Draft Temperate East Commonwealth Marine Reserves Network management plan 2014–24
Invitation to comment on the draft Temperate East Commonwealth Marine Reserves Network Management Plan

The Temperate East Commonwealth Marine Reserves Network comprises eight reserves. The proclamation of the reserves came into effect on 17 November 2012. Four Commonwealth marine reserves were revoked at the same time. These included: Lord Howe Island Marine Park and Elizabeth and Middleton Reefs Marine National Nature Reserve (areas now included in the area of the new Lord Howe Commonwealth Marine Reserve); Solitary Islands Marine Reserve (Commonwealth Waters) (area now included in the area of the new Solitary Islands Commonwealth Marine Reserve); Cod Grounds Commonwealth Marine Reserve (area now included in the area of the new Cod Grounds Commonwealth Marine Reserve).

The primary purpose of the Temperate East Commonwealth Marine Reserves Network is to protect and maintain biological diversity, while also allowing for the sustainable use of natural resources in some areas. The reserves include a vast range of ecosystems, habitats and biological communities representative of the Temperate East Marine Region. The reserves will help to ensure our marine environment remains healthy and is more resilient to the effects of climate change and other pressures.

This draft Management Plan has been developed under the Environment Protection and Biodiversity Conservation Act 1999 (s.366) and provides a framework for the management of the Temperate East Commonwealth Marine Reserves Network as a whole. In preparing this draft Management Plan, the Director of National Parks has considered:

- the Marine Bioregional Plan for the Temperate East Marine Region completed in 2012 and associated information for the Temperate East Marine Region
- the report prepared for the proclamation of the Commonwealth marine reserves within the Temperate East Marine Reserves Network
- the proclamations and purposes governing the use of each marine reserve within the Temperate East Marine Reserves Network
- previous management plans for the areas formerly part of the Lord Howe Island Marine Park (Commonwealth waters), Elizabeth and Middleton Reefs Marine National Nature Reserve, and Solitary Islands Marine Reserve (Commonwealth Waters)
- the protection and conservation of biodiversity and heritage in accordance with Australia’s obligations under international agreements
- the impact on current uses
- the interests of owners, leaseholders and holders of usage rights
- the interests of Traditional Owners of any Indigenous people’s land in the network and any other Indigenous persons interested in the network
- public comments received on the initial proposal to prepare a draft management plan (comment period from 17 November – 18 December 2012).

This draft Management Plan includes a description of the Temperate East Marine Region, the values of the Temperate East Commonwealth Marine Reserves Network and the known pressures affecting the marine environment in the region. It includes the suite of management objectives, strategies, actions and management prescriptions that will be implemented over the 10-year life of the Management Plan to protect the conservation values of the reserves network.

The Director of National Parks invites public comment on the draft Management Plan.

All comments received will be carefully considered and this draft plan may be revised accordingly. To ensure your comments are clear and concise please:

- list your points in order, numbered according to the relevant sections or prescriptions (policies and actions) of the draft plan
- state whether you agree or disagree with statements and give your reasons
• if you disagree, suggest alternatives
• include any matters you wish to raise that are relevant to the reserves but not covered by the draft plan.

There are two ways to submit feedback:

• Email your comments to:
  TemperateEast.draftplan@environment.gov.au

• Post your comments free of charge to:
  Temperate East Marine Reserves Network Draft Management Plan
  Department of Sustainability, Environment, Water, Population and Communities
  Reply Paid 787
  Canberra  ACT  2601

Comments on the draft Management Plan for the Temperate East Marine Reserves Network must be sent by 14 February 2013. Comments sent after this date or to addresses other than those above cannot be taken into account in finalising the Management Plan.

Please note that all comments may be treated as public documents and may be made public on the department’s website.

This draft Management Plan is available at www.environment.gov.au/marinereserves and from the Australian Government Department of Sustainability, Environment, Water, Population and Communities by telephoning the Community Information line on 1800 069 352.

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Commonwealth Marine Reserves Branch
Delegate of the Director of National Parks
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PART 1
INTRODUCTION

Australia has one of the largest marine jurisdictions in the world, containing a vast array of diverse and unique
biological and physical features. Our marine environments range from tropical seas in the north to sub-Antarctic
waters in the south. These waters are home to a wealth of biodiversity, much of it found nowhere else. The Temperate
East Commonwealth Marine Reserves Network has been established to protect examples of the biodiversity, habitats
and ecosystems of the Temperate East Marine Region.

The Temperate East Marine Reserves Network forms part of Australia’s National Representative System of Marine
Protected Areas (NRSMPA). The establishment of the NRSMPA has been ongoing since 1998 when the Australian,
state and Northern Territory governments agreed to its creation. The states and the Northern Territory are establishing
marine protected areas in their coastal waters, while the Australian Government has established marine protected
areas in Commonwealth waters around Australia. Commonwealth waters start at the outer edge of state waters,
generally three nautical miles (5.5 kilometres) from the shore (territorial sea baseline), and extend to the outer
boundary of Australia’s exclusive economic zone, 200 nautical miles from the territorial sea baseline. On Norfolk
Island, which is a territory of the Commonwealth, Commonwealth waters extend to the high-water mark. The
Commonwealth marine area is defined in s.24 of the Environment Protection and Biodiversity Conservation Act 1999
(EPBC Act).

The NRSMPA aims to meet Australia’s international commitments as a signatory to the Convention on Biological
Diversity to establish a representative system of marine protected areas within Australia’s exclusive economic zone.

The creation and management of marine reserves is an important strategy for the conservation and ecologically
sustainable use of the marine environment. Marine reserves, when well designed and managed effectively, make an
important contribution to maintaining the overall health and resilience of our oceans. The primary goal of the NRSMPA
is to establish and manage a comprehensive, adequate and representative system of marine protected areas to
contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and
systems, and to protect Australia’s biological diversity at all levels.

Marine reserves are just one of a wide range of tools that support the conservation and ecologically sustainable use of
the marine environment and its biodiversity. Other key tools include the adoption of ecosystem-based fisheries
management, actions to recover threatened species and actions to avoid or mitigate threats such as invasive species,
marine debris and land-based sources of pollution. There is substantial protection for the marine environment and
threatened and migratory species under the EPBC Act, as well as under sectoral legislation at the Commonwealth and
state level.

The Temperate East Marine Reserves Network was established in 2012. The network was proclaimed for the purpose
of protecting and maintaining marine biodiversity, while allowing for the sustainable use of natural resources in some
areas.

The Temperate East Marine Reserves Network comprises eight Commonwealth marine reserves (see Figure 1.1)
proclaimed under s.344 of the EPBC Act. Together, these reserves represent examples of the ecosystems of the
Temperate East Marine Region. The eight reserves are:

- Gifford Commonwealth Marine Reserve
- Norfolk Commonwealth Marine Reserve
• Lord Howe Commonwealth Marine Reserve
• Central Eastern Commonwealth Marine Reserve
• Solitary Islands Commonwealth Marine Reserve
• Cod Grounds Commonwealth Marine Reserve
• Hunter Commonwealth Marine Reserve
• Jervis Commonwealth Marine Reserve

The Director of National Parks (the Director) is required to prepare a management plan for each Commonwealth reserve under the EPBC Act (ss.366 and 367). The EPBC Act allows a single management plan to be prepared to cover a number of reserves. This approach has been adopted for marine reserves as it allows reserves to be managed at a scale that accommodates the dynamics and connectivity of marine ecosystems. The network approach also establishes consistent management arrangements across all reserves within the network.

1 Lord Howe Island Marine Park, established in 2000, and Elizabeth and Middleton Reefs Marine National Nature Reserve, established in 1987, were revoked and are now included in the new Lord Howe Commonwealth Marine Reserve.
2 Solitary Islands Marine Reserve (Commonwealth Waters), established in 1993, was revoked and is now included in the new Solitary Islands Commonwealth Marine Reserve.
3 Cod Grounds Commonwealth Marine Reserve, established in 2007, was revoked and is now included in the new Cod Grounds Commonwealth Marine Reserve.
Figure 1.1: Temperate East Commonwealth Marine Reserves Network
1.1 Structure of this Management Plan

The Management Plan provides a broad description of the Temperate East Marine Region and a summary of regional features represented in the Temperate East Marine Reserves Network. It also identifies the conservation values represented by the network. The plan includes information about pressures and potential threats to these values, which require active management and monitoring over time to ensure the objectives of the plan are achieved (see Part 2).

This Management Plan assigns an International Union for Conservation of Nature (IUCN) category to each marine reserve in the Temperate East Marine Reserves Network, in accordance with the requirements of s.367(1)(a) of the EPBC Act (see Part 3). When a reserve is divided into zones, each zone is also assigned an IUCN category. The Australian IUCN reserve management principles, prescribed in Schedule 8 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), provide administrative guidance for managing Commonwealth reserves, and also define what activities are allowable in each reserve and zone and under what circumstances they may be undertaken.

Zoning is a fundamental planning tool in managing marine reserves and defines what activities can occur in which locations so as to protect the marine environment and to provide for ecologically sustainable use where this is allowed. Detailed information about the zoning arrangements is provided in Part 3 of this plan. Maps and descriptions for individual reserves are provided in Appendix A.

The Management Plan outlines the management strategies and actions for research and monitoring, assessment and permitting, compliance, community participation, indigenous involvement and environmental management (see Part 4). These strategies and actions provide the framework for achieving the plan’s objectives and outcomes. This Management Plan also allows for management of local scale reserve-specific issues over the life of the plan as management needs change over time. Included in this Management Plan are the management prescriptions applying to activities associated with human use in the reserves network. These management prescriptions provide the specific detail for how activities are allowed to occur in the reserves network and of prohibited activities in the marine reserves network (see Part 5). Together with Parts 3 and 4, Part 5 of the Plan provides certainty of management intentions, while providing for flexibility to adapt management responses to specific needs over the life of the Management Plan.

Legislative context and international agreements that influence the management of the reserves network are provided in Appendix B.

1.2 Objectives of the Management Plan

The objectives of the Management Plan are intended to provide clear direction for management of the marine reserves network. The objectives of this Management Plan are to:

1. provide for the protection and conservation of biodiversity and other natural and cultural values of the Temperate East Marine Reserves Network; and

2. provide for sustainable use of the natural resources within the Temperate East Marine Reserves Network where this is consistent with objective 1.

The management strategies and actions outlined in Part 4 and the management prescriptions outlined in Part 5 aim to achieve the objectives of this plan.
1.3 Introductory provisions for the Temperate East Marine Reserves Network

1.3.1 Short title
This Management Plan may be cited as the Temperate East Commonwealth Marine Reserves Network Management Plan or the Temperate East Marine Reserves Network Management Plan.

1.3.2 Commencement and termination
This Management Plan will come into operation on 1 July 2014. The plan will cease to have effect 10 years after commencement, unless revoked sooner or replaced with a new Management Plan.

1.3.3 Interpretation
Definitions of terms, concepts, legislation and abbreviations used in this Management Plan are provided in the Glossary.
PART 2
DESCRIPTION OF THE ENVIRONMENT, VALUES AND PRESSURES IN THE TEMPERATE EAST MARINE RESERVES NETWORK

2.1 Description of the Temperate East Marine Region environment

The Temperate East Commonwealth Marine Reserves Network is located within the Temperate East Marine Region and covers 383 352 km². The Temperate East Marine Region incorporates Commonwealth waters extending from the southern-most extent of the Great Barrier Reef Marine Park, approximately 40 kilometres north of Bundaberg in Queensland, to Bermagui in New South Wales. It includes Commonwealth waters surrounding Lord Howe and Norfolk Islands.

The Temperate East Marine Region is characterised by a narrow continental shelf, significant variation in sea-floor features (including seamount chains and canyons), dynamic oceanography, and a unique mix of tropical and cold water reef systems. Temperate species dominate the southern parts of the region, and tropical species become progressively more common towards the north.

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 the Elizabeth and Middleton Reefs where both warm and cold water species flourish alongside each other. These unusual communities are mainly supported by the tongue of warm water that is driven southwards by the East Australian Current, extending the geographic range of the tropical species.

The Temperate East Marine Region has four main features including three seamount chains that run parallel to the East coast (the seamounts range in height up to 4800 metres—more than twice the height of Mt Kosciuszko—rise to within 130 metres of the surface and are home to deepwater shark species that are found only in Australia); the canyons of the eastern continental slope, which add critical habitat diversity to the region; the East Australian Current, which dominates the oceanography of the region bringing warm waters from the Coral Sea south along the outer edge of the continental shelf until it moves offshore at approximately 33 degrees south (offshore from the central coast of New South Wales); and the Tasman Front, which represents the meeting point for two distinct bodies of water—the warm, nutrient-poor Coral Sea and the cold, nutrient-rich Tasman Sea. Localised oceanographic processes along the Tasman Front trap nutrients and plankton, creating an important region of enhanced productivity.

The Temperate East Marine Reserves Network includes extensive examples of the different marine ecosystems found in the region and will provide additional protection for several species listed as endangered or vulnerable under Commonwealth legislation or international agreements, including the critically-endangered east coast population of grey nurse shark and the vulnerable white shark. The network also includes: important offshore reef habitat at Elizabeth and Middleton Reefs, Lord Howe Island and at Norfolk Island that support the threatened black cod; the southernmost extent of many reef-building coral species; as well as important breeding, foraging and feeding areas for several species of seabird including the little tern.
Areas of high conservation value based on their importance for the region’s biodiversity or ecosystem function and integrity have been identified as key ecological features. Collectively these features support a range of habitats, from shallow waters on the continental shelf to deep ocean environments at the edge of Australia’s Exclusive Economic Zone. The biological and ecological features are described further in section 2.3. Further information about the Temperate East Marine Region can be obtained in the Temperate East Marine Bioregional Plan.

2.2 Social, cultural and economic values

The waters within the Temperate East Marine Reserves Network are unique for their cultural and social values and their economic contribution to the region. The industries and activities of most significance within the Temperate East Marine Reserves Network, based on the resources and values of the region include (in alphabetical order):

- **Commercial fishing**: Many locations along the coast adjacent to the Temperate East Marine Reserves Network have long fishing histories and strong connections between local communities and the fishing industry, regional centres such as Newcastle and Gosford and smaller towns like Ulladulla and Bermagui. Commercial wild-catch fishing is one of the most widespread activities across the Temperate East Marine Reserves Network, and a number of commercial fisheries (some with multiple sectors and/or sub-fisheries) operate within the area. Fishing effort is relatively concentrated along the continental shelf and slope and in adjacent state waters. At the time of preparing this Plan there are no aquaculture activities in the marine reserves network.

- **Commercial shipping**: Some of Australia’s busiest commercial shipping lanes intersect with the Temperate East Marine Reserves Network. This traffic includes international and coastal cargo trade and passenger services. Ports in the region account for a significant proportion of the tonnage of Australia’s exports and imports, the largest of those in the region being Brisbane, Sydney, Newcastle, Coffs Harbour and Port Kembla.

- **Commercial tourism and charter fishing**: A broad range of marine tourism activities take place in the Temperate East Marine Reserves Network, including water sports such as sailing, snorkelling, scuba diving, cruise lining, whale and dolphin watching and charter fishing. In New South Wales the key ports for recreational, charter and game fishing are Sydney, Port Stephens, Coffs Harbour, Wollongong, Batemans Bay, Bermagui, Tweed Heads and Narooma. A number of these ports are also home to major game fishing tournaments.

- **Indigenous Use**: Indigenous people from several Aboriginal people groups and clans have occupied, used and managed coastal land and sea environments in and adjacent to the Temperate East Marine Region for thousands of years.

- **Petroleum and mining**: The Temperate East Marine Region is not considered one of Australia’s most significant resource areas for petroleum. At the time of preparing this Plan, the Temperate East Marine Reserves Network intersects with one petroleum exploration permit within the offshore Sydney basin.

- **Recreational use**: The region has important values for people living in adjacent communities. Many people frequently visit the coast, with some travelling long distances offshore. A wide range of recreational activities occur in the Temperate East Marine Reserves Network, including snorkelling, scuba diving, whale and dolphin watching, yachting and fishing. Recreational fishing is a popular activity in the Temperate East Marine Reserves Network, although most recreational fishing occurs in state waters adjacent to the region.

The Temperate East Marine Region attracts a range of other uses, including scientific research and commercial activities. One submarine telecommunications cable and energy transmission services (for electricity and gas) cross the network.

The Australian Defence Force uses the entire marine estate in the course of its activities, with specific areas set aside for training activities. Within the Temperate East Marine Region there is a large training area off the south coast of New South Wales known as the East Australia Exercise Area and a number of smaller practice areas. Several training areas intersect with the Temperate East Marine Reserves Network.
2.3 Values represented in the Temperate East Commonwealth Marine Reserves Network

The Temperate East Marine Reserves Network covers 383 352 km\(^2\) and abuts the state waters surrounding Lord Howe Island. State jurisdiction extends generally from the shoreline to three nautical miles offshore. On Norfolk Island, which is a territory of the Commonwealth, Commonwealth waters extend to the high-water mark.

