

## Comments not given effect in the final management plan and why – Section 371(3) of the EPBC Act

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**Note:** Tables 1 to 4 provide summarised comments that were not given effect to in changes to the final plan.

**Table 1 – Comments related to IUCN Zoning categories**

Number	Park	Comment	Views of the Director/DNP Report reference
1.	Apollo	Establish a high protection zone adjacent to the Twelve Apostles marine sanctuary, Victoria.	<i>The establishment of new marine parks was out of scope for this process (see DNP response 8).</i>
2.	Apollo	Establish a new high protection zone in the northern section of Apollo Marine Park.	<i>See DNP response 6.5.1. b</i>
3.	Beagle	Establish new highly protected area in western Beagle Marine Park.	<i>See DNP response 6.5.1. b</i>
4.	Beagle	Extend the proposed Beagle National Park Zone further south.	<i>See DNP response 6.5.1. b</i>
5.	Beagle	Establish a buffer around Beagle Marine Park to protect marine park values from offshore wind development.	<i>The establishment of new marine parks was out of scope for this process (see DNP response 8).</i>
6.	Boags	Establish a new high protection zone in Boags Marine Park.	<i>See DNP response 6.5.1. b</i>
7.	Boags	Oppose National Park Zone upgrade in Boags due to impacts on commercial fisheries. - Recommends Habitat Protection Zone zoning instead of National Park Zone.	<i>No zoning changes to Boags Marine Park were proposed in the draft management plan. See DNP response 6.5.1. b</i>
6.	East Gippsland	Create a new high protection area in the northeast of East Gippsland Marine Park to protect the upwelling of East Eden, amongst other conservation and park design benefits.	<i>See DNP response 6.5.1. b</i>
7.	Flinders	Extend the proposed National Park Zone westwards and eastwards across the upper slope and shelf.	<i>See DNP response 6.5.1. b</i>
8.	Flinders	Oppose the downgrading from National Park Zone to Habitat Protection Zone in Flinders Marine Park.	<i>See DNP response 6.5.1 b</i>
9.	Flinders	Oppose National Park Zone upgrade in Flinders due to impact on recreational fishers. Recommends Habitat Protection Zone or Recreational Use Zone instead.	<i>See DNP response 6.5.1. b</i>

Number	Park	Comment	Views of the Director/DNP Report reference
10.	Flinders	Oppose National Park Zone upgrade due to impacts on commercial fisheries.	<i>See DNP response 6.5.1. a</i>
11.	Franklin	Establish a new highly protected area in southern part of the Park to establish the first highly protected area for the diverse shelf habitats of the Franklin bioregion.	<i>See DNP response 6.5.1. b</i>
12.	Franklin	Oppose National Park Zone upgrade due to impacts on commercial fishers.	<i>See DNP response 6.5.1. b</i>
13.	Franklin	Opposes zoning changes in Franklin Marine Park due to impacts on recreational fishers. Recommends Habitat Protection Zone instead.	<i>See DNP response 6.5.1. b</i>
14.	Freycinet	Extend the proposed National Park Zone east to enhance protection of shelf break reefs and link with the existing National Park Zone.	<i>See DNP response 6.5.1. b</i>
15.	Freycinet	Opposes proposed National Park Zone over Joe's reef due to impacts on commercial fishers.	<i>See DNP response 6.5.1. b</i>
16.	Huon	Extend the proposed National Park Zone northward to the Pedra Branca state waters/North-east, and south to Sidmouth Rock, to provide protection for kelp habitats, the Bruny bioregion and provide high protection for upper slope and outer shelf habitats.	<i>See DNP response 6.5.1. b</i>
17.	Huon	Proposes expanding the marine park boundaries to protect the waters from the adverse impacts of the fish farming industry.	<i>Expanding or creating new marine parks was out of scope for this process (see DNP response 8).</i>
18.	Huon	Opposes Huon Marine Park upgrade due to impact on recreational fishers. Recommends Habitat Protection Zone instead.	<i>See DNP response 6.5.1. b</i>
19.	Macquarie Island	Transit restrictions in the Sanctuary Zone of Macquarie Island Marine Park may be an issue for the small number of educational tourism operators.	<i>See DNP Response 6.5.1. b</i>
20.	Murray	Change the entire north-west corner to a Multiple Use Zone to reduce confusion and improve compliance.	<i>See DNP response 6.5.1. b</i>
21.	Murray	Extend the proposed canyon National Park Zones further onto the shelf to maximise the inclusion of shelf break habitats and provide a continuous depth transect. Would improve connectivity with Encounter Marine Park in State Waters.	<i>See DNP response 6.5.1. b</i>
22.	Murray	Create an additional highly protected area over the Murray Canyon.	<i>See DNP response 6.5.1. b</i>

