



Managing activities that may affect Australian marine parks

Core concepts

- The Commonwealth Marine Area (CMA) is a matter of national environmental significance protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Areas within the CMA that are proclaimed under the EPBC Act for the purpose of protecting and maintaining biological diversity are collectively called Australian Marine Parks (AMPs). These areas were previously called Commonwealth Marine Reserves (CMRs).
- The Director of National Parks (DNP) is responsible for managing AMPs. There are five marine park networks and the Coral Sea Marine Park. Activities within AMPs are managed in accordance with the EPBC Act and management plans prepared under that Act.
- On 21 July 2017, the DNP released draft management plans¹ for four AMP networks (North, North-west, South-west and Temperate East) and the Coral Sea Marine Park for public comment period.
- Until management plans have been approved by the Minister for the Environment and Energy and come into effect, they have no statutory effect and current transitional management arrangements remain in place.
- The transitional management arrangements apply a ‘no changes on the water’ policy, which means that offshore petroleum activities may be allowed in new marine parks that were proclaimed in November 2012, subject to NOPSEMA’s acceptance of an Environment Plan (EP) for the activity.
- NOPSEMA is the sole assessor of the titleholder’s environmental management arrangements for offshore petroleum and greenhouse gas activities in Commonwealth waters, including in Australian Marine Parks.
- For the purposes of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009, the DNP is a relevant person and must be consulted during preparation of EPs for activities within marine parks or that pose risk to a marine park and its values (section 3.3).
- The EPBC Act defines ‘mining operations’ and this language is used in management documents for AMPs. Offshore petroleum activities are included in the definition.
- Titleholders must demonstrate in an EP that impacts and risks to AMPs from both planned petroleum activities and emergency response activities will be reduced to “As Low As Reasonably Practicable” (ALARP) and will not result in unacceptable impacts.
- During transitional management, EPs for activities that may affect AMPs which do not have current management plans, must demonstrate that the activity is consistent with relevant Australian IUCN reserve management principles. For marine parks that were proclaimed prior to 2012, the management arrangements that applied before November 2012 continue to apply.
- Titleholders must demonstrate how, throughout an activity, impacts and risks to AMPs will continue to be reduced to ALARP and of an acceptable level.
- The contemporary AMP naming convention should be used in regulatory documents submitted to NOPSEMA.

¹ See <https://parksaustralia.gov.au/marine/> for draft plans



- Elements of this guidance are also broadly relevant Offshore Project Proposals (OPPs). OPP proponents should consider the relevance of this guidance in the context of the regulatory requirements and decision criteria that apply to OPPs and may seek more specific advice from NOPSEMA and Parks Australia as required.
- This guidance note has been prepared by NOPSEMA in consultation with Parks Australia.



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Abbreviations/acronyms

| | |
|--------------------|--|
| ALARP | As Low As Reasonably Practicable |
| AMP | Australian Marine Park |
| CMA | Commonwealth Marine Area |
| CMR | Commonwealth Marine Reserve |
| DNP | Director of National Parks |
| DoEE | Department of the Environment and Energy |
| EP | Environment Plan |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPBC Regulations | <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> |
| Emergency response | Actions taken in accordance with the accepted EP/OPEP, including environmental monitoring and remediation, to respond to an oil pollution incident resulting from a petroleum activity |
| IUCN | International Union for Conservation of Nature |
| NOPSEMA | National Offshore Petroleum Safety and Environmental Management Authority |
| OPEP | Oil Pollution Emergency Plan |
| OPP | Offshore Project Proposal |
| OPGGGS Act | <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> |
| Program | NOPSEMA Program endorsed under Part 10 of the EPBC Act for streamlining offshore petroleum environmental approvals |



1 Introduction

1.1 Intent and purpose

The purpose of this guidance note is to outline the management status of Australian Marine Parks (AMPs, formerly called Commonwealth Marine Reserves (CMRs)) and the implications of these areas for the management of petroleum activities. This guidance note also provides information regarding consultation with the Director of National Parks (DNP) during the preparation and implementation of Environment Plans (EPs).

This guidance note remains current until management plans for the AMP Networks and the Coral Sea Marine Park come into effect. The locations of AMPs are shown in Figure 1.

1.2 Background

Australian Marine Parks are established by proclamation under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the purpose of protecting and maintaining biological diversity in the parks. Marine Park terminology should be used when describing parks collectively (i.e. AMPs) and individually in EPs (e.g. Ningaloo Marine Park).

The DNP is the statutory authority responsible for the administration and management of AMPs under the EPBC Act.

Management requirements for AMPs are prescribed in management plans made under the EPBC Act. These plans give effect to management principles and prescribe what activities are allowed to occur within each marine park and zone. The EPBC Act requires that management plans detail how each zone in the park is to be managed and include specifications for any activities including 'mining operations' that may be carried out in the park, as well as, any requirements that apply to those activities. The EPBC Act defines 'mining operations'² and so this terminology is used in management plans and approvals issued by the DNP. The definition of mining operations includes all petroleum activities, including associated emergency response, environmental monitoring and remediation activities.

