

SOUTH AUSTRALIA'S MARINE PARKS NETWORK EXPLANATORY DOCUMENT

An explanatory document to support
marine park management plans

November 2012



**Government
of South Australia**

Department of Environment,
Water and Natural Resources

For further information please contact:

Department of Environment, Water and Natural Resources phone: freecall 1800 006 120, or see SA White Pages for your local Department of Environment, Water and Natural Resources Office.

Online information available at: www.marineparks.sa.gov.au

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PURPOSE

The purpose of this document is:

- to provide background information about the establishment of South Australia's marine parks network;
- to provide context to explain the challenges, priorities and strategies included in each of the 19 management plans; and
- to provide a single source of supporting information to support implementation of the management plans.

This document does not establish any Government policy or policy direction and should be considered as an explanatory document only.

This document is a revised version of the previous explanatory document (dated August 2012) which was used to assist the public review of the 19 draft management plans.

This version complements the management plans adopted under the *Marine Parks Act 2007*.

INTRODUCTION

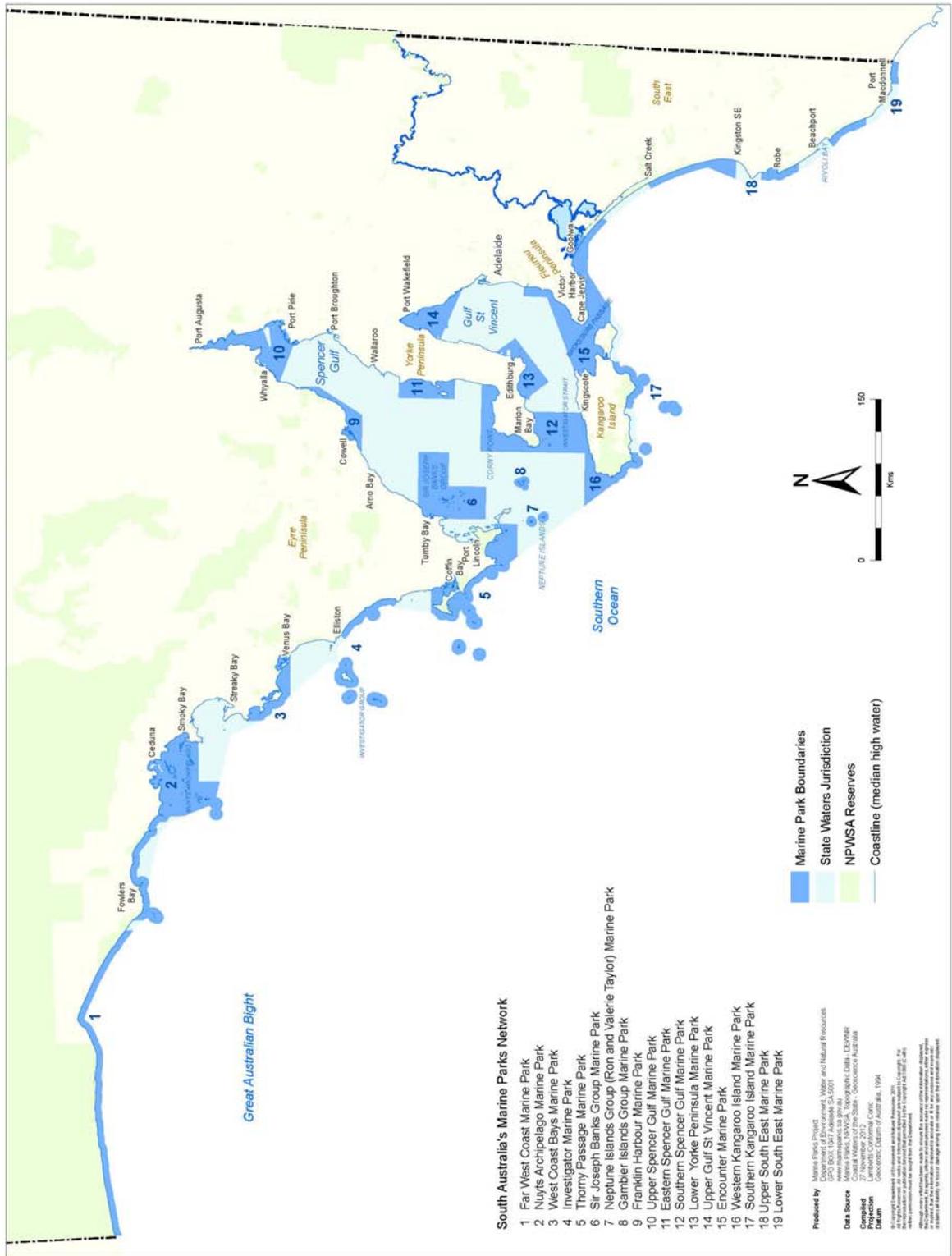
Oceans cover more than 71% of the earth's surface and are home to around 97% of all life on the planet (UN, 2002). They shape and regulate the climate and weather that support all life. Well designed and managed marine protected areas can play an important role in protecting marine species, habitats and life-sustaining ecological processes. However, the southern temperate waters, such as South Australia's waters, are less represented in marine protected areas than warmer tropical waters.

South Australia's Marine Parks network

Covering 26,655 km², South Australia's network of 19 marine parks (proclaimed in 2009) includes 44% of South Australia's waters. Our marine parks also include 267km² of coastal lands and islands. In simultaneously developing 19 marine parks, South Australia has established itself as a leader in marine conservation.

Developing a network of marine parks provides the opportunity to consider the state's marine environment, and the uses of it, as a whole. The result is a system of parks designed to work together to provide protection for marine habitats and biodiversity while also continuing to support sustainable marine activities.

Figure 1 South Australia's Marine Parks Network



CEW/MAP02_2012-0902

Protecting South Australia's marine biodiversity

Southern Australia has some of the richest marine biodiversity in the world, supporting thousands of species of invertebrates, mammals, fish, plants, algae and seabirds. Of the many species found in our southern waters, a large proportion of them (from 58% to 95%) are not found anywhere else in the world (for example, of the 1,140 species of red algae living in our waters, 58% of those species are found only in the region) (Shepherd and Edgar 2012 *in prep*). The marine parks network makes an important step towards protecting marine species, habitats and life-sustaining ecological processes found in South Australian waters.

Our marine parks network protects an amazing variety of marine species and contains:

- more than 720 fish species, including tropical and cold water species;
- over 1,200 species of marine algae;
- 80% of the world's total population of Australian sea lions, including the largest known breeding colony at Dangerous Reef;
- the world's largest known breeding aggregation of giant cuttlefish (*Sepia apama*);
- the world's smallest live-bearing starfish, measuring only 5mm across and known locally as "Little Patty", found only on the western Eyre Peninsula;
- feeding grounds for many whale species, including the endangered blue and sperm whales;
- the Head of the Great Australian Bight, a place of global conservation significance for breeding and calving for southern right whales.

Special habitats and places also protected within the marine parks network include:

- spectacular 90 metre high limestone cliffs from the Western Australian border to the Tchaligaby Sandhills;
- some of the largest mangrove forests in southern Australia in the Upper Spencer Gulf Marine Park;
- significant expanses of seagrass meadows (in Australia, only Western Australia has more temperate water seagrass);
- the Coorong, a Ramsar listed wetland of international importance, which also includes the longest high energy beaches in the southern hemisphere;
- unique deep water trenches in Backstairs Passage, supporting sponges up to one metre in diameter and large gorgonian corals;
- the only plate corals found in South Australian waters, in the Nuyts Archipelago Marine Park;
- colonies of unusually large stony coral *Plesiastrea versipora*, measuring up to 1.5 metres high, in the Franklin Harbor Marine Park;
- the only South Australian bull and giant kelp forests, found in the Lower South East Marine Park.

Economic, social, Aboriginal and cultural values are also recognised and protected within our marine parks network.

- South Australia's marine environment is home to world leading and sustainably managed aquaculture and commercial fishing industries.
- International tourists are attracted to South Australian waters to observe and interact with animals such as great white sharks, seals, sea lions, dolphins and whales.
- Aboriginal people have strong cultural connections with the marine and coastal environments.
- Significant European heritage sites representing the State's maritime history include shipwrecks, sites visited by early explorers, whaling stations, lighthouses and jetties.

Detailed descriptions of the environmental, economic and social values of each marine park have been prepared, which describe important features and activities in each marine park. The Values Statements can be found at: www.marineparks.sa.gov.au.

Creation of the network

Design Principles

In 2008, fourteen Design Principles were adopted to guide the development of the marine parks network (Department for Environment and Heritage 2008). The Principles have been developed to directly support the achievement of the objects of the *Marine Parks Act 2007* (the Act), specifically, to establish a comprehensive, adequate and representative network of marine parks that provides for ecologically sustainable use and public enjoyment of the marine environment. They include both biophysical and socio-economic Principles.

Developing the Design Principles involved a review of over three decades of international and national work in marine protected areas. The Design Principles are consistent with those adopted by other Australian states. Two independent advisory groups provided advice on developing the Principles. A Scientific Working Group, including some of South Australia's leading marine scientists, provided advice on the seven biophysical Principles, which relate to the biodiversity conservation objects of the Act. A Marine Advisory Committee with expertise in social, economic and environmental concerns provided advice on the seven socio-economic Principles, which relate to the ecologically sustainable development and community use objects. Additional review by the independent Scientific Working Group helped fine-tune them to further support zoning considerations for South Australia's waters.

The Design Principles are available at: www.marineparks.sa.gov.au (or see Appendix 1).

Marine park outer boundaries

In accordance with the objects of the *Marine Parks Act 2007* to conserve examples of South Australia's extensive marine biodiversity, the marine parks network has been designed to include examples of all known marine ecosystems and habitats, along with substantial portions of the unmapped regions of State waters to minimise the risk of omitting important habitats. Encompassing the full range of ecosystems and habitats in South Australia's waters creates the opportunity both to conserve site dependent species and to maintain ecological connections for populations of species that disperse over a range of distances between the habitats.

Design of the outer boundaries of the marine parks network was based on analysis of over 140 data layers (e.g. species, habitats, infrastructure), along with other information sources including published reports, journal articles, postgraduate theses and websites. It is important to note that the proclamation of marine parks does not change any land tenure.

Marine park outer boundaries were proclaimed in January 2009 and were considered in an extensive state-wide public consultation process which directly engaged around 4,800 people and resulted in 2,357 written submissions. In addition, three Pilot Working Groups comprising key stakeholders and other local interests were formed to develop advice on the outer boundaries for specific parks. Following the consultation process, amendments to seven marine parks were made in July 2009.

The document *A technical report on the outer boundaries of South Australia's marine parks network* (Department for Environment and Heritage 2009) provides a detailed scientific appraisal of the marine park outer boundaries and is available at: www.marineparks.sa.gov.au.

A review of the outer boundaries consultation process is available in the *Summary of Submissions Report, Outer boundaries of South Australia's Marine Parks Network* (Department for Environment and Heritage 2010), which is available at: www.marineparks.sa.gov.au.

Development of multiple-use zoning for marine parks

A multiple-use zoning scheme has been developed for each marine park which provides for varying levels of conservation, recreational and commercial use. Zoning is fundamental to the successful implementation of management plans and forms the basis for management of activities within each marine park.

In accordance with the Design Principles, zoning must take into account the environmental, economic and social values of each marine park. Zoning should seek to adequately protect representative samples of all species and habitats, taking special account of the needs of vulnerable species, such as shorebirds, site attached fish species, seals and sea lions and whale species. At the same time, zoning should provide for multiple uses. To this end, significant effort has been made to avoid placing high protection zones in heavily used areas to minimise the likelihood of negative impacts to industries and community uses.

The Government dedicated significant resources to gathering environmental, economic and social knowledge and working with community and key stakeholder interests to develop draft marine park zoning that protects marine biodiversity and habitats while allowing ecologically sustainable development, use and enjoyment of marine park environments. Key elements of this process are described below.