Number	Park	Comment	Views of the Director/DNP Report reference
23.	Murray	Establish a new high protection zone in the northern section of Murray to provide high protection to migration routes adjacent to biologically important Southern Right Whale breeding aggregation area and core foraging habitats of the endangered Shy Albatross.	<i>See DNP response 6.5.1. b</i>
24.	Murray	Oppose the zoning change of the existing Special Purpose Zone to Habitat Protection Zone in Murray Marine Park.	<i>See DNP response 6.5.1.b</i>
25.	Tasman Fracture	Expand the proposed National Park Zone to maximise protection for the West Tasmanian Canyons and Tasmanian Seamounts key ecological features to improve protection of this biodiversity hotspot.	<i>See DNP response 6.5.1. b</i>
26.	Tasman Fracture	Opposes Tasman Fracture Marine Park zoning, including new and existing National Park Zones, due to impacts on commercial fishers and recreational fishers. Recommends rezoning as Habitat Protection Zone or Recreational Use Zone.	<i>See DNP response 6.5.1. b</i>
27.	Zeehan	Extend the proposed Special Purpose Zone east to replace the proposed Multiple Use Zone to improve protection by not allowing commercial fishing in these areas.	<i>See DNP response 6.5.1. b</i>
28.	Zeehan	Opposes upgrades in Zeehan Marine Park that prevent recreational fishing.	<i>See DNP response 6.5.1. b</i>
29.	Zeehan	The 2013 management plan allowed recreational fishing in Special Purpose Zones but this changed in the draft plan. There is a lack of explanation for this plan and there was no consultation on this change.	<i>See DNP response 6.5.1.b</i>

Table 2 – Comments related to other parts of the management plan

Number	Comment	Views of the Director/DNP Response reference
1.	The management plan should do more to address the threat of climate change by incorporating adaptive measures and creating expanded and better-connected highly protected areas.	<i>See DNP response 6.1.a, 6.4.a and 6.5.1.a</i>
2.	Clarify Australia's obligations under international law.	<i>See DNP response 6.2.a</i>
3.	Opposes dual objectives of marine parks. Marine parks should be managed for conservation only and not for sustainable use or enjoyment.	<i>See DNP response 6.2.a</i>
4.	Opposes the scope of the review focusing on the current South-east Marine Parks Network.	<i>Out of scope (see Section 8 of DNP Report).</i>
5.	The vision is anthropocentric. Recommend an additional statement be included that recognises the rights of nature to exist for its own sake and no other reason.	<i>See DNP Response 6.2.a</i>
6.	Suggest adding a table to describe the five Key Ecological Features and Biologically Important Areas and where they occur in the Network.	<i>See DNP response 6.6.a</i>
7.	Notes that the Biologically Important Areas mechanism is about information gathering (not regulating activities) and remains under review.	<i>See DNP response 6.6.a</i>
8.	Disputes accuracy over offshore wind statements in Section 2.1.	<i>See DNP Response 6.3.a</i>
9.	Language in section 2.3.3. shows a lack of understanding of the recreational fishing sector.	<i>See DNP Response 6.3.a</i>
10.	Recognise that recreational fishing is low impact.	<i>See DNP Response 6.3.a</i>
11.	Provide more context about the sustainability credentials of Australian fisheries.	<i>See DNP Response 6.3.a</i>
12.	Statements about the importance of gas in the Net Zero transition in section 2.1 of the management plan are contradictory to tightened prescriptions outlined in Chapter 4.	<i>See DNP Response 6.3.a</i>
13.	Expand the scope of the Australian Marine Park Advisory Committees to include the entire marine region, not just marine park networks.	<i>Out of scope (see Section 8 of the DNP Response)</i>
14.	Parks Australia should partner with other agencies to manage pressures outside marine park boundaries	<i>See DNP response 6.4.a</i>