A management plan comes into effect after it has been approved by the Minister for the Environment and Energy and registered on the Federal Register of Legislative Instruments (or on a later date specified in the plan approved by the Minister).³ The DNP and other Australian Government agencies must act consistently with a management plan that is in operation for the AMP.⁴ Under the endorsed Program, NOPSEMA will not act inconsistently with a plan of management for a Commonwealth reserve (i.e. an AMP) in deciding whether or not to accept an Environment Plan.

Australian International Union for Conservation of Nature (IUCN) reserve management principles are set out in the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations). Under the endorsed Program, NOPSEMA cannot accept an EP that is inconsistent with the relevant Australian IUCN reserve management principles where no management plan is in force for an AMP.

The establishment of AMPs, and the EPBC Act requirements for activities in AMPs, do not affect activities under a seabed 'usage right' issued prior to a parks' establishment, but renewal or extension of the term of the 'right' requires consent from the Minister for the Environment and Energy.⁵

² EPBC Act section 355

³ EPBC Act, section 370 and *Legislative Instruments Act 2003*, section 12

⁴ EPBC Act, section 362

⁵ EPBC Act, sections 350(7) and 359



2 Management status and transitional arrangements

2.1 Status and current approach to management of AMPs

The South-east Commonwealth Marine Reserves Network Management Plan 2013-2023 came into effect in 2013.

Management plans for the South-west, North-west, North and Temperate East networks of marine parks and the Coral Sea Marine Park are currently being prepared. Until management plans for these areas are in operation, 'transitional arrangements' remain in place.

There are different management arrangements in place for marine parks depending on whether they were declared prior to 2012 or after 2012. Information about how these areas are currently managed is outlined below and at Attachment 1.

South-east marine parks (proclaimed in 2007) are managed in accordance with the South-East Commonwealth Marine Reserves Network Management Plan 2013-23. All mining operations must be undertaken consistent with the requirements of this plan, and are not subject to transitional management arrangements.

New marine parks (proclaimed in 2012) are not yet subject to management plan requirements and are managed under transitional arrangements. Transitional management arrangements place no restrictions on mining operations in these areas. However, there are some exceptions where new marine park boundaries encompass former marine parks that were proclaimed prior to 2012. An example is in the new Great Australian Bight Marine Park, where the area of the former Great Australian Bight Marine Park (Commonwealth Waters) is managed consistent with the arrangements explained in section 2.2 (marine parks proclaimed prior to 2012), while areas of the new AMP that were first proclaimed in 2012 are only subject to the transitional arrangements that place no restrictions on mining operations in those areas. New AMPs proclaimed in 2012 are:

| South-west | North-west | North | Temperate East | Coral Sea |
|--|--|---|---|---|
| <ul style="list-style-type: none"> ○ Abrolhos ○ Bremer ○ Eastern Recherche ○ Geographe ○ Great Australian Bight (not including former reserve area) ○ Jurien ○ Murat ○ Perth Canyon ○ Southern Kangaroo Island ○ South-west Corner ○ Twilight ○ Two Rocks ○ Western Eyre ○ Western Kangaroo Island | <ul style="list-style-type: none"> ○ Argo-Rowley Terrace ○ Carnarvon Canyon ○ Dampier ○ Eighty Mile Beach ○ Gascoyne ○ Kimberley ○ Montebello ○ Roebuck ○ Shark Bay | <ul style="list-style-type: none"> ○ Arafura ○ Arnhem ○ Gulf of Carpentaria ○ Joseph Bonaparte Gulf ○ Limmen ○ Oceanic Shoals ○ Wessel ○ West Cape York | <ul style="list-style-type: none"> ○ Jervis ○ Hunter ○ Cod Grounds (not including former reserve area) ○ Solitary Islands (not including former reserve area) ○ Central Eastern ○ Gifford ○ Lord Howe (not including former reserve area) ○ Norfolk | <ul style="list-style-type: none"> ○ Coral Sea Marine Park |



Marine parks proclaimed prior to 2012 are marine parks that were proclaimed before 2012 and have expired management plans. Transitional management arrangements give effect to expired plans and mining operations must be consistent with these former management plans. The relevant marine parks are:

- Ningaloo Marine Park
- Mermaid Reef Marine Park
- Ashmore Reef Marine Park
- Cartier Island Marine Park
- Solitary Islands Marine Park
- the former Great Australian Bight Marine Park (Commonwealth Waters)
- the former Coringa-Herald National Nature Reserve, Lihou Reef National Nature Reserve
- the former Lord Howe Island Marine Park (Commonwealth Waters) and Elizabeth and Middleton Reefs Marine National Nature Reserve
- the former Solitary Islands Marine Reserve (Commonwealth Waters)
- the former Cod Grounds Commonwealth Marine Reserve.

