



WHOLE-OF-GOVERNMENT COMMITMENTS FOR MARINE PARKS

Overarching commitments

1. The following commitments apply broadly:
 - 1.1. The proclamation of the marine park outer boundaries will not change the way people use the marine environment, or change any existing land or sea-bed tenure.
 - 1.2. Following the boundary proclamation process, each individual marine park will be subject to a rigorous process to develop zoning and management arrangements. Marine parks will be zoned pragmatically and for multiple uses.
 - 1.3. The Government is committed to designing marine parks for conservation and sustainable use, in close consultation with local communities and with minimal impact on existing activities.
 - 1.4. Various existing Acts were amended by the Marine Parks Act requiring authorisations for particular activities in marine parks to be referred to the Minister for Environment and Conservation. Concurrent authorisations will be sought through implementation of a streamlined assessment process that is supported by administrative agreements between agencies.
 - 1.5. No additional visitor entry fees or levies will be imposed as a result of a marine park.

Aquaculture

2. The following commitments relate to aquaculture:
 - 2.1. Aquaculture activities are currently managed by PIRSA Aquaculture pursuant to the *Aquaculture Act 2001* and the proclamation of the marine parks network will not alter this arrangement.
 - 2.2. All existing aquaculture leases and zones will be accommodated within declared marine parks through appropriate mechanisms, preferably within a marine park zone for which approved aquaculture is permitted by regulation, otherwise by means of a special purpose area overlay or other concession.
 - 2.3. Sufficient flexibility will be provided within declared marine parks to enable minor movement of existing aquaculture sites in response to normal farming needs or environmental changes.

- 2.4. No existing aquaculture activities will be displaced as a result of a marine park proclamation or future marine park zoning arrangements. Therefore, there will be no displaced effort compensation required for aquaculture activities.
 - 2.5. In addition, DENR and PIRSA Aquaculture have identified areas that may support future aquaculture expansion that will be accommodated within declared marine parks through appropriate mechanisms, as above.
 - 2.6. Aquaculture zone policies in marine park areas made after the marine park boundaries are adopted will require the concurrence of the Minister responsible for Marine Parks under related amendments to the *Aquaculture Act 2001* – Schedule 1 of the *Marine Parks Act 2007*. This concurrence will be assisted by early engagement of the Minister responsible for Marine Parks in the aquaculture zone policy development process.
 - 2.7. No further approvals or permits will be required to conduct approved aquaculture in a declared marine park within a zone for which approved aquaculture is permitted by regulation or within a special purpose area for this purpose. Until such a time as regulations or special purpose areas are made, no additional consents will be required for existing aquaculture sites.
 - 2.8. Pilot leases will be accommodated within marine parks where they are consistent with the marine park management plan. Where pilot leases are not consistent with the management plan - or were not contemplated by the management plan - a special permit could be issued by the Minister responsible for Marine Parks, pursuant to section 19 of the Marine Parks Act, in addition to an aquaculture lease and licence. Such a permit could be for the full term of the pilot lease.
 - 2.9. DENR and PIRSA Aquaculture will give further consideration to the process of issuing special permits and examine the possibility of including the special permit process into the PIRSA permitting process. This would provide a seamless, one stop shop application process from an industry perspective.
3. In addition, in relation to the marine parks network outer boundaries:
 - 3.1. Future aquaculture will be accommodated within marine parks in the following specific areas (for which aquaculture zones are proposed):
 - 3.1.1. in identified deeper waters east and west of St Peters Island near Ceduna;
 - 3.1.2. in an identified area of deep water at the mouth of Coffin Bay;
 - 3.1.3. in identified waters offshore from Boston Bay and Tumby Bay (but not within buffers around sea lion colonies in the Sir Joseph Banks group of islands);

- 3.1.4. in identified waters near the mouth of Franklin Harbor;
- 3.1.5. in identified waters adjacent to Fitzgerald Bay;
- 3.1.6. in identified waters offshore from Point Turton in Hardwicke Bay;
- 3.1.7. in waters to be identified between Point Pearce and Wardang Island for the interests of the Narungga community; and
- 3.1.8. in waters to be identified offshore from Corny Point.

