

GOVERNMENT NOTICES

Miscellaneous Instruments

AQUATIC RESERVE NOTIFICATION 2015

under the

MARINE ESTATE MANAGEMENT ACT 2014

I, Scott Hansen, having delegated authority from the Minister for Primary Industries and the Minister for the Environment, in pursuance of sections 57, 58, 59 and 60 of the *Marine Estate Management Act 2014* make the following Notification.

Dated this 13th day of April 2015.

SCOTT HANSEN

Director General

NSW Department of Primary Industries

Signed for the Minister for Primary Industries and
the Minister for the Environment
(by delegation)

1 Name

This Notification is the Aquatic Reserve Notification 2015.

2 Commencement and other general provisions

This Notification commences on the date on which it is published in the gazette and will remain in force for 5 years from the date of commencement unless it is revoked, whether in whole or in part, before the expiry of this period.

3 Revocation of previous Notification

The notification titled “Aquatic Reserves Notification 2013” dated 30 August 2013 and published in the Government Gazette No. 108 dated 2 September 2013 at page 3941 is revoked.

4 Interpretation

(1) In this Notification:

Barrenjoey Head Aquatic Reserve, Boat Harbour Aquatic Reserve, Bronte-Coogee Aquatic Reserve, Cabbage Tree Bay Aquatic Reserve, Cape Banks Aquatic Reserve and Narrabeen Head Aquatic Reserve mean the aquatic reserves declared pursuant to section 194 of the *Fisheries Management Act 1994*, titled “Declaration of Aquatic Reserves” dated 31 March 2002 and published in *Government Gazette* No. 65 on 22 March 2002 at page 1731–1732, taken now to be Aquatic Reserves for the purposes of the Act.

Bushranger’s Bay Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 65 of 14 May 1982 at page 2104, taken now to be an Aquatic Reserve for the purposes of the Act.

Cook Island Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 152 on 23 October 1998 at page 8435, taken now to be an Aquatic Reserve for the purposes of the Act.

finfish means bony fish (Osteichthyes) and cartilaginous fish (Chondrichthyes).

fish has the same meaning as it has in the *Fisheries Management Act 1994*.

hand held line, lawful recreational net and spear gun have the same meaning as they have in the *Fisheries Management (General) Regulation 2010*.

Long Reef Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 80 of 30 May 1980 at page 2787, taken now to be an Aquatic Reserve for the purposes of the Act.

marine vegetation has the same meaning as it has in the *Fisheries Management Act 1994*.

North Harbour Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 46 of 26 March 1982 at page 1336, taken now to be an Aquatic Reserve for the purposes of the Act.

Shiprock Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 46 of 26 March 1982 at page 1336, taken now to be an Aquatic Reserve for the purposes of the Act.

take fish has the same meaning as it has in the *Fisheries Management Act 1994*.

the Act means the *Marine Estate Management Act 2014*.

the Management Rules Regulation means the *Marine Estate Management (Management Rules) Regulation 1999*.

the Principal Regulation means the *Marine Estate Management Regulation 2009*.

Towra Point Aquatic Reserve means the aquatic reserve declared pursuant to section 194 of the *Fisheries Management Act 1994* and published in *Government Gazette* No. 49 of 12 April 1990 at page 3070, taken now to be an Aquatic Reserve for the purposes of the Act.

- (2) Unless otherwise defined in this Instrument, words and expressions that are defined in the Act, Principal Regulation or Management Rules Regulation have the same meaning in this Instrument.

5 Prohibition of activities

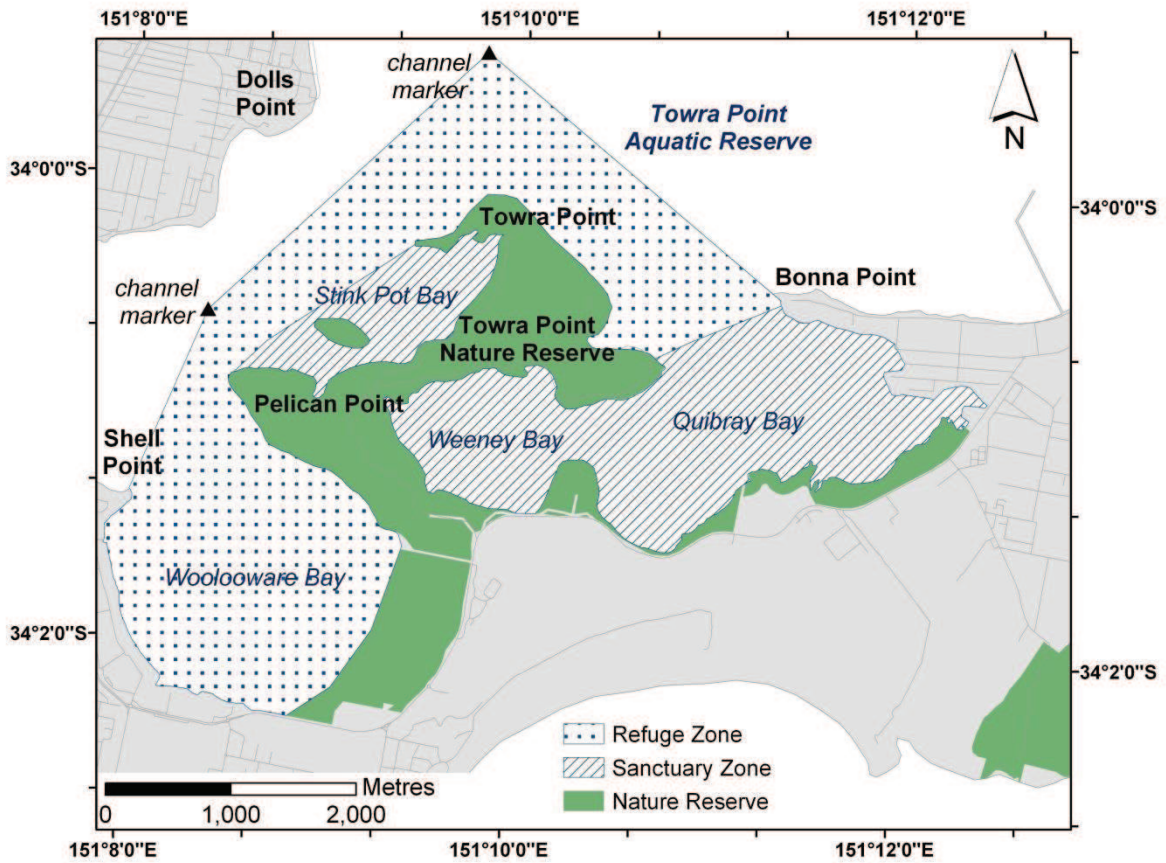
- (1) Subject to clauses 2 and 3, the activities specified in Column 2 of Schedule 1 are prohibited in the aquatic reserves specified opposite in Column 1 of Schedule 1, unless the consent of the relevant Ministers or a permit issued by the relevant Ministers has been obtained in accordance with the Principal Regulation.
- (2) A consent or a permit may only be issued to take and possess fish or marine vegetation for any or all of the following purposes:
- (a) research purposes
 - (b) aquaculture purposes
 - (c) aquarium collecting purposes
 - (d) Aboriginal cultural fishing purposes
 - (e) any other purpose approved by the relevant Ministers that is consistent with the objects of the Act.
- (3) A consent or a permit may not be issued to construct, use or operate a jetty or slipway in Shiprock Aquatic Reserve.

