



# Australian National Sportfishing Association N.S.W. Branch

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10<sup>th</sup> August 2008  
via email

## **Re: Jervis Bay Marine Park Review**

Dear Ministers,

I am taking this opportunity to write you collectively as the Marine Park Authority reports jointly to both of you in your capacities as NSW Ministers and the portfolios you oversee.

With the Jervis Bay Marine Park review having taken place and the process of actually reviewing the submissions and recommendations underway, I am still concerned about a fact that has been playing on my mind for a while now. My concern hinges on the fact that in July 2008 I had been approached by NSW DPI to offer comment on increasing land based angling opportunities within the JBMP and whether moving the sanctuary zone that currently exists between Point Perpendicular and Crocodile Headland would alleviate any of the environmental stress and angler conflict that spots like the Outer Tubes face every fishing season. I replied to this suggestion via email on 1<sup>st</sup> July 2008.

My comments included;

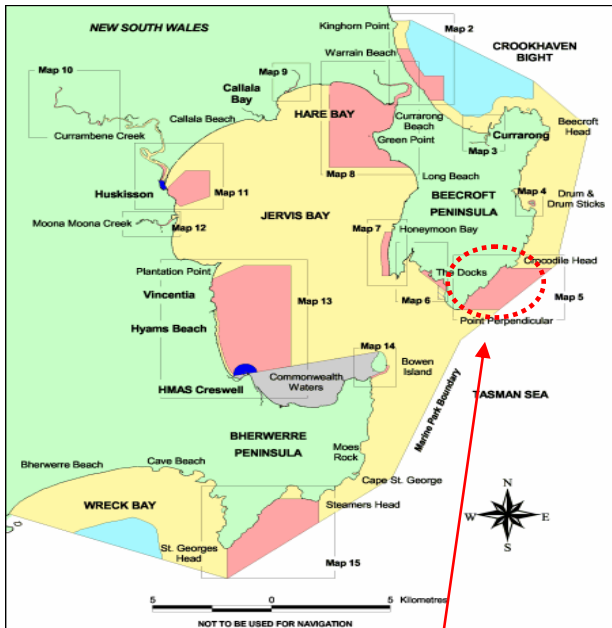
*"The area south of Crocodile hosts the largest cliffs in the park and very few fishable ledges. All need rope access in. Would not help land based guys getting access. All the accessible ledges are between Crocodile and the Drumsticks"*

*"Moving the SZ up past Crocodile Head would not help land based anglers in the slightest. Only die hard LBG angler's fish between Crocodile and Point Perp, and most abseil. I have spoken to these guys and they would rather see the status quo rather than have it moved"*

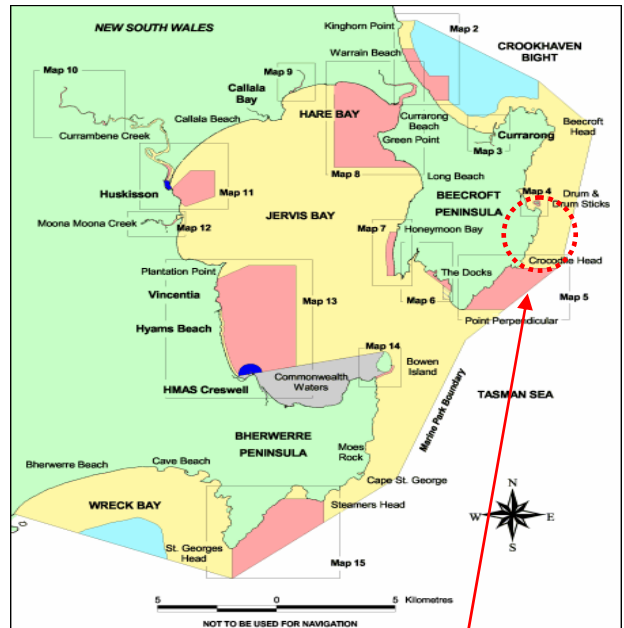
The idea touted by NSW DPI was that by moving the existing sanctuary zone north of Crocodile Headland off the Naval bombing range it would give anglers access to more land based spots in the area.

The Naval bombing range has been responsible for the biggest loss of historical access for land based anglers on Beecroft Peninsular. Moving the sanctuary zone up the coast would only placate the Navy, I doubt any scientific research exists that backs this from an environmental perspective. This was never the intended use of sanctuary zones. Land based anglers are ever hopeful that future access back into Beecroft Peninsular and the Naval Bombing Range will become a reality, maybe not in this governments term, but maybe the subsequent ones.

The following images indicate the changes suggested by NSW DPI in an effort to increase land based angler access, and whilst noble I am still uneasy about the intentions of such a move.



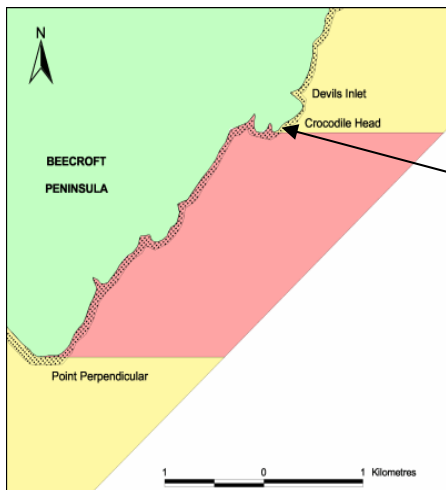
The current sanctuary zone between Crocodile Headland and Point Perpendicular



The suggested move of the sanctuary zone between Crocodile Headland and Drum and Drumsticks that NSW DPI touted as increasing land based angler options at Beecroft

I have fished the JBMP both as a land based angler and boat based angler for the past 20 years, both pre and post marine park. As a boat based angler I have adapted, I get in my boat and move to another spot. Sanctuary zones and anglers in boats can co-exist. As a land based angler it's not that easy. Whilst the marine park has taken popular land based spots like the Docks, Inner Tubes and The Crack inside Jervis Bay, the loss of access through the bombing range has taken away our access to legally fishable rock platforms on the ocean side of Beecroft.