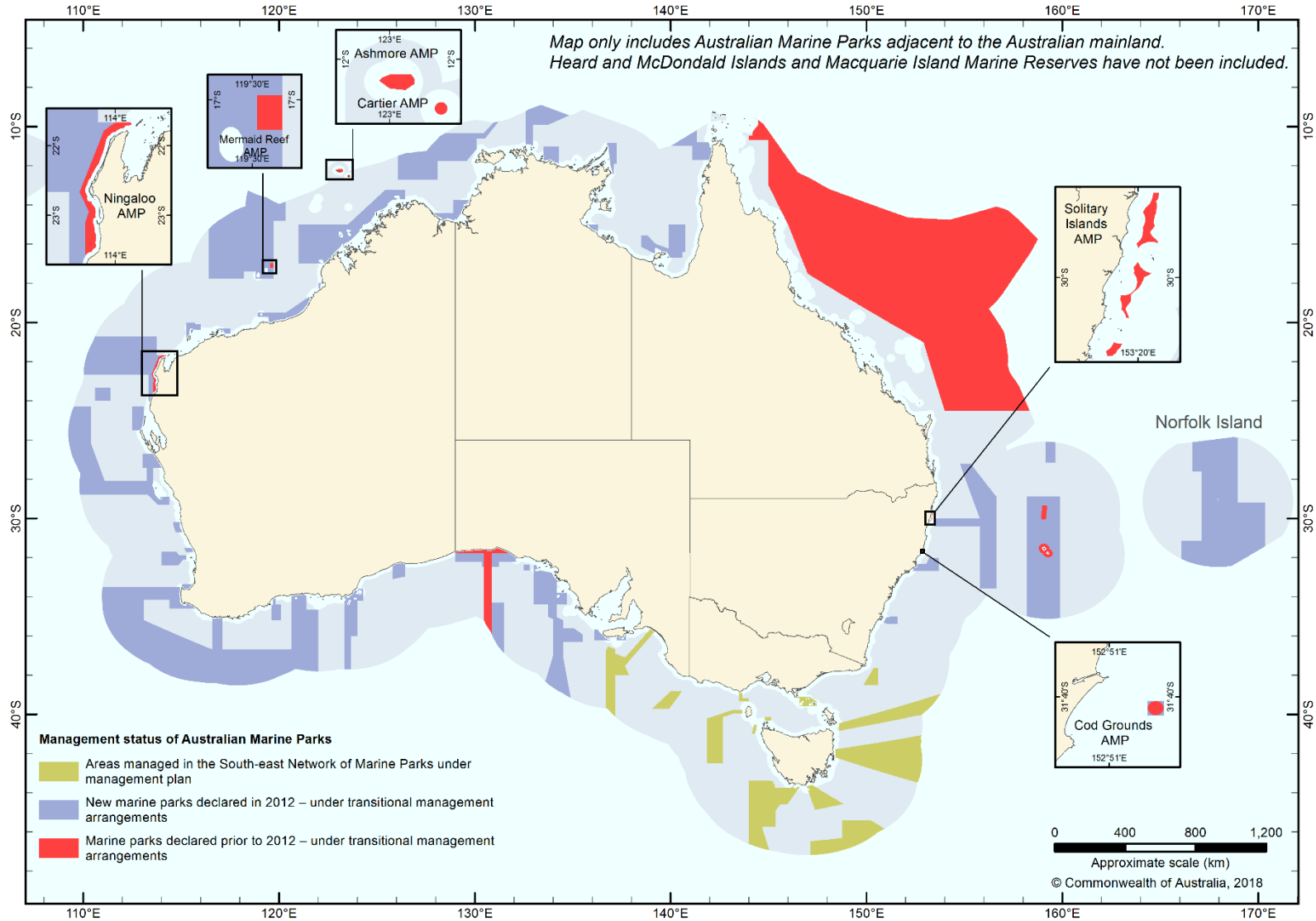


Figure 1: Australian marine parks adjacent to the Australian mainland and the management status for each of the three regions.



2.2 Giving effect to transitional management arrangements

The DNP has issued general approvals under section 359B of the EPBC Act that allow a range of activities, including mining operations, in marine parks that were proclaimed prior to and in 2012. These approvals do not replace the need for titleholders to have an accepted EP for all petroleum activities that may occur in or pose a risk to the values of marine parks. General approvals will cease when management plans come into effect for new AMPs.

New parks: General approvals have been issued allowing all mining operations in these parks until management plans come into effect.

Marine parks proclaimed prior to 2012: With the exception of the Benthic Protection Zone of the former Great Australian Bight Marine Park (Commonwealth Waters) and the general use zone of the Solitary Islands AMP 'mining operations' are not approved in these AMPs.

Approval from the DNP is required for activities in the Benthic Protection Zone of the former Great Australian Bight Marine Park (Commonwealth Waters) and within the IUCN VI zone of the Solitary Islands AMP.

The DNP has put in place a general approval⁶ to enable emergency response activities to occur within marine parks proclaimed prior to 2012. It provides for titleholders to undertake required actions to respond to oil pollution incidents, including environmental monitoring and remediation, provided that the activities are taken in accordance with:

- the OPGGS Act, Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009, and the oil pollution emergency plan contained within the approved environment plan; and
- Other applicable Commonwealth and State laws, subject to:
- observing the requirements (if any) advised by the DNP in relation to the conduct of the activity as being necessary for the protection of biodiversity and heritage in the relevant marine park.

