

Environment Protection and Biodiversity Conservation Act 1999

Subsection 351(2)

Director of National Parks

**NOTICE OF PROPOSED PROCLAMATIONS OF COMMONWEALTH
RESERVES—CHRISTMAS ISLAND MARINE PARK AND COCOS
(KEELING) ISLANDS MARINE PARK**

Members of the public are invited to provide comments on a proposal to declare two new Commonwealth reserves under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act).

Comments will be included and considered in a report to be prepared by the Director of National Parks (the Director) for the Minister for the Environment under subsection 351(1) of the EPBC Act dealing with the two proclamations proposed to be made by the Governor-General under subsection 344(1) of the EPBC Act. The proposed Proclamations will declare two new Commonwealth reserves, as described in this notice.

The proposed Commonwealth reserves are located around Christmas Island and the Cocos (Keeling) Islands in Australia's Indian Ocean Territories and have been co-designed with the communities of these islands.

A statement providing particulars of each of the two proposed Commonwealth reserves to be dealt with by the Proclamations is below, in accordance with subsection 351(3) of the EPBC Act. Further details are in Schedule 1.

The proposed Proclamations will not affect the exercise of any native title rights that may exist within the areas of the proposed reserves, in accordance with the *Native Title Act 1993*.

Further information about the proposed reserves is available at:
www.parksaustralia.gov.au/marine/iot/process/, including detailed maps.

All members of the public are invited to comment on the matters to be dealt with by the proposed Proclamations. **Comments may be sent to either:**

1) Email address: iotmarineparksproclamation@environment.gov.au

2) Postal address:

IOT Marine Parks Proclamation Proposal
Parks Australia
PO Box 385
Kingston, TAS 7050

Comments must be sent by 6 December 2021.

Comments will be considered by the Director and included in the Director's report to the Minister for the Environment, together with the Director's views on those

comments. Comments sent after 6 December 2021 or to addresses other than those above will not be considered or included in the Director's report. The Director's report will be published on the Director of National Parks' website (parksaustralia.gov.au).

All comments and information received will be treated as public documents and may be published in full on the Director of National Parks' website and/or the Department of Agriculture, Water and the Environment's website.

All comments will be managed in accordance with the privacy policy applicable to the Director of National Parks which is available at

<https://www.awe.gov.au/about/commitment/privacy>

This notice is registered as a notifiable instrument in accordance with subsection 11(4) of the *Legislation Act 2003*, to satisfy the publication requirements under subsection 351(2) of the EPBC Act and regulations 16.01 and 16.02 of the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Enquiries about this notice should be directed by email to iotmarineparks@environment.gov.au.

Signed

Jason Mundy

First Assistant Secretary (Acting)

Under delegation from the Director of National Parks

28/9/21

PARTICULARS OF PROPOSED PROCLAMATIONS

1. Christmas Island Marine Park

- a. The proposed name of the reserve is “Christmas Island Marine Park”
- b. The proposed boundary of this reserve is described in Schedule 1 to this notice.
- c. The purpose for which the reserve is to be declared is to provide for:
 - i. the protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. ecologically sustainable use that supports positive social and economic outcomes.
- d. The reserve is to be assigned to the International Union for Conservation of Nature (IUCN) category national park (IUCN II).
- e. The reserve is to be divided into two zones. The boundaries of these zones and the IUCN category to be assigned to each zone are described at Schedule 1 to this notice.
- f. The purposes for which it is intended to manage and use the reserve are to provide for:
 - i. the protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. ecologically sustainable use that supports positive social and economic outcomes.
- g. The reserve is proposed to include the seabed to a depth of 1000 metres.

2. Cocos (Keeling) Islands Marine Park

- a. The proposed name of the reserve is “Cocos (Keeling) Islands Marine Park”.
- b. The proposed boundary of this reserve is described in Schedule 1 to this notice.
- c. The purpose for which the reserve is to be declared is to provide for:
 - i. the protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. ecologically sustainable use that supports positive social and economic outcomes.
- d. The reserve is to be assigned to the International Union for Conservation of Nature (IUCN) category national park (IUCN II).
- e. The reserve is to be divided into two zones. The boundaries of these zones and the IUCN category to be assigned to each zone are described at Schedule 1 to this notice.
- f. The purposes for which it is intended to manage and use the reserve are to provide for:
 - i. the protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. ecologically sustainable use that supports positive social and economic outcomes.
- g. The reserve is proposed to include the seabed to a depth of 1000 metres.

