

**MARINE PARKS COUNCIL
OF
SOUTH AUSTRALIA**



**Government
of South Australia**

**Advice to the
Minister Sustainability, Environment and
Conservation
on
Draft Marine Parks Management Plans
Public Consultation**

16 November 2012

Overview

In accordance with section 29 of the Marine Parks Act 2007, the Marine Parks Council is required to provide advice to the Minister on the establishment, management and community engagement in relation to Marine Parks.

The Council, working closely with the DEWNR Marine Parks Project Team (management) , and with interaction with the Minister's Scientific Working Group (SWG) and PIRSA staff, has been monitoring and formulating its advice at scheduled meetings and at two focussed workshops held on 26-27 June and 5 November 2012.

While Council had access to some information, there were some information gaps and uncertainty, and Council wishes to express its appreciation to the Marine Parks Project Team in providing background to assist where possible.

In formulating its advice, Council referenced its functions under the Act, and guiding principles relating to Marine Parks.

Summary of Recommendations

Individual Marine Parks Issues (refer section 4.)

Council does not propose any changes to:

- #1 Far West Coast;
- #4 Investigator;
- #5 Thorny Passage;
- #6 Sir Joseph Banks Group;
- #7 Neptune Islands Group;
- #8 Gambier Islands Group;
- #11 Eastern Spencer Gulf;
- #15 Encounter;
- #17 Southern Kangaroo Island;
- #18 Upper South East;
- #19 Lower South East.

Council has specific recommendations for:

- **#2 Nuyts Archipelago** - Council does not propose any changes to the Nuyts Reef and St Francis Island draft zonation. Any changes resulting from the reported ongoing discussions between the government and industry should ensure maintenance of the degree of CAR for the region;
- **# 3 West Coast Bays** - Council does not propose any changes to the West Coast Bays draft zonation. Any changes resulting from the reported ongoing discussions between

the government and industry should ensure maintenance of the degree of CAR for the region;

- **#9 Franklin Harbour** - Council does not propose any changes to the Franklin Harbour draft zonation. Government may wish to verify the significance of the King George whiting nursery/corkweed habitat reported in the region;
- **#10 Upper Spencer Gulf** - Council suggests extension of the sanctuary zones in these regions warrants consideration;
- **# 12 Southern Spencer Gulf** - Council suggests extension of the sanctuary zones in these regions warrants consideration;
- **# 13 Lower Yorke Peninsula** - Council recommends the retention of SZ1 as contained in the draft Management Plan and that the government move to ratify this change;
- **#14 Upper Gulf St Vincent** - Council recommends the retention of SZ3 as contained in the draft Management Plan and that the government move to ratify this change. Council recommends retention of the general zonation proposed for the Upper Gulf St Vincent draft zonation other than consideration of provision for the maintenance of local boat ramps/ports. Any changes resulting from the reported ongoing discussions between the government and industry should ensure maintenance of the degree of CAR for the region;
- **# 16 Western Kangaroo Island** - Council continues to endorse the need for a Cape Du Couedic sanctuary zone based on the very high conservation values highlighted above (a Maupertuis Bay would not deliver the same CAR advantage). In providing this endorsement the Council recognises the benefit from the government and management making extra efforts to inform the Kangaroo Island community of the rationale of the particular high productivity and conservation values of the region, the concept of the “Convergence of Conflict” and the potential of future regional economy opportunities based on a the Kangaroo Island marine park network. Council discussed the option of establishing a locally focussed Task Force to review the zoning proposal in this region. This could be focussed through the recently created Kangaroo Island Futures Authority¹ and local government, in partnership with key stakeholder groups.

General Strategic Recommendations (refer section 5.)

- **Monitoring, Evaluation and Reporting (MER)** - Council will be devoting the majority of its next two meetings to considering in great detail its views and recommendations on the principles, elements and application of MER and Community Engagement and Education;

¹ The Kangaroo Island Futures Authority is an independent body responsible for improving social and economic conditions for Kangaroo Island residents while preserving the special qualities that attract international tourists. The authority is developing a five-year plan to guide the improvements and achieve the targets of South Australia's Strategic Plan on the island

- **Community Engagement and Education** - Council will be devoting the majority of its next two meetings to considering in great detail its views and recommendations on the principles, elements and application of MER and Community Engagement and Education;
- **Aquaculture** - Council recommends that these matters be addressed through consultation between DEWNR, PIRSA and the industry to reconcile the complementary operation standards and impact levels;
- **Buffer Zones** - Council is not recommending changes to the current approach but recommends the MER program protocols ensure the degree of any edge effects can be assessed;
- **Regional Development and Planning** - Council recommends the government, as part of the implementation of the Marine Parks Management Plan establish policies, operational frameworks and consultative mechanisms to ensure that other sectors of government and local government legislation and their application adequately address the objectives of the marine parks to ensure they do not adversely impact and degrade the marine parks, or if they do ensure adequate remedial action is undertaken.

Section 1: Workshop Process

The South Australian government released draft Management Plans (including proposed zonation) for public comment on 26 August 2012. The closure date for submissions was 22 October 2012. 8685 public submissions were received. The Marine Parks Council received and considered initial assessment of the key issues from the submissions at its scheduled meeting on 24th October 2012. This provided Council with a first overview of the submissions (not all had been assessed).

Council saw its consideration of the submissions and subsequent drafting of advice to the Minister on the draft Management Plans, in the context of the Objects of the Marine Parks Act 2007 and the "Guiding Principles", as a core function that required Council to allocate time to consider. Council met in workshop mode 5th November 2012 to address this.