3 Implications for proponents and petroleum titleholders

3.1 Impacts and risk management

Titleholders must have an EP for an activity accepted by NOPSEMA before that activity can commence.

For NOPSEMA to accept an EP, it must be reasonably satisfied that the EP demonstrates that environmental impacts and risks of that activity (including emergency response activities) will be of an acceptable level and reduced to ALARP. This requires specific consideration of relevant matters of national environmental significance, including the CMA. This requirement also applies to revisions of existing EPs submitted to NOPSEMA. More information on how NOPSEMA evaluates the quality of environment plan (EP) submissions against the legislated criteria for acceptance is set out in its decision making guideline⁷.

While guidance provided in this document is focused on EP submissions and regulatory processes, elements of it are also broadly relevant to Offshore Project Proposals (OPPs). OPP proponents should consider the relevance of this guidance in the context of the specific regulatory requirements and decision criteria that apply to OPPs. During the development of an OPP, proponents may consider seeking more specific advice from NOPSEMA and Parks Australia on the application of transitional management arrangements to the OPP.

When defining acceptable levels of impact and risk to the environment in AMPs and when selecting control measures, titleholders should take into account context including the following:

⁶ <http://www.environment.gov.au/topics/marine/marine-reserves/overview/management>

⁷ <https://www.nopsema.gov.au/environmental-management/environment-resources/>

| Category of marine park | Context relevant to defining the acceptable level of impact and risk |
|---|--|
| South-east marine parks (proclaimed in 2007) | Relevant content of the <i>South-east Commonwealth Marine Reserves Network Management Plan 2013-23</i> (e.g. park and zone objectives park values and any associated approvals issued by the DNP (e.g. Mining class approvals ⁸). |
| New marine parks (proclaimed in 2012) | Relevant Australian IUCN reserve management principles. |
| Marine parks proclaimed prior to 2012 (with former management plans) | <p>Requirements of the general approval for actions required to respond to oil pollution incidents, including environmental monitoring and remediation and how the activity will not be inconsistent with the approval(s).</p> <p>Relevant Australian IUCN reserve management principles interpreted in the context of the expired management plan.</p> <p>The values of the marine park (e.g. as described in the former management plans, bioregional plans and relevant information published on the DoEE website).</p> |
| All of the above | Information published by the DoEE that is relevant to values and sensitivities within marine parks and the broader environment that may be affected should also be taken into account when identifying and evaluating environmental impacts and risks and defining the acceptable level of impact for the activity (e.g. Bioregional plans, recovery plans and conservation advices, website content and current/former management plans where these are relevant). |

For ongoing petroleum and greenhouse gas activities that have an EP in place, titleholders are required to ensure that impacts and risks to the marine environment and AMPs continue to be reduced to ALARP and managed to an acceptable level for the life of the activity. Titleholders should monitor the process for development of new management plans and be prepared for any potential implications associated with the commencement of those new plans. Once management plans come into effect, activities being carried out under accepted EPs will need to comply with the in force EP and the requirements of these plans. Petroleum activities authorised by titles issued before 14 December 2013 (i.e. when the parks were pre-proclaimed; see 3.2 Prior Usage Rights) must be undertaken in a manner consistent with the accepted EP. The way in which titleholders will manage potential implications of AMP management changes that may occur during the life of the activity should be detailed in the implementation strategy of the EP.

Some specific considerations for each of the three management approaches for AMPs are outlined below and summarised in Attachment 1.

South-east marine parks: Titleholders preparing EPs that involve activities within, or with potential to impact on these AMPs should have regard to the management plan that is in effect, and ensure that their EP is not inconsistent with the management plan. Class Approvals have been issued by the DNP under the South-east Commonwealth Marine Reserves Network Management Plan allowing mining operations in IUCN category VI zones, where the operations are assessed and approved as 'controlled actions' under Part 9 of the EPBC Act (including EPs accepted by NOPSEMA under the Program) and those that are authorised to be undertaken in a particular manner under Part 7 of the EPBC Act.⁹ EPs that include predictions of oil pollution in zones other than IUCN Category VI, should detail how, in the event of an

⁸ See mining operations tab at <http://www.environment.gov.au/topics/marine/marine-reserves/south-east/management-user-information>

⁹ <http://www.environment.gov.au/resource/class-approval-mining>



incident, the titleholder will consult promptly with the DNP regarding response and monitoring activities that may be needed in those areas.

New parks: General approvals have been issued allowing all mining activities in these parks until management plans come into effect. EPs for planned or emergency response activities within, or with potential to impact on, new AMPs should identify relevant Australian IUCN reserve management principles and demonstrate how the activity is not inconsistent with those principles. Titleholders should also consider the impacts and risks of the activity in the context of the representative values of the park and information contained in relevant marine bioregional plans, conservation advice(s) and other relevant documentation on the DoEE website. No additional DNP approvals are required.