SCHEDULE 1— AREA AND ZONING OF PROPOSED CHRISTMAS ISLAND MARINE PARK AND COCOS (KEELING) ISLANDS MARINE PARK

Two zone types are proposed for Christmas Island Marine Park and the Cocos (Keeling) Islands Marine Park. Consistent with the International Union for Conservation of Nature (IUCN) categories proposed for these zones and the relevant Australian IUCN reserve management principles prescribed by the *Environment Protection and Biodiversity Conservation Regulations 2000* (Schedule 8), these zone types are:

- **Marine national park zone – IUCN category national park (IUCN II).** To be managed to protect and conserve biodiversity, ecosystems, habitats and native species in as natural a state as possible. This zone type is intended to allow only non-extractive activities, such as research, wildlife watching, diving and snorkelling. Fishing and mining are intended to be prohibited.
- **Habitat protection zone – IUCN category habitat/species management area (IUCN IV).** To be managed to ensure maintenance of the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment. Scientific research, environmental monitoring and community engagement are intended to be priority management activities. Activities that generate benefits for local communities and other marine park users, such as recreational fishing, other recreational uses, charter fishing, tourism and aquaculture are intended to be allowed. Some forms of commercial fishing are intended to be allowed. Mining is intended to be prohibited.

In this Schedule:

Christmas Island National Park means the area by this name, proclaimed under the *National Parks and Wildlife Conservation Act 1975* and continuing under the *EPBC Act*.

Pulu Keeling National Park means the area by this name, proclaimed under the *National Parks and Wildlife Conservation Act 1975* and continuing under the *EPBC Act*.

Perth Treaty (Indonesia) means the Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries done at Perth on 14 March 1997.

Exclusive economic zone means the exclusive economic zone, as it is defined by the *Seas and Submerged Lands Act 1973* ('the SSL Act'), including any amendments to that Act.

Territorial sea baseline means the baseline as defined by the *Seas and Submerged Lands (Territorial Sea Baseline) Proclamation 2016*, made pursuant to section 7 of the SSL Act, and as applying to the Cocos (Keeling) Islands.

Port of Christmas Island means the area declared in the 2013 'Notice of Declaration of Security Regulated Port - Port of Christmas Island' made pursuant to the *Maritime Transport and Offshore Facilities Security Act 2003*, and published in the Commonwealth of Australia Gazette C2013G01284 21/08/2013.

Port of Cocos (Keeling) Islands is the whole of the area described in the *Proclamation of Port of Cocos (Keeling) Islands*, dated 30 July 2007, made in accordance with the *Cocos (Keeling) Islands Act 1955* and the *Shipping and Pilotage Act 1967*, published in the Federal Register of Legislative Instruments F2007L02507.

Note: Geographic coordinates in this Schedule are expressed in terms of the Geocentric Datum of Australia 1994 with the exception of those listed below. The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

Exceptions:

- a) The geographic coordinates referred to and described by article 3 of the Perth Treaty (Indonesia) are expressed in terms of the World Geodetic System 1984 (WGS84):
 - i. Items 1-4 of Table 1.1 in this Schedule
- b) The geographic coordinates referred to and described in the 'Notice of Declaration of Security Regulated Port - Port of Christmas Island' are expressed in terms of the World Geodetic System 1984 (WGS84):
 - i. Items 5-7 of Table 1.1 in this Schedule
 - ii. Item 14 (parallel of latitude) of Table 1.1 in this Schedule
 - iii. Item 15 of Table 1.1 in this Schedule

PART 1 – PROPOSED CHRISTMAS ISLAND MARINE PARK

1.1 Area of proposed marine park

The proposed Christmas Island Marine Park consists of an area in the Indian Ocean and parts of the Cocos (Keeling) Islands lagoon to the high water mark, bounded by the outer and inner boundary lines described in the following table. The outer boundary runs progressively as described in the table starting at point 1. The inner boundary runs progressively as described in the table starting at point 5.