The map and images below give you an indication of the type of terrain we are talking about and I fail to see how any land based access can be gained by moving the sanctuary zone



Looking south from Crocodile Headland

Looking north from The Ladders, approx midway between Point Perpendicular and Crocodile Headland



The images above will hopefully shed some light on why ANSA NSW is pushing to keep the status quo with the current sanctuary zone between Crocodile and Point Perpendicular. The images highlight how inaccessible the area within the current sanctuary is for land based anglers.

If the rationale for moving the Point Perpendicular / Crocodile Headland Sanctuary zone is to give land based anglers more access to spots on Beecroft Peninsular, the previous photos show how uninformed that decision would be. A better option is to have us all work with the Federal Government and the Navy to give anglers access back to the land based spots the Navy has made off limits to the public and created a defacto sanctuary zone.

I am hopeful that my fears and suspicions are unfounded, and that any plans to move the current sanctuary zone will not happen. Even researchers and scientist who established these sanctuary zones are telling us that 10 years is needed to see if the sanctuary zones have worked. Such a huge move would purely be seen by anglers as sanctuary zones being used as tools at the whim of park managers and the Navy.

The only rationale that I can see for moving the zone is that there is the potential for the Naval area to be handed back to the public in the next 5, 10 or 15 years, and that conservationist or park mangers are hopeful of locking up easily accessable fishing spots within the JBMP to land based anglers.

Back in August of 1943, Myles Dunphy OBE wrote to the National Parks and Primitive Areas Council with 5 proposed areas in Sth Eastern NSW for major parklands for public recreation. Beecroft Peninsula was number 3 on his list. Having explored and fished all of the Peninsular I am acutely aware of what he achieved almost 60 years ago. These days most other people will have to rely on satellite images or photo galleries to experience what the Peninsula has to offer, not only from a recreational angling perspective but whale watchers, bush walkers and bike riders.

We are, as always willing to meet and try resolving these issues with you.

Yours Sincerely,

Handwritten signature of Stan Konstantaras.

Stan Konstantaras  
ANSA NSW President  
ANSA NSW Angel Ring Coordinator



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# ANSA NSW Marine Parks Response

## Jervis Bay Marine Park Zoning Plan Review

June 2008

## **ANSA NSW MARINE PARKS POSITION**

The Australian National Sportfishing Association – NSW Branch (ANSA NSW) promotes sustainable fishing practices and supports the conservation of fish stocks through fair and equitable access, along with sustainable use of the publicly owned resource.

It acknowledges the aims of the Marine Park Act 1997, to conserve marine biological diversity and marine habitats, as well as providing for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks.

ANSA NSW believes that Government and independent surveys must be completed, identifying all marine habitats, prior to any marine park being declared in an area. This then needs to be supported with thorough research, establishing a baseline for each particular habitat required for protection, as well as social and economic studies to monitor the impacts and possible compensation associated with the 'shift of effort' from the implementation of proposed zones.

ANSA NSW does not support the current percentage process, with an average of 20% of total park area 'locked up' using sanctuary zones, taking away the majority of safe and accessible fish habitat from fishers without full support and reason from research.

However it does support protecting areas representative of critical habitats using sanctuary zones, providing it is being used to protect specific ecological communities, critical habitat or specific species, and is not being used as a de-facto fisheries management tools by the Marine Parks Authority or Government

ANSA NSW believes that once qualified research that has identified a need for additional regeneration of marine biological diversity and marine habitats, then the process maybe be accomplished using a variety of methods, modeled to accommodate all park users, such as;

- Rotating sanctuary zones when regeneration is complete.
- Seasonal closures for spawning or migration of species
- Seasonal access to pelagic species
- Localised recovery plans for specific species
- Stock enhancement through breeding programs
- Habitat enhancement through artificial reefs
- Stock enhancement and recruitment through fish aggregating devices
- Multi use sanctuary zones

## **JERVIS BAY MARINE PARK**

ANSA NSW has reviewed the submission document and makes the following general recommendation and comments on the proposed draft zoning plan

### **Access:**

The issue of safe access in all weather conditions is especially relevant to the anglers who fish the rocks within the Park and target the seasonal, highly migratory pelagic and other fish species. These anglers who practice land based game fishing (LBG) move with the migrating pelagic fish. It is uncommon that these anglers will fish these areas beyond a 4-6 month window when the pelagic fish are being pushed close to the rocks by the east Australian current.

Access for all land based anglers within the Park is severely limited by de-facto closures imposed by external agencies. Access to the Habitat Protection Zone on the eastern, ocean side of Beecroft Peninsular is greatly reduced by the Department of Defense and access to the Habitat Protection Zone off Bherwerre Peninsular on the south side of Jervis Bay is severely limited by the Booderee Park Managers.

Essentially access to the Habitat protection Zones for land based anglers from Crookhaven Bight to Wreck Bay should be approximately 70% of the ocean rocks within the Park and 30% off limits within Sanctuary Zones. The fact of the matter is once we include Department of Defense Land and over zealous National Park managers, land based anglers have access to only 30% of the Parks fishable waters along these ocean rock platforms. The reality of it is that only 2% of these accessible platforms are suitable for angling

The majority anglers who are new to the sport or cannot afford a boat will initially get started fishing the ocean rocks. Alternative spots are needed so anglers are not concentrated and limited to one or two small areas. Safe, protected areas from the prevailing weather conditions are needed. Anglers must not be forced to fish unsafe locations when the weather shifts or changes. The work that ANSA NSW is doing with the Recreational Fishing Alliance of on rock fishing safety in conjunction with the NSW Government has revealed that safe, alternate rock fishing spots are needed to save lives, these anglers are not afforded the luxury of having a boat to fish elsewhere within the Park. Many of these rocky headlands need to allow anglers fishing the rocks access to at least 100m of the adjacent waters without any major gear restrictions.