The Temperate East Marine Reserves Network was designed in accordance with the Goals and Principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters\(^4\) to represent the region’s biodiversity as it varies across provincial bioregions, depth ranges, large scale biological and ecological features and sea-floor features. The network also protects habitats important for threatened species and some places listed under national environmental legislation for their heritage values.

2.3.1 Provincial bioregions

Provincial bioregions\(^5\) are large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, sea-floor types and ocean conditions. Seven provincial bioregions are represented in the Temperate East Marine Reserves Network (Figure 2.1):

- **Central Eastern Province** – is located predominantly over the abyssal plan/deep ocean floor and to a lesser extent along the eastern continental slope. It features submarine canyons, terraces, pinnacles, peaks, and banks/shoals. Along the East Australian Current large gyre/eddies form which support important areas of enhanced productivity and biological communities. This provincial bioregion also supports biological communities associated with abyssal plain and trough systems present in this area. The Central Eastern Province is represented in the Jervis, Hunter, and Central Eastern Commonwealth Marine Reserves.

- **Central Eastern Shelf Province** – runs parallel to the coast and includes an elongated area of continental shelf ranging in width from 10 to 60 kilometres. It features shelf biological communities, as well as some gyre and eddy biological communities associated with the East Australian Current. This Provincial Bioregion contains a number of key grey nurse shark aggregation sites located along the coast of New South Wales. These sites include sand filled gutters, inshore rocky reefs, caves and islands. The Central Eastern Shelf Province is represented in the Hunter and Cod Grounds Commonwealth Marine Reserves.

- **Central Eastern Shelf Transition** – is located predominantly on the continental shelf and includes a small section of upper slope. It features shelf biological communities, as well as some gyre and eddy biological communities associated with the East Australian Current. Included in this provincial bioregion is the continental shelf area off Tweed Heads in New South Wales which is a transition zone for benthic communities, representing a major tropical/temperate divide for the Region. Reef building capacity reduces significantly toward the south of this provincial bioregion, with the southern limit of coral reef growth being the Solitary Islands. The Central Eastern Shelf Transition is represented in the Solitary Islands and Central Eastern Commonwealth Marine Reserves.

- **Lord Howe Province** – is located on the slope surrounding Lord Howe Island and is the largest provincial bioregion in the Temperate East Marine Region. It features basins, ridges, seamount/guyots, plateaus and saddles. Plateaux are the most dominant feature, covering approximately 80 per cent of this area. The Lord Howe Province supports a unique mix of tropical, sub-tropical and temperate species (including important habitat for the threatened black cod) and includes the southernmost coral reefs in the Pacific Ocean. It also supports


\(^5\) The provincial bioregions are identified in the Integrated Marine and Coastal Regionalisation of Australia version 4.0 (IMCRA v4.0). There are 41 provincial bioregions around Australia.
several biological communities associated with seamounts of the Lord Howe Rise (including Ball’s Pyramid, Lord Howe Island, Elizabeth and Middleton Reefs and Gifford Guyot), continental plateaux, and gyre and eddy fields associated with the East Australian Current. The Lord Howe Province is represented in the Lord Howe and Gifford Commonwealth Marine Reserves.

- **Norfolk Island Province** – is located predominantly on slope and includes a very small area of shelf that surrounds Norfolk Island. It has complex geomorphology and contains 13 sea-floor features: banks, shoals, trenches, troughs, basins, knoll, abyssal hills, hills/mountains/peaks, seamounts, guyots, pinnacles, plateaux and saddles. The Norfolk Island Province has biological communities associated with seamounts (notably the Norfolk Ridge) and reef systems which support both tropical and temperate fish species, corals and other marine organisms. A 2000 metre deep narrow (20 kilometres) gap separates the Norfolk Ridge from the Wanganella Bank on the western side of the Ridge where a significant area of pinnacles shallower than 500 metres are located. The Norfolk Island Province is represented in the Norfolk Commonwealth Marine Reserve.

- **Southeast Shelf Transition** – is relatively narrow (five to 30 kilometres wide) and runs parallel to the east Australian coast. Shelf and slope are the two major geomorphic features present in the provincial bioregion and the East Australian Current is a dominant oceanographic driver. Biological communities associated with the continental shelf as well as with some gyre and eddy features are present. The Southeast Shelf Transition is represented in the Jervis Commonwealth Marine Reserve.

- **Tasman Basin Province** – occurs entirely on the abyssal plain/deep ocean floor. It has three geomorphic features that include seamounts/guyots (notably the Tasmanid seamount chain), knolls/abyssal hills/hills/mountains/peaks and pinnacles. The Tasmanid seamounts comprise a unique environment which provides significant marine habitat in the deep sea. The Tasman Basin Province includes abyssal plain and trough biological communities associated with the Tasmanid seamount chain (including those at Barcoo, Taupo, Derwent Hunter, Stradbroke, Britannia and Queensland seamounts), the Tasman Basin, as well as gyre and eddy biological communities associated with the East Australian Current. The Tasman Basin Province is represented in the Lord Howe and Central Eastern Commonwealth Marine Reserves.
Figure 2.1: Provincial Bioregions represented in the Temperate East Commonwealth Marine Reserves Network
2.3.2 Depths

The Temperate East Marine Region ranges from shallow coastal waters of less than 15 metres depth to approximately 6000 metres in depth. Marine biological communities change with depth and similar depth ranges in different bioregions support different suites of species. Therefore, including different ocean depths within Commonwealth marine reserves networks ensures that examples of all types of marine biodiversity are represented. The Temperate East Marine Reserves Network represents examples of 73 depth ranges (or bathomes) within provincial bioregions (Figure 2.2).

Figure 2.2: Depth ranges represented in the Temperate East Commonwealth Marine Reserves Network
2.3.3 Large scale biological and ecological features

The marine bioregional planning program identified large scale ecological features that support distinct or important ecological communities at a regional scale. Where these features are considered to be of regional importance for either a region’s biodiversity or its ecosystem function and integrity, they are known as key ecological features. Seven key ecological features are represented in the Temperate East Marine Reserves Network (Figure 2.3):

- **Shelf rocky reefs** - These occur along the continental shelf south of the Great Barrier Reef and represent an important shift (at a depth of 45 metres) from algal-dominated communities associated with the sea-floor to attached invertebrates such as large sponges and corals. Shelf rocky reefs are represented in the Jervis, Solitary Islands and Hunter Commonwealth Marine Reserves.

- **Canyons on the eastern continental slope** - These are steep, rugged topographic features that play a major role in influencing the diversity and abundance of species and habitat diversity of the sea-floor (particularly in the upper slope regions of 150 – 700 metres). By providing hard surfaces in depth zones where soft sediment habitats prevail, canyons support an abundance of large benthic animals such as sponges and feather stars. Localised changes in productivity in the water column above canyons also provides feeding opportunities for a range of species some of which are commercially important or threatened. Canyons on the eastern continental slope are represented in the Jervis and Central Eastern Commonwealth Marine Reserves.

- **Tasman Front and eddy field** - The Tasman Front is a region of intermediate productivity that separates the warm, nutrient-poor waters of the Coral Sea from the cold nutrient-rich waters of the Tasman Sea. The Front is located between 27 degrees south and 33 degrees south and is associated with warm-core eddies, a number of which are semi-permanent. The Tasman Front and eddy field is represented in the Lord Howe Commonwealth Marine Reserve. These features also influence the productivity, biodiversity and endemism found at the Norfolk Commonwealth Marine Reserve.

- **Tasmanid Seamount Chain** - This is a prominent chain of underwater volcanic mountains, plateaux and terraces that runs north-south at approximately 155 degrees east, extending into the Tasman Basin. It supports a diverse range of habitats ranging from deep sea sponge gardens to near-pristine tropical coral reef systems and high species diversity. The Tasmanid seamount chain supports known feeding and reproduction grounds for a number of open ocean species such as billfish, marine turtles and marine mammals. The Tasmanid Seamount Chain is represented in the Central Eastern Commonwealth Marine Reserve.

- **Lord Howe Seamount Chain** - This seamount chain runs for approximately 1000 kilometres along the Lord Howe Rise. It includes Lord Howe Island, Balls Pyramid, Elizabeth Reef, Middleton Reef and Gifford Guyot and supports shallow tropical coral reefs and deep cold water corals. The fringing coral reefs around Lord Howe Island together with Elizabeth and Middleton Reefs to the north are the southernmost tropical coral reefs in the Pacific Ocean. The Lord Howe Seamount Chain is represented in the Lord Howe and Gifford Commonwealth Marine Reserves.

- **Norfolk Ridge** - This feature occurs in a region of remnant volcanic arcs, plateaux, troughs and basins and runs southward from New Caledonia to New Zealand. There is likely to be high levels of diversity in seamount communities caused by relatively productive sea-floor habitats that support population densities far higher than surrounding areas. Benthic habitats along the Norfolk Ridge are also thought to act as ‘stepping stones’ for animal dispersal, connecting deepwater species from New Caledonia to New Zealand. The Norfolk Ridge is represented in the Norfolk Commonwealth Marine Reserve.

- **Elizabeth and Middleton Reefs** - These reefs are small, isolated, oceanic platform reefs that occur on top of the volcanic seamounts of the Lord Howe Seamount Chain and together with the fringing reefs around Lord Howe Island, are the southernmost tropical coral reefs in the Pacific Ocean. They support a diverse range of tropical and temperate marine life, including both warm and cold water corals and over 300 fish species. The lagoons of both reefs are important areas for populations of the threatened black cod and the Galapagos shark. Elizabeth and Middleton Reefs are represented in the Lord Howe Commonwealth Marine Reserve.
Figure 2.3: Key ecological features represented in the Temperate East Commonwealth Marine Reserves Network
2.3.4 Sea-floor features

The landscape-scale physical structure of the sea-floor is important in determining where habitats or species occur. Large physical sea-floor structures (tens to hundreds of kilometres in scale) are referred to as geomorphic or sea-floor features and include, for example, sea-floor pinnacles, canyons and reefs. There is a lack of detailed and comprehensive information on the distribution of biodiversity mainly due to the vastness, remoteness and inaccessibility of the deep ocean environments. There is strong scientific evidence that different types of sea-floor features provide different habitats and are associated with different marine species and communities. For this reason, sea-floor features were used as surrogates for biodiversity to design the marine reserves network.

The Temperate East Marine Reserves Network represents fifteen sea-floor features (Figure 2.4).

![Figure 2.4: Sea-floor features represented in the Temperate East Commonwealth Marine Reserves Network](image)
2.3.5 Protected species and biologically important areas

The Temperate East Marine Reserves Network provides protection to a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements. These include the grey nurse shark, white shark, black cod, Bleekers devil fish, the little tern and other seabirds. The network also contains areas important for species listed under:

- the Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS or Bonn Convention)
- any other international agreement, or instrument made under other international agreements approved by the environment minister.

Several species of birds seasonally use flyways that cross the Lord Howe and Norfolk Commonwealth Marine Reserves during migratory their routes.

Biologically important areas are areas where aggregations of individuals of a protected species display behaviours such as breeding, foraging, resting and migration. Biologically important areas highlight those parts of the region that are particularly important for the protection and conservation of protected species. A number of biologically important areas intersect with the Temperate East Marine Reserves Network:

- Seasonal migration routes and feeding sites for cetaceans including the humpback whale are found throughout the region. These sites intersect with the Solitary Islands, Cod Grounds, Hunter, Jervis, Lord Howe, Gifford and Norfolk Commonwealth Marine Reserves.
- Migration routes and foraging and feeding sites for 20 species of seabird listed as threatened and/or migratory are located in the region. Lord Howe Island and Norfolk Island are significant breeding sites for seabirds and the Lord Howe and Norfolk Commonwealth Marine Reserves are important foraging areas and migration pathways. The Solitary Islands, Cod Grounds, Hunter and Jervis Commonwealth marine reserves intersect with foraging and breeding areas for several species of Albatross and Shearwater.
- Foraging, aggregation and breeding sites for the white shark and the east coast population of grey nurse shark are present in the region. Important foraging, aggregation and seasonal breeding areas for grey nurse sharks occur in the Cod Grounds, Solitary Islands, and Hunter Commonwealth Marine Reserves. An important juvenile aggregation site for white sharks is located off Port Stephens and extends into the Hunter Commonwealth Marine Reserve. The Cod Grounds and Central Eastern Commonwealth marine reserves are also important areas for white sharks.

More information on protected species and biologically important areas can be found in the Marine Bioregional Plan for the Temperate East Marine Region.

2.3.6 Protected places

Protected places are those places protected under the EPBC Act as matters of national environmental significance—places listed as World Heritage, National Heritage, or wetlands of international importance. Protected places may also include places on the Commonwealth heritage list or shipwrecks listed under the Historic Shipwrecks Act 1976.

At the time of writing this plan, the Temperate East Marine Reserves Network intersects with two World Heritage places, two National Heritage places and one Ramsar site (Table 1).

Schedules 5, 5B, 6 and 7B of the EPBC Regulations outline the management principles for World Heritage, Commonwealth Heritage or National Heritage places, or wetlands of international importance. As required by the EPBC Act the strategies and actions in Part 4 of this Plan, and the management prescriptions in Part 5, are consistent...
with relevant EPBC heritage management principles and take account of Australia’s obligations under relevant international agreements, including the World Heritage Convention and Ramsar Convention (as given effect in the EPBC management principles).

**Table 1: Protected places in the Temperate East Commonwealth Marine Reserves Network**

<table>
<thead>
<tr>
<th>Protected place</th>
<th>Protection measure</th>
<th>Marine reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elizabeth and Middleton Reefs</td>
<td>Ramsar site</td>
<td>Lord Howe Commonwealth Marine Reserve</td>
</tr>
<tr>
<td>Lord Howe Island Group</td>
<td>National Heritage site; World Heritage site</td>
<td>Lord Howe Commonwealth Marine Reserve</td>
</tr>
<tr>
<td>Norfolk Island Kingston and Arthur Vale Historic Areas</td>
<td>National Heritage site; World Heritage site</td>
<td>Norfolk Commonwealth Marine Reserve</td>
</tr>
</tbody>
</table>

### 2.3.7 Other Values

Data on marine biodiversity is relatively scarce when compared to terrestrial environments and the knowledge of the occurrence, distribution and ecology of species within the marine reserves of the Temperate East Marine Reserves Network is coarse, with fine scale data and understanding of local conditions and assets limited to a few better studied areas. Many of the biodiversity values of the Temperate East Marine Reserves Network are yet to be identified and understood. Strategy 1 of this plan sets out actions and desired outcomes to ensure that the knowledge basis necessary to underpin management in the long term improves over the life of the plan.

While biodiversity values underpin much of the design of the Temperate East Marine Reserves Network, each of its marine reserves is likely to contain a range of other values, including cultural, recreational and historical, that also need to be understood and documented. These intentions are articulated in Strategies 5 and 6 of this Plan.

### 2.4 Pressures on the conservation values of the Temperate East Commonwealth Marine Reserves Network

For the purpose of this Plan, pressures are defined broadly as human-driven processes, events and activities that may detrimentally affect the values of the reserves network. Pressures are characterised by two main types: those that are directly associated with human activities and those that are related to the effects of climate change.

Human pressures on marine ecosystems and biodiversity in the Temperate East Marine Region are, by global standards, low. However, the region is adjacent to the highly populated coasts of New South Wales and southern Queensland, and parts of the region closest to the coast will be subject to higher impact. These pressures are addressed, in part, by Australia’s generally sound management of the marine environment. A number of sources of pressures nevertheless exist in the network. The main drivers and sources of pressures on conservation values in the Temperate East Marine Reserves Network are:

- extraction of living resources associated with commercial fishing, recreational fishing and illegal, unregulated and unreported fishing
- increasing urban and industrial development in areas adjacent to the region
- increasing shipping and port activities.

Pressures related to the effects of climate change and associated large-scale effects on the marine environment are unpredictable and may include shifts in major currents, rising sea levels, ocean acidification, and changes in the variability and extremes of climatic features (e.g. sea temperature, winds, and storm frequency and intensity). There remains a high level of uncertainty about the effects that climate change related pressures will have on the conservation values protected by the Temperate East Marine Reserves Network.
This Management Plan is one of a suite of tools that contribute to the management of pressures on the Temperate East Marine Reserves Network and surrounding region. It operates alongside other Commonwealth and state programs to manage activities both within and in areas adjacent to the marine reserves network. Other agencies that have an important role in the management of pressures in the region include maritime compliance agencies (e.g. Customs and Border Protection Service, Australian Maritime Safety Authority, National Offshore Petroleum Safety and Environmental Management Authority), fisheries management agencies at both the state and Commonwealth level (e.g. Australian Fisheries Management Authority) and research organisations (e.g. Commonwealth Scientific and Industrial Research Organisation and Geoscience Australia).

