

UPPER SOUTH EAST

MARINE PARK LOCAL ADVISORY GROUP

MINUTES

The fourth meeting of the Upper South East Marine Park Local Advisory Group (MPLAG) was held at 4pm on 22 February 2011 in the meeting room of the Lacepede Bay Motel, Kingston.

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: Bill Hender (Chair), Carl Charter (proxy for Ruth Beach), Robert Roach, Jim Godden, Alan Gurney, Pip Rasenberg, Paul Regnier, John Kuhl, Graham Usher, Adam Stewart, Peter Riseley, Russell Worland. Craig Lawrie

DEH staff: Ross Anderson, Phil Hollow, Shane Holland, Robyn Morcom and Denise Dent (Minute taker).

Proxies: Carl Charter for Ruth Beach

Gallery: Approximately 40 plus one media

1. Welcome

Bill Hender (Chair) welcomed the members of the Marine Parks Local Advisory Group, Department of Environment and Natural Resources staff, the media and members of the gallery.

2. Apologies, correspondence, other business

Simon Peters is an apology and has resigned from the Upper South East Marine Park Local Advisory Group.

A number of items of correspondence were tabled, with discussion deferred to General Business to provide members the opportunity to read them prior to discussion.

Correspondence included the following:

- Letter from Peter Beelitz in regards to Boatswains Point and sanctuary zones being in such close proximity and asking why Margaret Brock Reef at Cape Jaffa is not within a marine park.
- Email from Chris and Kathie Jansen from Robe regarding a sanctuary zone incorporating Guichen Bay and water around Robe, with Beachport, Robe and Southend free of sanctuary zones.
- Email from Dr. Peter Hill regarding a sanctuary zone around Robe and suggesting the zones be along less populated areas on beach.
- Letter from Dr. Brendan Godfrey regarding the 2007 Government commitment to commercial fishing that the outcomes will have no more than 5% economic impact, indicating that this was not the case with the proposed sanctuary zones. Dr. Godfrey also addressed Zone C and Zone D in regards to comments and clarity of diagrams. Dr. Godfrey has submitted where he believes Zone C and Zone D should be.
- Email to Bill Hender from Dean and Tammy Creaser, Daryl and Carol Bennier, and Wayne and Dally Victor regarding Boatswains Point and the impact of Zones C and D on the areas economic value.
- Letter from Nora Creina Shack owners Association supporting Zone E.

Chair accepted correspondence and ensured all members received a copy.

Chair Bill Hender advised that he and other MPLAG Chairs had met in Adelaide to discuss common concerns and then met Minister Caica with those concerns. Minister Caica was very receptive to the concerns raised and understands the strengths of feeling within the communities regarding "starting points". The Minister made it clear that the notion of 10% is only a notion and that sanctuary zones are to be drawn up by locals. It is the MPLAGs duty to get the broad reflection of the community. We may not get a consensus but should be able to get a reflection of the community.

3. Minutes and Actions Arising from Meeting 3

Phil Hollow updated the committee that most of the Actions from the third MPLAG meeting

Action Items from meeting 24 November 2010

Meeting No.	Responsibility	Action	Status	Date
3	<i>Steve Bourne</i>	Investigate purpose of survey undertaken ten years ago at Baudin Rocks and possible results.	Ongoing	
3	<i>Louise Jones</i>	Produce an aerial map with overlays of sanctuary zones.	Produced at meeting	22/2/2011
3	<i>All members</i>	Discuss with your community the proposed sanctuary zones and advise Phil Hollow of any suggestions made by your community.	Completed	22/2/2011
3	<i>Phil Hollow and Shane Holland</i>	Commence management plan process	Ongoing	
3	<i>Phil Hollow</i>	Correct positioning of Boatswains Point (town) and move ramp outside sanctuary zone.	Completed	22/2/2011
3	<i>All Members</i>	Attend "informal" joint meeting with Lower South East MPLAG.		

4. Confirmation of minutes of second meeting held 16 November 2010

The minutes of meeting held on 16 November 2010 were read and confirmed as a true and accurate record with the following amendments;

- Alan Gurney questioned why the "informal" joint meeting with the Lower South East MPLAG had not occurred. Chair Hender advised he had spoken to Grant King and Grant King had then spoken to Jim Godden and felt that the matter had been addressed. He was of the opinion that quite a lot of meetings had taken place and than within these meetings, the issues had been addressed. Jim Godden agreed that there had been an attempt to resolve these issues; however he would have preferred a dedicated meeting of the Upper South East and Lower South East MPLAGs. Chair Hender apologised and the action was carried forward.
- Robert Roach would like point 2.2 amended to "List of 12 reasons saying why Baudin Rocks does not need this level of protection".

