BEACHES - ACCESS . FEES & CHARGES .
COASTAL MANAGEMENT LICENCES - BEACH VEH - POLICY REVIEW

TWEED SHIRE COUNCIL
FILE: LICENCES - BEACH VEH
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ASSIGNED TO: CONNELL, V
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ECOFISHERS Fishing Conservation Society

Tweed Branch.

SYNOPSIS:

1. **THE SAME PRIVILEGE AS GIVEN PROFESSIONAL FISHERS.**

2. **ACCESS TO THE INTERTIDAL AREA FRONTING NATURE RESERVES**

3. **REQUEST TSC SUPPORT OUR SUBMISSION TO THE DECC TO ACCESS THESE AREAS.**

4. **A LETTER OF SUPPORT ADDRESSED TO BROOKE McCARTHY (FISHERIES MANAGER)**

5. **EXCLUSION ZONE SOUTH OF MOOBALL CK TO BE REMOVED TO ALLOW USE OF EXISTING BEACH TRACK**

6. **ESTABLISH "NO GO" ZONES FOR LIFEGUARD PATROLLED AREAS IN LIEU OF EXCLUSION ZONES**

7. **REVIEW OF "CONDITIONS TO BEACH VEHICLE ACCESS"**

8. **REVIEW OF PERMIT FEES.**

Submitted by EcoFishers
to a Councillor Workshop
held on 1 December 2009
in the Mount Warning Room.

Vince Connell
DDR
2/12/09

"Conservation through sustainable use. _Making people part of the solution"

"The voice of NSW recreational fishers"

Web site; www.ecofishers.com

INDEX

FACING COVER:

1. **Introduction**
2. **Fees**
3. **Conditions of Beach Vehicle Access**
4. **Page 2 and Summary**
5. **Access to Intertidal Areas.**

ATTACHMENTS:

1. **Letter from Ian MacDonald**
2. **Conditions of Beach Vehicle Access**
3. **Beach Permit Map**
4. **Beach Permit Map**
5. **Letter to Sally Barnes**
6. **Submission**
7. **Plan of Management Wooyung Reference to Amendment**
8. **Plan of Management Wooyung Commercial Fishers**
9. **Extract Address – Bob Kearney.**

Geoff PROVEST MP

Nationals State Member for Tweed

100% FOR TWEED

23 November 2009

Mr M McFie
45 Tweed Coast Rd
HASTINGS POINT NSW 2489

Dear Mr McFie

I write to add my support to Tweed Ecofishers and its efforts to lift the current restriction on vehicular use of the intertidal area in front of the Tweed Coast Nature Reserve.

I previously held a Beach Permit for some 10 years but as they are now strictly limited, the number of vehicles on the beach at any one time is limited. My observations are that permit holders act responsibly and with due care at all times while on the beach, keeping speed to a minimum so as not to endanger other beach users.

I understand that the main environmental problems with vehicular use of the beach occur at access points. Allowing vehicles to traverse the area in front of the nature reserve would reduce the number of times an individual vehicle needs to enter and leave the beach and thus lessen the impact on the frontal area.

Allowing permitted vehicles to drive along this intertidal area would also provide an extra level of surveillance along the coast and would improve the security of other beach users. It would also allow those with a disability to access this reserved part of our coastline.

I trust Tweed Shire Council will favourably consider the submission by Tweed Ecofishers and address this situation.

Yours sincerely

Geoff Provest
State Member for Tweed

GP:jcb

Office: 103 Minjungbal Drive (opposite Tweed City Shopping Centre), Tweed Heads South

From: "Duncan Gay" <duncan.gay@parliament.nsw.gov.au>
Subject: **NSW Parliament receives Warringah Anglers Club Petition with over 15,000 Signatures**
Date: 23 October 2009 12:09:32 PM
To: "Carol Cranwell" <carofran@aapt.net.au>
Reply-To: r.261.32427.ace0df148e2591fe@mail.leaders.elector8.com.au

Dear NSW Fishers

I wanted to update you on our progress with our campaign to **Stop the Marine Park Lock Out**.

Yesterday myself and Leader of the NSW Nationals, Andrew Stoner, officially congratulated the Warringah Anglers Club on their huge effort in gathering more than 15,000 petition signatories calling for a moratorium on marine parks in NSW.

This amount of signatures is absolutely amazing and there are more to come. I have been tabling the petitions in NSW Parliament to send a clear message to NSW Labor that fishermen will not be taken for granted.

In the meantime our own online campaign now has more than 3,500 supporters and is still growing.

Please remember this is a community campaign and we still need your help. Please encourage your family and friends to log on to **www.stopmarineparklockout.com.au** and support our campaign.

Kind Regards

Duncan Gay
Shadow Minister for Industry

REFER ATTACHMENT 9.

DISCUSSION PAPER TWEED SHIRE COUNCIL.

INTRODUCTION:

There is a great deal of discontent within the fishing fraternity due to what is seen to be discrimination against Beach Fishing and Recreation Vehicles. This is evidenced by the closure of Nature Reserves and other Beach areas.

Firstly the loss of the Cudgen Nature Reserve (despite Council having an arrangement with the NPWS to access this area). Then Billinudgel and again, (despite public opinion) the Wooyung Nature Reserve, seriously affected the length of beach that could be driven on. Then finally Council's decision to restrict Vehicles at Salt and Casuarina took away 50% of the area previously available to Licensed Beach Vehicle Permit Holders.

Don Page, the then State Member for Pottsville did his best to keep the beaches in front of Reserves open. Bob Debus, the former State Minister for the Environment would **not** meet with us. Ian MacDonald, Minister for Fisheries said he would help but has accomplished little and approaches to the Administrators only resulted in our being told this was a State matter and they were not interested in helping.

The subject of Beach Access to the Intertidal Areas fronting Nature Reserves has not been allowed to rest with a continued push by ECOfishers to the DECC to allow access for Tweed Shire Council Beach Vehicle Permit Holders to regain access to these areas fronting Tweed Coast Nature Reserves. **We have requested to have the same access as has been granted to Professional Fishers. (Refer Attachment 8)**

We have previously held 2 meetings with Tweed Council Staff. The first of which resulted in our obtaining night access for Tailor fishing along the Salt and Casuarina beaches, and the other meeting resulted in the advice that we would need to talk to the full Council if any further concessions were to be gained.

