'. No-where in the Plan has 'what is being done already' been assessed. There is no indication of which actions currently exist (and presumably resourced) and which actions will be new and therefore require resourcing. There is an outline of knowledge gaps that is taken straight from the TARA (but again without any specificity to the 5 mainland marine parks).

NSW Marine Parks have developed a range of consistent planning and management approaches which have always considered social, cultural and economic values. These approaches have evolved over the past two decades demonstrating an adaptive management approach. Unfortunately this experience and knowledge embedded in the current management approaches are ignored in this Plan; making the Plan look like it serves political purposes rather than effective marine management.

The Plan clearly considers that evaluation is an important part of the management process as it has included it as a step in this draft Plan; so it is exceedingly disappointing that no attempt has been made to evaluate existing approaches.

2. Lack of Reference to current research

The plan proposes various research actions to collect information to underpin suggested actions or to assess the current situation, but does not use existing research to evaluate the current situation as per the primary purpose of marine park or use this research to substantiate the proposed actions.

We are particularly concerned that the marine park management plan ignores the research around sanctuary zones and their contribution to marine park purposes.

For example, the plan ignores recent NSW research into the effectiveness of marine reserves (Knott et al 2021) which states that 'large and consistent effects of NTMR (no-take marine reserve areas) protection were detected across all bioregions' for some species p. 1.

In August 2020 the report "Evaluation of the performance of NSW Marine Protected Areas; biological and ecological parameters" was prepared for the Marine Estate Expert Knowledge Panel (MEEKP), which was seeking "up-to-date advice on the current revision of NSW Marine Park Management Plans" (Steinberg & McGinnity 2020). Despite this report being available in August 2020, and the release of the Plan in November 2021 no reference is made to the information which was specifically collected and provided to aid in the future management of NSW marine protected areas. This report states:

The reviews summarise the extensive evidence from across the globe for the effects of MPAs, particularly no-take MPAs (= Sanctuary Zones in NSW), in modifying properties of individual taxa or of ecosystems, especially when MPAs are appropriately located and effectively managed. These effects include increases in the abundance (biomass or density), size or biodiversity of various organisms (e.g., Edgar et al., 2014, Soler et al., 2015, Starr et al., 2015, and many others), enhancement or restoration of ecosystem function (Ling and Johnson, 2012, Leleu, 2012) or resilience (Mellin et al., 2016, Roberts et al., 2017) and enhancement of ecosystem services such as fishery yield (Kerwath et al., 2013, Freeman, 2012) and recreational values (Vianna et al., 2012). pp 3-4

When referring to NSW marine park specific research they state:

These studies show that there is typically a strong positive effect from protection in MPAs, particularly in Sanctuary Zones p 11

The omission of current research in this area is worrying.

3. Lack of emphasis on the primary purpose

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), or tourism. The Plan 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 (see also Concern 10 – lack of supporting evidence). 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.

For example, 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. Most significantly, it does not acknowledge the key roles that the Currumbene Creek estuaries and mangroves play in sustaining Jervis Bay Marine Park ecosystems. The TARA has identified infrastructure and boating activity in estuaries as a significant threat to the marine estate as a whole. 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. Jervis Bay has continued to be a healthy ecosystem because the inflowing creeks have so far been protected from devastating development.

Only 6% of the NSW marine estate is highly protected as sanctuary zones. Therefore 94% of the marine estate is available for the majority of uses.

If the state truly wants to have a system of marine protection that is comprehensive, adequate and representative (CAR) then it needs to seek evidence as to what levels of protection will fulfill this function. This management plan is so focused on monetizing the marine resource it seems to have completely forgotten to consider the scientific research as to how and where to create reserves according to CAR principles.

This lack of emphasis on the primary purpose has already been demonstrated by the recent ‘pilot program’ to not enforce the sanctuary zones in Batemans Bay; this management plan, based on scientific evidence should reinstate those sanctuary zones.

The focus on higher level objectives, threats and actions without an emphasis on the primary purpose of marine parks, and intention to undertake a subsequent process to look at rules (ie sanctuary zones) is extremely concerning. Acceptance of these inadequate higher level objectives, threats and actions will lead to inappropriate rules. But the approach suggests that the latter are secondary whereas they are the key to maintaining healthy marine parks and should have been included in the draft plan. If there is broad agreement on the content of the current document there is a real potential for the rules process to be undermined or even dismissed. There is also the question of how current zones will be maintained and monitored under any transition to a new management plan.

