

**SUMMARY OF THE PUBLIC SUBMISSIONS TO THE INDICATIVE  
MANAGEMENT PLAN FOR THE GEOGRAPHE BAY/LEEUWIN-  
NATURALISTE/HARDY INLET MARINE PARK (NGARI CAPES  
MARINE PARK)**

December 2012

Prepared by the  
Department of Environment and Conservation  
for the  
Marine Parks and Reserves Authority



Department of  
**Environment and Conservation**

*Our environment, our future*



**MPRA**  
MARINE PARKS &  
RESERVES AUTHORITY

## **1. INTRODUCTION**

The *Indicative Management Plan for the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park* (IMP) was released for the statutory public comment period between 6 September to 15 December 2006.

A total of 257 public submission were received. Submissions were assessed on the merit of points raised to improve clarity, accuracy and appropriateness of the final proposal and management plan.

This document provides a summary of the public submissions received on the plan.

## **2. PLAN DISTRIBUTION AND REVIEW METHOD**

When the IMP was released by the then Minister for the Environment, a notice was published in the *Government Gazette* and advertisements were placed in two editions of the *West Australian*, as well as the *Busselton-Margaret River Times*, *Dunsborough Mail*, *Margaret River Mail* and the *South West Times*, to advise that the plan was available for public comment. The plan was distributed to State and Local Government departments, tertiary institutions, libraries, peak bodies, stakeholder groups and numerous individuals who expressed interest during the planning process. Posters advertising the plan were also placed at tackle shops, shire offices, and near the Flinders Bay, Hamelin Bay, Gracetown, Canal Rocks and Port Geographe boat ramps. A 'Have Your Say' (HYS) brochure and submission form were produced and distributed with each copy of the plan to assist the community in preparing a submission.

The plan was available for inspection at the offices and libraries of the Shires of Busselton and Augusta-Margaret River. Copies of the plan were available at the Department of Environment and Conservation (DEC) offices in Bunbury, Busselton, Augusta, Nannup, Kirup, Calgardup Cave, Fremantle and Kensington, as well as the Department of Fisheries (DoF) office in Busselton. Electronic copies of the plan and 'Have Your Say' information package were also made available on the DEC's website and interested parties were able to lodge a submission electronically.

The public submissions to the plan were analysed and the final management plan was prepared according to the process below.

- All submissions were recorded in a database as they were received.
- All comments were summarised and collated according to the section of the plan they addressed.
- The Advisory Committee for the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park was reconvened on 30 March 2007 to review

the submissions and provide their final advice to the Marine Parks and Reserves Authority (MPRA).

- The submissions, a summary of the key issues arising from the submissions and the Advisory Committee advice were provided to the MPRA for their consideration. The MPRA provided their formal advice, under section 14(6)(a) of the CALM Act, to the then Minister for the Environment on 7 August 2007.
- The Government then considered this advice and the issues raised during the public submissions period. On 12 June 2012, the Government gazetted the Ngari Capes Marine Park (the marine park).
- DEC prepared a final management plan to give intent to the Government's decisions and address finer scale issues raised during the public submission period.
- The *Ngari Capes Marine Park Management Plan 2013-2023* was approved by the Minister for Environment on 29 January 2013.
- The summary of the public submissions was finalised and made available to the public (this document), along with the approved final management plan on DEC's website.

### 3. WHO PROVIDED FEEDBACK

The Department of Environment and Conservation received a total of 257 submissions on the indicative management plan. These were comprised of 183 'Have Your Say' (HYS) submission forms (158 hardcopy and 25 electronic), 21 emails and 53 letters.

The majority (89%) of the submissions received were from individuals or groups of individuals with 11% received from organisations representing conservation, tourism, commercial and recreational fishing, industry, education, indigenous, community interest and government sectors. Submitters were asked to identify their primary, secondary and tertiary interests in the marine park (Table 1), with the majority of submitters identifying conservation (21%) or recreational fishing (17%) as the main primary interest.