I have held a formal meeting with Mayor Warren Polglase during which it was suggested that Council would convene a workshop between Councillors and Members of Fishing Groups of the Tweed. There are a number of subjects which Tweed Fishers are most unhappy with and would like address, some decisions are bigger than Council alone can make, but which concern Council Permit Holders.

The subject concerns Council Beach Vehicle Policy.

1. **The Fees determined by Council**
2. **Vehicles are to be driven only on the beaches specified by the Permit and recorded in the 'Conditions of Beach Vehicle Access' issued with each permit. (Attachment 2)**
3. **Access to Intertidal areas fronting Coastal Nature Reserves included in the Plans of Management for Coastal Nature Reserves in the Tweed Shire**

1. FEES DETERMINED BY COUNCIL:

The current fee of $230 is considered excessive and the overall opinion is that it should be reduced.

The area now available for 4WD use has been reduced by more than 50% taking into account Salt/Casuarina and the loss of the intertidal access fronting Coast Nature Reserves, yet fees have been increased.

Professional Fishermens' fees are only $100 and Byron Shire charges only $29 for a Beach Access Permit for Drivers holding a Disability parking Permit issued by the RTA.

We believe consideration should be given to Pensioners and Persons holding a Disability Permit for a separate and much reduced fee.

Creative accounting can justify the cost of the Beach Permit Fee. However it should be noted more access tracks are provided for Commercial Fishermen on all beaches as well as Emergency access points for safety reasons and these costs should not be carried by Recreational Fishers.

2. "CONDITIONS OF BEACH VEHICLES ACCESS" ISSUED EACH YEAR WITH THE RENEWAL OF BEACH PERMITS.

GENERAL NOTES:
One of the reasons given by Council for restricting Vehicle usage is the number of Beach Pedestrians including those walking dogs, and Council Staffs Projection appear to be grossly overstated, even during school holidays.

It cost Council a considerable amount to provide a Lifeguard Service and beach users should be encouraged to "swim between the flags." If beach users do not avail themselves of this service, then they have no cause to complain about Licensed Vehicles sharing the beach with them!

There is no need of an Exclusion Zone. Just enforce the rule "No recreation Vehicle can enter a Patrol/Flagged area. The exception being if no one is using the patrolled area and the Lifeguard permits the Vehicle to pass. There are often times during the season when there is nobody in the flagged area except for the Lifeguard.

This is the situation at Pottsville more than anywhere else because of the 4WD entrance point is just North of the flagged area. This entrance received little damage during the recent erosion events and remained accessible throughout this period. **It should remain accessible to beach vehicles at all times even if restricted to the period 4pm to 7am all year round.**

The access track provided at Black Rocks has proved to be a poor selection for an access point for beach vehicles, but has proved popular for day trippers because of the off road parking provided and traffic movement that deters vandalism. This section of beach has lost up to 15metres of dune frontage due to rough weather causing erosion, and the angle of the boarded track is difficult to use due to the steepness of ascent and the angle of approach.

Beach Vehicle drivers are always aware of Tide Times, Height of the Tide, Wind and Sea conditions and are selective when they drive on the beach. They do not want to be there if they can't get off the beach safely especially if there is a large ground swell. The reason for the necessity for travelling along the beach is to find suitable holding formation in the surf that will offer the fishermen the chance of a successful outing. Restricted areas of the beach can hold the only feasible gutters, drains, or holes in the surf that are likely to produce a catch.

Retired Pensioners like to fish for Swallowtail (Dart) during daylight hours and the exclusion zone at Casuarina has heavily impacted on the older population at Cabarita as well as the Local Bait and Tackle Shop

The fact remains that it is the older population, who are retired, who are the majority Beach Permit Holders, using the beach mainly during the week, and only on a weekend in conjunction with a Fishing Club outing, is there an increase in the number

of vehicles, and even then very rarely would they be in double digit numbers on any one beach.

Reading Reports about 4WD Vehicles doing damage to the beach, it will be found that the remarks are prefixed with the word "may" **(i.e., may damage)**. However it has been proven that extreme weather conditions like those we have recently experienced, will do more damage in one night than Tweed Licensed Vehicles have caused since being on the beaches here.

Most complaints against 4WDrives are about the deep wheel tracks seen in the soft sand, and most of these are to be found beside poorly located and constructed entry and exit points.

4WDrives have been blamed inaccurately for the demise of the Pied Oyster Catcher (Pipi Bird) on South Ballina Beach where Commercial Pipi Gatherers were using 3 Vehicles to harvest 3 tonne of Pipis **daily** until the supply was exhausted. The pipi numbers have not recovered and as this is the main source of food for the Pied Oyster Catcher,the birds too have suffered.

The Pottsville beach area was also raided by the Pipi Harvesters and also has not recovered.

The latest claim has been the supposed demise of Ghost Crabs at a time when their homes located in the Dunes above the HW Mark have been washing away in recent abnormal erosion events. Ghost crabs will still be found in sandy areas not affected by erosion.

We therefore ask consideration be given to amending current restrictions. (Refer Attachments 2-3-4)

a) **Extend existing boundary from Cudgen Ck Kingscliff to 100m from the Northern End of the Salt Lifesaving Building.** (Kingscliff F/C)
b) **Extend northern boundary from Cudgen Nature Reserve to a point 100m South of the Proposed Surfing area at Casuarina** (Cabarita Area)
c) **The area between the Lifesaving patrolled areas in Salt and Casuarina to remain an exclusion zone except between the hour 4.30pm and 7am.**
d) **Remove exclusion zone Pottsville and allow access via access track located near South side mouth of Mooball Ck, and implement the exclusion zone when Lifeguards are on duty. Access to be allowed when Lifeguards are off duty.** (Pottsville F/C).
e) **Consider access other beaches during the hours of darkness** (All Tweed Fishing Clubs).