All Councillors were present except David Ellis (late apology due to illness). Mr Ellis provided the Presiding Member with a listing of issues he wished Council to address. These were highlighted to Councillors at the beginning of the workshop. Also in attendance were Professor Peter Fairweather (Chair Scientific Working Group) and Chris Thomas and John Emmett (DEWNR Marine Parks Team).

Council recognised the position of the DEWNR officials in attendance (including ex-officio Council member Leanne Burch) in that they had knowledge derived from their DEWNR management responsibilities that may not be shared with the workshop.

In scheduling the workshop Council noted advice from management that the Minister had sought DEWNR advice on the submissions by 5 November 2012. Council recognised access to this advice would assist its own deliberations. The Presiding Member wrote to the Minister 25 October 2012 seeking management be approved to provide Council with this advice at the workshop. The Minister responded 5 November 2012 authorising management to verbally convey to the workshop the nature of its advice as well as listing a number of issues/questions on which he was seeking "strategic advice". Council also noted management was to meet with the Minister on 7 November 2012 to present and discuss the details of its advice.

The workshop followed an agenda of:

- Discussion and agreement on the objectives, outcomes and format of the day;
- Initial member listing of the key strategic issues raised in the submissions that would require consideration;
- Sequential consideration of issues relating to each of the 19 marine parks, at the same time identifying on issues of a strategic nature that arise from the exercise;
- Return to the initial "strategic issues" listing to address any residual or additional items;
- Agreement on the next steps and process for drafting Council's advice and its endorsement by Council before formal submission to the Minister.

Section 2: Principles

The workshop sessions commenced with agreement on the following Principles, intended to guide the day's deliberations:

1. The nature of the advice from Council would be Strategic;
2. The government's policy undertaking of minimum impact on the commercial fishing sector;
3. As the draft Management Plans (as tabled for public comment) will not deliver a "full CAR" network, any amendments to the zonation proposals should have a preferred objective of not reducing the current overall estimated degree of "CAR" delivered by the network;
4. Conversely, Council acknowledged the benefits that can arise from taking a "pragmatic" zoning approach to reduce impact on stakeholder groups and the regional communities which may ultimately result in the current degree of "CAR" being reduced;
5. The development and implementation of an adequate monitoring, evaluation and reporting (MER) system is critical to enable future informed consideration of the "performance" of established parks and the statutory 10 year review;
6. Respond to the requests in the Minister's letter of 5 November 2012.

Section 3: Information, Data Gaps and Uncertainty

Council had the following information/documentation available to inform its deliberations:

- Public submission summary by marine park (88 pp);
- Table listing key Issues/Comment * Marine Park * Stakeholder Sector;
- Table listing Key Areas of Focus * Marine Park * suggested Zonation Alteration;
- Bioregional Zone Inventory;
- Design Principles: Guiding the development of South Australia's Marine Park Boundaries June 2012;
- Ward, T.M. and Burch, P (2012). Historical commercial fishery catches/effort in draft sanctuary and habitat protection zones in South Australia's Marine Parks. Report to PIRSA Fisheries and Aquaculture. South Australian Research and Development Institute (Aquatic Sciences), Adelaide. SARDI publication No. F2011/000303-5. SARDI Research Report Series No. 639. 117pp;
- Documentation provided as part of the public consultation on the draft South Australian Marine Park Management Plans (Management Plans and explanatory documentation).

For Council to provide informed strategic advice, the information considered at the workshop needed to be evidence-based to assist in providing a high level of integrity in the rationale for the advice. Council was advised that SARDI was currently updating its commercial fishing industry impact assessment (based on the current draft Management Plan zonation) in response to additional information received from the commercial fishing industry sectors. These updates would have been of assistance to the workshop. However Council was advised that SARDI would not be completing this work until at least 9 November 2012 and therefore this information was unavailable. In response the workshop sought a verbal update from DEWNR management on any preliminary advice provided by SARDI on the review. Council was advised SARDI's original assessment of the draft zoning (July 2012) put the impact on the commercial fishing industry at 2.14% of GVP state-wide, noting some variability between sectors. While a final report has yet to be provided to

DEWNR, preliminary results indicate that the state-wide impact may be lower (i.e. less than 2% GVP). SARDI's revised impact assessment would be made publicly available once completed, which was expected later in November 2012.

Given the number and breadth of submissions received during the public consultation period, only summary information relating to each park was able to be communicated in the time allocated for the workshop and details of alternative proposals and recommendations received from stakeholder groups for some sanctuary zones were only briefly outlined.

Council expressed its appreciation to the DEWNR Marine Parks Team for its efforts in providing the background information for the workshop, particular the very extensive task of assessing and summarising the large number of public submissions with very tight deadlines.

Section 4 Individual Marine Parks Issues

John Emmett, DEWNR Marine Parks Project Team, facilitated the Council through discussion on the key specific issues and suggestions relating to each of the parks. Key discussion points and agreed recommendations are listed below.

#1 Far West Coast

The one issue highlighted was the concern from the commercial rock lobster sector at the degree of displaced effort. This was similarly raised with regard to a number of marine parks. Similar comment was raised by other commercial sectors (abalone and marine scalefish). The general issue of displaced effort is addressed below in Section 5.

