

ITEM 10

NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - GARIE BEACH SHARK NET REMOVAL

Councillor Cath Blakey has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Write to the Hon. Dugald Saunders MP, NSW Minister for Agriculture requesting –
 - a The shark net at Garie Beach be removed immediately as the beach is not accessible to ocean users due to extensive damage to Garie Road.
 - b Shark nets be permanently removed from Wollongong’s Local Government Area (LGA) in 2023 and replaced with modern shark mitigation measures that effectively protect beach users without damaging marine wildlife, as laid out in attachment A.
- 2 Write to the Hon. James Griffin MP, NSW Minister for Environment and Heritage, requesting the Joint Management Agreement which governs the shark meshing program be terminated as it is not meeting it’s objectives to reduce the risk of a shark interaction and minimise the impact to threatened and non-target species, as laid out in attachment B.”

Background provided by Councillor Cath Blakey:

Requesting removal of shark net at Garie Beach immediately

Due to damage at Garie Road, the road has been closed since April 2022. This is the only road that can be used to access Garie Beach. The beach is now only accessible via an hour and a half grade 4 hike. Garie Beach is extremely inaccessible to ocean users.

Given the damage to Garie Road is extensive, it is expected that Garie Beach will not be accessible for the foreseeable future. Furthermore, Garie Beach Surf Life Saving Club is not patrolling the beach given this road closure.

There is a shark net installed at Garie Beach during this shark meshing season. As ocean users cannot access Garie Beach, there is no justification for keeping the shark net installed at this location. As such, it is prudent that Council sends a letter to the Minister for Agriculture requesting that the Garie Beach shark net be removed immediately. See Attachment A.



Image: Landslip damage on Garie Road in the Royal National Park

Shark management in Wollongong

Shark management in Wollongong includes effective scientifically supported shark mitigation measures, such as two drones operated by Surf Life Saving NSW, two shark listening stations and beach patrol at populated beaches.¹

However, shark management in Wollongong has one key deficiency – the continued use of shark nets. Shark nets are designed to entangle “target species” of shark (bull, white and tiger) over 2 metres in length.² Scientific evidence shows that shark nets are ineffective at reducing shark interactions or protecting ocean users and indiscriminately harm marine wildlife.³

Shark nets remain at six beaches in the Wollongong local government area (LGA) - Garie, Coledale, Austinmer, Thirroul, North Wollongong and City Beach (South Wollongong). Between the 2000/01 and 2021/22 shark meshing seasons, shark nets in Wollongong caught 984 marine wildlife. Only 63 (6%) of the marine wildlife caught were the bull, tiger and white sharks being targeted, with just 18 (1.8%) of these sharks over 2m in length, as meant to be targeted by the program.

Reiterating submission to remove shark nets from Wollongong

In 2021, Council made a submission to the NSW Government’s review of the Shark Management Strategy. Council supported the phasing out of shark nets in favour of replacing them with a combination of alternative modern shark mitigation measures.⁴

On average, members of the Wollongong LGA who made a submission to the same review shared that they do not prefer shark nets as a form of shark management.⁵

In 2022 - at Wollongong City Council’s request - NSW Local Governments unanimously passed a motion calling on the NSW State Government to phase out the use of shark nets and replace them with a combination of alternative shark mitigation strategies that more effectively protect the beach without damaging marine wildlife.⁶

Despite continued calls for the NSW Government to phase out shark nets, they remain in Wollongong LGA’s waters.

It is timely to send a letter to the Minister for Agriculture requesting that shark nets be permanently removed from our LGA in 2023 and replaced with additional modern shark mitigation measures that protect ocean users without harming marine life. See Attachment A.

¹ NSW Government, Department of Primary Industries, Shark Smart, *Current Program*, <https://www.sharksmart.nsw.gov.au/current-program>.

² NSW Government, Department of Primary Industries, Shark Smart, *Shark Nets Key results from 1 September 2009 - 30 April 2019*, https://www.sharksmart.nsw.gov.au/data/assets/pdf_file/0018/1237014/sms-factsheet-nets.pdf.

³ Gibbs et al, *Effects and effectiveness of lethal shark hazard management: The Shark Meshing (Bather Protection) Program*, NSW, Australia, People and Nature Journal, <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10063>.

⁴ NSW Government, Department of Primary Industries and University of Wollongong Australia (June 2021), *Preferred Shark Mitigation Measures of NSW coastal councils and their communities*, pp 69 - 70, https://www.sharksmart.nsw.gov.au/data/assets/pdf_file/0015/1327200/preferred-shark-mitigation-measures-of-NSW-Coastal-Councils-and-Communities-2021.pdf.

⁵ Ibid.

⁶ LGNSW Special Conference 2022 (2022), *Record of Decisions, Request to phase out shark nets* https://lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/Special_Conference/LGNSW_2022_Special_Conference-Records_of_Decisions.pdf.