3. ACCESS TO INTERTIDAL AREAS OF TWEED COAST NATURE RESERVES.

1. Tweed Shire Council advised Permit Holders last year that the NPWS had advised them that the NSW Labor Govt adopted the Wooyung Plan of Management and that the Intertidal area fronting the Reserve was now "Out of Bounds" to 4WD Vehicles except those of Commercial Fishers.
2. This was in addition to Restricted Zones that Council decided to implement, resulting in a 50% reduction of available beach access for Recreation Vehicles.

This is not an acceptable situation to Licensed 4WD Vehicle Permit Holders. Particularly when Profession/Commercial Fishers are exempt from these restrictions.

The East Coast Organisation of Fishers (ECOfishers) have endeavoured to have amendments made to the 'Plans of Management' for these Coastal Reserves since 2004, but the Dept of Conservation and Climate Change (DECC) are reluctant to make any concessions due to the radical Conservation Ideology of the National Parks and Wildlife Service (NPWS).

Access to the Intertidal area has the support of the Minister for Primary Industries (Fisheries), the Hon. Ian MacDonald, who has appointed Brooke McCarthy, Fisheries Manager - Recreational Fisheries Management Industry & Investment NSW, to attend to Beach Access for Recreation fishers. **(Refer Attachment 1)**
ECOfishers also has the support of the Advisory Committee for Recreational Fishers (ACORF) and the National Party through Geoff Provost, Don Page and Andrew Stoner.

In March this year, a further submission was forwarded to Sally Barnes, Deputy Director General, DECC Sydney, but to date there has been no outcome.
(Refer Attachment 5)

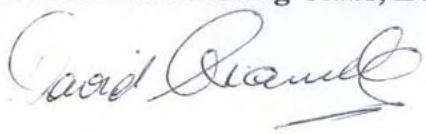
It would be helpful if Tweed Shire Council would send a letter to Brooke McCarthy, (P.O. Box 21 Cronulla NSW 2230) supporting the **"Submission to obtain Access to the Intertidal Area fronting the Wooyung Nature Reserve" (Ref. Attachment 6)** that was forwarded previouosly to Sally Barnes DECC **(Ref. Attachment 5)**
The letter should also record the following details for her information.

1. **The number of Licenses issued by the TSC.**
2. **The number of Disability Licenses Issued**
3. **Confirm that number of vehicles seen on Tweed Beaches is in single digit figures at any one time.**

Control of the foreshore in a Nature Reserve cannot legally be passed to Council to administer, however the only impediment to access the Intertidal area fronting Tweed Coastal Nature Reserves for Recreational Vehicles holding a Council permit is the DECC itself.

All we ask is the Plan of Management for Tweed Coast Nature Reserves be amended to give Recreation Vehicles the same privilege as has been afforded to Commercial Fishers. **(Ref. Attachments 7 & 8).**

David Cranwell
Spokesperson Tweed Coast Fishing Clubs, ECOfishers Tweed Branch, Pottsville Fishing Club.



MINISTER FOR PRIMARY INDUSTRIES
MINISTER FOR ENERGY
MINISTER FOR MINERAL RESOURCES
MINISTER FOR STATE DEVELOPMENT

NEW SOUTH WALES

Level 33 Governor Macquarie Tower
1 Farrer Place SYDNEY NSW 2000 AUSTRALIA
Telephone: (02) 9228 3344
Facsimile: (02) 9228 3452
e-mail: macdonald.office@macdonald.minister.nsw.gov.au

ATTACHMENT 1

MPI08/7133

Mr David Cranwell
6 Cudgera Avenue
POTTSVILLE NSW 2489

27 APR 2009

Dear Mr Cranwell

Thank you for your recent letter regarding the Wooyung Nature Reserve Plan of Management.

I understand that the Minister for Climate Change and the Environment, the Hon Carmel Tebbutt MP, has written to you regarding four wheel drive access for recreational fishers at Wooyung Nature Reserve.

There is a commitment between NSW DPI and the Department of Environment and Climate Change that consultation on any new draft Plan of Management will be undertaken prior to finalisation of the plan to ensure any access issues for recreational fishers are addressed.

I have also been advised by the NSW Department of Primary Industries (NSW DPI) that there is a new dedicated Saltwater Recreational Access Manager position to focus on protecting and promoting access for recreational fishers in NSW.

If you require any further information on this matter, please contact Ms Brooke McCarthy on (02) 9527 8411.

8415

Yours sincerely

Ian Macdonald

IAN MACDONALD MLC

CONDITIONS OF BEACH VEHICLE ACCESS

- If you are transferring your beach vehicle permit to a different vehicle, the beach vehicle permit sticker must be removed from the old vehicle and presented to Council so that a new permit can be issued. Failing to comply with this requirement may result in the cancellation of your permit.
- Any change of address must be supplied to Council.
- The Beach Vehicle permit sticker issued by Council **must be prominently displayed** on the front windscreen of the vehicle whilst the vehicle is on the beach. Old stickers must be removed.
- The vehicle must be a conventional 4WD vehicle. Motor cycles and beach buggies are PROHIBITED.
- The permit is issued for the purpose of fishing and for NO OTHER REASON. Joy riding and picnicking is not permitted.
- UNDER NO CIRCUMSTANCES is the vehicle to proceed above the high tide mark, be driven on or over frontal dunes or foreshore areas except when travelling to and from the beach at designated access points. Approved access points are clearly located on the maps provided.
- **The lights of a vehicle (both front and rear) must be illuminated during hours of darkness whilst on the beach, whether stationary or in motion.**
- ALL BEACH VEHICLE PERMIT HOLDERS ARE SUBJECT TO THE FOLLOWING BEACH VEHCILE EXCLUSIONS, ACCESSIBLE AREAS AND ASSOCIATED VARIATIONS.
  - Beach access is permissible from the south of Cudgen Creek, South Kingscliff to the northern boundary of the Salt subdivision.
  - BEACH VEHICLE ACCESS IS EXCLUDED from the northern boundary of the Salt subdivision to the southern boundary of the Casuarina subdivision, other than between the hours of 4:30pm and 7:00am for the months of May to September inclusive.
  - Beach access is permissible from the northern boundary of the Cudgen Nature Reserve to an area that is approx 240m north of this point. The boundaries of this permissible area is signposted to allow definition of the accessible area.
  - BEACH VEHICLE ACCESS IS EXCLUDED from the south side of Mooball Creek, Pottsville to an area approximately 100 metres south of the main bathing area at Pottsville beach, other than between the hours of 4:30pm and 7am for the months of May to September inclusive.
  - Beach access is permissible from the area that is sign posted approximately 100m south of the main bathing area at Pottsville Beach to the northern boundary of Wooyung Nature Reserve.
  - Beach access is permissible from the northern boundary of the Billinudgel Nature Reserve to the southern boundary of Wooyung Nature Reserve.