Marine parks proclaimed prior to 2012: Further to guidance in Section 2.2, EPs for planned petroleum activities within these AMPs [with the exception of the Benthic Protection Zone of the former Great Australian Bight Marine Park (Commonwealth Waters) and the general use zone of the Solitary Islands AMP] cannot be accepted by NOPSEMA as 'mining operations' are not approved in these AMPs.

Titleholders preparing EPs that involve planned activities outside of the boundary, that may impact or pose a risk to the AMP values, or include emergency response activities that may be required inside the boundary, should have regard to the Australian IUCN reserve management principles relevant to each zone within the AMP that may be affected by the activity. They should also consider activity impacts and risks in the context of the representative values of the park and information contained in relevant former management plans, marine bioregional plans, conservation advice(s) and other relevant documentation on the DoEE website. Only emergency response activities inside the AMPs are approved if carried out in accordance with the s359B approval issued for the North-west, South-west and Temperate East AMPs. Titleholders should note the approval requires observing of any requirements advised by DNP (e.g. in this guidance and during consultation) about minimising potential impacts of emergency response activities on AMP values.

Titleholders preparing EPs that involve activities within, or that pose risks on, the former Great Australian Bight Marine Park (Commonwealth Waters) or the general use zone of the Solitary Islands Marine Park should have regard to the Australian IUCN reserve management principles relevant to the area. They should also consider information contained in the former Great Australian Bight Marine Park management plan, as these management arrangements continue to be applied as part of the transitional arrangements. Activities may be allowed in the Benthic Protection Zone of the former Great Australian Bight Marine Park under an individual approval issued by the DNP under section 359B of the EPBC Act.

Early consultation with the DNP¹⁰ in the event that an approval for petroleum activities is required may assist titleholders to ensure that all relevant documentation is considered (see Section 3.3).

3.2 Prior usage rights

A petroleum title granted under the OPGGS Act that was in force before the proclamation of a marine park is recognised as a prior usage right under the EPBC Act. Prior usage rights are exempt from having to comply with provisions of the EPBC Act and Regulations that relate to a marine park or a management plan.

If you are the holder of a 'prior usage right' for the purposes of section 359 of the EPBC Act and you wish to renew or extend the term of that right please go to <http://www.environment.gov.au/resource/renewal-or-extension-prior-usage-rights-mining-and-oil-and-gas-activities>.

3.3 Consultation with the Director of National Parks

The 'Australian Government agencies roles and relevance under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*' (Australian Government Guidance) has been developed to guide offshore petroleum and greenhouse gas titleholders in understanding which government agencies should be consulted as

¹⁰ The Director of National Parks may be contacted via email at marinereserves@environment.gov.au



'relevant persons' under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 when preparing and implementing EPs.

The DNP has responsibility for the management of marine parks and therefore requires an awareness of activities that occur within, and understanding of potential impacts and risks to the values of parks.

Consultation by titleholders will enable the DNP to maintain awareness of offshore petroleum and greenhouse gas activities where they occur in, or may impact on the values of, marine parks.

All notifications and correspondence to the DNP can be sent to marinereserves@environment.gov.au.

3.3.1 Director of National Parks as a relevant person

Titleholders should refer to the Australian Government Guidance at the website below for advice on when the DNP is a relevant person for the purpose of consultation.

<https://industry.gov.au/resource/UpstreamPetroleum/OffshorePetroleumEnvironment/Documents/Australian-Government-Guidance-Consultation-with-Agencies-with-Responsibilities-in-the-Commonwealth-Marine-Area.pdf>

Since the Australian Government Guidance is a high level document, additional detail is given below explaining the DNP's expectations for consultation by titleholders.

3.3.2 Consultation during preparation of an EP

Information to consider prior to consultation

Prior to initiating consultation with the DNP, titleholders must first consider the proposed petroleum activity taking into account relevant marine park context (see table under section 3.1).

For the South East Network of Marine Parks, the management plan, its objectives and park values are to be considered in the context of managing environmental impacts and risks of the petroleum activity to ALARP and acceptable levels. Information on the South-East Network values can be found in the South-east Commonwealth Marine Reserves Network Management Plan at

<http://www.environment.gov.au/topics/marine/marine-reserves/south-east/management-user-information>.

For AMPs that were proclaimed prior to 2012, relevant information on park values and zone objective provided in the former management plans and the relevant Australian IUCN reserve management principles are to be considered in the context of ensuring the activity is managed to ALARP and acceptable levels. Former management plans can be found at:

<http://www.environment.gov.au/topics/marine/marine-reserves> under the relevant Network tab.

Information on the Australian IUCN reserve management principles can be found at:

<http://www.environment.gov.au/resource/australian-iucn-reserve-management-principles-commonwealth-marine-protected-areas>.

For new AMPs (i.e. those proclaimed after 2012), titleholders are expected to consider the impacts and risks of activities in the context of known park values and Australian IUCN reserve management principles.