Recommending the shark meshing program governing agreement be terminated

Shark nets in NSW are governed by a Joint Management Agreement between the Minister for Agriculture and the Chief Executive of the Office of Environment and Heritage - which is part of the Department of Planning and Environment (now titled Coordinator General of the Environment and Heritage Group which is part of this Department).⁷

Clause 6 of the Joint Management Agreement outlines the Agreement's objectives. The objectives are to minimise the impact of the NSW Government's shark meshing program on threatened species and not jeopardise the survival or conservation status of protected species. Clause 10 of the corresponding Management Plan states that the aim of the shark meshing program is to reduce the chances of shark interactions within the area of operation of the program whilst minimising impacts on non-target species.⁸

In their response to the 2021/2022 Annual Performance Report, the NSW Threatened Species Scientific Committee (TSSC) said it was "extremely concerned that the current management actions are not meeting either of the objectives [of the Joint Management Agreement or the Management Plan]".⁹

The TSSC stated that, "the consistent annual record of non-target species being caught in nets is of significant concern to the NSW TSSC," and that, "A large non-target catch has continued for many years with little effective actions to reduce the quantities."

Further, the TSSC said that the data "suggests that the impacts of current management practices could be dramatically reduced with a change in the management strategy and the NSW TSSC would support the use of drones, planes and drumline technology and the cessation or significant reduction in reliance on beach netting in the future. We also strongly support the trialling of emerging technologies such as VR4G stations with the aim to incorporate this into future programs if effective."

The Minister for Environment and Heritage has not yet provided a public response to the TSSC's report. However, the Department of Planning and Environment has confirmed that it is considering the TSSC's report and that a review of the Joint Management Agreement is being considered.

In this context, Council can seek to remove shark nets from Wollongong by appealing to the Minister for Environment and Heritage to terminate the Joint Management Agreement on the grounds that it is not meeting its stated objectives. This power is available to the Minister. Under clause 11.3 of the Joint Management Agreement, the "Agreement may be terminated by OEH giving 14 days written notice to DPI if the Agreement is not achieving the objectives in clause 6."

⁷ Joint Management Agreement between the Minister for Primary Industries and the Chief Executive of the Office of Environment and Heritage for the NSW Shark Meshing (Bather Protection) Program, July 2017,

https://www.sharksmart.nsw.gov.au/_data/assets/pdf_file/0007/855961/joint-management-agreement-smp-bather-protection-program.pdf.

⁸ Management Plan for the NSW Shark Meshing (Bather Protection) Program, July 2017,

https://www.sharksmart.nsw.gov.au/_data/assets/pdf_file/0008/855962/management-plan-shark-meshing-program.pdf.

⁹ NSW Threatened Species Scientific Committee Response to the Shark Meshing (Bather Protection) Program 2021/2022 Annual Performance Report,

https://www.sharksmart.nsw.gov.au/_data/assets/pdf_file/0003/1433469/9caae8f8c5bb0187413ec01b54fc9c09c8822ddb.pdf.

Attachment A - Letter to Minister for Agriculture

Minister Dugald Saunders MP

Minister for Agriculture, and Minister for Western New South Wales

52 Martin Place

SYDNEY NSW 2000

Dear Minister

Modernising NSW's Shark Management Program: Removing Shark Nets from Wollongong

Shark management in Wollongong includes effective scientifically supported shark mitigation measures, such as SLS drones operated by Surf Life Saving NSW, shark listening stations and beach patrol at populated beaches.

However, shark management in Wollongong requires one final step to run an entirely evidence-based shark mitigation program - the removal of shark nets. Shark nets remain at six beaches - Garie, Coledale, Austinmer, Thirroul, North Wollongong and City Beach (South Wollongong). Scientific evidence shows that shark nets are ineffective at reducing shark interactions or protecting ocean users.

Furthermore, shark nets indiscriminately harm marine wildlife. Between the 2000/01 and 2021/22 shark meshing seasons, shark nets in Wollongong caught 984 marine wildlife. Only 63 (6%) of the marine wildlife caught were the bull, tiger and white sharks (target species), with just 18 (1.8%) of these sharks over 2m in length, as meant to be targeted by the program.

Request to remove shark nets in Wollongong in 2023

In 2021, Wollongong City Council (Council) made a submission to the NSW Government's review of the Shark Management Strategy. Council supported the phasing out of shark nets and replacing them with a combination of alternative modern shark mitigation measures. Members of the Wollongong community align with this position, as outlined in the Department of Primary Industries' (DPI) report titled 'Preferred Shark Mitigation Measures of NSW coastal councils and their communities' and released in June 2021.