NOTE ALL BOUNDARIES ARE SIGN POSTED

- Current Beach Vehicle exclusions include, but are not limited to the following areas of beach:
  - From the Tweed River to Cudgen Creek, Kingscliff
  - From the northern boundary of Cudgen Nature Reserve to Mooball Creek Pottsville
  - From the Wooyung Nature Reserve
  - From the northern boundary of the Billinudgel Nature Reserve to the southern boundary of the Tweed Shire.

NOTE: THE MAPS PROVIDED CLEARLY INDICATE THE AREAS ACCESSIBLE TO BEACH VEHICLE PERMIT HOLDERS.
Access to all other areas is prohibited

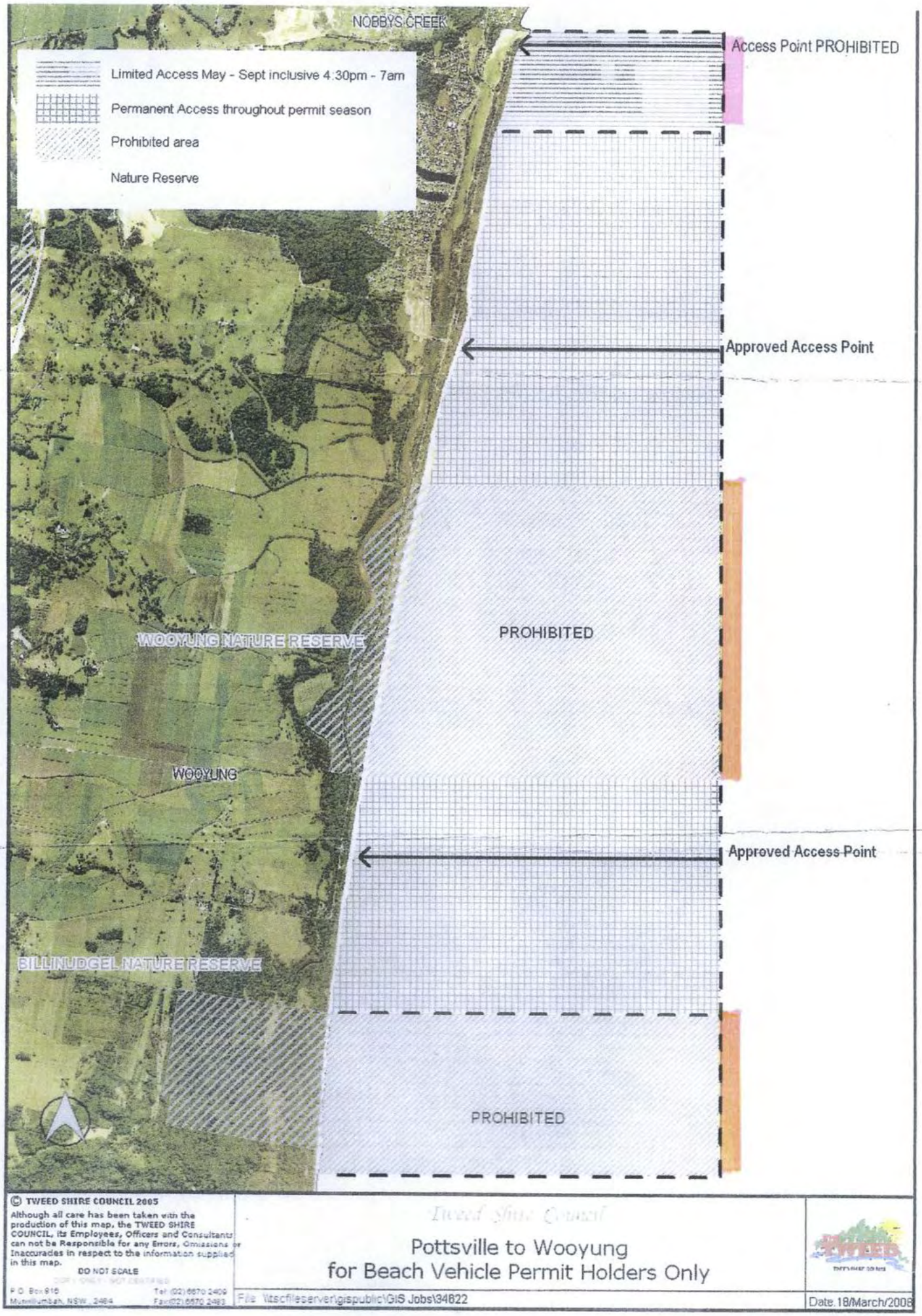
- The National Parks & Wildlife Service (NPWS) has management responsibility for beaches within Cudgen, Billinudgel and Wooyung Nature Reserves within the Tweed Shire. The boundaries of these are at the Mean Low Water Mark.

Tweed Shire Council Beach Permit holders are subject to the following conditions concerning individual reserves.

