

EXPLANATORY STATEMENT

Issued by the Australian Maritime Safety Authority

Environment Protection and Biodiversity Conservation Act 1999

Cape Byron Lighthouse Heritage Management Plan 2020

Cape Byron Lighthouse

Built in 1901, the Cape Byron Lighthouse was one of the last lightstations to make up the 'highway of lights' illuminating the New South Wales coastline. It is significant for its contribution to the establishment of marine aids to navigation along the New South Wales coast, and for the rarity of its Henry-Lepaute optic, being the only one of its kind in operation within Australia. The Lighthouse is also recognised for its aesthetic characteristics, unique technical features including its concrete block construction, and its significant social value with large numbers of tourists visiting each year.

The Lighthouse was included on the Commonwealth Heritage List in 2004 for its cultural significance. This listing recognises the cultural values of the place, which relate to processes, rarity, characteristic, technical and social values.

Overview of the Legislative Instrument

Section 341S of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that the Commonwealth Agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the protection and management of the values of the Commonwealth Heritage place. This management plan, the Cape Byron Lighthouse Heritage Management Plan (the Plan), provides such a framework for the Cape Byron Lighthouse.

The Plan provides for the future management of the Cape Byron Lighthouse by the Australian Maritime Safety Authority (AMSA), with the objective of identifying, protecting, conserving, presenting and transmitting its Commonwealth heritage values. The Plan contains a detailed description of the history and cultural significance of the Lighthouse, as well as its physical elements and condition. Importantly, the Plan sets out the operational requirements for the management of the Lighthouse, heritage management policies that guide the management and protection of the Commonwealth heritage values of the Lighthouse and plans for AMSA to implement such operation requirements and policies.

The management plan addresses all matters prescribed by Schedule 7A of the *Environment Protection and Biodiversity Conservation Regulations 2000* and is not inconsistent with the Commonwealth Heritage Management Principles in Schedule 7B of those regulations.

Consultation

On 18 September 2019 notices of the draft Plan were published in The Australian newspaper and on AMSA's public website. A copy of the draft Plan was published on AMSA's website. The public consultation period closed on 7 October 2019. No submissions were received. AMSA also consulted NSW National Parks and Wildlife Service, the

Bundjalung of Byron Bay Arakwal People, and the Commonwealth Heritage Team within the Department of the Environment and Energy on a draft of the Plan.

In accordance with paragraph 341S (6) (a) of the EPBC Act, the Minister for Sustainability, Environment, Water, Population and Communities was asked for advice on the proposed Plan. On 6 April 2020, the Minister's delegate confirmed that the Plan complied with the requirements of the EPBC Act and the Commonwealth Heritage management principles.

The Plan was approved by AMSA on 4 September 2020.

Period of operation

The Cape Byron Lighthouse Heritage Management Plan is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and commences on the day after it is registered on the Federal Register of Legislative Instruments.

In accordance with section 341X of the *Environment Protection and Biodiversity Conservation Act 1999* a review must be carried out within five years of the management plan being made.

Regulation impact statement

The Office of Best Practice Regulation (OBPR) considers that the changes made by the Cape Byron Heritage Management Plan 2020 have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OBPR reference number is 42955.

Michael Kinley
Chief Executive Officer
Australian Maritime Safety Authority
4 September 2020

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Cape Byron Lighthouse Heritage Management Plan 2020-2025

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

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Human rights implications

This legislative does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Michael Kinley
Chief Executive Officer
Australian Maritime Safety Authority
4 September 2020