Number	Comment	Views of the Director/DNP Response reference
15.	Sections 3.1 and 3.5 of the management plan do not provide enough detail on adaptive management.	<i>See DNP response 6.4.a</i>
16.	Insufficient detail in the science and management effectiveness program.	<i>See DNP response 6.4.a</i>
17.	Have more specific reporting timelines i.e., annually rather than 'periodically'.	<i>See DNP response 6.4.a</i>
18.	Parks Australia should introduce pollution control and monitoring.	<i>See DNP response 6.4.a</i>
19.	Broaden the management and monitoring framework to encompass the entire South-east marine region not just the South-east Marine Parks Network.	<i>Out of scope (see Section 8 of the DNP response)</i>
20.	Establish a robust, climate-responsive monitoring program for sensitive areas.	<i>See DNP response 6.4.a</i>
21.	Adequately resource a monitoring, evaluation, reporting and improvement and adaptive management framework.	<i>See DNP response 6.4.a</i>
22.	Establish a robust compliance and enforcement program.	<i>See DNP response 6.4.a</i>
23.	Include ecological risk assessments related to threats external to marine park boundaries when determining zoning design of existing parks.	<i>See DNP response 6.5.1.a</i>
24.	Expand on community education and engagement programs to foster support for high protection in marine parks.	<i>See DNP response 6.4.a</i>
25.	Concern about the lack of research available on contemporary recreational fishing use in the South-east.	<i>See DNP response 6.4.a</i>
26.	Establish program to monitor the effectiveness of National Park Zones.	<i>See DNP response 6.4.a</i>
27.	Only partner with conservation and research groups. Only use conservation groups to manage marine protected areas.	<i>See DNP response 6.4.a</i>
28.	Add a provision to track Australia's compliance with international conventions.	<i>See DNP response 6.4.a</i>
29.	In areas where economic activities make it difficult to create National Park Zones, consider the use of Special Purpose Zones, which allow for only one type of fishing (e.g. rock lobster), providing protection for fish	<i>See DNP response 6.5.1.a</i>

Number	Comment	Views of the Director/DNP Response reference
	assemblages in representative areas and the establishment of fish reference areas for monitoring of park effectiveness.	
30.	Evaluate the threatened species list when designing marine parks.	<i>See DNP response 6.5.1.a</i>
31.	The proposed zoning design is not sufficiently representative.	<i>See DNP Response 6.1.a</i>
32.	Critical of the government's calculation of 30 by 30 target for marine protected areas. Considers that only National Park Zones and Sanctuary Zones should be counted towards this target.	<i>Out of Scope (see section 8 of DNP response)</i>
33.	Marine parks should be free from industrial and commercial activity.	<i>See DNP response 6.5.2.a</i>
34.	Connectivity is inadequately addressed in the draft management plan.	<i>See DNP response 6.5.1.a</i>
35.	Recommends complete ban on all oil and gas operations (including existing titles).	<i>See DNP response 6.5.2.a</i>
36.	Recommends a complete ban on seismic blasting due to impacts on marine mammals.	<i>See DNP response 6.5.2.a</i>
37.	Calls to prohibit pipelines everywhere in the network and calls to prohibit pipelines in National Park Zones.	<i>See DNP response 6.5.2.a</i>
38.	Transmission cables should not be allowed in marine parks.	<i>See DNP response 6.5.2.a</i>
39.	Commercial fishing and other industrial activities should not be allowed in marine parks.	<i>See DNP response 6.5.2.a</i>
40.	More high protection is needed to improve climate change resilience.	<i>See DNP response 6.1.a</i>
41.	Chapter 4 is more complex and proposes to allow more activities in marine protected areas.	<i>See DNP response 6.5.2.a</i>
42.	Concerned allowing unrestricted drone use in Sanctuary Zones given the emerging information of effects of noise pollution in oceans.	<i>See DNP response 6.5.2.a</i>
43.	Concerned about disposal of domestic and industrial waste prescriptions – that disposal of domestic and industrial waste is allowable in Multiple Use Zones and Special Purpose Zones.	<i>See DNP response 6.5.2.a</i>
44.	Change terminology from 'Sanctuary zone' to 'Strict nature reserve' for consistency and to avoid confusion with the Australian Whale Sanctuary.	<i>See DNP Response 6.5.1.a</i>
45.	Provide clear guidance on terms 'as low as reasonably practicable' and 'acceptable'	<i>See DNP response 6.5.2.a</i>
46.	Incorporate economic value of ecosystem services and eco-tourism into decision-making	<i>See DNP response 6.5.2.a</i>

