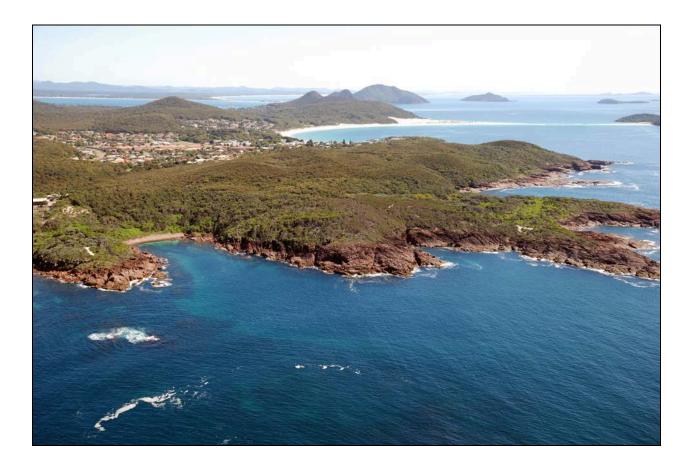


A NEW APPROACH TO MANAGING THE NSW MARINE ESTATE Annual progress report for the Marine Estate Management Authority

2013



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More information

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2014). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the Secretariat for the marine estate or the user's independent adviser.

Chair's year in review

I am pleased to provide to Ministers and the people of NSW, the first annual progress report on implementation of the new approach to managing the NSW marine estate by the Marine Estate Management Authority (Authority).

Since our establishment in 2013 both the Authority and the independent Marine Estate Expert Knowledge Panel (Expert Knowledge Panel) have been developing the new approach to implement the NSW Government's vision of holistic management of the coast and sea. In that respect, our paper *Managing the NSW Marine Estate: Purpose, Underpinning Principles and Priority Setting*, the Authority, advised by the Expert Knowledge Panel, has set out the manner of our approach and the principles underlying it.

These principles and processes have been reflected in our first task for government, assessing recreational fishing access on beaches and headlands in marine park sanctuary zones, and in the conduct of the first comprehensive statewide survey of community attitudes to the NSW marine estate. This survey will provide valuable input for our projects including new marine estate legislation, the Marine Estate Management Strategy and piloting of the new approach to marine park management in two marine parks.

Meeting the timeframes proposed by government has proved challenging and we are finding that the best method is to revise and finetune our processes in response to trialling their implementation. Finalising our threat and risk assessment framework to identify and prioritise threats and opportunities perceived by the community and experts to marine estate values and benefits will be an important milestone.

As illustrated by our marine estate community survey, the Authority has prioritised community input and engagement. Additionally the Chair of the Expert Knowledge Panel, Dr Andy Stoeckel, and I have met with a number of key stakeholder groups over the year and look forward to hearing more from people and groups who value the marine estate, in particular as we move into pilot management planning at Solitary Islands and Batemans marine parks.

The cooperation and assistance of stakeholders, staff of NSW government agencies, especially the NSW Trade & Investment, the members of the Expert Knowledge Panel and the Authority, and the support of the Minister for Primary Industries Katrina Hodgkinson and Minister for the Environment Robyn Parker is greatly appreciated.

We look forward to an exciting year ahead.

hend

Wendy Craik AM Chair, Marine Estate Management Authority

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About us

Marine Estate Management Authority

The Marine Estate Management Authority (Authority) was established as part of the NSW Government Response to the Report of the Independent Scientific Audit of Marine Parks and as an essential part of the new approach to management of the marine estate – marine waters, the coast and estuaries. The Authority is a single body which oversees and provides advice to government on the management of the marine estate, including marine parks.

The Authority commenced operation in March 2013 and consisted of:

- an independent chairperson Dr Wendy Craik
- Director General of the Department of Trade and Investment, Regional Infrastructure and Services (delegated to the Director General of the Department of Primary Industries)
- Chief Executive of the Office of Environment and Heritage
- Director General of Planning and Infrastructure (delegated to the Deputy Director General of Planning and Infrastructure)
- Director General of Transport for NSW
- chairperson of the Marine Estate Expert Knowledge Panel Dr Andrew Stoeckel.

The Authority was established through administrative means in March 2013. Once proposed legislation has passed Parliament the Authority can be established as a statutory body under the proposed *Marine Estate Management Act*.

Vision

The Government's vision for the marine estate is for:

a clean, safe, healthy, biologically diverse and productive NSW marine estate, enjoyed, valued and sustainably managed to balance economic growth and environmental protection and deliver long term benefits to NSW, its people, regions and industries.