**Table 1: Origin of submissions by interest**

Interest	Primary Interest	Secondary Interest	Tertiary Interest
Commercial fishing	10 (4%)	3 (1%)	2 (1%)
Commercial shipping/ports	1 (0.5%)	1 (0.5%)	2 (1%)
Conservation	53 (21%)	10 (4%)	13 (5%)
Indigenous use	2 (1%)	1 (0.5%)	2 (1%)
Local/State/Federal Govt Dept/ Statutory	5 (2%)	-	-

Authority			
Mining/exploration/ production	1 (0.5%)	1 (0.5%)	2 (1%)
Other	7 (3%)	5 (2%)	6 (2%)
Recreational boating/sailing	4 (1.5%)	18 (7%)	11 (4%)
Recreational fishing	44 (17%)	19 (7%)	15 (6%)
Research	6 (2%)	7 (3%)	2 (1%)
Scuba diving	14 (5%)	10 (4%)	9 (3.5%)
Sightseeing/tourist	8 (3%)	11 (4%)	20 (8%)
Surfing	17 (7%)	8 (3%)	6 (2%)
Swimming/snorkelling	17 (7%)	31 (12%)	27 (11%)
Tourism industry	7 (3%)	4 (1.5%)	6 (2%)
Waterskiing/parasailing/motorised watersports	2 (1%)	2 (1%)	1 (0.5%)

Note: Columns do not always add up to 100% as some people did not indicate their order of interest (e.g. merely ticked multiple interests, consequently, these were all treated as primary interests) and others selected more or less than 3 interests.

#### 4. LEVEL OF OVERALL SUPPORT FOR THE MARINE PARK

Each submission was assessed as to whether it showed clear overall support for the plan. Where submissions made a number of clearly supportive statements for the proposed arrangements and/or the plan overall, then the submission was regarded as being generally supportive of the plan. Those submissions which stated categorically that they were not in support of the intent of the plan, or who made a number of unsupportive comments about the plan were considered to show non-support. Where submissions did not include comments relevant to the plan or provided a relatively equal number of both negative and positive comments they were regarded as having provided no clear indication of their level of support.

It is acknowledged that assessment into these three categories is somewhat subjective. However, it is believed the totals provide a good indication of the level of support/non-support for the plan (Table 2).

**Table 2: Level of overall support for the plan.**

<b>Generally supportive</b>	180 (70%)
<b>Clear non-support</b>	8 (3%)
<b>No clear indication provided</b>	69 (27%)
<b>Total submissions</b>	<b>257</b>

The HYS brochure specifically asked if submitters supported the vision statement of the plan and whether they thought the 'marine park' reservation category was the most appropriate type of marine conservation reserve for the area. The majority of respondents supported both the reserve type and the vision statement of the plan (Table 3).

**Table 3: Level of support for Vision & Reserve Type**

Issue	Support	Non-support	No opinion / specific comment
Reserve type	151 (59%)	27 (11%)	79 (31%)
Vision Statement	162 (63%)	30 (12%)	65 (25%)

Submitters were asked what sort of balance between use and conservation they thought the plan achieved. Most submitters had no opinion on the balance achieved. However, of the 166 submitters who did have an opinion, 43% thought a good balance had been achieved. A higher number of submitters thought there needed to be more (or significantly more) emphasis on conservation rather than more (or significantly more) emphasis on use and access.

**Table 4: Balance between Conservation and Use**

	Number (%)
Significantly more emphasis on conservation required	27 (16%)
More emphasis on conservation required	36 (22%)
Good balance	71 (43%)
More emphasis on use and access required	19 (11%)
Significantly more emphasis on use and access required	13 (8%)
Not specifically identified (or did not use 'Have your say' submission form)	91

## 5. KEY ISSUES RAISED

This section of the report provides a summary of the key issues that were raised in the submissions. By far the majority of comments received were related to aspects of commercial and recreational fishing (See sections 5.6 and 5.7 below).

The key issues raised in submissions were grouped into themes:

1. General and Overall Comments on the Plan
2. Reserve Boundary
3. Management of Kilcarnup/Gnarabup area
4. Size and Extent of Sanctuary Zones
5. Support for the Zoning Scheme
6. Commercial Fishing
7. Recreational Fishing

### 5.1 General and overall comments on the Plan

Overall comments on the plan related to a number of topics (see Table 5), including the name of the marine park, adequacy of information presented in the plan, as well as comments on the seven management programs. The majority of the general comments were noted with no change considered necessary for sections regarding

Vision, Strategic Objective, Objectives, Strategies, Performance Measures and Targets, Education and Interpretation, Public participation, Patrol and Enforcement, Management Intervention and Visitor Infrastructure, Research Monitoring and Development Proposals.