This Management Plan establishes a framework for assessing activities and managing pressures on the conservation values of the Temperate East Marine Reserves Network. This framework includes the use of:

- zoning to reduce pressures across the network and to identify areas where activities can occur with management measures to reduce associated pressures (see Part 3)
- management strategies directed at developing a better understanding of the effects of pressure on the conservation values, avoidance and mitigation of impacts, incident response, compliance of marine reserve users with the provisions of the management plan and engaging marine users in collaborative management approaches (see Part 4)
- management prescriptions identifying the activities that require assessment for potential impacts, as part of the permitting or class approvals processes, before they can be undertaken in the marine reserves network (see Part 5)
- determinations, prohibitions and restrictions made under the EPBC Regulations to regulate activities (see Part 5).
PART 3
IUCN CATEGORIES AND ZONING OF NETWORK RESERVES

Each of the eight reserves in the Temperate East Marine Reserves Network is assigned to an IUCN category by this Management Plan. Each reserve, apart from Gifford and Cod Grounds Commonwealth marine reserves, is also divided into two or more zones by the plan. Each zone is also assigned to an IUCN category (see Sections 3.1–3.2 below).

As noted in Appendix B, the EPBC Act requires a Commonwealth reserve to be assigned to an IUCN category. The EPBC Act also allows a Management Plan to divide a reserve into zones and to assign the zones to an IUCN category (which may differ from the overall category of the reserve). Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each IUCN category. The principles for each IUCN category and the administrative management principles relevant to the Temperate East Marine Reserves Network are set out in Appendix B.

The categorisation and zoning scheme takes into account the purposes for which the marine reserves network was declared, the objectives of this Plan (see Section 1.2), and the requirements of the EPBC Act and EPBC Regulations, including relevant reserve management principles, and the IUCN category definitions in the IUCN Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas. The IUCN categories and associated management principles for each category broadly determine how areas will be managed and which activities covered by the EPBC Act and EPBC Regulations can and cannot be conducted in them.

This Plan gives a ‘management zone name’ to each undivided reserve and each zone within the reserves that are divided into multiple zones. The management zone name reflects the objectives of the Plan and the activities that can be carried in each zone, consistent with the IUCN category and relevant management principles.

This Management Plan broadly applies the IUCN categories and management principles as described below.

Category II—National Park
- IUCN definition—Large natural or near natural areas protecting large-scale ecological processes with characteristic species and ecosystems of the area, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.
- Key management principles—Area that should be protected and managed to conserve its natural condition. The detailed management principles are set out in Appendix B.

In this Management Plan these areas are given the management zone name:
- Marine National Park Zone - Area protected and managed to preserve its natural condition. Intended to provide a high level of protection for the ecosystems, habitats and biodiversity within the area. Activities involving the taking or harvesting of either living or non-living resources will generally be prohibited.
In this Management Plan these areas are given the management zone names:

- **Habitat Protection Zone** – Area managed to ensure maintenance of the habitat conditions necessary to protect significant species, groups of species biotic communities or physical features of the environment. Intended to provide a heightened level of protection to ensure the maintenance of habitats, particularly habitats of the sea-floor. Recreational fishing, other recreational uses and tourism will be allowed. Some forms of commercial fishing will be allowed, but not those using the following gear types: Danish seine, demersal trawl, gillnet (demersal and pelagic), demersal longline (demersal setline, auto-longline and trotline), lobster, crab and fish traps or pots and spanner crab net. Aquaculture, mining and oil and gas exploration and development will be prohibited.

- **Habitat Protection Zone (Lord Howe)** – Area managed to ensure maintenance of the habitat conditions necessary to protect significant species, groups of species biotic communities or physical features of the environment. Intended to provide a heightened level of protection to ensure the maintenance of habitats, particularly habitats of the sea-floor. Recreational fishing, other recreational uses and tourism will be allowed. Some forms of commercial fishing will be allowed, but not those using the following gear types: pelagic longline/driftline, hand collection, purse seine, mid-water trawl, Danish seine, demersal trawl, gillnet (demersal and pelagic), demersal longline (demersal setline, auto-longline and trotline), lobster, crab and fish traps or pots and spanner crab net. Aquaculture, mining and oil and gas exploration and development will be prohibited.

- **Recreational Use Zone** – Area managed to ensure maintenance of the habitat conditions necessary to protect significant species, groups of species biotic communities or physical features of the environment. Intended to provide a heightened level of protection to ensure the maintenance of habitats. Recreational fishing, other recreational uses and tourism will be allowed. Charter fishing, commercial fishing, aquaculture, mining and oil and gas exploration and development will be prohibited.

### Category IV—Habitat/Species Management Area

- **IUCN definition**—Areas to protect particular species or habitats where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category.
- **Key management principles**—Areas managed primarily for conservation, through management intervention if necessary, to maintain habitats or species. The detailed management principles are set out in Appendix B.

### Category VI—Managed Resource Protected Area

- **IUCN definition**—Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resources use compatible with nature conservation is seen as one of the main aims of the area.
- **Key management principles**—Area should be managed mainly for the ecologically sustainable use of natural ecosystems. The detailed management principles are set out in Appendix B.

Table 3.1 sets out the IUCN categories assigned to the network reserves and the zones within reserves, and the relevant management zone name. Details of each marine reserve are given in Appendix A, including a map showing the location of zones, and a general description and major values of each marine reserve.

Management strategies that give effect to the objectives, zoning, IUCN categories and management principles are set
In this Management Plan these areas are given the management zone names:

- **Multiple Use Zone** – Area managed to provide a heightened level of protection for ecosystems, habitats, biodiversity, while also allowing activities that are compatible with the primary objective of biodiversity conservation and the protection and maintenance of natural values in the long-term. Recreational fishing, other recreational uses, tourism and aquaculture will be allowed. Some forms of commercial fishing will be allowed. Mining operations, including oil and gas exploration and development will be allowed (depending on whether the operations have been authorised under the referral, assessment and approval provisions of the EPBC Act). Some forms of commercial fishing will be allowed, but not those using the following gear types: Danish seine, demersal trawl, gillnet (demersal and pelagic), demersal longline (auto-longline, trotline and setline (demersal setline will be allowed in Solitary Islands Commonwealth Marine Reserve)).

- **Special Purpose Zone** - Area managed to provide a heightened level of protection for ecosystems, habitats, biodiversity, while also allowing activities that are compatible with the primary objective of biodiversity conservation and the protection and maintenance of natural values in the long-term. Recreational fishing, other recreational uses, tourism and aquaculture will be allowed. Some forms of commercial fishing will be allowed, but not those using gillnet (demersal and pelagic). Mining operations, including oil and gas exploration and development will be allowed (depending on whether the operations have been authorised under the referral, assessment and approval provisions of the EPBC Act).

### Categories and zones

3.1 Each Commonwealth marine reserve in the Temperate East Commonwealth Marine Reserves Network is assigned to the IUCN category specified in column 2 of Table 3.1, adjacent to the name of the reserve.

3.2 Gifford and Cod Grounds Commonwealth Marine Reserves in the Temperate East Marine Reserves Network are given the network management zone names specified in a Column of Table 3.1 adjacent to the name of the Reserve.

3.3 Norfolk, Lord Howe, Central Eastern, Solitary Islands, Hunter and Jervis Commonwealth marine reserves in the Temperate East Marine Reserves Network are each divided into the zones as shown in the map of each Reserve in Appendix A, and each zone is assigned to the IUCN category, and given the management zone name, specified in columns of Table 3.1, adjacent to the name of the Reserve.
### Table 3.1: IUCN categories and management zone names in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>1. Reserve name</th>
<th>2. IUCN category</th>
<th>3. IUCN categories in each reserve and management zone name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>IUCN II</td>
</tr>
<tr>
<td>Gifford</td>
<td>IV</td>
<td></td>
</tr>
<tr>
<td>Norfolk</td>
<td>VI</td>
<td>Marine National Park Zone</td>
</tr>
<tr>
<td>Lord Howe</td>
<td>IV</td>
<td>Marine National Park Zone</td>
</tr>
<tr>
<td>Central Eastern</td>
<td>IV</td>
<td>Marine National Park Zone</td>
</tr>
<tr>
<td>Solitary Islands</td>
<td>VI</td>
<td>Marine National Park Zone</td>
</tr>
<tr>
<td>Cod Grounds</td>
<td>II</td>
<td>Marine National Park Zone</td>
</tr>
<tr>
<td>Hunter</td>
<td>VI</td>
<td></td>
</tr>
<tr>
<td>Jervis</td>
<td>VI</td>
<td></td>
</tr>
</tbody>
</table>
PART 4

MANAGEMENT STRATEGIES

The IUCN categories and associated Australian IUCN reserve management principles (see Part 3 of this Plan) guide how the Temperate East Marine Reserves Network will be managed to achieve the objectives of this Plan (see Section 1.2). The principles also guide the application of provisions in the EPBC Act and Regulations relating to Commonwealth reserves, including whether actions and activities subject to those provisions can be carried on within reserve management zones. Parts 4 and 5 of the Plan set out the management arrangements to achieve the objectives of the Management Plan consistent with the reserve management principles (see Figure 4.1).

Part 4 identifies the management strategies and actions that will be used to achieve the objectives of this Plan, and effectively support the administration of management prescriptions in Part 5. The strategies and actions are consistent with relevant EPBC Act National and Commonwealth Heritage management principles and take account of Australia’s obligations under relevant international agreements, including the World Heritage Convention and Ramsar Convention (see Section 2.3.6 – Protected Places).

Part 5 of this Plan sets out the management prescriptions for specific activities in the network to ensure network management zones are managed consistently with the Australian IUCN reserve management principles. Prescriptions specify whether or not actions and activities subject to the EPBC Act and EPBC Regulations are allowed to occur, are allowable under a permit or class approval from the Director, or if they are prohibited in network management zones. Part 5 also sets out the rules for issuing and managing permits and class approvals.

Figure 4.1: Overview of the relationship between the IUCN zone categories, Australian IUCN reserve management principles, management strategies and management prescriptions
The management strategies and their associated actions provide a structured and systematic approach to achieve the objectives of this management plan. They collectively support protection of the conservation values of the marine reserves network while providing for sustainable use. The seven management strategies for this management plan are as follows:

1. Improve knowledge and understanding of the conservation values of the marine reserves network and of the pressures on those values.
2. Minimise impacts of activities through effective assessment of proposals, decision-making and management of reserve-specific issues.
3. Protect the conservation values of the marine reserves network through management of environmental incidents.
4. Facilitate compliance with this Management Plan through education and enforcement.
5. Promote community understanding of, and stakeholder participation in, the management of the marine reserves network.
7. Evaluate and report on the effectiveness of this Management Plan through monitoring and review.

This Management Plan provides for the development of supporting and further detailed policies, strategies and actions over the time of the Plan. These supporting documents will provide for location-specific reserve management and for engagement of users and other stakeholders as needed.
Strategy 1—Improve knowledge and understanding of the conservation values of the marine reserves network and of the pressures on those values

Improving knowledge and understanding of the conservation values of the marine reserves network and the pressures on those values will increase the capacity to meet the objectives of the Management Plan.

Between 2006 and 2012, the Australian Government undertook a comprehensive consolidation of the scientific basis underpinning environmental decisions relevant to the Commonwealth marine areas, through the Marine Bioregional Planning Program. The Temperate East Marine Bioregional Plan (2012) identified and described the region’s conservation values, the level of concern with respect to local and global pressures and key knowledge gaps in relation to the marine biodiversity and ecosystems of the Temperate East Marine Region. Much of this information underpins the extent and design of the Temperate East Marine Reserves Network and provides the foundation for improving, at a finer scale, the knowledge of the ecological communities that inhabit each marine reserve and the way they connect to the surrounding environment.

Climate change and its implications will influence Australia’s temperate marine environment in ways that are yet to be understood. One of the benefits of representative systems of marine protected areas, such as the Temperate East Marine Reserves Network, is the opportunity they offer for understanding and monitoring large-scale systemic shifts in ecosystem structure and functions. Establishing baseline data for marine reserves and setting up strategic scientific monitoring programs that build on past and current research and utilise Australia’s growing ocean observation capabilities are a key focus of this Management Plan.

Research and monitoring activities in the marine environment are expensive; prioritising knowledge gaps, maximising the benefits and uptake of relevant research programs and facilitating partnerships with government agencies, research institutions and marine reserves users, must all be critical elements of the long-term strategy to build the knowledge basis necessary for managing and evaluating Australia’s marine reserves estate.

Part 5.10 of this Plan sets out the prescriptions for authorising and permitting research and monitoring activities in the network.

Actions

A1 As part of a national-scale program, develop and implement a Temperate East Commonwealth Marine Reserves Network Research and Monitoring Strategy that contributes to increased understanding of the values of the reserves and provides for ongoing reporting of their condition.

A2 Develop a framework for the long term scientific monitoring of changes in key conservation values protected by the Commonwealth marine reserves and of the pressures on those values.

A3 Adopt standards and protocols for biophysical and ecological data collected within Commonwealth Marine Reserves.

A4 Develop partnerships with marine reserve users and research institutions to deliver on strategic information needs and to inform research programs and government and industry investment in marine research.

Outcomes

- Understanding and knowledge of those conservation values identified as of priority for management improve over the life of this Plan.
• Understanding of the pressures affecting key conservation values, improves over the life of this Plan and management actions are adapted to take account of the latest available information.

• Data arising from monitoring and research conducted within the Temperate East Marine Reserves Network and the findings of the research can be easily accessed and shared.

• Research and monitoring needs are met in partnership with relevant research organisations and marine reserves users.
Strategy 2—Minimise impacts of allowable activities through effective assessment of proposals, decision-making and management of reserve-specific issues

The primary purpose of the Temperate East Commonwealth Marine Reserves Network is to protect and maintain biological diversity, while also allowing for the sustainable use of natural resources in some areas. This is reflected in the objectives of this Plan (see Part 1). As described in Part 2 of this Plan, a range of activities are carried out within and around the marine reserves of the Temperate East Marine Reserves Network. Ensuring that these do not impact on the values of the reserves while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan.

The Strategies in this Part of the Plan set out how the Director will work to deliver the objectives of the Plan. The prescriptions in Part 5 set out how activities of users of the Network will be managed and provides that actions and activities that are otherwise prohibited in Commonwealth reserves by a provision of the EPBC Act or Regulations are:

- allowed (and can be done without the need for a permit or class approval);
- allowable (and can be done in accordance with a permit or class approval issued by the Director of National Parks); or
- prohibited (and cannot be authorised to be done).

Allowed activities under Part 5 of this Plan are those that are known to be likely to have minimal if any impact on the values of relevant network management zones, including if they are done in accordance with conditions prescribed in Part 5 and other applicable laws, and necessary limitations imposed by the Director in accordance with this Plan under the EPBC Regulations (these activities include recreational fishing and vessel transit).

Allowable activities will be authorised (where appropriate) by a permit or class approval issued by the Director under Section 5.2 of the Plan. Impacts of allowable activities require assessment before being authorised. A permit or class approval will not be issued if an activity is considered likely to have unacceptable impacts (that cannot be addressed through the conditions of a permit or approval). Allowable activities proposed to be undertaken by the Director of National Parks should also be assessed before proceeding.

This Plan provides for activity assessment that avoids duplication in processes in relation to consideration of actions that relate to matters protected by Part 3 of the EPBC Act, to reduce unnecessary administrative burdens on marine reserve management resources and stakeholders. Actions that have, will have or are likely to have a significant impact on the environment in Commonwealth marine areas and other matters of national environmental significance (e.g. endangered species), or another matter protected by Part 3, are subject to the referral and assessment provisions of Chapter 4 of the EPBC Act. This Management Plan provides for certain activities (e.g. mining operations) to be approved if they have been considered and authorised under Chapter 4. The EPBC Act referral and assessment processes will also be used to inform decision-making by the Director of National Parks in relation to approval of other allowable activities.

The impacts of some allowable activities may also be subject to assessment under other legislation and management frameworks. A separate assessment under this Management Plan may not be required if the Director is satisfied that the impacts of an activity have been adequately assessed under other laws and frameworks.

In carrying out an assessment and making a decision required under this Plan, the Director will assess and take into account likely impacts of the activity, alignment with the objectives of this Management Plan and consistency with the Australian IUCN reserve management principles applicable to the relevant network management zone.
Where Part 5 of this Plan provides that the Director may authorise an allowable activity, authorisation will generally be given by a permit applied for by the proponent and issued under Part 17 of the EPBC Regulations (see Section 5.2.2 of this Plan). Where provided for by Part 5, and considered appropriate having regard to the impacts of a type of activity, the Director may issue a class approval for the activity under Section 5.2.7 as an alternative to the need for each person conducting the activity to apply for a permit.

Permits and class approvals (including those that Part 5 provides the Director will issue) will be issued subject to conditions that are considered necessary, including to ensure the activity is conducted in a manner to avoid or minimise impacts. Permits or approvals may be varied, suspended or cancelled where conditions have not been complied with or it is necessary to protect values or achieve the objectives of this Plan.

The Director may also make prohibitions, restrictions or determinations under the EPBC Regulations and in accordance with relevant prescriptions in Part 5 relating to certain activities where doing so is necessary to protect values or otherwise achieve the objectives of this Plan (see Sections 5.3 (General access and use), 5.5 (Commercial fishing) and 5.7 (Recreational fishing)).