**Multi-use sanctuary zones:**

Multi-use sanctuary zones need to be considered. Seasonal access to the pelagic and seasonal fish stock will allow anglers the opportunity to fish these areas during the 4 to 6 month window that constitutes the LBG season. November to April sees the East Australian Current pushing into Jervis Bay and along the ocean rocks. Multi Use Sanctuaries areas similar to the Grey Nurse Shark Critical Habitats are already in operation within NSW and there is no scientific evidence linking interaction between these endangered species and the methods used by LBG anglers.

These current sanctuaries need to allow anglers to fish baits and lures that stay high in the water column and target the highly migratory pelagic fish species such as the tuna and marlin that have made Jervis Bay a world renowned gamefish port.

### **Recommendations:**

- Access for land based anglers. The Act allows for ecologically sustainable use of fish and provides public enjoyment of marine parks. Fisheries management of the recreational sector is constantly being reviewed, and with no impacts on sedentary or inactive recreational fish species and with no recreational species under threat of collapse, the ecologically use of fish within marine parks should be allowed to continue. The targeting of pelagic and migratory fish stocks is sustainable under the current regulations. Critical Habitat Zones are already in operation and Habitat Protection Zones are used extensively within marine parks.
- Rotating no-takes zones. The Legislation is rigid in terms of no-takes zones, a far greater benefit would be gained from no-takes zones that would be rotated, allowing for the recovery of certain degraded areas. These no take, regeneration zones could also exceed the prescribed 20% paper model that the Government has relied upon. The rotating zones would utilise artificial reef systems and FAD to regenerate the area. The rotating no-take zones would rely on additional, relevant research to determine the degree of rejuvenation before rotating and targeting another area to rebuild.
- Multi-use no-take zones. Current Habitat Zones for Grey Nurse Sharks see multi use zones utilised to effectively manage the interaction anglers have with the GNS. Regulation bans the use of wire and bait at anchor within the CHZ, but allows trolling, lure fishing, fishing off the rocks and a myriad of other activities, including spearfishing. There are also multiple use areas within the Freshwater regulations, with Blue Ribbon Catch and Release Rivers, Fly or Lure only sections and several different bag limit regulations for the same species. The same principles need to be applied to any sanctuary within a marine park.

Other issues that will need to be addressed in detail within the plan include;

- Stock and habitat enhancement
- Providing safe and accessible access fish habitat
- Localised recovery plans
- 'Shift of effort' from the proposed sanctuary zones

ANSA NSW has consulted with many of the local anglers in the area and many of its affiliated associations and will continue to undertake further consultation with the Marine Park Authority in order to achieve a satisfactory outcome for the anglers of NSW and the biodiversity in the region the zoning plan will attempt to preserve, protect and manage.

### Jervis Bay Marine Park Draft Zoning Plan Overview and Submission

The following comments are in response to the invitation from the Marine Parks Authority (MPA) to provide a submission on the Draft Zoning Plan (DZP) for the Jervis Bay Marine Park (JBMP). The submission layout has followed the format provided on the submission form.

This submission is not confidential.

This submission is being made by the ANSA NSW and will be made available to the following Recreational Fishing Peak Bodies:

Recreational Fishing Alliance of NSW (RFA of NSW)  
Recfish  
NSW Advisory Council on Recreational Fishing (ACoRF)

ANSA NSW also acknowledges that the members it represents will not be limited in making their own, unique submissions on issues that affect their own member's exclusive interests within the DZP.

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**Position: President**

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## **Introduction:**

ANSA NSW is supportive of the introduction of the JBMP, however we are concerned that until such time that sufficient scientific data that quantifies the biodiversity within any proposed sanctuary zone, especially fish stocks and further commitments are received to continue assessments of fish stocks, Sanctuary Zones (under their current format) are not necessary the way to proceed as this locks out the community particularly if it involves recreational fishing. The lack of any research on fish stocks prior to the any DZP being released is of major concern. This practice relegates the true science of a sanctuary zone succeeding to a system of estimates on pre-sanctuary stock assessments of fish.

A survey report was prepared for the NSW Fishing Saltwater Trust in March 2005 by Dominion Consulting Pty Ltd. In part the executive summary stated, *“the message from the survey of angler expenditure is that small coastal towns which are popular fishing sites can be highly dependent on the expenditure generated by visiting recreational fishers and in the case of the Bermagui—Narooma postcode area approximately 10.65% of all employment is derived from recreational fishing based on tourism. It is important that recreational fishing managers, policy makers and the tourism industry realize the role with tourism research presents opportunities for future study, investigating way towns could gain from additional tourism, could be beneficial”*

Although it has been stated that the MP is not only about “fishing” it is clearly this group within the community that will be affected. Others within the community that don’t fish have little or no interest or are not aware of the current consultation process/period.

It is noted in the DZP there are only four Zones – Sanctuary Zones, Habitat Protection Zones, General Use Zones and Special Purpose Zones.

1. The Sanctuary Zone prevents all commercial and recreational fishing and bait collecting activities.
2. The Habitat Protection Zone is complex and allows various activities for commercial and recreational fishers. It also includes Recreational Fishing Havens.
3. The General Use Zone allows activities for both commercial and recreational fishing with permits.
4. The Special Purpose Zone excludes recreational fishing making it a de-facto Sanctuary Zone.

The MPA have followed a standard process for this MP that has been used in other locations. There has been no new initiative that demonstrates any new approach. There appears to be no proposals that take into consideration the delicate tourism issues for the South Coast although this was pointed out in the “Dominion” survey. The opportunity to develop something original for the southern area of NSW, which reflects “best practice”, has not been proposed. Although there has been consultation, the community is of the belief that their comments and suggestions are being disregarded.

