



Australian Marine Parks

Temperate East
Marine Parks Network
Management Plan

2018



Australian Government
Director of National Parks



Australian
Marine Parks

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Australasian gannets (Alan Danks)

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CHAPTER 1

INTRODUCTION



Black cod (David Harasti)

Part 1. MANAGING AUSTRALIAN MARINE PARKS



Masked booby, Lord Howe Island (Ian Hutton)

1.1 INTRODUCTORY PROVISIONS

Name

This management plan (plan) is the *Temperate East Marine Parks Network Management Plan 2018*.

Commencement

This plan commences on 1 July 2018.

Interpretation

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Authority

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the Temperate East Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km². This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.

1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the Temperate East Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the Temperate East Network, where this is consistent with objective (a).

1.4 MANAGEMENT PLAN OVERVIEW

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the Temperate East Marine Parks Network (Temperate East Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publicly released 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the Marine bioregional plan for the Temperate East Marine Region (2012);
- the East marine bioregional plan: bioregional profile (2009); and
- Government policies and commitment to competitive and sustainable fisheries.

1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the EPBC Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks, marine bioregional plans for the Commonwealth marine environment, recovery plans for threatened species, and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

Australia also has international responsibility under the World Heritage Convention and Ramsar Convention on Wetlands of International Importance, to manage the Lord Howe Island Group World Heritage Property, and the Elizabeth and Middleton Reefs Ramsar site.

Table 1.1 Structure of this plan

Chapter 1 Introduction	
Part 1 Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
Part 2 The Temperate East Marine Parks Network	Provides a summary of the Temperate East Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.

Chapter 2 Management and prescriptions (the rules)	
Part 3 Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
Part 4 Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).
Glossary	Lists terms and words used in this plan.

Schedules Supporting information	
Schedule 1 Summary of legislation and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
Schedule 2 Temperate East Network overview and values	Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
Schedule 3 Environmental features used in design of the Temperate East Network	Describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
Schedule 4 Temperate East Network marine parks and zone boundary descriptions	Lists the coordinates of each marine park and zone.
Schedule 5 Supporting information	Lists references used in preparing this plan.

1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure that people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

Partnerships with government agencies

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the New South Wales fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the Temperate East Network, while ensuring a consistent approach to managing marine parks around Australia.

Network advisory committee

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the Temperate East Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of marine park users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

Partnerships with traditional owners and Indigenous people

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes by building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks

Principle 1:

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

Principle 2:

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

Principle 3:

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a ‘stakeholder’ group.

Principle 4:

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

Principle 5:

Maximise opportunities for the development of Indigenous livelihoods, consistent with national ‘closing the gap’ commitments.

Principle 6:

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

Principle 7:

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia’s sea country environments and resources.

Principle 8:

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people’s interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.

1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species, while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the Temperate East Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the Temperate East Network are summarised in Table 1.3.

Table 1.3 Summary of zones in the Temperate East Network

<p>Special Purpose Zone (IUCN category VI)—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p>Multiple Use Zone (IUCN category VI)—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p>Habitat Protection Zone (IUCN category IV)—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p>Recreational Use Zone (IUCN category IV)—managed to allow recreational use while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.</p>
<p>National Park Zone (IUCN category II)—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>

1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the Temperate East Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing the management plan over the first eight years, and inform the development of the next management plan for the Temperate East Network.

1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;
- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;

- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the Temperate East Network at the conclusion of this plan.

Part 2. THE TEMPERATE EAST MARINE PARKS NETWORK



Australasian gannets (Alan Danks)

2.1 THE TEMPERATE EAST MARINE REGION

The Temperate East Marine Region (region) extends from the southern boundary of the Great Barrier Reef Marine Park to Bermagui in southern New South Wales, as well as the waters surrounding Lord Howe and Norfolk islands. The region covers approximately 1.47 million km² of temperate and subtropical waters and abuts the coastal waters of southern Queensland and New South Wales (Figure 2.1).

Traditional owners have managed and used sea country within the region for tens of thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of near shore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands, cays and deep-water environments. Although many of the marine parks are remote and far offshore, opportunities exist for recreational use, particularly around Solitary Islands, Norfolk and Lord Howe Marine Parks.

There are significant industries in the region, including commercial fishing and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by continental shelf, slope, and abyssal plain/deep ocean floor, with significant variation in seafloor features including tropical and cold-water reef systems, seamounts and canyons. Linking these habitats are strong ocean currents that greatly influence and structure the region's productivity and biological diversity. The East Australian Current is the dominant oceanographic influence, bringing warm waters from the Coral Sea down the outer edge of the continental shelf, extending the range of tropical species into subtropical and temperate waters. For this reason, the region supports high levels of species richness and diversity, particularly among corals, crustaceans, echinoderms, molluscs, sea sponges and fish. This is particularly true in places like Lord Howe Island and Elizabeth and Middleton Reefs, where both warm and cold-water species flourish alongside each other.

The region has high species diversity, globally significant populations of internationally threatened species and a small number of species found nowhere else. It supports biologically important areas for species, including sharks, whales and seabirds. For example the east coast population of grey nurse shark (*Carcharias taurus*) and migratory white shark (*Carcharodon carcharias*) aggregate off the coast of New South Wales, while migratory humpback whale (*Megaptera novaeangliae*) migrate through the region to and from breeding grounds in Queensland. The region also includes important offshore reef habitat at Elizabeth and Middleton Reefs, Lord Howe Island and Norfolk Island. These sites support the vulnerable black cod, are the southernmost extent of many reef-building coral species, and are important breeding, foraging and feeding areas for several species of seabird. Other species known to occur in the region include species of marine turtle and bony fish.

Further information about the region can be found in the *Marine bioregional plan for the Temperate East Marine Region* (2012), and the *East marine bioregional plan: bioregional profile* (2009) (available on the Department's website), and the marine park values in Section 2.3 and Schedule 2 of this plan.

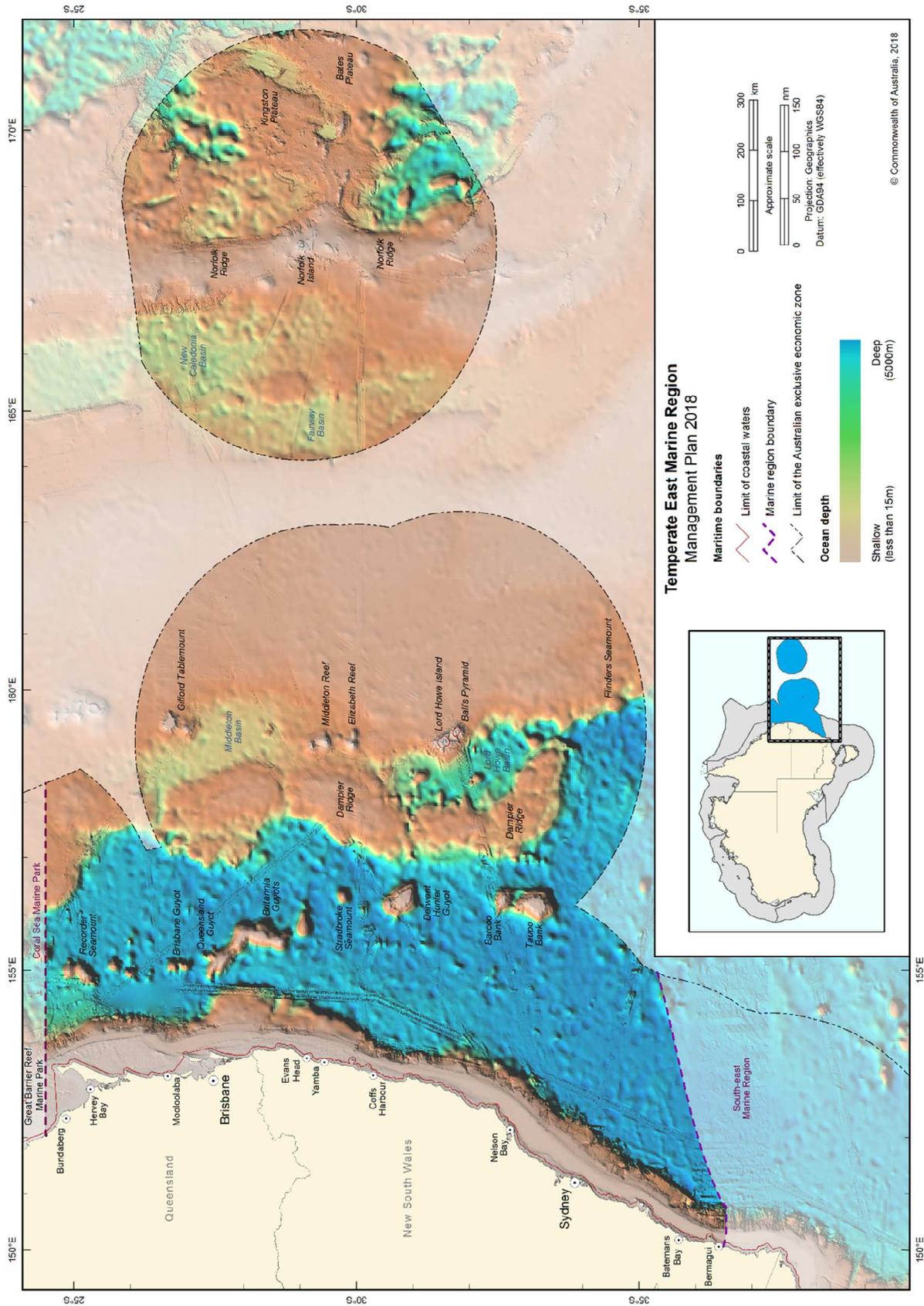


Figure 2.1 Temperate East Marine Region

2.2 THE TEMPERATE EAST MARINE PARKS NETWORK

The Temperate East Network (Figure 2.2) covers 383,339 km² and includes eight marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The Temperate East Network comprises the following marine parks:

- Gifford Marine Park
- Norfolk Marine Park
- Lord Howe Marine Park
- Central Eastern Marine Park
- Solitary Islands Marine Park
- Cod Grounds Marine Park
- Hunter Marine Park
- Jervis Marine Park

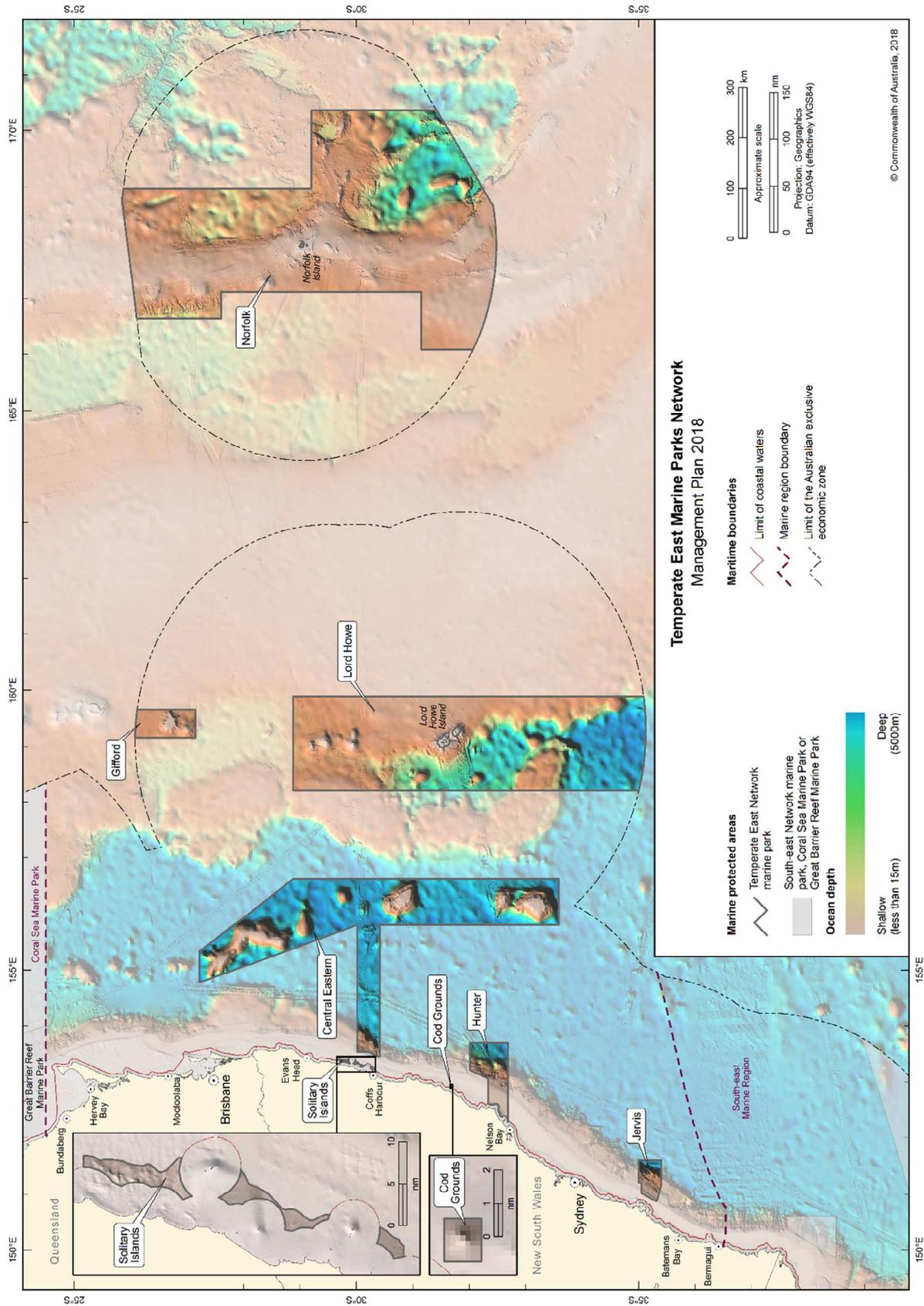


Figure 2.2 Temperate East Marine Parks Network

2.3 VALUES OF THE TEMPERATE EAST NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

A summary of the values of the Temperate East Network is provided in Table 2.1. The values of individual marine parks are set out in Schedule 2. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what activities can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure that activities are undertaken in a manner that minimises negative impacts.

For some marine parks, such as the Lord Howe Marine Park, there is a relatively strong understanding of park values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the Temperate East Marine Region* (2012); and
- *East marine bioregional plan: bioregional profile* (2009).

Table 2.1 Summary of values in the Temperate East Network

Statement of significance
<p>The Temperate East Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
Natural values
<p>Bioregions—the Temperate East Marine Region is divided into areas of ocean with broadly similar characteristics based on the distribution of marine species and seafloor features. The Network represents examples of the region's marine environments including ecosystems, species and habitats. There are seven bioregions represented in the Temperate East Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none">• Lord Howe seamount chain;• Tasmantid seamount chain;• Norfolk Ridge;• Shelf rocky reefs;• Tasman Front and eddy field; and• Canyons on the eastern continental slope. <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the Temperate East Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan– Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic Of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The Temperate East Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage or rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the Temperate East Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p> <p>The coral reefs of Emily Bay and Slaughter Bay in the Norfolk Marine Park are the eastern-most coral reefs in Australian waters, and contain a unique reef fish assemblage of endemic, sub-tropical and temperate species.</p> <p><i>Elizabeth and Middleton Reefs Ramsar site</i></p> <p>The Elizabeth and Middleton Reefs Ramsar site is located within the Lord Howe Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act. The reefs form the southernmost open-ocean reef platform in the world and support internationally significant populations of seabirds and shorebirds.</p>

Cultural values

Aboriginal people of eastern Australia have been sustainably using and managing their sea country for thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.

Aboriginal people continue to assert inherited rights and responsibilities over sea country within the Temperate East Network. It is recognised that spiritual corridors extend from terrestrial areas into nearshore and offshore waters, that a number of marine animals are totems for Indigenous people, and that songlines pass through marine parks.

Heritage values

Protected places (world, national and Commonwealth heritage, historic shipwrecks)

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. The Temperate East Network includes many historic shipwrecks that can be found in the Australian national shipwrecks database, such as the *HMS Sirius*, a flagship of the First Fleet, which was wrecked on the coral reef off Slaughter Bay, Norfolk Island in 1790.

The Temperate East Network includes the following internationally listed place:

Lord Howe Island Group World Heritage Property

The Lord Howe Island Group World Heritage Property is in and adjacent to the Lord Howe Marine Park. The property was inscribed on the World Heritage List by the World Heritage Committee in 1982 on the basis of its outstanding universal value. It supports a number of endemic species or subspecies of plants and animals.

Social and economic values

The Temperate East Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities (Figure 2.3).

Commercial fishing, shipping and port-related activities, and tourism are industries of national economic significance.

Marine tourism activities, including charter fishing, snorkelling, diving and wildlife watching are also important commercial activities that offer unique visitor experiences to reefs, islands and lagoons particularly around Lord Howe and Norfolk Marine Parks. The Network also supports a range of recreational activities including fishing.

The island communities of Norfolk Island and Lord Howe Island have a particularly strong affinity and historic connection to the ocean surrounding them as a source of food and for a range of social and economic benefits. The Norfolk Marine Park includes waters up to the high water mark, which incorporate a wide range of near-shore values and uses by the Norfolk community and visitors

2.4 PRESSURES IN THE TEMPERATE EAST NETWORK

Pressures are human-driven processes, events and activities that, if left unchecked, may impact on marine park values. Contemporary drivers of environmental change in the marine environment include population growth and economic activity, and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.3 shows the types of uses occurring across the Temperate East Network. These present key challenges for biodiversity conservation and sustainable management of our marine resources, including in Australian Marine Parks.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the Temperate East Network may change over time, examples of pressures in the Network are outlined in Table 2.2. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the Temperate East Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

Table 2.2 Summary of pressures in the Temperate East Network

Climate change
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Habitats vulnerable to the effects of climate change include Elizabeth and Middleton Reefs and other reef and fish communities.
Changes in hydrology
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitat vulnerable to changes in hydrology include reefs and fish communities surrounding islands in the Temperate East Network.
Extraction of living resources
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may

therefore impact on marine park values. Examples of habitats, key ecological features and species vulnerable to such impacts include reef and shoal habitats, the Tasmanid and Lord Howe seamount chains, and species of shark, dolphin and fish.

Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance, or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include reef, shoal and pinnacle habitats, and species of seabirds, fish, dolphin and shark.

Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of habitats and species vulnerable to human disturbance include reef habitats, and species of dolphin and seabird.

Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Islands, reefs and other shallow-water ecosystems and native species are vulnerable to invasive species, from direct impacts such as predation or damage to important habitat e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitats and species vulnerable to the impacts of invasive species include reef and island habitats and nesting seabirds.

Marine pollution

Marine and land-based activities have potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitat, key ecological features and species vulnerable to marine pollution include island, reef, and other shallow-water habitats, Elizabeth and Middleton Reefs, and species of dolphin, whale and seabird.

Further information on pressures in the region is provided in the *Marine bioregional plan for the Temperate East Marine Region* (2012).

2.5 MANAGEMENT PROGRAMS AND ACTIONS IN THE TEMPERATE EAST NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the Temperate East Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the Temperate East Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders through a network advisory committee and in implementation plans.

Table 2.3 Management programs, outcomes and actions in the Temperate East Network

Communication, education and awareness program Actions to improve awareness, understanding and support for marine parks and park management.
<p>Outcome</p> <ul style="list-style-type: none"> Increased awareness, understanding and support for marine parks. <p>Actions—the Director will</p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing, develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities, maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection, establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks. <p><i>in the Temperate East Network:</i></p> <ul style="list-style-type: none"> develop information for visitors on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements, provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited, establish a Temperate East Network advisory committee/s or other engagement mechanisms to support and collaborate with the Director in management, and

Communication, education and awareness program

Actions to improve awareness, understanding and support for marine parks and park management.

- engage closely with Norfolk Marine Park and Lord Howe Marine Park users and communities about marine parks and opportunities.

Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.

Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

Actions—the Director will

under a national program:

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of a sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia and state and regional tourism authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- monitor visitor trends and levels of satisfaction with marine park experiences and products,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

in the Temperate East Network:

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example nature watching, diving or snorkelling at the Norfolk, Solitary Islands, Cod Grounds and Lord Howe Marine Parks, and
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, Lord Howe Island Board, and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in marine parks.

Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

Actions—the Director will

under a national program:

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

in the Temperate East Network:

- collaborate with traditional owners and relevant partners such as the New South Wales Aboriginal Land Council on implementing the Indigenous engagement program, including supporting Indigenous groups to participate in marine park management,
- implement cultural awareness training for Parks Australia staff in association with traditional owners,
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners,
- identify opportunities and mechanisms to engage traditional owners including through coastal Local Aboriginal Land Councils, established under the Aboriginal Land Rights Act 1983 in the management of marine parks, and
- increase understanding of traditional knowledge and cultural values.

Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.

Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

Actions—the Director will

under a national program:

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through the appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

in the Temperate East Network:

- monitor the social and economic uses and their benefits and impacts on marine parks in the Network,
- monitor the condition of important habitats and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management,
- collaborate with other Commonwealth and state government agencies, the Norfolk Island Regional Council, Lord Howe Island Board, marine park users, and the science sector to support long-term monitoring. For example, monitoring of coral reefs, protected species and effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

Actions—the Director will

under a national program:

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

in the Temperate East Network:

- issue authorisations—permit, class approval, activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and the Lord Howe Island Board, to improve experiences and consistency of approaches for people seeking authorisations.

Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

Actions—the Director will

under a national program:

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies, to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

in the Temperate East Network:

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include working in partnership with relevant agencies to foster high standards of biosecurity, particularly in sensitive marine ecosystems and World Heritage-listed areas of the Lord Howe Marine Park
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

Actions—the Director will

under a national program:

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

in the Temperate East Network:

- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, particularly where marine parks adjoin state marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, in surveillance, including water and aerial patrols.

CHAPTER 2

MANAGEMENT AND PRESCRIPTIONS



Humpback whale (Dave Paton)

Part 3. ZONING



Sailing to Middleton Reef (Nicola Udy)

3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park to. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the Temperate East Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the Temperate East Network, Schedule 4 describes the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the Temperate East Network marine parks and zones is provided in Table S2.1.

Prescriptions

- 3.1.1. Each marine park in the Temperate East Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2. Gifford Marine Park and Cod Grounds Marine Park are given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3. Norfolk, Lord Howe, Central Eastern, Solitary Islands, Hunter and Jervis Marine Parks are each divided into the zones shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name, specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4. The objective of a Special Purpose Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.
Note: there are two types of Special Purpose Zone (VI) in the Temperate East Network used to allow or prohibit certain activities.
- 3.1.5. The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6. The objective of a Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while allowing activities that do not harm or cause destruction to seafloor habitats.
Note: there are two types of Habitat Protection Zone (IV) in the Temperate East Network used to allow or prohibit certain commercial and recreational fishing activities.
- 3.1.7. The objective of the Recreational Use Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while providing for recreational use.
- 3.1.8. The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.

Table 3.1: Temperate East Network zoning and marine park management categories

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category						
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Lord Howe) (IV)	Recreational Use Zone (IV)	National Park Zone (II)
Gifford	IV				✓			
Norfolk	IV		✓		✓			✓
Lord Howe	IV			✓	✓	✓	✓	✓
Central Eastern	IV			✓	✓			✓
Solitary Islands	VI	✓		✓				✓
Cod Grounds	II							✓
Hunter	IV	✓			✓			
Jervis	IV	✓			✓			

✓ Zone is assigned to the marine park named in column 1. Sections 3.1.2 and 3.1.3 of this plan explain the assignment of zones.

Note: There are two types of Special Purpose Zone (VI): Special Purpose Zone (Trawl) (VI) and Special Purpose Zone (Norfolk) (VI), and two types of Habitat Protection Zone (IV): Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV). The variation in management approach for these zones is prescribed in Part 4.

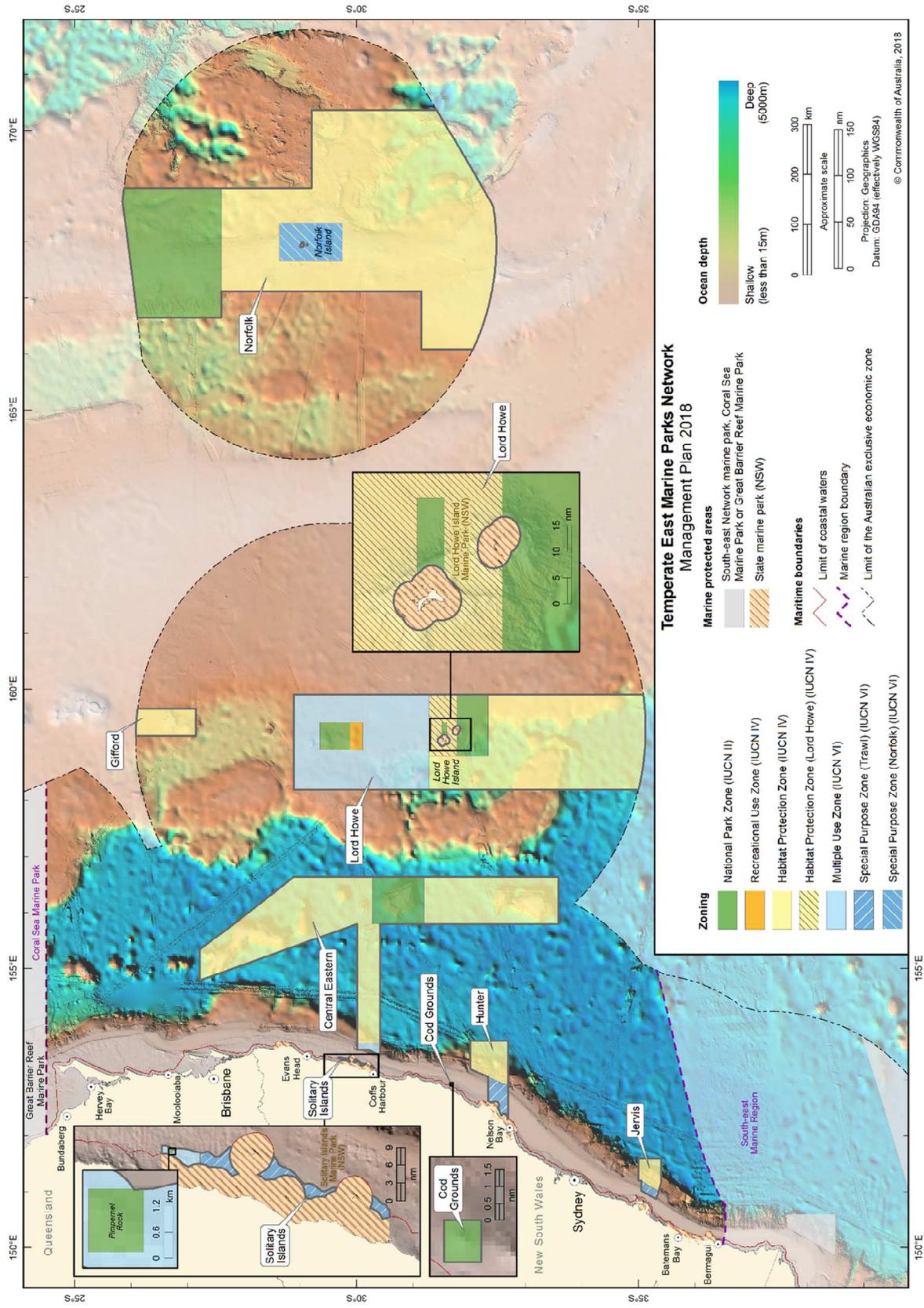


Figure 3.1 Temperate East Marine Parks Network showing zones

Part 4. MANAGING ACTIVITIES



Divers and black cod (Department of the Environment and Energy)

4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the Temperate East Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the Temperate East Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the Temperate East Network. Sections 4.2.2 to 4.2.12 prescribe the rules applying to particular uses. Section 4.2.12 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to marine parks of the Temperate East Network. The zones are shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4.

Table 4.1 Summary of rules for activities in the Temperate East Network (provided in Part 4)

Activity	Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Lord Howe) (IV)	Recreational Use Zone (IV)	National Park Zone (II)
GENERAL USE, ACCESS, AND WASTE MANAGEMENT (Section 4.2.1)	✓	✓	✓	✓	✓	✓	✓
COMMERCIAL SHIPPING (Section 4.2.2)	✓	✓	✓	✓ ^B	✓ ^B	✓ ^B	✓ ^B
COMMERCIAL FISHING (Section 4.2.3)	A	A	A	A	A	x	x ^B
AQUACULTURE (Section 4.2.4)	A	A	A	A	x	x	x ^B
COMMERCIAL MEDIA (Section 4.2.5)	A	A	A	A	A	A	A
COMMERCIAL TOURISM (Section 4.2.6)	A	A	A	A	A ^E	A ^E	A
RECREATIONAL FISHING (Section 4.2.7)	✓	✓	✓	✓	✓ ^E	✓ ^E	x
MINING (Section 4.2.8)	A	x	A	x	x	x	x
STRUCTURES AND WORKS (Section 4.2.9)	A	A	A	A	A	A	A
RESEARCH AND MONITORING (Section 4.2.10)	A	A	A	A	A	A	A
NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.11)	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

E Spearfishing is not allowed. Charter fishing is not allowed in the Recreational Use Zone (IV).

4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the Temperate East Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations or research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

Table 4.2 Summary of prescriptions for general use, access, and waste management in the Temperate East Network

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓	✓	✓	✓
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓	✓	✓	✓
Camping	A	A	A	A	A	A	A

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓	✓	✓
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

Note: Disposal of waste from normal operations of vessels must comply with MARPOL requirements.

Prescriptions

4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:

- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
- b) to ensure human safety or visitor amenity; or
- c) where it is otherwise necessary to give effect to this plan;

and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.12.

4.2.1.2 Waste from normal operations may be disposed of from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.

4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.9 (Structures and works) will be managed in accordance with that Section.

4.2.1.4 Ballast water may be discharged or exchanged subject to compliance with:

- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
- b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

4.2.1.5 A person may camp in areas above the high water mark in accordance with a permit.

Note: Camping above high water mark on Norfolk Island does not require a permit under this plan.

Note: Camping in connection with commercial tourism activities must be authorised under Section 4.2.6 (Commercial tourism)

- 4.2.1.6 Overnight stays on vessels do not require a permit to camp.
- 4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.

Note: Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.5, Section 4.2.6 or Section 4.2.10 respectively.

4.2.2 Commercial shipping (other than commercial fishing and aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the Temperate East Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia's rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing and aquaculture activities are dealt with in Sections 4.2.3 and 4.2.4.

Table 4.3 Summary of prescriptions for commercial shipping activities in the Temperate East Network

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Anchoring	✓	✓	✓	x ^B	x ^B	x ^B	x ^B
Vessel transiting	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

Note: Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

Prescriptions

- 4.2.2.1 Commercial ships may transit through the Temperate East Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.5 to 4.2.12 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI); and
- d) Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV), and National Park Zone (II)—in anchoring areas determined under r.12.56 of the EPBC Regulations.

Note: This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Note: This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.5 to 4.2.12 and r.12.56 of the EPBC Regulations.

4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the Temperate East Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the Temperate East Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Queensland or New South Wales fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

Table 4.4 Summary of prescriptions for commercial fishing activities in the Temperate East Network

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Danish seine	A	x	x	x	x	x	x
Dropline	A	A	A	A	A	x	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	A	x	x	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	A	x	x	x

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Longline (demersal, auto-longline)	x	x	x ^C	x	x	x	x
Longline (pelagic)	A	A	A	A	x	x	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	A	A	x	x
Net (demersal)	x	x	x	x	x	x	x
Net (pelagic)	x	x	x	x	x	x	x
Purse seine	A	A	A	A	x	x	x
Trap, pot	A	A	A	x	x	x	x
Trawl (demersal)	A	x	x	x	x	x	x
Trawl (midwater)	A	A	A	A	x	x	x
Trotline	x	x	x ^C	x	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director.

C Longline (demersal, auto-longline) and trotline is allowable in the Multiple Use Zone (VI) of the Solitary Islands Marine Park.

Note: Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

Note: The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.7.

Note: Transit is allowed as part of activities authorised under this Section.

Note: Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Prescriptions

- 4.2.3.1 Commercial fishing activities may be conducted in the Temperate East Network in accordance with and subject to:
- a class approval issued under Section 4.4.2 (Class approvals); or
 - an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
 - the following prescriptions in this Section;
 - the prescriptions in Section 4.2.1 (General use, access, and waste management); and
 - any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.3.2 Commercial fishing activities may be conducted in a:
- Special Purpose Zone (Trawl) (VI);
 - Special Purpose Zone (Norfolk) (VI);
 - Multiple Use Zone (VI);
 - Habitat Protection Zone (IV); or
 - Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.3 Subject to Section 4.2.3.7 the following fishing gear must not be used:
- Longline (demersal, auto-longline) and trotline, except in the Multiple Use Zone (VI) of the Solitary Islands Marine Park; or
 - Net (demersal, pelagic).
- 4.2.3.4 Danish seine and trawl (demersal) must not be used in a Special Purpose Zone (Norfolk) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.5 Hand collection, longline (pelagic), hand net, purse seine, and trawl (midwater) must not be used in the Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.6 Traps and pots must not be used in a Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.7 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI) or Multiple Use Zone (VI); and
 - pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV) or Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.8 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.9 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.

4.2.3.10 Commercial fishing vessels may transit through the Temperate East Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.11.

4.2.3.11 Commercial fishing vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

Note: This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.3.12 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.13 Fishing gear that is:

- a) specified in Sections 4.2.3.3 to 4.2.3.6;
- b) not specified in a class approval or activity licence as gear that may be used; or
- c) prohibited by a determination under r.12.34 of the EPBC Regulations,

must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.14 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the Temperate East Network to carry an operating vessel identification and monitoring system.

Note: At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the Temperate East Network.

4.2.3.15 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

4.2.4 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the Temperate East Network. These are summarised in Table 4.5.

Commercial aquaculture is managed under Queensland or New South Wales laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.10 (Research and monitoring).

Table 4.5 Summary of prescriptions for commercial aquaculture activities in the Temperate East Network

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Aquaculture	A	A	A	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Note: Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Prescriptions

4.2.4.1 Commercial aquaculture may be conducted in the Temperate East Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
- c) the following prescriptions in this Section;
- d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- e) any determinations made under r.12.34 of the EPBC Regulations.

4.2.4.2 Commercial aquaculture may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI); or
- d) Habitat Protection Zone (IV).

4.2.4.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.4.4 Commercial aquaculture vessels may transit through the Temperate East Network, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.5.

4.2.4.5 Commercial aquaculture vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);

- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

Note: This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.4.6 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.4.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

4.2.5 Commercial media

The prescriptions in this Section set out the rules for commercial media in the Temperate East Network. These are summarised in Table 4.6.

Research in connection with commercial media activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

Table 4.6 Summary of prescriptions for commercial media activities in the Temperate East Network

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Commercial media	A ^D	A ^D	A ^D	A ^D	A ^D	A ^D	A ^D

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

Prescriptions

4.2.5.1 Commercial media activities other than reporting news of the day may be conducted in the Temperate East Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.5.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

4.2.6 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the Temperate East Network. These are summarised in Table 4.7.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the Temperate East Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations. The prescriptions in Section 4.2.7 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.9 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities. Research in connection with commercial tourism will be managed in accordance with Section 4.2.10 (Research and monitoring).

Table 4.7 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the Temperate East Network

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A	A	A
Charter fishing tours (including spear diving tours)	A	A	A	A	A ^E	x	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

E Spear-fishing is not allowed.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Note: Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

Prescriptions

4.2.6.1 Commercial tourism activities may be conducted in the Temperate East Network in accordance with and subject to:

- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- b) the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
- d) the prescriptions in Section 4.2.2 (Commercial shipping); and
- e) in relation to charter fishing, the prescriptions in Section 4.2.7 (Recreational fishing).

4.2.6.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II).

4.2.6.3 Charter fishing tours may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV) or
- e) Habitat Protection Zone (Lord Howe) (IV).