**Actions**

A5 Establish efficient and effective processes for assessment, decision-making and authorisation of activities within the Temperate East Commonwealth Marine Reserves Network.

A6 When the interests of stakeholders are likely to be affected by a decision under this Management Plan, as far as practicable consult with relevant users in a timely and appropriate way; provide an opportunity to comment on the proposed decision and associated actions; take any comments into account; give reasonable notice before decisions are taken or implemented (except in cases of emergency); and provide reasons for decisions.

A7 Investigate further use of class approvals where there is a sound case for effectively assessing and efficiently approving users that carry out a class of activities in a uniform way.

A8 Identify reserve specific issues and develop, implement and evaluate management responses where appropriate.

**Outcomes**

- Authorisation processes are streamlined to improve efficiency and effectiveness, and reduce duplication.
- Potential impacts of allowable activities on the conservation values of the marine reserves network are identified and avoided or mitigated by appropriate assessment and authorisation processes.
Strategy 3—Protect the conservation values of the marine reserves network through management of environmental incidents

The objectives of the Management Plan provide for the protection and conservation of biodiversity and other natural and cultural values. An important part of the management arrangements is to provide protection for conservation values from detrimental impacts resulting from unexpected or unforeseen incidents.

Environmental incidents have the potential to impact the conservation values of the network. For example, incidents such as the introduction of marine pests, oil and chemical spills, foundering vessels, lost cargo and ghost nets can occur with little or no warning. Because of this, it is important to be aware of any environmental incident as soon as possible so that any impact to the conservation values can be minimised. The establishment of systems that encourage users of the marine reserves network to report environmental incidents is required for the effective management of such incidents. Collaboration with government agencies and industry stakeholders that possess the capability and expertise to respond to environmental incidents is essential.

Actions

A9 Establish systems for timely reporting of and response to environmental incidents.

A10 Respond to environmental incidents that threaten the values of the marine reserves network.

A11 Maintain effective liaison and partnerships with relevant Commonwealth and state environmental incident response authorities.

Outcomes

- Impacts associated with environmental incidents are identified and managed appropriately.
- Systems for timely reporting of and response to environmental incidents are effective.
Strategy 4—Facilitate compliance with this Management Plan through education and enforcement

People, businesses and organisations that use the marine reserves network are required to comply with this Management Plan.

A well-developed education and risk-based enforcement program tailored to people and industries that use marine reserves is a critical component for effectively managing marine reserves. As a priority, relevant information about the conservation values of the Temperate East Marine Reserves Network and the zoning and management prescriptions will be produced to support the needs of marine reserve users. Voluntary compliance with this Management Plan will be promoted by increasing users’ understanding of the conservation values of the network and the purpose of the Temperate East Marine Reserves Network. Compliance measures may need to evolve to ensure that the conservation values are protected and that there are no unnecessary imposts on users of the network.

Effective enforcement is supported through risk-based planning, incorporating targeted monitoring and surveillance (e.g. aerial and vessel based), and the collection of intelligence from other sources. In this regard, strong links with Commonwealth and state enforcement agencies to share information and cooperate in joint enforcement activities are important. For example, the Director has agreements with the Australian Customs and Border Protection Service for the provision of surveillance services in marine reserves and with the Australian Fisheries Management Authority for fishing vessel monitoring.

Wardens are appointed under the EPBC Act to enforce compliance with the EPBC Act and Regulations. All Australian Federal Police and Australian Customs officers are wardens for the purposes of the EPBC Act. Officers of other Commonwealth agencies and of Victorian, New South Wales and Queensland government agencies may also be appointed as wardens in relation to the Temperate East Marine Reserves Network.

The EPBC Act sets out civil and criminal penalties for breaches, and the EPBC Regulations set out criminal penalties. Administrative remedies, such as the issuing of infringement notices, may also be available in some circumstances.

Actions

A12 Implement reliable methods for monitoring compliance with this Management Plan.

A13 Develop, maintain and disseminate appropriate information to enable users of the marine reserves network to comply with the provisions of this Management Plan.

A14 Consult with users of the network to identify opportunities to improve compliance measures.

A15 Implement a risk-based annual compliance plan.

A16 Establish a reporting system that supports users and visitors of the marine reserves network to report suspected non-compliant activity.

A17 Build effective working partnerships and agreements with Commonwealth and state government agencies for the delivery of compliance services.

A18 Investigate and monitor suspected non-compliant activity and, where appropriate, take enforcement action.

A19 Support initiatives and programs which promote best practice standards that guide use, and minimise impacts on the marine environment.

Outcomes

- Marine reserves network users have a clear understanding of what is required to comply with this Management Plan.
• Marine reserves network users contribute to the management of the network through the reporting of suspected non-compliant activity.

• Activities within the marine reserves network are undertaken in a manner that is consistent with the management arrangements as specified in this Management Plan.
Strategy 5—Promote community understanding of, and stakeholder participation in, the management of the marine reserves network

Commonwealth marine reserves protect and maintain Australia’s unique marine biodiversity and provide for the benefit and enjoyment of these areas by current and future generations. It is important that the Australian community understands the importance of the marine reserves network and why it has been established. Marine reserve users can significantly contribute to management of the marine reserves network through sharing their knowledge and understanding of the marine environment and human use of the marine environment. Stakeholder participation is recognised as an important element of network management, particularly with respect to the delivery of actions by the Director and the review of management prescriptions. To facilitate this it is intended that consultative structures be established to engage users in the management of the Temperate East Marine Reserves Network. The Director will engage on relevant management issues through these consultative structures to address conservation issues and other issues of mutual interest.

Actions

A20 Develop and implement a Communication and Education Plan that increases community understanding of the importance of the marine reserves network and meets reserve-specific needs for communication about the values protected and management arrangements and requirements.

A21 Maintain effective working relationships with user groups to facilitate the exchange of knowledge and understanding of the management of the marine reserves network.

A22 Establish consultative structures (e.g. committees) to engage in management of the marine reserves network.

Outcomes

- Stakeholders and the community understand the importance of the marine reserves network, the values it protects and management arrangements.

- Stakeholders effectively participate in the management of the marine reserves network.
Strategy 6—Support involvement of Indigenous people in management of Commonwealth Marine Reserves

The Indigenous peoples of the Temperate East have been sustainably using and managing their sea country, including areas now included within Commonwealth Marine reserves, for thousands of years – in some cases since before rising sea levels created these marine environments. They continue to rely on coastal and marine environments and resources for cultural identity, health and wellbeing, and economic activities. The saltwater people of the Temperate East belong to discrete clan estates and language groups that occupy, or traditionally occupied, discrete areas or country. ‘Country’ refers to a place of origin – literally, culturally or spiritually and ‘sea country’ and/or ‘saltwater country’ are terms that refer to an estate or cultural domain in which no separation between land and sea is made.

The Australian Government recognises and respects the knowledge Indigenous people have in managing Australia’s land, fresh water and sea, and in conserving biodiversity. It recognises Indigenous Australians as key partners in managing Australia’s environment and cultural heritage.

Native Title is a term that refers to the recognition in Australian law that some Indigenous people continue to hold rights to their lands and waters that come from their traditional laws and customs. The Native Title Act 1993 provides for the recognition of native title on land and in the sea. Section 8 of the EPBC Act provides that the Act does not affect the operation of the Native Title Act.

Indigenous people can contribute to the management of marine reserve through sharing their knowledge and understanding, of the marine environment and through participation the management and sustainable use of the resources of these reserves.

Actions

A23 Drawing on the significant body of knowledge built as part of sea country planning and similar initiatives across Australia, and in consultation with relevant representative organisations, consolidate and communicate information about cultural values protected in the Temperate East Commonwealth Marine Reserves Network.

A24 Identify opportunities for Indigenous people to engage in the management of sea country in Commonwealth marine reserves, for example through the delivery of critical management services, such as monitoring and surveillance.

A25 Build effective partnerships with Indigenous communities and organisations that have an interest in the marine reserves network.

Outcomes

- Indigenous people and organisations are partners in the management of sea country within Commonwealth marine reserves.
- Management activities within Commonwealth marine reserves respect and complement existing Indigenous governance arrangements and activities.
Strategy 7—Evaluate and report on the effectiveness of this Management Plan through monitoring and review

The primary focus of this strategy is on evaluating the effectiveness of the management arrangements outlined in this Management Plan at meeting the management objectives for the marine reserves network listed in section 1.2.

A monitoring, evaluation and reporting program will identify monitoring objectives based on the management objectives and information priorities for the network. The monitoring, evaluation and reporting program will establish arrangements to obtain the information needed to review the effectiveness of the implementation of the Management Plan before its expiry, while also enabling periodic reporting as required. Evaluations of effectiveness provide an important mechanism to identify refinements to and opportunities for improvement of the Management Plan and its implementation.

Actions

A26 Establish a program that measures and monitors progress on actions and outcomes

A27 Report annually on the Temperate East Commonwealth Marine Reserves Network in the Director of National Parks annual report.

A28 Evaluate and report on the implementation of the Management Plan before its expiry. The report will consider:
   - an assessment of the existing measures to protect the Temperate East Commonwealth Marine Reserves network
   - progress of Management Plan strategies and actions towards achieving the stated outcomes
   - options for improving management of the network.

Outcomes

- Management is improved on the basis of new information and knowledge.
- Improved understanding of the conservation values, and the pressures on such values, of the marine reserves network.
- The establishment of a program which provides the foundation for the long-term monitoring, evaluation and reporting on the marine reserves network.
- Effective reporting on reserve management to inform stakeholders and meet statutory requirements.
PART 5
MANAGING USE OF THE TEMPERATE EAST COMMONWEALTH MARINE RESERVES NETWORK

This Part of the management plan prescribes how activities that are covered by provisions of the EPBC Act and Regulations relating to Commonwealth reserves will be managed in the Temperate East Marine Reserves Network. It sets out, through management prescriptions, whether such activities can be undertaken and if so, how they will be managed. This includes the use of permits and class approvals to authorise activities; and determinations, prohibitions and restrictions made under the EPBC Regulations to regulate activities.

Approvals for actions and mining operations under s.359B provide interim authorisation while a management plan is not in operation and cease to have effect when a plan comes into operation. This plan provides for permits or approvals to be issued for these actions and mining operations to continue in appropriate network management zones, and that class approval will be given for commercial fishing and for mining operations in appropriate zones where the operations have been authorised under Chapter 4 of the EPBC Act.

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

5.1 Outline of Part 5

The EPBC Act (ss.354/354A and 355/355A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan (see Appendix B). These actions include killing, injuring, taking, trading, keeping or moving members of native species, actions for commercial purposes and mining operations. The EPBC Regulations control, or allow the Director of National Parks to control, a range of activities in Commonwealth reserves such as access, use of vessels, waste disposal, commercial fishing, recreational fishing and research.

An activity that is otherwise prohibited in the Temperate East Marine Reserves Network by the EPBC Act or Regulations may be carried on if it is done in accordance with either:

- a prescription in Part 5 that allows the activity to be done (allowed activities)
- a permit or class approval issued by the Director of National Parks under a prescription in Part 5 (allowable activities).

Depending on the type of activity, other provisions of the EPBC Act and/or other Acts may also apply to the activity (e.g. fisheries laws and laws relating to oil and gas exploration and production).

Section 5.2 of this Plan sets out the prescriptions that apply to the issuing and managing of permits and approvals that are required and provided for by sections 5.3–5.12. Those sections set out specific prescriptions for different types of activities. Prescriptions in Section 5.3 (General use and access) apply to all activities in the Temperate East Marine Reserves Network.
Table 5.1 provides a general guide as to whether activities are allowed, allowable under a permit or class approval, or prohibited in the network management zones within the Temperate East Marine Reserves Network by sections 5.3–5.12.

**Table 5.1: Summary of management arrangements for activities in the Temperate East Commonwealth Marine Reserves Network**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General use – including recreational use (non-fishing) and vessel transiting (See Section 5.3)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>General use – ballast water discharge and exchange (See Section 5.3)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial shipping – vessel transiting (See Section 5.4)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial fishing (except as indicated below) (See Section 5.5)</td>
<td>✗</td>
<td>✗</td>
<td>CA</td>
<td>CA</td>
<td>CA</td>
<td>CA</td>
</tr>
<tr>
<td>Demersal trawl, Demersal longline (including demersal setline, set dropline, auto-longline and bottom-set trotline), Gillnet (demersal and pelagic) and Danish Seine</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>CA</td>
</tr>
<tr>
<td>Commercial tourism – fishing including charter fishing tours (See Section 5.6)</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Commercial tourism – non-fishing, including nature watching, scuba or snorkel tours and aviation tours (See Section 5.6)</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Commercial media – including in-water filming and photography (See Section 5.6)</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Activity</td>
<td>Marine National Park Zone (IUCN II)</td>
<td>Recreational Use Zone (IUCN IV)</td>
<td>Habitat Protection Zone (Lord Howe) (IUCN IV)</td>
<td>Habitat Protection Zone (IUCN IV)</td>
<td>Multiple Use Zone (IUCN VI)</td>
<td>Special Purpose Zone (IUCN VI)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Recreational use – fishing including spearfishing, organised fishing competitions and clients of charter fishing (See Section 5.7)</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Mining (See Section 5.8)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P/CA</td>
<td>P/CA</td>
</tr>
<tr>
<td>Mining – construction and operation of pipelines (See Section 5.8)</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P/CA</td>
<td>P/CA</td>
</tr>
<tr>
<td>Structures and works – including moorings, excavation and maintenance (See Section 5.9)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Structures and works – disposal of dredge spoil (See Section 5.9)</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Research and monitoring (See Section 5.10)</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
</tr>
<tr>
<td>Defence, border protection, law enforcement and emergency response (See Section 5.11)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Activities not otherwise specified (See Section 5.12)</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

✗ Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in accordance with a class approval issued by the Director of National Parks.

P Activity is allowable in accordance with a permit from the Director of National Parks.

P/CA Activity is allowable in specified zones in accordance with a permit (if the operation is not authorised under Part 7 or part 9 of the EPBC Act) or a class approval (if the operation is authorised under Part 7 or part 9 of the EPBC Act) issued by the Director of National Parks.

1 Demersal setlining may be carried on in the Multiple Use Zone (IUCN category VI) in the Solitary Islands Commonwealth Marine Reserve.

2 Activity may also be authorised in accordance with a class approval issued by the Director of National Parks.

Note: Only gear types specified in a commercial fishing class approval can be used in the conduct of that activity. Gear types not specified in an approval will be required to undergo assessment of the impacts on the area in which they are proposed to be used before a decision is made on whether to approve their use.
5.2 Permits and class approvals for allowable activities

As noted in Section 5.1, this plan provides for certain activities that are otherwise prohibited in Commonwealth reserves to be carried on in accordance with either a permit or a class approval issued by the Director of National Parks (‘allowable activities’). Part 17 of the EPBC Regulations contains provisions for issuing and managing permits, including permit applications, preconditions and content of permits; and varying, suspending and cancelling permits. These provisions are adopted for permits authorised by this Plan. Class approvals, and the rules for their issue and management, are established by this Plan.

Permits are used to authorise the person(s) named in the permit to conduct an activity. Class approvals are used to authorise all persons, or a class of persons, carrying on a type of activity specified in the approval.

Decision-making about permits and approvals will be consistent with the objectives of this management plan in Section 1.2, the IUCN categories and zoning prescribed in Part 3, and the actions required for assessment of proposals and decision-making prescribed in Strategy 2 in Part 4 of this Plan.

Prescriptions

5.2.1 This section applies where Sections 5.3–5.12 of this management plan provide that an activity may be done in accordance with a permit or class approval issued by the Director.

Permits

5.2.2 A permit may be issued for allowable activities where provided for by Sections 5.3–5.12 of this Plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) in the section of this plan relating to the particular activity.

Permit rules

5.2.3 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.

5.2.4 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, the Director will consider any referral or assessment documents and related information.

5.2.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

Class approvals

Mining operations and commercial fishing

5.2.6 The Director will issue class approvals for:
   a) commercial fishing operations (subject to the prescriptions in Section 5.5 of this Plan); and
   b) mining operations covered by Sections 5.8.4 and 5.8.5 (subject to the other prescriptions in Section 5.8).

Other activities

5.2.7 A class approval may be issued for other allowable operations where provided for by sections 5.3-5.12 of this Plan, if the Director is satisfied that:
a) the operations are not likely to have an unacceptable impact on the values of the marine reserve; and

b) the operations will be conducted in a manner consistent with achieving the objectives of this Management Plan.

**Approval rules**

5.2.8 A class approval may be issued subject to conditions, including (without limitation):

a) to specify the area in which and the periods during which the approved activity may be carried on

b) to regulate the use of, prohibit or require the use of, specified gear, equipment or practices

c) the provision of, or consent for access to data for compliance and monitoring purposes.