## **Fish Species within Jervis Bay Marine Park:**

A high diversity of fish species was encountered during the Jervis Bay surveys, with 216 species recorded over the 6 survey periods. Species richness was relatively stable with an average of 115 species recorded in any given year. However, large variation between years was evident in the actual fish species sighted with over half (111) recorded in only one or two survey periods. This variation is largely due to intermittent encounters with uncommon pelagic species (Barrett *et al.* 2005).

LBG anglers and many boat anglers exclusively target these uncommon pelagic fish species Barrett refers to and factors such as prevailing currents, baitfish abundance and many other seasonal variations are indicators that play a vital role in determining the likelihood of these pelagic fish swimming into any Sanctuary Zone (SZ) within this specific marine park. There are no underwater sea mounts, upwelling of nutrient rich currents or known aggregation factors within any of the JBMP SZ for pelagic fish.

The most abundant fish species were generally schooling species such as *Trachinops taeniatus* (eastern hulafish), *Trachurus novaezelandiae* (yellow-tail scad), *Atypichthys strigatus* (mado sweep), and *Schuettia scalaripinis* (eastern pomfret), with these species dominating the assemblages at many locations. Another



schooling species, *Chromis hypsilepis* (one-spot puller), was abundant only at wave-exposed sites. Other common and widespread species included *Pempheris compressa* (small-scale bullseye), *Parma microlepis* (white-ear), *Ophthalmolepis lineolata* (maori wrasse) and *Notolabrus gymnogenis* (crimson-banded wrasse). A substantial number of additional species were locally abundant but showed no clear patterns in distribution, suggesting that they either had tight habitat preferences or that counts were affected by chance encounters with aggregations or schools. A notable species with strong site affinities was *Girella tricuspidata* (luderick), a fish only encountered in significant numbers at the most wave-exposed sites (Barrett *et al.* 2005).

Two species of particular interest to fishers are the bream *Acanthopagrus australis* and the snapper *Chrysophrys auratus*. Bream numbers were trending upwards in 2005 surveys, although this change was non-significant. Significance tests for these species were negatively affected by the highly variable nature of counts between sites and between years, possibly reflecting the mobile nature of juveniles. Few adults were recorded in Jervis Bay during surveys. (Barrett *et al.* 2005)

The surveys provide a comprehensive description of the resident reef fishes, large mobile invertebrates and cover forming plants and animals of the inshore reefs within the Jervis Bay component of the Jervis Bay Marine Park (JBMP). Many of the more common species surveyed displayed relatively stable population structures over time. The major exceptions were schooling or pelagic fish species and tropical fish recruits (Barrett *et al.* 2005).

### **Benefits of Sanctuary Zones in the Jervis Bay Marine Park:**

We have had the benefit of observing the JBMP Sanctuary Zones over a period of time and whilst the issue of more study is decreed, the desired “spill over” effect that anglers were sold has not eventuated. Most of the science and observations of the benefits of SZ relate to species and taxa not accessible or harvested by land based and boat anglers eg: invertebrates and algae. The lack of any studies prior to the Park SZ being implemented is also concerning.

ANSA NSW is concerned that misrepresentation by the MPA of the science of these zones is being exaggerated when dealing with the impacts of all recreational angling and especially land based anglers within the Park.

No substantive differences between sanctuary and non-sanctuary zones were observed over the one and a half years that no-take zones have been enforced in the JBMP. While two exploited species, red morwong and bream, did exhibit trends for population increases in sanctuary zones relative to fished zones (trend was statistically significant for the red morwong but not bream), changes were relatively small and more time will be needed to determine the biological significance of this trend. (Barrett *et al.* 2005).

Other patterns observed over the monitoring period included divergence between fished and unfished zones for the abundance of invertebrate gastropod *Astraliium tentoriformis* and the total cover of the common kelp *Ecklonia radiata*. As for the fish results, more time is required to properly determine the biological significance of these trends. (Barrett *et al.* 2005)

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005).

## What are your main interests in the Marine Park?

### **Recreational Fishing**

#### **Land Based Game Angling**

A common fishing technique by shore anglers is to suspend live baits, such as the slimy mackerel (*Scomber australasicus*), under balloons and float this rig—connected by a monofilament line to the angler's rod—a considerable distance out from the shoreline. (Lynch et al. 2004).