In 2022, NSW Local Governments unanimously called on the NSW State Government to phase out the use of shark nets and replace them with a combination of alternative shark mitigation strategies that more effectively protect the beach without damaging marine wildlife.

Despite continued calls for the NSW Government to phase out shark nets, they remain in Wollongong's waters.

Council is seeking confirmation from the Minister that shark nets will be permanently removed from Wollongong's Local Government Area (LGA) in 2023.

Removing shark net at Garie Beach immediately

Due to damage at Garie Road in the Royal National Park, the road has been closed since April 2022. This is the only road that can be used to access Garie Beach. The beach is now only accessible via an hour and a half hour grade 4 hike. Garie Beach is extremely inaccessible to ocean users.

Given the damage to Garie Road is extensive, it is expected that Garie Beach will not be accessible for the foreseeable future. Furthermore, Garie Beach Surf Life Saving Club is not patrolling the beach given this road closure.

There is a shark net installed at Garie Beach during this shark meshing season. The purpose of NSW's Shark Management Program is to protect ocean users from shark interactions while minimising harm to marine wildlife, particularly threatened species.

As ocean users cannot access Garie Beach, there is no justification for keeping the shark net installed at this location. As such, Council asks the Minister to remove the shark net at Garie Beach immediately.

In conclusion, Council is requesting that the Minister exercise his powers to permanently remove shark nets in Wollongong in favour of modern shark mitigation measures that protect ocean users without harming marine life. The Council is requesting that this be done immediately at Garie Beach, and by the end of the 2022/2023 meshing season for all other Wollongong beaches.

Attachment B - Letter to Minister for Environment and Heritage

Minister James Griffin MP

Minister for Environment and Heritage

52 Martin Place

SYDNEY NSW 2000

Dear Minister

Modernising NSW's Shark Management Program: Removing Shark Nets

Shark management in Wollongong includes effective scientifically supported shark mitigation measures, such as drones operated by Surf Life Saving NSW, shark listening stations and beach patrol at populated beaches.

However, shark management in Wollongong requires one final step to run an entirely evidence-based shark mitigation program - the removal of shark nets. Shark nets remain at six beaches - Garie, Coledale, Austinmer, Thirroul, North Wollongong and City Beach (South Wollongong).

Your portfolio is a party to the Joint Management Agreement for the Shark Meshing Program (Joint Management Agreement).

Clause 6 of the Joint Management Agreement outlines the Agreement's objectives - namely to minimise the impact of the NSW Government's shark meshing program on threatened species and not jeopardise the survival or conservation status of protected species. Clause 10 of the corresponding Management Plan states that the aim of the shark meshing program is to reduce the chances of shark interactions within the area of operation of the program whilst minimising impacts on non-target species.

In their response to the 2021/2022 Annual Performance Report, the NSW Threatened Species Scientific Committee (TSSC) said it was "extremely concerned that the current management actions are not meeting either of the objectives [of the Joint Management Agreement or the Management Plan]".

The TSSC stated that, "the consistent annual record of non-target species being caught in nets is of significant concern to the NSW TSSC," and that, "A large non-target catch has continued for many years with little effective actions to reduce the quantities." Furthermore, shark nets indiscriminately harm marine wildlife.

The data from the six shark nets in Wollongong correlate with the TSSC's views. Between the 2000/01 and 2021/22 shark meshing seasons, shark nets in Wollongong caught 984 marine wildlife. Only 63 (6%) of the marine wildlife caught were the bull, tiger and white sharks being targeted with just 18 (1.8%) of these sharks over 2m in length.

Furthermore, the TSSC said that the data "suggests that the impacts of current management practices could be dramatically reduced with a change in the management strategy and the NSW TSSC would support the use of drones, planes and drumline technology and the cessation or significant reduction in reliance on beach netting in the future. We also strongly support the trialling of emerging technologies such as VR4G stations with the aim to incorporate this into future programs if effective."

The TSSC's comments are supported by scientific research. For example, research from 2019 states that the claim that shark nets are the key factor for reducing shark interactions in NSW 'conflates correlation with causation, oversimplifying or overlooking key social factors. Scientific analysis finds that the key contributing factors for reduced shark interactions include the change in human behaviour with swimming in the ocean (swimming during the day instead of at night), the expansion of beach patrol programs at the same time nets were introduced, investment in public services and advances in medicine and medical response to incidents. (Gibbs et al, *Effects and effectiveness of lethal shark hazard management: The Shark Meshing (Bather Protection) Program, NSW, Australia*, People and Nature Journal).

In this context, Council is appealing to the Minister to exercise his termination rights under clause 11.3 of the Joint Management Agreement on the grounds that the Agreement is not meeting its stated objectives.

In conclusion, the Council is requesting that the Minister exercise his powers to permanently remove shark nets by terminating the Joint Management Agreement given there are modern shark mitigation measures being used that protect ocean users without harming marine life.