Note: Spear-fishing is not allowed in the Habitat Protection Zone (Lord Howe) (IV).

4.2.6.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.6.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

Note: The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

4.2.7 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the Temperate East Network. These are summarised in Table 4.8.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.10 (Research and monitoring).

Table 4.8 Summary of prescriptions for recreational fishing activities in the Temperate East Network

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Recreational fishing (including spear-fishing)	✓	✓	✓	✓	✓ ^E	✓ ^E	x
Anchoring	✓	✓	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

E Spear-fishing is not allowed.

Note: The Director may make an instrument under the EPBC Regulations to manage recreational fishing access in the Recreational Use Zone (IV) at Elizabeth Reef, including to require permits, consistent with longstanding arrangements prior to the commencement of this plan.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Note: Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

Prescriptions

4.2.7.1 Recreational fishing may be conducted in the Temperate East Network in accordance with and subject to:

- a) the following prescriptions in this Section;
- b) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- c) any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.7.2 Recreational fishing may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV) or
- f) Recreational Use Zone (IV).

- 4.2.7.3 Fish must not be taken by use of a spear or spear gun in the Habitat Protection Zone (Lord Howe) (IV), or the Recreational Use Zone (IV).
- 4.2.7.4 Recreational fishing must be conducted in accordance with relevant laws of Queensland or New South Wales or Norfolk Island applying to the area of the Temperate East Network in which the activity is conducted (to the extent those laws are capable of operating concurrently with this plan).
- 4.2.7.5 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 4.2.7.6 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

Note: As provided by Section 4.2.7.5, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).

- 4.2.7.7 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

4.2.8 Mining operations (includes exploration)

The prescriptions in this Section set out the rules for mining operations in the Temperate East Network and are summarised in Table 4.9. Mining operations are defined in s.355(2) of the EPBC Act, and include offshore petroleum activities, transportation of minerals by pipeline, and oil spill response (Schedule 1.1 of this plan).

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that are likely to have a significant impact on a matter protected under Part 3 of the EPBC Act will be subject to assessment and decision in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, mining operations covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum activities that are excluded from the endorsed NOPSEMA program and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.12 (New activities and authorisations) of this plan if any activities are proposed.

The definition of mining operations in the EPBC Act does not include capture and storage of greenhouse gases, including carbon dioxide. If any of these activities were proposed they would also be considered in accordance with Section 4.2.12 (New activities and authorisations).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.10 (Research and monitoring).

Transit through the Temperate East Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

Table 4.9 Summary of prescriptions for mining operations in the Temperate East Network

MINING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Mining operations including exploration	A	x	A	x	x	x	x
Construction and operation of pipelines	A	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

Note: Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.

Prescriptions

- 4.2.8.1 Mining operations may be conducted in the Temperate East Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
 - b) a class approval issued under Section 4.4.2 (Class approvals); or
 - c) an activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and
 - d) the following prescriptions in this Section;
 - e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
 - f) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.8.2 Mining operations may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI); or
 - b) Multiple Use Zone (VI),
- in accordance with Sections 4.2.8.3 and 4.2.8.4.
- 4.2.8.3 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2;
 - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.4.2; or
 - c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2.
- 4.2.8.4 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI) not authorised by a class approval referred to in Section 4.2.8.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).
- 4.2.8.5 Mining operations that are the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) may be conducted in a:
- a) Special Purpose Zone (Norfolk) (VI);
 - b) Habitat Protection Zone (IV);
 - c) Habitat Protection Zone (Lord Howe) (IV);
 - d) Recreational Use Zone (IV), or
 - e) National Park Zone (II),
- in accordance with Section 4.2.8.6.

4.2.8.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) through a:

- a) Special Purpose Zone (Norfolk) (VI);
- b) Habitat Protection Zone (IV);
- c) Habitat Protection Zone (Lord Howe) (IV);
- d) Recreational Use Zone (IV); or
- e) National Park Zone (II),

if the Director is satisfied that alternative routes are not feasible or practicable.

4.2.8.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the *Offshore Minerals Act 1994* (to the extent those laws apply to the operations and are capable of operating concurrently with this plan).

4.2.8.8 Notwithstanding Section 4.2.8.1, actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones without an authorisation issued by the Director, provided that the actions are taken in accordance with an environment plan that has been accepted by NOPSEMA, and the Director is notified in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken..

4.2.8.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.10 (Research and monitoring).

Note: For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

4.2.9 Structures and works

The prescriptions in this Section set out the rules for structures and works in the Temperate East Network, where the activity is not covered by Sections 4.2.1 to 4.2.8. These are summarised in Table 4.10. Research in connection with structures and works will be managed in accordance with Section 4.2.10 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the Temperate East Network (and preserved by s.359 of the EPBC Act).

Table 4.10 Summary of prescriptions for structures and works activities in the Temperate East Network

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A	A	A	A
Dredging and disposal of dredged material	A	A	A	x	x	x	x
Artificial reefs	A	A	A	A	A	A	A ^F
Fish aggregating devices	A	A	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

F Activity is allowable only for the protection, conservation or restoration of habitats.

Note: Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. The erection and maintenance of structures associated with mining operations must be carried out in accordance with Section 4.2.8 (Mining).

Prescriptions

- 4.2.9.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the Temperate East Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
 - b) a class approval issued under Section 4.4.2 (Class approvals); or
 - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
 - d) the following prescriptions in this Section; and
 - e) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
 - f) the prescriptions in Section 4.2.2 (Commercial shipping).

Note: An authorisation for the purposes of Section 4.2.9.1 may be part of an authorisation for another allowable activity (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

- 4.2.9.2 Subject to Sections 4.2.9.3 and 4.2.9.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in the Temperate East Network where the action is necessary for:
- a) maritime or visitor safety, including aiding navigation; or
 - b) maintaining the values of the Temperate East Network; or
 - c) research and monitoring; or
 - d) critical infrastructure in the national interest; or
 - e) commercial tourism; and
 - f) it is not practicable for the action to be taken outside the zone.
- 4.2.9.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), and Multiple Use Zone (VI).
- 4.2.9.4 Artificial reefs may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.
- 4.2.9.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), and Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
 - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
 - c) that have been authorised by a permit under *the Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);

- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs a) to d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV), and National Park Zone (II):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), and Recreational Use Zone (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).

4.2.9.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the Temperate East Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

4.2.10 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the Temperate East Network. These are summarised in Table 4.11.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

Table 4.11 Summary of prescriptions for research and monitoring activities in the Temperate East Network

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Research	A	A	A	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Prescriptions

4.2.10.1 The Director may conduct research and monitoring activities in the Temperate East Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.

4.2.10.2 A person other than the Director may conduct research and monitoring activities in the Temperate East Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits);
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.10.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.10.7.

- 4.2.10.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.10.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the Temperate East Network.
- 4.2.10.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the Temperate East Network.
- 4.2.10.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
 - b) the activity is relevant to, or a priority for, the management of the Temperate East Network.
- 4.2.10.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the Temperate East Network.

4.2.11 National security and emergency response

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the Temperate East Network. These are summarised in Table 4.12.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.8 (Mining operations) of this plan.

Table 4.12 Summary of prescriptions for national security and emergency response activities in the Temperate East Network

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Actions by or under direction of the Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies—not covered elsewhere by this plan	A	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Prescription

4.2.11.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the Temperate East Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:

- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
- b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

4.2.12 New activities and authorisations

New activities may be required or proposed in the Temperate East Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.11 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the Temperate East Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

Prescriptions

- 4.2.12.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.12.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 Authorisation of allowable activities) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.12.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.12.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the Temperate East Network. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

4.3.1 Decision-making

Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives of the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the Temperate East Network and/or specific marine parks, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the assessments and authorisations program (Section 2.5).
- 4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:
 - a) the proponent suitably understands the marine park values;
 - b) environmental impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
 - c) the proponent has the capacity to comply with the conditions of the authorisation; and
 - d) that relevant regulatory requirements have been or will be met.

4.3.1.5 The Director will not authorise an activity unless satisfied that:

- a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
- b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
- c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

Note: The Director will issue guidance on assessment of impacts.

4.3.2 Assessments under other processes

Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied that:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the Temperate East Network or potential impacts on the Network or marine park values.

4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
 - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;
Note: The Director will issue guidance specific to activity types on requirements for mitigation.
 - c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
 - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
 - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
 - f) requiring reporting or auditing;
 - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
 - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
 - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such

as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

Prescriptions

- 4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).
- 4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):
- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
 - b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
 - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
 - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
 - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
 - f) requiring reporting or auditing;
 - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
 - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
 - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
 - j) providing for the payment of fees.
- 4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:
- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
 - b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
 - c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or

- d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
- e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.

4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).

4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).

4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.

4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:

- a) has breached a condition of the approval; or
- b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

Note: Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

Prescriptions

- 4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.
- 4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:
- a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
 - b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
 - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
 - d) the provision of, or consent for access to data for compliance and monitoring purposes;
 - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
 - f) requiring reporting or auditing;
 - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
 - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
 - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
 - j) providing for the payment of fees.

4.4.4 Publication of authorisations

Prescription

- 4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

GLOSSARY

action	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
artificial reef	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed: (a) for the purpose of increasing or concentrating populations of marine plants and animals; or (b) for the purpose of being used in human recreational activities.
Australian Government or the Government	The Government of the Commonwealth of Australia.
Australian Marine Parks or Marine Park	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
authorisation	As described in Section 4.4 (Authorisation of activities) of this plan.
biodiversity or biological diversity	Has the meaning given by s.528 of the EPBC Act.
biologically important areas	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting or migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
bioregion	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
bioregional plan	Has the meaning given by s.528 of the EPBC Act.
CAR	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion; Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.
class approval	As described in Section 4.4.2 (Class approvals) of this plan.

commercial aquaculture	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
commercial fishing	Has the meaning given by s.390SC (1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
Commonwealth marine area	Has the meaning given by s.24 of the EPBC Act.
Commonwealth marine environment	The environment in the Commonwealth marine area.
Commonwealth reserve	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks.
Danish seine	A net connected to two long, weighted ropes on either side used to surround fish. An anchor buoy is deployed first to hold the line in place while the net and remaining line is paid out in a circular pattern around the target area. The boat then either steams slowly away or remains stationary while the net is hauled on board.
Department	The Department responsible for administering the EPBC Act.
Director	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the Temperate East Marine Parks Network.
dropline	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods).
ecologically sustainable use	Has the meaning given by s.528 of the EPBC Act.
ecosystem	Has the meaning given by s.528 of the EPBC Act.
endemic/endemism	Native to or confined to a certain region.
environment	Has the meaning given by s.528 of the EPBC Act.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
EPBC Regulations	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

fish aggregating device	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
hand collection	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
Indigenous Protected Area (IPA)	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
Integrated Marine and Coastal Regionalisation of Australia (IMCRA)	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
IUCN	International Union for the Conservation of Nature.
key ecological feature	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
longline (demersal, auto-longline)	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

longline (pelagic)	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or be anchored by vertical lines to the seafloor.
management category	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
management plan or the plan or this plan	This management plan unless otherwise stated.
management principles	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
MARPOL	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls.
mining operations	Has the meaning given by s.355(2) of the EPBC Act.
Minister	The Minister responsible for administering the EPBC Act.
minor line (handline, rod & reel, trolling, squid jig, poling)	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
National Representative System of Marine Protected Areas (NRSMPA)	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
native title	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
net (demersal)	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.

net (pelagic)	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
news of the day	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
Parks Australia	The Division of the Department that supports the Director of National Parks.
pelagic fishing gear	Fishing gear that does not come in contact with the seabed during use.
permit	As described in Section 4.4.1 (Permits) of this plan.
prescription	Mandatory rules for managing marine parks.
protected species	Species listed under the EPBC Act as threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
purse seine	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
recreational fishing	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
sea country	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
stowed and secured	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
Temperate East Marine Parks Network, or Temperate East Network, or the Network	The eight areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
traditional owners	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.

transit	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
trap, pot	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
trawl (demersal)	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
trawl (midwater)	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a codend where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
trotline	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the main line to lift baited hooks away from the seafloor.
UNCLOS	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982.
values	As defined in Part 2 of this plan.
vessel identification and monitoring system	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessels' course or position, or other such information.

SCHEDULE 1 SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

Director of National Parks

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves, including Australian Marine Parks, established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

Establishment of Commonwealth reserves

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.

IUCN categories and management principles

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

General administrative principles

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
 - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
 - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

Principles for each IUCN category represented in the Temperate East Marine Parks Network

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the Temperate East Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

1. Strict nature reserve (IUCN category Ia)

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

3. National park (IUCN category II)

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

5. Habitat/species management area (IUCN category IV)

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic

communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

7. Managed resource protected area (IUCN category VI)

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

Management plans

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
 - (i) any owner of any land or seabed in the reserve; and
 - (ii) the traditional owners of any Indigenous people's land in the reserve; and
 - (iii) any other Indigenous persons interested in the reserve; and
 - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

Control of actions in Commonwealth reserves

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
 - (i) prospecting and exploration for minerals; and
 - (ii) milling, refining, treatment and processing of minerals; and
 - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).

Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

Environmental assessment and approval

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

Wildlife protection

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

Heritage protection

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia’s obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act national and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
 - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
 - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place’s heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

Wetlands of international importance

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;

- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

EPBC Act and Indigenous traditional rights and native title rights

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

Access to biological resources

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

Penalties

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

S1.2 OTHER RELEVANT LEGISLATION

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***NSW Fisheries Management Act 1994*** is the regulatory framework for the management of New South Wales fisheries resources. The ***Fisheries Act 1994*** and ***Fisheries Regulation 2008*** are the regulatory framework for the management of Queensland fisheries resources. The ***Fisheries Act 1988*** and ***Fisheries Regulations 1993*** are the regulatory framework for the management of Northern Territory fisheries resources.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located

or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.

The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic; causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database (www.environment.gov.au).

The *Offshore Minerals Act 1994* establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012* address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

S1.3 INTERNATIONAL AGREEMENTS

This plan takes into account Australia's obligations under international agreements that are relevant to the Temperate East Network. These include:

Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

Agreement on the Conservation of Albatrosses and Petrels (ACAP)

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

Convention on Biological Diversity (CBD)

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the Temperate East Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a *Strategic plan for biodiversity*. It includes Target 11 relevant to protected areas:

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

The strategic plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the Temperate East Network were listed under CITES Annex II.

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

International Convention for the Prevention of Pollution from Ships (MARPOL)

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

International Convention for the Regulation of Whaling

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

UN Declaration on the Rights of Indigenous Peoples

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the type of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and SDG 15 – Life on Land.

SCHEDULE 2 TEMPERATE EAST NETWORK OVERVIEW AND VALUES



Wandering albatross (Michael Double)

S2.1 TEMPERATE EAST NETWORK OVERVIEW

The marine parks of the Temperate East Network were proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

Table S2.1. Overview of the Temperate East Network

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
Gifford	Habitat Protection Zone (IV) 5828 km ²	IV	5828 km ²
Norfolk	National Park Zone (II) 41,661 km ² Habitat Protection Zone (IV) 138,796 km ² Special Purpose Zone (Norfolk) (VI) 7986 km ²	IV	188,444 km ²
Lord Howe	National Park Zone (II) 9273 km ² Habitat Protection Zone (IV) 54,884 km ² Habitat Protection Zone (Lord Howe) (IV) 5136 km ² Recreational Use Zone (IV) 1170 km ² Multiple Use Zone (VI) 39,662 km ²	IV	110,126 km ²
Central Eastern	National Park Zone (II) 8110 km ² Habitat Protection Zone (IV) 61,336 km ² Multiple Use Zone (VI) 608 km ²	IV	70,054 km ²
Solitary Islands	National Park Zone (II) 2 km ² Multiple Use Zone (VI) 37 km ² Special Purpose Zone (Trawl) (VI) 114 km ²	VI	152 km ²
Cod Grounds	National Park Zone (II) 4 km ²	II	4 km ²
Hunter	Habitat Protection Zone (IV) 4519 km ² Special Purpose Zone (Trawl) (VI) 1739 km ²	IV	6257 km ²
Jervis	Habitat Protection Zone (IV) 1965 km ² Special Purpose Zone (Trawl) (VI) 508 km ²	IV	2473 km ²

Note: Each marine park extends from 1000 m below the seabed to 3000 m above sea level.

Note: Zone and total marine park areas are rounded to the nearest km²; therefore, the sum of areas may not equate to the total marine park or network areas in some instances.

S2.2 TEMPERATE EAST NETWORK VALUES

This Schedule describes the values represented in each marine park of the Temperate East Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts and risk to values, to ensure activities are undertaken in a manner that minimises impacts to as low as reasonably practicable (Section 4.3 Making decisions about activities).

As understanding of park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database), and in the *Marine bioregional plan for the Temperate East Marine Region* (2012) and the *East marine bioregional plan: bioregional profile* (2009).

GIFFORD MARINE PARK

The Gifford Marine Park (Figure S2.1) is located approximately 480 km north of Lord Howe Island and borders on the limit of Australia's exclusive economic zone. The Marine Park covers an area of 5828 km² and a depth range between 220 m and 4000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Gifford Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes one zone assigned under this plan: Habitat Protection Zone (IV).

Coordinates for the Gifford Marine Park and zone are provided in Figure S2.1 and Schedule 4.

Statement of significance

The Gifford Marine Park is significant because it contains habitats, species and ecological communities associated with the Lord Howe Province. It includes one key ecological feature: the Lord Howe Seamount Chain, valued for high productivity, aggregations of marine life, biodiversity and endemism.

Natural values

The Marine Park includes examples of ecosystems representative of the Lord Howe Province. Ecosystems of this region are influenced by tropical and temperate currents due to its location in the path of the Tasman Front that brings a mix of warm tropical waters and colder, nutrient-rich waters from the south.

A key ecological feature of the Marine Park is the Lord Howe Seamount Chain—running approximately 1000 km north–south from the Coral Sea to Lord Howe Island. The Lord Howe Seamount Chain contains a series of submerged mountains that includes Lord Howe Island and Gifford Tablemount, the prominent seafloor feature of the Marine Park.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds and a migratory pathway for humpback whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Social and economic values

Commercial fishing is an important activity in the Marine Park that contributes to the wellbeing of regional communities and the prosperity of the nation.