Table 1.1. Area of proposed marine park

Item	Description
Outer Boundary	
1	The point of latitude 8° 52'14.1" S, longitude 102° 34' 12.7" E
2	South-easterly along the geodesic described by article 3 of the Perth Treaty (Indonesia) to point of latitude 9° 46'49.8" S, longitude 105° 50' 55.4" E
3	South-easterly along the geodesic described by article 3 of the Perth Treaty (Indonesia) to point of latitude 11° 10'24.6" S, longitude 109° 01' 25.8" E
4	Generally south-westerly then north-westerly along the outer limit of Australia's exclusive economic zone to the point of commencement
Inner Boundary	
5	The point of latitude 10° 24' S, longitude 105° 43' E
6	South along the meridian of longitude 105° 43' E to its intersection by the parallel of latitude 10° 28' S, following the Port of Christmas Island boundary
7	West along that parallel, following the Port of Christmas Island boundary, to its intersection with the low water mark
8	Generally south-westerly along the low water mark to its intersection by the Christmas Island National Park (Hosnies Spring Section)
9	Generally south-westerly along the seaward boundary of the Christmas Island National Park (Hosnies Spring Section) to its intersection by the mean low water mark
10	Generally south-westerly along the low water mark to its intersection by the Christmas Island National Park (Ross Hill Section)
11	Generally south-westerly along the seaward boundary of the Christmas Island National Park (Ross Hill Section) to its intersection by the mean low water mark
12	Generally southerly then westerly along the mean low water mark to its intersection with the Christmas Island National Park (Murray Hill Section)
13	Generally clockwise along the seaward boundary of the Christmas Island National Park (Murray Hill Section) to its intersection by the mean low water mark
14	North along the meridian of longitude 105° 39' 10.812" E to its intersection by the parallel of latitude 10° 24' S
15	East along that parallel, following the Port of Christmas Island boundary, to the point of commencement

1.2 Zones for proposed marine park

- 1) The proposed Christmas Island Marine Park is divided into the following zones:
 - a) the National Park Zone (IUCN II) described in Section 1.3 of this Part;
 - b) the Habitat Protection Zone (IUCN IV) described in Section 1.4 of this Part.

1.3 Zone 1 (cinpz01) of proposed marine park – National Park Zone (IUCN II)

Zone 1 (cinpz01) of the proposed marine park consists of an area bounded by the outer boundary of the marine park (refer table 1.1 above) and an inner boundary which runs progressively as described in the following table starting at point 1.

Table 1.3. Zone 1 (cinpz01) of the proposed marine park – National Park Zone (IUCN II)

Item	Description
Inner boundary	
1	The point of latitude 10° 12' 40" S, longitude 105° 19' 45" E
2	East along the parallel of latitude 10° 12' 40" S to its intersection by the meridian of longitude 105° 55' 00" E
3	South along that meridian of longitude to its intersection by the parallel of latitude 10° 46' 20" S
4	West along that parallel to its intersection by the meridian of longitude 105° 19' 45" E
5	North along that meridian to the point of commencement

1.4 Zone 2 (cih pz01) of proposed marine park – Habitat Protection Zone (IUCN IV)

Zone 2 (cih pz01) of the proposed marine park consists of an area bounded by an outer boundary which is the same as the inner boundary of Zone 1 (refer table 1.3 above) and an inner boundary that is the same as the inner boundary of the marine park (refer table 1.1 above).

PART 2 – PROPOSED COCOS (KEELING) ISLANDS MARINE PARK

2.1 Area of proposed marine park

The proposed Cocos (Keeling) Islands Marine Park consists of an area in the Indian Ocean excluding Pulu Keeling National Park and bounded by the outer and inner boundary lines described in the following table. The outer boundary is the full length of the outer limit of Australia's exclusive economic zone as it relates to the Cocos (Keeling) Islands. The inner boundary runs progressively as described in the table starting at point 1.

Table 2.1. Area of proposed marine park

Item	Description
Inner boundary	
1	The point of latitude 12° 5' 1" S, longitude 96° 51' 30" E
2	East along the parallel of latitude 12° 5' 1" S to its intersection by the meridian of longitude 96° 53' 19.5" E
3	South along that meridian to its intersection by the parallel of latitude 12° 5' 38" S
4	South-westerly along the geodesic to the point of latitude 12° 5' 40" S, longitude 96° 53' 3.5" E but following the high water mark where it is intersected by Direction Island
5	South-easterly along the geodesic to the point of latitude 12° 5' 44.5" S, longitude 96° 53' 4.5" E
6	North-easterly along the geodesic to the point of latitude 12° 5' 44.2" S, longitude 96° 53' 6" E
7	South along that meridian to its intersection by the parallel of latitude 12° 6' S
8	East along that parallel to its intersection with the Territorial sea baseline at the edge of the reef flat
9	Generally south-easterly along that baseline to its intersection by the parallel of latitude 12° 7' 27" S
10	West along that parallel to its intersection by the meridian of longitude 96° 53' 21.863" E
11	Generally south-westerly along the geodesic following the Port of Cocos (Keeling) Islands boundary to its intersection with the high water mark at West Island by the parallel of latitude 12° 9' 59.476" S
12	Along the high water mark in a generally southerly, then northerly, then southerly direction to its intersection by the parallel of latitude 12° 10' 6" S on the western side of North Lagoon
13	South-easterly along the geodesic to its intersection with the high water mark at West Island at the point of latitude 12° 10' 38.6" S, longitude 96° 49' 44.546" E
14	Along that high water mark in a generally south-easterly, then north-easterly, then north-westerly direction to its intersection by the meridian of longitude 96° 51' 26.1" E at the tip of West Island
15	North along that meridian to its intersection by the parallel of latitude 12° 11' 29" S
16	East along that parallel to its intersection by the meridian of longitude 96° 51' 54" E
17	South along that meridian to its intersection its intersection with the Territorial sea baseline at the edge of the reef flat off the south-eastern corner of West Island