Based on advice from management Council considered the displaced commercial fishing impact in the Far West Coast Park is minimal and is adequately addressed through PIRSA's policy on individual fishery redistribution of displaced effort and the government's displaced effort policy.

Council has no recommendations specifically relating to the Far West Coast Marine Park zonation.

#2 Nuyts Archipelago

Submissions from the rock lobster and abalone commercial fishing sectors raised concern at the degree of displaced effort. Council was advised that the zoning in this park has the largest impact on the Western Zone Abalone Fishery and that commercial fishing sectors had met to discuss alternative zoning boundaries for Nuyts Reef and Isles of St Francis sanctuary zones. DEWNR commented the displaced commercial impact in the Nuyts Archipelago Park can adequately be addressed through PIRSA's policy on individual fishery redistribution of displaced effort and the government's displaced effort policy.

This park raised the issue of a request from the South Australian Oyster sector to modify the zonation overlaying oyster leases from Habitat Protection to General Management Use status. This was a common request to all relevant parks. The general issue of the overlying zonation status relevant to all aquaculture leases is addressed below in Section 5.

Specific requested zonation amendments were noted; including:

- Extension to the Cactus Beach surfing reserve;
- Shifts to the Nuyts Reef (SZ1) and St Francis Island (SZ8) sanctuary zones by the fishing industry;
- Prawn industry concern with its activities in the Lound Island area being overlaid with HPZ (HPZ7) zonation.

Council considered the second point in particular as it raised a number of strategic and policy issues (rather than considering the details of the specific zones). Council draws attention to the Principles it agreed at the beginning of the workshop, particularly Principle #2 relating to the level of CAR achieved under the current draft Management Plans and any changes not diminishing this level. Council was not privy to any ongoing discussion between the government and fishing industry.

Council sought that any proposed change requires advice by the change proponents on adequate offsets, particularly with regard to areas of very high conservation value and larger “hotspots” such as Nuyts Reef and St Francis Island regions.

Council does not propose any changes to the Nuyts Reef and St Francis Island draft zonation. Any changes resulting from the reported ongoing discussions between the government and industry should ensure maintenance of the degree of CAR for the region.

A general discussion on the CAR Principle and offsets is addressed below in Section 5.

3 West Coast Bays

A number of submissions suggested increasing the area of sanctuary protection at Cape Blanche (RAZ1 and SZ2) and Point Labatt (SZ3 and RAZ2). This was contrary to the general commercial industry concern with the scale of impact on its rock lobster and abalone sectors. Council does not propose any changes to the Cape Blanche and Point Labatt draft zonation. Council recommends that should any change occur the principle of CAR level maintenance and offsets should/need to be invoked. Council also suggests that any change would require additional consultation with key stakeholder sectors.

Professor Peter Fairweather (Chair SWG) advised the SWG’s assessment that sandy beaches are under-represented in the West Coast Bays Park. This highlighted to the Council that a number of habitat types were currently under-represented across the proposed park network. This general observation is commented on below in Section 5.

Council does not propose any changes to the West Coast Bays draft zonation. Any changes resulting from the reported ongoing discussions between the government and industry should ensure maintenance of the degree of CAR for the region.

#4 Investigator

In addition to the general commercial fishing sector challenge of the estimate of the impact as assessed by SARDI (Ward et al June 2012) and suggestions to modify (reduce) the area of SZ associated with Cap Island and the Pearson Island Group, the only other major issues highlighted for the park were a proposal to establish a new sanctuary zone at Top Gallant Island and a wave energy facility in the Locks Well Beach HPZ4. Council highlights that whilst seeking to legitimately pursue alternate energy options the nature of construction and placement (on the benthic communities) is inconsistent with the general requirements of a Habitat Protection Zone; namely “habitat disturbance” and “added protection for habitats and biodiversity”. This highlighted the need to

consider and address the challenge of alternate and new uses in HPZs (eg wave power) and the management of externally sourced impacts (urban and agricultural run-off, coastal development, industrial and sewage discharges and shipping and port developments) under the general banner of “Managing and Coordinating Regional Development and Planning”. This is considered below in Section 5.

The Council noted the Pearson Island Group SZ (SZ1) zonation was selected to be contiguous with the Commonwealth marine park boundary in the region.

Council does not propose any changes to the Investigator draft zonation.

#5 Thorny Passage

Key issues highlighted associated with the Thorny Passage marine park were:

- Proposal for a desalination plant to be located at Sleaford Bay. Council recommends this be addressed through Council’s recommendations on “Managing and Coordinating Regional Development and Planning”, considered below in Section 5.
- Similarly Kellidie Bay in Coffin Bay was identified as being impacted by local septic tank leakages into the environment and should be considered in the in the context of “Managing and Coordinating Regional Development and Planning” below in Section 5;
- Key habitat SZ representation of high energy coastal and shoreline and “The Passage” are under-represented in the park. It was suggested this misses an opportunity to protect “important and special habitats”. This is also addressed under the general comment on habitat underrepresentation in Section 5. Reference back to the original LAG advice may be warranted.

Council does not propose any changes to the Thorny Passage draft zonation.

#6 Sir Joseph Banks Group

The only specific issue drawn to Council’s attention for this park was a request from the commercial sardine industry to modify the south-eastern corner boundary of SZ1. Council is not recommending this as the sardine population being exploited (on which the total allowable catch is based) is widespread throughout the southern Spencer Gulf and coastal GAB regions, industry have historically exploited a relatively small area of this stock distribution. Council suggests this is adequately addressed through PIRSA’s policy on individual fishery redistribution of displaced effort policy.