4. Place based approach

The Plan says that

This marine park management plan identifies priority threats at a local marine park scale and takes a place-based approach to conserving values and managing those threats that is consistent with the specific purposes of marine parks stated in the Act. P 13

However, the analysis of priority threats at a local marine park scale seems to have been done through discussions with the local Advisory Committee only and without reference to local research undertaken by marine park researchers. This approach contradicts the 'evidence based approach' advocated by the Plan. In addition, it ignores the regional differences pointed out in the TARA analysis.

We are not familiar with other marine parks but Jervis Bay marine park has well known threats that should be key points of a management plan for Jervis Bay Marine Park including:

- Sea-urchin barrens
- User-conflict between snorkellers, jetskis, swimmers, fishers, boats, divers, dolphin cruises
- Storm water / urban runoff entering the bay without any filtering system (see Figure 1 below)
- Harmful impacts on resident marine mammals (injury to dolphins and seals)
- Destruction of sea grass beds in Hare Bay from boating
- Unfettered commercial fishing of scallops in the 1970's led a significant reduction in the scallop population of the bay

In addition the Plan fails to acknowledge the significant threat of commercial and recreation fishing to the marine ecology of Jervis Bay, as presented in the TARA.

The Plan completely misses the impact of increased population and increased tourism on water quality, marine debris, and marine creatures and does not include threats to local community social, economic, and cultural amenities and conditions.



Figure 1: Storm damage, Seamans Beach, Hyams Beach January 2022

5. Threat themes, objectives and actions – comparison with TARA

The threat themes themselves are confusing. They are sometimes determined by the values under threat, and other times by the threats themselves – having two conceptual bases does not make for a sound approach to management.

In addition, there is a lack of logic in the interpretation of threats in the themes. Threat theme 1 refers to threats to environmental values but contradictorily some of these ‘threats’ do not threaten environmental values? How is it possible that physical habitat disturbance doesn’t put environmental values at risk? There are three other examples of contradictory analysis. How is that possible? This is a conceptual mapping process that will by its nature have overlaps, but at present it is contradictory and unclear. It would make more sense to either NOT develop threat themes but simply list the threats for each set of values OR develop the threat themes around the threats themselves as done in the original TARA OR organise the threats on a place specific basis.

An additional problem with the current organisation is that there is no transparency as to how these threat themes, threats and values at threat were identified, which is of concern as the threat themes appear to go on to dictate the actions. It is unclear as to how each action was developed for the objectives.

We recommend that greater effort be taken to acknowledge the different threat levels, and different threat types at each of the marine parks. The TARA’s own assessment presents differences across the three regions of northern, central and southern. In addition, threats to the broader marine estate might not be relevant to specific marine parks. For example, the threat to community values of limited access might be relevant when considering access to parts of NSW oceans but Jervis Bay for example has 6 formal boat ramps and it is hard to consider this a realistic threat for this site. The threat of ‘limited access’ needs very careful consideration as human access to the marine park

environment is itself a threat to that environment, with boating and boating infrastructure considered in the top 10 threats in estuaries, and beach nourishment and grooming in the top 20 threats to the environment along with fishing and passive recreation use. In contrast, water pollution is the top threat to social, cultural, and economic benefits.

Our key point here is that inadequate consideration of the detail of the threats in TARA have been made and the purpose of these actions does not appear to be consistent with the primary purpose of marine parks.

Marine tourism itself is a threat to the primary purpose of marine parks but these have not been adequately addressed by the plan. How will existing harm from marine tourism be managed? How will the harm caused by increasing marine tourism be prevented? The TARA, on which this plan is based acknowledges the threats (harm) caused by recreation and tourism to the ecological integrity of marine parks.

The impact or threat to the local community has not been acknowledged.

In our view the threat themes are flawed, and as such the management objectives are inadequate and inappropriate for the task of marine park management.

The Plan has cherry picked TARA and failed to provide a plan that will address even the priority threats; instead it advocates actions that are recognised as being threats in themselves.