The new approach is underpinned by the Authority's vision to have a:

healthy coast and sea, managed for the greatest well-being of the community, now and into the future.

Marine Estate Expert Knowledge Panel

The Marine Estate Expert Knowledge Panel (Expert Knowledge Panel) was also established as part of the NSW *Government Response to the Report of the Independent Scientific Audit of Marine Parks* and was a principal recommendation of the Audit. The Expert Knowledge Panel provides independent expert advice spanning ecological, economic and social sciences to the Authority.

The Chair of the Expert Knowledge Panel was selected by Ministers in March 2013. The remaining Panel members were appointed in July 2013 following a competitive expression of interest process. Current members of the Expert Knowledge Panel are:

• **Dr Andrew Stoeckel (Chair)** - is a Visiting Fellow at the Australian National University at the Centre for Applied Macroeconomic Analysis and is a specialist in trade policy analysis and the international economy.

Dr Stoeckel is the Founding Chairman of The Centre for International Economics (CIE), a national and international economics consultancy delivering services to the public and private sectors.

• **Dr Kate Brooks** - is a specialist in social science research with extensive experience in planning for sustainability through management systems and policy.

Dr Brooks' key fields of specialisation are in social impact assessment, community capacity, community networking, and government and community interactions.

• **Dr Neil Byron** - has a national and international reputation as an environmental economist and policy analyst.

Dr Byron specialises in environmental management, natural resources and development planning, including social and environmental impact assessment.

• **Dr Rick Fletcher**- has technical expertise covering fisheries, population and community ecology, risk assessment and governance systems.

Dr Fletcher has extensive experience developing and implementing practical, risk based governance frameworks at both the fishery and regional levels within Australia.

• **Professor Emma Johnston** - is an expert in human influence on the ecology of marine and coastal systems.

Professor Johnston has extensive research experience in NSW waters and brings to the Panel expertise in marine ecology and biology, stressor interactions, ecotoxicology, invasion biology, estuarine health assessment and biomonitoring.

• **Mr Peter McGinnity** - has over thirty years experience leading marine and integrated coastal planning and management reforms for the Great Barrier Reef Marine Park Authority.

Mr McGinnity has skills and experience in the application of risk based approaches and experience with management strategy evaluation and vulnerability assessment methodologies applied to climate change, biodiversity conservation and coastal ecosystem assessments.

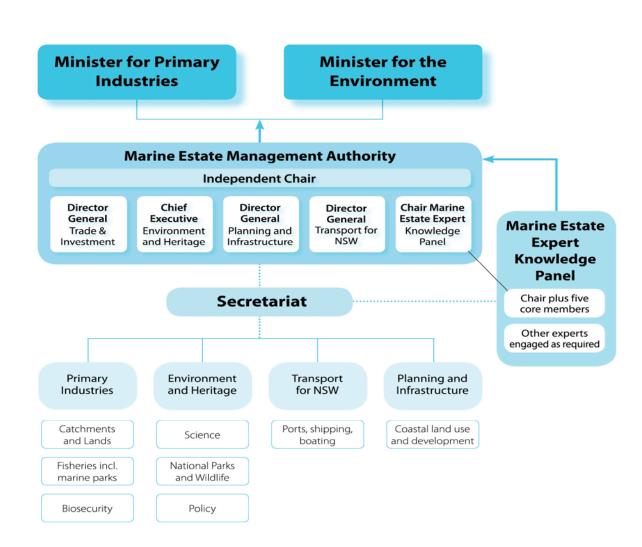


Figure 1. Marine estate organisational structure

Marine estate projects and achievements

Schedule of works

The Authority's Schedule of Works (Appendix 1) was released in January 2014 and identifies priority areas of work as part of the new approach to managing the NSW marine estate.

The Schedule of Works provides an indicative timing for actions and notes the current status of each item. The Schedule will be a key document the Authority will use to measure its progress for implementing the new approach and will be reported on in future progress reports.

Principles paper

In 2013 the Authority produced a key paper *Managing the NSW Marine Estate: Purpose, Underpinning Principles and Priority Setting* with input from the Expert Knowledge Panel. The paper outlines the vision, principles and processes the Authority will use in advising the NSW Government on the management of the marine estate.

The principles paper defines the Authority's vision for the marine estate, a set of ten underpinning principles, and a logical sequence of steps of how the principles will be put into practice.

Further information about the processes to be applied including threat and risk assessment, assessment and implementation of management options, and trade-offs between alternative uses of the marine estate, are also contained in the principles paper.