Mining, petroleum and geothermal

- 4. The following commitments relate to mining, petroleum and geothermal:
 - 4.1. Activities that support the mineral, petroleum and geothermal resources industries are currently managed by PIRSA Minerals and Energy Resources Division pursuant to the *Mining Act 1972* and the *Petroleum Act 2000* and the proclamation of the marine parks network will not change this arrangement.
 - 4.2. All existing licences and leases will be accommodated within declared parks through appropriate mechanisms, with no change to existing conditions. The preferred mechanism is by marine park zoning for which exploration and development is permitted by regulation, or otherwise by means of a special purpose area overlay or other concession.
 - 4.3. Marine park zoning regulations are being developed in close consultation with PIRSA Minerals and Energy Resources Division to identify the scope and nature of permitted activities within different marine park zones.
 - 4.4. Applications for new or renewal of licences, leases and permits after marine parks are proclaimed will require the concurrence of the Minister responsible for Marine Parks under related amendments to the *Mining Act 1972* and the *Petroleum Act 2000* – Schedule 1 of the *Marine Parks Act 2007*.
 - 4.5. Where a proposed activity is consistent with the zoning regulations, no further approvals or permits will be required, apart from those required under the legislation administered by PIRSA Minerals and Energy Resources Division.
 - 4.6. Section 19 of the *Marine Parks Act 2007* provides for consideration of activities that are inconsistent with marine park zoning regulations on a case-by-case basis with rigorous assessment and approval processes and due consideration of risk to environmental values (e.g. to consider new/emerging lower impact technologies). The Minister responsible for Marine Parks will be required to issue a special permit in such cases.
 - 4.7. DENR and PIRSA Minerals and Energy Resources Division will give further consideration to the process of issuing concurrent approvals through

implementation of a streamlined assessment process that is supported by administrative agreements between agencies.

Commercial fishing

5. The following key messages/policy commitments relate to commercial fishing:
 - 5.1. Commercial fishing activities are managed by PIRSA Fisheries pursuant to the *Fisheries Management Act 2007* and the proclamation of the marine parks network will not alter this arrangement.
 - 5.2. Proclamation of the marine parks network will not displace any existing commercial fishing activity. Some possible displacement may occur once the zoning and management plans are finalised.
 - 5.3. Marine parks zoning will aim to minimise impacts and/or displacement of existing fishing activities and the Government will aim for less than a 5% economic impact.
 - 5.4. The marine parks network is designed to ensure that a portion of each commercial fishery is located outside of the marine parks network.
 - 5.5. DENR and PIRSA began working with the commercial fishing sector in 2007 to support the development of drafting instructions for regulations to facilitate compensation processes for any displaced commercial fishing activities.
 - 5.6. If any compensation is necessary, payment will not be required, at the earliest, until 2012, once the final marine park zoning and management plans are in place.
6. In addition, in relation to the marine parks network outer boundaries:
 - 6.1. Accommodate existing prawn trawlers, specifically at:
 - 6.1.1. seaward of St Peters Island;
 - 6.1.2. the mouth of Coffin Bay;
 - 6.1.3. the south east corner of Sir Joseph Banks Group; and
 - 6.1.4. seaward of western Yorke Peninsula.
 - 6.2. Provide for continued rock lobster fishing specifically in the lobster fishing blocks:
 - 6.2.1. west of Kangaroo Island;
 - 6.2.2. around the toe of Yorke Peninsula; and

- 6.2.3. between Coffin Bay and the Thorny Passage on the lower Eyre Peninsula.
- 6.3. Accommodate existing haul net fishers in:
 - 6.3.1. shallow waters (less than 5 metres) of the Upper Spencer Gulf Marine Park;
 - 6.3.2. shallow waters (less than 5 metres) of the Upper Gulf St Vincent Marine Park; and
 - 6.3.3. shallow waters (less than 5 metres) of the Franklin Harbor Marine Park.
- 6.4. Provide for continued pipi cockle fishing in the Coorong beach area.
- 6.5. Provide for continued mud cockle fishing in the Coffin Bay and Venus Bay quota zones.
- 6.6. Fisheries Management in Sir Joseph Banks Marine Park. DENR and PIRSA will, consistent with existing policy commitments:
 - 6.6.1. work together, in consultation with the seafood sector, to identify potential deepwater sanctuary zoning within this marine park;
 - 6.6.2. work together to identify one or more alternative areas of deep water in the Spencer Gulf Bioregion suitable for sanctuary zoning;
 - 6.6.3. work to more specifically delineate the areas for future aquaculture zones;
 - 6.6.4. work with the seafood sector to understand any industry displacement that may result from the potential sanctuary zoning arrangements; and
 - 6.6.5. propose to the public (through the future draft management planning process) the potential deepwater area(s) for sanctuary zoning that best deliver the Government's commitment to create successful marine parks whilst minimising industry displacement.
- 6.7. The Upper South East Marine Park will not prevent fishing in the following two locations, to ensure ongoing opportunity for fishing adjacent to the coastal towns of Kingston and Robe:
 - 6.7.1. in the section of marine park that extends northwards from Maria Creek near Kingston to The Granites, unless otherwise agreed by the local community; and
 - 6.7.2. in the section of marine park adjacent to Robe and defined by a line from Cape Dombey to the southern edge of Guichen Bay Conservation Park, unless otherwise agreed by the local community.