- Wooyung Nature Reserve: Access is PROHIBITED
- Cudgen Nature Reserve: Access is PROHIBITED
- Billinudgel Nature Reserve: Access is PROHIBITED

CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au



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P.O. Box 816
Murwillumbah, NSW. 2484
Tel: (02) 6670 2400
Fax: (02) 6670 2483

Tweed Shire Council

Pottsville to Wooyung
for Beach Vehicle Permit Holders Only

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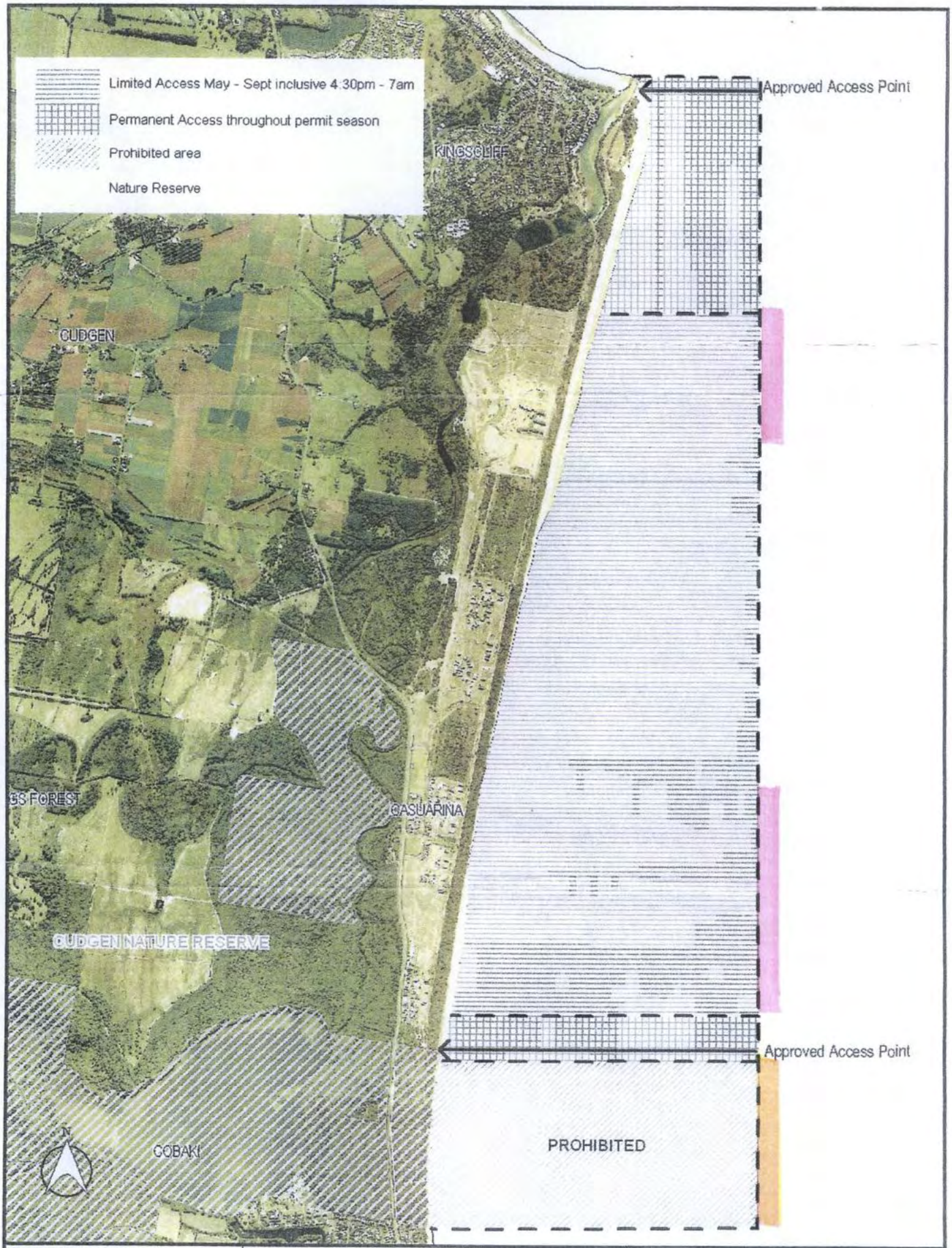
Date: 18/March/2008



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Tweed Shire Council

Kingscliff to Cabarita Beach
for Beach Vehicle Permit Holders Only

ATTACHMENT 5.

6 Cudgera Ave.,
POTTSVILLE. NSW. 2489

8th March 2009

Ms Sally Barnes,
Deputy Director General,
Department for Climate Change and the Environment,
Level 30,
Governor Macquarie Tower,
1 Farrer Place
SYDNEY. NSW.

REF: MD08/4872 - Letter from Carmel Tebbutt Deputy Premier and Minister for the DECS.

Dear Ms Barnes,

On Monday 16th February 2009, at Pottsville, Mark Johnston DECC Alstonville, Leonie Walsh NPWS Murwillumbah, Geoff Richards President of the Pottsville Fishing Club and the Tweed Fishing Club Assn,, Merv McFie Treasurer of the NSW Fishing Clubs Assn, the NSW EcoFishers, Tweed EcoFishers and Pottsville Fishing Club, and myself, David Cranwell Spokesperson for the Tweed Heads Branch of EcoFishers, Tweed Heads Fishing Clubs Assn., and the Pottsville Fishing Club held a meeting .

The purpose of the Meeting was to discuss 4WD Vehicle Licensed Permit Holders access to the Intertidal area fronting the Wooyung Nature Reserve. We as a body have been seeking access since 2004, but the NSW Labor Govt., has ignored our objections and submissions and been determined to enforce their Plan of Management that denies this access, even though access has been available for the last 50 years with no damage being done to the area.

Mark Johnston pointed out that Nature Reserves are covered by Govt. Legislation and other Guidelines, such as the Coastal Management Plans, and we as a body acknowledge that we have been aware of this circumstances and that is why our correspondence since 2004 has been directed to the appropriate Minister in the Labor Cabinet, requesting that the Legislation be amended.

A further point raised was that it was necessary to have the Government in Power to be "on-side" if any alteration to existing or proposed Legislation regarding Nature Reserves or other Marine Reserves would be considered. EcoFishers NSW is already aware of this

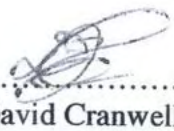
situation, but unfortunately the NSW Labor Govt. appears to be doing everything it can to get fishing bodies "off-side" by not listening to their concerns.
It is time Labor NSW started to listen to EcoFishers, the voice of Recreational Anglers in this State, because a failure to do this will result in our continuing dialogue with the Opposition Parties.