Council does not propose any changes to the Sir Joseph Banks Group draft zonation.

#7 Neptune Islands Group

The general commercial fishing sector concern with the scale of impact on its rock lobster and abalone sectors is relevant to this park.

The only other issue considered by Council was in response to requests from the fishing charter/shark tourism sector for amendment to zonation and their operating practices in the North Neptune Island SZ1. The fishing charter/shark tourism sector sought to be able to allow recreational fishing inside the North Neptune Island SZ1 during times when sharks are not present around the

shark diving vessels. **Council does not support this request as it would be a very prominent exception applied to SZs.**

Council does not propose any changes to the Neptune Island Group draft zonation.

8 Gambier Islands Group

Council does not propose any changes to the Gambier Group draft zonation.

#9 Franklin Harbour

Other than the general HPZ/GUMZ issue relating to the aquaculture sector Council saw no significant issues of concern with the draft zonation. Council was advised the northern tip of the main island inside Franklin Harbour is a major nursery ground for King George whiting and cormorants and that there is a unique corkweed (*Sargassum* sp.) bottom under limestone that provides a sheltered habitat for the King George whiting. It was suggested SZ2 should be enlarged to include this habitat in the CAR system.

Council recommends the DEWNR Marine Parks Management and documentation relating to Franklin Park clarify that access for shore fishing on the seaward beach side of southern Franklin Spit is provided for.

Council noted the diversity of prospective regional development mooted for Spencer Gulf and the expected significant increase in port development and shipping in the region with the potential to interact with a number of marine parks (discharges, runoff and dredge spoils plumes, construction, ballast and exotic species, antifouling and noise). Council recommends this be addressed through Council's recommendations on "Managing and Coordinating Regional Development and Planning", considered below in Section 5.

Council does not propose any changes to the Franklin Harbour draft zonation. Government may wish to verify the significance of the King George whiting nursery/corkweed habitat reported in the region.

#10 Upper Spencer Gulf

Council noted significant overall support for the draft Upper Spencer Gulf Management Plan.

Council noted a number of requested minor amendments that may warrant consideration in the final zoning

- Black point – provide for shore-based recreational fishing in the western part of the zone;
- Yatala Harbour/Miranda - adjust the zone to provide for shore-based recreational fishing in front of the existing shacks;
- Port Davis covering inshore mangroves as much as possible noting the adjacent land is privately owned.

Council was urged to capture an opportunity to afford the Upper Spencer Gulf region a greater protection status with extension of the SZs in the region, at the same time improving the CAR representation. Ecological features of high conservation value included the wider giant cuttlefish breeding grounds (False Bay and Black Point), mangrove forests on the west side of Upper Spencer Gulf critical for western king prawn and snapper nursery areas, merging into salt flats continuing to

Yorkey's Landing. It was put to Council that the northern flats of Upper Spencer Gulf are also a resting zone for migratory pelicans on their way north to Lake Eyre and Lake Gardiner in the wet seasons. In addition the area having significant Aboriginal dream-time importance relating to their beliefs on the evolution of fish and crustacean systems. In the southern region of the park the Port Davis inland coastal estuaries/creeks were identified. Council is aware any modification to zonation would require additional consultation and negotiation with the local community and relevant stakeholder groups.

Council suggests extension of the sanctuary zones in these regions warrants consideration.

#11 Eastern Spencer Gulf

Council was advised that discussions with key stakeholder groups are taking place relating to zonation changes in this park; associated with SZ1 (shore line fishing) and periodic local dredging to maintain access to the boat ramp at Port Victoria in the HPZ2.

Council has already highlighted the underrepresentation of sandy beaches in the overall CAR network. The issue of small scale dredging in marine parks, particularly HPZ is another threatening process that should be addressed through Council's recommendations on "Managing and Coordinating Regional Development and Planning", considered below in Section 5

Council has no additional comments on the Eastern Spencer Gulf draft zonation.

12 Southern Spencer Gulf

The general commercial industry concern with the scale of impact on its rock lobster and abalone sectors is relevant to this park. In addition the commercial sector also commented on potential impact (King George whiting) from the Orcades Bank SZ2. Council highlights that the southern gulf/near offshore regions are populated by very biologically important adult "remnant" breeding stocks (having survived "gauntlet" fishing of younger age classes further north in the gulfs). The Orcades Bank SZ has been proposed to protect a proportion of this remnant breeding stock.

Shore based fishing has been requested for Chinaman's Hat Beach. This needs to be considered in the consistent context across a number of parks relating to the underrepresentation of sandy beaches in the CAR network. The Government's policy commitment to maintain shore-based recreational line fishing on popular beaches was also noted.

Council was advised of a number of high conservation value sites in the park under-represented in the overall CAR network in the Port Minlacowie region (2 spp cuttlefish) and the Pines (seagrasses). These assemblages and habitats are similar to those of Whyalla and Upper Spencer Gulf.

Council suggests extension of the sanctuary zones in these regions warrants consideration.

13 Lower Yorke Peninsula

There is commercial fishing industry concern with the scale of impact on its rock lobster and abalone sectors.

This park raises a number of issues that require clarification.

The Point Davenport SZ (SZ1) extends beyond the outer boundary of the park (one of two locations in the MP network where this occurs). If this is to persist it is necessary to formally alter the current outer boundary. Following detailed discussion on the implications of this proposed zoning, Council recommends the retention of SZ1 as contained in the draft Management Plan and the government move to ratify this change. This also raised the context and effectiveness of the need for “buffer zones” in the South Australian marine park network, considered below in Section 5.

