

Draft Marine Parks Network Management Plan

NSW Marine Estate Management Authority
Locked Bag 1 Nelson Bay NSW 2315

27 January 2022

Re: Draft Management Plan for the NSW Mainland Marine Park Network 2021-2031

To whom it concerns,

Congratulations on the release of the Draft Management Plan for the NSW Mainland Marine Park Network 2021-2031. As catchment managers and stormwater practitioners, we are passionate about the sustainable management of our natural resources, and the protection of natural areas, including aquatic reserves and marine parks. Given that roughly 80% of marine based pollution originates on land¹, and that stormwater runoff is a key vector for this pollution, we see marine environments as a key stakeholder in how we manage runoff from developed areas. Accordingly, we felt compelled to comment on the draft management plan from this perspective.

We note that the Draft Management Plan is an excellent document, being well thought out, and clearly aligning management actions with key themes and objectives. We also applaud stakeholder engagement that appears to have occurred in the development of this plan, and its continuation through the release of the draft management plan for comment.

In the spirit of collaboration, we have identified the following issues and opportunities to improve your plan for your consideration.

The threat of poor land management and terrestrial activities needs to be given greater emphasis. Given the proximity of NSW's marine parks to the mainland, local and regional land management and terrestrial activities will be a key threat to all of NSW's marine parks, particularly those adjacent to land under development. Accordingly, greater emphasis needs to be given to the threat from poor land management and terrestrial activities. This

¹ UNEP 2022. Addressing Land-Based Pollution: <https://www.unep.org/explore-topics/oceans-seas/what-we-do/addressing-land-based-pollution>

includes acknowledging shortcomings in the current NSW environment and planning policy framework, including:

- The highly fragmented responsibility and accountabilities for the protection of waterway health, particularly in developed catchments.
- The highly fragmented and often weakly worded environmental and planning policy instruments that directly and indirectly impact on the health and protection of our waterways and, ipso-facto, marine environments (e.g. the NSW *Environmental Planning and Assessment Act 1979* and the NSW *Protection of the Environment Operations Act 1997*).

Greater emphasis on the importance of linkages with other complementary programs. On page 9 of the draft management plan, under the heading “A new approach to marine park management”, the importance of a whole of government approach that links marine park management to complementary programs is mentioned. Given that marine environments are highly susceptible to regional coastal and land-based activities, we believe this is a particularly pertinent point, and suggest that this be given greater emphasis.

Accordingly, we suggest it be given specific mention in the summary section at the start of the draft management plan (page 3) and / or the Introduction section (page 5). We also suggest that creating such linkages be made a specific mainland marine park network management objective by including it under the Threat Theme “Ecosystems, habitats and species” (Table 3 of the draft management plan), by expanding the corresponding network management objective as follows:

“To protect and enhance species, habitats and ecosystems within marine parks, including forming partnerships with other coastal and terrestrial programs that will benefit them”.

Raise the importance of working with and supporting agencies, research organisations and not-for-profit entities that are working to improve coastal and catchment management policy and practice. Working with and advocating on behalf of these groups will provide marine park authorities with greater influence over the threat of poor land management and land-based activities, and more rapid translation and uptake of research outcomes. We recommend that the need for such advocacy and support be given greater emphasis in the early stages of the draft management plan (e.g., Summary and / or introduction). We also

suggest it be given specific mention in Table 3, Table 4 and most (if not all) of the tables in Part A – *Objectives, actions and programs of the draft management plan*.

Remove the statement “However best practice is not dependent on regulation” (page 8 of the draft management plan, last paragraph). While such a statement may have merit in the commercial domain where market forces and competition can be relied on to drive best practice, this is not necessarily so when managing ‘the commons’². Furthermore, this statement contradicts statements about the need for compliance and effective policy throughout the remainder of the draft management plan. Hence, for pragmatic reasons and for consistency in the draft management plan, we recommend removing this statement.

Strengthen the language about the MEMA Act. We also have concerns about the reliance of the draft management plan on the NSW *Marine Estate Management Act 2014*. Due to the use of the phrase “consideration” (and variants thereof), the Act’s strength is much reduced. The use of such phrases implies that threats to the long-term health of marine environments need only be considered, but not necessarily addressed or managed. Pertinent examples include Section 4(2), 11(3), 18(7), 55, and 56.

Yours sincerely



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² McManus, P. (2009). “Environmental Regulation”. *International Encyclopedia of Human Geography*, pg. 546-552.