Our Members were extremely disappointed that the Deputy Premier was unable to come to the Tweed, because her understanding of the situation is only a Chronicle extract of the History on the Wooyung Reserve since 2004.

We appreciated the willingness of Mark and Leonie to meet with us and discuss our problem, but if the Govt. is not prepared to amend Management Plans to allow access to the Intertidal areas of the Reserve then nothing has been achieved.

A further submission detailing the reasons why we feel this matter should be given your urgent consideration is attached.

Yours Sincerely.



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David Cranwell
Spokesperson,
EcoFishers Tweed Branch,
Tweed Fishing Clubs Assn.
Pottsville Fishing Club.

SUBMISSION TO OBTAIN ACCESS TO THE INTERTIDAL AREA FRONTING THE WOOYUNG NATURE RESERVE BY TWEED SHIRE COUNCIL BEACH VEHICLE LICENSED PERMIT HOLDERS

SOCIAL ASPECT:

1. The Coastal development of Black Rocks Estate is the closest settlement to the Wooyung Nature Reserve. It is separated from the beach by Mooball Creek, and access to the beach is via a bridge off the Coast Road some distance away.
2. No houses adjoin this Reserve.
3. The area is used predominately for fishing, not surfing or swimming.
4. Tweed Shire Council Vehicle Permit Holders, including Pottsville Fishing Club Members and other Tweed Fishing Clubs, who pay $224.60 annually for this permit, require access of the Intertidal area to pursue their recreational activity.
5. Current Legislation prevents fishermen with a disability even accessing the foreshore because of their disability that precludes their walking long distances carrying fishing gear to find suitable water,
6. Banning 4WD Vehicles has resulted in an increase in unsocial behaviour by certain element of society who disport themselves without clothing.
7. There is a lack of security for lone fishermen who do not have a vehicle close at hand.
8. A vehicle on the beach can provide prompt aid in getting assistance for swimmers or others in trouble on the beach. This beach is not patrolled at all.
9. What previously could be a social outing for the family, is now impossible with contact isolation because of a car parked far from the fisherman.
10. Commercial Fishermen are allowed to access all areas of the beach in pursuit of a catch. We believe that this should not be the sole prerogative of these Professionals as Amateur Fishermen have traversed these beaches without causing damage to dunes or beaches since wheels were first put on vehicles.
11. This area has a large number of retired fishermen on the Tweed, who see no logic on the ban denying access to driving in the intertidal area in front of this Reserve, which has isolated beaches and cannot be compared with the likes of the crowded Sydney beaches.

12. Beach fishing is a recognised sport and an isolated village like Pottsville does not have access to deep water boating or a suitable creek or river system.

ECONOMICAL:

1. Local Bait and Tackle Shops rely on fishermen having ready access to fishing areas. Turn away Fishermen and Bait Shops suffer, e.g., Bevan Wise, Cabarita Bait and Tackle Shop. His business was ruined with the closure of the beach fronting the Cudgera Nature Reserve.
2. The outlay of existing Beach Fishermen – Rods, Reels, Tackle, Bait and sundry equipment e.g., Beach Access Permit from Tweed Shire Council, run into thousands of dollars.
3. Loss of Sales to new fishermen when they find Govt putting more restraints on areas. It is not worth spending money on fishing as a recreational activity.
4. Vehicle Permit Holders support the Motor Industry, first in purchasing 4WD Vehicles then extra money is spent on rust proofing these vehicles for use on the beach.
5. The extra cost involved in driving from one end of Wooyung Reserve to the other beach access entry point. Currently a vehicles drives approximately 800 meters on the beach to the edge of the Reserve – to access the southern part of the beach, he has to drive back the same distance to leave the beach, drive 4.5km to access the next entry point and another 800 metres to the far end of the Reserve. Yet the length to travel the Intertidal area is only 2.5km.
6. The area is losing younger fishermen who choose to drive to southern beaches where there are no restrictions in order to have their vehicles close by – e.g., South Ballina. This results in loss of trade to local businesses.
7. Vehicles parked alongside the road are subject to vandalism and theft, and there is a cost involved in repairing vehicles and replacing stolen goods.
8. The cost of a Beach Vehicle Permit has been increased to $224.60 yet 50% of accessible beach has been lost because of these bans. This cost is an imposition on Pensioners, Disability, Veterans and Age Pensioners.

ENVIRONMENTAL:

1. A downside to the banning of Vehicles accessing the Intertidal area has been the number of new access tracks formed in the Dune area.
2. The Social Misfits trample in and out of the Dunes and are more likely to disturb nesting birds than any of the local fishermen.
3. Commercial Fishing Practices where Pro Fishers use their 4WD Vehicle to retrieve their nets by driving from the water's edge back to the dune area, time and time again, has the potential for greater damage than that likely to be caused by recreational fishers driving parallel to the sea.
4. This Proposal is to traverse the Intertidal area only. There will be no impact on any threatened species. High tides – Big Seas or a large ground swell will cause more harm to this beach than the few amateur fishermen's vehicles will cause.

5. Pippis have not recovered from commercial over harvesting on this beach. In the normal course of driving, pippis are not damaged.
6. A proposed Sand Extraction area adjoins this Nature Reserve and has been approved by the Lands Dept.
7. 4WD Vehicles have not caused any damage to this beach as is evidenced by the pristine condition of Tweed Beaches. It is not as if hundreds of vehicles are on the Beach, as even on a Fishing Competition Day, the average of vehicles on the beach would be approximately six.
8. Licensed Vehicles are not interested in driving into or over the dune area, and in most cases there is a sand wall fronting the dune that makes it impossible to drive over from beachside anyway.
9. Local fishermen are aware of the tide heights and Club fishermen get off the beach when conditions are unfavourable.

RESILIENCE OF THE AREA:

This area was heavily sand mined as was evidenced by the growth of Wattle and Bitou Bush. Since mining ceased the area has been constantly used by amateur fishermen driving 4WD Vehicles. The beaches have suffered no damage from this use. Big seas cause erosion and damage, not 4WD's. There is a distinct lack of Pippis in the area and this has been brought about by over harvesting by Commercial Gatherers.