18	Generally westerly, then north-westerly, then northerly along the Territorial sea baseline to its intersection by the parallel of latitude 12° 08.533' S
19	Easterly along that parallel to the high water mark at West Island
20	Generally north-easterly along the high water mark to its intersection by the parallel of latitude 12° 08.414' S
21	West along that parallel to its intersection by the Territorial sea baseline at the edge of the reef flat
22	Northerly along the baseline to its intersection by the parallel of latitude 12° 8' 0" S
23	East along that parallel to its intersection by the meridian of longitude 96° 49' 19" E
24	North-easterly along the geodesic to the point of latitude 12° 6' S, longitude 96° 51' 30" E
25	North along that meridian to the point of commencement

2.2 Zones for proposed marine park

- 1) The proposed Cocos (Keeling) Islands Marine Park is divided into the following zones:
 - a) the National Park Zones (IUCN II) described in Sections 2.3, 2.5 and 2.6 of this Part.
 - b) the Habitat Protection Zone (IUCN IV) described in Section 2.4 of this Part.

2.3 Zone 1 (ckinpz01) of proposed marine park – National Park Zone (IUCN II)

Zone 1 (ckinpz01) of the proposed marine park consists of an area bounded by the outer boundary of the marine park (refer 2.1 above) and an inner boundary which runs progressively as described in the following table starting at point 1.

Table 2.3. Zone 1 (ckinpz01) of the marine park – National Park Zone (IUCN II)

Item	Description
Inner boundary	
1	The point of latitude 11° 46' 18" S, longitude 96° 45' 52" E
2	East along the parallel of latitude 11° 46' 18" S to its intersection by the meridian of longitude 96° 58' 55" E
3	South along that meridian of longitude to its intersection by the parallel of latitude 12° 15' 41" S
4	West along that parallel to its intersection of the meridian of longitude 96° 45' 52" E
5	North along that meridian to the point of commencement

2.4 Zone 2 (ckihpz01) of proposed marine park – Habitat Protection Zone (IUCN IV)

Zone 2 (ckihpz01) of the proposed marine park consists of an area, excluding the Pulu Keeling National Park, bounded by an outer boundary which is the same as the inner boundary of Zone 1 (refer table 2.3 above) and an inner boundary that is the same as the inner boundary of the marine park (refer table 2.1 above) but excluding Zones 3 and 4 described in Sections 2.5 and 2.6 of this Part.

2.5 Zone 3 (ckinpz02) of proposed marine park – National Park Zone (IUCN II) – “The Rip”

Zone 3 (ckinpz02) of the proposed marine park consists of an area adjacent to the south-eastern end of Direction Island which runs progressively as described in the following table starting at point 1.

Table 2.5. Zone 3 (ckinpz02) of the marine park – National Park Zone (IUCN II)

Item	Description
1	The point of latitude 12° 5' 40" S, longitude 96° 53' 3.5" E
2	North-easterly along the geodesic to the point of latitude 12° 5' 38" S, longitude 96° 53' 19.5" E but following the mean high water mark where it is intersected by Direction Island
3	South along the meridian of longitude 96° 53' 19.5" E to its intersection by the parallel of latitude 12° 5' 42" S
4	South-westerly along the geodesic to the point of latitude 12° 5' 44.5" S, longitude 96° 53' 4.5" E
5	North-westerly along the geodesic to the point of commencement

2.6 Zone 4 (ckinpz03) of proposed marine park – National Park Zone (IUCN II) – “Trannies Beach”

Zone 4 (ckinpz03) of the proposed marine park consists of an area at the southern end of the place known as Trannies Beach, West Island, bounded by the line which runs progressively as described in the following table starting at point 1.

Table 2.6. Zone 4 (ckinpz03) of the marine park – National Park Zone (IUCN II)

Item	Description
1	The point of intersection of the parallel of latitude 12° 08.414' S with the Territorial sea baseline at the edge of the reef flat
2	East along that parallel to the high water mark at West Island
3	Generally south-westerly along the high water mark to its intersection by the parallel of latitude 12° 08.533' S
4	West along that parallel to its intersection by the Territorial sea baseline at the edge of the reef flat
5	Generally northerly along that baseline to the point of commencement