“Many authors have argued that the presence of adequate no-take areas is the key to the effectiveness of MPAs” p 15 Steinberg & McGinnity

They go on to say p 18

... the highest current risks to biodiversity, ecosystem integrity and ecosystem function of the NSW Marine estate are:

Estuaries – water quality decline, development/disturbance (breakwaters and other structures, dredging, sand extraction, sedimentation etc), cumulative impacts of fishing (historic and current), climate change, and some increasing impacts from introduced pests; and

Marine – cumulative impacts of fishing (historic and current), climate change and some more localised impacts from coastal development/habitat disturbance.

... However, a number of cumulative threats were identified by the TARA as requiring priority attention and are worth highlighting in the context of the role of MPAs in managing these consequent risks. These risks are: the potential impact of fishing on fish populations, trophic structure and function; climate change, and; impact on threatened species.

In addition, the plan fails to acknowledge that recreational use is increasing and so recreational take levels are likely to increase, harm from boats and PWCs is likely to increase.

The end result is that the social, cultural and economic values are placed on par with the environmental values, contrary to the main purpose of marine parks.

Many of the actions proposed under Objective 1 for conservation purposes are already being done, or were being done prior to NSW DPI taking control of the NSW Marine Park.

6. Development of objectives

We acknowledge that the objectives were reviewed by the local Marine Advisory committees however the objectives in themselves do not provide an adequate focus on the primary purpose of marine parks.

We object to the inclusion of 'enhance' in Objective 1.

Objective 1: To protect and enhance species, habitats and ecosystems -

Why is 'enhance' included? Why doesn't this objective better reflect the primary purpose of marine parks which is conservation and maintenance of ecosystems – not 'enhancement' which opens the door to interference, and if undertaken should be for the purpose of conservation not recreation purposes. We would support the remediation of habitat, but not enhancement.

Seventy per cent of the marine estate is available for 'enhancement for recreation and economic purposes'. Ninety four percent of the marine estate has very few restrictions on activity. See later point about Lack of Evidence.

Objective 1.3: Manage beaches and foreshores to conserve marine park values

Management of beaches and foreshores is a joint responsibility across a number of agencies and organisations and will continue to be.

Objective 1.4: Minimise the impact of pests and disease

Similarly, pests and diseases is a whole of marine estate issue which is a biosecurity issue and responsibility sits with other government bodies.

Objective 1.5: Enhance marine habitat

Enhancement of a marine environment is a vague and inappropriate concept for conservation purposes. Remediation of marine habitat would be acceptable.

Objective 1.6: Support sustainable marine resource use

There is free access to 90 percent of the NSW Marine Estate and 80% of marine parks. Surely this is sufficient. A more balanced approach might be free access to 50% of the marine estate, and the other 50% allocated as sanctuary.

Objective 2: to improve water quality and reduce marine litter for the environment an community

Marine Parks have little legislative power to influence this.

Objective 5: to improve access and opportunity for enhanced social cultural and economic values from marine parks.

We object to objective 5 and suggest that its stated wording ignores the acknowledged threats (in the TARA) of user conflict, habitat disturbance, wildlife disturbance, and excessive extraction, illegal activity, crowding and impact on local communities. The wording of this objective also fails to acknowledge the breadth of threats to social, cultural and economic values as outlined in the TARA. For example, the priority threats to these values in TARA are water pollution, inadequate information, lack of compliance before lack of access is considered (and remember this is to the marine estate NOT marine parks).

There are 16 suggested actions around increasing recreational access (including cruise ships). Again we refer the points made above– that there is no evidence that any particular marine park lacks these opportunities (as opposed to the larger marine estate), and these actions fail to take into account that these very actions are also threats to the marine environment. Yet 4 of these actions have already predetermined that infrastructure needs to be built (another high risk threat to the marine environment), 4 have already been determined to go into the planning stage; and one action indicates a change to rules and lessening of protection by ‘enhancing access and opportunity for recreational fishing’. The TARA assessment is a reflection of the current status; it is not a map of where extractive industries / activity could be increased. We argue that the status for all activity and levels of activity in a marine park should be low/minimal risk before being allowed and being evaluated as having that risk status is NOT evidence that these activities could be introduced or increased – particularly in an increasing recreation activity / population environment.