SUMMARY:

It was the NSW Labor Govt. who introduced this Legislation that took away the right to access the Intertidal area fronting Nature Reserves. Primarily by gazetting the Reserve down to the Low Water Mark, and secondly by not including Licensed Vehicles other than Professional Fishers Vehicles to access these Reserves.
Governments can make amendments to Legislation to alter the situation and we believe that it is up to the DECC to initiate the action to do so.

EcoFishers, NSW Fishing Clubs Assn. And Members of the Pottsville Fishing Club have no intention of accepting the ban on Licensed Vehicle Permit Holders accessing the Intertidal area fronting the Wooyung Nature Reserve.

It is now up to the DECC to come up with a solution to give something back to the Community by taking the necessary action to do so.

ATTACHMENT 7.

1. MANAGEMENT CONTEXT

1.1 LEGISLATIVE AND POLICY FRAMEWORK

The management of nature reserves in NSW is in the context of a legislative and policy framework, primarily the *National Parks and Wildlife Act 1974* (NPW Act), the *Threatened Species Conservation Act 1995* (TSC Act) and policies of the National Parks and Wildlife Service (NPWS). Section 72AA of the NPW Act lists the matters to be considered in the preparation of a plan of management. The policies are compiled from the legislative background, the corporate goals of the Service and internationally accepted principles of park management. They relate to nature conservation, Aboriginal and historic heritage conservation, recreation, commercial use, research and communication.

Other legislation, international agreements and charters may also apply to management of the area. In particular, the *Environmental Planning and Assessment Act 1979* (EPA Act) requires the assessment and mitigation of environmental impacts of any works proposed in this plan.

The plan of management is a statutory document under the NPW Act. Once the Minister has adopted a plan, no operations may be undertaken within the planning area except in accordance with the plan. The plan will also apply to any future additions to the planning area. If after adequate investigation, operations not included in the plan are found to be justified, the plan may be amended in accordance with section 73(B) of the NPW Act.

1.2 MANAGEMENT PURPOSES AND PRINCIPLES

Nature reserves are reserved under the NPW Act to protect and conserve areas containing outstanding, unique or representative ecosystems, species, communities or natural phenomena.

Under the Act, nature reserves are managed to:

- conserve biodiversity, maintain ecosystem functions, and protect geological and geomorphological features and natural phenomena;
- conserve places, objects, features and landscapes of cultural value;
- promote public appreciation, enjoyment and understanding of the reserve's natural and cultural values; and
- provide for appropriate research and monitoring.

Nature reserves differ from national parks in that they do not have as a management principle to provide for visitor use.

Current Situation	Desired Outcomes	Strategies	Priority
Activities in the car park and areas on the western section of the reserve have had detrimental impacts on the natural values of the reserve. Impacts associated with some of these recreational activities include erosion, degradation and destruction of vegetation, increased potential for bushfires and littering.	ecologically sustainable. • Use impacts are minimised.	• Develop interpretative material to promote community understanding and appreciation of the reserve's conservation values, ensure visitor awareness and understanding of reserve regulations and encourage minimum impact use.	Low
Other use Commercial fishing activities have been undertaken on the beach within the reserve for a number of years.	▪ Vehicle use on the beach has minimal ecological damage.	▪ Issue licences for commercial fishers with pre-existing use to access the reserve for commercial fishing activities. The licences may include conditions designed to protect the natural and cultural values of the reserve.	Medium
Research Scientific study is needed to improve understanding of the reserve's natural and cultural heritage, the processes that affect them and the requirements for management. No fauna surveys have been completed in the reserve. The Tweed Cost Road bisects the reserve's habitats resulting in fauna road kills.	• Research is undertaken that enhances the management information base and has minimal environmental impact.	• Encourage and guide research by educational organisations and others in the reserve. Priority topics for research are: fauna surveys, particularly for key indicator species and monitoring of fauna road kills, cultural heritage surveys, pest fauna species and impacts, creek bank erosion and dune integrity.	Medium
Management operations There are a number of informal trails and car parking areas within the reserve. A Crown road reserve bisects littoral rainforest vegetation in the western section of the reserve.	• Close vehicle access to the reserve. • The Crown road reserve is acquired and incorporated into the	• Close and rehabilitate tracks and informal car parking areas along Tweed Coast Road. (*refer to Visitor Use and Map*) • Enter into negotiation with the Department of Lands to incorporate the Crown road reserve into the nature	High High

ATTACHMENT 8.

ATTACHMENT 9.

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)

Bob Kearney PhD, DSc AM
Emeritus Professor of Fisheries
University of Canberra

Obviously I think somebody has been hoodwinked! I will return to the question of who, later. But first let me digress from the topic of today and reflect on the concluding comments of an address on trawl fisheries assessments that I gave in 1991 to a conference in Canberra.

In the foreword to his book, *The log from the Sea of Cortez*, the famous American author, John Steinbeck recounted the description his dear friend Doc, a fish biologist, gave of his father, who was also a biologist: Doc stated, 'He is always wrong. If a man makes a million decisions and judgments at random, it is perhaps mathematically tenable to suppose that he will be right half the time and wrong half the time. But you take my father- he is wrong all the time about everything. That is not a matter of luck but of selection. That requires genius.'(Steinbeck 1958). The degree to which Doc's father's powers are attributable to being a fish biologist is something we fish biologists might ponder.

The Pros and Cons of Marine Protected Areas

Worldwide there has been much debate on MPAs, with an emerging consensus that under the right conditions well designed MPAs can be effective tools for conserving biodiversity and assisting with fisheries management, particularly for relatively sedentary species and stable habitats, such as are often associated with rocky reefs. There is not such good consensus on exactly what benefits users of MPAs can actually anticipate. Benefits, have unfortunately, been more often assumed than proven, particularly for mobile species and complex ecosystems. Benefits appear to vary greatly from place to place and to be circumstance specific. Very little is said about the problems with MPAs. It would be lovely if there weren't any.