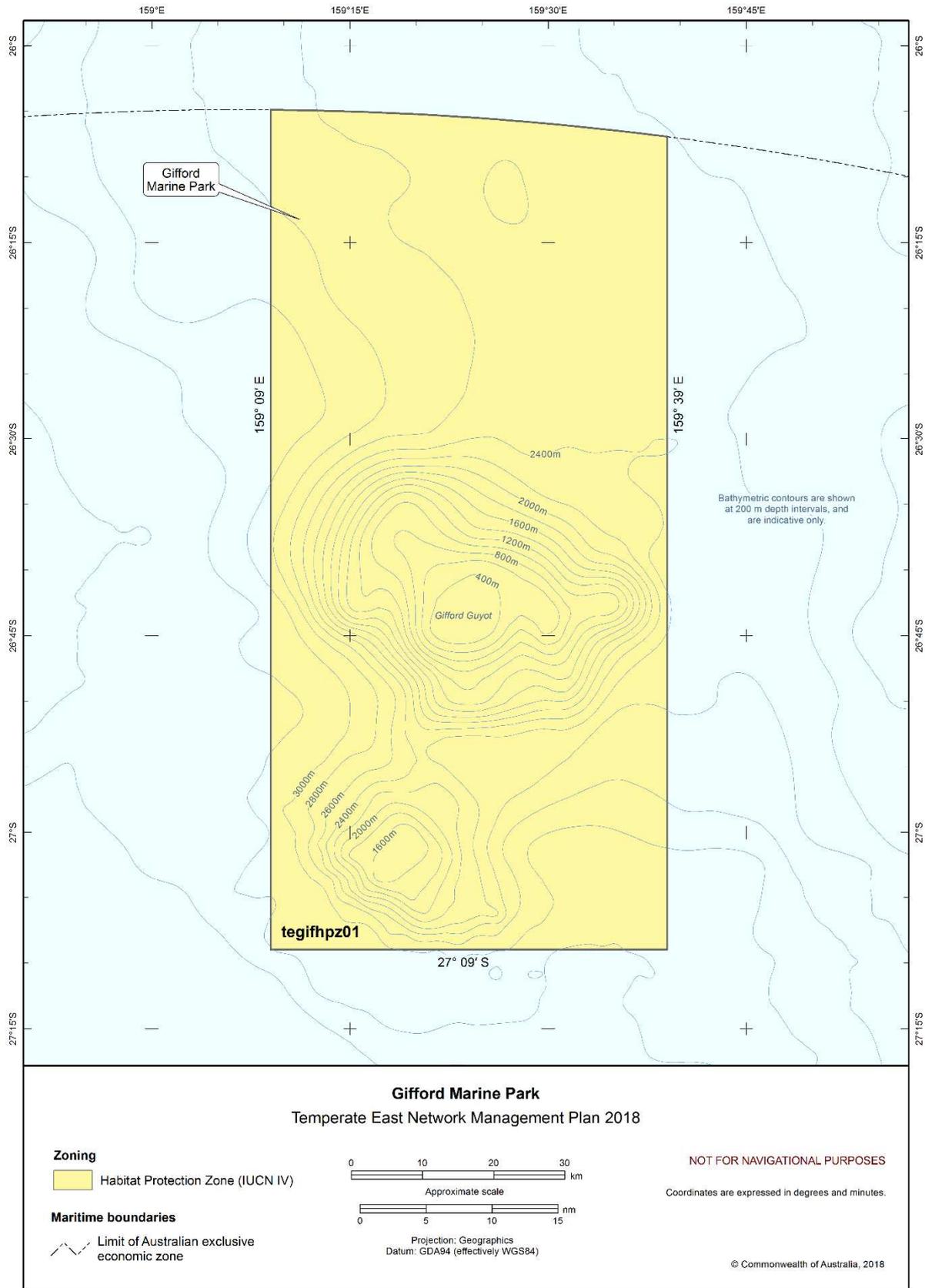


Figure S2.1 Gifford Marine Park

NORFOLK MARINE PARK

The Norfolk Marine Park (Figure S2.2) is around Norfolk Island, including Nepean Island Reserve and Phillip Island, approximately 1400 km offshore from Evans Head in New South Wales. The Marine Park spans 700 km in a north–south direction, covering an area of 188,444 km² and a depth range of 5000 m up to the high water mark.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Norfolk Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Special Purpose Zone (Norfolk) (VI).

Coordinates for the Norfolk Marine Park and zones are provided in Figure S2.2 and Schedule 4.

Statement of significance

The Norfolk Marine Park is significant because it contains habitats, species and ecological communities associated with the Norfolk Island Province. It includes two key ecological features: Norfolk Ridge, and the Tasman Front and eddy field, both valued for high productivity, aggregations of marine life, biodiversity and endemism.

Natural values

The Marine Park includes examples of ecosystems representative of the Norfolk Island Province. The mixing of warm-water and cold-water currents and eddies, and their interactions with seamounts influence biological productivity, with east-moving eddies associated with the Tasman Front transporting Coral Sea biota including corals, crustaceans and molluscs to the area. The shallow-water habitats of Norfolk Island support diverse tropical and temperate species of fish, corals and other marine organisms similar to those found in the reefs surrounding Lord Howe Island, but with a unique reef fish assemblage of endemic, sub-tropical and temperate species. Coral reefs in Emily Bay and Slaughter Bay are the eastern-most coral reefs in Australian waters.

Key ecological features of the Marine Park are:

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.
- Norfolk Ridge—a steep-sided, narrow and elongated feature approximately 1000 km long and 70 km wide. The pinnacles and seamounts of the Norfolk Ridge support relatively productive and diverse benthic habitats, and are thought to act as stepping stones for faunal dispersal, connecting deep-water fauna from New Caledonia to New Zealand.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, and a migratory pathway for humpback whales.

Cultural values

The marine environment around Norfolk Island has long held significance among Norfolk Islanders. A unique community and culture has developed by those who have visited and settled the island over time.

Polynesian

The first people to inhabit Norfolk Island were of Polynesian descent. Stone tools have been found at both Emily and Slaughter bays within the Kingston and Arthur's Vale Historic Area (see Heritage values). Archaeological investigations have revealed evidence of landscape modifications in the Emily

NORFOLK MARINE PARK

Bay area including artefact assemblages and structural remains that have been interpreted as a rudimentary marae, a religious structure characteristic of East Polynesian culture. Radiocarbon dating indicates Polynesian settlement of the area occurred between AD 1200 and AD 1600.

Pitcairn Islanders

In 1853, an Order in Council repealed all previous orders making Norfolk Island a penal settlement. Occupation was granted to incoming settlers from Pitcairn Island, who constituted the third settlement phase of the island's history. The whole Pitcairn community landed on Norfolk Island in 1856. Their descendants, who comprise the majority of Norfolk Island's population, still speak the Pitcairn language.

Indigenous Australians

Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park to Indigenous people due to its remote location.

Heritage values

National heritage

Kingston and Arthur's Vale Historic Area (on Norfolk Island, adjacent to the Norfolk Marine Park), is one of 11 sites that make up the Australian Convict Sites world heritage property.

Commonwealth heritage

There are no Commonwealth heritage sites within the Norfolk Marine Park. However, there are Commonwealth heritage places on Norfolk Island that provide important habitat for seabirds that forage in the Marine Park.

Adjacent to Norfolk Island, Nepean Island Reserve and Phillip Island are on the Commonwealth Heritage List, providing important breeding habitat for at least eight species of seabird that also forage in the Marine Park.

Historic shipwrecks

The Marine Park contains over 20 known shipwrecks listed under the *Historic Shipwrecks Act 1976* (including six shipwrecks that are less than 75 years old that will become eligible for listing as historic shipwrecks during the life of this plan). One of these is the *HMS Sirius*, a flagship of the First Fleet, which was wrecked on the coral reef off Slaughter Bay, Norfolk Island in 1790.

European heritage

Discovered by Captain James Cook in 1774, Norfolk Island was inhabited by convicts and free settlers from 1788. This first settlement's population peaked at 1156 in 1792. By 1804, the free settlers on the island significantly outnumbered convicts. The first settlement was abandoned in 1814, and later re-occupied in 1825 as a penal settlement.

Social and economic values

Fishing in the Norfolk Island Inshore Fishery area is managed by the Norfolk Island Regional Council in collaboration with the Norfolk Island Fishing Association, and in accordance with the Norfolk Island Inshore Fishery Policy 2009. The associated Memorandum of Understanding (MoU) with the Australian Fisheries Management Authority (AFMA) for the inshore fishery area known locally as the "MoU Box" has enabled AFMA to provide management expertise and guidance to the Norfolk Island Regional Council and the Norfolk Island Fishing Association as required. The "MoU Box" area existing at the

NORFOLK MARINE PARK

time of commencement of this plan has been zoned Special Purpose Zone (Norfolk) and the community has a strong affinity and interest in its management (Figure S2.2).

Within the coastal waters surrounding Norfolk Island, boating and shipping, tourism and recreation are important activities in the Marine Park. This includes the sheltered coral lagoon of Emily Bay which is a valuable community asset used for swimming, snorkeling and tourism. These activities contribute to the economy and wellbeing of the island community.

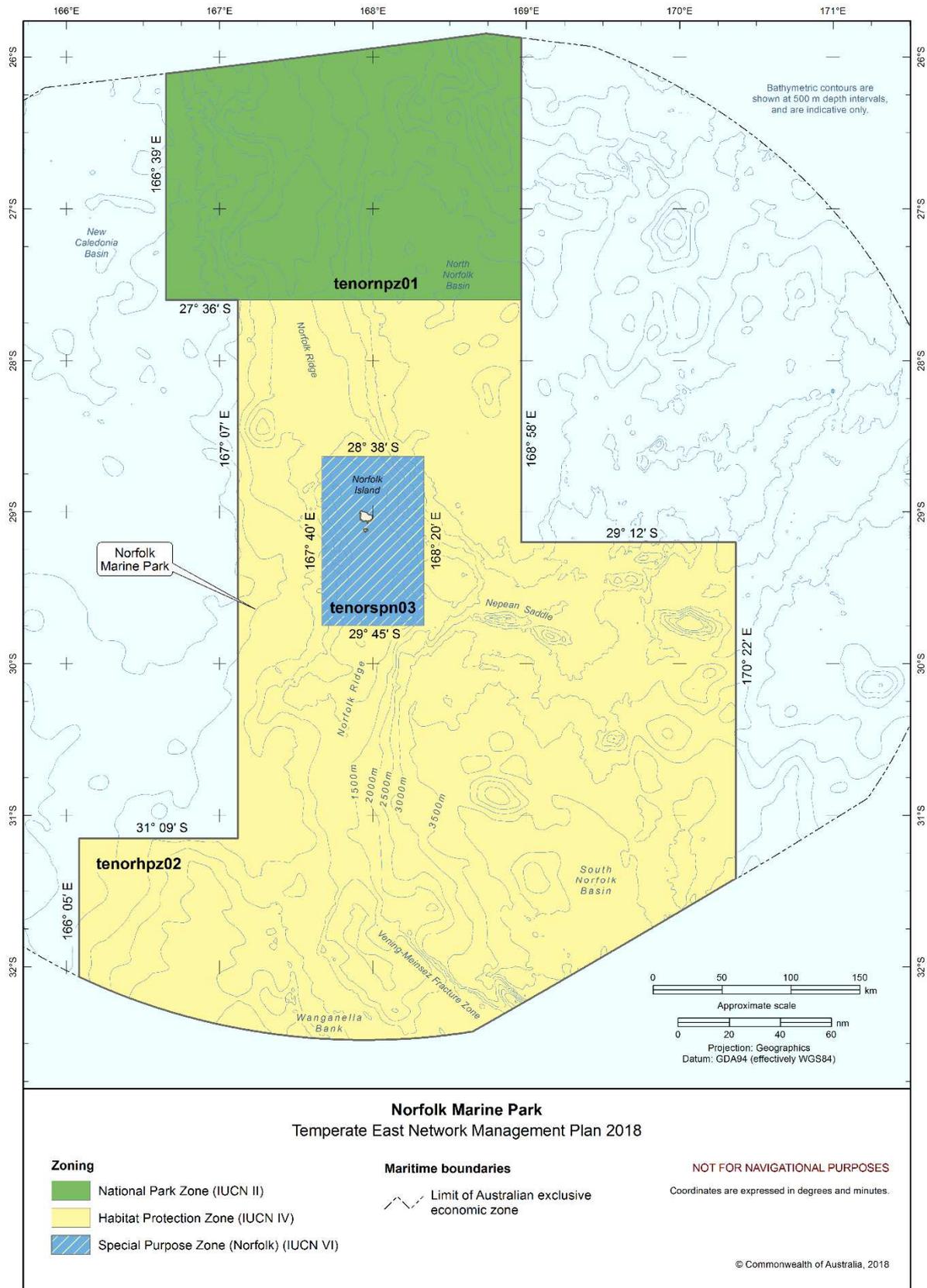


Figure S2.2 Norfolk Marine Park

LORD HOWE MARINE PARK

The Lord Howe Marine Park (Figure S2.3) is located approximately 550 km offshore of New South Wales, adjacent to the New South Wales Lord Howe Island Marine Park and World Heritage Area. The Marine Park covers an area of 110,126 km² and a depth range from less than 15 m to 6000 m.

The Lord Howe Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Lord Howe Marine Park on 9 October 2017. It includes the areas of the Lord Howe Island Marine Park (Commonwealth Waters) originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 7 June 2000, and the Elizabeth and Middleton Reefs Marine National Nature Reserve originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 11 December 1987. The Marine Park is assigned IUCN category IV and includes five zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Lord Howe Marine Park and zones are provided in Figure S2.3 and Schedule 4.

Statement of significance

The Lord Howe Marine Park is significant because it includes habitats, species and ecological communities associated with the Lord Howe Province and the Tasman Basin Province. It includes three key ecological features: the Lord Howe Seamount Chain; Elizabeth and Middleton Reefs (the southernmost coral reefs in the world); and the Tasman Front and eddy field, all valued for high productivity, aggregations of marine life, biodiversity and endemism.

The Elizabeth and Middleton Reefs Ramsar site is located within the Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act, due to its unique nature as the southernmost open-ocean coral-reef platform in the world. An Ecological Character Description that sets out the Ramsar listing criteria met by the site, the key threats and knowledge gaps, is available on the Department's website.

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Lord Howe Island Marine Park.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Lord Howe Province—due to the convergence of warm, tropical and cooler temperate waters in the area, the Marine Park supports a unique mix of tropical, subtropical and temperate species, many found at the northern or southern extent of their range.
- Tasman Basin Province—interactions between currents, eddies and seamounts and the movements of the deep sub-Antarctic water mass influence biological productivity in this area.

Key ecological features of the Marine Park are:

- Lord Howe Seamount Chain—a chain of submerged volcanoes running 1000 km north–south, the seamount chain includes Lord Howe Island and Elizabeth and Middleton Reefs. These isolated, oceanic reefs support a diverse range of tropical and temperate marine life, including both warm-water and cold-water corals and an abundance of fish species. This diversity is a result of the effect of the East Australian Current on the reefs as it exposes the area to its warm waters, in contrast to the surrounding cooler ocean.
- Elizabeth and Middleton Reefs—small, isolated, oceanic platforms reefs that occur on top of the volcanic seamounts of the Lord Howe seamount chain. The lagoons of both reefs are important areas for populations of black cod and the Galapagos shark.

LORD HOWE MARINE PARK

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, and a migratory pathway for humpback whale.

Elizabeth and Middleton Reefs Ramsar site

The reefs of the Elizabeth and Middleton Reefs Ramsar site form the southernmost open-ocean reef platform in the world and support internationally significant populations of seabirds and shorebirds.

Cultural values

The marine environment around Lord Howe Island has long held significance among Lord Howe Islanders. A unique community and culture has developed by those who have visited and settled the island over time.

Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park to Indigenous people due to its remote location.

Heritage values

World heritage

Parts of the Marine Park are within the world heritage-listed Lord Howe Island Group, which was listed as an area of outstanding universal value under the World Heritage Convention in 1982. The Lord Howe Island Group comprises Lord Howe Island, Admiralty Islands, Mutton Bird Islands, Ball's Pyramid, and associated coral reefs and marine environments. It includes spectacular landscapes, volcanic mountains, and diverse low-lying rainforests, palm forests and grasslands. There are a large number of species of native plants, of which many are endemic to Lord Howe Island, and colonies of endangered seabirds.

National heritage

The Lord Howe Island Group was included in the National Heritage List in 2007.