5.2.9 A class approval may be suspended or cancelled, and approval conditions may be varied or revoked if the Director is satisfied that:

a) the operations to which the approval relates have not been, are not being, or likely will not be, carried on in accordance with the approval or a condition of the approval; or

b) the operations to which the approval relates are having, or are likely to have, an unacceptable impact on the values of the area to which the approval relates; or

c) the operations to which the approval relates are likely to cause an unacceptable risk to public health and safety,

and class approval conditions may also be:

d) revoked if the Director is satisfied that the condition is not necessary and revocation will not be likely to result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates; or

e) varied if the Director is satisfied that the condition as varied-

i. is more appropriate, for protection of the values of the area to which the approval relates, or

ii. will not be likely to result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates.

5.2.10 A class approval issued under Section 5.2.6 and Section 5.2.7 may be varied, suspended or cancelled if the Director is satisfied there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued (for example, because of new information, if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

5.2.11 A class approval may be revoked at the request of the persons to whom the approval relates, and may be varied to remove a person from the class of approved persons at the request of that person.

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

a) has breached a condition of the approval; or

b) the person has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act or Regulations or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.
5.3 General use of and access to the Temperate East Commonwealth Marine Reserves Network

Economic activity within the Temperate East Marine Reserves Network includes international and domestic commercial shipping, commercial fishing and commercial tourism (including charter fishing). Recreational activities include nature watching, boating, diving and fishing.

A code of conduct for diving with grey nurse sharks is in place at all grey nurse shark aggregation sites, and applies to recreational activities and charter diving operators. Actions that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of the EPBC Act Part 13, unless carried out in accordance with this plan.

As noted in Section 5.1 and Appendix B of this plan, the EPBC Act and Regulations control or enable the Director of National Parks to control a range of activities in Commonwealth reserves. Some provisions apply to particular classes of activities, such as commercial activities, mining operations and research. Other provisions relate to activities generally and include provisions enabling the Director to:

- determine areas where waste may be disposed of (rr.12.14A and 12.14B) where this is consistent with any relevant Commonwealth law or international agreements
- prohibit or restrict entry or activities (rr.12.23 and 12.23A)
- determine adventurous activities and areas where adventurous activities may be done (r.12.26)
- make determinations about use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits (r.12.56); and
- make determinations about use of aircraft in and over reserves (r.12.58).

At the time of making this plan, an instrument is in place under the EPBC Regulations for the area of the former Cod Grounds Commonwealth Marine Reserve, prohibiting the use of commercial fishing vessels. This restriction will apply to the Cod Grounds Commonwealth Marine Reserve subject to Section 5.3.1.

The prescriptions in this section apply to all users of the network, including those carrying on activities provided for under other sections of this part of the Plan.

Table 5.2 provides a general guide to the prescriptions in this Plan applying to all users of the network.

**Prescriptions**

5.3.1 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 necessary:

a) to protect and conserve natural and cultural heritage values

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 a permit for an activity that would otherwise be prohibited by such an instrument. This Section applies despite any other prescriptions in this Plan.

5.3.2 The Director may make a determination under r.12.14B of the EPBC Regulations specifying areas that may be used for the discharge, disposal of, release or leaving of industrial or domestic waste; and may issue
permits to do so in areas of the network not subject to such a determination. A determination made under this Section may be amended a revoked where it is necessary having regard to the matter referred to in Section 5.3.1.

5.3.3 Disposal of waste in connection with activities authorised under Section 5.9 of this Plan will be managed in accordance with that Section.

5.3.4 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;

b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management; and

c) relevant prohibitions, restrictions and determinations made by the Director under this plan.

Table 5.2: Summary of management arrangements for general use activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational use – non-fishing (nature watching)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Vessel transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Ballast water discharge and exchange</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

5.4 Commercial shipping

Maritime transport is vital to Australia’s economy. The Temperate East Marine Region includes some of Australia’s busiest shipping routes and ports. This traffic includes international and coastal cargo trade, passenger services and cargo services. Some of these major shipping routes transect some of the reserves in the Temperate East Marine Reserves Network, particularly those located close to the coast near the ports of Sydney, Newcastle and Coffs Harbour. Commonwealth marine reserves also surround Lord Howe Island and Norfolk Island where communities depend on commercial vessels for transport and supply.

Sections 354 and 354A of the EPBC Act require commercial activities, including incidental activities such as transit, to be undertaken in accordance with this Plan.

Australia is a party to a number of international agreements relevant to shipping, in particular the United Nations Law of the Sea Convention (UNCLOS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78 Convention), which are outlined in more detail in Appendix B. UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and right of freedom of navigation through Australia’s exclusive
economic zone. MARPOL deals with the preservation of the marine environment through the prevention and minimisation of pollution from ships.

There are also a range of national policies and procedures relevant to shipping such as the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 5.3 (General use and access).

A summary of management arrangements for shipping activities in the Temperate East Marine Reserves Network is provided in Table 5.3.

**Prescription**

5.4.1 Commercial shipping may transit through the Temperate East Marine Reserves Network, subject to compliance with prescriptions in Section 5.3 (General use and access) and relevant prescriptions in sections 5.5–5.12 relating to the activity in which shipping is involved.

**Table 5.3: Summary of management arrangements for shipping activities in the Temperate East Commonwealth Marine Reserves Network**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vessel Transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval)

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network. Section 5.3.4 applies to prescriptions regarding ballast water discharge or exchange.

### 5.5 Commercial fishing

Commercial fishing is an important industry in many coastal economies in the Temperate East Marine Region. Associated activities, such as fish processing, trade and marketing, ship repair yards, marinas and dock facilities, transportation, boat construction, and the supply of marine equipment such as nets and rigging, are important to the region’s employment and economic activity. At the time of making this Plan there are no aquaculture activities in the Temperate East Marine Reserves Network.

Commonwealth, New South Wales and Queensland operate within the Temperate East Marine Reserves Network. They involve use of a range of fishing methods and gear types to target a wide variety of fish species. Commercial fishing is generally managed by the Australian Fisheries Management Authority for Commonwealth fisheries, and relevant state fisheries management agencies for state-managed fisheries.

Under ss.354 and 354A of the EPBC Act, commercial fishing operations (being actions for commercial purposes that involve the taking, killing, injuring, moving or keeping of native species) are prohibited in the Temperate East Marine Reserves Network unless done in accordance with this management plan. Regulation 12.34 of the EPBC Regulations, which operates subject to this plan, provides for the Director of National Parks to make determinations about the manner in which commercial fishing operations may be conducted.

Commercial fishing operations in the Temperate East Marine Reserves Network are also subject to regulation under the *Fisheries Management Act 1991* or New South Wales and Queensland fisheries laws (under arrangements made under Part V of the Fisheries Management Act). These laws apply to the extent that they can operate consistently with the EPBC Act and Regulations and this management plan.
The class approval for commercial fishing issued under Section 5.2 will specify methods and gear types that may be used. Other methods and gear types will need to be assessed before approval may be given.

A summary of management arrangements for commercial fishing activities in the Temperate East Marine Reserves Network is provided in Table 5.4.

Prescriptions

5.5.1 Unless otherwise authorised in accordance with this plan, commercial fishing operations may be carried on in the Temperate East Marine Reserves Network in accordance with and subject to:

a) a class approval issued under Section 5.2;

b) the other prescriptions in this Section;

c) the prescriptions in Section 5.3 (General use and access);

d) the prescription in Section 5.4 (Commercial shipping); and

e) any determinations made under r.12.34 of the EPBC Regulations.

5.5.2 Commercial fishing operations may be carried on in the following network management zones:

a) Habitat Protection zones (IUCN IV)

b) Multiple Use zones (IUCN VI); and

c) Special Purpose zones (IUCN VI).

Note: Refer to the maps in Appendix A for the location of zones within the reserves network.

5.5.3 Operations must be carried on in accordance with a commercial fishing concession issued under Commonwealth or state fisheries laws to the extent those laws are capable of operating concurrently with this plan.

5.5.4 The following fishing methods must not be used:

a) Gillnet (demersal and pelagic); and

b) Danish seine

5.5.5 The following gear types must not be used in Habitat Protection zones (IUCN IV) and Multiple Use zones (IUCN VI):

a) Demersal trawl; and

b) Demersal longline (including demersal setline, set dropline, auto-longline and bottom-set trotline),

except that Demersal setline may be used in the designated Multiple Use zone (IUCN VI) in the Solitary Islands Commonwealth Marine Reserve.

5.5.6 Fishing methods and gear types not specified in a commercial fishing class approval, or conditions of a class approval must not be used.
5.5.7 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which commercial fishing operations are not authorised.

5.5.8 Fishing gear that is:

a) used in operations covered by Section 5.5.4;

b) specified in Section 5.5.5;

c) not specified in a Class Approval as gear that may be used; or

d) prohibited in the marine reserves network by a determination under r.12.34 of the EPBC Regulations must be kept stowed and secured at all times during transit through network management zones in which that gear is not allowed.

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

Table 5.4: Summary of management arrangements for commercial fishing activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial fishing (except as indicated below)</td>
<td>×</td>
<td>×</td>
<td>CA</td>
<td>CA</td>
<td>CA</td>
<td>CA</td>
</tr>
<tr>
<td>Demersal trawl</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>CA</td>
<td>×</td>
<td>CA</td>
</tr>
<tr>
<td>Demersal Longline (including demersal setline, set dropline, auto-longline and bottom-set trotline)</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Gillnet(demersal and pelagic)</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Danish seine</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Vessel transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

✗ Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in accordance with a class approval from the Director of National Parks.

a Demersal setlining may be carried on in the designated Multiple Use Zone (IUCN category VI) in the Solitary Islands Commonwealth Marine Reserve

Note: Gear types not specified in a class approval as gear that may be used will require assessment before use may be approved.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.
5.6 Commercial tourism (including charter fishing tours) and commercial media

Marine and coastal tourism is an important industry in the Temperate East Marine Region, with commercial tour operations in the Temperate East Marine Reserves Network including offshore charter fishing and yacht racing, charter boat hire, nature and whale watching, charter flights and scuba diving tours. Incidents and events that take place in the region occasionally will be of interest to the commercial media.

Under ss.354 and 354A of the EPBC Act, commercial activities, including commercial tours and commercial media operations, are prohibited in the Temperate East Marine Reserves Network unless done in accordance with this management plan. Under r.12.36 of the EPBC Regulations, commercial tourism flights over the network (up to 3000 metres above sea level) are similarly prohibited. Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the marine reserves network is part of the sanctuary) are set out in Part 8 of the EPBC Regulations.

The prescriptions in this section provide for sea-based commercial tourism to be conducted in most network management zones under either a permit or class approval from the Director of National Parks. Aviation tourism is allowed over the Temperate East Marine Reserves Network subject to the prescriptions of this section. A permit or class approval may be issued for commercial media operations (including filming, video or audio recording and photography) in all zones.

A summary of management arrangements for commercial tourism and media activities is provided in Table 5.5.

Prescriptions

5.6.1 Commercial tourism and media operations may be carried on in the Temperate East Marine Reserves Network in accordance with and subject to:

a) a permit or class approval issued under Section 5.2

b) the other prescriptions in this section

c) the prescriptions in Section 5.3 (General use and access);

d) the prescriptions in Section 5.4 (Commercial shipping); and

e) in relation to charter fishing tours, the prescriptions in Section 5.7 (Recreational Fishing).

5.6.2 Commercial media operations for the purposes of reporting news and events of the day may be carried on without a permit or class approval.

5.6.3 Charter fishing tours may be carried on in the following network management zones:

a) Habitat Protection zones (IUCN IV);

b) Multiple Use zones (IUCN VI); and

c) Special Purpose zones (IUCN VI).

5.6.4 Fishing gear on charter fishing tour vessels must be kept stowed and secured at all times during transit through network management zones in which charter fishing tour operations are not authorised.

5.6.5 Commercial aviation tours may be carried on in the airspace up to 3000 metres above sea level over the Temperate East Marine Reserves Network, and tour operators may land aircraft in Network reserves, in accordance with a permit issued under Section 5.2 and relevant provisions of Part 8 of the EPBC Regulations.
Table 5.5: Summary of management arrangements for commercial tourism (including charter fishing) and commercial media activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial tourism – fishing, including charter fishing tours</td>
<td>✗</td>
<td>✗</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial tourism – non-fishing, including nature watching, scuba and snorkel tours</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial aviation tours</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial media – including in-water filming and photography</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial media – news reporting and events of the day</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Vessel transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

- ✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).
- ✗ Activity is not allowed at all (i.e. totally prohibited).
- P Activity is allowable in accordance with a permit from the Director of National Parks. Commercial tourism and media activities may also be authorised under a class approval issued under Section 5.2.7.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

5.7 Recreational fishing (including clients of charter fishing tours and organised fishing competitions)

Recreational (i.e. non-commercial) fishing is a popular pastime in the Temperate East Marine Region. Most recreational fishing occurs in state internal and coastal waters (i.e. within three nautical miles of the shore), notably in bays and estuaries. However, increasingly, recreational fishing is taking place in Commonwealth waters, bringing the activity within areas of the Temperate East Marine Reserves Network.

In New South Wales the key ports for recreational fishing are Sydney, Port Stephens, Coffs Harbour, Wollongong, Batemans Bay, Bermagui, Tweed Heads and Narooma. In southern Queensland the key ports for recreational fishing include Mooloolaba, Brisbane, and the Gold Coast.
Recreational fishing includes clients of charter fishing tours, individual fishing, organised fishing competitions, and consists of all forms of recreational taking of fish and other marine life, including line fishing, netting, trapping, spear fishing and hand collecting.

Under ss.354 and 354A of the EPBC Act, recreational fishing (i.e. taking native species of fish for non-commercial purposes) is prohibited in the Temperate East Marine Reserves Network unless done in accordance with this Management Plan. Regulation 12.35 of the EPBC Regulations, which operate subject to this plan, provides for the Director of National Parks to make determinations about the manner in which recreational fishing operations may be done (r.12.35(3)) and prohibits certain fishing equipment and practices (rr.12.35(4) and (5)).

The recreational fishing laws of New South Wales, Queensland and Norfolk Island apply to recreational fishing in Commonwealth waters and in the reserves. They apply to the extent they can operate consistently with the EPBC Act and Regulations and this Management Plan. Special rules may apply to recreational fishing done as part of authorised fishing tours.

The prescriptions in this section provide for recreational fishing in most network management zones, without the need for a permit or approval from the Director, consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3). Fishing will be subject to relevant state laws and any determinations under r.12.35(3) of the EPBC Regulations. The limitations in rr.12.35(4) and (5) of the Regulations will not apply (as they are not necessary or appropriate to recreational fishing in the network), except that the use of equipment that allows a person to breathe under the surface of the water by means of compressed air must not be used for the purpose of recreational fishing.

A summary of management arrangements for recreational fishing activities in the Temperate East Marine Reserves Network is provided in Table 5.6.

Prescriptions

5.7.1 Recreational fishing (taking fish for non-commercial purposes) may be carried on in the Temperate East Marine Reserves Network in accordance with and subject to:

a) the other prescriptions in this section
b) the prescriptions in Section 5.3 (General use and access)
c) any determinations made under r.12.35(3) of the EPBC Regulations.

5.7.2 Recreational fishing may be carried on in the following network management zones:

a) Recreational Use zones (IUCN IV);
b) Habitat Protection zones (IUCN IV);
c) Multiple Use zones (IUCN VI); and
d) Special Purpose zones (IUCN VI).

5.7.3 Recreational fishing must be carried on in accordance with relevant laws of New South Wales, Queensland and Norfolk Island applying in the area adjacent to the area of the network in which the activity is being done (to the extent those laws are capable of operating concurrently with this Plan).

5.7.4 The Director may make determinations under r.12.35(3) of the EPBC Regulations relating to the conduct of recreational fishing.

5.7.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing carried on in accordance with this section.
5.7.6 A person may possess and use a hand spear or spear gun for the purposes of recreational fishing in accordance with this section.

5.7.7 Notwithstanding Section 5.7.5, regulation 12.35(4)(a) will apply to equipment that allows a person to breathe under the surface of the water by means of compressed air and such equipment must not be used for the purpose of recreational fishing.

5.7.8 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which recreational fishing is not allowed.

### Table 5.6: Summary of management arrangements for recreational fishing activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational use fishing including spearfishing and organised fishing competitions</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Clients of charter fishing</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Vessel transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✔ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

✗ Activity is not allowed at all (i.e. totally prohibited).

<sup>a</sup> Recreational fishing is managed by the states and New South Wales, Queensland and Norfolk Island laws apply to recreational fishing in Temperate East Marine Reserves Network unless they are inconsistent with this Management Plan.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.
5.8 Mining operations (including exploration)

Oil and gas exploration and development is carried on in the Temperate East Marine Region however it is not considered one of Australia’s most significant resource areas for petroleum. The region currently includes one petroleum exploration permit within the offshore Sydney basin.