Marine Park Local Advisory Groups

Late in 2009, thirteen marine park local advisory groups (MPLAGs) were established across South Australia to provide an opportunity for communities to have early (pre-draft) input into the management planning process. The Great Australian Bight Marine Park Consultative Committee, with two additional members, also formed the equivalent of a MPLAG for the Far West Coast Marine Park, bringing the total number of local advisory groups to fourteen.

The establishment of the MPLAGs reflects the Government's commitment to involve regional communities in the planning of marine parks in their local waters. MPLAGs were non-statutory, community-based advisory bodies set up to provide local advice to Government for the development of draft management plans. Each MPLAG included up to fifteen members from the local community, or with interests in the local area. Members were appointed by the Department of Environment, Water and Natural Resources (DEWNR), taking into account the breadth of their local community networks and their range of local interests, which included Aboriginal, local government, recreational and commercial fishing, boating, diving, aquaculture, tourism, conservation, natural resources management and mining interests. Chairs were selected from the MPLAG membership and meetings were supported by DEWNR marine parks program staff.

Each MPLAG met up to five times between February 2010 and May 2011. In most areas, meetings were independently minuted. To help facilitate transparent communications between the Government and regional communities, MPLAG meetings were open to the public. Many MPLAG members also went to great lengths outside of meetings to engage their community networks and bring local advice into the process.

To assist discussions about possible zoning, MPLAG members were provided with a wide range of information including checklists and guidelines for applying the 14 Design Principles, Government policy commitments and full colour atlases of maps displaying the same environmental, economic and social information used by the Government in zoning considerations.

MPLAG members greatly enhanced the mapped information provided by Government by sharing their extensive local knowledge of both the marine environment and local community uses of it. In particular, members assisted the Government to better understand areas of importance to recreational fishers using an innovative community engagement tool called 'SAMPIT' (South Australian Marine Parks Information Tool).

SAMPIT is a Google Earth-based GIS mapping tool enabling users of the marine environment, such as recreational fishers, to enter information about areas of importance to their activity. Map cells were at a scale of one square kilometre, enabling fishers to buffer their valued GPS marks. MPLAG members encouraged their local communities to use SAMPIT resulting in over 1,500 people across the state, mainly recreational fishers, entering information.

The Government recognised that this was only a sample of South Australian recreational fishers' activities and asked MPLAG members to ground-truth the information and provide further feedback. SAMPIT maps are available on the marine parks program website.

It was also clear and, in fact, specifically requested by the 2009 Pilot Working Groups, that something was needed to start the zoning discussions - not a draft proposal, but some guidance and a place for people to start their thinking about possibilities for zoning. In response, in November 2010 the Government provided the third round of MPLAG meetings with a 'starting point' preliminary sanctuary zone scenario for each marine park. The scenarios were based on the 14 Design Principles, policy commitments and mapped environmental, economic and social information, including SAMPIT information. The MPLAGs then had approximately six months to develop their zoning advice.

While some priority areas for conservation are also valuable for recreational and commercial uses, wherever possible, the scenarios avoided these known areas. For example, only 5% of the area of preliminary sanctuary zone scenarios overlaid areas identified in SAMPIT as relatively high use for fishing. Similarly, preliminary sanctuary zone scenarios complied with the Government's commitment to the commercial fishing industry to have no more than a 5% (GVP) overall economic impact on the State's fishing industry.

Through their third, fourth and fifth meetings, and guided by the Design Principles, MPLAG members and the community discussed a wide range of alternative zoning arrangements for each park, with the aim of improving the environmental, economic and social outcomes. In some areas DEWNR staff coordinated additional public information days to ensure the public had further opportunities to view maps and suggest further zoning options for MPLAG consideration. At their fifth round of meetings, all MPLAGs successfully provided the Government with final advice relating to their preferred zoning scenarios.

All community generated zoning options considered at MPLAG meetings were mapped and are available on the marine parks program website (www.marineparks.sa.gov.au), along with minutes of all meetings. These resources provide a valuable record of the discussions and help the public understand how the zoning for each marine park evolved.

The MPLAG process is one of the most extensive community engagement programs undertaken by the South Australian Government. The Government extends its sincere thanks to MPLAG chairs and members for sharing their time and knowledge to help develop South Australia's marine parks network. Thanks are also extended to all other community members who contributed to this process.

Input from Peak Stakeholder Groups

In parallel with MPLAG discussions, the Government also actively sought input from peak stakeholder groups. Advice was initially sought from stakeholders regarding their preferred marine park zoning at the same time the scenarios were provided to the MPLAGs. In addition, stakeholders were invited to provide advice either directly to the Government or to MPLAGs after the fourth round of MPLAG meetings. Some stakeholders provided advice to MPLAGs during their fifth round of meetings while others provided advice to the Government immediately following the MPLAG process. In some cases the advice contains commercial or other sensitive information and the Government respects the need for this information to remain confidential.

In addition, at a peak stakeholder forum on 11 and 12 April 2012, leaders from the conservation, recreational and commercial fishing sectors identified a series of priority areas for conservation and reached an agreement on the zoning approach for South Australia's network of marine parks.

Public Consultation on Draft Marine Park Management Plans

An extensive, state-wide, eight-week public consultation process was conducted between 26 August and 22 October 2012. During this period around 2,900 people were directly engaged and 8,649 written submissions were received from individuals and organisations in response to the draft zoning and management arrangements. These submissions have been considered in finalising the 19 marine park management plans.

A review of the draft management plan consultation process is available in the *Summary of Submissions Report – Draft Management Plans for South Australia's Marine Parks Network* (Department of Environment, Water and Natural Resources 2012), which is available at: www.marineparks.sa.gov.au.

Input from the Scientific Working Group and Marine Parks Council of South Australia

The Scientific Working Group (SWG) and Marine Parks Council of South Australia (MPCSA) are independent advisory bodies providing advice to the Minister. Both of these groups provided advice regarding the management plans, and zoning.

Input from Government agencies

In developing management plans, advice was received from relevant Government agencies. The agencies considered whether management plans took appropriate consideration of all relevant statutory requirements and effectively implemented the Government's policy commitments for marine parks.

Government's policy commitments for marine parks

Introducing a marine parks conservation initiative necessarily involves some changes to how people use the marine environment. As a consequence, the Government has made a range of policy commitments to help ensure South Australian lifestyles and livelihoods are maintained, and to help provide additional certainty for industries that rely on the marine environment. Ensuring consistency with the commitments was a key consideration in the design of zoning for each marine park.

The commitments include:

- guaranteed continued access to specific key recreational and commercial fishing sites through appropriate zoning;
- guaranteed access for existing and future aquaculture development through appropriate zoning;
- accommodation of approved coastal development as well as future, currently unforeseen development and infrastructure needs;
- accommodation of shipping and harbor activities;
- certainty that marine parks will not affect access to, or use of, jetties, break walls or boat ramps; and
- a streamlined approval process as government agencies will work together to streamline administration.

A complete list of the policy commitments is available at Appendix 2.

MANAGEMENT FRAMEWORK

The Government is required to manage a marine park in accordance with a management plan for the park (refer section 12 of the *Marine Parks Act 2007*). Section 14 of the *Marine Parks Act 2007* establishes the process for preparing management plans, including the requirement to prepare supporting values and impact statements. Implementation plans may be developed to provide further guidance for day-to-day management of the 19 marine parks.

Values Statements

Section 14(4)(b) of the *Marine Parks Act 2007* requires that a statement of the environmental, economic and social values of each marine park must be published on a website, to prepare for the development or amendment of management plans. A values statement has been prepared for each of the 19 marine parks, available at www.marineparks.sa.gov.au.

The values statements provide an overview of environmental, economic and social values for each marine park. Environmental values include habitats, biodiversity and ecological processes. Economic values recognise the importance of the marine environment in maintaining the economies of local communities, including commercial and recreational fishing, aquaculture and tourism. The cultural heritage and recreational uses of each marine park are included as social values.

The economic values for each of the values statements were developed in consultation with (then) PIRSA – Fisheries and Aquaculture and Mineral Resources, Petroleum and Geothermal, (now PIRSA – Fisheries and Aquaculture and Department for Manufacturing, Innovation, Trade, Resources and Energy). Marine Park Local Advisory Group members as well as the Marine Parks Council of South Australia and the Scientific Working Group also contributed to developing the values statements.

Management Plans

Sections 12, 13 and 14 of the *Marine Parks Act 2007* relate to management plans. Importantly, management plans define the boundaries of the various zones within the parks and include strategies for achieving the objects of the Act.

Impact Statements

Section 14(4)(c) of the *Marine Parks Act 2007* provides that when the Minister prepares a draft management plan (or an amendment to a plan), an impact statement of the expected environmental, economic and social impacts of the management plan must also be prepared. An independent consultant, EconSearch Pty Ltd, was contracted to prepare the impact statements.

The impact statements identified:

- possible positive and negative impacts of the draft marine park management plans; and
- possible flow on impacts including on employment and economic activity.

Impact statements were designed to assist the community and Government to understand the effects of draft marine park management plans. This understanding also assisted in finalising management plans that minimised negative impacts while maximising positive changes.

LEGISLATION AND COMMITMENTS

Commitments

The marine parks network has been designed to help fulfil South Australia's obligations under the following international, national and state agreements.

International commitments

The world's oceans and marine resources are under increasing pressures from human environmental impacts. As a response, the need for healthy marine ecosystems that support sustainable growth is globally recognised.

Australia has been a signatory to the Convention on Biological Diversity since 1993. This Convention requires all member nations to, among other things, establish a system of protected areas and to develop guidelines for the selection, establishment and management of protected areas to conserve biodiversity.

At the 2002 World Summit on Sustainable Development (WSSD) Australia confirmed its commitment to the development of a global system of marine protected areas by agreeing to implement the National Representative System of Marine Protected Areas (NRSMPA) by 2012. The NRSMPA helps to meet Australia's commitments as a signatory to the Convention on Biological Diversity.

Australia is also committed to other international conservation treaties, including the Convention on Wetlands of International Importance (Ramsar) and the Convention on Migratory Species (Bonn Convention), and has responsibilities under bilateral agreements with Japan and China for migratory birds (JAMBA and CAMBA).

National commitments

A series of commitments have been agreed and endorsed by the Australian Government to ensure protection and conservation of marine ecosystems and habitats. Australian state and territory governments endorsed the Intergovernmental Agreement on the Environment in 1992 which signalled the intent to establish the NRSMPA. In 1998 the Commonwealth Government released the *Guidelines for Establishing the National Representative System of Marine Protected Areas* (ANZECC 1998) setting out the goals and principles for the NRSMPA and the criteria for identifying and selecting marine protected areas.

To further support the NRSMPA, a national Interim Marine and Coastal Regionalisation for Australia (IMCRA) was developed through collaborative efforts of Commonwealth, state and territory marine conservation and research agencies. The IMCRA classified Australia's coast and marine environments into 60 biogeographical regions, or 'bioregions', which contain biological and physical characteristics distinct from anywhere else in Australia. To maximise conservation outcomes of the NRSMPA, national guidelines recommend that one or more examples of ecosystems within each bioregion in Australia should be represented in a marine protected area (ANZECC 1998).

South Australia's commitments

The Government of South Australia has committed to developing the South Australian Representative System of Marine Protected Areas (SARSMPA) as its contribution to the NRSMPA. The SARSMPA has been developed in conjunction with relevant policy documents: South Australia's Strategic Plans 2007 and 2011, the Living Coast Strategy for South Australia 2004 and the Blueprint for the South Australian Representative System of Marine Protected Areas 2006.

The Government has designed the marine parks network to encompass the major ecosystems and habitat types within and between each of the State's eight bioregions.