Today I will concentrate on one area and circumstance, the Batemans Marine Park, one of the most recent in Australia, and use that as an example that has relevance to the rest of New South Wales, and possibly Australia more generally. I will take advantage of today's audience that shares an interest in fish biology, to delve in some detail into the science that has been used to underpin the declaration of the Batemans Park. This is in keeping with the vision for research and monitoring by the NSW Marine Parks Authority the controlling body for the Batemans Marine Park, that the "locations and boundaries for marine parks and the zoning arrangements will have been derived from thorough scientific assessments of all available information and data" (www.mpa.nsw.gov.au).

As a starting point for consideration of the pros and cons of the Batemans Marine Park, I refer to a number of documents from the NSW Marine Parks Authority website, (www.mpa.nsw.gov.au), that relate to the assessment of the benefits of MPAs. There are many references by the Marine Parks Authority to the benefits of marine protected areas, but none to the problems.

In this age of increased political scrutiny and public accountability of government agencies most of us would expect to find some advocacy in the Marine Parks Authority's overview of its core business, such as might be evident by considering only the benefits of MPAs and not the problems. But, on a subject where sound science is so critical we would hope that subsequent decisions which impact public and environmental wellbeing would be based on objective and thorough research. This expectation is reinforced by the Marine Parks Authority's own assertion that this process will be driven by "thorough scientific assessments of all available information and data". For detail and discussion on the benefits of marine protected areas the Marine Parks Authority, not surprisingly, refers readers to another publication, the "Science Paper".

The actual title of this Science Paper is, "A review of benefits of Marine Protected Areas and related zoning considerations" (Marine Parks Authority New South Wales undated). Here the issue of balance, or lack thereof, begins to emerge; one may well question the objectivity in having "the Science Paper" on MPAs consider only the benefits.

The Science Paper is attributed as, "Prepared on behalf of the Marine Parks Authority Scientific Committee": an attribution which projects the full authorization of the Authority and the scientists therein.

In the Science Paper the objectives of NSW marine parks are stated as,

- "conserve marine biodiversity and maintain ecological processes;
- provide for ecologically-sustainable use, public appreciation, education, understanding and enjoyment of the marine environment."

Few could find exception with these objectives: but the purpose of my presentation today is not to consider asserted objectives, but rather the pros and cons of marine parks that are declared in pursuit of these objectives. More specifically, what science underpins the measures that have been taken in the Batemans Marine Park in pursuit of the stated objectives and what these measures are likely to deliver against these objectives. To do so I will go through the Science Paper section by section. The quotations included in the text below are from the Science Paper, unless otherwise referenced.

The Science Paper's introduction to the "Threats to marine environments" states, "This document highlights some of the key threats to some marine species and their habitats and examines key benefits of marine protected areas in addressing these threats." Five key activities, presumably these threats, are then listed: "coastal development, pollution, agriculture, recreational and commercial fishing, and introduced marine pests". It is noteworthy that fishing is fourth on a list of five key threats. Then, dealing specifically with New South Wales, the Science Paper states, "approximately 60% of coastal wetlands lost or degraded over the last 200 years" and "Increased nutrient levels and

turbidity from urban and industrial discharges and catchment usage are the key causes of increased turbidity and nutrient levels that often result in a decline of seagrass habitats and diversity of species in soft-sediment areas". Here I am not trying to draw attention to the repetition, but rather to note that this pivotal listing of key and direct threats to coastal environments, which are reported to have resulted in serious damage to 60% of wetlands, does not include fishing. The Science Paper does, however, subsequently state that, "The overall pressures include some fishing activities". The only specific fishing activity mentioned in the Science Paper is demersal trawling, which is, in this region, an offshore activity. Not a single estuarine or beach fishing activity is identified as being responsible for the identified declines, or even as being a threat.

— EXTRACTS FROM PAPER —

> Authority expenditure". The failure of the Batemans Marine Park proposal to take account of the extremely high financial and social cost to a significant number of individual recreational fishers, particularly the elderly, the very young and the financially disadvantaged (poor), who have greatly reduced means of translocating their angling efforts, totally compromises the socio-economic assessments. In cases

Therefore, the logical conclusion, relevant to the Batemans Marine Park, from these two cited papers, is that the closure of ocean beaches as included in the Batemans Marine Park will have absolutely no demonstrable benefit, even for the CPUE, let alone the numbers, of the important species on the ocean beaches in the region.

Noting the strength and unidirectional nature of the prevailing current off south eastern Australia, the East Australian Current, it is not surprising that the bulk of the species that are not tightly associated with local reefs are even more migratory than in other parts of the world. Even our most prominent rock associated species, luderick (*Girella tricuspidata*), is seasonally migratory. Therefore it could be anticipated that area closures would be of even less value as fisheries management tools for the species normally targeted in NSW, than they may be in other parts of the world, such as South Africa.

Many citizens of the Batemans region have been hoodwinked into believing that the proposal for this park was actually based on sound science and that the park will deliver considerable benefits to biodiversity conservation and recreational fishing. The email traffic on this subject identifies many who were seduced into believing that the short-term pain will lead to long-term gain. Unfortunately this is far from the truth. Not only is it extremely unlikely there will be any demonstrable benefit to recreational fisheries, certainly not on ocean beaches or in estuaries, but the case for having future beneficial area management will be seriously weakened by the experience of these closures failing to deliver. The community will not be pleased when it is asked to accept additional management measures that will undoubtedly be necessary to appropriately address the real threats. One is reminded of the story of the little boy who cried wolf. There are almost certainly marine areas, species and habitats in the Batemans region that require protection and many that would benefit from efficient area management; examples include protection of estuaries from known threats such as siltation and pollution, area management of abalone fisheries, the closure of all inshore areas to fish trawling, and reduction in threats from introduced pests, such as aquatic weeds. It is such a pity tax payers' money and public good-will for conservation have been so needlessly misdirected by advocacy for more parks posing as science in the asserted cause of conservation and sustainability. The goal of having effective marine parks in NSW based on sound science has been seriously set back. And to date, we fish biologists have sat back and watched it happen.

BOB KEARNEYS COMPLETE PAPER CAN BE FOUND ON ECOFISHERS WEB SITE — www.ecofishers.com.