#### **Boat Based Angling**

#### **Land Based Angling**

#### **Spearfishing**

#### **General Angling Practices**

**Others:** Fishing education

Access to all areas with conditions in place to adequately ensure protection

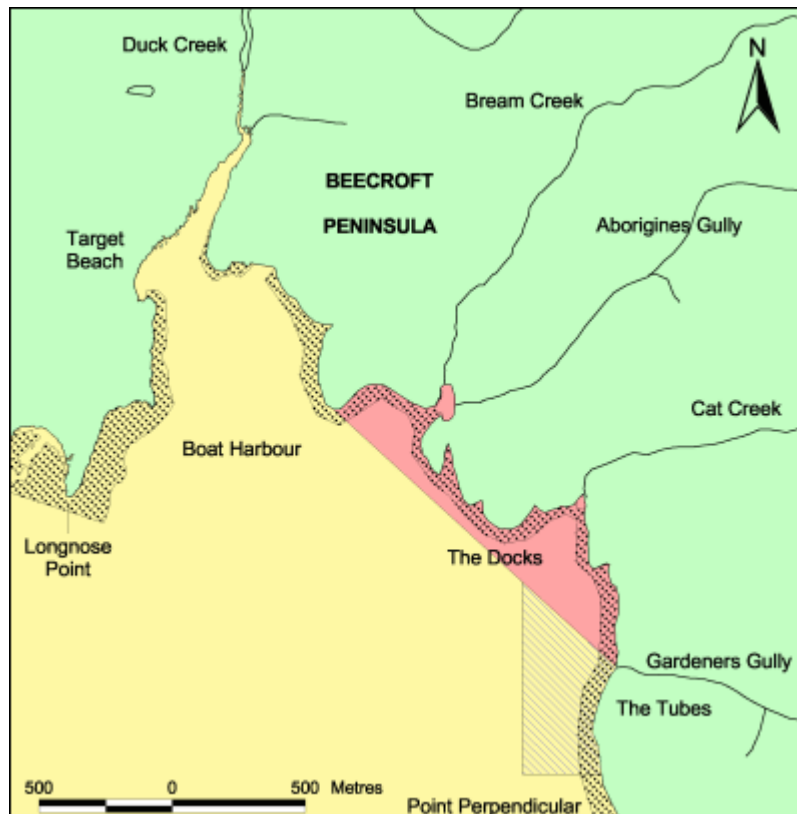
Improving fish stocks

## Comments on the Zones.

### 1. The Docks Sanctuary Zone

#### 1.1 The Docks

The zone extends from the mean high water mark on the northern side of Gardeners Gully north west to the southernmost extremity of the headland 400m west of Bream Creek (Boat Harbour), then generally south east following the mean high water mark to the point north of Gardeners Gully, including all creeks, bays and tributaries to the mean high water mark and to the tidal limit.



#### LEGEND

Sanctuary Zone	Special Purpose Zone	Anchoring Permitted	Land
Habitat Protection Zone	General Use Zone	Commonwealth Waters	Reef

Habitat protection zones (HPZ) cover 72% of JBMP and allow recreational fishing (Barrett *et al.* 2005). In terms of Land Based Game (LBG) fishing this figure is less than 2% of the total JBMP HPZ with accessible deep water rock ledges within the park suitable for LBG fishing. These same ledges have a historical and traditional usage by anglers chasing the seasonal pelagic species encountered in this form of angling.

## 1.2 Land Based Game Angling

The words and images Land Based Game at Jervis Bay are not only recorded on best selling DVDs and published literature predating the JBMP, the phenomena that is LBG is sold nationally and internationally by many agencies outside the fishing sphere. The most consistent producer of striped and black marlin caught off the rocks any where in the world; the current land based all tackle marlin world records from our rocks. ([www.tourismjervisbay.com.au/tourism\\_jervis\\_bay\\_visitors\\_centre.asp](http://www.tourismjervisbay.com.au/tourism_jervis_bay_visitors_centre.asp))

When the warm East Australian Current extends into JBMP waters during summer, the headlands provide a consistent location for the capture of **pelagic gamefish**. Targeted species include kingfish (*Seriola lalandi*), tailor (*Pomatomus saltatrix*), tunas such as bonito (*Sarda australis*) and yellowfin (*Thunnus albacares*), and both black (*Makaira mazara*) and striped marlin (*Tetrapturus audax*). Due to the unique nature of the coastline around the headlands of Jervis Bay, these species can be targeted from both game-fishing boats and also by anglers fishing from the shore. A common fishing technique by shore anglers is to suspend live baits, such as the slimy mackerel (*Scomber australasicus*), under balloons and float this rig—connected by a monofilament line to the angler's rod—a considerable distance out from the shoreline. (Lynch *et al.* 2004).

Habitat protection zones (HPZ) cover 72% of JBMP and allow recreational fishing (Barrett *et al.* 2005). In terms of Land Based Game (LBG) fishing this figure is less than 2% of the total JBMP HPZ with accessible deep water rock ledges within the park suitable for LBG fishing. These same ledges have a historical and traditional usage by anglers chasing the seasonal pelagic species encountered in this form of angling. Shore anglers mostly fished from a single rock ledge on the Beecroft Peninsula and accounted for the fisheries most intensely fished and the overall maximum fishing party size of 27 ( Lynch 2006 ).

The ability of anglers to target game fish from the shore means that the fishery is unusually egalitarian. This rare chance for shore anglers to target game fish means that capital investment in successful fishing gear can include individual rods deployed from shore, as well as large game fishing boats with multiple rods and teasers. To attempt to solve the conflict through a gear restriction—for example, by banning shore based balloon fishing—would exclude anglers on the basis of their access to expensive gear. It was also clear that shore fishing gear prohibitions would be perceived as discriminatory towards those with the capital to engage large sports fishing vessels (Lynch *et al.* 2004).

## 1.3 Transfer of Effort Due to Re-zoning of the Docks

Sanctuary zones have always been appealing to divers, and whilst mitigating measures are often in place to limit the impact, they result in the transfer of effort by recreational anglers and further limit recreational angling opportunities. A baseline study conducted 11 years previously was also used to gain a limited perspective on change in user numbers. Comparison between study periods indicated dive numbers had remained similar, while the number of dive charter trips was significantly less. The numbers of anglers, for the four months compared, had doubled and tripled. ( Lynch et al 2004)

Changes in user allocation in response to MPA zoning are poorly understood. It is possible that protected status may result in new environmental impacts or conflicts, due to the transfer of now prohibited activities from high use to previously low use areas, although, if effort had generally increased, the cost of minor transfers from small MPA would be absorbed by the overall rate of growth. From the available information, angling, unlike recreational scuba diving, appears to have increased compared to the 1989–1990 data set. (Lynch et al 2004)

LBG angling has historically been practiced at the Docks, and the zoning effects approximately 20% of the anglers and 8% of divers observed in the Docks area. ( Lynch et al 2004).