Commitment to Reconciliation

South Australia's Strategic Plan 2011 also includes targets relating to Aboriginal peoples. The Strategic Plan guides the whole of Government and includes the following Aboriginal acknowledgement:

This (Strategic) Plan acknowledges the Aboriginal peoples who are descended from, and identify with, diverse cultures, customs, languages, families and songs. Aboriginal peoples have a unique and holistic relationship to South Australia's environment, air, land and waters. Their sense of place and belonging is linked to creation stories, travel, trade, ceremonies, family and places held sacred. We recognise the deep and ongoing feelings of relationship and attachment to country of the sea peoples, the plains peoples, the peoples of the desert, the peoples of the Murray waters, of the ranges and of the coasts.

This (Strategic) Plan acknowledges the enduring importance to Aboriginal peoples of Aboriginal values and culture, authority and customary laws. It recognises the pillars of Aboriginal society, beliefs system, spirituality, land and family, that connect Aboriginal people and are themselves interconnected. Interconnectedness underpins Aboriginal ways of thinking, being, relating and seeing. Aboriginal cultural and kinship connections are essential to Aboriginal wellbeing.

This (Strategic) Plan values the historical and ongoing contribution of Aboriginal peoples to South Australia in areas as diverse as land use, environmental management, economic development, community services, education, community leadership, the arts, sport and politics. This contribution was made even as past injustices and exploitation caused grief, suffering, and loss to Aboriginal people. Many Aboriginal South Australians still experience discrimination and disadvantage and do not share in the full benefits of our society.

This (Strategic) Plan recognises the importance of Aboriginal people's relationships with each other and with the broader South Australian community. It acknowledges the importance of South Australia being an inclusive, vibrant community. It responds to the overwhelming message from South Australians of all backgrounds, that we share a desire to be connected to our communities, to feel as if we have something to aspire to and be valued and respected. This (Strategic) Plan embodies a commitment that all South Australians can ensure this aspiration becomes reality, for all of us. (South Australia's Strategic Plan 2011)

DEWNR understands that lands and waters within marine parks may be of spiritual significance to South Australian Aboriginal peoples. DEWNR has worked with Aboriginal people to develop marine park management plans and will continue to work with them to implement the plans.

Legislative context

Marine Parks Act 2007

To provide the legislative base to protect South Australia's marine environment, the *Marine Parks Act 2007* was proclaimed. The *Marine Parks Act 2007* is available at: www.marineparks.sa.gov.au.

The Act provides for the establishment of a system of marine parks in South Australia – our marine parks network – in accordance with the following objects.

8—Objects

(1) *The objects of this Act are—*

- (a) *to protect and conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive, adequate and representative system of marine parks; and*
- (b) *to assist in—*
 - (i) *the maintenance of ecological processes in the marine environment; and*
 - (ii) *the adaptation to the impacts of climate change in the marine environment; and*
 - (iii) *protecting and conserving features of natural or cultural heritage significance; and*
 - (iv) *allowing ecologically sustainable development and use of marine environments; and*
 - (v) *providing opportunities for public appreciation, education, understanding and enjoyment of marine environments.*

Establishing marine parks

The *Marine Parks Act 2007* sets the following steps to establish marine parks.

- Proclamation and consultation on the outer boundaries of each park.
- Public notification of the intention to make a management plan.
- Publication of values statements for each park.
- Development of draft management plans, each with an accompanying impact statement of the expected environmental, economic and social impacts.
- Public consultation on the draft plans for at least six weeks.
- Seek the views of: all relevant Ministers; the Marine Parks Council of South Australia; signatories to any indigenous land use agreement in force in a park; leading representatives of native title holder or claimants that have a determination or registered claim in a park; and representatives of eight key stakeholder bodies.

Review of management plans must occur at least once every ten years, but plans may be amended at any time. Amended plans are subject to disallowance by the Parliament, similar to the process for approving regulations.

Management plans must:

- be consistent with the objects of the *Marine Parks Act 2007*;
- set strategies for achieving these objects; and
- establish the zones for each park.

Management plans may:

- define Special Purpose Areas and the activities permitted in those areas;

- direct the management of day-to-day issues, including scientific monitoring or research; and
- provide guidelines for granting permits for various activities that might be allowed within a park.

Multiple-use Zoning

The *Marine Parks Act 2007* (section 4) establishes four marine park zones with different levels of protection and use.

General Managed Use Zones (GMUZ) enable areas to be managed to provide protection for habitats and biodiversity, while allowing ecologically sustainable development and use.

Habitat Protection Zones (HPZ) enable areas to be managed to provide protection for habitats and biodiversity, while allowing for activities and uses that do not harm habitats or the functioning of ecosystems.

Sanctuary Zones (SZ) enable areas to be managed to provide protection and conservation for habitats and biodiversity, especially by prohibiting the removal or harm of plants, animals or marine products.

Restricted Access Zones (RAZ) enable areas to be managed by limiting access to them.

Special Purpose Areas (SPA)

In addition, the *Marine Parks Act 2007* (section 5) provides for Special Purpose Areas (SPAs). SPAs may overlay a zone or part of a zone to allow specified activities in that area that would otherwise be restricted or not allowed.

Within the marine parks network, SPAs have been established to provide for the ongoing operation of harbors, anchoring, transshipment, submarine cables and pipelines, aquaculture (in the Upper South East Marine Park), defence activities (in the Upper Gulf St Vincent Marine Park), significant economic development (in Upper Spencer Gulf Marine Park), dredging of the Murray Mouth and shore-based recreational line fishing in some locations.

Marine park zones and SPAs may be changed only by amending the relevant marine park management plan.

Managing activities in marine park zones

The *Marine Parks Act 2007* requires that regulations must be made to establish the prohibitions and restrictions for the zones. To achieve the requirements for each type of zone, it is necessary to identify the activities and uses that are prohibited or restricted in the various zones. The Government has formulated a zoning table to provide this detail (refer Appendix 3). The Marine Parks (Zoning) Regulations 2012 prescribe the prohibitions and restrictions listed in the zoning table. The Regulations are available on the marine parks website or the South Australian Legislation website: www.legislation.sa.gov.au/index.aspx.

Activities regulated under the *Mining Act 1971* and the *Petroleum and Geothermal Energy Act 2000* will be managed differently to other activities. This is because the *Marine Parks Act 2007* requires that each individual lease or licence issued under these two Acts is required to be approved with the concurrence of the Minister for Sustainability, Environment and Conservation and the Minister for Mineral Resources and Energy. Regulating these approvals could undermine the ministerial concurrence process. To provide certainty to industry and other users, the Government has included a list of mining, petroleum and geothermal activities that are likely to be acceptable in each of the four zones. This information is included in the zoning table as a guide, but the approval of leases and licences for these activities is still subject to the Ministers' concurrence process.

Providing for affected commercial fishing statutory authorisations

The adoption of marine park management plans with zoning has in some cases reallocated resources, such as fish, from generating a private benefit to individuals, to providing a public good benefit for conservation.

To support this reallocation process, in April 2011 the Government finalised the Displaced Commercial Fishing: Policy Framework (refer Appendix 4. The Policy Framework describes the steps that support this process:

1. Avoid displacement by pragmatic zoning;
2. Redistribute effort only where possible without impacting ecological or economic sustainability of the fishery;
3. Market-based buy back of sufficient effort to avoid impact on the fishery;
4. Compulsory acquisition as a last resort option.

The Minister for Sustainability, Environment and Conservation will consider any fair and reasonable compensation in accordance with section 21 of the *Marine Parks Act 2007*, and it is envisaged that regulations will be drafted to support this process.

Integrating marine management across Government

Well designed and managed marine parks are regarded nationally and internationally as an effective means of protecting marine biodiversity. Marine parks are not, however, the means of addressing all threats to the marine environment and marine parks must be viewed as a key component in a broader set of complementary management measures, implemented in an integrated manner across Government.

Along with its significant natural values, South Australia's marine environment also supports a varied range of economic and social activities. To support this diverse range of activities, the responsibility for managing this community resource has been delegated to a number of Ministers and agencies.

The marine parks program works with these agencies to protect marine habitats and biodiversity while ensuring that South Australians continue to benefit from the economic and social activities that rely on the marine environment.

To help integrate the management of marine activities, the *Marine Parks Act 2007* amended twelve other Acts with responsibilities for managing and operating in the marine environment.

The amendments require that actions taken under these amended Acts consider and seek to further the objects of the *Marine Parks Act 2007* and also require the referral of some authorisations and policies to the Minister.

The intention is that marine park management plans will work together with relevant plans and policies under these Acts and others to achieve beneficial outcomes.

The amended Acts, responsible Ministers and agencies administering the Acts are:

ENVIRONMENT

Minister for Sustainability, Environment and Conservation

Agencies	Department of Environment, Water and Natural Resources Environment Protection Authority (EPA)
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Legislation	Responsible for:
<i>Coast Protection Act 1972</i>	<ul style="list-style-type: none"> conservation and protection of South Australia's beaches and coasts
<i>Environment Protection Act 1993</i>	<ul style="list-style-type: none"> support of ecologically sustainable use and development of the environment by regulating uses and activities and regularly monitoring and reporting on environmental quality
<i>Historic Shipwrecks Act 1981</i>	<ul style="list-style-type: none"> protection of historic shipwrecks and relics
<i>Natural Resources Management Act 2004</i>	<ul style="list-style-type: none"> establishment and promotion of integrated management of South Australia's natural resources

RESOURCES

Minister for Agriculture, Food and Fisheries

Agency	Primary Industries and Regions SA (PIRSA) <ul style="list-style-type: none"> Fisheries and Aquaculture
Legislation	Responsible for:
<i>Aquaculture Act 2001</i>	<ul style="list-style-type: none"> managing and regulating the aquaculture and fishing industries
<i>Fisheries Management Act 2007</i>	

Minister for Mineral Resources and Energy

Agency	Manufacturing, Innovation, Trade, Resources and Energy
Legislation	Responsible for:
<i>Mining Act 1971</i>	<ul style="list-style-type: none"> managing mining, petroleum and geothermal industries
<i>Offshore Minerals Act 2000</i>	
<i>Petroleum and Geothermal Energy Act 2000</i>	
<i>Petroleum (Submerged Lands) Act 1982</i>	

MARINE TRANSPORT AND DEVELOPMENT

Minister for Transport and Infrastructure

Minister for Housing and Urban Development

Agency	Department of Planning, Transport and Infrastructure
Legislation	Responsible for:
<i>Harbors and Navigation Act 1993</i>	<ul style="list-style-type: none"> the administration, development and management of harbors and harbor facilities to maximise trade the provision of safe navigation for shipping and recreational use in South Australian waters

Interactions between the Marine Parks Act and the amended Acts

The Acts amended by the *Marine Parks Act 2007* include some requirements to consider protection of the marine environment (such as the management of fishing, discharges into the water and coastal developments). The following summarises the amendments to the 12 Acts in relation to marine parks:

Aquaculture Act 2001

- Where an aquaculture policy applies within a marine park the policy must seek to further the objects of the *Marine Parks Act 2007*. Any relevant policy or plan prepared under that Act should contain prescribed criteria to this effect.
- The Minister for aquaculture must not approve a draft policy that applies within a marine park without the concurrence of the Minister for marine parks.

Coast Protection Act 1972

- When the Coast Protection Board is taking any action in relation to a marine park, or an action that is likely to have a direct impact on a marine park, the Board must seek to further the objects of the *Marine Parks Act 2007*.
- In preparing or reviewing a management plan that may affect a marine park, the Board must consult with and have regard to the views of the Minister for marine parks.

Development Act 1993

- The objects of the *Marine Parks Act 2007* are to be included in the Planning Strategy.
- The views of the Minister for marine parks must be considered when development plans are amended, where relevant to marine parks.
- There are a number of amendments that include provisions for the consideration of major developments, membership of the Development Assessment Commission and the preparation of environmental impact statements.

Environment Protection Act 1993

- When the *Environment Protection Act 1993* is administered within or in relation to a marine park, actions must seek to further the objects of the *Marine Parks Act 2007* and take into account the provisions of marine park management plans.