Council was urged to capture an opportunity to afford the area north of SZ1 much greater protection status into and across Sturt Bay. It was suggested this would increase the level of CAR compliance across the network through an area of low recreational fishing access due to Sturt Bay’s relative isolation and coastal topography.

Council recommends the retention of SZ1 as contained in the draft Management Plan and that the government move to ratify this change.

#14 Upper Gulf St Vincent

The draft Upper Gulf St Vincent Marine Park contains the second out of boundary SZ (SZ3) situation that requires ratification. Similar to SZ Point Davenport SZ (SZ1) example:

Council recommends the retention of SZ3 as contained in the draft Management Plan and that the government move to ratify this change.

Upper Gulf St Vincent is one of two regions still subject of intense feedback from motivated interested stakeholder sectors (the other being Western Kangaroo Island, see below). The major issue being prosecuted is access to the region by commercial fisheries (marine scalefish). Similar to Upper Spencer Gulf, Upper Gulf St Vincent is a biologically important ecosystem of high conservation value providing a nursery area for many marine species, a significant contributor to the productivity and resilience of the Gulf ecosystems and resources. The commercial fishing sector is seeking a significant reduction in the size of the SZ (SZ1). A number of additional minor amendments to the SZ have been requested relating to downgrading to GMUZ status adjacent to Port Wakefield (navigation and small scale dredging purposes) and recreational fishing adjacent to Port Arthur. Council does not propose any major changes to the Upper Gulf St Vincent draft zonation. Consideration of small amendment for small port operations may be warranted, these should be addressed through Council’s recommendations on “Managing and Coordinating Regional Development and Planning”, considered below in Section 5.

Council recommends retention of the general zonation proposed for the Upper Gulf St Vincent draft zonation other than consideration of provision for the maintenance of local boat ramps/ports. Any changes resulting from the reported ongoing discussions between the government and industry should ensure maintenance of the degree of CAR for the region.

#15 Encounter

There are a number of commercial fisheries sectors (GSV prawn (Rapid Head SZ5), pipi (Coorong SZ7), abalone (North Pages SZ11) marine scalefish (Bay of Shoals SZ8)) and recreational fishing sector (channel in Bay of Shoals and adjacent to boat ramp SZ8) impacted by the draft Encounter Management Plan. Council was advised that this area was a hot topic at a recent RecFishSA meeting with Industry & DEWNR. Council considered the displaced commercial impact in the Encounter Park is adequately addressed through PIRSA’s policy on individual fishery redistribution of displaced effort and the government’s displaced effort policy.

Council does highlight a number of high conservation value and under-represented habitats can be found in the Encounter Zone (seagrasses Antechamber and Western Bay, stenohaline mulloway associated with the Murray Mouth estuary).

Council does not propose any changes to the Encounter draft zonation.

16 Western Kangaroo Island

The Western Kangaroo Island is the second Marine Park the subject of intense advocacy. Kangaroo Island incorporates elements of four draft Management Plans; Encounter, Southern Kangaroo Island, Southern Spencer Gulf and Western Kangaroo Island. Council observed general comprehensive support for the principle and implementation of marine parks. The Kangaroo Island community recognises the conservation and future regional economy values resulting from a marine park network.

Despite this a significant cross section of the Kangaroo Island community and stakeholders have expressed strong objection to elements of the proposed Management Plans. These basically focus on the Western Kangaroo Island draft Marine Park Management Plan. In particular they are responding to the June 2012 “Restart Program” diverting from the LAG recommendations for the Western Kangaroo Island zonation (in particular the shifting of a MPLAG recommended in Maupertuis Bay for a preferred site off Cape Du Couedic).

This preference is based on sound bio-physical/biogeographic and Marine Park Guiding Principle rationale. The two alternative sites are not biogeographically equitable, comprising significantly different habitats and structure. The south-western corner of Kangaroo Island is a region of very high conservation value and interest. This is based on the fact that it is the major centre for the Bonney Upwelling system in the region outside of the south-east, adjacent to the confluence of the density current outflows from Spencer Gulf and a number of other significant bio-physical phenomena including seasonal Leeuwin Current intrusions. The region is highly productive with regard to a wide range of species that include scalefish, rock lobster and abalone. The region is also home to key apex predators and icon species that include the NZ fur seal and the Australian sea lion.

This naturally is a mecca for commercial fishing (particularly rock lobster and abalone) as well as tourism (eco-tourism from shore). A reason for the strength of the advocacy of those opposing the SZ in this area is the commercial fishing sector has advised of the order of 20% of the potential displacement of commercial Northern Zone rock lobster fishery is derived from the proposed Cape Du Couedic sanctuary zone. The updated SARDI impact assessment would confirm validation or not of this assertion.

This is a “text book” example of the inevitable “Convergence of Conflict” when seeking to protect the highest of conservational habitats and systems whilst minimising the impact on traditional users who are drawn to the same region as a result of the bio-physical attributes/habitat/productive ecosystem characteristics that attract both sectors. It is suggested a CAR based marine park network would not be complete without adequate representation of this habitat.