With those amendments it was moved by Russell Worland and Seconded by Peter Riseley that the minutes be accepted. **CARRIED**

Confirmation of minutes of second meeting held 22 February 2011

The minutes of meeting held on 22nd February 2011 were read and confirmed as a true and accurate record with the following amendments;

"Gary Richards is in favour of having small restriction around the island. Wright Bay sanctuary zone could be moved further north away from the resident's houses." (page 7, Questions from the gallery)

With those amendments it was moved by Russell Worland and Seconded by John Kuhl that the minutes be accepted **CARRIED**

5. Share Community Feedback on Preliminary Sanctuary Zones Scenarios

- Member's comments from around the table

Pip Rasenberg – heard a number of concerns within the Robe area regarding the restricted access on the beach and Boatswain Point. The sanctuary zones appear cramped. There didn't appear to be as much contention with the northern zone.

Russell Worland – Nora Creina had a meeting with the shack owners and a letter has been forwarded with their community views endorsing Zone E and raising objections about buffer zones. Support Zone E as is.

Robert Roach – most of the letters from the Boatswain Point area have covered the issues raised.

Robert questioned whether Boatswain Point was treated differently to the other towns (no sanctuary zones) as Boatswain Point is not an official town?

Adam Stewart – Adam shared that he had consulted with those that came through his shop and they had very little understanding of the locations of the proposed zones, and thought fishing was being banned. His community were annoyed that the sanctuary zone was in a popular area rather than an area of less impact.

Jim Godden – Jim Godden advised that his group had issues with the "Precautionary Principle". He believes people need to have a reason for a sanctuary zone.

Carl Charter – Carl is a proxy for Ruth and advised he is a scuba diver and recreational fisher in the area. He is happy with the information he has read thus far. With the outer boundaries being set it makes it harder to manoeuvre sanctuary zones within the outer boundaries. He would like to retain larger sanctuary zones rather than smaller. There is a need to retain all habitat types. It will be good for tourism and controlling marine pests if kept in a robust environment.

Craig Lawrie – His community group that he spoke with had concerns about "compensation". This does not appear to have been addressed as yet. The locals still can't understand why we need sanctuary zones. Some of the community made the effort to put their fishing spot on SAMPIT and yet that area has been chosen as a sanctuary zone. Why didn't DENR choose inaccessible areas? Some of these areas are not even within a marine park.

Allan Gurney – spoke mainly to recreational fishers who believed the sanctuary zones were to be much smaller from previous information provided. There are now quite a few sanctuary zones and they are large. In previous correspondence with Allan Holmes he stated "no access would be stopped to get to the beach". Allan is asking "what about along the beach?" He is also concerned that all marine parks adjoin the beaches.

John Kuhl – John provided a written document compiled after further public consultation. They held open seminars at the local fishing store with attendance well above their expectations. They forwarded copies of the SAMPIT map to all members and were available to assist their completion at fishing outlets. They were also available at the Lions fishing competition and junior fishing competition. They feel they have been misled or not listened to, as their first concern is that when asking recreational fishers to complete the SAMPIT maps they were told it was to assist to avoid placing restricted areas where most fishing takes place. The first draft supplied shows that some of these areas have been targeted. They were also advised the outer boundaries would stay in place for ten years and could only be extended by governments both agreeing. They would like clarification on this to pass on to the public. Their third concern is that they were told very early in the process that the sanctuary zones would be small, hard core areas not affecting the fishing industry. They do not consider the proposed areas small and the fishermen are asking for change.

Graham Usher – He is concerned that during outer boundaries discussions, the Minister advised there would be no beach closures to recreational fishers. He would like this clarified.

Peter Riseley – At the last meeting, DENR presented scenarios to stimulate discussions. There have been many meetings as a result of this throughout the South East with concerned residents. Robe and Boatswain Point have been hammered by no take sanctuary zones. He believes once again country people are being “hammered”. Country people are taking the brunt at the moment with Kimberley Clark downsizing, Forestry SA forward selling and Keith Hospital budget cuts etc. He believes the Gulf St Vincent needs a marine park and most especially a sanctuary zone adjacent to the desalinisation plant to monitor the effects of the plant. He believes there should be a mix in the size of the sanctuary zones rather than them all being large. Beach access is also an issue. There has also been a lost opportunity without a marine park over Cape Jaffa.