Fisheries Management Act 2007

- When activities regulated under the *Fisheries Management Act 2007* apply within a marine park, these actions must seek to further the objects of the *Marine Parks Act 2007*.
- Applications for licences, permits, registrations, or exemptions in a marine park must be referred for consultation. The Minister for Fisheries must make a declaration for temporary fishing prohibitions of fishing activities when requested by the Minister for marine parks.

Harbors and Navigation Act 1993

- When taking any actions in a marine park, these actions must seek to further the objects of the *Marine Parks Act 2007* and take into account the provisions of marine park management plans.
- Any applications for licences for aquatic activities in marine parks must be referred to the Minister for marine parks for consultation.

Historic Shipwrecks Act 1981

- Any applications for permits must be considered so as to seek to further the objects of the *Marine Parks Act 2007* and also be referred for consultation if prescribed by regulations.

Mining Act 1971

- In administering the *Mining Act 1971*, the Minister for mining must take into account the objects of the *Marine Parks Act 2007* as they are relevant.
- If an application for a new or the renewal of exploration licence or lease is received for an area within or adjacent to a marine park, the application must be referred to the Minister for marine parks for concurrence. Any conflicts are to be resolved by the Governor.

Natural Resources Management Act 2004

- Regional Natural Resources Management (NRM) plans should be consistent, as far as practicable, with marine park management plans.
- A regional NRM Board may amend an NRM plan to achieve greater consistency with provisions of a marine park management plan.

Offshore Minerals Act 2000

- The Minister responsible for the administration of the *Offshore Minerals Act 2000* must take into account the objects of the *Marine Parks Act 2007* in relation to activities in a marine park.

Petroleum and Geothermal Energy Act 2000

- The Minister responsible for the administration of the *Petroleum and Geothermal Energy Act 2000* must take into account the objects of the *Marine Parks Act 2007* when relevant.
- Applications for the granting of or renewal of licences and statements of environmental objectives must be referred to the Minister for marine parks for concurrence. Any conflicts are to be resolved by the Governor.

Petroleum (Submerged Lands) Act 1982

- The Minister responsible for the administration of *Petroleum (Submerged Lands) Act 1982* must take into account the objects of the *Marine Parks Act 2007* in relation to activities in a marine park.

Consideration of additional policies, plans and strategies

It is a requirement under the *Marine Parks Act 2007* (section 13(2)) that management plans must take into account the following:

- the State's Strategic Plan;
- the Planning Strategy and relevant development plans under the *Development Act 1993*;
- the state NRM plan and relevant regional plans under the *Natural Resources Management Act 2004*;
- relevant environment protection policies under the *Environment Protection Act 1993*;
- relevant indigenous land use agreements; and
- provisions of statutory instruments under related operational Acts insofar as they are relevant and practicable.

The requirements of these documents have been considered, as relevant, as the marine parks program has developed. Specific consideration has been made during the development of the activities and uses table/draft zoning regulations, draft management plans, impact statements, values statements and final management plans.

A list of key documents is at Appendix 5.

Partnerships with the community

In addition to statutory responsibilities, there are numerous community groups and industries that work and operate in the marine environment. In many cases these groups take responsibility for the care of this environment. The Government will work closely with existing groups and identify opportunities for further community involvement that supports the marine parks program.

MARINE PARK MANAGEMENT – ACHIEVING THE OBJECTS OF THE MARINE PARKS ACT 2007 – CHALLENGES AND STRATEGIES

Challenges for managing the marine parks network

The management of our marine parks faces some important challenges, both natural and human induced, which will have short or long-term influences on the success of the marine parks network.

Protecting marine species and ecosystems

The species and habitats of South Australia's marine and coastal ecosystems are formed and maintained by a range of natural ecological processes which occur at local, regional and national scales. These physical, chemical, geological and evolutionary processes include currents, sediment movements, nutrient cycling, food webs, gene flows, migratory species' movements and other natural cycles. They support our rich diversity of marine life as well as the overall health and productivity of the marine environment.

There is national agreement that Australia's marine biodiversity is declining (NRMMC 2008). Human activities are placing pressure on life-sustaining ecological processes. The population status and spatial extent of certain species of marine mammals, fishes and invertebrates, seagrasses and mangroves, and birds, continue to be of concern to conservation agencies and the community alike.

All coastal and marine species are linked by complex natural community and food web structures. Therefore, the loss or decline of any species may have significant, cascading effects throughout marine ecosystems.

The threat of climate change

Climate change is expected to have considerable impact on marine, estuarine and coastal environments with the potential to dramatically alter the integrity of marine ecosystems.

There are numerous physical, chemical and biological implications of climate change in the marine environment: sea level rise; changes in water temperature, currents and upwellings; coastal erosion and flooding; loss or degradation of habitat; changes to climate, weather patterns and seasonal events; ocean acidification; changes in distribution and abundance of species; loss of biodiversity; lower productivity and disruption to food chains and ecosystem processes. To help mitigate the effects of climate change it is important to foster ecosystem resilience, which is best achieved by protecting ecosystem integrity.

Local community stewardship for the care of the marine environment

Marine parks, like their terrestrial counterparts, are not only about nature conservation. They also provide opportunities for connecting people with nature. Experience in Australia and around the world has shown that community support is integral to the success of marine park management arrangements, with higher levels of voluntary compliance and stronger conservation outcomes. Securing ongoing community support through meaningful engagement in park zoning design and providing opportunities for involvement in park management and monitoring are central to the marine parks program.

Knowledge of the marine environment

Although much is known about South Australia's marine environments, there are many gaps in our knowledge. The sheer scale and complexity of our oceans and marine ecosystems means that there are inevitably regions, species or ecological processes about which less is known.

We do not have a clear appreciation, for example, of the impacts of climate change on certain marine communities, the habits and lifecycles of some species, or the spatial extent of some habitats and ecosystems.

The implementation of marine park management plans will rely on an adaptive approach to park management informed by knowledge gained from research and monitoring. A monitoring, evaluating and reporting program (MER Program) will be implemented to assess the effectiveness of the management plans in achieving the objects of the *Marine Parks Act 2007*.

Managing activities in our marine parks

South Australians view the marine environment in a number of ways. Some see it as providing a livelihood and source of income (commercial fishers, industries using shipping, tourist operators, mineral resource companies, and aquaculture). Others see it as a source of pleasure and recreational opportunities (boat owners, recreational fishers, divers, sporting groups, holidaymakers). It is also seen as a precious and fragile environment to be protected and conserved. The ways in which people behave in our marine or coastal environments are driven by these views.

It is expected that South Australia's urban and regional populations will continue to increase steadily over the next 20 years to reach an overall population of 2 million by 2027 (SASP 2011).

An increasing population means increasing pressure on marine environments. Pressure can take the form of coastal development and infrastructure (impacting habitats and ecological communities, affecting coastal scenic values), resource use (fishing, mining, desalination), sources of pollution (stormwater, wastewater, oil spills, nutrient loads), recreational activities (fishing, boating, diving, camping) and the spread of introduced pest species, which often out-compete and displace local native species.

The effects of a number of threatening processes are resulting in declines in habitats, changes in ecosystems and losses of species (Marine Biodiversity Working Group 2008). These impacts can have harmful long-term, cumulative or possibly irreversible effects on marine and coastal environments – effects which may be intensified by the potentially significant impacts of climate change.

Management priorities and strategies

Marine park management plans have been developed around four management priorities with associated strategies, to directly support achievement of the objects of the *Marine Parks Act 2007*.

1. Protection

Marine park zones are the principal tool under the *Marine Parks Act 2007* for managing both current and future activities that take place in marine parks. Management activities will be integrated to achieve multiple-use outcomes, in accordance with the objects and the four types of zones established by the Act.

Implementation of the zoning is fundamental to the success of the marine parks network. Marine environments can be protected whilst allowing for ecologically sustainable development and use in accordance with zoning and special purpose areas.

The Marine Parks Zoning Regulations provide the legislative force for restricting or prohibiting activities in marine park zones. In addition, permits are an effective way of allowing certain activities in zones which might otherwise not be allowed. Issuing of permits ensures that

conservation values are maintained, that cumulative impacts of activities are considered and supports consistency of management practices across the marine parks network. Further information on permits is provided in the section on Permits in this document.

Marine parks zoning is the most important tool to manage threats in marine parks. The former Natural Resource Management Ministerial Council endorsed 'A National Approach to Addressing Marine Biodiversity Decline' which identified five key system-wide threats to marine biodiversity. These are: climate change; resource use; land-based impacts; marine biosecurity; and marine pollution (NRMMC 2008). South Australia's marine parks network has been designed in consideration of the impacts of these threats in our State waters.

Zoning proactively helps manage threatening activities by restricting or prohibiting them before they cause harm to marine biodiversity and habitats. Ecosystem-based, adaptive management involving partnerships with other government agencies, industry and the community will help ensure threats, within and outside of marine parks, are effectively addressed.

Strategies

1. Manage activities and uses in marine parks in accordance with zoning and special purpose area provisions.
2. Actively influence activities and uses within and adjacent to marine parks to help mitigate threats to marine biodiversity and marine habitats.
3. Consider additional protections and/or temporary restrictions where necessary in circumstances of urgency—
 - (a) to protect a listed species¹ of plant or animal, or threatened ecological community; or
 - (b) to protect a feature of natural or cultural heritage significance; or
 - (c) to protect public safety.
4. Introduce a permitting system to provide for the following activities (where not otherwise authorised):
 - scientific research in a sanctuary or restricted access zone;
 - tourism operations in a sanctuary zone;
 - competitions and organised events in a sanctuary zone;
 - commercial film-making (including sound recording and photography) in a sanctuary zone;
 - installation of vessel moorings in a sanctuary zone.

Objects of *Marine Parks Act 2007* addressed

- *General managed use zones* support objects 8(1)(a) and (b)(iii),(iv),(v) for ecologically sustainable development and use.
- *Habitat protection zones* support 8(1)(a) and (b)(i),(ii),(iii),(iv),(v).
- *Sanctuary zones* support 8(1)(a) and (b)(i),(ii),(iii),(v).
- *Restricted access zones* support 8(1)(a) and (b)(i),(ii),(iii).

2. *Stewardship through community involvement*

Providing opportunities for public appreciation, involvement, education, understanding and enjoyment of marine environments is an object of the *Marine Parks Act 2007* and is central to the success of South Australia's marine parks network and to the implementation of marine park management plans.

¹ "listed species" and "threatened ecological community" refers to species or ecological communities of conservation concern listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), the *National Parks and Wildlife Act 1972* or the *Fisheries Management Act 2007*.

The community was involved in several important stages in the development of South Australia's marine parks network, from the establishment of the outer boundaries to providing information to assist in the design of draft and final marine parks zoning. It is important that community involvement in marine parks is continued. Management of marine parks will be enhanced by community participation and input and community understanding of the marine environment will be improved.

Education

Benefits from marine park community education and involvement programs include:

- increased understanding of the needs of the marine environment, leading to behavioural change and supporting compliance with management plans;
- support for research and the program of monitoring, evaluation and reporting (MER Program);
- improved visitor and tourism experiences; and
- increased appreciation of both natural and cultural heritage.

Education programs can take a number of forms and may include, for example:

- provision of interpretation materials including signs, brochures, maps and on-line materials;
- opportunities for involvement in on-ground and water activities to support monitoring or research projects and the MER Program; and
- involvement in natural resource management programs such as schools, community groups and industries caring for the coastal and marine environment.

Nature-based tourism

Around Australia, the tourism industry is often a major beneficiary of marine parks as community uses of the marine environment change. Although participation in recreational fishing has declined recently (Primary Industries and Resources SA, 2009), nature experiences in near pristine waters – such as snorkelling, SCUBA diving, sight-seeing and photography – are popular alternatives for visitors to the marine environment.