Recreational fishing and boating

7. The following commitments for recreational fishing and boating support the marine parks network:
 - 7.1. Recreational fishing activities are managed by PIRSA Fisheries pursuant to the *Fisheries Management Act 2007* and the proclamation of the marine parks network will not alter this arrangement.
 - 7.2. Recreational boating activities are managed by DTEI pursuant to the *Harbors and Navigation Act 1993* and the proclamation of the marine parks network will not alter this arrangement.
 - 7.3. The proclamation of the marine parks network will not change existing recreational fishing and boating activities and will not affect access to, or use of, jetties, breakwalls or boat ramps.
 - 7.4. Existing access for recreational beach fishing will be maintained throughout South Australia's marine parks and beach access (where national parks are adjacent to marine parks) will be maintained. Small areas are expected to be designated as sanctuary or restricted access zones by adopted management plans. These plans will be subject to extensive community consultation and effort will be made to minimise impacts on recreational fishers as much as possible.
 - 7.5. The *Marine Parks Act 2007* requires that marine park management plans be developed in close consultation with all community members. DENR has already started working closely with recreational fishers and boaties to identify their areas of interest. This will ensure future marine park management planning fully considers recreational fishing and boating and accommodates these uses wherever possible.
 - 7.6. Opportunities for recreational fishing at the following sites will be maintained: Cape Elizabeth; Greenly Island; Coffin Bay (Kellidie Bay to outside Farm Beach); Davenport Creek, Marion Bay; American River; Edithburgh; Troubridge Point; at the Murray Mouth; Wirrina; Cape Jervis; Rapid Bay; and inshore, protected waters adjacent to Robe (Guichen Bay) and adjacent to freehold land on Wedge Island and Flinders Island.
 - 7.7. Opportunities for recreational salmon fishing at the following sites will be maintained: Waitpinga and Parsons Beaches; Browns Beach; Almonta Beach; Sheringa Beach; and Lock's Well Beach.
 - 7.8. Accommodate the following annual fishing competitions: annual surf fishing competition at Kingston Beach; annual game fishing tournament at Port MacDonnell; and annual snapper fishing competition at Whyalla.
 - 7.9. Provide for continued pipi cockle fishing in the Goolwa beach area.
 - 7.10. See also 6.7 for a commitment related to the Upper South East Marine Park.

- 7.11. Access to popular beaches for recreational fishing in the South East, such as in high use areas around South End, Canunda and Carpenters Rocks will be maintained.

Indigenous fishing

8. The following commitment relates to Indigenous fishing:
 - 8.1. Marine parks will provide for continued traditional fishing in accordance with any fishing ILUAs.

Development and infrastructure

9. The following commitments relate to development and infrastructure:
 - 9.1. Provision is made in the *Marine Parks Act 2007* so that future, currently unforeseen development and infrastructure needs can be accommodated.
 - 9.2. Provision will be made in future marine park zoning and management plans to accommodate economic, social and infrastructure requirements.
 - 9.3. Marine parks will not prevent coastal developments approved under the *Development Act 1993*. Approved coastal developments, including associated activities such as dredging and installation of infrastructure, can be provided for within marine parks through suitable zoning arrangements or through special purpose area provisions or other concessions.
 - 9.4. DENR will continue to work with Government agencies and with the proponents of developments to help ensure that development proposals meet both the development aims and the objects of the Marine Parks Act.
 - 9.5. After final marine park management plans are adopted, it is expected that the Minister for Environment and Conservation will provide for new developments (approved under the Development Act) that were not anticipated by the management plan by issuing permits under section 19 of the Marine Parks Act.

Shipping and harbors

10. The following commitments relate to shipping and harbors.
 - 10.1. Shipping, ports and harbor activities are currently managed by DTEI pursuant to the Harbors and Navigation Act. In addition, the Minister for Transport owns subjacent and adjacent lands which may be leased or licensed for various purposes including, but not limited to ferry berths, marinas, wave energy or aquaculture. The proclamation of the marine parks network will not alter this arrangement.
 - 10.2. All harbors declared under provisions of the Harbors and Navigation Act will be zoned as special purpose areas in future marine park management plans to

provide for on-going and future operations. (These harbors will continue to be subject to the Harbors and Navigation Act).