Marine estate management legislation

Amendments to moratorium provisions in the *Marine Parks Act 1997* to allow for changes to zoning including alteration of sanctuary zones were passed by Parliament in August 2013. This was to facilitate the commencement of pilot management planning at Batemans and Solitary Islands marine parks.

Work is continuing on development of the proposed *Marine Estate Management Act* and associated regulations, and is a priority task during 2014.

Threat and risk assessment framework

A threat and risk assessment framework to guide future management actions is currently in development. The framework will provide a way of identifying and assessing the key threats and associated risks to the values of the NSW marine estate to:

- provide a better understanding of the most significant threats facing the marine estate
- inform selection of the most effective and efficient actions to manage threats, and in this way ensure that public resources are appropriately targeted.

The threat and risk assessment framework will include ways to consider threats across the entire marine estate, including to social, economic and environmental values and benefits. The framework will also be applied as the basis of the new approach to marine park management and zoning.

A new approach to marine park management and zoning

The development of a new approach to marine park management is focusing on:

- improving local consultation and engagement processes
- developing management plans for marine parks to replace separate zoning and operational plans
- incorporating threat and risk assessment into marine park planning and management
- assessing ecological, economic and social aspects as part of the planning process and identifying key knowledge gaps
- developing ways of incorporating local Indigenous knowledge and expertise of land and sea management
- developing a performance assessment system for marine parks.

Marine parks continue to be the joint responsibility of the Minister for Primary Industries and the Minister for the Environment, with the Department of Primary Industries managing marine park operations.

Marine park advisory committees

The advisory committees are being re-established to provide local input and advice regarding the management of the marine park they represent and contribute to reforms as part of the new approach to managing the NSW marine estate.

Nominations were invited from the local community for membership to the 6 marine park advisory committees in 2013.

Nominations for Lord Howe Island Marine Park closed on 30 September 2013. The nominations for Cape Byron, Solitary Islands, Port Stephens-Great Lakes, Jervis Bay and Batemans marine parks closed on 6 December 2013.

Ministers will appoint persons for a term of up to 4 years from 2014.

The Marine Parks Advisory Council has been dissolved to increase the focus on targeted stakeholder and expert consultation and engagement on strategic matters.

Ocean beaches and headlands assessment

The Independent Scientific Audit if Marine Parks found that information was lacking with respect to some no-take zones, for example ocean beaches. An amnesty on shore-based recreational line fishing from ocean beaches and headlands in sanctuary zones of mainland marine parks was announced as part of the government's response to the Audit in March 2013.

One of the first tasks of the Expert Knowledge Panel has been to assess shore-based recreational fishing access on ocean beaches and headlands in marine park sanctuary zones, using a draft threat and risk assessment framework.

The Expert Knowledge Panel presented their assessment to the Authority in November 2013. The assessment as well as the Authority's advice was provided to Ministers in December 2013 and is currently under consideration.

Protocol manual

To assist the Authority in its operations a Protocol manual was developed. The manual is intended to serve as both an induction manual and as an ongoing reference regarding protocols for the Authority, including its relationship with the Expert Knowledge Panel.

The manual was published to the marine estate website in early 2014.

Community and Stakeholder Engagement Strategy

The Authority's Community and Stakeholder Engagement Strategy details the rationale and approach the Authority will take towards engagement, public participation and communication activities with the wide range of stakeholders across the NSW marine estate.

The strategy was published to the marine estate website in early 2014.

Links to other NSW Government reforms

There are a number of government reform processes underway that relate to the marine estate. The Authority is interested in knowing about other government reforms and how these relate to Authority priorities to support coordination, help focus their activities and minimise duplication in the management of the marine estate.

NSW Coastal Management Reforms

The NSW Government is implementing a two-stage reform process to address concerns about coastal protection arrangements in NSW.

Stage 1 of the coastal management reforms is now largely complete. Stage 1 focused on increasing flexibility for landowners and councils to deal with current erosion impacts.

Stage 2 of the reforms has a strategic focus and is closely linked to the current planning reforms and local government reviews. The NSW Government is now preparing more detailed proposals in three key areas:

- establishing a simpler and more integrated legal and policy framework for coastal management
- providing improved guidance and technical advice to councils, while enabling and supporting local decision making
- identifying potential funding options, particularly to implement coastal asset management strategies.

OEH provides the Authority with regular updates on the coastal reforms and relevant opportunities for ensuring alignment with marine estate reforms at the strategic level.

