



Temperate East Marine Parks Network Management Plan 2018  
Section 4.2.9

**CLASS APPROVAL – EXCAVATIONS, DREDGING,  
ERECTION OF STRUCTURES, WORKS AND MAINTENANCE,  
AND ASSOCIATED ACTIVITIES**

<b>Approved Persons</b>	Persons authorised to take the Approved Actions under Part 9 of the EPBC Act, including employees, servants, agents and contractors of the persons.
<b>Approved Actions</b>	Carrying on an excavation including dredging, the erection of a structure, carrying out works and maintenance, and associated activities in the Temperate East Marine Parks Network by Approved Persons in Approved Zones in accordance with the Conditions of Approval.
<b>Approved Actions within Approved Zones</b>	<ul style="list-style-type: none"><li>• Excavations other than dredging, erection of Structures, carrying out works and maintenance, and associated activities - in all zones.</li><li>• Dredging - in Special Purpose Zones (Trawl), Special Purpose Zones (Norfolk) and Multiple Use Zones only.</li></ul>
<b>Conditions of Approval</b>	<ol style="list-style-type: none"><li>1. The Approved Actions must be conducted in accordance with:<ol style="list-style-type: none"><li>(a) an approval issued under Part 9 of the EPBC Act;</li><li>(b) the EPBC Act;</li><li>(c) the EPBC Regulations;</li><li>(d) the Network Management Plan;</li><li>(e) any prohibitions, restrictions or determinations made under the EPBC Regulations by the Director of National Parks; and</li><li>(f) all other applicable Commonwealth and state laws (to the extent that those laws are capable of operating concurrently with the laws and instruments described in paragraphs (a) to (e)).</li></ol></li><li>2. If requested by the Director of National Parks, an Approved Person must notify the Director prior to conducting Approved Actions within Approved Zones. <b>Note:</b> <i>The timeframe for prior notice will be agreed to by the Director of National Parks and the Approved Person.</i></li><li>3. If requested by the Director of National Parks, an Approved Person must provide the Director with information relating to the performance of the Approved Actions (or gathered during the performance of the Approved Actions), which is relevant to the management of the Approved Zones. <b>Note:</b> <i>The information required, and timeframe within which it is required, will be agreed to by the Director of National Parks and the Approved Person.</i></li></ol>

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| 4. A copy (hard or electronic) of this class approval and the approval under Part 9 of the EPBC Act must be kept on board any vessel used in the conduct of the Approved Actions and must be produced for inspection on request by an Authorised Officer. |
| 5. A navigational chart showing the boundaries of the Approved Zones in which the Approved Actions are being conducted, must be kept or be otherwise accessible on board the vessel.  |

**Approved Persons in the Temperate East Marine Parks Network need to be aware of the following requirements:**

1. Transiting is allowed in all zones (Section 4.2.2.1 of the Temperate East Marine Parks Network Management Plan).
2. Anchoring is allowed anywhere in Special Purpose Zones (Trawl), Special Purpose Zones (Norfolk) and Multiple Use Zones. Anchoring is allowed in Habitat Protection Zones, Habitat Protection Zones (Lord Howe), Recreational Use Zones and National Park Zones in anchoring areas that have been determined by the Director of National Parks (Section 4.2.2.2 of the Temperate East Marine Parks Network Management Plan) or areas where the Approved Actions are being undertaken.

The Director of National Parks may vary, suspend or cancel this class approval at any time, in accordance with Section 4.4.2 of the Network Management Plan.

Contravention of this class approval may result in the imposition of civil or criminal penalties and/or the removal of a person or persons from this approval.

Environmental incidents and loss of equipment must be reported within a reasonable timeframe to the 24-hour Marine Compliance Duty Officer on 0419 293 465. For all other enquiries relating to this class approval, please contact: [marineparks@environment.gov.au](mailto:marineparks@environment.gov.au).

*This class approval will come into effect on 1 July 2018 and remain in effect for the term of the Temperate East Marine Parks Network Management Plan 2018, unless it is suspended or cancelled sooner by the Director of National Parks.*



Jason Mundy

Acting Director of National Parks

Date: 29/6/18

## **Interpretation**

In this class approval:

1. **Approved Actions** means the actions described as Approved Actions in this class approval.
2. **Approved Person** means a person in the class of persons described as Approved Persons in this approval and includes the employees, servants, agents and contractors of an Approved Person; but does not include a person removed from the class of Approved Persons by a variation to this class approval.
3. **Approved Zones** means a Zone in which the Approved Actions are authorised by this class approval to be carried out.
4. **Authorised Officer** means a warden or an inspector under the EPBC Act.
5. **Director of National Parks** means Director of National Parks continuing under section 514A of the EPBC Act and includes any agency that succeeds to the functions of the Director of National Parks.
6. **Dredging activity** means an excavation activity carried out to gather bottom sediments for the purpose of moving them to a different location. This excludes disposal of dredge material.
7. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes any Act that amends or replaces the EPBC Act.
8. **EPBC Regulations** mean the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and includes any Regulations that amend or replace the EPBC Regulations.
9. **Temperate East Marine Parks Network** means collectively the Central Eastern, Cod Grounds, Gifford, Hunter, Jervis, Lord Howe, Norfolk and Solitary Islands Marine Parks established and described in the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013*.
10. **Temperate East Marine Parks Network Management Plan or Network Management Plan** means the *Temperate East Marine Parks Network Management Plan 2018* made under section 370 of the EPBC Act.
11. **Structures** may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. For the purposes of this class approval, this definition excludes:
  - (a) the erection, maintenance and decommissioning of structures associated with mining operations
  - (b) Fish Aggregating Devices, and
  - (c) artificial reefs.
12. **Transit or Transiting** means the continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
13. **Vessel** means a ship, boat, tender, raft or pontoon or any other thing capable of carrying persons or goods through or on water, and includes a floating structure and hovercraft.
14. **Zone** means a management zone established by, and described under, Section 3.1 of the Temperate East Marine Parks Network Management Plan.

