

LOWER SOUTH EAST

MARINE PARK LOCAL ADVISORY GROUP

MINUTES

The fourth meeting of the Lower South East Marine Park Local Advisory Group (MPLAG) was held at 5pm on 21 February 2011 in the Diplomat Motel Conference Room, 51 Mount Gambier Road, Millicent.

We acknowledge and respect the traditional custodians whose lands we are meeting upon today. We acknowledge the deep feelings of attachment and relationship of Aboriginal peoples to country. We also pay respect to the cultural authority of Aboriginal people visiting/attending from other areas of South Australia/Australia present here.

Members present: Grant King (Chair), Carl Charter (proxy for Ruth Beach), Lionel Carrison, Garry Clifford, Jim Godden, Ken Jones, Richard Sage, Bob Oliver, Peter Whitehead, Joel Redman, Peter Dunicliff.

Supporting staff: Karen Heaver (Minute taker), Phil Hollow, Shane Holland, Robyn Morcom, and Steve Bourne.

Gallery: Ten members of the public attended.

1. Welcome

Grant welcomed MPLAG members, Department of Environment and National Resources (DENR) staff and members of the public to the meeting.

With regard to the letter from John Ashby about membership on this committee, Phil advised that DENR felt that the commercial cray industry around the Port MacDonnell area was already well serviced by an existing member. Phil has spoken to John Ashby and he is happy with this and will attend the meeting as a gallery member when he is available.

2. Apologies/absent

Apologies: Ruth Beach, Maureen Christie, Biddie Tietz.

Absent: Nil.

3. Correspondence

Grant summarised the correspondence which had been received. This included the following letters/emails:

- Abalone Management Inc (letter);
- District Council of Grant (letter);
- Graham Hughes (letter);
- Ted Jordan (letter);
- Wally Jenkin (letter);
- Joel Redman (issues for consideration).

These submissions will be taken into account in preparing a response to the Minister for Environment and Conservation with regard to sanctuary zones.

A letter addressed to the MPLAG Chairs was also received from the Minister for Environment and Conservation.

A DENR paper *about the scientific benefits of marine parks* was also tabled.

Action: A copy of the correspondence will be provided to members with these minutes. Letters of acknowledgement will be forwarded noting the comments as part of this process.

4. Minutes and actions arising from previous meeting

Minutes of the meeting held 15 November 2010 were accepted with the following comments made:

- If members would like a particular comment/point documented in the minutes please make this clear to the Chair;
- Meeting discussion is generally summarised;
- A lengthy delay in members receiving the minutes is disappointing. Minutes need to be distributed in a timely manner.
- Joel Redman advised that his comments (regarding no binding obligation to meet UN target for sanctuary zone sizes) were not made clear enough in the minutes considering their importance. He also noted that there had not been an adequate response to requests for more spatial indepth maps (provided at this meeting) or information on the Otway bioregions and Commonwealth guidelines. He also noted that an out of session meeting with the Upper South East MPLAG did not occur.
- Grant King and Bill Hender agreed to an out-of-session joint meeting as soon as possible after this current meeting.

Amendments to Minutes at LAG Meeting # 5

Minutes of the meeting held 21 February 2011 were accepted at the meeting held on May 2nd 2011 with the following comments made:

- Minutes did not detail correctly how the zoning proposal was to be submitted being:

The adoption of the endorsed working group paper, zoning scenario to refer to this paper and for the paper to be attached to the proposal. The plan tabled at the last meeting was on page 13 of the SE Marine Park Network Submission. The working group paper required a couple of changes before being placed on the website being the removal of page 15 (another map) and removal of the ½ table on pages 6 and 10 which refers to the map on page 15.

- Approximately 500 people attended three public meetings (minutes stated 450) with no community support for sanctuary zones;
- The wave energy power plant was approved by Premier Rann, not the Minister;

Action: The whole working group document, the salient points paper and Ken Jones submission to be attached to the minutes when distributed to members.

Action Items from 15 November 2010 meeting

Meeting No.	Responsibility	Action	Status	Comment
3	P Hollow	Provide more detailed maps.	Provided at MPLAG meeting 3.	
3	Members	Discuss the preliminary zones with community groups and provide comments to P Hollow by 31.1.11 to prepare updated maps for the next meeting.	Commenced and ongoing.	

3	G King	Arrange out of session meeting if required.	To be held as soon as possible after MPLAG meeting 3.	
3	G King	Arrange combined Lower South East and Upper South East MPLAG meeting.	Grant and Bill Hender held discussions and this will occur as soon as possible.	

5. Share community feedback on preliminary sanctuary zones scenarios

Lionel Oposing views are being classed as bias by DENR. Arguments are being "shouted down" as unrealistic. Been told to have sanctuary zones, so the department says, but we don't have to have them. At the public meetings no one supported marine parks. No one can say why this is happening and what the benefits are.

Grant We have the opportunity to have our say and we need to put on the table what the community can adequately accept under the Marine Parks Act 2007 (the Act).

Joel How is the external stakeholder advice considered and does the information proposed from this meeting go on the website unchanged?