Further information on the coastal reforms is available at http://www.environment.nsw.gov.au/coasts/stage1coastreforms.htm

A New Planning System for NSW

The years 2012 and 2013 saw significant progress on planning reform for NSW including the release of the Planning White Paper in mid-2013 and submission of a Planning Bill to Parliament at the end of 2013.

Key elements of the planning system reforms include a new planning culture; mandatory requirements for community participation; evidence based strategic planning at the State, regional, subregional and local level; moving to a performance based development assessment process; and integrating planning and the delivering of infrastructure to support growth.

Planning and Infrastructure has commenced preparation of a number of Regional Growth Plans. These strategic plans are based on evidence and community consultation, and set the 20-year vision for a region. Sub-regional Delivery Plans for the Metropolitan area will also be prepared.

The NSW Government is undertaking further consultation with stakeholders and the community in progressing the planning reforms.

The Authority has expressed an interest in providing advice, at the appropriate time, on planning policies which are relevant to the marine estate.

Further information on the planning reforms is available at http://www.planning.nsw.gov.au/en-us/policyandlegislation/planningforourfuture.aspx.

Key achievements by Marine Estate Management Authority agencies

Department of Trade and Investment, Regional Infrastructure and Services

Nature and scope of activities in the marine estate

The NSW Department of Primary Industries (DPI) is a division of NSW Trade & Investment and has a key role in managing aspects of the marine estate. DPI leads natural resource and catchment (Local Land Services), Crown lands, biosecurity, fisheries and marine park related programs including research. The Minister for Primary Industries has joint responsibility for the *Marine Parks Act 1997* and sole responsibility for the *Fisheries Management Act 1994*. Objectives of these Acts relate to conservation and, where consistent with that, allow for resource use.

Key achievements

- Released the NSW Biosecurity Strategy 2013-2021 in May 2013.
- Successfully launched Local Land Services in January 2014 to bring together agricultural production advice, biosecurity, natural resource management and emergency management into a single organisation.
- Ongoing roll out of commercial fisheries reform and announcement of Richard Stevens, Chair of the new Ministerial Fisheries Advisory Council.
- \$16 million committed to recreational fishing opportunities across NSW including \$11.3 million for new and ongoing saltwater projects in 2013-14.

Office of Environment and Heritage

Nature and scope of activities in the marine estate

The Minister for the Environment has joint responsibility for the *Marine Parks Act* 1997 and many marine parks are located adjacent to terrestrial national parks. The Office of Environment and Heritage (OEH) also administers the *Coastal Protection Act* 1979, and manages marine birds, reptiles and mammals such as whales with a presence on the water. OEH also has a key role in science and research, particularly around estuaries, coasts and land based impacts.

Key achievements

- Developed a Marine Wildlife Management manual which provides operational policies, strategies and procedures for responding to marine fauna events and has set the benchmark for marine fauna incident management nationally.
- The 18th annual National Parks and Wildlife Service (NPWS) Cape Solander Whale Migration Study by community volunteers and citizen scientists counted 2646 Humpback whales – an increase of 35% over the previous year.
- Established the Coastal Node of the OEH Adaptation Research Hub to improve the knowledge base and information on coastal and estuary impact assessment, risk management and adaptation responses. This will help inform the management decisions and actions taken by local communities and councils in the coastal zone.
- Scientific research and monitoring of statewide wave, salinity and water level data to support coastal hazard assessments.
- Developed models and tools including the Coastal Eutrophication Risk Assessment Tool (CERAT) to estimate the impact of nutrient and sediments loads and enable local councils to more effectively manage estuary health.

Planning and Infrastructure

Nature and scope of activities in the marine estate

NSW planning reforms, including coastal land-use planning, were a key focus for the Government in 2013. The challenges of managing urban growth, coastal hazards and recreational demands on the coastal zone have significant implications for strategic planning.

A key example is the draft *Metropolitan Strategy for Sydney to 2031* and consultation paper which were released in 2013.

The Strategy seeks to manage growth and change with a focus on creating a liveable and vibrant global city. It recognises Sydney Harbour as a 'city shaper' and demonstrates the Government's focus on marine values.

The Strategy also seeks to create a healthy water environment to support human health, maintain amenity and provide for recreational opportunities.

There has been a productive and positive interface between land use planning and the marine estate through the Authority. The principal initiatives being driven are the Marine Estate Management Strategy and the planning reforms.