Mining operations are prohibited in the Temperate East Marine Reserves Network by the EPBC Act (ss.355 and 355A) unless done in accordance with this Management Plan. Mining operations include all operations and activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals (s.355(2)). ‘Mineral’ is defined as a naturally occurring substance or mixture of substances (s.355(3)). Mining operations do not include capture and storage of greenhouse gases, including carbon dioxide. Under s.359 of the EPBC Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the Proclamation of the reserves.

The prescriptions in this section provide for mining operations in the network to be undertaken consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the reserves (Section 3). They allow for the possible authorisation of the transport of minerals by pipeline through zones where mining is not allowed where doing so is critical for the effective conduct of mining operations in zones where this activity is allowed.

The prescriptions in this section and Section 5.2 also remove duplication of processes where mining operations have been authorised under Chapter 4 of the EPBC Act. Mining operations that may be controlled actions under Part 3 of the EPBC Act will be subject to consideration and assessment under Chapter 4 and will not be allowed to proceed if the operations are likely to have unacceptable impacts. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine reserves. Mining operations are also subject to assessment and approval processes under either the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act) and the Offshore Minerals Act 1994. Additional assessment by the Director of National Parks is not required, because mining operations will be assessed under Chapter 4 of the EPBC Act, and this assessment takes account of impacts on marine reserve values.

Transit through the network for the purposes of mining operations conducted elsewhere is covered by Section 5.4 of this Plan.

Prescriptions

5.8.1 Unless otherwise authorised in accordance with this plan, mining operations may be carried on in the Temperate East Marine Reserves Network in accordance with and subject to:

a) a permit or class approval issued under Section 5.2
b) the other prescriptions in this section
c) the prescriptions in Section 5.3 (General use and access); and
d) the prescriptions in Section 5.4 (Commercial shipping).

5.8.2 Mining operations:

a) may be carried on in
   i. Multiple Use zones (IUCN VI), and
   ii. Special Purpose zones (IUCN VI),
   in accordance with Sections 5.8.4 to 5.8.7; and
b) that are the construction and operation of pipelines for the transport of minerals may be carried on in:
i. Marine National Park zones (IUCN II), and

ii. Habitat Protection zones (IUCN IV),

in accordance with Section 5.8.8

See Table 5.7 and Appendix A for the location of zones within marine reserves.

5.8.3 Mining operations must be carried on in accordance with an authorisation (however described) under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 or the Offshore Minerals Act 1994 (to the extent those laws are capable of operating concurrently with this Plan).

5.8.4 Mining operations in Multiple Use and Special Purpose Zones that have been approved under Part 9 of the EPBC Act may be carried on in accordance with conditions of that approval and a class approval issued under Section 5.2.6.

5.8.5 Mining operations in Multiple Use and Special Purpose Zones that are the subject of a decision under Part 7 of the EPBC Act that the operations are not a controlled action if taken in particular manner may be carried on in that manner and in accordance with the conditions of a class approval issued under Section 5.2.7.

5.8.6 Mining operations in Multiple Use and Special Purpose Zones not authorised by a class approval referred to in Sections 5.8.4 or 5.8.5 may be carried on in accordance with a permit issued under Section 5.2.2, or a class approval issued under Section 5.2.8.

5.8.7 The Director may issue a permit for the construction and operation of pipelines for the transport of minerals through Marine National Park zones (IUCN II) and Habitat Protection zones (IUCN IV) if the Director is satisfied:

a) the operations are necessarily critical to the mining or recovery of minerals being conducted elsewhere;

b) it is not practicable for the operations to be conducted outside the zone;

c) the operations are not likely to have an unacceptable impact on the values of the zone or the reserve; and

d) the operations will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.
Table 5.7: Zoning arrangements for mining activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining - authorised under Part 7 or 9 of the EPBC Act</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>CA</td>
<td>CA</td>
</tr>
<tr>
<td>Mining – other than mining authorised under Part 7 or Part 8 of the EPBC Act</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mining – construction and operation of pipelines</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P/CA</td>
<td>P/CA</td>
</tr>
<tr>
<td>Vessel transiting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with Plan prescriptions (permit or class approval not required).
× Activity is not allowed at all (i.e. totally prohibited).
CA Activity is allowable in specified zones in accordance with a class approval issued by the Director of National Parks.
P Activity is allowable in accordance with a permit issued by the Director of National Parks.
P/CA Activity is allowable in specified zones in accordance with a permit (if the operation is not authorised under Part 7 of the EPBC Act) or a class approval (if the operation is authorised under Part 9 of the EPBC Act) issued by the Director of National Parks.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

5.9 Structures and works

The installation of structures and carrying out of other works, including excavations, may be necessary to support commercial, recreational and public good activities in the Temperate East Marine Reserves Network. Examples of such installations include moorings to minimise anchoring damage to the seabed habitats, maritime navigation aids, and weather or ocean monitoring stations.

Carrying on an excavation, erecting a structure or carrying out works, and associated commercial activities, is prohibited in the Temperate East Marine Reserves Network under ss.354 and 354A of the EPBC Act unless done in accordance with this management plan. These actions may include, for example, dredging, construction of critical infrastructure (eg. for telecommunications and navigation aids) and necessary disposal of dredge spoil associated with regional development. Actions of this type related to mining operations are covered by ss.355 and 355A of the Act and will be managed in accordance with Section 5.8 of this Plan.

The prescriptions in this section allow for actions of this type, consistent with the Plan and not covered by sections 5.3 to 5.8, to be carried out in the network.

A summary of management arrangements for these operations in the Temperate East Marine Reserves Network is provided in Table 5.8.
Prescriptions

5.9.1 The Director may carry out an excavation, erect a structure or carry out works in the Temperate East Marine Reserves Network where the action is consistent with the objectives of the plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3).

5.9.2 Unless otherwise authorised in accordance with this Plan, a person other than the Director may carry out an excavation, erect a structure or carry out works in the Temperate East Marine Reserves Network in accordance with and subject to:
   a) a permit issued under Section 5.2
   b) the other prescriptions in this section; and
   c) the prescriptions in Section 5.3 (General use and access).

5.9.3 A permit may only be issued for excavations, structures or works in Marine National Park zones (IUCN II) if the Director is satisfied the action is necessary for:
   a) maritime or visitor safety, including aiding navigation
   b) maintaining the natural values of the Temperate East Marine Reserves Network (e.g. a mooring may prevent anchor damage);
   c) scientific monitoring purposes (e.g. marine weather station); or
   d) critical infrastructure in the national interest (e.g. telecommunications cables), and
      i. it is not practicable for the action to be conducted outside the zone,
      ii. the action is not likely to have an unacceptable impact on the values of the zone or the reserve, and
      iii. the action will be conducted in a manner not inconsistent with achieving the objectives of this management plan.

5.9.4 Dredge spoil must not be disposed of in the Marine National Park zones (IUCN II), the Habitat Protection Zone (IUCN IV) and the Recreational Use Zone (IUCN IV).

5.9.5 A permit may be issued for disposal of dredge spoil in Multiple Use zones (IUCN VI), Special Purpose zones (IUCN VI) and the Habitat Protection Zone (Lord Howe) (IUCN IV) if the Director is satisfied:
   a) the operation is necessarily critical, to other operations in the zone or elsewhere;
   b) it is not practicable for the operation to be conducted outside the zone;
   c) the operation is not likely to have an unacceptable impact on the values of the zone or the reserve, and
   the operation will be conducted in a manner not inconsistent with achieving the objectives of this management plan.
Table 5.8: Summary of management arrangements for structures and works activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures and works including moorings, excavation and maintenance</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P Activity is allowed in accordance with a permit issued by the Director of National Parks.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

5.10 Research and monitoring activities

Research and monitoring is important for understanding marine biodiversity, improving capacity for sustainable use, weather prediction and understanding climate change. Research and monitoring activities are conducted by both public and private institutions, including, on occasion, by foreign institutions and companies.

Research and monitoring activities in the Temperate East Marine Reserves Network are prohibited by r.12.10 of the EPBC Regulations unless authorised by this Management Plan. Research and monitoring that involves actions which affect members of native species are prohibited by ss.354 and 354A of the EPBC Act unless done in accordance with this Plan. Actions 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 carried out in accordance with this Plan.

Where biological resources are sought for 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.

Research and monitoring activities will be allowable in all zones of the Temperate East Marine Reserves Network in accordance with a permit issued by the Director of National Parks. In Marine National Park zones, extractive activities are generally considered inconsistent. However, in recognising the important contribution that scientific research makes to the effective management of marine reserves, this Plan provides for authorisation of extractive research activities.

A summary of management arrangements for research and monitoring activities in the Temperate East Marine Reserves Network is provided in Table 5.9.

Prescriptions

5.10.1 The Director may carry out research and monitoring in the Temperate East Marine Reserves Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.

5.10.2 A person other than the Director may carry out research and monitoring in the Temperate East Marine Reserves 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 or class approval issued under Section 5.2

b) the other prescriptions in this section; and
c) the prescriptions in Section 5.3 (General use and access).

5.10.3 A class approval will not be issued for research that involves activities covered by sections 5.10.5 and 5.10.6.

5.10.4 Research that involves 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).

5.10.5 In assessing permit applications, consideration will be given to the nature of and potential impacts of the actions, the aim of the project, ethical issues and how knowledge from the project might benefit the understanding and management of the Temperate East Marine Reserves Network.

5.10.6 A permit may be issued to carry on extractive research and monitoring activities in Marine National Park zones (IUCN II) in the Temperate East Marine Reserves Network if the Director is satisfied:

a) it is not practicable for the action to be conducted outside the zone;

b) the research is relevant to, or a priority for, the management of the marine reserves network;

c) the action is not likely to have an unacceptable impact on the values of the zone or the reserves, and

d) the action will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.

5.10.7 A permit may be issued to carry on, in the Temperate East Marine Reserves Network, research and monitoring that involves activities that are prohibited under Section 5.5 if the Director is satisfied:

a) the project is proposed to be conducted in an area where the same or similar research and monitoring has been conducted previously

b) it is not practicable for the project to be conducted outside the proposed area, and,

c) the project will provide information relevant to understanding the impacts of the activities on the marine environment or to supporting sustainable use within the marine reserves;

d) the project activities will not have an unacceptable impact on the values of the area in which the research or monitoring will be conducted;

e) the project will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.

5.10.8 Approval and permit holders must make results of research and monitoring available to the Director (and in a specified format where relevant), where that information will improve the knowledge and understanding of the biodiversity and ecosystems of the Temperate East Marine Reserves Network and might benefit management of the marine reserves network.
Table 5.9: Summary of management arrangements for research and monitoring activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and monitoring activities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P Activity is allowable in accordance with a permit issued by the Director of National Parks. Research and monitoring activities may also be authorised under a class approval issued under Section 5.2.7 but not where 5.10.6 and 5.10.7 of this Plan apply.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

5.11 Defence, border protection, law enforcement and emergency response

A number of Commonwealth agencies enter marine reserves for purposes relating to defence, border protection, law enforcement and emergency response. These agencies include the Australian Defence Force, the Australian Customs and Border Protection Service, Australian Fisheries Management Authority, the National Offshore Petroleum Safety and Environmental Management Authority and the Australian Maritime Safety Authority. There is no intention to limit training or operations for the Australian Defence Force, Customs and Border Protection Service, law enforcement or emergency response through the marine reserves network.

Provisions of the EPBC Act (ss.354 and 354A) and the Regulations (Division 12.2) relating to Commonwealth reserves 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 Commonwealth reserves in a way that is not inconsistent with this management plan. This Plan allows for the conduct of necessary government operations in the Temperate East Marine Reserves Network.

A summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the Temperate East Marine Reserves Network is provided in Table 5.10.

Prescriptions

5.11.1 The Commonwealth and Commonwealth agencies may take actions in the Temperate East Marine Reserves 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 (without the need for a permit or class approval issued under Section 5.2); or

b) for other purposes under a permit or class approval issued by the Director in accordance with Section 5.2 of this Plan, subject to the prescriptions in Section 5.3 (General use and access).

5.11.2 The Commonwealth and Commonwealth agencies should, so far as practicable, liaise with the Director in relation to the performance of functions and exercise of powers in the Temperate East Marine Reserves Network to minimise the risk of unacceptable impacts and unnecessary interference with the use of the network by other users.
### Table 5.10: Summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the Temperate East Commonwealth Marine Reserves Network

<table>
<thead>
<tr>
<th>Activity</th>
<th>Marine National Park Zone (IUCN II)</th>
<th>Recreational Use Zone (IUCN IV)</th>
<th>Habitat Protection Zone (Lord Howe) (IUCN IV)</th>
<th>Habitat Protection Zone (IUCN IV)</th>
<th>Multiple Use Zone (IUCN VI)</th>
<th>Special Purpose Zone (IUCN VI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence, border protection, law enforcement and emergency response</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Actions by Commonwealth and Commonwealth agencies - other and not covered elsewhere by this plan</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

P Activity is allowable in specified zones in accordance with a permit issued by the Director of National Parks. This activity may also be authorised under a class approval issued under Section 5.2.7.

Note: Refer to Appendix A for information on zones within specific marine reserves of the Temperate East Marine Reserves Network.

### 5.12 New activities and authorisations

Circumstances may arise or proposals may be brought forward for activities that were not known or anticipated at the time this Management Plan was prepared.

As noted in Appendix B and other sections in this part of the Plan, a range of actions and activities are prohibited or may be controlled by the Director of National Parks in Commonwealth reserves under the EPBC Act and Regulations, and certain actions may only be taken by the Director of National Parks in accordance with this Plan.

The purpose of this section is to allow the Director to respond to circumstances that are not covered by prescriptions in other sections of this plan, provided that doing so is consistent with the objectives of the plan in Section 1.2, the IUCN categories and zoning in Part 3 and the Strategies in Part 4.

Ensuring activities do not impact on the values of the reserve while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan as reflected in Strategy 2 in Part 4 of the Plan. It is possible that during the life of this Plan more efficient and effective means of authorising actions under this Plan may be identified. Consistent with Strategy 2 this section would enable the Director to implement such mechanisms.

Note: Proposals for actions not covered by prescriptions in other sections of this Plan will be subject to assessment as outlined in Part 4 (strategy 2) of this Plan.
Prescriptions

5.12.1 The Director may take actions that are not covered by specific prescriptions in this Management Plan, including actions covered by ss.354 and 354A of the EPBC Act.

5.12.2 The Director may authorise (by a permit or class approval under Section 5.2) actions by other persons that are not covered by specific prescriptions in this Management Plan, including actions covered by ss.354 and 354A of the EPBC Act and the EPBC Regulations.

5.12.3 The Director may grant new authorisations (approvals, permits or usage rights) in place of existing authorisations under this Plan.

5.12.4 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 other sections of this part of the Plan.
APPENDIX A

The Temperate East Commonwealth Marine Reserves Network—marine reserve descriptions, values and maps

The following sections provide an overview of the eight marine reserves which comprise the Temperate East Commonwealth Marine Reserves Network, including general descriptions, information about proclamation, how varying zones are specified, reserve sizes, conservation values, locations, and maps for each reserve.

The individual activity tables in Part 5 should be referenced to assist in determining the allowable activities in each of the reserves and their respective zones.

Figure A1: Temperate East Commonwealth Marine Reserves Network
## Gifford Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th>Date of effect</th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>IUCN category assigned to the reserve</td>
<td>IUCN Category IV</td>
</tr>
<tr>
<td>Assigned zones in reserve under this management plan</td>
<td>Habitat Protection Zone (IUCN IV) (5 829 km²)</td>
</tr>
<tr>
<td>Depth of reserve below seabed</td>
<td>1000 m</td>
</tr>
<tr>
<td>Total Area</td>
<td>5 829 km²</td>
</tr>
</tbody>
</table>

### Major conservation values
- Biologically important areas for protected humpback whales and a number of migratory seabirds
- Examples of the ecosystems of the Lord Howe Province
- Represents seafloor features including: basin, plateau and seamount/guyot (Gifford Tablemount)

### Location
The Gifford Commonwealth Marine Reserve is located approximately 480 kilometres north of Lord Howe Island and borders on the limit of Australia’s exclusive economic zone.

### General Description
The Gifford Commonwealth Marine Reserve includes Gifford Tablemount, part of the north-south chain of Lord Howe seamounts which form along the western flank of the Lord Howe Rise. The reserve covers a broad depth range of approximately 220 to 4000 metres.

Gifford Tablemount is a 2000 metre high guyot that comes to within approximately 300 metres of the surface and is capped by a drowned limestone platform.