Capitalising on these trends and building on existing eco-tourism businesses will set South Australian tourism operators on the path to continued prosperity. Nature-based travel experiences that have minimal environmental impacts have great appeal for the growing premium tourism market.

Mutual benefits can be derived from tourism in marine parks:

- **A healthy environment** – Tourism relies principally on the quality of the 'product', which in the case of marine tourism is the marine environment. Marine parks help maintain the health of the marine environment – the quality of the product – and the ways visitors can experience that environment.
- **Certainty and security** – Within marine parks, the sanctuary zones offer protection for nature-based marine tourism as they are managed for conservation, free from extractive and harmful activities.
- **Branding** – The 'marine parks' brand is now well established internationally and the modern traveller is often looking for 'greener' products. Some of the world's most outstanding and highly demanded tourism experiences are associated with marine parks.

The network of marine parks in South Australia provides new marketing opportunities for local marine tourism products, such as shark diving, whale watching, sea lion viewing and dolphin swimming.

- **New business opportunities** – Associated with the previous benefits, marine parks have the potential to generate increased interest and visitation, which could be met by development and expansion. This may provide opportunities for new businesses to establish - offering jobs and economic growth to local communities.
- **Collaborative communication** – The creation of marine parks requires public communication about their purpose, benefits and appropriate use. Opportunities exist for government and the tourism industry to work together to develop communication and education campaigns that promote the key messages of marine parks.
- **Increased community health and wellbeing** – Interacting with nature has been documented to improve physical and mental health. Tourism services and promotions may help to encourage people to visit marine parks, supporting the potential health benefits that marine parks can provide.

Sustainable management of recreation and tourism within marine parks will ensure that visitor use does not compromise the environment or opportunities for future generations.

The following strategies facilitate marine park stewardship through community involvement.

Strategies

5. Provide for public appreciation, understanding and enjoyment of marine parks.
6. Create and promote opportunities for sustainable nature-based tourism in marine parks.
7. Provide education to support the implementation of marine parks.
8. Seek to involve local communities and stakeholders in the day-to-day management and monitoring of marine parks.
9. Work cooperatively with Aboriginal communities to conserve country, plants, animals and culture.

Objects of the *Marine Parks Act 2007* addressed

Objects 8(1)(a) and (b)(i)(ii)(iii)(iv)(v).

3. *Performance assessment, knowledge and review*

Under the *Marine Parks Act 2007*, the Minister for Sustainability, Environment and Conservation is required to review management plans within a 10 year period. The monitoring, evaluation and reporting program (MER Program) will provide critical environmental, economic and social information to inform this review.

In addition, Target 71 of South Australia's Strategic Plan 2011 is to, 'maintain the health and diversity of South Australia's unique marine environments'. The MER Program will assist in assessing a key measure of this Target - the 'results from the marine parks network monitoring, evaluation and reporting program'.

The marine environment is complex and challenging to study. It also supports a range of uses that fill diverse community needs. Adaptive marine park management decisions are informed by an in-depth understanding of the environment and the impacts of the activities that take place within it.

A great deal of research into South Australia's coastal and marine species and the environments that support them has been undertaken. In addition, important work has been done to increase our understanding about the impacts human activities have on this environment. However, there is still much to learn to ensure that we effectively conserve

marine ecosystems and use our resources in an ecologically sustainable way. As our knowledge increases, management actions will consequently need to be adapted.

The MER Program will include linkages to relevant state, national and international monitoring, evaluation and reporting frameworks. It will set out targets and indicators linked to strategies and outcomes for monitoring, which include ecological, socio-economic, environmental and management elements. It will also monitor the delivery of fundamental enabling mechanisms such as education, research and governance. An important component of the MER Program will be to assess the effectiveness of compliance activities in implementing each management plan.

The MER Program will identify opportunities for partnerships across the South Australian Government, research institutions, industries and community groups to undertake the diverse work that will be required to implement the Program. The research undertaken in South Australia will inform national and international marine science and may help establish our State as a leader in this field.

It is important to communicate the results of the MER Program. The communication and sharing of knowledge between and across all parts of the community will serve to strengthen and develop understanding of our marine environments. It will also provide both transparency and understanding of the consequences of management actions and will assist in directing adaptive management practices.

Strategies

10. Develop and implement a monitoring, evaluation and reporting (MER) program that measures the effectiveness of each marine park management plan and its contribution to South Australia's marine parks network (2011 baseline), and that:
 - is designed to measure the effectiveness of the management plans in delivering the predicted outcomes to inform adaptive management;
 - includes linkages to relevant state, national and international monitoring, evaluation and reporting frameworks;
 - sets out targets and indicators linked to strategies and outcomes for monitoring, which include ecological, socio-economic, environmental and management elements;
 - monitors the delivery of education, research and governance mechanisms; and
 - assesses the effectiveness of compliance activities.
11. Foster partnerships to support the implementation of the MER Program incorporating opportunities for community and stakeholder involvement.
12. Ensure outcomes of the MER Program and research outcomes are made publicly available and inform decision making and periodic review of management plans.
13. Conduct priority research and foster research partnerships to assess the integrity of knowledge frameworks that underpin the predicted outcomes.
14. Encourage Aboriginal people, local communities and stakeholders to preserve traditional and historic knowledge and, where appropriate, share this knowledge with others.

Objects of the *Marine Parks Act 2007* addressed

Objects 8(1)(a) and (b)(i),(ii),(iii),(iv),(v).

4. Compliance

The *Marine Parks Act 2007* provides for a range of regulatory instruments to support the achievement of the Act's objects. Compliance with these instruments is vital to the success of the marine parks program.

The *Marine Parks Act 2007* establishes a general duty of care and provides for regulating activities in marine parks through the establishment of zones where activities are restricted or prohibited by regulation (the Zoning Regulations). In addition, provision is made for additional supporting Regulations if required, and for the temporary prohibition or restriction of activities and the issuing of permits.

To ensure that these instruments are appropriately implemented and enforced, the Act also provides for authorised officers, protection and reparation orders and establishes an appeals process to the Environment, Resources and Development Court.

Marine park management is based on implementing park management plans, enforcing the regulations, effective monitoring of the enforcement effort, and cooperation with other legislative requirements such as those under the *Environment Protection Act 1993*, the *Harbors and Navigation Act 1993*, the *Aquaculture Act 2001*, the *Fisheries Management Act 2007* and the *Mining Act 1971*.

Three guiding principles underpin enforcement of marine park management plans:

- voluntary compliance is maximised through education initiatives;
- across Government collaboration supports compliance; and
- operational improvement is achieved through monitoring and review of compliance activity.

Working with the community

Increasing public awareness about the marine parks network, the values of individual parks and the reasons for zoning and regulations will increase the level of community support for the parks and, consequently, voluntary compliance across the network.

Active community involvement in management and operational activities, such as educational programs and on-ground conservation projects, will also support voluntary compliance.

Collaborative enforcement

Marine parks have been designed to support effective enforcement activities by ensuring that park and zone boundaries are easy to identify.

Compliance priorities will effectively focus effort to areas that are the most vulnerable or most at risk, noting that these priorities differ from park to park.

Integration of enforcement and compliance efforts across the marine parks network will optimise the cost-effectiveness of the compliance program. Economies of scale can be achieved by implementing certain activities at a network level, such as aerial surveys, surveillance, or preparation of publications. Coordination of enforcement activities with other agencies in planning, surveillance and use of intelligence will also bring efficiencies.

Prevention and education are the most positive and cost-effective ways of ensuring compliance.

Strategies

15. Develop and implement a compliance strategy that:
 - is cost-efficient;
 - is focussed on sanctuary zones and other conservation priorities;

- complements existing compliance efforts;
- maximises voluntary compliance; and
- includes measures to address serious or repeat non-compliance.

Objects of the *Marine Parks Act 2007* addressed

Objects 8(1)(a) and (b)(i),(ii),(iii),(iv),(v).

PERMITS

Section 19 of the *Marine Parks Act 2007* provides that the Minister for Sustainability, Environment and Conservation may issue a permit to allow an activity that would otherwise be restricted or prohibited. The *Marine Parks Act 2007* requires that regulations must be made to establish these prohibitions and restrictions for the zones.

The Government has formulated the Marine Parks (Zoning) Regulations 2012 and explanatory zoning tables (Appendix 3) that identify the activities and uses that are prohibited or restricted in the various zones.

Most visitors to a marine park will not require a permit for their activities.

Some particular activities in sanctuary zones will be managed under a permit system, including:

1. scientific research;
2. competitions and organised sporting events;
3. tourism operations;
4. commercial photography and film making; and
5. installation of vessel moorings.

Permits for other activities will be considered on merit, against the management objectives for the marine park.

Where a permit is required, it is expected that an administrative, cost recovery fee will apply.

The Government may develop policies and/or procedures to further assist applicants and permit assessment officers. Consideration will likely be given to:

- supporting the conservation of marine biodiversity and habitats;
- supporting consideration of the cumulative impacts of all activities in specific locations;
- ensuring consistency with marine park management plans;
- supporting the collection of research data to facilitate management and policy development;
- providing certainty for operators; and
- ensuring that activities are consistent with the objects of the *Marine Parks Act 2007* and with the relevant marine park management plan.

Scientific research permits

Scientific research is defined as a methodical research investigation or scientific study conducted for commercial or professional purposes. The South Australian Government supports responsible scientific research and recognises that researchers contribute to the public good by increasing society's knowledge base.

Scientific research within sanctuary zones is only allowed with a permit. However, an additional marine parks permit is not required for research authorised under the *Fisheries Management Act 2007*, the *National Parks and Wildlife Act 1972* or the *Wilderness Protection Act 1992*. Research in a restricted access zone can only take place with a marine parks permit.

Permits provide a mechanism to help select the most appropriate research sites and will prevent conflicting research activities. They also facilitate research collaborations by providing a means of informing researchers of relevant research opportunities. Research permits would

also ensure that potential impacts on the marine environment are minimised. Researchers would be requested to report their findings to the marine parks program.

Competitions and organised sport permits

Permits are required for swimming, surfing and boating competitions, and speed trials and other organised sports in sanctuary zones. A permit is not required for events authorised under the *Harbors and Navigation Act 1993*, the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*.

Marine parks can provide unique opportunities for these activities which also have the potential to increase visitor appreciation of the marine environment.

Permitting these activities will ensure that the events are appropriate for their proposed locations and that high environmental standards are implemented to support the events. In addition, cumulative impacts of all activities in specific locations can be appropriately considered.

Commercial tourism operations permits

Permits are required for commercial tourism operations conducted for fee or reward within sanctuary zones. A permit is not required for activities authorised under the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*.

These operations may include, but are not limited to: great white shark cage diving; swimming with marine mammals, tuna and cuttlefish; marine mammal watching tours; diving and snorkelling tours; and guided driving, boating and walking tours.

Marine parks present an important opportunity for marine tourism operators by providing access to healthy marine environments that enhance visitor experiences.

Marine tourism operating within the marine parks will provide opportunities for public education about the rich marine biological diversity in South Australia and about how our habitats and species provide many of the ecosystem services on which our lives depend.

Sanctuary zones offer long-term protection for the marine environment and are managed to sustain low-impact activities. Marine parks therefore present business with opportunities to create new products and expand on others, offering jobs and economic growth to local communities.

The issuing of marine parks permits will give some certainty to tourism operators, encouraging them to invest in infrastructure, employment, marketing and training. By specifying appropriate skills, insurance and risk management procedures for operators, permits will help maintain a safe environment for visitors. Visitor safety will also be enhanced by ensuring operator professionalism and knowledge of relevant industry standards and codes. In addition, permits provide for consideration of cumulative impacts of all activities in specific locations and visitor impacts can be managed within sustainable limits.

Commercial photography / film making permits

Permits are required for commercial photography, film making, videotaping or otherwise recording images or sound undertaken for fee or reward in sanctuary zones. This may be on assignment for another party or with a view to selling or hiring the imagery obtained, or for promotion of a product or service and includes still photography for advertising purposes. A permit is not required for these activities when authorised under the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*. News services (television, radio, print and internet) do not require a permit.