- **Introduce Zoning suggestions made since third meeting Phil Hollow**

It appears there is a common thread from the community that the sanctuary zones are too large.

When designing the zones some four months ago information was used in regards to habitats and the need to get representation of all of those habitats in a sanctuary zones within a marine park. Sanctuary Zones exist throughout Australia but vary from state to state in regards to size and location. The Scientific Working Group provided the Minister with a recommendation of 10% of state waters should be within sanctuary zones. The Minister has said he is not committed to 10% as this is only a guideline.

The marine parks in the South East are relatively narrow and in the most part only 6km wide. It has been difficult to fit the proposed sanctuary zones into the South East marine parks given that the Scientific Working Group also provided the Minister with advice that, to address the design principle relating to adequacy, sanctuary zones should be around 7km – 10km in length.

Phil reiterated to the Group that they are providing advice to the Minister. The government will make the final decision on the marine parks after receiving their advice and advice from others. The MPLAG will not have to bear the responsibility for the decision. DENR is not asking for total agreement on zones, but seeking advice to put up to the peak stakeholders for further discussion. The Group's submissions will be put on the website inviting the peak stakeholders groups and the general public to make comments. A draft management plan will then be drawn up along with a Regional Impact Statement.

Robert Roach asked whether after MPLAG meeting 5, the Group would be finished. Phil advised that this was likely to be the case however; the MPLAG may choose to continue to meet and speak to members of the community and be involved in the public submission stage. Changes to the draft management plan can still be made after the public submission stage.

John Kuhl asked how this information would be disseminated for the public to be able to access the information and make a submission.

Phil advised that the information would go on the website and that DENR would be putting on public forums in the same way as the release of the outer boundary locations.

The public consultation phase is a minimum period of six weeks but that may be extended. After that period the MPLAG can relook at the draft with the submissions from the community and then provide final advice to the Minister.

Craig Lawrie would like the issue of compensation addressed prior to discussing sanctuary zones.

Phil advised the MPLAG that the Minister stated access to the beaches would be retained, however this statement does not necessarily include fishing from every beach in the State, it merely states access would not be denied.

Phil advised that most sanctuary zones would have a "buffer zone" being generally a "habitat protection zone" ensuring the sanctuary zones is protected.

Russell Worland believes "buffer zones" have only just now been introduced to the scenario and would not be accepted. This information should have been talked about prior to talk of sanctuary zones not this late in the process. It appears to become an extension of the sanctuary zone.

Peter Riseley suggested that rather than having habitat protection zones it should be stated that there will be no trawling through state waters or other activities with the same affect on the sea bottom.

Alan Gurney referred to the (draft) "Marine Parks Zoning Variation Regulations 2010" in regards to penalties. Phil advised that this paper had been superseded and the information no longer relevant.

ACTION – provide Alan with the updated version.

Phil advised that Boatswain Point will receive the same consideration as any other town. The town will not be treated any differently.

Phil advised that the Minister has proposed a four part strategy to manage compensation for fishing effort; the first is to rezone to avoid displacement, the second is to redistribute displaced effort without impacting sustainability of our fisheries, the third is to buy-out displaced effort using market-based processes and the final is to compulsorily acquire displaced effort and pay fair and reasonable compensation.

Changes to zones in inaccessible areas – the marine park boundaries cannot be altered after the management plan is in place unless it is agreed to by both houses of parliament. There are very few inaccessible areas as most areas can be accessed by vehicle or boat.

SAMPIT data – DENR did try to work around those areas defined by SAMPIT however, in the South East, the outer boundaries impacted on the ability to manoeuvre sanctuary zones to the extent people expected.

Gulf St Vincent has four marine parks however they are not located right in metropolitan areas of Adelaide. One of those areas is very close to the desalinisation plant and Phil agreed the sanctuary zone could be used to conduct research and monitoring in this area to give a better understanding.

Any future correspondence received will be brought to MPLAG meeting 5.

6. MPLAG Members' Workshop

- **Members discuss community feedback and zoning alternatives**
- **Members develop initial advice on preferred zoning scenarios**

Submission A1 – Adam Stewart

Adam's has concern for beach use so he has proposed a smaller beach contact zone (no fishing area) but a larger area for the sanctuary zone which may have an effect on the professional fishermen. He believes that having such a large sanctuary zone in this northern

area may be beneficial for the southern proposed sanctuary zones either being made much smaller or not having them at all.