Contained within the Gifford Commonwealth Marine reserve are examples of ecosystems consistent with Lord Howe Province and biologically important areas for humpback whales and a number of migratory seabirds.
Figure A2: Gifford Commonwealth Marine Reserve
Norfolk Commonwealth Marine Reserve

Date of effect | 17 November 2012
--- | ---
IUCN category assigned to the reserve | IUCN Category VI

Assigned zones in reserve under this management plan

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine National Park Zone (IUCN II)</td>
<td>41,661 km²</td>
</tr>
<tr>
<td>Habitat Protection Zone (IUCN IV)</td>
<td>20,984 km²</td>
</tr>
<tr>
<td>Multiple Use Zone (IUCN VI)</td>
<td>125,799 km²</td>
</tr>
</tbody>
</table>

Depth of reserve below seabed | 1000 m

Total Area | 188,443 km²

Major conservation values

- Biologically important areas for protected humpback whales and a number of migratory seabirds
- The Tasman Front is a region of intermediate productivity that separates the warm, nutrient poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea. It supports high productivity; aggregations of marine life; biodiversity and endemism in the region
- Includes benthic habitats thought to act as stepping stones for faunal dispersal, connecting deep-water fauna from New Caledonia to New Zealand
- Examples of the ecosystems of the Norfolk Island Province
- Represents bank/shoals, basin, canyon, deep/hole/valley, knoll/abyssal-hills/hills/mountains/peak, pinnacle, plateau, ridge, saddle, seamount/guyot, shelf, slope, trench/trough
- Includes two key ecological features:
  - Norfolk Ridge (high productivity, aggregations of marine life; biodiversity and endemism)
  - Tasman Front and Eddy Field (areas of increased nutrient and plankton aggregation, enhanced productivity, attracts mobile species such as turtles, cetaceans, tuna and billfish.

Location

Norfolk Commonwealth Marine Reserve is centered around Norfolk Island, spanning more than 700 kilometres in a north-south alignment over the Norfolk Ridge.

General Description

The Norfolk Commonwealth Marine Reserve covers a broad depth range, from less than 15 to 5000 metres, the majority of water depths being greater than 2000 metres.

The Norfolk Ridge is a key ecological feature of the marine reserve. The Ridge is approximately 70 kilometres wide and at depths shallower than 1500 metres. It is mostly flat-topped with steep sides sloping into the New Caledonia Basin on the west and Norfolk Basin on the east. Numerous small canyons incise these slopes. The ridge runs southward from New Caledonia to New Zealand, between the New Caledonia Trough to the west and the Norfolk Basin to the east. Seafloor habitats along the Norfolk Ridge are also thought to act as 'stepping stones' for species dispersal.

Species diversity of tropical and temperate species of fish, corals and other marine organisms around Norfolk Island is very similar to those
The Tasman Front conveys tropical species to the southern portion of the Norfolk ridge, supporting a diverse assemblage of tropical and temperate species, with evidence of connectivity to the benthic fauna of the Lord Howe Rise.

Migratory species of the Norfolk Island Province include humpback, killer, southern right, sei, fin, pilot, sperm and Longman's beaked whale. Large sharks, including white sharks, have been seen in Norfolk Island waters.
Figure A3: Norfolk Commonwealth Marine Reserve

The Commonwealth marine reserves declared in November 2013 are under transitional arrangements while management plans are being prepared. Transitional arrangements involve NO CHANGES ON THE WATER for marine users. Note, there are no changes to management arrangements in the marine reserves that existed prior to the establishment of the new reserves. That is, the same restrictions on activities will continue to apply even where those reserves have been incorporated into the new reserves. More information is available at www.environment.gov.au/marine/reserves.

Coordinates are expressed in degrees and minutes. Australian government data sources:
DEWHA (2012) Commonwealth Marine Reserves managed by DEWHA
Geoscience Australia (DMB) (CGR/1597) 1:10,000
Geoscience Australia (2013) Australian Maritime Boundaries (AMB) v2
### Lord Howe Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th>Date of effect</th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>IUCN category assigned to the reserve</td>
<td>IUCN Category IV</td>
</tr>
<tr>
<td><strong>Assigned zones in reserve under this management plan</strong></td>
<td></td>
</tr>
<tr>
<td>Marine National Park Zone (IUCN II) (10 488 km²)</td>
<td></td>
</tr>
<tr>
<td>Recreational Use Zone (IUCN IV) (1 170 km²)</td>
<td></td>
</tr>
<tr>
<td>Habitat Protection Zone (Lord Howe) (IUCN IV) (5 136 km²)</td>
<td></td>
</tr>
<tr>
<td>Habitat Protection Zone (IUCN IV) (54 898 km²)</td>
<td></td>
</tr>
<tr>
<td>Multiple Use Zone (IUCN VI) (38 446 km²)</td>
<td></td>
</tr>
<tr>
<td><strong>Depth of reserve below seabed</strong></td>
<td>1000 m</td>
</tr>
<tr>
<td><strong>Total Area</strong></td>
<td>110 139 km²</td>
</tr>
<tr>
<td><strong>Major conservation values</strong></td>
<td>Biologically important areas for protected humpback whales and a number of migratory seabirds</td>
</tr>
<tr>
<td></td>
<td>A major seabird breeding area, with 14 species found on the islands including masked boobys, grey ternlets, red-tailed tropic birds, black-winged petrels and Kermadec petrels</td>
</tr>
<tr>
<td></td>
<td>Key location for the black cod</td>
</tr>
<tr>
<td></td>
<td>Due to the convergence of warmer tropical and cooler temperate waters in the area of the proposed reserve many species found there are at the northern or southern extent of their range</td>
</tr>
<tr>
<td></td>
<td>Examples of the ecosystems of the Lord Howe Province and the Tasman Basin Province provincial bioregions</td>
</tr>
<tr>
<td></td>
<td>Represents seafloor features including: basin, plateau, saddle, seamount/guyot and deep ocean valley</td>
</tr>
<tr>
<td></td>
<td>Includes three key ecological features:</td>
</tr>
<tr>
<td></td>
<td>- the Lord Howe Seamount Chain (high productivity; aggregations of marine life; biodiversity and endemism).</td>
</tr>
<tr>
<td></td>
<td>- Elizabeth and Middleton Reefs (aggregations of marine life; biodiversity and endemism).</td>
</tr>
<tr>
<td></td>
<td>- Tasman Front and eddy field (high productivity; aggregations of marine life; biodiversity and endemism)</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>The Lord Howe Commonwealth Marine Reserve spans 680 kilometres in a north-south alignment over the Lord Howe seamount chain. The Lord Howe Commonwealth Marine Reserve abuts the New South Wales Lord Howe Island Marine Park.</td>
</tr>
<tr>
<td><strong>General Description</strong></td>
<td>The Lord Howe Commonwealth Marine Reserve covers a depth range from less than 15 metres to abyssal depths of 6000 metres. The reserve supports a unique mix of tropical, sub-tropical and temperate species and includes the southernmost coral reefs in the world.</td>
</tr>
<tr>
<td></td>
<td>Key Ecological features represented in the Lord Howe Marine Reserve include the Lord Howe Seamount Chain, Elizabeth and Middleton Reefs and Tasman Front and eddy field.</td>
</tr>
<tr>
<td></td>
<td>The Lord Howe Seamount Chain includes small, isolated oceanic platform-reefs that support a mix of tropical shallow coral reef and deep coldwater coral systems. It runs along the western margin of the Lord Howe Rise for approximately 1000 kilometres.</td>
</tr>
</tbody>
</table>
| Elizabeth and Middleton Reefs are small, isolated oceanic platform reefs that occur on top of the volcanic seamounts of the Lord Howe Seamount Chain. These reefs support a diverse range of tropical and temperate marine life, including both warm water and coldwater corals and an abundance of fish species. This diversity is a result of the effect of the East Australian Current on the reefs, exposing the area to its warm waters as well as the surrounding cooler ocean.  
  
Lord Howe Island (together with Norfolk Island and the Kermadec Islands) is one of only three subtropical island groups in the south-west Pacific Ocean, with diverse species of tropical and temperate fish, corals and other marine organisms.  
  
High numbers of Galapagos sharks are present at Elizabeth and Middleton Reefs and around Lord Howe Island. Size data suggest that Elizabeth and Middleton reefs are important nursery areas for Galapagos sharks. |
Figure A4: Lord Howe Commonwealth Marine Reserve
### Central Eastern Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th><strong>Date of effect</strong></th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IUCN category assigned to the reserve</strong></td>
<td>IUCN Category IV</td>
</tr>
</tbody>
</table>
| **Assigned zones in reserve under this management plan** | Marine National Park Zone (IUCN II) (8 110 km²)  
Habitat Protection Zone (IUCN IV) (52 066 km²)  
Multiple Use Zone (IUCN VI) (9 878 km²) |
| **Depth of reserve below seabed** | 1000 m |
| **Total Area** | 70 054 km² |

#### Major conservation values
- Biologically important areas for the protected humpback whale, vulnerable white shark and a number of migratory seabirds
- Examples of the ecosystems of the Central Eastern Province, Central Eastern Shelf Transition, and Tasman Basin Province provincial bioregions and the Tweed-Moreton meso-scale bioregion
- Represents seafloor features including: abyssal-plain/deep ocean floor, canyon, pinnacle, slope, knoll/abyssal-hills/hills/mountains/peak, and seamount/guyot
- Includes two key ecological features:
  - canyons on the eastern continental slope (part of one of three shelf-incising canyons occurring in the region is represented)
  - Tasmanid seamount chain (known breeding and feeding areas for a number of open ocean species such as billfish and marine mammals)

#### Location
The Central Eastern Commonwealth Marine Reserve extends from shelf-edge depths approximately 30 kilometres offshore to deep ocean waters approximately 200 kilometres offshore. It spans more than 500 kilometres in a north-south alignment over the southern seamounts of the Tasmanid Seamount Chain and Taupo and Barcoo seamounts in the south.

#### General Description
The Central Eastern Commonwealth Marine Reserve covers a depth range from about 120 metres at the continental shelf to abyssal depths of about 6000 metres along the Tasmanid Seamount Chain.

Key ecological features within the Central Eastern Commonwealth Marine Reserve include part of one of three shelf incising canyons on the eastern continental slope and the Tasmanid Seamount Chain.

The Tasmanid Seamount Chain is a prominent chain of underwater volcanic mountains that runs in a north–south direction, and extends into the Tasman Basin. The seamount chain rises from approximately 4800 metres deep to between 130 metres from the surface at Taupo seamount to about 1800 metres from the surface at Stradbroke seamount. The Derwent-Hunter, Barcoo, Brittania and Queensland seamounts are part of this seamount chain which supports a diverse range of habitats in temperate and subtropical waters as well as high levels of endemism (that is, they are found only in this region).
Figure A5: Central Eastern Commonwealth Marine Reserve
## Solitary Islands Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th>Date of effect</th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>IUCN category assigned to the reserve</td>
<td>IUCN Category VI</td>
</tr>
</tbody>
</table>
| **Assigned zones in reserve under this management plan** | Marine National Park Zone (IUCN II) (1 km²)  
Multiple Use Zone (IUCN VI) (37 km²)  
Special Purpose Zone (IUCN VI) (114 km²) |
| Depth of reserve below seabed | 1000 m |
| Total Area | 152 km² |
| **Major conservation values** | - Important habitat for the critically endangered east coast population of grey nurse sharks  
- Biologically important areas for the protected humpback whale, vulnerable white shark and a number of migratory seabirds  
- Examples of the ecosystems of the Central Eastern Shelf Transition and the Tweed-Moreton meso-scale bioregion  
- Representation of the shelf seafloor feature |
| **Location** | The Solitary Islands Commonwealth Marine Reserve is located approximately 5.5 km offshore adjacent to the area between Coffs Harbour and Sandon Bluffs. |
| **General Description** | The Solitary Islands Commonwealth Marine Reserve has a depth range of 15 to 70 metres and contains the southernmost extensive hard reef-building coral communities in coastal eastern Australia.  
The reserve represents a relatively undisturbed, distinct and species-rich ecosystem associated with open ocean, subtidal reef and soft substrate habitats.  
The tropical waters of the East Australian current meets temperate, southern waters in the Solitary Islands creating a combination of tropical and temperate environments. Many species found within the reserve are at, or close to, either their southern or northern geographical limits. Tropical, sub tropical and temperate marine communities co-exist within the same area.  
Pimpernel Rock is a significant feature in the reserve. It is a submerged pinnacle that rises from the seabed to within a few metres of the surface, providing habitat for benthic communities, pelagic fish, black cod, marine turtles and critical habitat for the critically endangered east coast population of grey nurse sharks. |
Figure A6: Solitary Islands Commonwealth Marine Reserve

NOT FOR NAVIGATIONAL PURPOSES

Zoning
- Marine National Park Zone (IUCN II)
- Multiple Use Zone (IUCN VI)
- Special Purpose Zone (IUCN VI)

Other marine protected areas
- Solitary Islands Marine Park (NSW)

Maritime boundaries
- Limit of coastal waters

INFORMATION FOR MARINE USERS – TRANSITIONAL ARRANGEMENTS

The Commonwealth marine reserves declared in November 2013 are under transitional arrangements while management plans are being prepared. Transitional arrangements involve NO CHANGES AT THE WATER for marine users. Note: there are no changes to management arrangements in the marine reserves that existed prior to the establishment of the new reserves. That is, the same restrictions on activities will continue to apply even though these reserves have been incorporated into new reserves. More information is available at www.environment.gov.au/marine/reserves.
## Cod Grounds Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th><strong>Date of effect</strong></th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IUCN category assigned to the reserve</strong></td>
<td>IUCN Category II</td>
</tr>
<tr>
<td><strong>Assigned zones in reserve under this management plan</strong></td>
<td>Marine National Park Zone (IUCN II) (4 km²)</td>
</tr>
<tr>
<td><strong>Depth of Reserve below Seabed</strong></td>
<td>1000 m</td>
</tr>
<tr>
<td><strong>Total Area</strong></td>
<td>4 km²</td>
</tr>
</tbody>
</table>

### Major conservation values
- Significant aggregation site for the critically endangered east coast population of grey nurse sharks
- Biologically important areas for the protected humpback whale, vulnerable white shark and a number of migratory seabirds
- Examples of the ecosystems of the Central Eastern Shelf Province provincial bioregion and the Manning Shelf meso-scale bioregion
- The area is a series of underwater pinnacles, which is a significant aggregation site for the critically endangered east coast population of grey nurse sharks
- Representation of the shelf seafloor feature

### Location
The Cod Grounds Commonwealth Marine Reserve is located approximately 5.5 kilometres offshore, protecting the Cod Grounds pinnacles and some surrounding habitat adjacent to the area between Diamond Head and Point Perpendicular.

### General Description
The Cod Grounds Commonwealth Marine Reserve covers a depth range from 15 to 70 metres. The Cod Grounds provides important habitat for the critically endangered east coast population of grey nurse sharks which are often observed in large numbers in or near deep sandy-bottomed gutters between the Cod Ground pinnacles. The Cod Grounds supports a larger proportion of female grey nurse sharks than that at many other aggregation sites and also provides habitat for prey species preferred by the grey nurse shark.
Figure A7: Cod Grounds Commonwealth Marine Reserve
### Hunter Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th>Date of effect</th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>IUCN category assigned to the reserve</td>
<td>IUCN Category VI</td>
</tr>
</tbody>
</table>
| Assigned zones in reserve under this management plan | Multiple Use Zone (IUCN VI) (4 519 km²)  
Special Purpose Zone (IUCN VI) (1 739 km²) |
| Depth of reserve below seabed | 1000 m |
| Total Area | 6257 km² |

#### Major conservation values
- Important habitat for the critically endangered east coast population of grey nurse sharks
- Biologically important areas for the protected humpback whale, vulnerable white sharks and a number of migratory seabirds
- Examples of the ecosystems of the Central Eastern Province and the Central Eastern Shelf Province provincial bioregions and the Manning Shelf meso-scale bioregion
- Seafloor features represented in the reserve include abyssalPlain/deep ocean floor, canyons, shelf, slope and terrace
- Includes one key ecological feature:  
  - Shelf rocky reefs (unique sea-floor feature with ecological properties of regional significance)

#### Location
The Hunter Commonwealth Marine Reserve covers an area stretching from the outer limit of New South Wales state waters to approximately 100 kilometres offshore adjacent to the area between Port Stevens and Sugarloaf Point. The Hunter Commonwealth Marine Reserve abuts with the New South Wales Port Stephens-Great Lakes Marine Park.

#### General Description
The Hunter Commonwealth Marine Reserve covers a depth range from about 15 metres to abyssal depths of 6000 metres and represents a rich array of biodiversity, containing examples of ecosystems from the Central Eastern Province, Central Eastern Shelf Province and the Manning shelf bioregions.