Council continues to endorse the need for a Cape Du Couedic sanctuary zone based on the very high conservation values highlighted above (a Maupertuis Bay would not deliver the same CAR advantage). In providing this endorsement the Council recognises the benefit from the government and management making extra efforts to inform the Kangaroo Island community of the rationale of the particular high productivity and conservation values of the region, the concept of the “Convergence of Conflict” and the potential of future regional economy opportunities based on a the Kangaroo Island marine park network. Council discussed the option of establishing a locally focussed Task Force to review the zoning proposal in this region. This could be focussed through the recently created Kangaroo Island Futures Authority² and local government, in partnership with key stakeholder groups.

#17 Southern Kangaroo Island

The general commercial industry concern with the scale of impact on its rock lobster and abalone sectors is relevant to this park.

Conservation interests have sought that consideration be given to extension of the SZ to provide protection in D'estrees Bay and off Cape Ganthuaume.

Council does not propose any changes to the Southern Kangaroo Island draft zonation.

#18 Upper South East

No significant issues of contention were presented for the Upper South East region.

Council was advised that Baudin Rocks (in Guichen Bay off Robe) was a documented sea-lion and fur seal haul-out site. The SWG advised that the Upper South East was under-represented in the seagrass habitat.

Council does not propose any changes to the Upper South East draft zonation.

#19 Lower South East

No significant issues of contention were presented for Lower South East region.

Comment was provided to Council that the SZ Piccaninnie Springs (SZ2) would benefit from an increase in size.

Council does not propose any changes to the Lower South East draft zonation.

² The Kangaroo Island Futures Authority is an independent body responsible for improving social and economic conditions for Kangaroo Island residents while preserving the special qualities that attract international tourists. The authority is developing a five-year plan to guide the improvements and achieve the targets of South Australia's Strategic Plan on the island

Section 5: General and Strategic Issues

Council's review of key issues relevant to the individual park identified a range of "strategic" and general policy issues. Council's assessment and advice on these are presented below.

Monitoring, Evaluation and Reporting (MER)

There is a wide expectation expressed through the public submissions that the marine park network will be adequately monitored to allow assessment of the parks' performance against the objectives of the Marine Parks Act 2007 and the Guiding Principles. This is linked to the statutory requirement to review management plans at least every 10 years.

The Council is working in collaboration with the SWG to develop advice on the requirements and protocols of an adequate MER. An adequate MER will need to include monitoring of environmental, social, economic and regional economy parameters relating to each park.

Related to this a number of submissions sought the collection of "baseline" data on the habitats, diversity and community health.

Council highlighted this in its advice of 5 July 2012. The relevant extract from this advice continues to be endorsed so is repeated below:

"A critical message to provide confidence to the community and stakeholders on the overall Marine Park strategy and future outcomes is the implementation from the time of proclamation of an adequately planned and resourced Monitoring, Evaluation and Reporting (MER) program to:

- *Allow assessment of the performance of proclaimed parks;*
- *Reduce the uncertainty currently inherent in the initial impact assessments; and*
- *Inform future amendments and additions as government moves to a fully CAR system.*

This was strongly reinforced in the SARDI, PIRSA, SWG and Econsearch presentations.

To give confidence that the MER will be effective requires agreement on quantifiable Performance Assessment parameters to address the question "how do we know if the proclaimed parks are achieving their intent?" The MER and the standards for undertaking it should be established in consultation with the Scientific Working Group (SWG) to ensure the required information is collected and that it is scientifically defensible. In particular the MPC endorses advice from the SWG on the need for "ongoing, robust, resources to enable assessment performance of the proclaimed marine parks". The SWG has highlighted that this by necessity requires socio-economic data on any changes to regional economies, information on the patterns of usage and compliance by the public and allows for comparison of predictions over time between inside versus outside the marine parks and across specific zones as well as the bio-physical (environmental) nature of the proclaimed

parks and effectiveness of the size of parks. Achievement of these requires adequate planning and resourcing.

The MPC also identified the benefit of making provision for urgent review of any particular park's performance or status if it is deemed to be subject to threat from utilisation practices within the park or impacts of external origin."

Council will be devoting the majority of its next two meetings to considering in great detail its views and recommendations on the principles, elements and application of MER and Community Engagement and Education.

Community Engagement and Education

A very consistent theme from the public submissions reinforces the critical need for the implementation and ongoing management of the marine park network be underpinned by an extensive, adequate and ongoing community engagement and education program. Council highlighted this in its advice of 5 July 2012. The relevant extract from this advice continues to be endorsed so is repeated below:

"The MPC believes a critical component for the common understanding, appreciation, acceptance and success of the state's marine park strategy is individual and community education and awareness on the intent, details (zoning, compliance requirements, unique and special bio-physical features, biodiversity and habitats), wider ecosystem services they can provide and contributions to future new industry sectors and diversified regional communities and economies. The immediate need is to adequately support the release of the current draft package to provide the greatest opportunity for individual, sector and community responses to be developed with a full and validated suite of information.