Submission A2 – Graham Usher and John Kuhl submission was on behalf of between 500 and 600 recreational fishermen. The area is the same but stays away from the beach.

Submission A3 and A4 – original submission drawn up by the Working Group – there was no comment about this proposal and whether it abuts the shore or not.

Members were asked which submissions they would like to put up on the website for future consideration.

Bill Hender suggested the submission put up by the Working Group would be a good option so long as it provided for beach fishing.

Carl Charter supports Adam's submission A1 with the possibility of shrinking the Granites area down further.

Pip Rasenberg believes it is unreasonable that fishing be allowed along the entire length of the coast and that if we do not make allowances, the Minister might make them for us.

Jim Godden believes it defeats the purpose of the sanctuary zone.

It appears the preferred option is Option 2 with some beach closed for fishing.

At a later stage in the meeting Adam requested to return to Submission A. His new submission is to wipe Submission A1 and replace with two new submissions; one in the same area as Submission A1 but only half the size and to the north and one to the south half the size of his original submission A1, both of which have a small area of beach access. These Submissions are A5 and A6 respectively.

Submission B1 – this area is south of the Granites and is the most fished area. It is the worst possible place and should be put 3km out from the shore. If this is the case it will still have the same habitat coverage.

Craig Lawrie agreed as did Alan Gurney. Carl Charter would like to see an area that connects to the shore.

Submission B2 – Working Group original option – Not to go on website.

Submission B3 – Working Group original option – not to go on website.

Submission C and D

Submission C4 – not to go on website.

Submission D1 - is a small area

Submission D2 and D3 - sanctuary zone around Baudin Rocks.

The sanctuary zones are in the incorrect place being behind the shacks and too close to the ramp. There is a huge swell usually in that area.

Submission D4 – Robert Roach proposal is to delete D2 and D3.

Submission D1 not to go on website.

No support for C even if reconfigured. Carl Charter would like a small part of the map as a hot spot (within C) – to go as a comment on website.

Submission E1 –

Submission E2 – Conservation Group

Submission E3 – with some area with beach access.

Submission E4 - fronting private land rather than Crown land, subject to consideration or Nora Creina and professional fisherman.

Russell Worland – subject to Nora Creina shack owners' endorsement the original scenario E is ok if it was to be moved south (attached to southern boundary of Little Dip Conservation Park).

Peter Riseley would like to negotiate and come off the beach and make the area thinner and out to sea further. A lot of Beachport and Robe fishermen use the area. Carl supports the original yellow area coming down the coast further but not as far out to sea.

Craig Lawrie suggested all submissions go onto the website so the stakeholders can have a say. He is unsure how this will affect the Beachport fishermen. Carl asked for coordinates to be put on the website for the fishermen to confer with their logs. With the coordinates, Craig and Paul can take the position of E1 to the fishermen for their views.

Peter Riseley suggested obtaining information from SARDI (the amalgamated data not individual fishing data) to establish where people fish and given an idea of compensation to have a minimal impact.

ACTION – Phil to follow up with SARDI and see if this information might be available.

With this information this zone may have to come back to the MPLAG group.

Submission E1 is okay to go on the website (working group).

All submissions have some merit but all have an impact on someone.

The group chose not to endorse a submission but seek further comment.

Jim Godden and Carl Charter would like to see an area along the coast (eg. protecting the breeding ground of the rock lobsters) ? extend down a little bit but narrower.

Submission E5 – new area.

Submission E6 – new area bordering private landholders not Crown land.

Council have data on the number of boats launched from the ramp which may be of assistance.

Submissions E3 and E4 contain a lot of recreational fishers.

Submission E7 narrow band between Little Dip and Long Gully and then going in a narrow strip out to state waters which would capture coast to international waters. Coordinates to be put on website.

Jim Godden suggesting using Google Earth to establish maps and email to Bill Hender to be forwarded for forwarding on to Phil Hollow.

Phil Hollow advised DENR will get all submissions on to the website for peak stakeholders to comment on. The other MPLAG groups have advised the peak stakeholders should have a month to make comment and then these comments will be considered at the next meeting to finalise submissions.

All members are asked to view the website and will all have a full set of submission maps at the next meeting for future consultation.

7. Questions from the gallery

- Will the restricted access zones be within the sanctuary zones?

Yes, they will be very small areas within sanctuary zones.

- It is a good idea to look at sanctuary zones and look at their impact and monitor them in the future.

Agreed. During the management planning process the MPLAG members might suggest what sort of research might be required and who might do the research. Member suggested that the data DENR is using is 25 years old.