Number	Comment	Views of the Director/DNP Response reference
47.	There is lack of justification for the reduction in area available to recreational fishers.	<i>See DNP response 6.5.1.a</i>
48.	There is lack of scientific evidence to justify the existence of a certain marine park and/or a proposed zoning upgrade.	<i>See DNP response 6.5.1.a</i>
49.	Critical of marine park restrictions on commercial fisheries when fisheries management authorities already in Commonwealth and state waters.	<i>See DNP response 6.5.2.a</i>
50.	Unintended consequences of zoning upgrades. For example, excluding fishing activity from one area will condense fishing effort into smaller areas, or what was a locally sustainable fishery may rapidly become depleted as fishers race to harvest their catch.	<i>See DNP response 6.5.1.a</i>
51.	Commercial fishers are experiencing spatial squeeze - this is a major contributor to poor mental health in the industry.	<i>See DNP response 6.5.1.a</i>
52.	The zoning upgrades will have impacts on commercial fisheries and supply chains.	<i>See DNP response 6.5.1.a</i>
53.	Recommend more Multiple Use Zones to facilitate access for low-impact fishing.	<i>See DNP response 6.5.1.a and 6.5.1.b</i>
54.	Opposes restrictions on new oil and gas activities.	<i>See DNP response 6.5.2a</i>
55.	Opposes restrictions on carbon capture and storage.	<i>See DNP response 6.5.2a</i>
56.	The Plan should provide certainty to existing petroleum titleholders in the South-east region.	<i>See DNP response 6.5.2.a</i>
57.	Existing Biologically Important Areas (BIA) for marine species is out of date and are being reviewed.	<i>See DNP response 6.6.a</i>
58.	Concerns some Key Natural Values are missing from Section 1.3 of Schedule 1, including more complete seabird values.	<i>See DNP response 6.6.a</i>
59.	A request for further detail on how updates on natural values criteria and new values will be added	<i>See DNP response 6.6.a</i>
60.	Include additional information around the values protected by Nelson and Murray Marine Parks.	<i>See DNP response 6.6.a</i>
61.	Relevant national plans should be cited in Schedule 2, such as Threat Abatement Plans and National Recovery Plans	<i>See DNP response 6.7.a</i>



Number	Comment	Views of the Director/DNP Response reference
62.	Expand on how international agreements apply to the South-east Marine Parks, so that legal obligations arising from these agreements are clear.	<i>See DNP response 6.7.a</i>
63.	Concern around inadequate protection in state waters.	<i>Out of scope (see Section 8 of DNP response)</i>
64.	Include further information in the plan about how the 'comprehensive, adequate and representative' principles have been met.	<i>See DNP response 6.2.a</i>
65.	Statements that partnerships require empowerment of all partners in strategy and implementation.	<i>See DNP response 6.4a</i>
66.	Parks Australia has been disproportionately influenced by conservation stakeholders.	<i>See DNP response 6.1.a</i>
67.	There has been insufficient consultation with recreational fishers in Tasmania.	<i>See DNP response 6.1.a</i>

**Table 3 – Comments related to First Nations partnerships and engagement**

Number	Comment	Views of the Director/DNP Report reference
1.	Opposes the current approach to mapping and zoning of Sea Country, arguing that dividing zones for protection or exclusion is inconsistent with Aboriginal ways of caring for Country and sustaining the future.	<i>See DNP Response 6.1</i>
2.	Calls to establish a new marine park to the north-east of Beagle Marine Park to better represent First Nations cultural values associated with the ancient land bridge that used to connect Tasmania with the Australian mainland.	<i>Out of scope (see Section 8 of DNP response)</i>
3.	Concern from Traditional Owners that the new Habitat Protection Zone reduces protection for culturally significant species and increases potential bycatch at Flinders Marine Park.	<i>See DNP Response 6.5.1.b</i>
4.	Concern from Traditional Owners that the new zoning arrangement reduces protection for culturally significant species and Sea Country in Murray Marine Park.	<i>See DNP Response 6.5.1.b</i>
5.	Calls for systemic changes across Government to enable the genuine application of Indigenous Cultural and Intellectual Property and Free, Prior and Informed Consent.	<i>Out of scope – see Section 8 of the DNP Report</i>

<b>Number</b>	<b>Comment</b>	<b>Views of the Director/DNP Report reference</b>
6.	Broader criticism of the Australian Government, legislation, and the EPBC Act as institutions that perpetuate colonial structures of power and decision-making, including the principle of terra nullius.	<i>Out of scope –see Section 8 of the DNP Report</i>
7.	Advocation for enforceable agreements to ensure the full protection of Sea Country, including areas within and beyond the South-east Network.	<i>Out of scope – see Section 8 of the DNP Report</i>

**Table 4 – Non-statutory comments**

<b>Number</b>	<b>Comment</b>	<b>Views of the Director/DNP Report reference</b>
1.	Recognition that a key pressure is the ongoing dispossession of Palawa people by Governments.	<i>See DNP Response 7a</i>
2.	A recommendation for the use of the Protected Seascape Zone (IUCN Category V), with all marine parks on Palawa Country to include Protected Landscape/Seascape Zones, as a means of explicitly recognising rights to Sea Country.	<i>See DNP Response 7a</i>