Commercial photographers and film makers use marine parks to obtain imagery to enhance commercial products for sale or to use as settings for films, lifestyle programs or documentaries.

The taking of photographs and filming is encouraged in marine parks as it promotes community awareness for marine conservation. These images can be works of art that provide lasting memories of these special places.

Issuing permits for these activities will support safe practices for the photographers and film makers and ensure that their activities do not damage the sensitive ecosystems of the marine parks or restrict other users of the marine parks. In addition, cumulative impacts of all activities in specific locations can be appropriately considered.

Vessel moorings

A permit is required for the installation of vessel moorings within marine park sanctuary zones.

APPENDICES

Appendix 1 Marine Park Design Principles

The 14 Marine Park Design Principles are, in summary:

BIOPHYSICAL PRINCIPLES

1. **The Precautionary Approach:** plan, anticipate and take action early to safeguard against possible impacts.
2. **Comprehensiveness:** cover the full range of habitats and species.
3. **Adequacy:** be certain protection is effective by ensuring appropriate size.
4. **Representativeness:** the system must reflect the variety of our marine life.
5. **Connectivity and Linkages:** provide for sharing of plants, animals and materials between sites.
6. **Resilience and Vulnerability:** protect features that are more sensitive as well as those more resilient to change.
7. **Ecological importance:** include important and unique features.

SOCIO-ECONOMIC PRINCIPLES

8. **Seek synergies with existing protected areas:** establish links between land and sea, such as aligning marine and terrestrial parks.
9. **Seek to complement existing land and marine management practices:** such as international conventions and current management under fisheries, aquaculture and natural resources management plans.
10. **Give consideration to the full diversity of marine uses:** such as recreational uses and economic development.
11. **Respect indigenous interests and culture:** such as significant sites, ILUAs and Native Title claimants.
12. **Give consideration to cultural heritage:** such as World Heritage sites and historic shipwrecks.
13. **Ensure ease of identification, compliance and enforcement:** such as aligning boundaries with visible features on the shoreline and consideration of zone shapes.
14. **Provide for education, appreciation and recreation:** such as ensuring marine parks are accessible and suitable for community use.

Appendix 2 Whole of Government Commitments for Marine Parks (as at July 2009)

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 Sustainability, 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 Fisheries and 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, DEWNR and PIRSA Fisheries and 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. DEWNR and PIRSA Fisheries and 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 the Department for Manufacturing, Innovation, Trade, Resources and Energy pursuant to the *Mining Act 1972* and the *Petroleum and Geothermal Energy 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 the Department for Manufacturing, Innovation, Trade, Resources and Energy 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 and Geothermal Energy 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 the Department for Manufacturing, Innovation, Trade, Resources and Energy.
- 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. DEWNR and the Department for Manufacturing, Innovation, Trade, Resources and Energy 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 and Aquaculture 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. DEWNR and PIRSA Fisheries and Aquaculture 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. DEWNR 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 and Aquaculture 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. DEWNR 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. DEWNR 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 Sustainability, 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 DPTI pursuant to the Harbors and Navigation Act. In addition, the Minister for Transport and Infrastructure 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 and Infrastructure, 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 DEWNR and DPTI) 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 Sustainability, 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 and Infrastructure 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 and Infrastructure 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 and Infrastructure. All charges in relation to harbour facilities within marine parks will continue to be set by, and provided entirely to, the Minister for Transport and Infrastructure.

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 DPTI.
 - 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 and Infrastructure 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.

Appendix 3 Zoning Tables

The following tables summarise how activities and uses will be managed once marine park management plans are adopted. The prohibitions and restrictions described in the tables (grey shaded boxes) are represented in the Marine Parks (Zoning) Regulations 2012.

Section 4 of the *Marine Parks Act 2007* establishes four types of marine park zones. These are General Managed Use, Habitat Protection, Sanctuary and Restricted Access Zones.

Section 5 of the *Marine Parks Act 2007* provides for Special Purpose Areas. These are areas within a marine park, defined by management plans, in which specified activities will be allowed that would otherwise be prohibited or restricted by zoning.

No additional permits under the *Marine Parks Act 2007* will be required if the activity is already permitted or licensed under another Act.

Exemptions

- The Minister responsible for marine parks may provide a permit for any activity to take place that would not ordinarily be allowed in a specific zone in accordance with section 19 of the *Marine Parks Act 2007*.
- The Regulations will also provide an exemption for any person acting in the course of an emergency.
- The Regulations will not apply to a person exercising official powers or functions under a State or Commonwealth Act or an Aboriginal person acting in accordance with an ILUA or Aboriginal tradition.

Existing activities and uses

When management plans are developed, existing and reasonably foreseeable activities and uses will be accommodated (as outlined by the policy commitments endorsed by Government) by appropriate zoning, the application of Special Purpose Areas or the provision of permits. Apart from fishing activities, any permits, licences or leases that are current at the time of the adoption of management plans, will not be affected by these restrictions.

KEY

GMUZ	General Managed Use Zone - being a zone primarily established so that an area may be managed to provide protection for habitats and biodiversity within a marine park, while allowing ecologically sustainable development and use
HPZ	Habitat Protection Zone - being a zone primarily established so that an area may be managed to provide protection for habitats and biodiversity within a marine park, while allowing activities and uses that do not harm habitats or the functioning of ecosystems
SZ	Sanctuary Zone - being a zone primarily established so that an area may be managed to provide protection and conservation for habitats and biodiversity within a marine park, especially by prohibiting the removal or harm of plants, animals or marine products
RAZ	Restricted Access Zone - being a zone primarily established so that an area may be managed by limiting access to the area

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to current activity/use).
✓ limit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with stated limits under the Regulations.
✓ permit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with a permit under the Regulations.
✘	Activity is deemed to be inconsistent with the definition of the zone and will not be allowed. However, the Minister for Sustainability, Environment and Conservation may grant a permit for an activity that would otherwise be prohibited or restricted in a zone on a case-by-case basis.

RECREATION, EDUCATION AND OTHER

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Operating aircraft	✓	✓	✓	✓ limit	Limit: Aircraft cannot fly within 300m of the ground or sea level, and helicopters not within 500m of the ground or sea level.
Diving e.g. scuba/snorkel	✓	✓	✓	✘	
Pedestrian access	✓	✓	✓	✘	
Recreational boating/yachting	✓	✓	✓	✘	
Surfing/swimming	✓	✓	✓	✘	
Domestic animals	✓	✓	✓ limit	✘	Limit: Dogs on leads (up to 2m long); or animals confined to vessels / vehicles; or animals under effective control and behaving in accordance with relevant local Council by-laws.
Research	✓	✓	✓ permit	✓ permit	Permit ³ : A permit is not required for research authorised under another Act.
Commercial photography / film making	✓	✓	✓ permit	✘	Permit ³ : A permit is not required for commercial photography/film making authorised under another Act.
Competitions / organised sporting events (non-fishing)	✓	✓	✓ permit	✘	Permit ³ : A permit is not required for non-fishing competitions/organised events authorised under another Act.
Tourism operations	✓	✓	✓ permit	✘	Permit ³ : A permit is not required for tourism operations authorised under another Act.
Animal feeding/baiting/berleying ¹	✓	✓	✘	✘	
Motorised water sports ²	✓	✓	✘	✘	

Notes:

¹ Feeding/baiting/berleying animals is not recommended in marine parks, except as required for fishing, aquaculture, research or tourism purposes.

² A person may transit through a sanctuary zone in a motorised vessel.

³ Standard permits (and conditions) may be issued for activities that are deemed to be low impact. All other activities will be subject to case-by-case assessments and non-standard permits (and conditions) may be issued. DEWNR will develop a permit policy to provide clear guidance to users about activities that require permits.

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to current activity/use).
✓ limit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with stated limits under the Regulations.
✓ permit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with a permit under the Regulations.
✗	Activity is deemed to be inconsistent with the definition of the zone and will not be allowed. However, the Minister for Sustainability, Environment and Conservation may grant a permit for an activity that would otherwise be prohibited or restricted in a zone on a case-by-case basis.

FISHING AND COLLECTING (commercial, recreational and traditional)

Fishing activities are regulated under provisions of the *Fisheries Management Act 2007*.

Provisions relating to commercial and recreational fishing (other than benthic trawling) in sanctuary zones will commence on 1 October 2014.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Bait digging/pumping	✓	✓	✗	✗	
Berleying for fishing	✓	✓	✗	✗	
Cockling (pipi and mud cockles)	✓	✓	✗	✗	
Collecting fish by hand (abalone, urchin, scallop, etc)	✓	✓	✗	✗	
Line fishing (including long lining)	✓	✓	✗	✗	
Netting (e.g. dab, haul, swing, gill, beach or power)	✓	✓	✗	✗	
Pot and trap fishing (including drop/hoop nets)	✓	✓	✗	✗	
Purse seine netting (including sardine)	✓	✓	✗	✗	
Raking (crab)	✓	✓	✗	✗	
Spear fishing	✓	✓	✗	✗	
Competitions / organised events (fishing)	✓	✓	✗	✗	
Traditional fishing and collecting (Aboriginal)	✓	✓	✓ limit	✓ limit	Limit: Activity is limited to Aboriginal persons who are acting in accordance with an ILUA or Aboriginal tradition .
Collecting naturally occurring materials such as wood, mulch or other dead vegetation or seagrass/algae (including beach cast)	✓	✗	✗	✗	
Collecting sessile assemblages, stromatolites, fossils and archaeological remains	✓	✗	✗	✗	
Trawling	✓	✗	✗	✗	

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to current activity/use).
✓ limit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with stated limits under the Regulations.
✓ permit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with a permit under the Regulations.
x	Activity is deemed to be inconsistent with the definition of the zone and will not be allowed. However, the Minister for Environment and Conservation may grant a permit for an activity that would otherwise be prohibited or restricted in a zone on a case-by-case basis.

HARBOR, NAVIGATION & TRANSPORT ACTIVITIES ¹

Harbor, navigation and transport activities are regulated under provisions of the *Harbors and Navigation Act 1993*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Navigation markers/aids	✓	✓	✓	✓	
General navigation and operation of vessels (other than anchoring)	✓	✓	✓	x	
Anchoring of vessels –80 metres or less (overall length)	✓	✓	✓	x	
Anchoring of vessels – greater than 80 metres (overall length)	✓	x	x	x	Special purpose areas will provide for anchoring of vessels greater than 80 metres in all harbors and in designated transshipment and anchoring locations and pilot boarding grounds.
Permanent vessel moorings	✓	✓	✓ permit	x	Permit: A permit will be required, which includes assessment by DEWNR and DPTI.
Dredging	✓	✓ limit	x	x	Limit: Activity is confined to a Minister, port operator or person acting under the <i>Harbors and Navigation Act 1993</i> .
Depositing dredged materials	✓	✓ limit	x	x	

Note:

¹ Activities undertaken to support the ongoing operation of ports and harbors will be provided for in all zones. Also, given the extensive development expected to occur over the next 5-10 years in Upper Spencer Gulf, transitional arrangements will be required. For this purpose, all HPZ, SZ and RAZ in Upper Spencer Gulf Marine Park will be declared as Special Purpose Areas, and will provide for harbor, transport and marine based infrastructure activities. This will provide for (a) activities comprising a development or project, or that part of a development or project, within the ambit of a declaration under section 46 of the *Development Act 1993*; and (b) activities comprising development approved under section 49 (Crown development and public infrastructure) or section 49A (Electricity infrastructure development) of the *Development Act 1993*. This arrangement will be assessed at the time the first management plan is reviewed.