Phil Information is unaltered and placed on the website for the peak stakeholders to view and provide comments back to the MPLAG's. At the next meeting members need to consider any advice/comments provided. Preliminary outcomes are forwarded to the Minister's office.

Lionel Raised the potential issue of the Piccaninnie Ponds Conservation Park boundary that extends into the sea.

Phil Only Parliament can change the boundary. It was gazetted approximately 15 years ago and was to do with the freshwater flows.

Steve Under the Act there is provision to close beaches. Access is not affected. With the inclusion of Picks Swamp a new management plan will be produced within the next couple of years and this will be an opportunity to comment on the boundaries. Steve to provide a copy of the Piccaninnie Ponds Conservation Park Management Plan to Lionel. **(Action)**

Jim Can members "move a motion & have it seconded" at these meetings?

Grant These are advisory groups who make recommendations and "a motion" usually means an action. Motions can be made and recorded if desired.

Richard Do the community comments outway the stakeholders listed and their comments as some of the stakeholders are not relevant to the South East so why are they given an opportunity to comment?

Phil Any MPLAG member can make comment on any marine park. Under the Act the stakeholder list is who the Minister must listen to but he can seek views from other groups. Stakeholder feedback is provided back to the MPLAG's.

Grant This MPLAG expects to be advised of any response to do with the South East marine parks from the Minister's stakeholders listed under the Act.

Peter DIs there a cut off point/deadline for responses from stakeholders? If not, it is suggested that such a date be set.

Lionel Raised concerns about a wave energy power plant that the Minister has apparently approved, with no consultation. This could increase a zone if there is an approved park and then a plant as well.

Phil Once zones are established an issue such as this is outside the MPLAG.

Gallery Sought clarification if you can moor a boat in a habitat protection zone?

Joel According to DENR it is an approved activity to anchor and fish in a habitat protection zone.

Phil In a sanctuary zone you can drop an anchor but you can't fish.

In a habitat protection zone you can fish and anchor.

Joel Expressed concern that you can put an anchor down in a sanctuary zone, but can't fish, yet an anchor can do damage.

Information that we need and that has been requested before is still not being delivered. There is no scientific proof and nothing that DENR has put forward to the MPLAG has scientific support.

Peter W Parliament said some form of protection, not necessarily zones.

Jim There are more zones than just sanctuary zones, why are they not being discussed as well.

Grant This MPLAG has been requested to comment on proposed sanctuary zones only. Sanctuary zones will be the core part.

Richard There are "sanctuary zones" for $\frac{3}{4}$ of the year "naturally". A lot of coastal works have been undertaken. Need a submission back to the Minister detailing why zones are not required.

Grant Summary of the letters received was provided. Comments were made in the letters about how the Lower South East coast is so unique and often areas are closed or not accessible due to seasonal closures and weather conditions. These closures/conditions also provide protection of the resource.

Peter W At one of the public meetings held, Chris Thomas said that DENR wants the community to say where the zones are to go and that minimal compensation will be paid. Need to get to basics and consider where we can tolerate sanctuary zones.

Joel The community want to ensure that beach access is maintained, no matter what.

It is paramount that community access is maintained and that they be able to move along the beach and have traditional use eg fishing.

Grant At the meeting of Chairs with the Minister on the 10 February 2011, the Minister advised that he has received clear feedback that people are not happy and the overwhelming response is that sanctuary zones are too big.

People are nervous about the draft sanctuary zones. Some Chairs are uncomfortable about their roles and the draft plans. The situation lacks trust.

Grant provided some statements in writing to the Minister. No mention of compensation in the Minister's letter. If there is a push for compensation then we are admitting something is lost.

Approximately 450 people attended three public meetings which were organised by the District Council of Grant at Port MacDonnell, Kongorong and Mt Gambier.

Gallery Act says that a statutory authority is entitled to compensation if effected, this is not just about fishing.

Gallery A member of the gallery asked about becoming a member of this MPLAG and he was invited to submit a one page letter to Grant for consideration.

6. MPLAG members' workshop

The aim of this session is to view the starting point (preliminary) zones and work through the different community responses. Any change to the outer boundaries would require a compelling argument to be presented to the Minister.

Phil showed the preliminary zones and submissions received. Five submissions were received on the zone near Piccaninnie Ponds and three submissions were received on the zone near Port MacDonnell. Submissions do not necessarily have to justify their decision or suggestion. At this point of the meeting Joel requested an "in camera" session to consider other information. DENR staff and the gallery left the room for approximately 15 minutes.

Following the "in camera" session Grant advised that members appreciated the opportunity for some discussion on their own.

A plan was tabled and there was general agreement to submit this as the Lower South East MPLAG preliminary response to sanctuary zones, with regard to Marine Park 19 only. This plan is from page 13 of the SE Marine Park Network Submission which was prepared by SARFAC, SELGA and the commercial fishing industry.

It was acknowledged by all members that this plan is still a starting point and other comments will need to be taken into account. It is recognised that there is a need to understand the general position on the environment and that it is an important area that needs to be preserved.

Carl - Does not give this map full consensus but it is a good starting point. Ruth was on the working group but he needs more time to review this plan.