The MPC reviewed examples of the Public Consultation Guide for each marine park and provide the following comments for consideration:

- 1. The format and content of the general consultation guides and other related "consultation and communication" materials must be in narrative "conversational" language providing the "story" and benefit of the park, whilst still providing the necessary "formalised" advice regarding proclaimed zone boundaries and approved activities etc;*
- 2. Ensure awareness on how to gain access to additional explanation if required and how to provide immediate feedback on park proposals.*
- 3. The increasing opportunities and benefits for public/community engagement through the use of online communication and social media networks. The MPC recommends this be considered as an integral part of the communication strategy;*
- 4. In recognition that local tackle and supply shops are a major source of opinion and information to the recreational sector engage with the operators to be an influential part of the information distribution with this sector. Similarly it is suggested using*

local government and NRM boards, dive shops, visitor bureaus, regional economic boards and progress associations would be beneficial for this function;

5. *Due to their particular relationship with the land and water, community complexity and cultural systems the state's indigenous communities require additional arrangements to effectively engage and consult on the proposed parks.*
6. *The communication materials include some reference to the broader coastal and marine policy responses of government to present the broader context on which the MPA program operates.*

Post proclamation of parks the MPC recommends that the focus of the communication strategy be on the ongoing education of the bio-physical, biodiversity and ecological value attributes of the parks. In addition the MPC highlighted a wider vision and opportunity from the ongoing communication and community engagement strategy using the regional spread marine park network as a "catalyst for change". This includes;

1. *The opportunity to use the marine park network as a driver for diversified regional and rural community and economy development;*
2. *The benefits listed above from demonstrating "What the parks will deliver" and there are opportunities for the recreational, tourism, property, aquaculture, commercial fishing and other regional sectors and industries;*
3. *A paradigm shift in the appreciation, understanding and valuing our marine resources and ecosystems above considerations of individual/sector interest protection to a mindset and behaviours to a sense of ownership, stewardship and custodianship;*
4. *Increased NRM investments and benefits through more informed planning and sustainable activities in adjacent catchments, encouraging increased quality of investment and reducing impacts of site impacts;*
5. *Links to stated government priority, 'clean, green food bowl' strategies and industries;*
6. *Complementing relevant State Strategic Plan targets such as "no species lost";*
7. *Delivering certainty to industry/sectors and thereby providing confidence to invest;*
8. *Potential for providing an opportunity for more co-ordinated structure/approach for planning and investment by government."*

The 5 November 2012 workshop also reinforced the benefits that can be achieved through embracing community stewardship and citizen science. Community stewardship is both a method and the goal for ensuring that South Australia's Marine Parks will be effective and successful. A strategy for achieving community stewardship could include elements of:

- supporting citizen science;
- education;
- developing initiatives for ecotourism and regional economic development that can benefit from marine parks;
- communicating the ecosystem benefits based on monitoring, evaluation and reporting results;

- encouragement for local champions and case studies to promote success.

Optimising community stewardship is about creating a positive culture amongst stakeholders that supports their success and community management.

Council will be devoting the majority of its next two meetings to considering in great detail its views and recommendations on the principles, elements and application of MER and Community Engagement and Education.

CAR, Offsets and Habitat Underrepresentation

Consistent with Council's advice following the June 2012 workshop the current draft Management Plans and zonation will deliver a less than full CAR network. In response the Council is recommending that any amendments to the zonation proposals should not result in a reduction in the current estimated degree of "CAR". Council reaffirmed this in the Principles it agreed at the beginning of the workshop, particularly Principle #2 relating to the level of CAR achieved under the current draft Management Plans and any changes not diminishing this level. Council sought that any proposed change requires advice by the change proponents on adequate offsets, particularly with regard to areas of very high conservation value and larger "hotspots".

Whilst the current draft Management Plans provide for significant habitat type inclusion across the park network and zonation, there are a number of habitat types that are under-represented under the current proposals. In particular these include sandy beaches (in response to the significant requests from the recreational fishing sector for continued shore based fishing), seagrass meadows, high energy coastlines and The Passage in the Thorny Passage Marine Park and some deeper water invertebrate (soft/hard coral) dominated assemblages. Other suggested under-represented habitats and assemblages were also identified during the workshop and recorded above. Suggested treatments of each of these are addressed above. They provide the opportunity as an offset to any changes from the current proposals before implementation that have the potential to decrease the overall level of CAR in the network to restore/maintain the level.

Displaced Fishing Effort and Compensation

The treatment of Displaced Fishing Effort in the commercial fishing sector remains a strong issue of contention. The government policy commitment is to contain the impact of any overall displacement to less than 5% of economic impact state-wide (gross value of production). Council was advised the current available estimate is of the order of 2%. Council is aware that this continues to be contested by the industry and that this is currently being reviewed by the SARDI in response to additional information from the industry. As this review has still to be finalised Council it was not available for consideration at the workshop.

Whilst it is expected the government policy commitment of less than 5% overall GVP impact will be honoured and the majority of impacts are capable of being addressed through PIRSA's policy on individual fishery redistribution of displaced effort and the government's displaced effort policy, Council was advised of a number of instances where specific fishery by park estimate of regional

impact significantly exceeded this quoting “inequities” that included Lakes and Coorong (pipi) at 16%. Council awaits the update of the SARDI impact assessment to further advise/validate the estimates.

Aquaculture

A consistent issue raised in the public submissions was requests from the aquaculture sector (oyster and tuna in particular) to modify the zonation overlaying oyster leases from Habitat Protection (HPZ) to General Management Use (GMUZ) status. This was a common request for all relevant parks. These requests arise from two concerns. The first is the sector’s apprehension that although the government’s policy commitment relating to aquaculture is “no displacement and future needs accommodated”, future interpretation of the general requirements relating to Habitat Protection Zones will seek to place additional operational and environmental performance restrictions on the sector. Council noted that the current Aquaculture Act and lease licence conditions required operators to comply with environmental impact standards and monitoring.