Historic shipwrecks

The Marine Park contains over 25 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

Social and economic values

Tourism, commercial fishing, recreation, including fishing, and scientific research, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

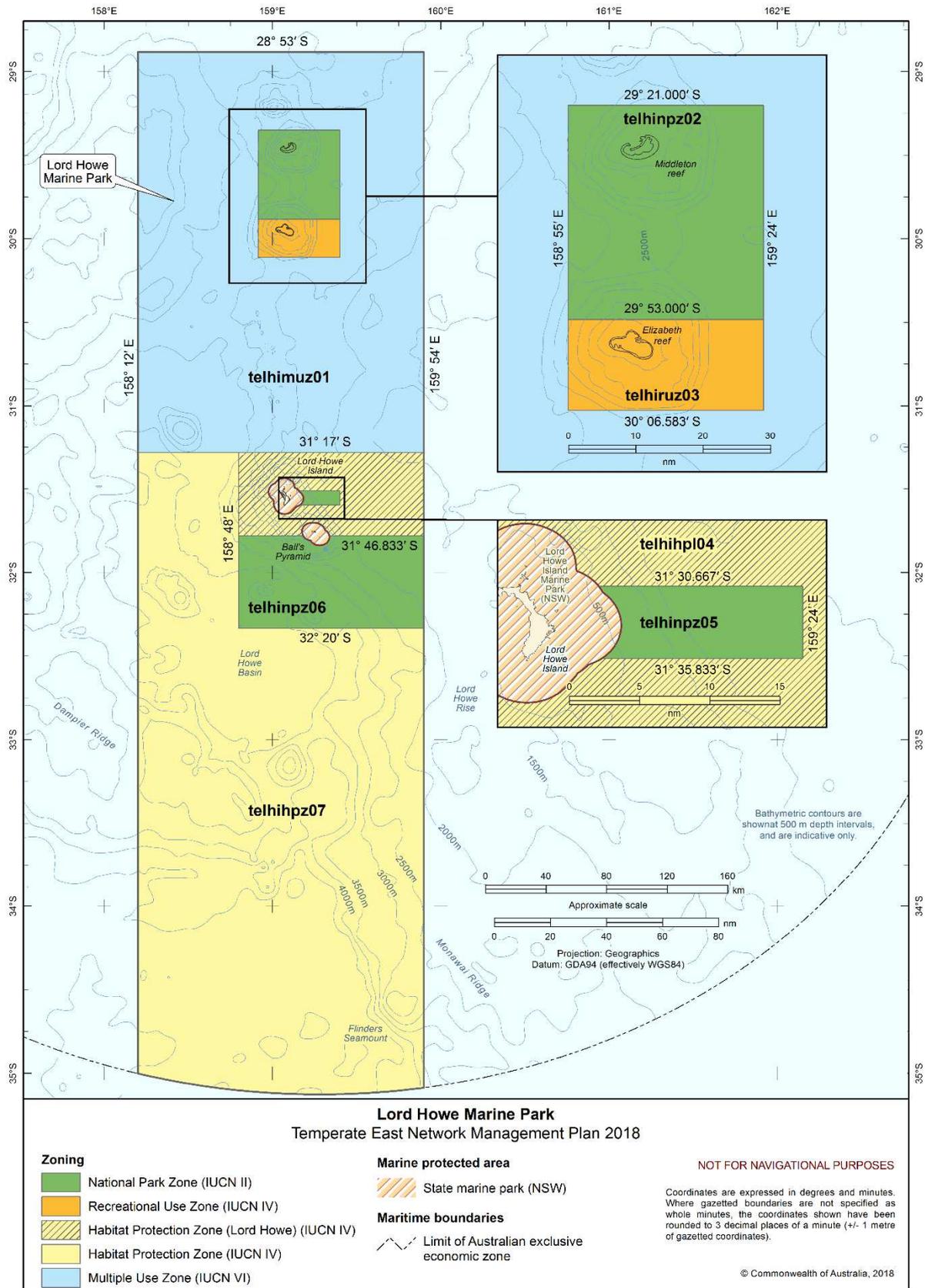


Figure S2.3 Lord Howe Marine Park

CENTRAL EASTERN MARINE PARK

The Central Eastern Marine Park (Figure S2.4) is located approximately 30 km east of Coffs Harbour at the edge of the continental shelf. It extends to deep ocean waters approximately 200 km offshore of New South Wales. The Marine Park covers an area of 70,054 km² and water depths ranging from 120 m to 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Central Eastern Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Central Eastern Marine Park and zones are provided in Figure S2.4 and Schedule 4.

Statement of significance

The Central Eastern Marine Park is significant because it includes habitats, species and ecological communities associated with the Central Eastern Province, the Central Eastern Shelf Transition and the Tasman Basin Province. It includes three key ecological features: canyons on the eastern continental slope (valued as a unique seafloor feature with ecological properties of regional significance); the Tasmantid Seamount Chain; and the Tasman Front and eddy field (both valued for high productivity, aggregations of marine life, biodiversity and endemism).

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the continental shelf that interact with currents and ocean gyres resulting in upwellings that influence biological productivity. Plankton blooms associated with the upwellings attract aggregations of tuna, whales and albatrosses and support over 50 fish species endemic to the area.
- Central Eastern Shelf Transition—upwellings caused by the East Australian Current crossing the continental shelf, and river sediment influence biological productivity in this area.
- Tasman Basin Province—interactions between currents, eddies and seamounts and the movements of the deep sub-Antarctic water mass influence biological productivity in this area. The deep-reef coral communities on seamounts are dominated by filter feeders and provide stepping stones for large oceanic species moving between breeding, nesting, calving and foraging sites.

Key ecological features of the Marine Park are:

- Tasmantid Seamount Chain—a series of underwater volcanic mountains comprised of guyots, seamounts, tablemounts, banks, plateaux and terraces that runs in a north–south direction, and extends into the Tasman Basin. The feature rises from approximately 4800 m deep to 125 m from the surface at Taupo Seamount in the south, approximately 280 m from the surface at Derwent–Hunter Seamount in the centre of the Marine Park, and to approximately 350 m from the surface at Queensland Guyot in the north of the Marine Park. The seamounts support a diverse range of habitats in temperate and subtropical waters.
- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.

CENTRAL EASTERN MARINE PARK

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish. The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging and breeding habitat for seabirds, and a migratory pathway for the humpback whale.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*—*Amelia* (wrecked in 1816) and *Illagong* (wrecked in 1872).

Social and economic values

Tourism, commercial fishing, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

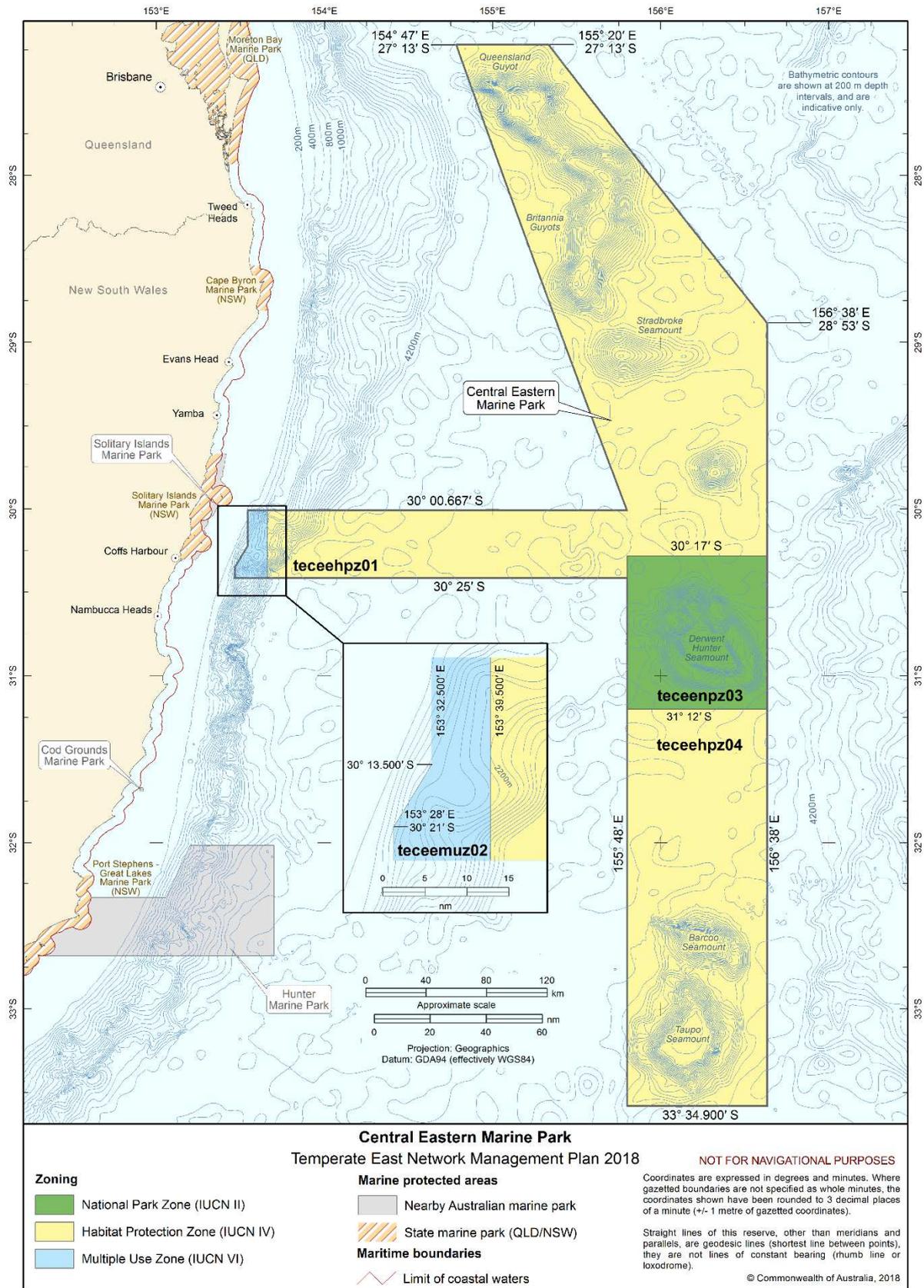


Figure S2.4 Central Eastern Marine Park

SOLITARY ISLANDS MARINE PARK

The Solitary Islands Marine Park (Figure S2.5) is located approximately 5.5 km offshore of New South Wales, adjacent to the New South Wales Solitary Islands Marine Park. The Marine Park covers an area of 152 km² and a depth range of 15 m to 70 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 17 February 1993 as the Solitary Islands Marine Reserve (Commonwealth Waters), and proclaimed under the EPBC Act on 14 December 2013 and renamed Solitary Islands Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Multiple Use Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Solitary Islands Marine Park and zones are provided in Figure S2.5 and Schedule 4.

Statement of significance

The Solitary Islands Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Eastern Shelf Transition. The Marine Park contains habitat for species of special conservation interest such as grey nurse sharks, and biologically important areas for humpback whale, white shark and a number of migratory seabirds.

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Solitary Islands Marine Park.

Natural values

The Marine Park includes examples of ecosystems representative of the Central Eastern Shelf Transition. Ecosystems of this area are influenced by tropical waters of the East Australian Current meeting temperate, southern waters, creating a combination of tropical and temperate environments. Many species found within the Marine Park are at, or close to, either their southern or northern geographical limits. Tropical, subtropical and temperate marine communities co-exist within the same area.

Waters of the Marine Park are a relatively undisturbed, distinct and species-rich ecosystem associated an open-ocean, subtidal reef and soft substrate habitats. Pimpernel Rock is a significant feature of the Marine Park. It is a submerged pinnacle that rises from the seabed to within a few metres of the surface. It provides habitat for benthic communities, pelagic fish, and other marine life.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, migratory and foraging habitat for sharks, a migratory pathway for humpback whales, and breeding habitat for Indo-Pacific/spotted bottlenose dolphin.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Yaegl People's sea country extends into the southern portion of the Marine Park. The Yaegl Traditional Owners Aboriginal Corporation Prescribed Body Corporate represents the Yaegl native title holders. The Yaegl Traditional Owners Aboriginal Corporation is the point of contact for their sea country.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

SOLITARY ISLANDS MARINE PARK

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Social and economic values

Tourism, commercial fishing, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

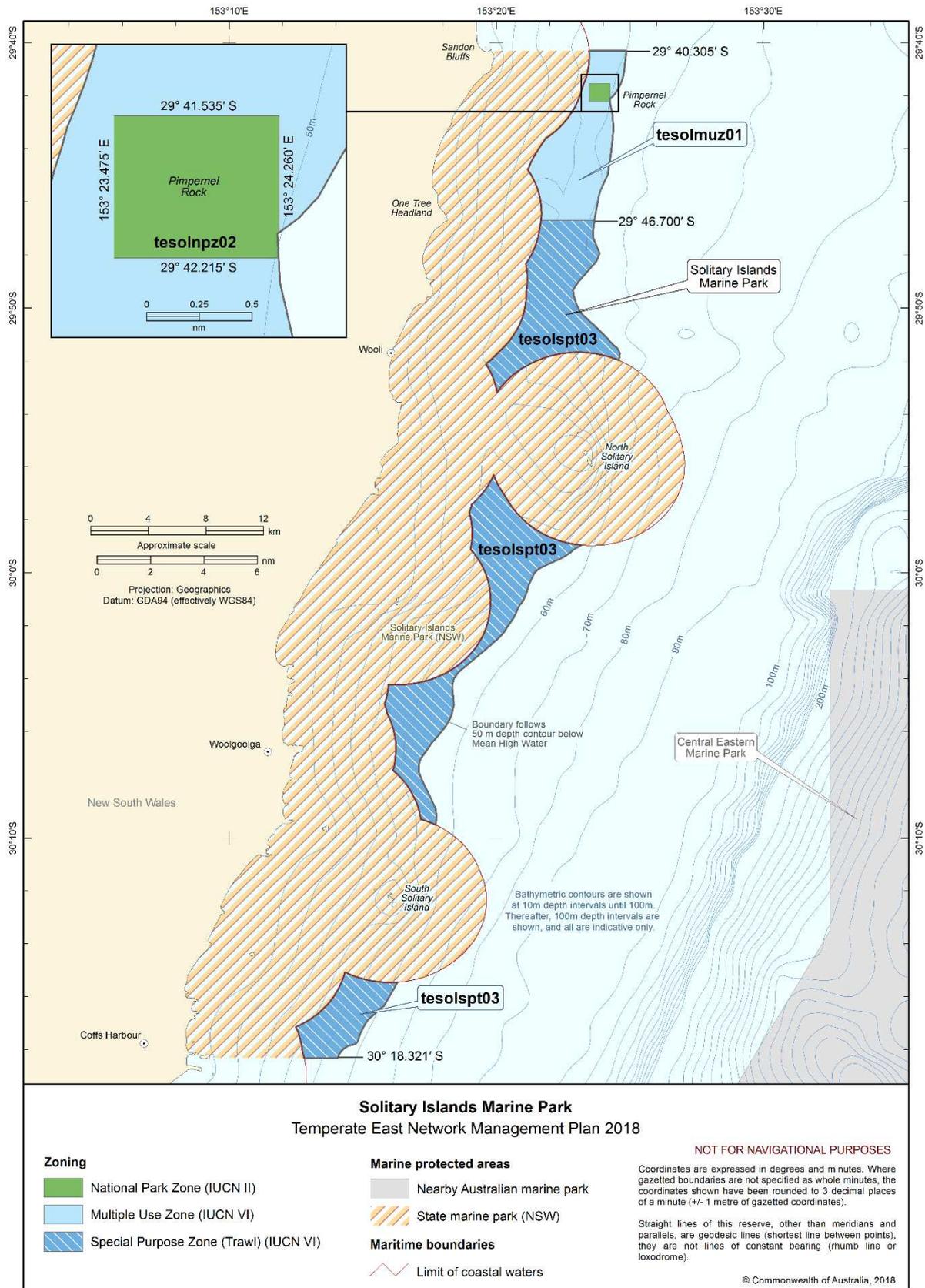


Figure S2.5 Solitary Islands Marine Park

COD GROUNDS MARINE PARK

The Cod Grounds Marine Park (Figure S2.6) is located approximately 5.5 km offshore of New South Wales. The Marine Park covers an area of 4 km² and a water depth range of 21 m to 46 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Cod Grounds Marine Park on 9 October 2017. It includes the area of the Cod Grounds Commonwealth Marine Reserve originally proclaimed under the EPBC Act on 10 May 2007. The Marine Park is assigned IUCN category II and includes one zone assigned under this plan: National Park Zone (II).

Coordinates for the Cod Grounds Marine Park and zone are provided in Figure S2.6 and Schedule 4.

Statement of significance

The Cod Grounds Marine Park is significant because it contains habitats, species and ecological communities representative of the Central Eastern Shelf Transition. It provides habitat for grey nurse sharks.

Natural values

The Marine Park includes examples of ecosystems representative of the Central Eastern Shelf Transition. Ecosystems in this area are influenced by tropical waters of the East Australian Current meeting temperate waters, creating a combination of tropical and temperate environments. Many species found within the Marine Park are at, or close to, either their southern or northern geographical limits. Tropical, subtropical and temperate marine communities co-exist within the same area.

The Marine Park is predominantly rocky reef surrounded by boulder and cobble slopes that support diverse and abundant marine communities. The reefs are interlaced with sand and cobble gutters. The Cod Grounds reef is the northern-most of a series of reefs extending south and south-west. The Cod Grounds is the shallowest reef in the series and has steeper slopes. The rocky outcrops form several pinnacles which are surrounded by gutters, ledges and caves. The underwater pinnacles of the Marine Park provide habitat for grey nurse sharks and their prey species.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, a migratory pathway and aggregation area for grey nurse sharks, and migratory and foraging habitat for humpback whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Social and economic values

Tourism, scientific research and recreation activities are important in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

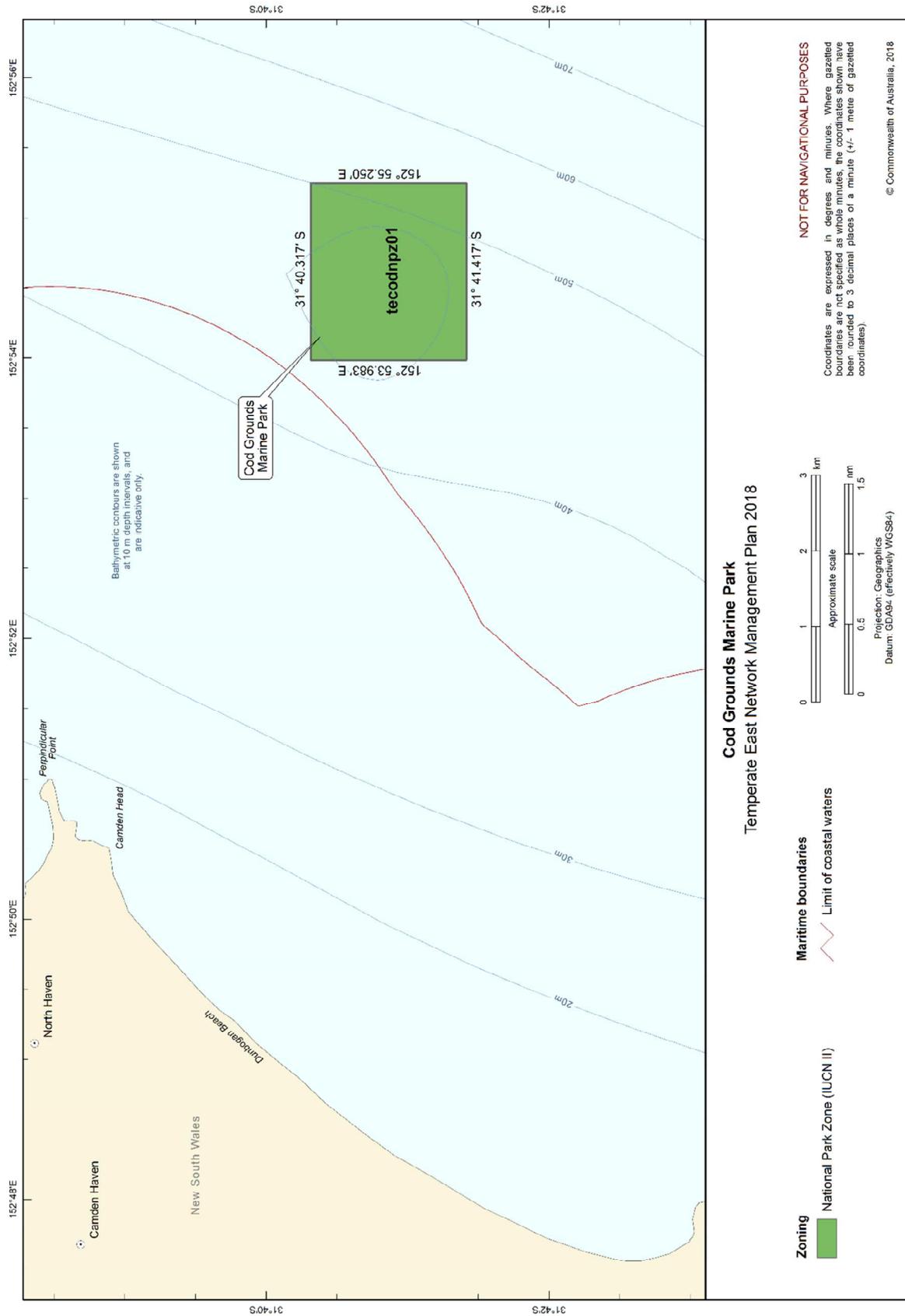


Figure S2.6 Cod Grounds Marine Park

HUNTER MARINE PARK

The Hunter Marine Park (Figure S2.7) extends from the New South Wales state water boundary to approximately 100 km offshore, and adjacent to the New South Wales Port Stephens–Great Lakes Marine Park. The Marine Park covers an area of 6257 km² and a depth range between 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Hunter Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: Habitat Protection Zone (IV) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Hunter Marine Park and zones are provided in Figure S2.7 and Schedule 4.