Eighteen submissions were received in regard to the naming with all except two indicating a preference for the inclusion of the word 'Capes' in some context, or support for an aboriginal word.

Fifty one submissions commented on the adequacy of information presented in the IMP. Most submissions commented on the need for greater clarity of information in the permitted use table and the limited spatial and qualitative information for each zone. This has resulted in a change and clarification in the information presentation in the final management plan.

**Table 5: General or overall comments on the Plan.**

	Number of submissions (%)
Marine park naming	18 (7%)
Extent of the marine park boundary	36 (14%)
Level of Advisory Committee consultation	13 (5%)
Level of sectoral consultation	11 (4%)
Adequacy of information presented	51 (20%)
Resource allocation for management of the marine park	24 (9%)
Suggested changes to the vision statement	29 (11%)
Support for objectives	1 (0.4%)
Strategies	2 (1%)
Changes or additions to performance measures and targets	11 (4%)
Development proposals within the marine park	5 (2%)
<i>Management programs</i>	
Management Frameworks	24 (9%)
Support for Education and Interpretation	6 (2%)
Public Participation	6 (2%)
Appropriate level of Patrol and Enforcement	24 (9%)
Concerns with Mooring and Anchoring	37 (14%)
Aspects of Research	11 (4%)
Aspects of Monitoring	5 (2%)

## 5.2 Reserve Boundary

Thirty six submissions made specific comment on the extent of the marine park boundary. In general, most comments related to extending the boundary further east (east of Augusta), north (north of Busselton) and seaward beyond the State waters limit. A small number suggested inclusion of terrestrial reserves. No submissions indicated a preference for the marine park to be smaller. The Advisory

Committee and MPRA considered the suggestions in relation to previous consultation outcomes, biodiversity values, habitat inclusion, compliance issues and legislative requirements. The marine park boundary is detailed in the final management plan.

### 5.3 Management of Kilcarnup/Gnarabup

A total of 113 submissions (44 %) specifically commented on aspects of the management of the Kilcarnup/Gnarabup area.

Thirty six submissions commented on recreational activities. Concern was expressed about permitting spearfishing, netting and non-shore based line fishing. An almost equal number of submissions were supportive of the continuation of fishing, with some restrictions including reduction in bag limits and allowing shore-based line fishing only. Seven submissions supported the continuation of recreational fishing without restrictions. No submissions suggested that recreational fishing be prohibited.

Sixteen submissions commented on commercial activities. Eight commented on aquarium or shell collection with six being opposed to the activity within the area. Five suggested commercial fishing, in general, be prohibited, with one being supportive of commercial fishing activity.

Eighteen submissions commented on general use within the area. Six commented on access management to Kilcarnup, with three suggesting better access and three suggesting access remain as is. Land-based access issues are outside the scope of the plan.

Forty three submissions commented on aspects of zoning. Eight supported the identification of the area as unique and requiring protection. Nine suggested the area be included in the Margaret River Special Purpose Zone (surfing). Six suggested it be a sanctuary zone, six more suggested it be a recreation zone, three suggested it be a special purpose zone and one suggested it be general use.

### 5.4 Size and Extent of Sanctuary Zones

Seventy six submissions specifically commented on the size and boundary extent of sanctuary zones (Table 6). The majority (53%) of those thought the sanctuary zones were either too small, or there were not enough of them within the marine park.

**Table 6: Size and boundary extent of sanctuary zones**

Sanctuary Zones	Number (%)
Too large/ too many	4 (5%)
Too small/ not enough	42 (53%)
Maintain as presented in plan	20 (26%)
Change boundaries	10 (13%)

## 5.5 Support for the Zoning Scheme

Based on the HYS brochure and specific comments from submissions, the support for the establishment of each of the individual sanctuary, special purpose and recreation zones was determined (Table 7).