COASTAL DEVELOPMENTS AND INFRASTRUCTURE ¹

Coastal developments and infrastructure are regulated under provisions of the *Development Act 1993*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Infrastructure (including marinas, jetties, pontoons, breakwalls)	✓	✓	x	x	
Outfall and pipelines	✓	✓	x	x	
Renewable energy infrastructure (wind, wave, tidal)	✓	✓	x	x	

Note:

- ¹ Coastal developments and infrastructure in HPZ will be managed under the *Development Act 1993* to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems). Developments will be considered on a case-by-case basis to ensure that the achievement of the objects of the Act and the zone are supported appropriately. Development Plans and significant projects are informed by the Planning Strategy which now includes the objects of the *Marine Parks Act 2007* so consideration of these will inform the assessment process. In addition, as part of the assessment process, advice or direction may be required from the Coast Protection Board and/or the Environment Protection Authority and other authorities, depending on the nature of the development. These agencies also have the requirement to take into account the objects of the *Marine Parks Act 2007*.

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to current activity/use).
✓ limit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with stated limits under the Regulations.
✓ permit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with a permit under the Regulations.
x	Activity is deemed to be inconsistent with the definition of the zone and will not be allowed. However, the Minister for Sustainability, Environment and Conservation may grant a permit for an activity that would otherwise be prohibited or restricted in a zone on a case-by-case basis.

AQUACULTURE

Aquaculture activities are regulated under provisions of the *Aquaculture Act 2001*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Farming of bivalve molluscs	✓	✓	x	x	
Farming of aquatic animals (other than prescribed wild-caught tuna) with regular feeding	✓	✓	x	x	
Farming of prescribed wild-caught tuna	✓	✓	x	x	
Farming of algae	✓	✓	x	x	
Pilot leases	✓	✓	x	x	

Notes: Aquaculture in HPZ will be managed under the *Aquaculture Act 2001* to ensure that all reasonable and practicable measures are taken to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems). The *Aquaculture Act 2001* operates in addition to the *Marine Parks Act 2007* and requires aquaculture policies to seek to further the objects of the *Marine Parks Act 2007* where they apply within a marine park.

WASTEWATER DISPOSAL/ DISCHARGES

Discharges are generally regulated under provisions of the *Environment Protection Act 1993* and the *Environment Protection (Water Quality) Policy 2003*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Discharge ¹	✓	✓	x	x	Discharges regulated under sections 3(2) or 8(7) of Schedule 1 of the <i>Environment Protection Act 1993</i> are prohibited
Extraction and disposal for a desalination plant ¹	✓	✓	x	x	
Vessel discharge of wastewater ²	✓	✓	x	x	Specifically regulated by Clause 36 of the <i>Environment Protection (Water Quality) Policy 2003</i>

Notes:

¹ Discharges in HPZ will be managed under the *Environment Protection (Water Quality) Policy 2003* to ensure that all reasonable and practicable measures are taken to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems).

² Wastewater includes black water, concentrated black water and grey water as defined by the *Environment Protection (Water Quality) Policy 2003*.

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to current activity/use).
✓ limit	Activity is consistent with the definition of the zone when conducted in accordance with stated limits.
✘* permit	Activity is deemed to be inconsistent with the definition of the zone and will not be considered until such time as it can be demonstrated otherwise.
✘	Activity is deemed to be inconsistent with the definition of the zone and will not be permitted.

RESOURCE EXPLORATION AND PRODUCTION

These activities are regulated under provisions of the *Mining Act 1971*, the *Petroleum and Geothermal Energy Act 2000*, the *Offshore Minerals Act 2000* and the *Petroleum (Submerged Lands) Act 1982* to achieve the objectives of the marine park zones described under the *Marine Parks Act 2007*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Exploration (passive)					
– satellite/high level airborne	✓	✓	✓	✓	
– airborne surveys	✓	✓	✓	✘*	*Will depend on the nature and timing of the proposed survey in relation to key environmental considerations (e.g. breeding and migration cycles of protected species).
– geophysical/geochemical surveys	✓	✓	✓limit	✘	Limit: Will depend on the nature and timing of the proposed survey in relation to key environmental considerations (e.g. breeding and migration cycles of protected species).
Exploration (active)					
– geological sampling	✓	✓	✘*	✘	* Will depend on nature of proposed surveying
– geophysical/geochemical surveys	✓	✓	✘*	✘	* Will depend on nature of proposed surveying
– drilling (drill rig within zone)	✓	✘*	✘	✘	* Will depend on nature of proposal and its location
– deviated drilling (drill rig outside zone)	✓	✓	✓limit	✘*	Limit: Activity will need to be conducted in accordance with approved conditions * Deviated drilling from outside zone may be considered if consistent with the zone
– trenching/bulk sampling	✘*	✘*	✘	✘	* Will depend on nature of proposal and its location
Gas storage					
– carbon sequestration (surface facilities within zone)	✓	✘*	✘	✘	* Will depend on nature of proposal and its location
– carbon sequestration (surface facilities outside zone)	✓	✓	✘*	✘*	* Deviated drilling from outside zone may be considered if consistent with the zone
Production/ Extraction					
– seawater (for extraction of resources such as salt)	✓	✓	✘	✘	
– through drillhole (surface facilities within zone)	✓	✘*	✘	✘	* Will depend on nature of proposal and its location
– through drillhole (surface facilities outside zone)	✓	✓	✓limit	✘*	Limit: Activity will need to be conducted in accordance with approved conditions * Extraction from deviated drillhole from outside zone may be considered if consistent with the zone
– underground mining with surface facility	✘*	✘	✘	✘	* Will depend on nature of proposal and its location
– underground mining with no surface facility	✓	✓limit	✘*	✘*	Limit: Activity will need to be conducted in accordance with approved conditions. May be

					considered if activity does not compromise habitats or the functioning of ecosystems. * Will depend on nature of proposal and its location.
– pipeline on/above ground/seabed/trenched	✓	✘*	✘	✘	* Will depend on nature of proposal and its location
– pipeline underground	✓	✓	✘*	✘*	* Will depend on nature of proposal and its location
– seabed dredging	✘*	✘	✘	✘	* Will depend on nature of proposal and its location
– pit-type extraction	✘*	✘	✘	✘	* Will depend on nature of proposal and its location
Processing					
– mineral facility (mobile e.g. vessel based)	✘*	✘	✘	✘	* Will depend on nature of proposal and its location
– mineral facility (permanent)	✘	✘	✘	✘	
– petroleum/geothermal facility	✘	✘	✘	✘	

Notes: All licence applications under the *Mining Act 1971* and the *Petroleum and Geothermal Energy Act 2000* within and adjacent to marine parks are referred by the Minister for Mineral Resources and Energy to the Minister for Sustainability, Environment and Conservation for concurrence. A referral process is required for the approval of on-ground exploration, and production activities, as part of the relevant mining regulation protocols between PIRSA and DEWNR. This provides for case-by-case assessment of each proposed activity. This includes activities marked with a tick in the table above. The table indicates which activities are likely to be restricted when leases, licences and permits are considered by the Ministers. Activity proposals are considered by assessing risk. Activities likely to compromise the values of any zone would not be approved. A similar process is expected to be undertaken for activities authorised under the *Offshore Minerals Act 2000* and the *Petroleum (Submerged Lands) Act 1982*.

This table may be revised over time as new technologies and techniques are developed, to ensure that new technologies are appropriately considered, consistent with marine park zone objectives.

Appendix 4 Displaced Commercial Fishing Policy Framework

Displaced Commercial Fishing Policy Framework: South Australian Government, April 2011

The South Australian Government acknowledges that it has a responsibility to provide a policy framework that has regard to the impacts on fishers and fishing dependent communities of decisions to establish marine parks under the *Marine Parks Act 2007*. This statement provides the framework.

The Australian Government has a long-term policy objective of establishing a system of Marine Protected Areas (MPAs) that protects representative areas of our marine bioregions. This is being done by establishing a national representative system of marine protected areas (NRSMPA), in cooperation with the States and the Northern Territory.

The South Australian Government, as its part of fulfilling this commitment to marine biodiversity conservation and the NRSMPA, enacted the *Marine Parks Act 2007* that established the basis for a network of marine parks in South Australia. The zoning of marine parks in South Australia will increase the proportion of highly protected areas in State waters. This is consistent with the aims and objectives of the NRSMPA.

The South Australian Government is committed to maintaining and enhancing sustainable and profitable commercial fisheries and to maintaining and enhancing a system of secure and tradable fisheries access entitlements to these fisheries. Consistent with this policy approach, Primary Industries and Regions South Australia (PIRSA) and the Fisheries Council of South Australia will continue to be responsible for managing fisheries resources in the State including the preparation, review and amendment of Fisheries Management Plans to ensure sustainable fisheries.

Notwithstanding efforts to minimise impacts on fishing activities of new or re-zoned Marine Parks, there will at times be unavoidable impacts.

This is because the declaration of Marine Parks will in some cases result in a resource reallocation process whereby marine resources are effectively reallocated from generating a private benefit such as fishing, to a broader public good of biodiversity conservation.

Impacts on fisheries may vary greatly depending on the nature of the constraints within the marine protected areas and the nature of the fishery. For example, a marine park that closes an area of a fishery that harvests migratory or pelagic fish through highly mobile fishing operations will have a different impact to a marine park that closes an area where fishers catch sedentary species.

Restrictions on fishing activities from the declaration, zoning or management of marine parks will be identified and accounted for in the process of developing and zoning Marine Parks. This will be done separately from the restrictions placed on fishing which are implemented by PIRSA as part of normal fisheries management actions, aimed at achieving the objectives of the *Fisheries Management Act 2007*.

Separating these processes will assist to ensure the maintenance of business confidence in the system of fisheries access entitlements.

If the declaration or zoning of a marine park requires the immediate adjustment of a fishery then the Government will make the adjustments at that time, through acquisition mechanisms. PIRSA in association with the Fisheries Council of South Australia will then incorporate necessary revisions to the fisheries management plans and settings to account for those marine parks adjustments (e.g. reduce total allowable catches, restrict fishing days etc).

Each draft Marine Park Management Plan that is issued for public consultation will be accompanied by an impact statement outlining the associated environmental, social and economic impacts (positive and negative).

These impact statements are a requirement of the *Marine Parks Act 2007* and should greatly assist the public consultation process.

i. Zoning

When Marine Parks are declared for biodiversity conservation, the Government is committed to a process that minimizes impacts on existing fishing activities while still maintaining scientific credibility and achieving conservation objectives.

In the first instance, the Department of Environment, Water and Natural Resources (DEWNR), in consultation with PIRSA, SARDI Aquatic Sciences and the commercial fishing industry, will aim to ensure that marine park zones deliver the desired biodiversity conservation outcomes with no more than a five percent overall economic impact on the commercial fishing industry (methodology set out in 2007 EconSearch report). This will primarily be achieved by minimising displacement of commercial fishing effort wherever possible.

To achieve this will require that PIRSA and SARDI use commercially sensitive data. PIRSA and SARDI will ensure that existing protocols concerning sharing and using commercially sensitive data are maintained.

ii. Redistribution

It is recognised that Marine Park zoning may still cause some displacement of commercial fishing effort that may have impacts on the sustainability of the fish stocks and on fishers.

An assessment of these impacts will be undertaken and will take into account ecological impacts on the fishery and economic impacts on other commercial fishers.

This assessment and advice on redistribution will be done using a process that is expertise-based, independent and transparent. Government is currently considering the membership, terms of reference and process required to deliver this in further detail.

iii. Fishery Adjustment

If no redistribution or only partial redistribution is viable, the Government will pursue the removal of an appropriate amount of effort from the industry. This will be based on the level of removal required to ensure ongoing sustainability of the impacted fishery resources, consistent with the objectives of the *Fisheries Management Act 2007*.

In general, Government may use the following process:

- a. firstly, facilitate market and voluntary processes, including expressions of interest or tenders if required, to acquire required effort.
- b. if insufficient effort is recouped through this process, then, following consultation with South Australia's recognised peak commercial fishing industry body(ies), either:
 - for quota-managed fisheries, compulsorily acquire required quota across all licence holders through a range of mechanisms as needed; or
 - for effort-controlled fisheries, apply a ballot process to compulsorily acquire any additional effort and/or licences as required.