The majority of live-bait ballooning shore anglers were in at the Tubes subdivision of the Docks area. The distribution results show that this type of fishing is constrained into a small area, suggesting that few sites are suitable. (Lynch et al 2004)

The numbers of sports divers and anglers are disproportionately concentrated around the headlands of Jervis Bay during summer. Upon categorization of anglers into game-fishers and others fishers, this disproportionate use was even more apparent. This concentration of recreational effort may not only produce cumulative environmental impacts but also exacerbate conflict between user groups. (Lynch et al 2004)

#### **1.4 Biodiversity of The Docks Area**

“The main biodiversity consideration in zoning the Docks area was observations of the critically endangered grey nurse shark and their potential as fishing by-catch and the recent re-sighting of several grey nurse sharks within a sanctuary area at Jervis Bay Marine Park is an encouraging sign and may indicate that general protection from fishing will allow for some recovery for this endangered species”

The existing evidence on the size and stability of the east coast population of grey nurse sharks is very limited and considered that the population is most likely to be somewhere between 500 and 1,500. However, it might be more (AAT Decision Para. 94)

The propensity of grey nurse sharks to congregate near reefs, caves and gutters has lead to known and suspected aggregation sites being subject to specific study. Dr Otway has been very involved in this work. Ten sites are recognised by the NSW Department as “critical habitat sites” under the [Fisheries Management Act 1994](#) (NSW). (AAT Decision Para. 15)

The Conservation Council has identified sixteen sites, including sub-sites, which it says are critical aggregation sites for grey nurse sharks and which require greater protection. It also seeks greater protection for two Commonwealth sites further offshore. The total number of sites is, accordingly, eighteen. (AAT Decision Para. 16)

The sites and sub-sites claimed by the Conservation Council are as follows:  
(Source: annexure NMO-6 to the statement of Nicholas Otway affirmed on 13 March 2007):

- 1(a) Julian Rocks (off Byron Bay);
- 1(b) Spot X (off Byron Bay);
- 2 Manta Arch (off South Solitary Island);
- 3 The Steps/Anemone Bay (off North Solitary Island);
- 4 The E Gutters (off North West Solitary Island);
- 5 Fish Rock and Green Island (off South West Rocks);
- 6 Mermaid Reef (off Crowdy Head);
- 7 Latitude Rock and Spot A/Latitude Reef (off Forster);
- 8 The Pinnacle (off Forster);
- 9(a) Big Seal Rocks and Little Seal Rocks;
- 9(b) White Top Rocks (Seal Rocks);
- 9(c) Inner and Outer Edith Breaker (Seal Rocks);

- 9(d) Skeleton Rocks (Seal Rocks);
  - 9(e) Sawtooth Rocks (Seal Rocks);
  - 10 Little Broughton Island (off Port Stephens);
  - 11 Foggy's Cave (off Terrigal);
  - 12 Magic Point (off Maroubra);
  - 13 Long Reef (off Sydney);
  - 14 Bass Point (off Shellharbour);
  - 15 Tollgate Islands (off Bateman's Bay);
  - 16 Montague Island (off Narooma);
  - 17 Cod Grounds (off Laurieton) (Commonwealth site); and
  - 18 Pimpernel Rock (off Brooms Head) (Commonwealth site)
- (AAT Decision Para. 18)

**No mention is made of the Docks area**

## **1.5 LBG Target Species**

Many of the more common species surveyed displayed relatively stable population structures over time. The major exceptions were schooling or pelagic fish species and tropical fish recruits (Barrett et al 2005). LBG anglers exclusively target the highly migratory pelagic fish species. There are numerous papers and studies from around the world that even the MPA has relied upon that state that highly migratory species demonstrate any benefit from protection in reserves (Bennett and Attwood 1991), and that catch rates of highly migratory species did not increase in a marine reserve following its proclamation (Bennett and Attwood 1993).

## **1.6 Changes to The Docks Zoning For LBG Anglers**

LBG angling has historically occurred at the Inner Tubes and Docks as a means of escaping the overcrowding of the Outer Tubes prior to the MPA being declared. These two spots offered an alternative for the highly experienced angler who was will willing to undertake the arduous walk into these two isolated platform. Anglers at these two spots could embrace the quite enjoyment of LBG without the crowds that the Outer Tubes brings. Having already discussed the targeted species (highly migratory pelagic fish) and the minimal protection any sanctuary zone within the Park offers them and the lack of any collaborating data that suggest the Dock is a legitimate GNS aggregation site it is the intention of ANSA NSW to recommend that the Docks and Inner Tubes be opened for LBG anglers on a seasonal basis from November to April each year.

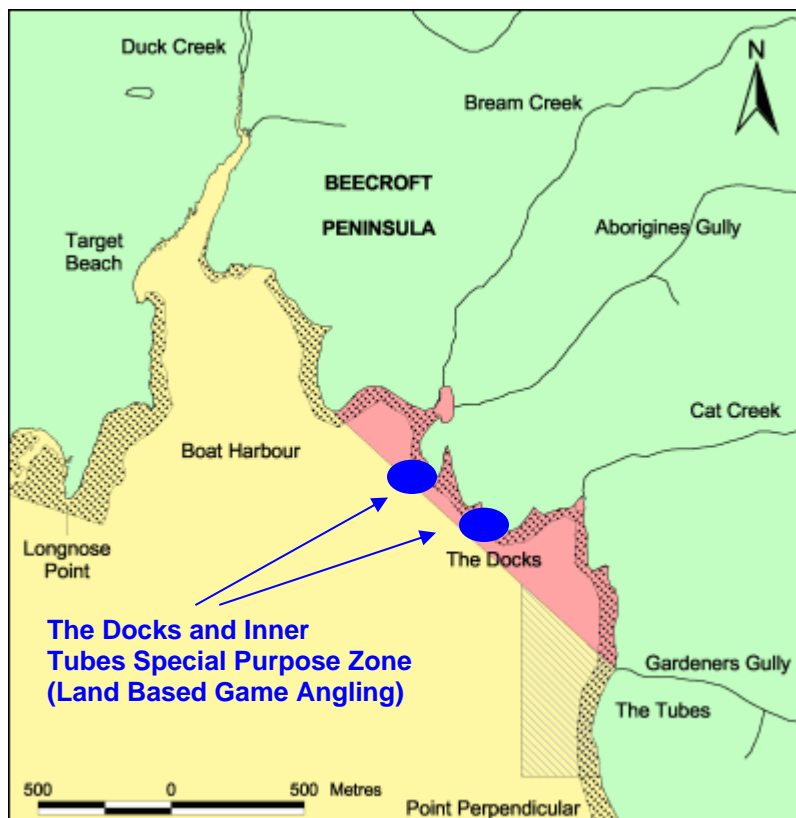
Both these platforms offer easy access to the Habitat Protection Zones just outside the Sanctuary Zone, and with anglers often suspending baits a fair distance off shore, in many instances the baits would themselves be transients within the SZ.