The second is the view of SWG and others that some aquaculture practices may not comply with the requirements of the HPZ objective of “added protection for habitats and biodiversity – activities must be assessed as no harm to habitats or the functioning of the ecosystems”. Specifically reference has been made to the impact of aquaculture infrastructure on the immediate benthic communities and assemblages (eg oyster racks and posts, fish farm nets and associated anchorage).

The workshop deliberated this issue at length and did not endorse the conversion of HPZ into GMUZ for those leases. It was considered there would be benefit from ensuring industry was fully aware of the current operating standards under the Aquaculture Act , which could be addressed by increased communication.

Public submissions also raised the issue of need for/effectiveness of “buffer zones” around lease operations to ameliorate any discharge (faecal/excess food) on adjacent SZs.

Council recommends that these matters be addressed through consultation between DEWNR, PIRSA and the industry to reconcile the complementary operation standards and impact levels.

Buffer Zones

The issue of potential impact of aquaculture in HPZs raised the question of the application of buffer zones³ to eliminate or mitigate “edge effects”, with particular relevance to SZs. The South Australian marine park network does not designate buffer zones, utilising adjacent HPZs to undertake this function for the SZs (exceptions being where a SZ boundary aligns with a marine park outer boundary and the current two “beyond the outer boundary” locations addressed above).

³ Buffer zones are areas created to enhance the protection of a conservation area, often peripheral to it, inside or outside. Within Buffer zones, certain legal and/or customary restrictions are placed upon resource use and/or is managed to reduce the negative impacts of restrictions on the neighbouring communities. A buffer zone can also be one of the protected area categories.

Council is not recommending changes to the current approach but recommends the MER program protocols ensure the degree of any edge effects can be assessed.

New or Additional Zoning Scenarios

Council discussed the risks associated with identifying new or alternative zoning scenarios as part of the current public consultation process. It was suggested that the public submissions had been prepared based on the current zoning proposals. If new areas were being considered, discussion on these areas should occur with the key stakeholder groups likely to be impacted and an economic and social assessment made of the new zones, otherwise alleviating impacts in one area could be shifted to new areas.

Implementing Sanctuary Zones

Council was advised that there was consideration to the phasing in of sanctuary zones on either a regional, park or activity basis which was also raised at the Marine Parks Council meeting on 24th October 2012. Whilst this has not been discussed by the Council at length it has been suggested that there are detrimental risks associated with a phasing in process which could lead to confusion and animosity between regional communities, accusations of inequitable treatment between communities and sectors, issues associated with managing fishing effort and negative impacts on markets and investments for the commercial fishing industry.

Complementary Overlying Legislation

The Fisheries Management Act has provision for the establishment of Aquatic Reserves to support the government and PIRSA's fisheries management and/or related research activities. A number of these are overlain completely or in part by the proposed marine park zonation. There is potential for confusion by the community with this situation. Council was advised that inter-departmental discussions between DEWNR and PIRSA are currently taking place to explore reconciliation of this ambiguity. Council strongly endorses these discussions.

The public submissions highlighted a number of other complementary areas of legislation relevant to the Marine Parks Act that should be considered to avoid community and user confusion. These include the reconciliation and treatment of the legislation relating to shipwrecks, sites and features of cultural interest to the aboriginal communities and other historic sites.

In the case of aboriginal sites of cultural or heritage significance in the parks the aboriginal community has sought they be recorded and adequately managed. In addition there needs to be consideration of access when ILUA's or native title rights have been determined.

Regional Development and Planning

A current policy commitment is that development and infrastructure will be accommodated within the parks. A consistent response in the public submissions is a concern that the integrity and health of the marine parks can be compromised by outside park development and planning decisions and

activities. These include externally sourced impacts (urban and agricultural run-off, coastal development, industrial and sewage discharges, desalination, ballast water and exotic species, antifouling and noise and shipping and port developments) and infrastructure, housing and industrial developments within and adjacent to the marine parks.

The workshop identified the issue of local small scale dredging in marine parks, particularly in HPZs, associated with maintenance of access to local boat ramps. Dredging is a threatening process non-compliant with their intent. Council highlights the need to review this anomaly on a park/launching ramp case by case basis to enable balance the integrity of HPZs and adequate utilisation of all the ramps.

The Marine Parks Act 2007 requires at least 12 state based acts to consider the requirements of the Marine Parks Act 2007 in their application.

Council recommends the government, as part of the implementation of the Marine Parks Management Plan establish policies, operational frameworks and consultative mechanisms to ensure that other sectors of government and local government legislation and their application adequately address the objectives of the marine parks to ensure they do not adversely impact and degrade the marine parks, or if they do ensure adequate remedial action is undertaken.

Marine Parks Process

Council discussed the need to alleviate the uncertainty in the community about the ongoing marine park discussions to give stakeholder groups an end point to the current marine parks process, as the commercial fishing industry is concerned that the process of identifying sanctuary zones may continue on for the next few years. Council discussed that no guarantee could be made not to revisit the marine parks system in the future but highlighted that there is a 10 year review process in place that could be better communicated to the general community.

It was also suggested that the process used to assess the public submissions to lessen the impacts on regional communities and industry as much as possible whilst still achieve conservation outcomes, is able to be understood by the general community.

I am pleased to advise that the content and recommendations contained in this report are the consensus of all Councillors.

The MPC commends this advice and its recommendations for your consideration.

A handwritten signature in black ink, appearing to read 'Rob Lewis', with a horizontal line underneath the name.

Professor Rob Lewis
Presiding Member
on behalf of the SA Marine Parks Council

16 November 2012