7. Underemphasis on climate change

Despite climate change predicted to have an impact across all values very few tangible actions have been allocated to this. It is almost as if the state has only just realised that climate change exists and has done no planning on this issue to date. It is described in the TARA as a priority threat, but it looks as if it will be severely under-resourced and considered in this Plan. Climate change has been described by Steinberg & McGinnity (2020), based on the TARA, as a priority threat.

Recent storms have highlighted the impact of increased development on run off, water quality and erosion of dunes. These strong storm cells and east coast lows are likely to intensify under climate change and further impact on an already fragile environment.

8. Language

The language in the Plan is not conducive to transparency or clarity.

The document is a management plan for Marine Parks, and yet the term Marine Estate is used frequently and without a clear distinction between how the management of each will differ (apart from reference to place base approach – see point above). The whole Plan has taken threats for the Estate and applied to marine parks without individual verification.

Additionally, in the presentation of Actions for the environmental threats the Plan reverses the priority order and proposes actions that frequently puts the economic / social use first and environment second contrary to the primary purpose of marine parks:

Action 1.1. is written as Support planning and development to conserve marine park values INSTEAD of Protect habitats and ecosystem from inappropriate development policies and actions. The current version prioritises development rather than conservation of marine park values.

Action 1.3 is written as Manage beaches and foreshore to conserve marine park values INSTEAD of conserve marine park values through appropriate beach and foreshore management. Additionally, this is a value that should address control of domestic dogs, 4WD on beaches; threats that are unlikely to be managed through education and without underpinning rules.

Action 1.3a aims to 'maximise community access and environmental values' putting community access first. The language prioritises economic and recreation values over environmental values, despite the purpose of marine parks being one of environmental protection.

Action 1.5 is written as 'Enhance marine habitat' INSTEAD of monitor and protect existing reefs and habitat. Action 1.5b Support the use of 'innovative structures' hints at a recreation outcome not a biodiversity outcome. The stakeholders listed for Action 1.5 reinforces this interpretation which includes recreational fishers, NSW shellfish committee, Professional Fishermen's Association, Transport for NSW. We do not support this action as it further threatens the species and habitats.

9. Stakeholders

The Plan partners with 120 stakeholders who exploit ocean resources, but fewer than 15 partnerships with conservation groups, marine educators, academic institutions, or marine science professional bodies, despite the primary purpose of marine parks being conservation. It is worth pointing out that all of the 120 exploitative stakeholders also represent actions that threaten the marine estate according to TARA.

The Plan suggests that the local Marine Park advisory committees provide an important voice for local communities; but up to this point the marine park advisory committees are not well known entities in the local community and have not reached out to gather community perspectives to ensure that they are acting as the local voice. Additionally, the Department does not provide talks or information about marine parks or release of information to the public even though they used to do so in the past. The last research summaries were published in 2009 on the website. This has made it very hard for local communities to gain a clear understanding or input into decision making.

10. Lack of supporting evidence for proposed actions

The 'Five step decision making process' includes an evidence-based approach that centres on values, threats and early and effective community engagement. P 15 Draft Plan

It should be pointed out that Steps 1 and 2 were undertaken as part of the TARA process for the whole marine estate, and other than discussions with the local Advisory Committees there has been no ground truthing of these threats for each of the marine parks.

Step 3 is the assessment of current management which was discussed earlier and has not occurred (or been presented in this plan).

Underpinning these five steps in a commitment to an 'evidence-based approach'. However, tangible evidence is lacking.

For example, the Plan includes an objective to 'Improve access and opportunity for enhanced social, cultural and economic values'. This objective has been developed based on an assumed threat to community values and has not been verified in each marine park, and has not considered whether current use levels of the marine parks are harming the ecological integrity of the marine parks. If this assessment was undertaken the proposed action might be to reduce recreational or economic use to achieve the primary purpose of marine parks (and maintenance of the community values).

For example, recently released research indicates that greater management of small boats may be needed in marine waters. Wilson et al (2022) researched the impact of sound from small recreational boats on the soundscapes of shallow coastal habitats and found that the noise from small boats is in the frequency used by many species for communication, orientation and predator avoidance, concluding that these noise impacts must be considered more carefully as part of the anthropogenic impacts on coastal marine ecosystems.