Expected outcomes for marine parks

In terms of marine parks, the EP must explain how:

- (a) Impacts and risks to park values will be managed to an acceptable level (refer to the table on page 7).
- (b) Impacts and risks to park values will be managed to as low as reasonably practicable (ALARP).

In demonstrating how impacts will be managed to reduce to ALARP, consideration should be given to identifying and evaluating alternative, additional and improved control measures that may further reduce impacts and risks.



- (c) The ongoing consultation measures proposed to be in place are appropriate to ensure the DNP will be kept informed during implementation of the activity (see section 3.3.3).

Timing of consultation

Titleholders planning activities that meet the consultation triggers in the Australian Government Guidance are expected to consult with the DNP during the preparation of an EP. The titleholder must provide the DNP with a reasonable time for consultation. The DNP has advised that a reasonable time for initial turnaround of feedback on consultation material is four weeks.

Sufficient information

Once the information in section 3.2.2 of this Guidance has been considered, in the course of preparing relevant EPs, titleholders are to consult with the DNP in writing. The DNP has advised that sufficient information for the purpose of initiating consultation is considered to include the following (much of which is commonly provided in factsheet form):

- Name of company or titleholder EP
- Contact details for a titleholder representative
- Petroleum activity title number/s
- Activity overview including: type of activity (e.g. 2D or 3D survey, drilling, pipeline construction and/or operation, decommissioning, emergency response etc.), expected start and completion date of activities.
- A description of the operational area including a map showing location of the activity relative to marine park boundaries. Relevant shapefiles for mapping are available at: <http://www.environment.gov.au/topics/marine/marine-reserves/overview/resources>)
- A brief description of any planned aspects of the activity within or that may impact on the values of a AMP (e.g. drilling cuttings and fluids discharges, produced formation water discharges, noise emissions)

3.3.3 Consultation during implementation of an activity (ongoing consultation)

Notifications prior to start up

At least 10 days prior to entering a marine park for the purpose of undertaking a mining operation, the DNP should be notified of the activity. This notification could occur as part of the already established processes to notify other agencies if applicable (e.g. Regulation 29 activity notification).

The notification should include:

- Name of company or titleholder
- Contact details for a titleholder representative
- Details of the operational area including a map showing any activity overlap with marine park areas where the operational area is different to previous advice or provides more specific detail in relation to the marine park (see shapefiles at <http://www.environment.gov.au/topics/marine/marine-reserves/overview/resources>) and distance from park boundaries
- Name and International Maritime Organization (IMO) vessel number of vessel/s and/or facility(ies) entering the park
- Type of activity (2D or 3D survey, drilling, pipeline, decommissioning etc.)
- Duration (including start and finish dates) of the activity that overlaps with a marine park
- Link to applicable activity summary on NOPSEMA website.

Expectations for on-going consultation regarding Environmental incidents (unplanned activities)

The DNP should be made aware of oil spills which occur within marine parks, or are likely to impact marine parks, as soon as possible. This function can be fulfilled through notification to the Marine Reserve Compliance Duty Officer 0419 293 465.



The notification should include:

- titleholder details
- time and location of the incident
- proposed response arrangements and locations as per the OPEP (e.g. dispersant, containment, etc.)
- contact details for the response coordinator.

What a titleholder can expect from the DNP during the consultation process

Titleholders can anticipate that in response to consultation the DNP may:

- Highlight specific considerations and expected outcomes that need to be taken into account when developing EPs as outlined above
- Identify specific requirements for the conduct of emergency response activities
- Identify recent and relevant research findings (not necessarily publicly available)
- Give advice on known activities of other marine park users (e.g. research or commercial tourism being undertaken in vicinity)
- Clarify ongoing DNP information and consultation requirements.



Attachment 1 – Overview of Australian Marine Parks and requirements for DNP approval

The following table summarises the current arrangements for AMPs. See

<http://www.environment.gov.au/topics/marine/marine-reserves> and NOPSEMA EP Content Requirements Guidance Note (<http://www.nopsema.gov.au/environmental-management/environment-plans/>) for other information that may be relevant to the management of AMPs and the preparation of an EP.

In a number of places, the table below refers to DNP approvals. Where titleholders determine that these approvals are relevant to their activity, they should review the approval and any conditions that apply by visiting the website for the park of interest or contacting the DNP, and demonstrate in the EP how the requirements will be met.

Where the table below refers to ‘current zoning’, for new AMPs this is the zoning as proclaimed in 2012. For the South-east AMPs, current zoning is that shown in the in force management plan for the network. Where the table below refers to re-proclamation of park boundaries and zoning, this is in reference to the re-proclamation processes that occurred in 2013.