Statement of significance

The Hunter Marine Park is significant because it contains habitats, species and ecological communities representative of the Central Eastern Province and the Central Eastern Shelf Province. It includes three key ecological features: canyons on the eastern continental slope (valued for a unique seafloor feature with ecological properties of regional significance); shelf rocky reefs (valued for a unique seafloor feature with ecological properties of regional significance); and the Tasman Front and eddy field (valued for high productivity, aggregations of marine life, biodiversity and endemism).

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Port Stephens–Great Lakes Marine Park.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the shelf that interact with currents and ocean gyres resulting in upwellings that influence biological productivity. Plankton blooms associated with the upwellings attract aggregations of tuna, whale and albatross and support over 50 fish species endemic to the area.
- Central Eastern Shelf Province—upwellings caused by the East Australian Current crossing the continental shelf, and river sediment influence biological productivity in this provincial bioregion that extends south over the continental shelf from the boundary of the Great Barrier Reef Marine Park to offshore Coffs Harbour.

Key ecological features of the Marine Park are:

- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.
- Shelf rocky reefs—have a diverse range of complex benthic habitats that support diverse benthic communities.
- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, a migratory pathway and foraging habitat for humpback whales; and aggregation areas for grey nurse sharks.

HUNTER MARINE PARK

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976—India* (wrecked in 1884).

Social and economic values

Commercial fishing, tourism and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

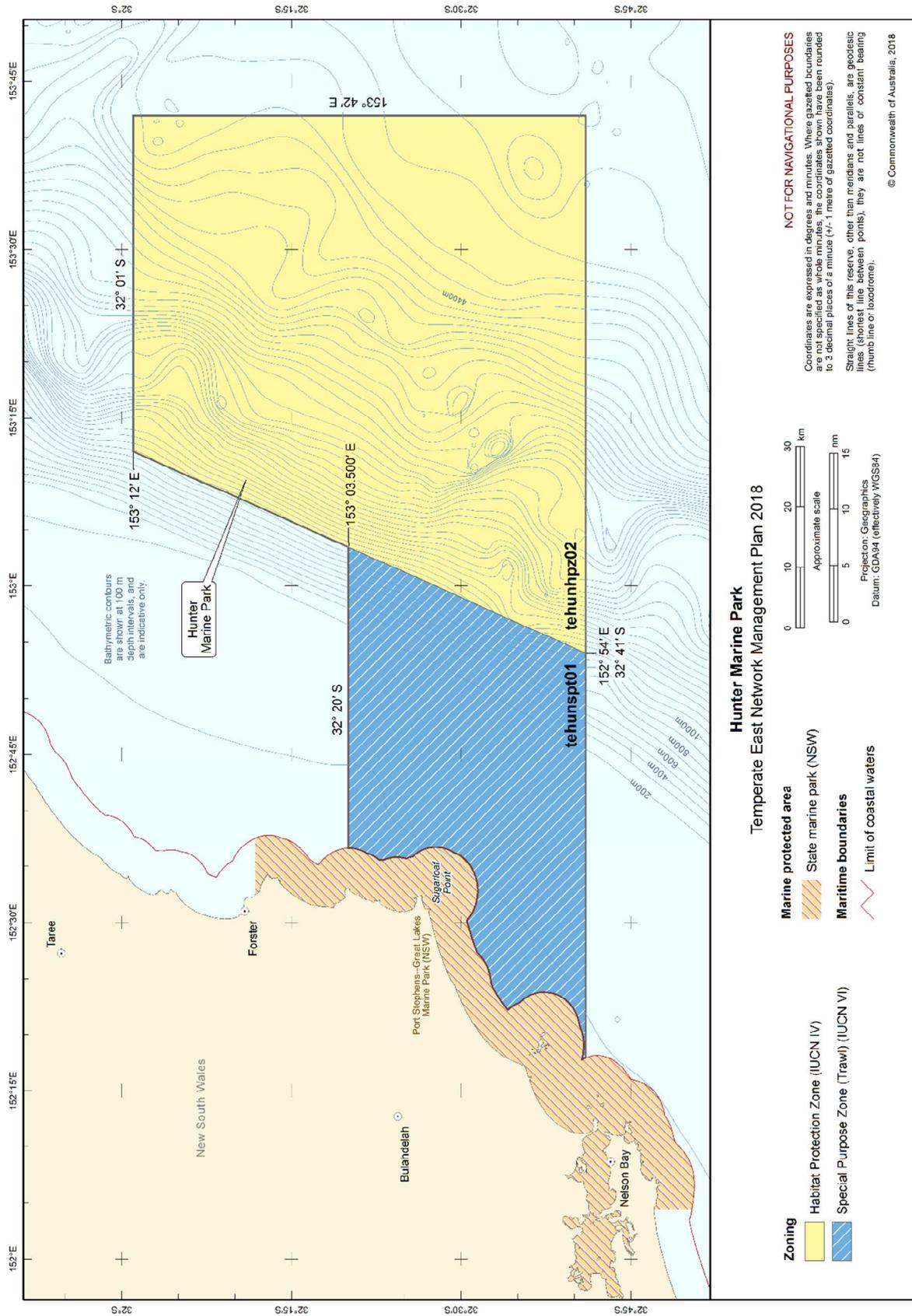


Figure S2.7 Hunter Marine Park

JERVIS MARINE PARK

The Jervis Marine Park (Figure S2.8) is located approximately 20 km offshore, adjacent to the New South Wales Jervis Bay Marine Park and Commonwealth Booderee National Park. The Marine Park covers an area of 2473 km² and a depth range between 120 m and 5000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Jervis Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: Habitat Protection Zone (IV) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Jervis Marine Park and zones are provided in Figure S2.8 and Schedule 4.

Statement of significance

The Jervis Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Eastern Province and the Southeast Shelf Transition. It includes two key ecological features: canyons on the eastern continental slope; and shelf rocky reefs (both valued as unique seafloor features with ecological properties of regional significance).

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the edge of the continental shelf that interact with ocean currents and gyres resulting in plankton blooms associated with upwellings.
- Southeast Shelf Transition—includes upwellings caused by the East Australian Current crossing the continental shelf and river sediments that influence biological productivity in this region.

Key ecological features of the Marine Park are:

- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.
- Shelf rocky reefs—which have a complex range of benthic habitat that supports diverse benthic communities.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, foraging habitat for grey nurse sharks, and a foraging habitat for humpback whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

JERVIS MARINE PARK

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976*—*HMAS Tattoo* (wrecked in 1939).

Social and economic values

Tourism, commercial fishing, and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

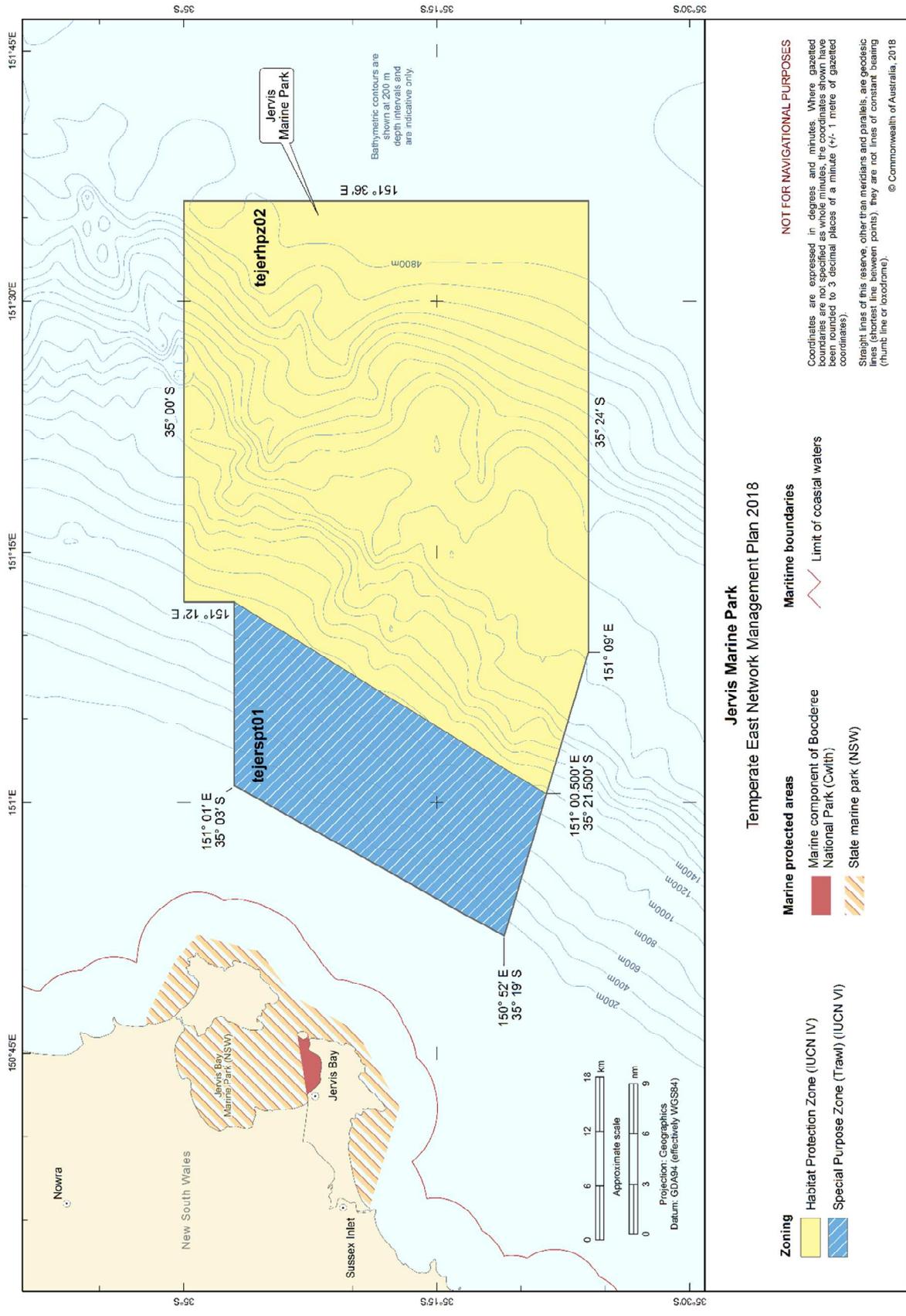


Figure S2.8 Jervis Marine Park

SCHEDULE 3 ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE TEMPERATE EAST NETWORK

Four types of environmental features were used in the design of the marine parks of the Temperate East Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the Temperate East Marine Region* (2012), the *East marine bioregional plan: bioregional profile* (2008), and the conservation values atlas on the Department's website.

Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia* (IMCRA) as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The Temperate East Network represents seven of the ten bioregions found in the region: Central Eastern Transition, Central Eastern Shelf Transition, Central Eastern Shelf Province, Central Eastern Province, Tasman Basin Province, Lord Howe Province, Norfolk Island Province and the South-east Shelf Transition (Figure S3.1).

Depth ranges

The Temperate East Network represents the full range of depths found in the region, from shallow waters of less than 15 m to approximately 6000 m depth. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents 15 of the 17 seafloor features found in the region: abyssal plain/deep ocean floor, bank/shoal, basin, canyon, deep/hole/valley, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, ridge, saddle, seamount/guyot, shelf, slope, terrace, and trench/trough (Figure S3.3).

Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The Temperate East Network represents six of eight key ecological features found in the region: shelf rocky reefs, canyons on the eastern continental slope, Tasman Front and eddy field, Tasmantid Seamount Chain, Lord Howe Seamount Chain, Norfolk Ridge, and Elizabeth and Middleton Reefs. (Figure S3.4).