The Marine Estate Expert Knowledge Panel notes 'Marine Protected Areas, and in particular no-take Sanctuary Zones, address the cumulative impacts of fishing by re-establishing key aspects of ecosystem functioning'. The Australian Marine Sciences Association recommends marine parks 'with at least 30 percent sanctuary (no-take) zone are the most effective and therefore the preferred design option'.

Indeed, a huge flaw in the plan is that there is no assessment of the ecological integrity of the marine parks at all (as per first comment). As this is the central purpose, this must surely come first, and all other values must be managed in the context of this purpose as per the Marine Estate Management Act

Other examples of proposed actions which are potential threats to the ecological integrity and have no evidence supporting them follow.

Action 1.5 Enhance marine habitat. It isn't clear what threat or harm is leading to this action, and that DPI fisheries as the lead organisation suggests that this is more to do with providing artificial reefs for recreation values rather than the environmental values that it has been written under. Additionally, the partners for this action include recreational fishing stakeholders, professional fisherman's Association, and Transport for NSW. This action is deceptively located under environment, without any evidence that there is an environmental threat that requires this action. Other areas of the marine estate may benefit from 'enhanced marine habitat' but what is the evidence for marine parks? We note also that no definition of 'enhanced marine habitat' has been provided

Another example is Action J1.3g which states "Support development and implementation of a domestic waterfront structures strategy for Currumbene Creek" however the local council has already overseen a redevelopment of the wharf and boat ramp in Currumbene Creek. This space is already close to capacity and the more logical response would be to shift access to other sites (e.g. Greenwell point). The NSW Coastal Tourism Strategy supports the examination of enhanced wharf facilities at Huskisson to support the entry of cruise ships. The action seems to be indirect reference

to this tourism drive -again without any concern to the environment or reference to the community. Additionally, the action doesn't call for research to indicate how this can be achieved without harm to the primary purpose (as discussed earlier in Concern 3).

11. Shift to codes of conduct

Action 6.4 “reduce the 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. This suggests that a large range of activities will be automatically approved without any environmental impact assessment (now or then), or oversight. 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.

Action 1.3d is the development of 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 is that this will be managed by education rather than a rules-based approach. Jet skis are notorious for inappropriate harassment of Jervis Bay's resident dolphin population and use in close proximity to swimmers. 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?

12. Lack of due process, transparency and accountability

It is true that the community has been given nearly 3 months to make comment on the draft Plan but we are not blind to the fact that it was released on the same day that NSW came out of COVID lockdown and therefore many people were keen to focus on catching up with family and friends; in addition the consultation period has occurred over our Christmas and summer holidays, again when many people are focused on catching up with family and friends or taking a break. This timing has also made it difficult to contact various experts and get accurate advice. Despite the government not prohibiting face to face meetings anymore the department did not organise community meetings to enable full and frank discussions.

The Plan suggests that the marine park advisory committees represent the community – but there has been no reaching out to the community from this committee at Jervis Bay, additionally the advisory committee is made up of:

- 6 active/exploitative user groups
- 3 conservation / science groups
- 1 community (Indigenous)
- 1 Navy

- 1 local govt (community?) who is also tourism (active/exploitative user group)

As an advisory group for a marine park it is very strongly weighted away from conservation and apart from the local govt representative who has to split themselves as a tourism representative there is no representation from the community – the inhabitants adjacent to the marine park.

Our trust in the processes that the department offers is weakened because:

- Of the failure to respond honestly to our queries regarding cruise ships in Jervis Bay,
- The failure to make accessible the technical reports BEFORE the advisory committees were obliged to respond,
- Offering a consultation period over the summer holidays,
Precede this plan with a removal of the enforcement of sanctuary zones in Bateman’s Bay, and
- the failure to provide a full and complete summary of the submissions in response to another consultation process for the planned Hawkesbury Shelf marine park.

13. Legislation

The document does not clearly outline how the state-wide Plan will interact with existing park-specific management plans (which have remained in place under the transitional provisions of the Marine Estate Management Act 2014). Will all the existing plans be revoked when the state-wide Plan is approved? Similarly, the statutory status of the proposed Operational Plans is unclear. Will these be statutory Management Plans as per Division 5 of the Act, or simply ‘guidance’ documents with no statutory effect?

We recommend making the Plan very clear on these important statutory elements.