SCHEDULE 1

<i>Column 1 Aquatic Reserve</i>	<i>Column 2 Activities prohibited</i>
Barrenjoey Head Boat Harbour Bronte-Coogee Cabbage Tree Bay Cape Banks Narrabeen Head	a) Recreational fishing competitions. b) The taking of any fish or marine vegetation for scientific purposes.

<i>Column 1 Aquatic Reserve</i>	<i>Column 2 Activities prohibited</i>
Barrenjoey Head Boat Harbour Bronte-Coogee Cape Banks Narrabeen Head	<p>a) The taking of the tunicate ‘cunjevoi’ – <i>Pyura</i> spp., and all invertebrates (including anemones, barnacles, chitons, cockles, crabs, mussels, octopus, oysters, pipis, sea urchins, sea stars, snails and worms) (whether dead or alive) with the exception of eastern rocklobster (<i>Sagmariasus verreauxi</i>), southern rocklobster (<i>Jasus edwardsii</i>) and blacklip abalone (<i>Haliotis rubra rubra</i>).</p> <p>Note: This includes a prohibition on the killing of cunjevoi or invertebrates to feed fish.</p> <p>b) Collecting, destroying or interfering with any marine vegetation (whether dead or alive), with the exception of sea lettuce (<i>Ulva lactuca</i>) and bait weed (<i>Enteromorpha intestinalis</i>).</p>
Bushranger’s Bay Cabbage Tree Bay Shiprock	<p>Taking, gathering, destroying, injuring or interfering with any fish or marine vegetation (whether dead or alive).</p> <p>Note: This includes a prohibition on feeding fish or the use of burley to attract fish.</p>
Shiprock	<p>Constructing, using or operating a jetty or slipway other than a jetty or slipway that was lawfully constructed and in existence immediately before 1 September 2002.</p>
Long Reef	<p>Taking, gathering, destroying, injuring or interfering with any fish or marine vegetation (whether dead or alive), other than taking finfish using hand held lines or spear guns.</p> <p>Note: This includes a prohibition on the killing of cunjevoi or invertebrates to feed fish.</p>
North Harbour	<p>Taking, gathering, destroying, injuring or interfering with any fish or marine vegetation (whether dead or alive), other than taking finfish using hand held lines.</p> <p>Note: This includes a prohibition on the killing of cunjevoi or invertebrates to feed fish.</p>
Towra Point	<p>Taking, gathering, destroying, injuring or interfering with any fish or marine vegetation (whether dead or alive), other than taking fish using hand held lines or lawful recreational nets from that part of Towra Point Aquatic Reserve referred to as the refuge zone shown in Schedule 2.</p> <p>Note: This includes a prohibition on feeding fish or the use of burley to attract fish.</p>
Cook Island	<p>a) Taking any fish (whether dead or alive) using a ‘set line’ which means any line not held in the hand, or not attached to fishing gear held in the hand, which is used or intended to be used for the purpose of taking fish.</p> <p>b) Taking any fish (whether dead or alive) from the waters of Cook Island Aquatic Reserve that fall within the area enclosed by the line connecting the following co-ordinates (WGS84 datum) and returning to the point of commencement, as shown in Schedule 3:</p> <ul style="list-style-type: none"> i. 28°11’32.336”S 153°34’39.872”E ii. 28°11’52.114”S 153°34’59.282”E iii. 28°11’54.419”S 153°34’46.449”E iv. 28°11’51.698”S 153°34’29.560”E v. 28°11’42.806”S 153°34’26.280”E. <p>Note: This includes a prohibition on feeding fish or the use of burley to attract fish.</p>

SCHEDULE 2



SCHEDULE 3