Key achievements

- Developed amendments to the Sydney Harbour Regional Environmental Plan (REP) regarding continuing use
- Exempt and Complying Code provisions for waterways structures
- Released discussion paper for 'Illawarra Over the Next 20 Years' as a prelude to preparing a draft Regional Growth Plan
- Released discussion paper for 'Lower Hunter Over the Next 20 Years' as a prelude to preparing a draft Regional Growth Plan
- Issued Planning Circular: NSW Planning System and the Building Code of Australia 2013: Construction of Buildings in Flood Hazard Areas
- Issued a draft Planning Circular: Coastal Hazard Notifications

Transport for NSW

Nature and scope of activities in the marine estate

Transport for NSW (TfNSW) coordinates freight, maritime and port operations and their integration into the broader transport system. Working with Roads and Maritime Services as the service delivery agency, priority actions in 2013 included the delivery of boating safety initiatives and the development of policy reforms to support the delivery of boat storage and waterway access infrastructure.

Key achievements

- Finalisation of the first NSW Freight and Ports Strategy
- Major lifejacket awareness campaign
- Development of Boating Safety Plans for Georges River and Sydney Harbour
- Development of a Sydney Harbour Boat Storage Strategy
- Launch of the Sydney Harbour Boating Destinations Plan

Future directions

The marine estate Schedule of Works outlines that in 2014 the Authority will focus on:

- Undertaking a marine estate community survey to capture the variety of community views about the marine estate at local, regional and state scales.
- Piloting the new approach to marine park management in Solitary Islands and Batemans marine parks.
- Undertaking a threat and risk assessment for the marine estate at local, regional and state scales.
- Developing the proposed Marine Estate Management Act and regulations.
- Developing the Marine Estate Management Strategy to set policy directions and priorities for management, and balance economic growth, use and conservation of the marine estate.

Appendix 1 - Marine estate Schedule of Works



Marine Estate Schedule of Works

The Marine Estate Management Authority's Schedule of Works outlined below identifies priority areas of work as part of the new approach to managing the NSW marine estate – marine waters, the coast and estuaries, including our marine parks.

In forming advice for the Minister for Primary Industries and Minister for the Environment, the Authority has direct access to independent expertise across economic, social and ecological sciences through the Marine Estate Expert Knowledge Panel. The Authority is helping NSW departments focus their programs on priority issues and will oversee implementation of appropriate, cost-effective management actions in response to threats and risks.

The Schedule will be updated periodically as work progresses.

Indicative timing	Action	Status as at January 2014
Late 2013	Amend moratorium provisions in <i>Marine Parks Act 1997</i> to allow for changes to zoning including alteration of sanctuary zones	Passed by Parliament August 2013
2013	Input to NSW planning system reforms related to the marine estate	Ongoing
2013	Determine the Authority's vision and principles to guide management of the marine estate	Paper released November 2013
2013–2014	Investigate ecological, economic and social indicators for the marine estate in relation to development of a marine and estuarine monitoring evaluation and reporting	In progress
Mid – late 2013	Assess recreational fishing access on ocean beaches and headlands in marine park sanctuary zones, using a draft threat and risk assessment framework	Assessment completed November 2013, advice under consideration
Late 2013	Fill vacant positions on marine park advisory committees	Nominations closed October- December
		Committees to be appointed early 2014
Annually	Prepare progress report on implementation of the new approach to managing the NSW marine estate	In progress for early 2014
Early 2014	Undertake social research through a statewide survey to capture NSW community views on the marine estate to inform key initiatives	In progress
Early 2014	Develop threat and risk assessment framework	In progress
Early 2014	Develop a new approach to marine park management and zoning	In progress
2014	Pilot new approach to marine park management and zoning at Batemans Marine Park and Solitary Islands Marine Park to inform management plans	Pending
2014	Develop Marine Estate Management Act and Regulations	In progress

Schedule of Works for a new approach to managing the NSW marine estate

Mid 2014 – mid 2015	Develop Marine Estate Management Strategy	Pending
Late 2014	Explore mechanisms to enhance conservation of marine biodiversity in the key gaps identified by the Audit i.e. Newcastle- Sydney-Wollongong (Hawkesbury Shelf) and Far South Coast (Twofold Shelf) marine bioregions	Pending
Following completion of pilots	Evaluate Batemans Marine Park and Solitary Islands Marine Park pilots and prepare timetable for reviewing management and zoning in other marine parks	Pending

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Appendix 2 - Marine Estate Management Authority meetings