We also recommend retaining the existing individual park management plans until the proposed operation plans are in place, and that these operational plans be designated as statutory management plans, as per Division 5 of the Act.

14. Cruise ships

We have particular concern about the proposal to use Jervis Bay as a cruise ship port. We return to the primary purpose of marine parks as being the conservation of the biological diversity, maintenance of ecosystem integrity, ecosystem function, and of bioregions in the marine estate.

We note that the NSW Government has been planning to use Jervis Bay as a cruise ship port for many years:

- Illawarra Shoalhaven Regional Plan (NSW State Government Report. 2015, rev. May, 2021)
- NSW South Coast Marine Tourism Strategy 2019

and has indicated an intention to ‘remove regulatory barriers’ for cruise ships (NSW Cruise Development Plan 2018).

The Plan does not provide any evidence that cruise ships **will not be a threat** to the primary purpose of marine parks; and yet they have a high potential of harm with respect to the following:

1. **Failure** to protect and enhance species, habitats and ecosystems within marine parks:
 - Cruise ships may import pest species (such as Asian Bag Mussel, Northern Pacific Seastar, Japanese Seaweed, New Zealand Screwshell) in their bilge or on their hulls and constitute a biosecurity threat to Australian Marine Ecosystems;
 - Despite a clear hope on the part of the Port Authority and NSW Tourism to use Jervis Bay as a cruise ship port no information has been provided as to where the ships would anchor, and how environmental harm would be avoided;
 - Increased boating activity associated with the cruise ships will add to the damage to sea grass beds;
 - Cruise ships will result in additional noise, exhaust fumes, and oil to the Bay water and yet again no environmental impact study has been published that demonstrates there will be no harm to species or habitat;
The Plan indicates there is a need to support local marine pollution prevention, noting that marine vessel accidents do occasionally occur in marine parks. As per the precautionary principle shouldn't the issue of marine pollution prevention be addressed before there is any support to increase boat traffic – commercial, cruise or recreation? 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.
 - Increased wildlife disturbance, physical disturbance, vessel strike to marine mammals and bird life, destruction of jelly fish, and noise disturbance, which are all noted as existing threats.

Cruise ships will have a detrimental impact on the other 5 objectives (aside from Objective 1) of the Plan:

2. **Water Quality:** to improve water quality and reduce marine litter for the environment and community - Cruise ships present a critical threat to water quality from potential spills, grey water, litter.
3. **Climate Change:** to help understand, mitigate and adapt to the impacts of climate change on the NSW Marine Estate - Cruise Ships can make no contribution to coping with this.
4. **Aboriginal Culture:** to partner with Aboriginal people for protection of Aboriginal cultural values and improved marine park management - There is a clear conflict in Jervis Bay Marine Park with cultural use & Native Title and again cruise ships can make no contribution to this.
5. **Community Access & Opportunity:** to improve access and opportunity for enhanced social, cultural and economic values from marine parks – The plan justifies cruise ships by arguing there is a threat to access and opportunity, but no evidence has been given of this threat. The presence of cruise ships will have a negative impact on the relationship and opportunities that Jervis Bay Marine Park represents for the community – no consideration has been given to this; **No economic modelling of costs and benefits has been undertaken.**
6. 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.

- 7. Community Engagement & Governance:** To support evidence-based, inclusive and effective decision-making and marine park management. There has been no direct community consultation at this point; even though cruise ships have been, and still are, selling tickets to visit Jervis Bay. Removal of regulatory burdens as a mechanism to improve governance is flawed as codes of conduct are not enforceable. The proposed MOU with the Australian Government to better manage Commonwealth and NSW waters is a smoke screen to facilitate the entry of cruise ships which are inconsistent with the primary purpose of marine parks.

Parliamentary petition

The proposed and planned presence of cruise ships in Jervis Bay Marine Park is not consistent with the primary purpose of marine parks or serves any of the Objectives of the management plan itself. The presence of cruise ships in Jervis Bay will increase the threats to the park rather than diminish it.