- 10.3. Any other shipping and harbor activities will be accommodated within declared marine parks through appropriate mechanisms, preferably within a marine park zone for which shipping and harbors are permitted by regulation, otherwise by means of a special purpose area overlay or other concession.
- 10.4. Access and approaches to ports, harbors, marinas, marine facilities and ship mooring points will continue to support commercial operations and the zoning of marine parks will facilitate this.
- 10.5. Port, harbor and shipping operations, including dredging and channel maintenance, and activities on land leased or licensed by the Minister for Transport, will be fully provided for within marine park management plans using appropriate zoning and other concessions provided for in the Marine Parks Act. No additional approval processes will be required for these operations.
- 10.6. In developing marine park management plans, Government agencies (especially DENR and DTEI) will work closely with industry to ensure their current and future requirements are provided for by park management plans and zoning.
- 10.7. Under the provisions of the Marine Parks Act, the Minister for Environment and Conservation may grant a section 19 permit (a form of exemption), if required, to support the undertaking of a specified activity relating to ports and harbors, shipping and other industry activity.
- 10.8. Identified conservation features within a declared harbor special purpose area may be accommodated within habitat protection or sanctuary zoning upon agreement between Ministers.
- 10.9. Section 28 of the Harbors and Navigation Act provides the Minister for Transport with responsibility for control and management of all harbors/ports in the State. The Marine Parks Act does not change this, even when harbors/ports are included within marine parks.
- 10.10. Within marine parks, the Minister for Transport maintains the capacity to undertake activities described in the Harbors and Navigation Act, Part 5, Division 3 such as dredging, development or improvement of facilities for: anchorage, vessel maintenance, loading/unloading and storage of goods, associated commercial or industrial development and sporting or recreational purposes.
- 10.11. In addition, the provisions of Part 5, Division 4 - the power to fix charges - remain the responsibility of the Minister for Transport. All charges in relation to harbor facilities within marine parks will continue to be set by, and provided entirely to, the Minister for Transport.

11. Marine park management plans and Regulations

- 11.1. Marine park management plans will be written to accommodate those on-going harbor/port and infrastructure activities required under the Harbors and Navigation Act.
- 11.2. Marine park management plans will designate harbors and seabed and foreshore leases and licences as special purpose areas where required to uphold policy commitments and existing agreements.
- 11.3. It is recognised that harbors include areas of varying intensities of use. There are some locations that support intensive activities and provide for transport maintenance activities, unencumbered navigation of vessels to ports and harbors, cable and pipeline corridors, utilities, bridges, and jetties. There are also some areas in declared harbors that do not support intensive activities and are not expected to do so in the future.
- 11.4. It will be possible to make provisions specific to the circumstances in individual parks. For example, specific locations may be designated to acknowledge areas under indenture or operating agreements, areas for future infrastructure development, for maintenance and for associated activities and sites of navigation aids and markers.
- 11.5. In addition, although the following areas are not within ports and harbors designated under the Harbors and Navigation Act, they are locations that support significant infrastructure and development. In recognition of this, special purpose areas will also apply to the following locations/ activities, within marine parks where required to recognise existing activities and uphold policy commitments:
 - 11.5.1. Kangaroo Island –
 - 11.5.1.1. Underwater cables - 1.5 kilometres either side of line joining Fishery Beach (south of Cape Jervis) and Cuttlefish Bay (east of Penneshaw);
 - 11.5.1.2. Ballast Head and offshore loading area – as defined by DTEI.
 - 11.5.2. Upper Spencer Gulf –
 - 11.5.2.1. Morgan/Whyalla pipeline (Douglas Point to Mambray Creek)
 - 11.5.2.2. Underwater cables (Point Riley to Shoalwater Point)
 - 11.5.2.3. Two Whyalla transshipment areas as per Harbors and Navigation Regulations

- 11.5.2.4. Pilotage boarding grounds for Port Pirie, Whyalla, Port Bonython and Port Augusta
- 11.5.2.5. Bridges and underlying corridors in Upper Spencer Gulf Marine Park
- 11.5.2.6. Facilities supporting Lucky Bay ferry operations
- 11.5.2.7. Kingfish Harbor in Fitzgerald Bay.
- 11.5.3. Lower Eyre Peninsula – Sheep Hill site planned for bulk commodities harbor for southern Eyre Peninsula exports, if included in a marine park.
- 11.5.4. Gulf St Vincent – Wind farms.
- 11.5.5. Other areas –
 - 11.5.5.1. Leased area at Cape Jaffa
 - 11.5.5.2. Jetties located outside declared harbors/ports to accommodate on-going maintenance activities
 - 11.5.5.3. Sites of navigation aids and markers
 - 11.5.5.4. Wave energy sites
- 11.6. The following words are broadly applicable to all marine parks and are to be inserted into all marine park management plans that include harbors. Schedule 3 of the Harbors and Navigation Regulations 1994 define all the State's current harbors. These current harbors will be identified in marine park management plans as special purpose areas.

These areas will be known in marine park management plans as: Special Purpose Area – Harbor (name as applicable). In these designated areas, and others that may be agreed from time to time and included in Schedules 3, all activities necessary to support the on-going maintenance and development of these harbors may be undertaken as required on behalf of the Minister for Transport without seeking approval from the Minister for Marine Parks.

In addition, specific requirements will be identified within each special purpose area as appropriate.
- 11.7. In line with the multiple use nature of marine parks, Regulations governing activities and uses will be assessed and considered on a risk based approach to provide protection for environmental values whilst maximising the net community benefit of the State's natural resources.