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|--------------------|---|--|--|---|
| SOUTH-EAST NETWORK | <p>Apollo; Beagle; Boags; East Gippsland; Flinders; Franklin; Freycinet; Huon; Macquarie Island; Murray; Nelson; South Tasman Rise; Tasman Fracture; Zeehan</p> | <p>South-east AMP Network – AMPs declared 2007, boundaries in place</p> <p>Current zoning: IUCN Categories 1a (Sanctuary), II (Marine National Park), IV (Habitat Protection, Recreational Use), and VI (Special Purpose, Multiple Use).</p> | <p>Current management plan: in effect</p> <p>South-east Commonwealth Marine Reserve Network Management Plan 2013-23</p> | <p>Class approvals have been issued by the DNP under the management plan for mining operations in IUCN category VI network management zones where the operations are:</p> <ol style="list-style-type: none"> carried on in accordance with approval given under Part 9 of the EPBC Act (including under the endorsed NOPSEMA Program) carried on in accordance with a specified manner decision notice under Part 7 of the EPBC Act; or subject to a not controlled action decision under s75 of the EPBC Act. <p>Note:</p> <ul style="list-style-type: none"> Mining operations not covered by the class approvals may be carried on in IUCN category VI network management zones in accordance with a permit issued by the DNP. Mining operations other than emergency response and environmental monitoring activities are not allowed in IUCN category 1a, II and IV network management zones under the management plan. In the event of an oil pollution incident that may affect zones other than IUCN Category VI, prompt consultation with the DNP is required. |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|--------------------|--|---|---|--|
| NORTH-WEST NETWORK | Carnarvon Canyon; Shark Bay; Gascoyne; Montebello; Dampier; Eighty Mile Beach; Argo-Rowley Terrace; Roebuck; Kimberley | <p>New AMP – New AMP boundaries and zoning reproclaimed</p> <p>Current zoning: IUCN Categories II (Marine National Park & Recreational Use), IV (Habitat Protection) & VI (Multiple Use)</p> | <p>No current management plan: refer to IUCN reserve management principles</p> | <p>A general approval has been issued allowing mining operations, which include emergency response and associated environmental monitoring activities.</p> |
| | Mermaid Reef | <p>Previous AMP – AMP boundaries and prior zoning has been reproclaimed</p> <p>Current zoning: IUCN category Ia – (Sanctuary)</p> | <p>Expired management plan: Zoning and approach from last management plan applies</p> <p>Mermaid Reef Marine National Nature Reserve Plan of Management 2000-2007</p> | <p>Approval will not be issued for planned mining operations within the AMP.</p> <p>A general approval is provided for emergency response activities.</p> |
| | Ashmore Reef and Cartier Island | <p>Previous AMP – AMP boundaries and prior zoning has been reproclaimed</p> <p>Current zoning: IUCN Category Ia, (Sanctuary) and II (Recreational Use Zone)</p> | <p>Expired management plan: Zoning and approach from last management plan applies</p> <p>Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve Management Plans 2002 (expired 2009)</p> | <p>Approval will not be issued for planned mining operations within the AMP.</p> <p>A general approval is provided for emergency response activities.</p> |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|---------|------------------------|--|---|---|
| | Ningaloo | <p>Previous AMP – AMP boundaries and prior zoning has been re-proclaimed</p> <p>Current zoning: IUCN Category II (Recreational Use Zone)</p> | <p>Expired management plan: Zoning and approach of last management plan applies</p> <p>Ningaloo Marine Park (Commonwealth Waters) Plan of management 2002 (expired 2009)</p> | <p>Approval will not be issued for planned mining operations within the AMP.</p> <p>A general approval is provided for emergency response activities.</p> |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|--------------------|------------------------|---|--|---|
| SOUTH-WEST NETWORK | Great Australian Bight | <p>New AMPs and previous AMPs – New AMP that includes the area of the former Great Australian Bight Marine Park (Commonwealth Waters)</p> <p>Current zoning: IUCN categories II (Marine National Park), VI (Multiple Use and Special Purpose Zones)</p> | <p>Former management plan: zoning and approach of former plan of management applies</p> <p>Great Australian Bight Marine Park (Commonwealth Waters) Management Plan 2005-2012</p> | <p>New marine park areas:</p> <ul style="list-style-type: none"> A general approval has been issued allowing mining operations in these areas, which include emergency response and associated environmental monitoring activities. <p>Former marine park areas:</p> <ul style="list-style-type: none"> individual approval by the DNP is required in the Benthic Protection Zone. Mining activities are prohibited in the area corresponding to the former Marine Mammal Protection Zone and the area is closed to all access from 1 May to 31 October. mining operations are managed in accordance with the relevant Australian IUCN reserve management principles with reference to specific provisions in the former management plan. A general approval has been issued allowing titleholders to respond to oil pollution incidents, including environmental monitoring and remediation in the former GAB Marine Park. |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|----------------------|--|--|---|--|