Table 1. Authority meeting dates and attendance

	Chair	T&I*	OEH	Planning* *	Transport	Chair, Knowledge Panel
Meeting 1 25 March 2013	Dr Wendy Craik	Director General Department of Primary Industries (DPI)	Chief Executive	Deputy Director General	Deputy Director General	Dr Andrew Stoeckel
Meeting 2 8 May 2013	Dr Wendy Craik	Executive Director Fisheries NSW DPI	Director Waters and Coasts Policy	Deputy Director General	Deputy Director General	Dr Andrew Stoeckel
Meeting 3 14 June 2013	Dr Wendy Craik	Director General DPI	Chief Executive	No attendee	Deputy Director General	Dr Andrew Stoeckel
Meeting 4 31 July 2013	Dr Wendy Craik	Director General DPI	Chief Executive	Deputy Director General	Deputy Director General	Dr Andrew Stoeckel
Meeting 5 23 September 2013	Dr Wendy Craik	Director General DPI	Chief Executive	Acting Deputy Director General	General Manager Maritime Management Centre	Dr Andrew Stoeckel
Meeting 6 18 November 2013	Dr Wendy Craik	Acting Director General DPI	Chief Executive	Deputy Director General	Deputy Director General	Dr Andrew Stoeckel

* Director General NSW Trade and Investment, Regional Infrastructure and Services (T&I) has formally delegated to the Director General Department of Primary Industries

** Director General Planning & Infrastructure has formally delegated to the Deputy Director General, Growth Planning & Delivery

Appendix 3 - Marine Estate Expert Knowledge Panel meetings

	Chair, Dr Andrew Stoeckel	Dr Kate Brooks	Dr Neil Byron	Dr Rick Fletcher	Professor Emma Johnston	Mr Peter McGinnity
Meeting 1						
28 August 2013	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark
Meeting 2						
15 October 2013	\checkmark	x	\checkmark	\checkmark	\checkmark	\checkmark
Meeting 3						
04 December 2013	\checkmark	\checkmark	\checkmark	\checkmark	x	\checkmark

 Table 2. Expert Knowledge Panel meeting dates and attendance

Appendix 4 - Marine Estate Management Authority meeting summaries

Following each Authority meeting a meeting summary which outlines the key items discussed is available on the marine website. Web links to meeting summaries for 2013 are provided below.

Authority meeting 1, 25 March 2013

Authority meeting 2, 08 May 2013

Authority meeting 3, 14 June 2013

Authority meeting 4, 31 July 2013

Authority meeting 5, 23 September 2013

Authority meeting 6, 18 November 2013

Appendix 5 - Marine Estate Management Authority summary of stakeholder engagement

Table 3. Summary of stakeholder engagement and consultation undertaken by Dr Wendy Craik

 as Chair of the Authority and Dr Andrew Stoeckel as Chair of the Expert Knowledge Panel.

DATE	STAKEHOLDERS
April 2013	Associate Professor Bob Beeton, Chair, NSW Marine Parks Independent Scientific Audit Panel
April 2013	Marine estate meet and greet:
	Recreational fishers
	Commercial fishers
	Conservation sector
April 2013	Jim Harnwell, Publisher, Fishing World
April 2013	Tricia Beatty, Executive Officer, Professional Fisherman's Association
June 2013	International Union for the Conservation of Nature (IUCN) Marine Symposium
July 2013	Commonwealth Department of Sustainability, Environment Water, Population and Communities (SEWPaC)
July 2013	NSW Marine Estate Expert Workshop:
	Dr Kate Brooks (Sociologist)
	Dr Neil Byron (Natural resources economist)
	Dr Rick Fletcher (Fisheries scientist/manager)
	Peter McGinnity (Integrated marine and coastal ecosystem management)
July 2013	Coastal Catchment Management Authorities
July 2013	Brad Warren, Executive Chair and Lowri Pryce, Executive Officer, OceanWatch Australia
July 2013	NSW Maritime Advisory Council
July 2013	NSW Coastal Expert Panel
August 2013	Professor Mary O'Kane, NSW Chief Scientist & Engineer
August 2013	Dr John Keniry, Commissioner, Natural Resources Commission (NRC)
August 2013	Nature Conservation Council (NCC)
August 2013	Fisheries Management Division, Commonwealth Australian Fisheries

	Management Authority (AFMA)
September 2013	Aboriginal Fishing Advisory Council (AFAC)
October 2013	John Macarthur-Stanham, Chair, Local Land Services (LLS)
November 2013	Bob Kearney, Emeritus Professor in Fisheries Management, University of Canberra
December 2013	Jeff Bennett, Professor of Environmental Management, Australian National University