Shelf rocky reefs are a key ecological feature within the reserve. They support a diverse range of complex benthic habitats that, in turn, support diverse benthic communities. These biologically diverse environments also contain important habitat for the critically endangered east coast population of grey nurse sharks, vulnerable white sharks and a number of migratory seabirds.
Figure A8: Hunter Commonwealth Marine Reserve
## Jervis Commonwealth Marine Reserve

<table>
<thead>
<tr>
<th><strong>Date of effect</strong></th>
<th>17 November 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IUCN category assigned to the reserve</strong></td>
<td>IUCN Category VI</td>
</tr>
</tbody>
</table>
| **Assigned zones in reserve under this management plan** | Multiple Use Zone (IUCN VI) (1 965 km²)  
Special Purpose Zone (IUCN VI) (508 km²) |
| **Depth of reserve below seabed** | 1000 m |
| **Total Area** | 2473 km² |

### Major conservation values
- Canyons represented in this reserve incise the mid-slope at depths of 1500-3500 metres and extend to a depth of 5000 metres
- Seafloor features represented in the reserve include abyssal-plain/deep ocean floor, canyons, shelf, and slope
- Biologically important areas for humpback whales and migratory seabirds
- Examples of the ecosystems of the Central Eastern Province, the Southeast Shelf Transition and the Batemans Shelf meso-scale bioregion
- Includes two key ecological features:
  - one of three shelf-incising canyons of the eastern continental slope occurring in the region (unique sea-floor feature with ecological properties of regional significance)
  - shelf rocky reefs (unique sea-floor feature with ecological properties of regional significance)

### Location
The Jervis Commonwealth Marine Reserve is located approximately 20 kilometres offshore extending into deep water off the continental shelf down to the abyssal plain (deep ocean floor), adjacent to Jervis Bay and Booderee National Park.

### General Description
The Jervis Commonwealth Marine Reserve has depth ranges from about 120 metres to abyssal depths of 5000 metres.

A key ecological feature in the area is one of three shelf-incising canyons occurring in the region. Canyons provide habitat that supports a diverse range of benthic, demersal and pelagic species.

Shelf rocky reefs are another key ecological feature within the area. Shelf rocky reefs support a diverse range of complex benthic habitats that, in turn, support diverse benthic communities.

The diverse environment of the Jervis Commonwealth Marine Reserve is important for a number of migratory seabirds that forage and breed in the area as well as for humpback whales, which follow seasonal migration pathways through these waters.
Figure A9: Jervis Bay Commonwealth Marine Reserve
APPENDIX B

Legislative framework for the Reserves Network

The reserves of the Temperate East Commonwealth Marine Reserves Network are established under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Act and the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) under the Act provide the legal basis and framework for management of the network reserves. Other laws referred to in this Appendix may also be relevant to activities in the reserves. A number of international agreements relevant to management of the reserves are also described.

EPBC Act

Director of National Parks

The Director is a corporation under the EPBC Act (s.514A) and a Commonwealth authority for the purposes of the Commonwealth Authorities and Companies Act 1997. 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 established under the 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.

The Director can delegate all or any of the Director’s powers or functions under the EPBC Act (s.515) and EPBC Regulations (r.19.01A). At the time of preparing this management plan, the Director has delegated certain powers and functions for managing the Temperate East Marine Reserves Network to relevant executive officers of the Marine Division within the Australian Government Department of Sustainability, Environment, Water, Population and Communities.

IUCN categories and management principles

The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven IUCN categories prescribed by the EPBC Regulations (r.10.03H), which correspond to the protected area management categories identified by the IUCN (refer below):

- strict nature reserve;
- wilderness area;
- national park;
- natural monument;
- habitat/species management area;
- protected landscape/seascape; or
- managed resource protected area.

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 described below.
General administrative principles

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

- **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.

- **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.

- **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.

- **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.

- **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:
  - natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - 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.

- **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.

- **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

Part 2 of the Schedule 8 to the EPBC Regulations sets out management principles applicable to each IUCN category. 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)**

   The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles:

1.1 Habitats, ecosystems and native species should be preserved in as undisturbed a state as possible.

1.2 Genetic resources should be maintained in a dynamic and evolutionary state.

1.3 Established ecological processes should be maintained.

1.4 Structural landscape features or rock exposures should be safeguarded.

1.5 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.

1.6 Disturbance should be minimised by careful planning and execution of research and other approved activities.

1.7 Public access should be limited to the extent it is consistent with these principles.
2. National Park (IUCN Category II)

The reserve or zone should be protected and managed to preserve its natural condition according to the following principles:

2.1 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.

2.2 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.

2.3 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.

2.4 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.

2.5 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.

2.6 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.

2.7 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.

3. Habitat/Species Management Area (IUCN Category IV)

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:

3.1 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.

3.2 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.

3.3 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.

3.4 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.

3.5 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.

4. Managed Resource Protected Area (IUCN Category VI)

The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles:

4.1 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.

4.2 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.

4.3 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 the 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 and, so far as relevant to the reserves, must:

- assign the reserve to an IUCN category
- state how the reserve, or each zone of the reserve, is to be managed
- state how the natural features of the reserve, or of each zone of the reserve, are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under the EPBC Act in or in relation to the reserve
- specify any mining operation, major excavation or other works that may be carried on in the reserve, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the reserve
- indicate generally the activities that are to be prohibited or regulated in the reserve, and the means of prohibiting or regulating them

A management plan must also:

- indicate how the plan takes account of Australia’s obligations under each agreement with one or more other countries that is relevant to the reserve (including the World Heritage Convention and the Ramsar Convention, if appropriate);
- if the reserve includes a National Heritage area
  - not be inconsistent with the National Heritage management principles
  - address the matters prescribed by regulations made for the purposes of paragraph 324S(4)(a); and
- if the reserve includes a Commonwealth Heritage area
  - not be inconsistent with the Commonwealth Heritage management principles
  - address the matters prescribed by regulations made for the purposes of paragraph 341S(4)(a).

A management plan may:

- divide a reserve into one or more zones, and must assign each zone to an IUCN category; and
- cover more than one Commonwealth reserve (s.367(5)), as is the case with the Temperate East Commonwealth Marine Reserves Network management plan.

In preparing a management plan the EPBC Act (s.368) requires account to be taken of various matters. In relation to the Network reserves these matters include:

- the regulation of the use of the reserve for the purpose for which it was declared;
- the protection of the special features of the reserve, including objects and sites of biological, historical, paleontological, archaeological, geological and geographical interest;
- the protection, conservation and management of biodiversity and heritage within the reserve;
• the protection of the reserve against damage; and
• 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. These actions are:

• kill, injure, take trade, keep or move a member of a native species; or
• damage heritage; or
• carry on an excavation; or
• erect a building or other structure; or
• carry out works; or
• take an action for commercial purposes.

The EPBC Act (ss.355 and 355A) also prohibits mining operations being taken in Commonwealth reserves except in accordance with a management plan.

Section 358 allows the Director to grant a lease or a licence relating to land or sea-bed 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. Activities that are prohibited under the EPBC Regulations (Division 12.2) may be carried on if an exemption applies (r.12.06); for example, where an activity is authorised by a permit issued by the Director, or where a management plan that is in force for a Commonwealth reserve allows for the activity. The EPBC Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act who are carrying out their duties.

**Actions that may require additional approval under the EPBC Act**

*Environmental Impact Assessment*

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 the time of preparing this plan, the matters of national environmental significance identified in the EPBC Act are:

• World Heritage listed properties
• National Heritage listed places
• Ramsar wetlands of international importance
• nationally-listed threatened species and ecological communities
• listed migratory species
• nuclear actions (including uranium mining).
• Commonwealth marine areas
• Great Barrier Reef Marine Park

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 for the Minister’s decision 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 in Commonwealth areas and to cetaceans (whales and dolphins) in the Australian Whale Sanctuary (encompassing all Commonwealth waters) established by the Act.

All whales, dolphins and porpoises are protected under the EPBC Act through the establishment of the Australian Whale Sanctuary, which includes all Commonwealth waters. Within the Australian Whale Sanctuary it is an offence to kill, injure or interfere with cetaceans. They are also protected in State and Territory waters.

Migratory species listed under the EPBC Act are species listed under international agreements (to which Australia is a signatory) as species whose protection requires, or would significantly benefit from, international cooperation. These international agreements are discussed in more detail in Appendix B.

Marine species listed under the EPBC Act are species occurring naturally in the Commonwealth marine area that the Australian Government recognises require protection to ensure their long-term conservation. Species listed as marine species are identified in Section 3.3 of the Act.

In relation to threatened species and communities, the EPBC Act also provides for the identification and listing of key threatening processes and the preparation of threat abatement plans and species recovery plans.

Actions taken in accordance with a Commonwealth reserve management plan that is in operation are exempt from prohibitions in Part 13 of the Act.

**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.

**Heritage Protection**

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

- 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;
- 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:
- 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

- 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 within 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) relevantly provide:

- 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;

- that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas. The Commonwealth and Commonwealth agencies must not contravene such plans;

- that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in co-operation with the relevant States and self-governing Territories;

- that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in States and Territories; and

- that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

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.

The prescriptions within this plan are consistent with the Australian Ramsar management principles described in Schedule 6 of the EPBC Act 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 can exist in waters over which Australia asserts sovereign rights under the *Seas and Submerged Lands Act 1973*. Native title determinations need not have been made in order for native title rights to exist. To the extent a Commonwealth reserve may intersect with native title rights and interests, the Commonwealth has no intention of impacting native title rights and interests. If native title parties consider that their native title rights and interests may be affected by the Proclamation of a Commonwealth reserve or the content of a reserve management plan the Commonwealth invites them to make a submission detailing their concerns.

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.

The EPBC Act also does not affect the operation of s.211 of the *Native Title Act 1993*, 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).
**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.

**Other relevant laws**

**Historic Shipwrecks Act 1976**

The *Historic Shipwrecks Act 1976* protects historic wrecks and associated relics, which are more than 75 years old and in Commonwealth waters, extending from below the low water mark to the edge of the continental shelf. The Minister can also make a declaration to protect any historically significant wrecks or articles and relics that are less than 75 years old.

The Act aims to ensure that historic shipwrecks are protected for their heritage values and maintained for recreational, scientific and educational purposes. It also seeks to control actions that may result in damage, interference, removal or destruction of an historic shipwreck or associated relic. Divers can use wreck sites for recreational purposes, but relics must not be removed from the wreck site and the physical fabric of the wreck must not be disturbed, unless a permit has been obtained.

Some historic shipwrecks lie within protected or no-entry zones. These zones may cover an area up to a radius of 800 metres around a wreck site, and may be declared where circumstances place it at particular risk of interference. Permits are required to transit or enter a protected zone for activities such as diving, fishing or commemorative ceremonies. Permits are also required to undertake any activities otherwise prohibited or restricted by the Act.

**Environment Protection (Sea Dumping) Act 1981**

*Australia regulates the loading and dumping of waste at sea under the Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act). This Act also fulfils Australia's international obligations under the London Protocol to prevent marine pollution by controlling dumping of wastes and other matter.

Under the Sea Dumping Act, the Commonwealth aims to minimise pollution threats by:

- prohibiting ocean disposal of waste considered too harmful to be released in the marine environment; and
- regulating permitted waste disposal to ensure environmental impacts are minimised.

The Sea Dumping Act applies to all vessels, aircraft and platforms in Australian waters and to all Australian vessels and aircrafts in any part of the sea.

Permits are required for all sea dumping operations. Permits are most commonly issued for dredging operations and the creation of artificial reefs. Permits have also been issued for the dumping of vessels, platforms or other man-made structures, and for burials at sea.

**International agreements**

This management plan takes into account Australia’s obligations under international agreements that are relevant to the Temperate East Marine Reserves Network.

The convention, which was agreed in 1982 and came into force for Australia in 1994, provides a framework to regulate many aspects of the uses of the sea and conservation of the marine environment. UNCLOS includes the right of innocent passage of foreign ships through the territorial sea, and of freedom of navigation through Australia’s exclusive economic zone (EEZ).

UNCLOS requires foreign ships in territorial seas to comply with the relevant country’s laws relating to certain matters, including conservation of the living resources of the sea; prevention of infringement of the fisheries laws; preservation of the environment and the prevention, reduction and control of pollution of the environment; and marine scientific research and hydrographical surveys.

Within Australia’s EEZ, foreign ships have rights closely associated with their rights on the high seas, including the freedom of navigation.

International Convention for the Prevention of Pollution from Ships (MARPOL 73/78 Convention)

The MARPOL deals with preventing and minimising ship-generated pollution from being discharged into the sea. MARPOL is given effect in Australia by the Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983 and the Navigation Act 1912. It is the basis for Australian and state government regulation of pollution from all ships, including fishing vessels, in Australian waters. The International Maritime Organisation, a specialised agency of the United Nations, administers this convention and related conventions.


Australia is a signatory to the London Convention 1972, the objective of which is to control all sources of marine pollution and prevent pollution through the regulation of waste dumping into the sea. In Australia, the deliberate loading, dumping and incineration of waste at sea is regulated by the Environment Protection (Sea Dumping) Act 1981.

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.

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 utilisation 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 Marine Reserves Network assists Australia in meeting its obligations under the CBD.
In 2010, the Conference of Parties to the Convention on Biological Diversity adopted a ‘Strategic Plan for Biodiversity’. It includes the following target relevant to protected areas:

**Target 11**

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. The Australian Government has met and exceeded this target.

**World Heritage Convention**

Australia is a party to the World Heritage Convention, which aims to promote cooperation among nations to protect heritage that is of such outstanding universal value that its conservation is important for current and future generations. The operational guidelines for implementing the World Heritage Convention include requirements that each World Heritage area should have a management plan and should have adequate long-term legislative protection.

The Temperate East Marine Reserves Network includes two World Heritage sites. The Lord Howe Island Group is located in the Lord Howe Commonwealth Marine Reserve and the Norfolk Island Kingston and Arthur Vale Historic Areas are located on Norfolk Island adjacent to the Norfolk Commonwealth Marine Reserve. The establishment of the Lord Howe and Norfolk Commonwealth Marine Reserves and the development of a management plan for the Temperate East Marine Reserves Network is consistent with World Heritage obligations.

**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 well-being 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.

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

As a party to the Bonn Convention, Australia has agreed to protect migratory species and to negotiate and implement agreements for the conservation and management of migratory species with other range states, including cooperation and support of research relating to migratory species:


**International Convention for the Regulation of Whaling**

Australia has obligations as a member of the International Whaling Commission and as a signatory to the International Convention for the Regulation of Whaling. Some of these obligations include providing for the conservation of whale species through the complete protection of certain species and designation of whale sanctuaries, and through promoting relevant research. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

**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.
### Glossary

**Australian Fisheries Management Authority (AFMA)**
Australian Government agency responsible for the management and sustainable use of Commonwealth fish resources on behalf of the Australian community.

**Australian Government**
The Government of the Commonwealth of Australia.

**Biodiversity**
According to the EPBC Act, the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes:

- (a) diversity within species and between species; and
- (b) diversity of ecosystems.

**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 *Integrated Marine and Coastal Regionalisation of Australia Version 4.0*.

**Commonwealth area**
Has the meaning given by s. 525 of the EPBC Act.

**Commonwealth reserve**
A reserve established and managed under Division 4 of Part 15 of the EPBC Act.

**controlled action**
Has the meaning given by s. 67 of the EPBC Act.

**department**
The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC), including any agency that succeeds to the functions of the department.

**Director**
The Director of National Parks under s. 514A of the EPBC Act, and includes any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the Temperate East Commonwealth Marine Reserves Network.

**dumping**
According to the *Environment Protection (Sea Dumping) Act 1981* means (i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; (ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.

**endemic**
Native to or confined to a certain region.

**Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**
The Australian Government's key environmental Act, which came into effect on 16 July 2000, and includes any Act amending, repealing or replacing the Act.

**Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC**
The Australian Government's key environmental regulations, which came into effect on 16 July 2000, and includes any Regulations amending, repealing or
Regulations) replacing the Regulations.

gazette The Commonwealth of Australia Gazette.

Integrated Marine and Coastal Regionalisation of Australia (IMCRA or IMCRA v4.0) A spatial framework for classifying Australia's marine environment into bioregions that form the basis for the development of a National Representative System of Marine Protected Areas.

International Union for the Conservation of Nature (IUCN) A democratic membership union with more than 1000 government and non-government organisation member organisations, and almost 11 000 volunteer scientists in more than 160 countries that brings governments, non-government organisations, United Nations agencies, companies and local communities together to develop and implement policy, laws and best-practice environmental management and sustainable development.

management plan This draft Management Plan unless otherwise stated.

management principles The Australian IUCN reserve management principles set out in Schedule 8 of the EPBC Regulations.

mining operations Mining operations as defined by s.355(2) of the EPBC Act.

Minister The Minister administering the EPBC Act.

National Representative System of Marine Protected Areas (NRSMPA) A comprehensive, adequate and representative system of marine protected areas that contribute to the long-term ecological viability of marine and estuarine systems, maintain ecological processes and systems, and protect Australia's biological diversity at all levels.

Proclamation A proclamation by the Governor-General that is registered on the Federal Register of Legislative Instruments.

Temperate East Commonwealth Marine Reserves Network (Temperate East Marine Reserves Network or the marine reserves network) Eight Commonwealth marine reserves managed as a network that contain representative examples of the major sea-floor features of the Temperate East Marine Region.

stowed and secured All fishing equipment, including nets and lines, are not in contact with the water, are onboard the nominated vessel, and lines are unrigged, unless otherwise determined by the Director.

Transit Passage of a vessel through a reserve without any other activity occurring in the reserve, whereby the transit is in a straight direction and the vessel does not stop for any reason other than a notified emergency.

Unrigged All tackle must be removed, leaving only a bare line on the reel.
SUPPORTING INFORMATION