GNS Critical Habitat guidelines could be used to control the tackle used off these platforms, e.g. no wire traces and ANSA NSW is confident that even regulating the types of hooks used, e.g. non offset circle hooks would be embraced by LBG anglers. Regulations that encompass the use of suspended baits only and lure casting would also be a means to limit any possible interaction with any transient GNS in the area.

With the NSW Government is currently criminalising the throwing of projectiles at cars and boats the need for the JB MPA to use the Docks SZ as a way of conflict resolution between anglers and divers is an issue that will be better handled by the NSW Police and will negate the need for MPA staff to respond to any potential conflict and potential put these rangers in danger.

In the summer season of 2000–2001, conflict occurred between divers and shore-based game fishers at a site known as the Docks area, which is located in the lee of Jervis Bay’s northern headland. After one particularly violent interaction, where dive boats were attacked with lead sinkers fired by anglers from a high-powered slingshot, a dive operator filed a complaint to the police (NSW police report E10957104). A subsequent local newspaper article and editorial gave the angler’s viewpoint that the divers had been deliberately scaring the fish away and that some formal delimitation of access rights may be needed (Wright 2001, South Coast Register 2001). Following this incident, the authority identified reduction or elimination of the Docks area conflict as a priority issue ( Lynch et all 2004).

ANSA NSW and LBG anglers are prepared to co-exist with the divers that share the resource in the Docks area. There are ways of mitigating conflict and avenues to open discussions with local dive operators in ways of sharing the Docks area during the narrow window that the LBG season offers these anglers.



**LEGEND**

- |                         |                      |                     |      |
|-------------------------|----------------------|---------------------|------|
| Sanctuary Zone          | Special Purpose Zone | Anchoring Permitted | Land |
| Habitat Protection Zone | General Use Zone     | Commonwealth Waters | Reef |

**1.7 The Docks as a Multi-use Sanctuary Zone for Divers and LBG Anglers**

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to the Docks Sanctuary Zone;

- Seasonal access for LBG anglers to use the Inner Tube and Docks platforms to enjoy LBG angling within the JBMP
- Work with recreational peak bodies to formulate a code of conduct between anglers and local dive boat operators with a review process annually.
- ANSA NSW to seek funds to move and increase the dive moorings closer to Shark Rock within the Docks Core Bay
- Accept the Docks as a site where GNS occur occasionally and ask NSW DPI to implement CHZ regulations for all LBG anglers on these platforms and encourage the use of non-offset circle hooks.

## 2. Hammer Head Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

## 3. Black Creek Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

## 4. Drum and Drumsticks Sanctuary Zone

Many of the more common species surveyed displayed relatively stable population structures over time. The major exceptions were schooling or pelagic fish species and tropical fish recruits (Barrett *et al.* 2005). There are numerous papers and studies from around the world that even the MPA has relied upon that state that highly migratory species demonstrate any benefit from protection in reserves (Bennett and Attwood 1991), and that catch rates of highly migratory species did not increase in a marine reserve following its proclamation (Bennett and Attwood 1993).

Other patterns observed over the monitoring period included divergence between fished and unfished zones for the abundance of invertebrate gastropod *Astraliium tentoriformis* and the total cover of the common kelp *Ecklonia radiata*. As for the fish results, more time is required to properly determine the biological significance of these trends. (Barrett *et al.* 2005)

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005).

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- Access to pelagic fish species within this zone and appropriate tackle restrictions in place that allow trolling lures and baits

- More effective and targeted research in this specific sanctuary zone

#### 5. Point Perpendicular – Crocodile Head Sanctuary Zone

Many of the more common species surveyed displayed relatively stable population structures over time. The major exceptions were schooling or pelagic fish species and tropical fish recruits (Barrett et al 2005). LBG anglers exclusively target the *highly migratory* pelagic fish species. There are numerous papers and studies from around the world that even the MPA has relied upon that state that highly migratory species demonstrate any benefit from protection in reserves (Bennett and Attwood 1991), and that catch rates of highly migratory species did not increase in a marine reserve following its proclamation (Bennett and Attwood 1993).

Other patterns observed over the monitoring period included divergence between fished and unfished zones for the abundance of invertebrate gastropod *Astraliium tentoriformis* and the total cover of the common kelp *Ecklonia radiata*. As for the fish results, more time is required to properly determine the biological significance of these trends. (Barrett *et al.* 2005)

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- Access to pelagic fish species within this zone and appropriate tackle restrictions in place that allow trolling lures and baits and Land Based Game Angling where accessible
- More effective and targeted research in this specific sanctuary zone

#### 6. Groper Coast Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

#### 7. Hare Bay Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

#### 8. Upper Currembene Creek and Mudflats Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)



Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

#### 9. Huskisson Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Questions have been raised as to why this Sanctuary zone was placed there and why it suddenly appeared on the JBMP zoning when on the Jervis Bay Marine Reserve Draft Management Plan devised in 1994 it didn't exist there at all. This plan shared almost the identical criteria as JBMP and shared many of the Sanctuary zones as JBMP but not the one adjacent to Huskisson.

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone
- Consideration for the location of a boat Harbour

#### 10. Moona Creek Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

#### 11. Hyams Beach Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

#### 12. Bowen Is Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

### 13. St Georges Head Sanctuary Zone

Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett *et al.* 2005)

Listed below are the outcomes that ANSA NSW would like to see delivered in conjunction with the changes to this Sanctuary Zone;

- No Changes
- More effective and targeted research in this specific sanctuary zone

### 14. Other Comments

#### 14.1 Boating

ANSA NSW is of the opinion that boating facilities in JBMP and the ability for owners, crews, passengers to enjoy JBMP are limited, especially for boats that draw over 1 meter in depth. Other than three (3) visitors mooring in 22, 450 hectares of JBMP, little else has been done to actively provide opportunities for the public to appreciate and enjoy JBMP as regards to boating in the park.