| | Abrolhos; Jurien; Two Rocks; Perth canyon; Geographe; South-west Corner; Eastern Recherche; Twilight; Bremer; Murat; Western Eyre; Western Kangaroo Island; Southern Kangaroo Island | <p>New AMP – boundaries and zoning re-proclaimed</p> <p>Current zoning: IUCN categories II (Marine National Park), IV (Habitat Protection) and VI (Special purpose, Special Purpose (Oil and Gas Exclusion) & Multiple Use).</p> | <p>No current management plan: refer to IUCN reserve management principles</p> | <p>A general approval has been issued allowing mining operations, which include emergency response and associated environmental monitoring activities.</p> |
| NORTH NETWORK | Arafura; Arnhem; Gulf of Carpentaria; Limmen; Joseph Bonaparte Gulf; Oceanic Shoals; Wessel; West Cape York | <p>New AMP – boundaries and zoning re-proclaimed</p> <p>Current zoning: various including IUCN Categories II, VI (Special Purpose) and VI (Multiple Use)</p> | <p>No current management plan: refer to IUCN reserve management principles</p> | <p>A general approval has been issued allowing mining operations, which include emergency response and associated environmental monitoring activities.</p> |
| CORAL SEA | Coral Sea | <p>Previous Coral Sea Conservation Zone – Boundaries revoked and the area incorporated into the Coral Sea Marine Park</p> | <p>No former or current management plan: Zoning and former management arrangements applies</p> | <p>All mining operations are prohibited in the area of the former zone.</p> <p>An approval is required for titleholders to conduct emergency response and, associated environmental monitoring and remediation activities.</p> |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|----------------|---|--|--|--|
| | Coringa-Herald National Nature Reserve | Previous AMP – AMP boundaries and zoning has been revoked and the areas incorporated into the Coral Sea Marine Park | Expired management plan: zoning and approach of former plan of management applies Coringa-Herald National Nature Reserve and Lihou National Nature Reserve Management Plan (2001-2008) | All mining operations are prohibited in the area of the former reserve. An approval is required for titleholders to conduct emergency response and, associated environmental monitoring and remediation activities. |
| | Lihou Reef National Nature Reserve | Previous AMP – AMP boundaries and zoning has been revoked and the areas incorporated into the Coral Sea Marine Park | Expired management plan: zoning and former plan of management applies Coringa-Herald National Nature Reserve and Lihou National Nature Reserve Management Plan (2001-2008) | All mining operations are prohibited in the area of the former reserve. An approval is required for titleholders to conduct emergency response and, associated environmental monitoring and remediation activities. |
| TEMPERATE EAST | Gifford; Norfolk, Central Eastern; Hunter; Jarvis | New AMP – no statutory plan of management in place Current Zoning: various including IUCN Categories II (Marine National Park Zone), IV (Habitat Protection Zone), VI (Multiple Use Zone, Special Purpose Zone) | No current management plan: refer to IUCN reserve management principles Relevant bioregional plan: Temperate East Marine Bioregional Plan | A general approval has been issued allowing mining operations which include emergency response and associated environmental monitoring activities. |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|---------|-------------------------------|--|---|--|
| | Elizabeth and Middleton Reefs | <p>Previous AMP – AMP boundaries and zoning has been re-proclaimed</p> <p>Current zoning: IUCN Category 1a (Sanctuary Zone) and IUCN II (Habitat Protection Zone)</p> | <p>Expired management plan: zoning and former plan of management applies</p> <p>Elizabeth and Middleton Reefs Marine National Nature reserve Management Plan 2006 - 2013</p> | <p>All mining operations are prohibited in the Reserve.</p> <p>A general approval is provided for emergency response activities.</p> |
| | Lord Howe | <p>Previous AMP – AMP boundaries and zoning has been re-proclaimed</p> <p>Current zoning: IUCN Category 1a (Sanctuary Zone) and IUCN II (Habitat Protection Zone)</p> | <p>Expired management plan: zoning and former plan of management applies</p> <p>Lord Howe Island Marine Park (Commonwealth Waters) Management Plan 2002-2009</p> | <p>All mining operations are prohibited in the Reserve.</p> <p>A general approval is provided for emergency response activities.</p> |
| | Solitary Islands | <p>Previous AMP – AMP boundaries and zoning has been re-proclaimed</p> <p>Current zoning: IUCN Category 1a (Sanctuary Zone); IUCN IV (Habitat Protection Zone); IUCN VI (General Use Zone)</p> | <p>Expired management plan: zoning and former plan of management applies</p> <p>Solitary Islands Marine Reserve (Commonwealth Waters) Management Plan 2001 - 2008</p> | <p>Mining operations are prohibited within IUCN 1a and IUCN IV zones of the park.</p> <p>Approval must be sought from the DNP for any mining operation proposed within the IUCN VI.</p> <p>A general approval is provided for emergency response activities.</p> |

| Network | Australian marine park | Current status of AMPs and their zoning | Management plan status | Status of, and requirements for, DNP approvals relevant to petroleum activities |
|---------|------------------------|---|--|---|
| | Cod Grounds | <p>New AMP and previous AMP – New AMP that includes area of the former Cod Grounds Marine Park</p> <p>Current zoning: IUCN Category 1a (Sanctuary Zone)</p> | <p>Expired management plan: Zoning and former management arrangements applies</p> | <p>New marine park areas (outside the former park):</p> <ul style="list-style-type: none"> • A general approval has been issued allowing mining operations, which include emergency response and associated environmental monitoring activities. <p>Former marine park areas:</p> <ul style="list-style-type: none"> • All mining operations are prohibited in the park. • A general approval is provided for emergency response activities. |