No, some of this data was collected in the last 2 – 3 years by NRM as a state-wide initiative identifying habitats in boundaries. Videos were dropped down with cameras to create maps between 1:10,000 scale and 1:20,000 scale.

- What reasons would be good enough for the Minister to change the boundaries?

It would have to be a large community ground swell and consensus to do it. There would have to be compelling reasons to do it eg, perhaps scientific evidence or community use issues, with whole communities getting together.

- Gary Richards is in favour of having small restriction around the island. Wright Bay sanctuary zone could be moved back towards resident's houses.
- Can you catch fish outside the sanctuary zone and then go through the zones to return to land?

Yes, you can. If you are caught fishing in a sanctuary zone you will be firstly warned and on subsequent offences, expiated. When moving through a sanctuary zone you must have your fishing gear "stowed".

- You say the marine parks cannot be changed for ten years. In NSW the areas doubled in size in 12 months?

As outlined in the *Marine Parks Act 2007*, both Houses of Parliament have to agree for the boundaries to change.

- In 10 – 15 years in the future, the creation of sanctuary zones may impact on fishing grounds by forcing people to fish in smaller areas. This may put additional pressure on the outer zones (non sanctuary zones).
- The next meeting is the last meeting of the MPLAGs. How will the public be able to make further comment?

Public will be able to make further comment in the public consultation phase. The draft management plan will contain three things:

- A document that will describe the area:
- Zoning plan with draft zones:
- Regional Impact statement.

An independent group (not DENR) will be contracted to prepare the regional impact statement. Phil believes most discussion will be regarding zoning arrangements. The Minister under the *Marine Parks Act 2007* is required to provide a minimum of six weeks for public consultation. Public consultation will include the use of the website and information days, as was the case for the consultation on the marine parks outer boundaries. If this group wish, they can be involved in public consultation.

- Sarah introduced herself from Murray Bridge with a property/interest at Boatswain Point. She congratulated the Local Advisory Group on their huge effort in gaining public consultation for the submission process. She was extremely pleased to see such a meticulous job had been undertaken to get the best results for the area. She would like to see the comments of each MPLAG member overlaid on the submissions for the website.

8. Record of Meeting

Phil Hollow advised that the minutes of the meeting will be provided as soon as possible to provide a record of significant outcomes from this meeting and to enable the submissions to go on to the website.

The group are happy for Bill Hender to represent the group in his record to the Minister. Some of the issues being:

- The possibility of some of the sanctuary zones not contacting the shore;
- Personally recognise the efforts of this group in doing the enormous of work within their communities to ensure correct representation and differing opinions are represented (John Kuhl and Graham Usher speaking to the recreational fishermen) and Robert Roach for their considerable amount of work;
- Margaret Brock Reef should have been included;
- Attempt to have public consultation on weekends to include all residents and visitors.

9. Next meeting

Paul Regnier's correspondence to be presented at the next meeting.

- The next meeting is intended for the end of April/early May however the two groups LSE and USE may wish to get together and feed submission information back in.

Action Items from meeting 22 February 2011

Meeting No. 3&4	Responsibility	Action	Status	Date
3	<i>Steve Bourne</i>	Investigate purpose of survey undertaken ten years ago at Baudin Rocks and possible results.	ongoing	
3	<i>Phil Hollow and Shane Holland</i>	Commence management plan process.	ongoing	
3	<i>All Members</i>	Attend "informal" joint meeting with Lower South East MPLAG.	ongoing	
4	<i>Denise Dent and Phil Hollow</i>	Amendments to be made to Minutes of the 3 rd meeting MPLAG to change wording in point 2.2.		
4	<i>Phil Hollow</i>	Allan Gurney requested an updated copy of draft <i>Marine Parks Zoning Variation Regulations 2010</i> Gurney		
4	<i>Phil Hollow</i>	To contact SARDI to see if an amalgamated set of data can be provided to determine where the most fished areas are, to identify the largest impact for compensation.		
4	<i>Phil Hollow</i>	Provide coordinates for submission E to Craig Lawrie and Paul Regnier to take back to the fishermen to consider whether this area impacts on their fishing.		
4	<i>Phil Hollow</i>	Coordinates of all submissions to be included on the website for ease of users.	For consideration	
4	<i>Phil Hollow</i>	Submissions to be placed on website with comments.		

4	<i>All members</i>	Review website of submissions in readiness for the next meeting.		
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Meeting closed at 8:15pm

.....Date.....
Chair