**Table 7: Level of support for the establishment of zones**

Zone	Support (%)	Don't support or proposed change (%)	No opinion/comment <sup>1</sup> (%)
<b>Sanctuary Zones</b>			
Busselton Jetty SZ Option 1	99 (38%)	48 (19%)	110 (43%)
Busselton Jetty SZ Option 2	65 (25%)	66 (26%)	126 (49%)
Cape Freycinet SZ	111 (43%)	32 (12%)	114 (44%)
Cape Leeuwin SZ	120 (47%)	24 (9%)	113 (44%)
Cape Naturaliste SZ Option 1	92 (36%)	56 (22%)	109 (42%)
Cape Naturaliste SZ Option 2	70 (27%)	66 (26%)	121 (47%)
Central Geographe Bay SZ	115 (45%)	22 (9%)	120 (47%)
Cosy Corner SZ	113 (44%)	25 (10%)	119 (46%)
Eagle Bay SZ	111 (43%)	39 (15%)	107 (42%)
East Flinders Bay SZ	117 (46%)	26 (10%)	114 (44%)
East Geographe Bay SZ	117 (46%)	25 (10%)	115 (45%)
Flinders Island SZ	120 (47%)	20 (8%)	117 (46%)
Hamelin Island SZ	113 (44%)	28 (11%)	116 (45%)
Injidup SZ	121 (47%)	28 (11%)	108 (42%)
Wyadup SZ	113 (44%)	33 (13%)	111 (43%)
Yallingup SZ	130 (50%)	15 (6%)	112 (44%)
<b>Special Purpose Zone (Shore-based activities)</b>			
Cosy Corner SPZ - Shore based	96 (37%)	25 (10%)	136 (53%)
Eagle Bay SPZ - Shore based	96 (37%)	32 (12%)	129 (50%)
<b>Special Purpose Zone (Surfing)</b>			
Gallows/Guillotine SPZ - Surfing	117 (46%)	17 (7%)	123 (48%)
Goannas SPZ - Surfing	114 (44%)	16 (6%)	127 (49%)
Lefthanders SPZ - Surfing	117 (46%)	19 (7%)	121 (47%)
Margaret River SPZ - Surfing	113 (44%)	20 (8%)	124 (48%)
Moses Beach SPZ - Surfing	112 (44%)	19 (7%)	126 (49%)
Moses Rock SPZ - Surfing	114 (44%)	18 (7%)	125 (49%)
Redgate SPZ - Surfing	102 (40%)	18 (7%)	137 (53%)
Three Bears SPZ - Surfing	116 (45%)	20 (8%)	121 (47%)
Windmills SPZ - Surfing	112 (44%)	21 (8%)	124 (48%)
Yallingup SPZ - Surfing	117 (46%)	16 (6%)	124 (48%)
<b>Recreation Zones</b>			
Cowaramup Recreation Zone	109 (42%)	26 (10%)	122 (47%)
Hamelin Bay Recreation Zone	112 (44%)	19 (7%)	126 (49%)

<sup>1</sup> If submitters did not specify any level of support and make any comments at all on a particular zone then this was treated as being equivalent to the 'no opinion' box being ticked.



The majority of zones received a high level of support and remain unchanged from what was detailed in the indicative management plan. However, a number of options were provided in the plan for Busselton Jetty Sanctuary Zone and Cape Naturaliste Sanctuary Zone, and government approvals processes also resulted in some zone boundary changes. In addition, there have been some tenure clarifications around Hardy Inlet which have impacted on the final zoning scheme in the plan. Major changes to the zoning scheme are detailed in section six.

## **5.6 Commercial Fishing**

A total of 153 submissions (60%) specifically made comment on aspects of commercial fishing in the area.

The majority of general comments related to fisheries management and regarded concern about numbers of commercial fishers operating in the area, environmental concerns and fishing regulations. These issues are managed by the Department of Fisheries under the *Fish Resources Management Act 1994* and are outside the scope of the plan.

### ***Marine Aquarium Fishery and Specimen Shell Fishery***

Seven submissions commented on aspects of the marine aquarium and/or specimen shell fisheries, with two suggesting the collection of live rock and coral is part of the marine aquarium managed fishery and should be permitted. Following government consideration of the relevant legislation the plan was amended to permit the commercial collection of coral, live rock and live sand only in the general use zone of the marine park. In addition, commercial aquarium fishing and specimen shell collecting is permitted in both the special purpose and general use zones of the marine park.

### ***Abalone Fishery***

Five submissions commented on aspects of commercial abalone fishing, with two expressing concern that the ecological impact of abalone fishing cannot be assessed due to the lack of protection of significant areas of intertidal reef environment. The zoning scheme in the final management plan contains an adequate level of sanctuary zones to allow managers to determine the ecological impacts of extractive activities.

