



CLASS APPROVAL – MINING

South-east Commonwealth Marine Reserves Network Management Plan 2013-2023
Section 5.2.7

Approved Operations	<ol style="list-style-type: none">1. Mining operations carried on in accordance with approval given under Part 9 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).2. Mining operations carried on in accordance with a notice under Part 7 of the EPBC Act setting out the manner in which the operations will be carried on.
Approved Persons	Persons conducting mining operations authorised under the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> or <i>Offshore Minerals Act 1994</i> .
Approved Marine Park Zones	<ul style="list-style-type: none">• Apollo Marine Park• Beagle Marine Park• Boags Marine Park• East Gippsland Marine Park• Franklin Marine Park• Nelson Marine Park• South Tasman Rise Marine Park• Zeehan Marine Park• Flinders Marine Park (Multiple Use zone)• Freycinet Marine Park (Multiple Use zone)• Huon Marine Park (Multiple Use zone)• Murray Marine Park (Special Purpose zone)• Tasman Fracture Marine Park (Special Purpose and Multiple Use zones) <p>Note :- <i>Environment Protection and Biodiversity Conservation Amendment (Commonwealth Marine Reserves Renaming) Proclamation 2017</i> dated October 2017 omitted the former term 'Commonwealth Marine Reserve', which is used in the Network Management Plan, and substituted 'Marine Park'. The boundaries and zoning of the areas have not changed.</p>

<p>Conditions of approval</p>	<p><u>Conditions applying to all approved mining operations</u></p> <ol style="list-style-type: none"> 1. Mining operations must only be carried on in Approved Marine Park Zones. 2. Mining operations must be conducted in accordance with: <ol style="list-style-type: none"> a. the EPBC Act; b. the Network Management Plan; c. the EPBC Regulations; d. any prohibitions, restrictions or determinations made under the Regulations; and e. other applicable Commonwealth and State laws (to the extent those laws are capable of operating concurrently with the laws and instruments described in paragraphs a. to d.). 3. Mining operations subject to the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> must be conducted in accordance with an Environment Plan accepted under the Act for those operations. 4. Mining operations subject to the <i>Offshore Minerals Act 1994</i> must be conducted in accordance with any approved environment management plan for those operations under the Act. 5. The Director of National Parks must be notified at least 14 days prior to the conduct of any operations in the Network. 6. If required by the Director of National Parks, provide information on operations authorised by this approval. 7. All employees, servants, agents and contractors engaged in the conduct of mining operations in the Network must be fully informed of these conditions before commencing to take part in the operations. <p><u>Conditions applying to mining operations approved under s.134</u></p> <ol style="list-style-type: none"> 8. Mining operations must be conducted in accordance with the conditions (if any) applying to the approval. <p><u>Conditions applying to mining operations subject of a notice under s.77A</u></p> <ol style="list-style-type: none"> 9. Mining operations must be conducted in the manner specified in the notice.
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Contravention of this approval may result in the approval being varied to remove a person from the Approved Persons under this approval; or conditions to be varied or revoked.

Contravention may also result in the imposition of significant civil and criminal penalties.

If a condition above requires a person to contact the Director of National Parks, the following contact details should be used;

- marinereserves@environment.gov.au

This approval will come into effect on the date that it is signed and remains in effect for the term of the South-east Commonwealth Marine Reserves Network Management Plan, unless it is suspended, cancelled, varied or revoked sooner by the Director of National Parks.



Assistant Secretary

Marine Protected Areas Branch

Parks Australia

Delegate of the Director of National Parks

Date: 15/12/17.....

Interpretation

In the approval and these conditions:

- a. **Act or EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* and includes any Act which amends or replaces the Act.
- b. **Approved Person** means a person in the class of persons described as Approved Persons in this approval and, where applicable, includes the employees, servants, agents and contractors of an Approved Person; but does not include a person removed from the approved class of persons by a variation to this approval.
- c. **Approved Marine Park Zone** means a Marine Park Zone in which mining operations are authorised by this approval to be carried on.
- d. **Director of National Parks** means Director of National Parks under the *Environment Protection and Biodiversity Conservation Act 1999* and includes any agency that succeeds to the functions of the Director.
- e. **Mining operations** has the meaning given by section 355(2) of the EPBC Act, and which includes all operations and activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals.
- f. **Marine Park Zone** means a management zone established by the South-east Commonwealth Marine Reserves Network Management Plan.
- g. **Regulations or EPBC Regulations** mean the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and includes any Regulations that amend or replace the Regulations.
- h. **South-east network of Marine Parks** means, collectively, the following marine parks declared under the EPBC Act and named Apollo, Beagle, Boags East Gippsland, Flinders, Franklin, Freycinet, Huon, Macquarie Island, Murray, Nelson, South Tasman Rise, Tasman Fracture and Zeehan Marine Parks.
- i. **South-east Commonwealth Marine Reserves Network Management Plan (or Network Management Plan)** means the management plan for the Network of Marine Parks in operation under the Act.