In addressing the adjustment process:

- any adjustment scheme will be designed and implemented so as to avoid the distortion of the orderly operation of the market for fishing access entitlements;
- any adjustment scheme associated with Marine Parks will, where practicable, be integrated with other relevant adjustment efforts either regionally or on a fishery or fishery sector basis; and
- key stakeholders will have the opportunity to participate in the design and implementation of any adjustment scheme.

iv. Compensation

Application

- Section 21 of the *Marine Parks Act 2007* states:

“If the rights conferred by a statutory authorisation under another Act are affected by the creation of a zone or the imposition of a temporary prohibition or restriction of activities within a marine park, the Minister must pay fair and reasonable compensation to the holder of the statutory authorisation or, if the Minister considers it appropriate to do so, compulsorily acquire, and pay fair and reasonable compensation for, the statutory authorisation, or any interest (or part of any interest) under a statutory authorisation”.

- Compensation will be determined by the Minister for Environment and Conservation on a case-by-case basis.
- Any commercial fishing licence holder whose entitlement has been compulsorily acquired will be offered fair and reasonable compensation.
- Any commercial fishing licence holder that believes their statutory right has been affected, but whose entitlement has not been compulsorily acquired, may make an application for fair and reasonable compensation. The application must set out the reasons for such an application.
- The Government may provide further guidance as to the application procedures and other matters through either published administrative procedures and/or regulation (including a minimum three-month application period).

Assessment of compensation claims

- The Minister for Sustainability, Environment and Conservation will establish an independent Assessment Panel to provide advice on applications for compensation that are received under Section 21 of the *Marine Parks Act 2007*.

v. Appeals Process

- Any holder of a commercial fishing licence who is dissatisfied with the value of compensation offered may seek reconsideration by contacting the Minister for Environment and Conservation within 28 days of receiving a decision/offer and setting out the reasons for seeking reconsideration.
- If still dissatisfied with the outcome of the reconsideration the licence holder may appeal to the Environment, Resources and Development Court.

Discretionary assistance

At its discretion, the Government may provide further assistance, through existing or new programs, in helping commercial fishing licence holders to adjust to the marine parks zoning and management arrangements.

Such additional assistance could include:

- business restructure assistance – this component would assist fishers remaining in the industry manage any residual impacts in adjusting their businesses;

- employee assistance - this component would assist displaced employees of fishing and fishery related businesses find alternative employment and offset any short term costs associated with the loss of employment;
- business advice assistance - this component would support affected businesses seeking independent, professional advice on their participation in the compensation process and other available assistance;
- community assistance - this component would assist communities with a high dependence on fishing adjust to reduced fishing activity through the creation of alternative, long term employment and economic opportunities;
- social assistance - this component would make available professional counselling and other assistance to address the negative social consequences of any loss of employment .

The Government will seek the advice of key stakeholders regarding the design and, where relevant implementation of, any discretionary assistance package.

Appendix 5 Key Supporting Documents

This section provides more detail on documents referred to in section 13(2) of the *Marine Parks Act 2007*. Management plans must take these documents into account.

State Strategic Plan

South Australia's Strategic Plan 2011, Government of South Australia
<http://saplan.org.au/>

Planning Strategy and Development Plans

The 30 Year Plan for Greater Adelaide

Planning Strategy for South Australia

Kangaroo Island Plan 2011 (part of SA Planning Strategy)

Yorke Peninsula Regional Land Use Framework (part of SA Planning Strategy)

Development Plans for the following Local Government Areas (LGAs):

Alexandrina	Onkaparinga
Ceduna	Port Augusta
Coorong	Port Pirie
Elliston	Robe
Franklin Harbor	Streaky Bay
Grant	Tumby Bay
Kingston	Victor Harbor
Lower Eyre Peninsula	Wakefield
Mallala	Wattle Range
Mount Remarkable	Whyalla

Development plans for areas not within a Council area:

Land Not Within a Council Area (Coastal Waters) Development Plan

Land Not Within a Council Area (Eyre, Far North, Riverland and Whyalla) Development Plan

These documents are all available online via the Department of Planning and Local Government website: <http://www.planning.sa.gov.au/>

State NRM Plan and relevant regional NRM Plans

Our Place Our Future State Natural Resources Management Plan 2012-2017
<http://www.nrm.sa.gov.au/>

Adelaide and Mount Lofty Ranges (AMLR) Natural Resources Management Plan
<http://www.amlrnrm.sa.gov.au/>

Alinytjara Wilurara (AW) Natural Resources Management Plan
<http://www.awnrm.sa.gov.au/>

Eyre Peninsula (EP) Natural Resources Management Plan
<http://www.epnrm.sa.gov.au/>

Kangaroo Island (KI) Natural Resources Management Plan
<http://www.kinrm.sa.gov.au/>

Northern and Yorke (NY) Natural Resources Management Plan
<http://www.nynrm.sa.gov.au/>

South Australian Murray-Darling Basin (SAMDB) Natural Resources Management Plan
<http://www.samdbnrm.sa.gov.au/>

South East (SE) Natural Resources Management Plan
<http://www.senrm.sa.gov.au/>

Relevant environment protection policies (Environment Protection Act 1993)

Environment Protection (Water Quality) Policy 2003
[http://www.legislation.sa.gov.au/LZ/C/POL/ENVIRONMENT%20PROTECTION%20\(WATER%20QUALITY\)%20POLICY%202003.aspx](http://www.legislation.sa.gov.au/LZ/C/POL/ENVIRONMENT%20PROTECTION%20(WATER%20QUALITY)%20POLICY%202003.aspx)

Indigenous Land Use Agreements (ILUAs)

Ceduna Keys Marina ILUA
http://www.nntf.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Ceduna_Keys_Marina_ILUA_SI2005007.aspx

Narungga Local Government (Yorke Peninsula) ILUA
http://www.nntf.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Narungga_Local_Government_SI2003004.aspx?Mode=TextOnly

GLOSSARY

ANZECC (1999)	former Australian and New Zealand Environment and Conservation Council
CAR	Comprehensive, Adequate and Representative
CAMBA	China-Australia Migratory Bird Agreement (1988)
ILUA	Indigenous Land Use Agreement
JAMBA	Japan-Australia Migratory Bird Agreement (1981)
MER	Monitoring, Evaluation and Reporting
MPA	Marine Protected Area
MPLAG	Marine Park Local Advisory Group
NRSMPA	the National Representative System of Marine Protected Areas developed by the Commonwealth Government and ANZECC
NRM	Natural Resources Management
SARMPA	the South Australian Representative System of Marine Protected Areas
Aboriginal lands	any Aboriginal freehold land or land leased to an Aboriginal person or community; lands covered by the <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i> ; the <i>Maralinga Tjarutja Land Rights Act 1984</i> ; and the <i>Aboriginal Lands Trust Act 1966</i> .
Aboriginal people	people who are descendants of Aboriginal Australians.
adequacy	(in relation to MPA design) the maintenance of the ecological viability and integrity of populations, species and communities.
aquaculture	as defined in the <i>Aquaculture Act 2001</i> : the farming of aquatic organisms for the purposes of trade or business or research.
biodiversity	the variability among living organisms from all sources, including, <i>inter alia</i> , terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems.
bioregion	areas within the marine environment with distinctive patterns of biodiversity.
Bonn Convention	the Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention) (1979).
climate change	any long-term significant change in the average weather that a given region, or the Earth as a whole, experiences. In recent usage, the term climate change often refers to changes in the contemporary climate due to human activities, primarily the emission of greenhouse gases to the atmosphere (this is sometimes called anthropogenic climate change, or global warming).
communities	any group of organisms belonging to a number of different species that co-occur in the same areas and interact through spatial and trophic relationships.
comprehensive, adequate and representative (CAR)	inclusion of the full range of ecosystems recognised at an appropriate scale within and across each bioregion (comprehensiveness); maintenance of the ecological viability and integrity of populations, species and communities (adequacy); and the principle that those areas selected for inclusion in reserves reasonably reflect the biotic diversity of the ecosystems from which they derive (representativeness).
comprehensiveness	(in relation to MPA design) includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion.
connectivity	the extent of interconnectedness between habitat units and subpopulations in a landscape.

conservation (1)	the protection, maintenance, management, sustainable use, restoration and enhancement of the natural environment. in relation to natural and cultural heritage: conservation implies keeping in safety or preserving the existing state of a heritage resource from destruction or change.
conservation (2)	action(s) resulting in the preservation of the natural or cultural environment.
conserve	to keep in existence areas of the natural or cultural environment from potential degradation arising from human use.
cultural heritage	As defined in the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972): monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.
development	as defined in the <i>Development Act 1993</i> .
diversity	variety, often expressed as a function of a number of species in a sample, sometimes modified by their relative abundances.
ecological processes	dynamic biological and physical processes affecting the abundance and distribution of organisms, e.g. natural cycles, currents, sediment movements, nutrient cycling, community and trophic structures and migratory species movements.
ecologically sustainable development (ESD)	using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.
ecologically sustainable use	use of living things or areas within their capacity to sustain natural processes while maintaining the life support systems of nature and ensuring that the benefit to present generations of the use does not diminish the potential to meet the needs and aspirations of future generations.
ecosystem	a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.
ecosystem services	the benefits that human populations gain from a particular type of ecosystem, such as maintenance of climates; provision of clean water and air; soil stabilisation; pollination of crops and native vegetation; fulfilment of people's cultural, recreational, spiritual, intellectual needs; and provision of options for the future, for example though maintaining biodiversity.
habitat (1)	the physical place or type of site where an organism, species or population naturally occurs together with the characteristics and conditions which render it suitable to meet the lifecycle needs of that organism, species or population.
habitat (2)	a characteristic biological assemblage (for example: seagrass meadow) and/or physical structure (for example: intertidal rocky platform).
indicator	environmental indicators are physical, chemical, biological or socio-economic measures that best represent the key elements of an ecosystem or environmental issue , which can be measured regularly, and against which some aspects of performance can be assessed.
Indigenous Land Use Agreement (ILUA)	an agreement between a native title group and others about the use and management of land and waters, which may cover such matters as development, the coexistence of native title rights with rights of other people, access, extinguishment of native title and compensation.

Marine Parks	areas proclaimed as a Marine Protected Area under legislation.
Marine Protected Area (1)	an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.
Marine Protected Area (2)	any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment.
multiple-use	an approach that aims to achieve integration of an acceptable balance of outcomes across the full range of marine uses.
native title	the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs, which may include rights to live on the area, access the area for traditional purposes, visit and protect important places and sites, hunt, fish and gather food or traditional resources (water, wood, ochre) and teach law and custom on country.
natural heritage	As defined in the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972): natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.
natural resources management	sustainable management of natural resources (land, soil, geological features, water, vegetation, animals, other organisms and ecosystems, the cultural heritage or amenity of an area) that incorporates economic, social and environmental values and involves the community, industries and governments in planning and decision making.
nature-based tourism	tourism that provides a range of experiences associated with the natural environment, generally related to outdoor activity.
precautionary principle	where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
protect	to shield from harm.
Ramsar Convention	the Convention on Wetlands, signed in Ramsar, Iran, in 1971 providing the framework for the conservation and use of wetlands and their resources. Ramsar sites are Wetlands of International Importance, created under the convention.
representativeness	(in relation to MPA design) those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.
resilience	the ability of an ecosystem to withstand and recover from environmental stresses and disturbances.
Scientific Working Group (SWG)	the committee established under the Blueprint for the SA Representative System of Marine Protected Areas to provide scientific and technical advice to the Minister, MAC and other bodies as appropriate.
State Waters	Australia's Offshore Constitutional Settlement established Commonwealth, State and Territory jurisdictions over marine areas. States generally have primary jurisdiction over marine areas to three (3) nautical miles from the baseline.

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