### ***Compensation***

Seven submissions commented on aspects of compensation for loss of fishing access, with one suggesting a total buy out of all commercial fishers. Other comments related to concern over the Department of Fisheries processes for determining compensation outcomes, with one suggesting the zoning of the marine park will negatively impact on commercial fishing activity. The *Fishing and Related Industries Compensation (Marine Reserves) Act 1997* provides a mechanism to apply for compensation when the commercial value of a commercial fishing authorisation is claimed to be reduced through creation of a marine nature reserve or zoning of a marine park. This is administered by the Department of Fisheries as a separate process.

### ***Aquaculture***

Two submissions suggested there be no aquaculture permitted in Eagle Bay and Bunker Bay due to its potential impact on nearby sanctuary zones, seascapes and low key coastal use. The plan has been amended to include discussion of commercial aquaculture in the marine park.

## **5.7 Recreational Fishing**

A total of twenty seven submissions (10%) made general comments about recreational fishing in the area.

The majority of general comments related to sustainability of recreational fishing, fishing regulations and impacts on the Busselton Underwater Observatory. These issues are outside of the scope of the plan.

### ***Invertebrate Fishing***

Eleven submissions specifically commented on aspects of invertebrate fishing with seven relating directly to rock lobster fishing, including comments on bag limits and periodic closure. The Department of Fisheries are responsible for fishing regulations, including current closures and bag limits, and these issues are outside of the scope of the plan.

Concerns were raised during the planning process regarding the safety and compatibility of rock lobster fishing in areas of high surfing activity. DoF undertook negotiations between commercial rock lobster fishers and surfers, which resulted in the gazettal of prohibitions on rock lobster pot fishing under s43 of the FRM Act in a number of surfing locations. Boundaries of the special purpose zones (surfing) are consistent with these existing areas.

### ***Spearfishing***

Six submissions commented on aspects of spearfishing, including comments on where and how spearfishing should be permitted and access for spearfishing. The zoning scheme allows for recreational spearfishing in the special purpose (surfing), recreation and general use zones.

## **6. KEY CHANGES TO THE FINAL MANAGEMENT PLAN**

Since the submission period in 2006, a number of changes were applied to the Ngari Capes Marine Park, as a result of both public submissions received and discussion at ministerial level. In addition, considerable effort has gone into clarifying and updating information that was presented in the IMP where appropriate. Spatial information used to define some of the management zones has also been improved. The major changes are detailed below.

### ***Name of the Marine Park***

The IMP, released for public comment in September 2006, described the proposed marine park as the Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park. Following consultation with the South West Aboriginal Land and Sea Council (SWALSC) and the South West Boojarah Working Party, the Noongar word *ngari*, meaning salmon, was recommended for inclusion in the name of the marine park. In addition the Marine Parks and Reserves Authority (MPRA) wanted to retain a well-established locality reference to the area, resulting in the name *Ngari Capes Marine Park* being recommended.

### ***Boundary of the Marine Park***

#### *Native Title*

State Solicitor's Office advice has revealed that Hardy Inlet is considered an 'onshore place' under the *Commonwealth Native Title Act 1993* (NT Act). This means that Hardy Inlet is subject to native title claim and its inclusion in the marine park would be an invalid future act under the NT Act. As such, Hardy Inlet cannot initially be included in the marine park until an Indigenous Land use Agreement (ILUA) is registered which provides consent from traditional owners. As a result, Hardy Inlet has been excluded from the marine park but it remains an area of interest for the future. Due to the exclusion of Hardy Inlet from the marine park, 'Estuarine Communities' has been removed as an ecological value

#### *Adjacent terrestrial tenure*

It is intended that the marine park extend to the high water mark (HWM) wherever possible to ensure inclusion of intertidal ecological communities. This will occur where the marine park is adjacent to terrestrial conservation estate vested in the Conservation Commission of Western Australia (e.g. Leeuwin-Naturaliste National Park), but may not occur for other areas of the coast where terrestrial reserves extend to the LWM (e.g. local government reserves). In addition, it will not be possible to extend the marine park boundary to the HWM of unallocated Crown land (UCL) islands as these islands and intertidal areas are considered 'onshore places' above the LWM and therefore, inclusion of the intertidal areas in the marine park will require consent of traditional owners and registration of an ILUA as a separate process to be investigated during the life of the management plan.