We currently have a paper parliamentary petition asking that the State:

1. Rule out, in the Draft New South Wales Mainland Marine Park Network Management Plan 2021-2031, allowing cruise ships into Jervis Bay other than for matters of safety.
2. Increase no-take sanctuary zones to 30 percent of the Jervis Bay Marine Park, consistent with current scientific recommendations.
3. Invest in communication and compliance to improve community knowledge of marine park regulation.
4. Invest in research and monitoring of key threats to the Jervis Bay Marine Park, including urchin barrens and coastal development.
5. Ensure no actions take place that will be detrimental to the primary purpose of marine parks which is the conservation of valuable natural environments.

This petition will be presented to Parliament in early 2022. We have numerous businesses supporting the petition, and a considerable proportion of visitors. We estimate that two thirds of the local community do not support cruise ships in Jervis Bay and would like to see protections strengthened.

We emphasise the need for transparency, and decisions based on the best science available and have been disappointed at the lack of reference to current research and best practice for marine parks in this draft management plan.

We request that the plan be amended as follows:

1. The Plan be amended to provide an unambiguous commitment across all marine parks that any assessment of risks and trade-offs give primacy to biological and ecosystem outcomes and be consistent with principles of ecological sustainable development.
2. That the threat themes be dismantled in favour of the approach taken by the TARA, or offering additional categories of threats, but not mixing threats with values.
3. We recommend that the Plan include/ consider the risk level of these threats as presented by the TARA.
4. We recommend that greater effort be taken to acknowledge the different threat levels, and different threat types at each of the marine parks. The TARA's own assessment presents differences across the three regions of northern, central and southern. In addition, threats to the
5. All action items in the Plan be amended or removed to be consistent with the legislative requirement to conserve, i.e. in regards to commercial ventures such as cruise ships and aquaculture and any supporting works and infrastructure; recreational activities such as boating, jet skiing, four wheel driving, spear fishing and dog walking; and any proposed marine infrastructure and works.
6. An additional action item to increase no-take sanctuary zones to 30 percent of the Jervis Bay Marine Park, consistent with current scientific recommendations.
7. 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.
8. An additional action item to invest in communication and compliance resources, such as signage and enforcement staff, to improve community knowledge of marine park rules and zoning.
9. An 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, impact of development on mangroves.
10. 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.
11. To date, this process of marine reform in NSW has been plagued by a lack of transparency and genuine consultation. We request that the Government rethink their approach to community consultation by undertaking several public meetings and workshops throughout the process of reform; that the Government publish all expert reports relevant to marine parks; and publish all public submissions on this Plan and the following stages of reform
12. An additional action item to ban the presence of jetskis and other PWC (such as mini submarines) for personal or recreation use in the marine park of Jervis Bay; as their use is difficult to control and current levels of use in Jervis Bay result in use of jetskis near swimmers on beaches, harassing and chasing dolphins, access to shallow water and vulnerable seagrass meadows. If they can't be banned then they should be banned from some areas (with swimmers) and be required to travel slowly through others.
13. That the words 'and enhance' be removed from Objective 1.
14. That Objective 5 should refer to the marine parks purposes in the Marine Estate Management Act and the words 'where consistent with the primary purpose of marine parks' be added
15. Reword Action 1.1., 1.3, 1.3a, 1.5 as per Concern 8 above

16. An additional action item that Batemans Bay sanctuary zones be reinstated and increased to the international recommendation of 30% of the marine park.
17. We would support/recommend an additional action that Marine Parks support any Native Title claims to sea that have been made.
18. We recommend that the management of marine parks be returned to national parks as it is not logical or effective for an exploitative agency to manage a conservation agency because of the inherent conflict of interest.
19. We recommend the existing individual park management plans be retained until the proposed operation plans are in place, and that these operational plans be designated as statutory management plans, as per Division 5 of the Act.
20. We request that the Plan makes very clear the statutory status of proposed operational plans and whether existing plans will be revoked when the state-wide Plan is approved?
21. We recommend making the Plan very clear on these important statutory elements

In addition

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.

Conclusion

The Plan does not provide adequate management for the primary purpose of marine parks. The Plan fails to acknowledge the science supporting no-take sanctuary zones as the best tool available to achieve this purpose. The plan misappropriates threats to the marine estate and applies them to marine parks. The plan does not refer to current scientific thinking and management approaches for marine parks. The plan does not refer to NSW Marine Parks ecological research – which surely should be a cornerstone of protection of ecological integrity.

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