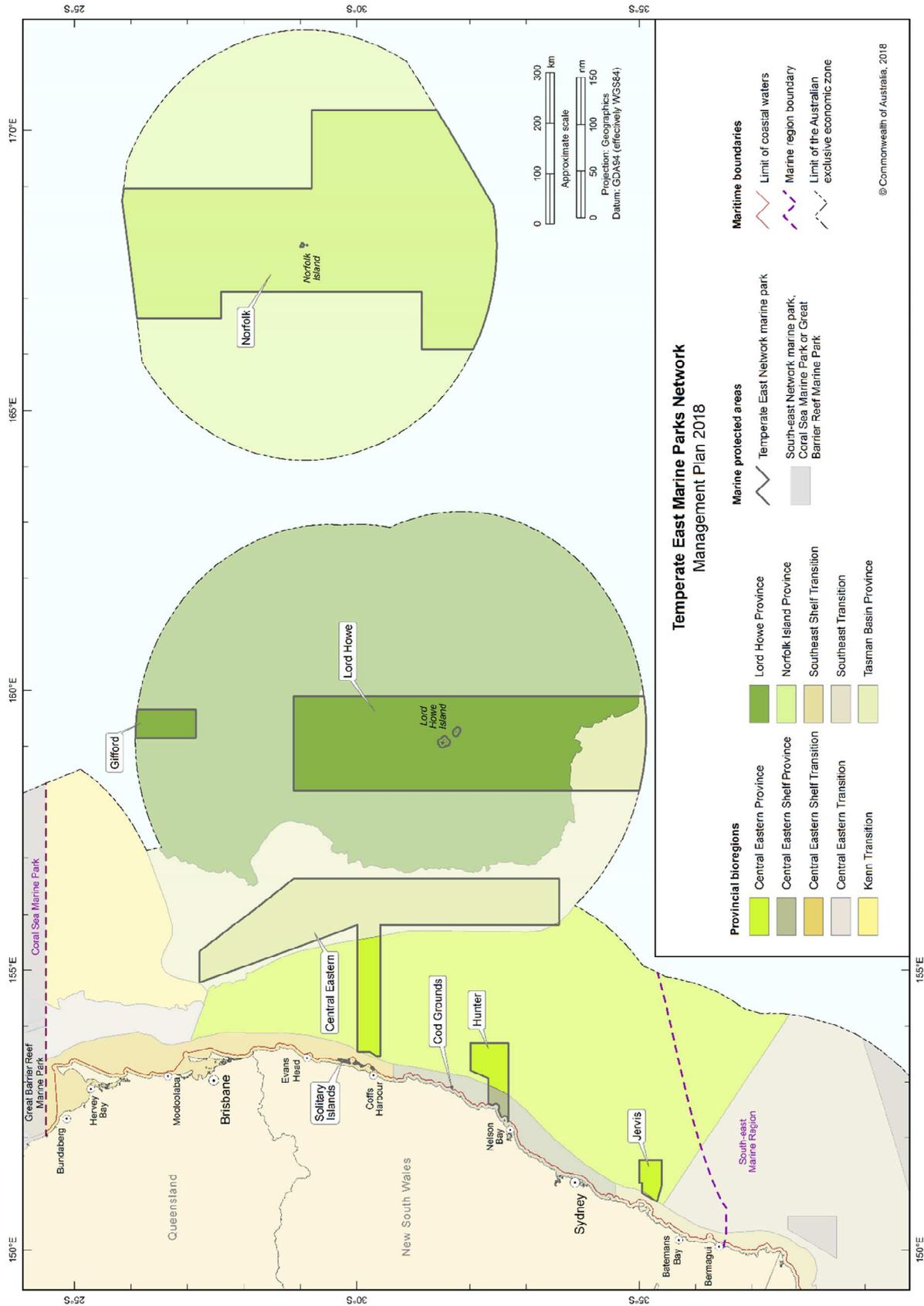


Figure S3.1 Provincial bioregions represented in the Temperate East Network

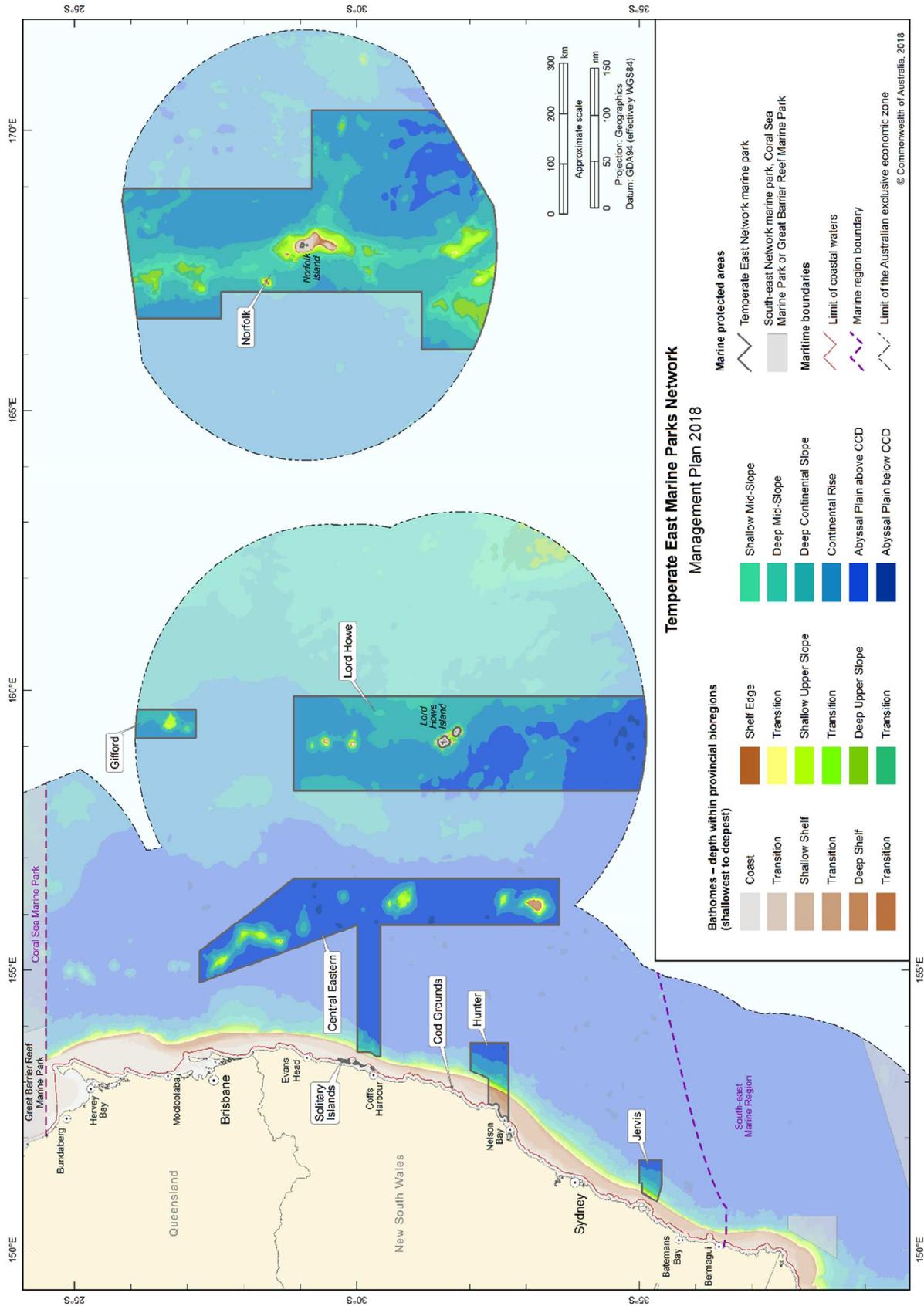


Figure S3.2 Bathomes indicating depth ranges represented in the Temperate East Network

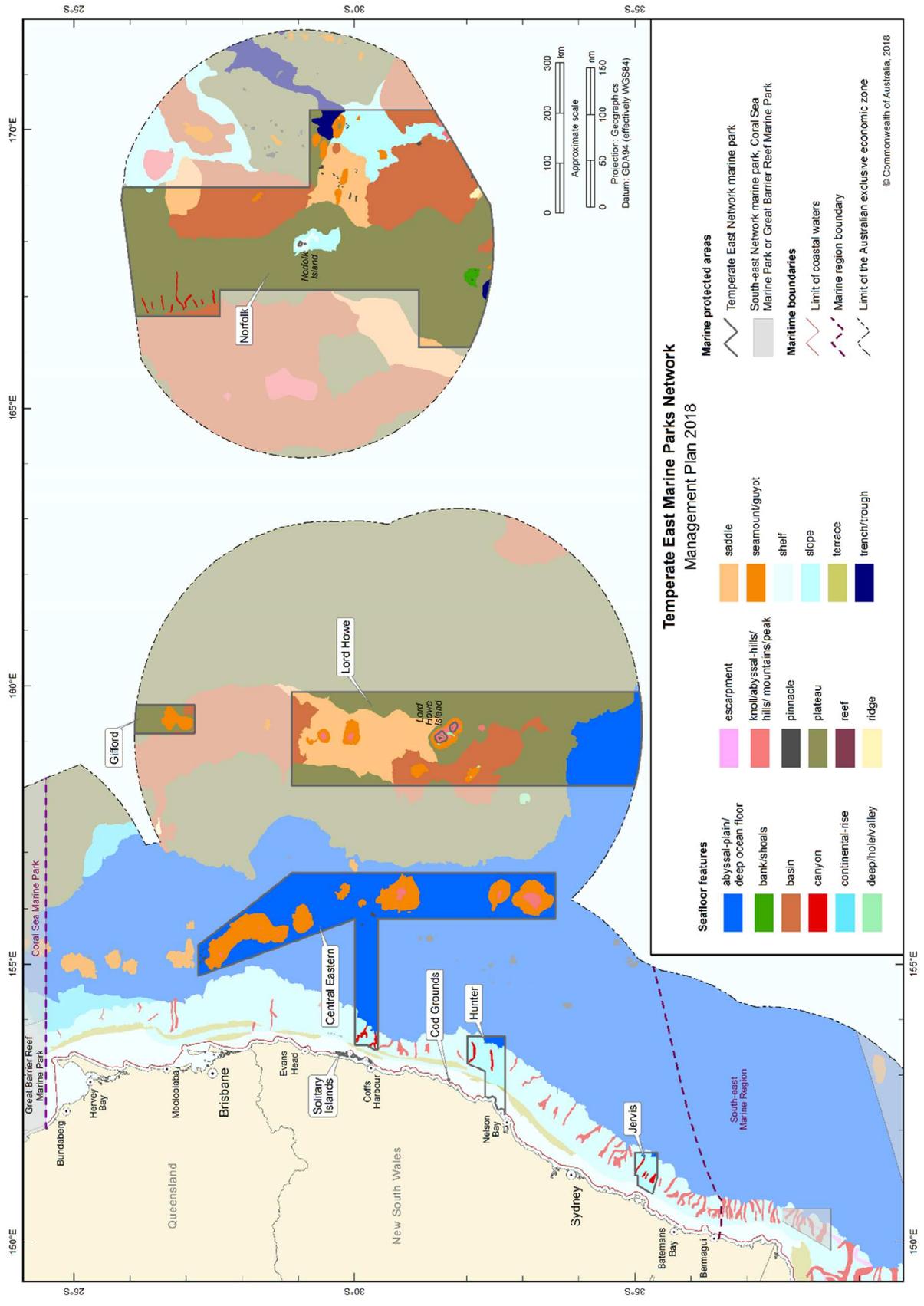


Figure S3.3 Seafloor features represented in the Temperate East Network

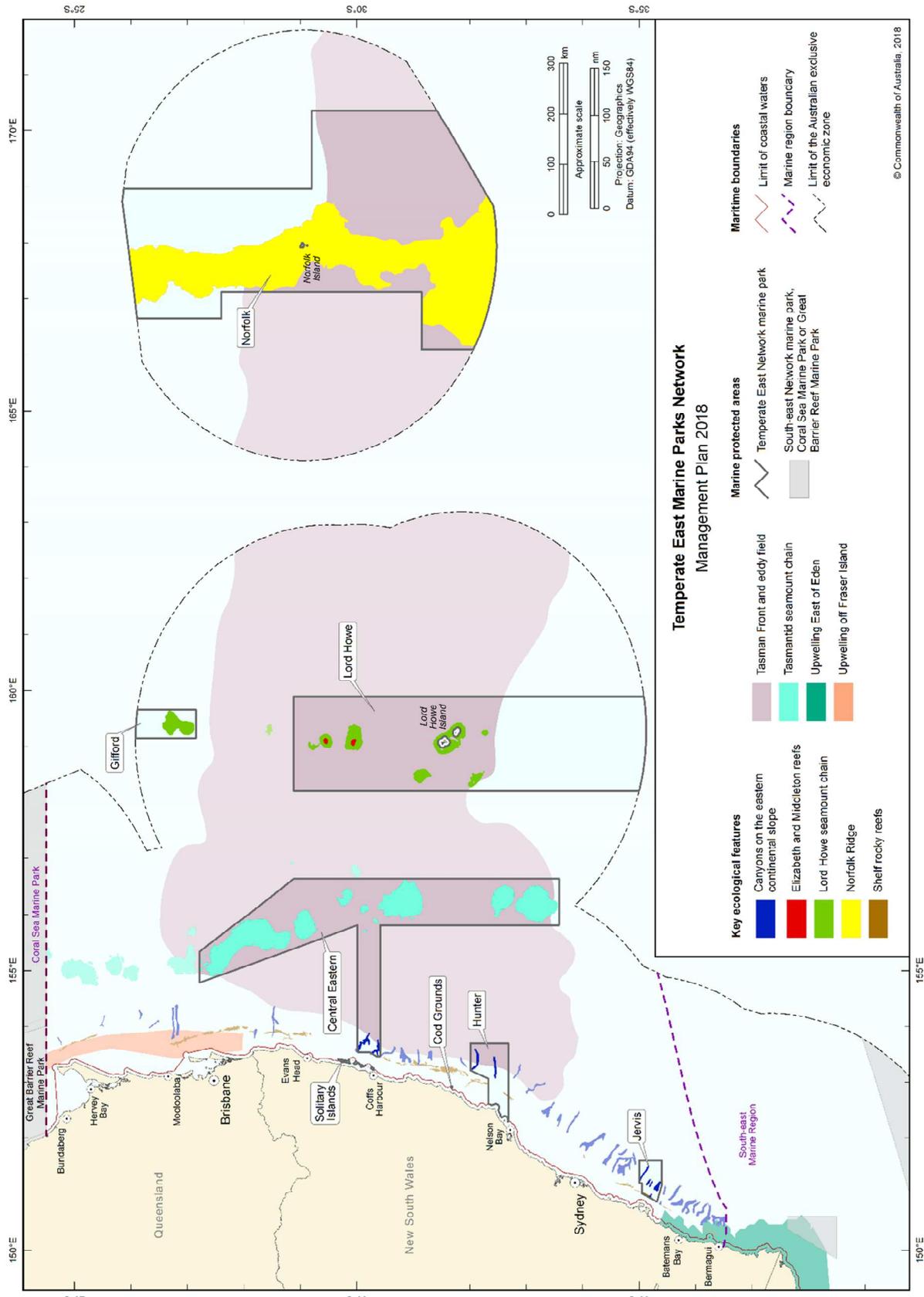


Figure S3.4 Key ecological features represented in the Temperate East Network

SCHEDULE 4 TEMPERATE EAST NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

In this Schedule:

Maritime boundary (French Republic) Agreement means the Agreement on Maritime Delimitation between the Government of Australia and the Government of the French Republic, done at Melbourne on 4 January 1982. The Agreement is in Australian Treaty Series 1983 No. 3 ([1983] ATS 3) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Maritime boundary (New Zealand) Treaty means the Treaty between the Government of Australia and the Government of New Zealand Establishing Certain Exclusive Economic Zone Boundaries and Continental Shelf Boundaries, done at Adelaide on 25 July 2004. The Treaty is in Australian Treaty Series 2006 No. 4 ([2006] ATS 4) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Norfolk Island has the same meaning as **Territory** in subsection 4(1) of the *Norfolk Island Act 1979*.

State waters has the same meaning as **coastal waters of the State** in subsection 3(1) of the *Coastal Waters (State Powers) Act 1980*.

Note: Geographic coordinates in this Proclamation are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

PART 1 — GIFFORD MARINE PARK

1.1 Area of marine park

The Gifford Marine Park consists of an area in the South Pacific Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 09' 00" S, longitude 159° 09' 00" E
2	North along the meridian of longitude 159° 09' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally easterly along that outer limit to its intersection by the meridian of longitude 159° 39' 00" E
4	South along that meridian to its intersection by the parallel of latitude 27° 09' 00" S
5	West along that parallel to the point of commencement

1.2 Zone (tegifhpz01) for marine park

(1) The Gifford Marine Park has the following zone:

- (a) the Habitat Protection Zone (IV) described in Section 1.1 of this Part.

PART 2 — NORFOLK MARINE PARK

2.1 Area of marine park

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 36' 00" S, longitude 166° 39' 00" E
2	North along the meridian of longitude 166° 39' 00" E to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement
3	Generally easterly along that line to its intersection by the meridian of longitude 168° 58' 00" E
4	South along that meridian to its intersection by the parallel of latitude 29° 12' 00" S
5	East along that parallel to its intersection by the meridian of longitude 170° 22' 00" E
6	South along that meridian to its intersection by the line described by article 2 of the Maritime boundary (New Zealand) Treaty
7	Generally south-westerly and westerly along that line to its intersection by the meridian of longitude 166 ° 05 ' 00" E
8	North along that meridian to its intersection by the parallel of latitude 31° 09' 00" S
9	East along that parallel to its intersection by the meridian of longitude 167° 07' 00" E
10	North along that meridian to its intersection by the parallel of latitude 27° 36' 00" S
11	West along that parallel to the point of commencement

2.2 Zones for marine park

(1) The Norfolk Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 2.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 2.4 of this Part;
- (c) the Special Purpose Zone (Norfolk) (VI) described in Section 2.5 of this Part.

2.3 Zone 1 (tenornpz01) of marine park—National Park Zone (II)

Zone 1 (tenornpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tenornpz01) of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 27° 36' 00" S, longitude 166° 39' 00" E
2	North along the meridian of longitude 166° 39' 00" E to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement

Zone 1 (tenornpz01) of marine park—National Park Zone (II)

Item	Description
3	Generally easterly along that line to its intersection by the meridian of longitude 168° 58' 00" E
4	South along that meridian to its intersection by the parallel of latitude 27° 36' 00" S
5	West along that parallel to the point of commencement

2.4 Zone 2 (tenorh pz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (tenorh pz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (tenorh pz02) of marine park—Habitat Protection Zone (IV)

Item	Description
1	The point of latitude 29° 12' 00" S, longitude 168° 58' 00" E
2	East along the parallel of latitude 29° 12' 00" S to its intersection by the meridian of longitude 170° 22' 00" E
3	South along that meridian to its intersection by the line described by article 2 of the Maritime boundary (New Zealand) Treaty
4	Generally south-westerly and westerly along that line to its intersection by the meridian of longitude 166° 05' 00" E
5	North along the meridian of longitude 166° 05' 00" E to its intersection by the parallel of latitude 31° 09' 00" S
6	East along that parallel to its intersection by the meridian of longitude 167° 07' 00" E
7	North along that meridian to its intersection by the parallel of latitude 27° 36' 00" S
8	East along that parallel to its intersection by the meridian of longitude 168° 58' 00" E
9	South along that meridian to the point of commencement

2.5 Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)

Zone 3 (tenorspn03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)

Item	Description
1	The point of latitude 28° 38' 00" S, longitude 167° 40' 00" E
2	East along the parallel of latitude 28° 38' 00" S to its intersection by the meridian of longitude 168° 20' 00" E

Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)

Item Description

3	South along that meridian to its intersection by the parallel of latitude 29° 45' 00" S
4	West along that parallel to its intersection by the meridian of longitude 167° 40' 00" E
5	North along that meridian to the point of commencement

PART 3 — LORD HOWE MARINE PARK

3.1 Area of marine park

The Lord Howe Marine Park consists of an area in the South Pacific Ocean, excluding any State waters of New South Wales, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park

Item Description

1	The point of latitude 28° 53' 00" S, longitude 158° 12' 00" E
2	East along the parallel of latitude 28° 53' 00" S to its intersection by the meridian of longitude 159 ° 54' 00" E
3	South along that meridian to its intersection by the outer limit of the exclusive economic zone
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 158° 12' 00"E
5	North along that meridian to the point of commencement

3.2 Zones for marine park

(1) The Lord Howe Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in Section 3.3 of this Part;
- (b) the National Park Zones (II) described in Sections 3.4, 3.7 and 3.8 of this Part;
- (c) the Recreational Use Zone (IV) described in Section 3.5 of this Part
- (d) the Habitat Protection Zone (Lord Howe) (IV) described in Section 3.6 of this Part;
- (e) the Habitat Protection Zone (IV) described in Section 3.9 of this Part.