#### *Augusta Port area and boat launching facility*

The Augusta Port Area, which extends from the shores of Cape Leeuwin into Flinders Bay, was declared under the *Marine and Harbors Act 1981* in September 1989. Areas vested as ports cannot be included in marine parks and reserves and as a result the marine park boundary will be contiguous with the port boundary. To ensure the inclusion of marine areas of high conservation value while still allowing for future development, the Department of Environment and Conservation (DEC) and the then Department of Planning and Infrastructure (DPI) negotiated a reduction to the original port area. This has allowed the Shire of Augusta-Margaret River to continue to explore development of a small boating facility at Flat Rock. The negotiated port area is included in the final plan.

### *Marina Facility*

The MPRA recommended an appropriate zone of influence around Port Geographe be excluded from the marine park to eliminate potential liability that may arise if the management of sand bypass and discharge for the marina facility were to fall to Government. This has resulted in the Port Geographe marina being excluded from the marine park for a distance of approximately 800 metres from the outer walls of the marina.

### *Busselton Jetty*

Jetty structures are required to be licensed under the *Marine and Harbours Act 1981*. The Busselton Jetty is licensed to and managed by the Shire of Busselton. The jetty lies within Crown Reserve 46715 which is inclusive of the waters and seafloor under and around the jetty to a distance of approximately 20m from the jetty centreline. The jetty reserve is excluded from the marine park and this is now reflected in the revised IMP. The Busselton Jetty Sanctuary Zone lies at the seaward end of the Busselton Jetty. It extends from the gate (50 metres shoreward of the underwater observatory) to 25 metres beyond the edge of the jetty, and 50 metres either side but does not include the jetty reserve. An existing fishing closure notice under Section 43 of the *Fish Resources Management Act 1994* (FRM Act) is located at the seaward end of the jetty reserve and a strategy is now in the final plan for this closure to be extended to coincide with the sanctuary zone boundary, as well as to include the waters under and adjoining the jetty.

### *HMAS Swan Dive Wreck*

The HMAS Swan Dive Wreck, and an area around it, is leased to and managed by the Geographe Bay Artificial Reef Society Inc (GBARS) for a period of 21 years, expiring in October 2019. The lease, considered as tenure, resulted in the wreck area being unavailable for inclusion in the marine park. However, a pre-established section 43 fishing closure order under the *Fish Resources Management Act 1994* (FRM Act) over the lease area will ensure it is managed in a manner that complements the surrounding Eagle Bay Sanctuary Zone. The MPRA has included a strategy in section 8.2.3 'Marine Nature Based Tourism' of the revised IMP to '*Investigate the inclusion of the HMAS Swan Dive Wreck in the Eagle Bay Sanctuary Zone of the marine park, when and if appropriate*'.

### *Submarine Cabling*

A 30 metre wide easement for submarine cabling exists within Flinders Bay and cannot be included in the marine park.

## **Zoning Scheme**

### *Special Purpose Zones (Surfing)*

In 2004, under a separate process, DoF investigated the potential for swimmer and surfer entanglement in rock lobster pot ropes after a series of near misses and an actual entanglement incident. DoF consulted with surfers and commercial and recreational rock lobster pot fishers to resolve safety concerns. Negotiations concluded with the gazettal in 2004 and 2005 of prohibition orders under Section 43 of the FRM Act on fishing by rock lobster pot in a number of surfing locations in the marine park. To respect the outcomes of these negotiations, the special purpose zone (surfing) boundaries coincide with these prohibition orders. In their advice to the then Minister for the Environment, the MPRA recommended that recreational rock lobster pot fishing in the Margaret River Special Purpose Zone (Surfing) and the Cowaramup Recreation Zone should not be permitted. The rationale for this is to ensure equity between commercial and recreational fishers, and to fully address the safety issues related to the potential for swimmer and surfer entanglement in pot lines. The MPRA noted that this matter should be drawn to the attention of the Minister for Fisheries in the course of seeking concurrence. Pending those discussions, a strategy has been included in the revised IMP to *'Consult with relevant stakeholders to investigate the implementation of a prohibition on recreational rock lobster pot fishing in the Margaret River Special Purpose Zone (Surfing) and the Cowaramup Recreation Zone, if there are legitimate safety and equity concerns'*.

