



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ms Nerida O'Loughlin PSM
Chair & Agency Head
Australian Communications and Media Authority

subcablesenquiries@acma.gov.au

Dear Ms O'Loughlin

Thank you for your correspondence of 2 May 2025, to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) inviting comments on the ACMA's proposal to vary the Submarine Cable Declaration 2007 (Southern Sydney Protection Zone - SSPZ).

DCCEEW provides the following advice to assist the ACMA's consideration of environmental matters relating to the proposed variation to the SSPZ.

DCCEEW administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which is Australia's national environmental legislation. The EPBC Act protects plants, animals, habitats and places of national environmental significance, also known as 'protected matters'. Any action that will have or is likely to have a significant impact on a protected matter must first be referred to DCCEEW for assessment.

DCCEEW notes that the proposed extension of the SSPZ encompasses Magic Point (Map 1): an aggregation site and nursery for the critically endangered Grey Nurse Shark (east coast population).

The department notes the following:

- In the Grey Nurse Shark (*Carcharias taurus*) recovery plan, which came into effect 14 August 2014, Magic Point is recognised as a key aggregation site, and habitat critical to the survival of the species ([Recovery Plan for the Grey Nurse Shark \(Carcharias taurus\)](#)).
- The Grey Nurse Shark (east coast population) is identified as a conservation value in the 2012 Temperate East Marine Region bioregional plan, and Magic Point occurs in a mapped Biologically Important Area for both reproduction and foraging for the species ([Temperate East Marine Bioregional Plan - DCCEEW](#)).
- In December 2002, NSW Fisheries declared Magic Point critical habitat for the Grey Nurse Shark (east coast population), with associated regulations to control fishing and diving activities in a 200 m seaward radius ([Magic Point GNS critical habitat](#)).
- Critical habitat for Grey Nurse Sharks is described by NSW Department of Primary Industries as extending 200 m from a relevant natural feature and is surrounded by a further buffer zone extending to a total of 1000 m ([GNS Public Consultation Discussion Paper](#)).

To minimise the potential for cable installation activities occurring within the Grey Nurse Shark critical habitat the department recommends consideration of:

- Exclusion of Magic Point from the proposed SSPZ extension from the low tide water mark up to 1000 m (151° 15' 50" E, 33° 57' 20" S). See Map 1–3 below.
- Or, potential restrictions to cable installation activities by avoiding installation activities during the Grey Nurse Shark breeding and pupping times (Oct – Dec for breeding, Aug/Sept for pupping) in up to 1000 m buffer zone (from the low tide water mark) around Magic Point (151° 15' 50" E, 33° 57' 20" S).

We welcome further engagement with you prior to a decision whether or not to extend the SSPZ.

Please contact Northern NSW Assessments, Nature Positive Regulation Division at Northnswassessments@dcceew.gov.au, if you would like to discuss this matter further.

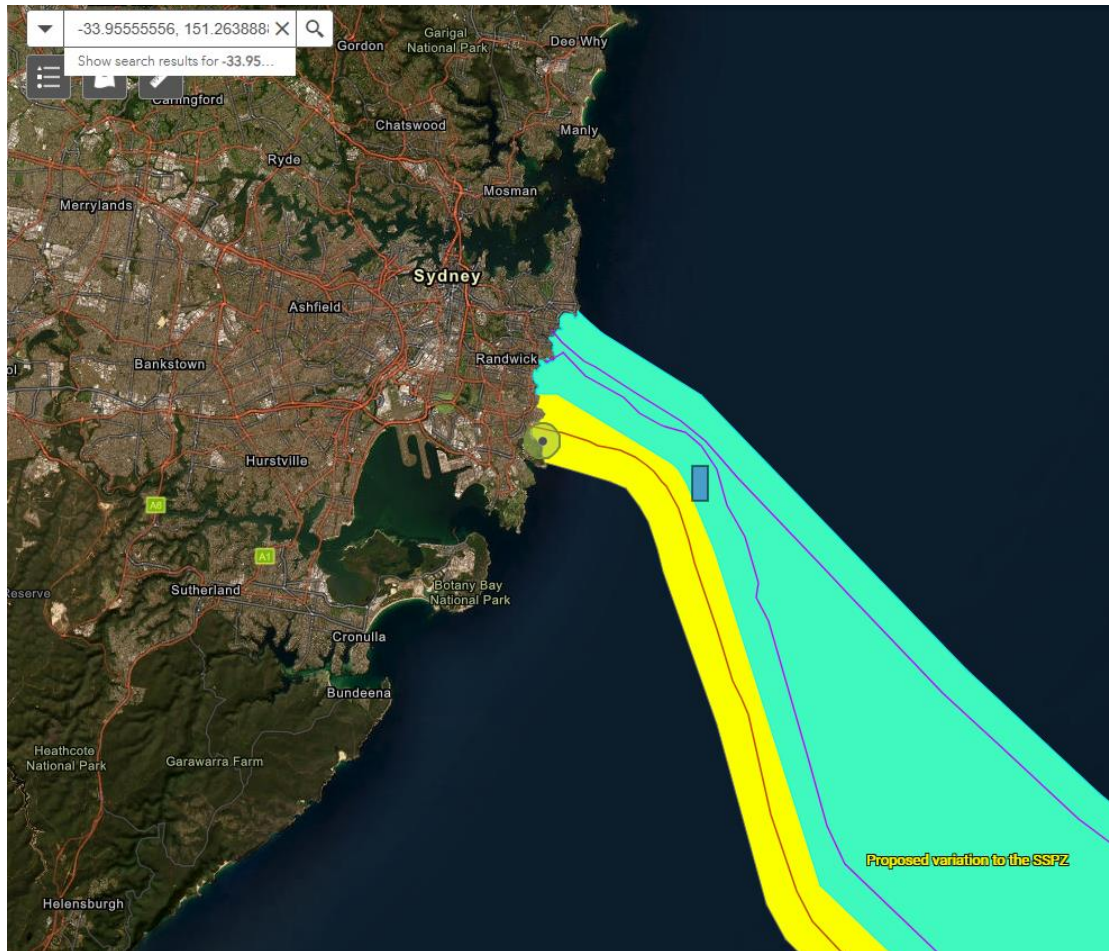
DCCEEW also thanks the ACMA for their collaboration in the consideration of the Illawarra offshore wind declared area in the proposed design of the SSPZ.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Gowland', with a stylized flourish at the end.