3.3 Zone 1 (telhimuz01) of marine park—Multiple Use Zone (VI)

Zone 1 (telhimuz01) of the marine park consists of an area, excluding the zones described in Sections 3.5 and 3.6, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (telhimuz01) of marine park—Multiple Use Zone (VI)

Item	Description
1	The point of latitude 28° 53' 00" S, longitude 158° 12' 00" E
2	East along the parallel of latitude 28° 53' 00" S to its intersection by the meridian of longitude 159° 54' 00" E
3	South along that meridian to its intersection by the parallel of latitude 31° 17' 00" S
4	West along that parallel to its intersection by the meridian of longitude 158° 12' 00" E
5	North along that meridian to the point of commencement

3.4 Zone 2 (telhinpz02) of marine park—National Park Zone (II)

Zone 2 (telhinpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (telhinpz02) of marine park—National Park Zone (II)

Item	Description
1	The point of latitude 29° 21' 00" S, longitude 158° 55' 00" E
2	East along the parallel of latitude 29° 21' 00" S to its intersection by the meridian of longitude 159° 24' 00" E
3	South along that meridian to its intersection by the parallel of latitude 29° 53' 00" S
4	West along that parallel to its intersection by the meridian of longitude 158° 55' 00" E
5	North along that meridian to the point of commencement

3.5 Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)

Zone 3 (telhiruz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)

Item	Description
1	The point of latitude 29° 53' 00" S, longitude 158° 55' 00" E
2	East along the parallel of latitude 29° 53' 00" S to its intersection by the meridian of longitude 159° 24' 00" E
3	South along that meridian to its intersection by the parallel of latitude 30° 06' 35" S
4	West along that parallel to its intersection by the meridian of longitude 158° 55' 00" E

Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)

Item Description

5 North along that meridian to the point of commencement

3.6 Zone 4 (telhihpl04) of marine park—Habitat Protection Zone (Lord Howe) (IV)

Zone 4 (telhihpl04) of the marine park consists of an area, excluding any State waters of New South Wales and the zone described in Section 3.6, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 (telhihpl04) of marine park—Habitat Protection Zone (Lord Howe) (IV)

Item Description

1 The point of latitude 31° 46' 50" S, longitude 158° 48' 00" E

2 East along the parallel of latitude 31° 46' 50" S to its westernmost intersection by the outer limit of the State waters of New South Wales, adjacent to Ball's Pyramid

3 Generally northerly, easterly and south-easterly along that outer limit to its easternmost intersection by the parallel of latitude 31° 46' 50" S

4 East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E

5 North along that meridian to its intersection by the parallel of latitude 31° 17' 00" S

6 West along that parallel to its intersection by the meridian of longitude 158° 48' 00" E

7 South along that meridian to the point of commencement

3.7 Zone 5 (telhinpz05) of marine park—National Park Zone (II)

Zone 5 (telhinpz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 5 (telhinpz05) of marine park—National Park Zone (II)

Item Description

1 The point of latitude 31° 30' 40" S, longitude 159° 24' 00" E

2 South along the meridian of longitude 159° 24' 00" E to its intersection by the parallel of latitude 31° 35' 50" S

3 West along that parallel to its intersection by the outer limit of the State waters of New South Wales, adjacent to Lord Howe Island

4 Generally north-easterly and north-westerly along that outer limit to its intersection by the parallel of latitude 31° 30' 40" S

5 East along that parallel to the point of commencement

3.8 Zone 6 (telhinpz06) of marine park—National Park Zone (II)

Zone 6 (telhinpz06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 6 (telhinpz06) of marine park—National Park Zone (II)

Item	Description
1	The point of latitude 31° 46' 50" S, longitude 158° 48' 00" E
2	East along the parallel of latitude 31° 46' 50" S to its westernmost intersection by the outer limit of the State waters of New South Wales, adjacent to Ball's Pyramid
3	Generally south-easterly and north-easterly along that outer limit to its easternmost intersection by the parallel of latitude 31° 46' 50" S
4	East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E
5	South along that meridian to its intersection by the parallel of latitude 32° 20' 00" S
6	West along that parallel to its intersection by the meridian of longitude 158° 48' 00" E
7	North along that meridian to the point of commencement

3.9 Zone 7 (telhihpz07) of marine park—Habitat Protection Zone (IV)

Zone 7 (telhihpz07) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 7 (telhihpz07) of marine park—Habitat Protection Zone (IV)

Item	Description
1	The point of latitude 31° 17' 00" S, longitude 158° 12' 00" E
2	East along the parallel of latitude 31° 17' 00" S to its intersection by the meridian of longitude 158° 48' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 20' 00" S
4	East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E
5	South along that meridian to its intersection by the outer limit of the exclusive economic zone
6	Generally westerly along that outer limit to its intersection by the meridian of longitude 158° 12' 00" E
7	North along that meridian to the point of commencement

PART 4 — CENTRAL EASTERN MARINE PARK

4.1 Area of marine park

The Central Eastern Marine Park consists of an area in the South Pacific Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 13' 00" S, longitude 154° 47' 00" E
2	East along the parallel of latitude 27° 13' 00" S to its intersection by the meridian of longitude 155° 20' 00" E
3	South-easterly along the geodesic to the point of latitude 28° 53' 00" S, longitude 156° 38' 00" E
4	South along the meridian of longitude 156° 38' 00" E to its intersection by the parallel of latitude 33° 34' 54" S
5	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
6	North along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
7	West along that parallel to its intersection by the meridian of longitude 153° 28' 00" E
8	North along that meridian to its intersection by the parallel of latitude 30° 21' 00" S
9	North-easterly along the geodesic to the point of latitude 30° 13' 30" S, longitude 153° 32' 30" E
10	North along the meridian of longitude 153° 32' 30" E to its intersection by the parallel of latitude 30° 00' 40" S
11	East along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
12	North-westerly along the geodesic to the point of commencement

4.2 Zones for marine park

(1) The Central Eastern Marine Park is divided into the following zones:

- (a) the Habitat Protection Zones (IV) described in clauses 4.3 and 4.6 of this Part;
- (b) the Multiple Use Zone (VI) described in clause 4.4 of this Part;
- (c) the National Park Zone (II) described in clause 4.5 of this Part.

4.3 Zone 1 (teceehpz01) of marine park—Habitat Protection Zone (IV)

Zone 1 (teceehpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (teceehpz01) of marine park—Habitat Protection Zone (IV)

Item	Description
1	The point of latitude 27° 13' 00" S, longitude 154° 47' 00" E
2	East along the parallel of latitude 27° 13' 00" S to its intersection by the meridian of longitude 155° 20' 00" E
3	South-easterly along the geodesic to the point of latitude 28° 53' 00" S, longitude 156° 38' 00" E
4	South along the meridian of longitude 156° 38' 00" E to its intersection by the parallel of latitude 30° 17' 00" S
5	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
6	South along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
7	West along that parallel to its intersection by the meridian of longitude 153° 39' 30" E
8	North along that meridian to its intersection by the parallel of latitude 30° 00' 40" S
9	East along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
10	North-westerly along the geodesic to the point of commencement

4.4 Zone 2 (teceemuz02) of marine park—Multiple Use Zone (VI)

Zone 2 (teceemuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (teceemuz02) of marine park—Multiple Use Zone (VI)

Item	Description
1	The point of latitude 30° 00' 40" S, longitude 153° 32' 30" E
2	East along the parallel of latitude 30° 00' 40" S to its intersection by the meridian of longitude 153° 39' 30" E
3	South along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
4	West along that parallel to its intersection by the meridian of longitude 153° 28' 00" E
5	North along that meridian to its intersection by the parallel of latitude 30° 21' 00" S
6	North-easterly along the geodesic to the point of latitude 30° 13' 30" S, longitude 153° 32' 30" E
7	North along the meridian of longitude 153° 32' 30" E to the point of commencement

4.5 Zone 3 (teceenpz03) of marine park—National Park Zone (II)

Zone 3 (teceenpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 (teceenpz03) of marine park—National Park Zone (II)

Item	Description
1	The point of latitude 30° 17' 00" S, longitude 155° 48' 00" E
2	East along the parallel of latitude 30° 17' 00" S to its intersection by the meridian of longitude 156° 38' 00" E
3	South along that meridian to its intersection by the parallel of latitude 31° 12' 00" S
4	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
5	North along that meridian to the point of commencement

4.6 Zone 4 (teceehpz04) of marine park—Habitat Protection Zone (IV)

Zone 4 (teceehpz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 (teceehpz04) of marine park—Habitat Protection Zone (IV)

Item	Description
1	The point of latitude 31° 12' 00" S, longitude 155° 48' 00" E
2	East along the parallel of latitude 31° 12' 00" S to its intersection by the meridian of longitude 156° 38' 00" E
3	South along that meridian to its intersection by the parallel of latitude 33° 34' 54" S
4	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
5	North along that meridian to the point of commencement

PART 5 — SOLITARY ISLANDS MARINE PARK

5.1 Area of marine park

The Solitary Islands Marine Park consists of an area in the South Pacific Ocean, excluding any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

Area of marine park

Item Description

1	The intersection of the parallel of latitude 29° 40' 18.28" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 30° 18' 19.27" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

5.2 Zones for marine park

(1) The Solitary Islands Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in clause 5.3 of this Part;
- (b) the National Park Zone (II) described in clause 5.4 of this Part;
- (c) the Special Purpose Zone (Trawl) (VI) described in Section 5.5 of this Part.

5.3 Zone 1 (tesolmuz01) of marine park—Multiple Use Zone (VI)

Zone 1 (tesolmuz01) of the marine park consists of an area, excluding the zone described in Section 5.4 and any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tesolmuz01) of marine park—Multiple Use Zone (VI)

Item Description

1	The intersection of the parallel of latitude 29° 40' 18.28" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 29° 46' 42" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

5.4 Zone 2 (tesolnpz02) of marine park—National Park Zone (II)

Zone 2 (tesolnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (tesolnpz02) of marine park—National Park Zone (II)

Item	Description
1	The point of latitude 29° 41' 32.1" S, longitude 153° 23' 28.5" E
2	East along the parallel of latitude 29° 41' 32.1" S, to its intersection by the meridian of longitude 153° 24' 15.6" E
3	South along that meridian to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
4	Generally southerly along that isobath to its intersection by the parallel of latitude 29° 42' 12.9" S
4	West along that parallel to its intersection by the meridian of longitude 153° 23' 28.5" E
5	North along that meridian to the point of commencement

5.5 Zone 3 (tesolspt03) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 3 (tesolspt03) of the marine park consists of an area, excluding any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

Zone 3 (tesolspt03) of marine park—Special Purpose Zone (Trawl) (VI)

Item	Description
1	The intersection of the parallel of latitude 29° 46' 42" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 30° 18' 19.27" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

PART 6 — COD GROUNDS MARINE PARK

6.1 Area of marine park

The Cod Grounds Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 31° 40' 19" S, longitude 152° 53' 59" E
2	East along the parallel of latitude 31° 40' 19" S, to its intersection by the meridian of longitude 152° 55' 15"E
3	South along that meridian to its intersection by the parallel of latitude 31° 41' 25" S
4	West along that parallel to its intersection by the meridian of longitude 152° 53' 59" E
5	North along that meridian to the point of commencement

6.2 Zone (tecodnpz01) for marine park

(1) The Cod Grounds Marine Park has the following zone:

- (a) the National Park Zone (II) described in Section 6.1 of this Part.

PART 7 — HUNTER MARINE PARK

7.1 Area of marine park

The Hunter Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 32° 01' 00" S, longitude 153° 12' 00" E
2	East along the parallel of latitude 32° 01' 00" S to its intersection by the meridian of longitude 153° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 41' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of New South Wales
5	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 32° 20' 00" S
6	East along that parallel to its intersection by the meridian of longitude 153° 03' 30" E
7	North-easterly along the geodesic to the point of commencement

7.2 Zones for marine park

(1) The Hunter Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 7.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 7.4 of this Part.

7.3 Zone 1 (tehunspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 1 (tehunspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tehunspt01) of marine park—Special Purpose Zone (Trawl) (VI)	
Item	Description
1	The point of latitude 32° 20' 00" S, longitude 153° 03' 30" E
2	South-westerly along the geodesic to the point of latitude 32° 41' 00" S, longitude 152° 54' 00" E
3	West along the parallel of latitude 32° 41' 00" S to its intersection by the outer limit of the State waters of New South Wales
4	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 32° 20' 00" S
5	East along that parallel to the point of commencement

7.4 Zone 2 (tehunhpz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (tehunhpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (tehunhpz02) of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 32° 01' 00" S, longitude 153° 12' 00" E
2	East along the parallel of latitude 32° 01' 00" S to its intersection by the meridian of longitude 153° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 41' 00" S
4	West along that parallel to its intersection by the meridian of longitude 152° 54' 00" E
5	North-easterly along the geodesic to the point of latitude 32° 20' 00" S, longitude 153° 03' 30" E
6	North-easterly along the geodesic to the point of commencement

PART 8 — JERVIS MARINE PARK

8.1 Area of marine park

The Jervis Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 35° 00' 00" S, longitude 151° 12' 00" E
2	East along the parallel of latitude 35° 00' 00" S to its intersection by the meridian of longitude 151° 36' 00" E
3	South along that meridian to its intersection by the parallel of latitude 35° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 151° 09' 00" E
5	North-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E
6	North-westerly along the geodesic to the point of latitude 35° 19' 00" S, longitude 150° 52' 00" E
7	North-easterly along the geodesic to the point of latitude 35° 03' 00" S, longitude 151° 01' 00" E
8	East along the parallel of latitude 35° 03' 00" S to its intersection by the meridian of longitude 151° 12' 00"E
9	North along that meridian to the point of commencement

8.2 Zones for marine park

(1) The Jervis Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 8.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 8.4 of this Part.

8.3 Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 1 (tejerspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)	
Item	Description
1	The point of latitude 35° 03' 00" S, longitude 151° 01' 00" E
2	East along the parallel of latitude 35° 03' 00" S to its intersection by the meridian of longitude 151° 12' 00" E
3	South-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E

Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Item Description

4 North-westerly along the geodesic to the point of latitude 35° 19' 00" S, longitude 150° 52' 00" E

5 North-easterly along the geodesic to the point of commencement

8.4 Zone 2 (tejerhpz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (tejerhpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (tejerhpz02) of marine park—Habitat Protection Zone (IV)

Item Description

1 The point of latitude 35° 00' 00" S, longitude 151° 12' 00" E

2 East along the parallel of latitude 35° 00' 00" S to its intersection by the meridian of longitude 151° 36' 00" E

3 South along that meridian to its intersection by the parallel of latitude 35° 24' 00" S

4 West along that parallel to the meridian of longitude 151° 09' 00" E

5 North-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E

6 North-easterly along the geodesic to the point of latitude 35° 03' 00" S, longitude 151° 12' 00" E

7 North along the meridian of longitude 151° 12' 00" E to the point of commencement

SCHEDULE 5 SUPPORTING INFORMATION

ANZECC (Australian and New Zealand Environment and Conservation Council) (1998) *Guidelines for establishing the National Representative System of Marine Protected Areas*. ANZECC Task Force on Marine Protected Areas, Canberra.

ANZECC (Australian and New Zealand Environment and Conservation Council) (1999) *Strategic plan of action for the National Representative System of Marine Protected Areas: a guide for action for Australian Governments*. ANZECC Task Force on Marine Protected Areas, Canberra.

Beeton RJS, Buxton CD, Cochrane P, Dittmann S, Pepperell JG (2015) *Commonwealth marine reserves review: report of the expert scientific panel*. Department of the Environment, Canberra.

Buxton CD, Cochrane P (2015) *Commonwealth marine reserves review: report of the bioregional advisory panel*. Department of the Environment, Canberra, 341 pp.

Commonwealth of Australia (1976) *Historic Shipwrecks Act 1976*.

Commonwealth of Australia (1999) *Environment Protection and Biodiversity Conservation Act 1999*. Environment Australia, Canberra.

Commonwealth of Australia (2000) *Environment Protection and Biodiversity Conservation Regulations 2000*. Environment Australia, Canberra.

Commonwealth of Australia (2006) *A guide to the Integrated Marine and Coastal Regionalisation of Australia* Version 4.0. Department of the Environment and Heritage, Canberra.

Commonwealth of Australia (2006) *Threat abatement plan to reduce the impacts of tramp ants on biodiversity in Australia and its territories*. Department of the Environment, Water, Heritage and the Arts, Canberra.

Commonwealth of Australia (2009) *East marine bioregional plan: bioregional profile*. Department of Sustainability, Environment, Water, Population and Communities, Canberra.

Commonwealth of Australia (2009) *Threat abatement plan for the impacts of marine debris on vertebrate marine life*. Department of the Environment, Water, Heritage and the Arts, Canberra.

Commonwealth of Australia (2012) *Marine bioregional plan for the Temperate East Marine Region*. Department of Sustainability, Environment, Water, Population and Communities, Canberra.

Day J, Dudley N, Hockings M, Holmes G, Laffoley D, Stolton S, Wells S (2012) *Guidelines for applying the IUCN protected area management categories to marine protected areas*. International Union for the Conservation of Nature, Gland, Switzerland, 36pp.

Jackson WJ, Argent RM, Bax NJ, Clark GF, Coleman S, Cresswell ID, Emmerson KM, Evans K, Hibberd MF, Johnston EL, Keywood MD, Klekociuk A, Mackay R, Metcalfe D, Murphy H, Rankin A, Smith DC, Wienecke B (2017) *Australia state of the environment 2016: overview*. Independent report to the Australian Government Minister for the Environment and Energy, Australian Government Department of the Environment and Energy, Canberra.

MAP DATA SOURCES

Aeronautical Information Services – Airforce (2016): Danger and restricted airspace regions over Australia.

Australian Fisheries Management Authority (2014): Commonwealth Fishing Activity (Status Report).

Australian Maritime Safety Authority (2015): Automatic Identification System (Shipping).

Department of the Environment and Energy (2018): Australia's Network of Marine Parks.

Department of the Environment and Energy (2015): Key Ecological Features.

Department of the Environment and Energy (2016): Collaborative Australian Protected Areas Database.

Department of the Environment and Energy (2012): Commonwealth Marine Regions.

Department of the Environment and Energy (2011): Bathomes within Australian waters.

Department of the Environment and Energy (2006): Integrated Marine and Coastal Regionalisation of Australia v.4.0 Provincial Bioregions.

Department of Prime Minister and Cabinet (Environment branch-Indigenous Employment and Recognition Division) (2017): Indigenous Protected Areas – dedicated.

ESRI Australia Pty Ltd (1992): ARCWORLD World Dataset 1:3 million.

Geoscience Australia (2014): Australian Maritime Boundaries (AMB) v3.

Geoscience Australia (2006): GEODATA TOPO 250K.

Geoscience Australia (2006): GEODATA TOPO 2.5 M.

Geoscience Australia (2005): Australian Bathymetry and Topography.

Geoscience Australia (2004): Geomorphic Features of the EEZ.

Geoscience Australia (2004): GEODATA TOPO 100k – Coastline.

Great Barrier Reef Marine Park Authority (2004): Great Barrier Reef Marine Park Zoning Boundaries.

National Geospatial – Intelligence Agency (2012): World Port Index.

PBEncom Petroleum Information (2017): GPInfo petroleum exploration database.