Ken - Not 100% comfortable with the map, common property resource, intertidal reef protection is in place, need to address the distrust of DENR, beach access needs to be guaranteed including in future governments, 100m surf access, if no zones then need a credible alternative, there are seasonal closures, who has the funding for enforcement, some opportunities through Caring for our Country for educational facilities and education, need to take shorebird protection into account, local knowledge is important and needs to be listened to, indigenous issues need to be addressed as we need to "care for country", no social impact study has been done and should be, compensation must be addressed in an economic way, debatable if recreational income is positive or negative, other areas of impact such as retail industry, disappointed this MPLAG and the community are so distrusting, need a better plan but this tabled plan is a better starting point.

Grant - A Regional Impact Assessment will form part of the process once the zones have been clarified or a proposal submitted.

Shane will place the updated boundaries on the tabled plan prior to it being placed on the web site. **Action.**

Discussion was held about whether the supporting document for the tabled plan should be tabled as well as an appendix (it includes a second map on page 15) as information in the report is salient to determine why the plan is put forward.

Joel undertook to forward the supporting document to Grant who will then forward it to Phil Hollow, with the only change to be the removal of ½ table on pages 6 and 10 which refers to the map on page 15 and the displaced effort which has no bearing as the page 15 map is to be removed.

Joel - It is recognised that there are habitats and salient points wider than Marine Park 19 and there is a need to look at the overall area including Marine Park 18.

Grant - The supporting document is still very large and it was suggested that just salient dot points that are specific to the zone scenario be placed on the website with the plan and that there be a link to the full supporting document. Members agreed with this approach. Joel, Ken and Carl to provide Grant with these points and he will then circulate them to members before having them placed on the website with the plan. Grant to ensure comments from the letters received are covered in these points.

Discussion was held around the "boils" and the requirement to verify their location. Roger (member of the gallery) is to provide Phil with the longitude and latitude of the boils so they can be imposed on the tabled map. **(Action)**. It is recognised that the boils need to be part of a sanctuary zone as they are a significant iconic area.

Joel – An alternative zone is no closer than 300m south of Mounce & Battye Rock and being 1km wide but not SE of Canunda rocks. Beach access must be maintained to high tide. A copy of the map and the supporting document (appendix) will be sent to members with the meeting minutes. **(Action)**.

It was confirmed by Grant, with members, that the information to go on the web site is the tabled plan, which is the MPLAG preliminary position, some salient points and a link to the full supporting document.

Phil advised that responses from all the MPLAG's will be on the website by early March 2011.

Joel – Raised the possible issue of having enough time to review comments with only one official MPLAG meeting (number 5) to take place. When is the stakeholder advice due by?

Phil – Not sure of the timeframe for stakeholders to provide comment.

Grant – Agrees that the timeframes are a bit tough especially around the April/May process and suggests an out of session meeting may assist with this process. Following MPLAG meeting 5 the LAG process ends unless the groups are required to be involved in the draft management plan process.

7. Communications Planning

Nil discussion.

8. Questions from the Gallery

David – It is understood that a person can be given a warning but if caught again for an offence, they will be expiated. Is this only recreational fishing or commercial fishing, it is not clear in the Act. What if young people are caught and expiated/booked as this will then become a criminal offence which is recorded against them and will affect their future particularly if they want to travel overseas or join the defence forces.

Grant – Will clarify if this refers to recreational and/or commercial fishing and in regard to young people. **(Action)**.

Joel – Suggested a motion be moved to obtain a scientific threat assessment on sanctuary zones but withdrew this suggestion after Grant commented that scientific advice was used to prepare the supporting document that is being included with the plan.

Garry – Shorebird scenario needs to be taken into account.

Peter D – Need to be aware of the economic impact on the local community which is being hit hard at the moment with the potential forestry issues and loss of employment at Kimberly Clark.

9. Record of Meeting

Require the minutes to be distributed within 10 – 14 days. A record of meeting is then not required.

10. Next Meeting

Mt Gambier, Date to be advised

Meeting closed at 9.20pm

Chair Date

Action Items as at 21 February 2011

Meeting No.	Responsibility	Action	Status	Date
4	G King	Send acknowledgement letters to those who forwarded correspondence regarding the sanctuary zones.		
4	S Bourne	Provide a copy of the Piccaninnie Ponds CP Management Plan to Lionel.		
4	P Hollow	A copy of the correspondence received, copy of the tabled map and the supporting document to be forwarded to members with the minutes.		
4	K Heaver / P Hollow	Minutes to be distributed to members within 10 – 14 days.	Minutes to Phil 24.2.11	
4	S Holland	Update the boundaries on the tabled plan before it goes on the website.		
4	J Redman	Forward "supporting document" to Grant.		
4	J Redman, K Jones, C Charter	Provide Grant with salient points to be placed on the website.		
4	P Hollow	Include location of "boils" on the tabled plan after receiving advice from Roger Cutting.		
4	G King	Clarify is warnings/expiations apply to recreational fishing and/or commercial fishing and whether any expiation is recorded as a criminal offence.		