Kate Gowland
Branch Head
Nature Positive Regulation Division

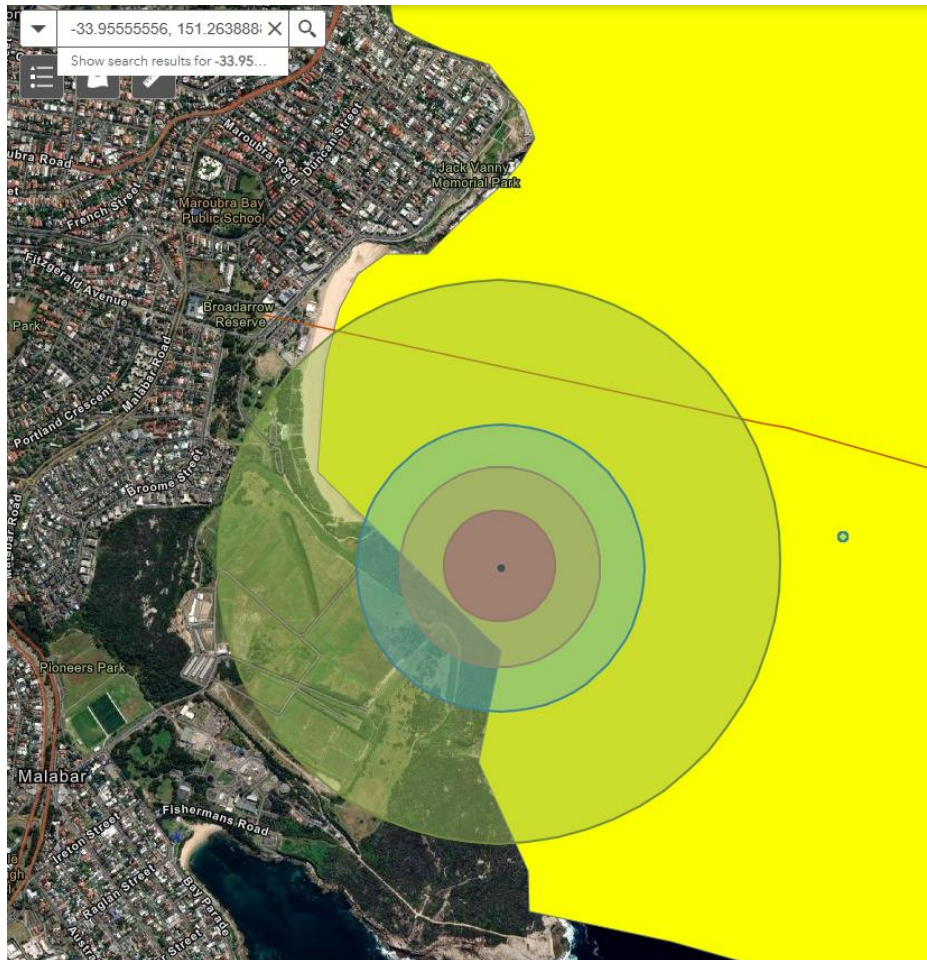
20 June 2025



Map 1. Current SSPZ (aqua), proposed SSPZ (yellow), Magic Point 1000 m buffer (green circle)



Map 2. Magic Point and buffers overlaid on proposed Tabua cable route (red line)



Map 3. Magic Point and buffers overlaid on proposed SSPZ (yellow) and proposed Tabua cable route (red line)