There are effectively no facilities for deeper draught vessels in JBMP. No pump out facilities, no facilities to tie up to in any tide to load/offload passengers, supplies, fuel, mechanical repairs, rubbish and emergency services.

At times this can become desperate and ANSA NSW can only postulate at the thought of an emergency arising where a vessel is unable to find refuge in JBMP, because there is none, and an ensuing tragedy occurring.

This lack of boating facilities in JBMP precludes many enjoyment opportunities in Jervis Bay. Some of these being:

- It prevents many, many boaters from considering a visit to Jervis Bay especially from Sydney and passing vessels.
- It prevents many people, especially locals to JBMP, considering the purchase of a deeper draught vessel.
- It prevents many aged, handicapped and less able people from enjoying the JBMP as they are unable to board/alight vessels using dinghies and ladders.
- It makes owning a boat/yacht a very difficult assignment having to use a tender to get on board people, supplies, fuel etc. and having to seek slipping. Antifouling, mechanical repairs in places like Ulladulla, Batemans Bay, Greenwell Point & Sydney. This can also be a dangerous task as the average size of the yachts in Jervis Bay would be much less than 30 feet long.

Jervis Bay is indeed a magnificent area despite it being host to many human activities over a long period of time. It has had a major Naval Base here, HMAS Creswell, since 1915 with a boat harbour, slipway and repair facilities. It had numerous permanent vessels stationed there. The navy has conducted and still conducts major exercises in and from the bay and many a flotilla of warships are to be seen on a regular basis. Naval aircraft

both fixed wing and helicopters have done countless exercises over the bay and today helicopters are also frequently seen. The Nowra based Defense Force Parachute school use Jervis Bay regularly for training.

Four larger commercial vessels, mostly shallow draught vessels, one for dive groups two for dolphin/whale watching and one for day cruises operate in the bay in addition to a small number of smaller vessels mainly for dive groups.

In the past Jervis Bay was one of the ports for a robust coastal passenger service and the Wool Wharf (now gone and located at present day Vincentia) was the port for the shipment of all the wool from Canberra and southern NSW prior to the Hume highway becoming a more viable concern.

Have these human activities permanently degraded Jervis Bay? Jervis Bay today is one of the most pristine of coastal areas. The Defence Force and the commercial operators have proven to be responsible managers.

There appears to be a school of thought that the only way to conserve an environment is to keep people out of it. People are part of the environment and one of the best ways to conserve an area is to allow people to appreciate and enjoy it – a principle of ecotourism – providing that the use is sustainable.

Basic boating facilities are sustainable and can actually help to conserve environments eg pump out facilities. Responsible boating is also sustainable.

Listed below are the outcomes that ANSA NSW would like to see delivered with regard to boating in the JBMP;

- JBMPA to work with Shoalhaven City Council (SCC) to extend the length of the Callala Bay jetty so as vessels could tie up at any tide.
- Consideration for a suitable location of a boat harbour in Jervis Bay. For over three decades the SCC (the local council to Jervis Bay) has procrastinated on boating facilities in Jervis Bay and has commissioned numerous expensive studies into this. In each case the one suitable location has been identified and that is the area off Shark Net Beach adjacent to Huskisson.

## **14.2 SCUBA Diving**

Listed below are the outcomes that ANSA NSW would like to see delivered with regard to SCUBA diving within the JBMP;

- JB MPA consider adopting a fee system for individual SCUBA divers to contribute to the management of the Park

## **15. Conclusion**

ANSA NSW has clearly shown that the lack of any significant benefit that the sanctuary zones have delivered clearly indicates that more time is needed to observe. ANSA NSW is also concerned that no effective base line or pre-sanctuary zone research has been completed prior to these zones being declared.

***Other patterns observed over the monitoring period included divergence between fished and unfished zones for the abundance of invertebrate gastropod *Astraliium tentoriformis* and the total cover of the common kelp *Ecklonia radiata*. As for the fish results, more time is required to properly determine the biological significance of these trends. (Barrett et al. 2005)***

***Variation between sanctuary and non-sanctuary zones for common fish species based on survey results from 2003, 2004 and 2005. For the majority of species no clear differences in abundance arose between the protected and fished sites (Barrett et al. 2005).***

ANSA NSW has clearly shown that no protection can be offered to the highly migratory pelagic fish species within the confines of the JBMP.

It is the ANSA NSW position that the locations of all the zones within JBMP remain in situ whilst more detailed and targeted research is completed and that a small portion of the zones be modified to allow boat and land based anglers to target pelagic fish species.

Lynch and Barret have both clearly demonstrated that more time is needed and that the opportunities to protect migratory pelagic fish stocks within the Park are limited or non-existent.

The race for a percentage based Marine Park meant that sound research was overlooked and due process was ignored. ANSA NSW does not want a repeat of the same situation where the JB MPA is seen to be playing catch up with other percentage based Marine Parks in NSW.

One of the most concerning aspects of this whole scenario is that key JB MPA staff are on record as saying **“that anglers "won" the submission process, with few heavily fished areas closed to fishing”** with regard to the last submission process and ANSA NSW is extremely concerned that the JB MPA will now attempt to play catch up and lock up even more areas to recreational fishing without any sound or current research.

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**Marine Park Authority  
A review of benefits of Marine Protected Areas  
and related zoning considerations  
<http://www.mpa.nsw.gov.au/pdf/MPA-review-benefits.pdf>**

**THE PROS AND CONS OF MARINE PROTECTED AREAS IN NEW SOUTH WALES: WHO'S BEEN  
HOODWINKED?**

**(Address to The Australian Society for Fish Biology, Canberra, 12/9/07)**

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**Administrative Appeals Tribunal of Australia  
Nature Conservation Council of NSW Inc and Minister for Environment and Water Resources and Ors  
[2007] AATA 1876 (18 October 2007)**

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