Since the planning process began, a developing octopus fishery was authorised to fish in the Capes area. Commercial and recreational octopus fishing using pots/traps will also be prohibited from special purpose zones (surfing) due to the same safety concerns as detailed for rock lobster fishing using pots.

### *Busselton Jetty Sanctuary Zone*

Two options were presented for the Busselton Jetty Sanctuary Zone in the IMP released for public comment. The larger option (Option 1) received a higher level of support (66 submissions supported this option) than the smaller area (Option 2 – 49 submissions supported the option). The government decided that Option 1 was more appropriate and Option 1 is included in the final plan as the sanctuary zone configuration.

### *Cape Naturaliste Sanctuary Zone*

Two options were presented for the Cape Naturaliste Sanctuary Zone in the IMP released for public comment. Option 1 received a higher level of support (72 submissions supported this option, 32 did not) and allowed for more efficient compliance enforcement. Subsequent ministerial discussions resulted in amendments to the boundary of this zone and this is presented in the revised plan.

### *Kilcarnup area*

During the planning process the importance of Kilcarnup ( north of Margaret River) for a range of community aspirations was highlighted. Following government consideration of the issues in this area, the Kilcarnup Sanctuary Zone was designated, which extends from approximately 100 metres offshore. The placement of this zone allows for continued recreational shore-based fishing in the area. The final design of this sanctuary zone, including the permitted use table, has been included in the management plan..

### *Extension of sanctuary zones*

As outlined in Section 5.4, a majority of submitters supported an increase in size and number of sanctuary zones. A small sanctuary zone has been established at Kilcarnup. The sanctuary zones at East Geographe Bay, Injidup and Cape Freycinet have been extended to the limit of coastal waters of the state.

### *Deadwater, Swan Lake & North Bay sanctuary zones*

Submissions were highly supportive of the proposed Deadwater, Swan Lake and North Bay sanctuary zones.. However, during the planning process more detailed land tenure information revealed that the waters of Swan Lake and Deadwater lie partly within a reserve vested to and managed by the Shire of Augusta-Margaret River, and partly within private landholdings. As such they were not available to be included in the marine park. Furthermore, due to complexities with native title, a government decision was made to exclude Hardy Inlet from the marine park, including the proposed sanctuary zones at Swan Lake, Deadwater and North Bay.

## ***Management of Activities***

### *Spearfishing*

Some concern was expressed during the public comment period regarding spearfishing in the marine park, particularly at family/high use areas. The permitted use table now includes a provision to prohibit spearfishing if there are legitimate safety concerns at family/high use areas. This provision has been discussed with Department of Fisheries (DoF), Recfishwest, Australian Underwater Federation (through Recfishwest), Dunsborough Angling and Fishing Club (through representative underwater fishers) and individual underwater fishers. From these discussions, there was no opposition to the inclusion of the provision and a strategy has been included in Section 8.2.6 'Recreational Fishing' to '*Consult with relevant stakeholders to investigate the implementation of management provisions for the exclusion of spearfishing from family/high use areas if there are legitimate safety concerns, and it becomes necessary to implement such provisions*'. This ensures that further consultation would be undertaken, should the use of the provision be considered.

### ***Key Performance Indicators***

The ecological value 'Water Quality' is now presented as a 'Key Performance Indicator' (KPI) due to the importance of maintaining a high level of water quality for the protection of marine life throughout the marine park.

### ***Development Proposals***

Section 8 of the IMP (Development proposals within the marine park) has been significantly revised. The discussion of issues and their associated strategies within this section of the IMP has been integrated into Section 7.5 of the revised IMP (Management Intervention and Visitor Infrastructure). This section now includes discussion and strategies for management of moorings, dredging, mechanical sand movement, navigation infrastructure, groyne construction, beach revetment, jetty structures and visitor risk.

### ***Other text modifications***

- Inclusion of information about the Developing Octopus Fishery to the text and permitted uses table.
- Amendments have been made to general text, objectives, management strategies and targets for the ecological and social values and other sections of the plan.
- Other minor changes were made to the text of the indicative management plan that will not significantly affect management of the marine park (i.e. formatting and minor text amendments).