



Queensland

Marine Parks (Moreton Bay) Zoning Plan 2008

Explanatory Notes for SL 2008 No. 343

made under the

Marine Parks Act 2004

General outline

Short title

The short title of the subordinate legislation is the *Marine Parks (Moreton Bay) Zoning Plan 2008*, also cited as the Moreton Bay Marine Park Zoning Plan.

Authorising legislation

Section 5 of the *Marine Parks Act 2004* (the *Act*) outlines the purpose of the Act is to provide for the conservation of the marine environment. The Act further provides that this is to be achieved through, among other things, the declaration of marine parks, and the establishment of zones and designated areas by a marine park zoning plan.

Section 21 of the Act, enables the Governor in Council to give effect to a zoning plan made by the chief executive. The zoning plan is subordinate legislation.

A zoning plan made by the chief executive for a marine park—

- must assign a name, objects to be achieved and the purpose for which each zone or designated area may be entered or used

- must define the boundaries of each zone or designated area by means of a map or an appropriate description
- may provide for the reclamation of tidal land
- may provide for offences of up to 165 penalty units.

Background and reasons for the zoning plan

A review of the zoning plan for Moreton Bay was required under the *Statutory Instruments Act 1992*, which requires subordinate legislation to be reviewed every 10 years. The review is also timely to update the zoning plan to reflect the Act which came into effect in 2004 and the *Marine Parks Regulation 2006* (the *regulation*).

Policy objectives of the proposed zoning plan

The primary objective of the proposed zoning plan is to contribute to achieving the objects of the Act as part of a comprehensive strategy for conserving the unique values (environmental, social, cultural and economic) of the marine environment in Moreton Bay Marine Park and to ensure its sustainable use for the enjoyment and benefit of present and future generations.

How policy objectives of the zoning plan will be achieved

The zoning plan is underpinned by 13 bio-physical and socio-economic principles established by an independent scientific Expert Advisory Panel. These guiding principles provided the scientific framework for the review process, including key recommendations that a minimum of 10% of each of the 16 different habitat types in the marine park should be protected in marine national park zones, and that impacts to marine park users should be minimised.

The zoning plan establishes a network of different zones and designated areas which accommodate multiple uses in the marine park. Four zone types are specified in the zoning plan—general use zone, habitat protection zone, conservation park zone and marine national park zone. These are listed in ascending order of protection, from general use zones which allow most activities through to marine national park zones which have the highest level of protection and prevent extractive uses. In addition to this

zoning, a series of designated areas help to manage a range of activities in specific areas, for example diving restrictions in grey nurse shark areas, go slow areas to minimise boat strike on turtles and dugong, and no anchoring areas to help protect coral from damage caused by boat anchoring.

Activities that are consistent with the objectives of each zone, as specified under the Act, may be undertaken either as of right such as boating, or after obtaining a permit for activities such as a whale watching operation.

A number of activities provided for in the entry and use provisions will be managed through accreditation, for example, accreditation of a university to undertake limited impact research. The accreditation would form an agreement between the Environmental Protection Agency (the *EPA*) and the relevant institution/organisation.

The zoning plan also allows for some ongoing or emergency activities to be conducted either as of right or with notification.

Consistency of the zoning plan with other legislation

Where possible the provisions of the zoning plan are complementary with other Queensland State and Commonwealth marine park zoning plans, in accordance with the requirements of the Act. Some provisions from the repealed Moreton Bay zoning plan are retained to provide continued and consistent management of matters particular to Moreton Bay such as those arrangements provided by the designated areas, for example, the material disposal area which provides a disposal site for dredged material.

The objectives of the zoning plan are also achieved in conjunction with other Queensland legislation, plans, and permits, for example—

- *Native Title (Queensland) Act 1993*
- *Fisheries Act 1994*
- *State Development and Public Works Organisation Act 1971*
- *Coastal Protection and Management Act 1995*
- *Environmental Protection Act 1994*
- *Nature Conservation Act 1992*
- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Pollution) Act 1995.*

Alternatives

A regulatory impact statement and draft Public Benefit Test for the review of the Moreton Bay Marine Park Zoning Plan was provided in the 'Have your say' document released for public comment in December 2007. The document contains consideration of alternative ways of achieving policy objectives and why the approaches adopted were chosen.

Costs and benefits

The draft Public Benefit Test contained in the 'Have your say' document released in December 2007 contains examination of the benefits and costs of the zoning plan in relation to various stakeholder groups.

Estimated cost of Government implementation

The increase in marine national park zones will displace some commercial and recreational fishing. It is calculated there will be a 17% or \$4.1 million (per year) impact on the \$24 million commercial fishing industry in Moreton Bay. These impacts will be mitigated through a \$14 million Structural Adjustment Package. The Structural Adjustment Package is available to commercial fishers and will be a competitive tender process aiming to buy fishing licences to reduce the level of fishing effort in the marine park in proportion to the estimated impacts. Displacement of recreational fishing effort will be offset through a \$1 million trial artificial reef program to provide alternate fishing locations.

Additional funding of \$500000 per year over the next 5 years has also been approved for a scientific monitoring program. The program will investigate the environmental, social and economic effects of the zoning plan and help to inform future management of the marine park.

Further funding has been sought to aid the implementation of the zoning plan, to acquire additional vessels and staff, install signs and moorings to protect coral reefs from anchor damage, deliver a communication and education program and a media campaign.

Fundamental legislative principles

The fundamental legislative principles provided in the *Legislative Standards Act 1992* aim to ensure that legislation has sufficient regard to

the rights and liberties of individuals, and the institutions of Parliament. The Office of the Queensland Parliamentary Counsel has not identified any fundamental legislative principle issues.

National Competition Policy

The zoning plan aims to conserve the marine environment while easing prescriptive burdens on industry through providing for a range of activities as of right and with a permit in the marine park. The final Public Benefit Test report conducted during the development of the final zoning plan has finalised in consultation with the National Competition Policy Unit in Treasury Department.

Consultation

An extensive consultation program was conducted throughout the review of the zoning plan to gain scientific advice and ensure stakeholder and community input into the plan.

Following the launch of the review on 23 February 2007, the Expert Advisory Panel provided advice on scientific matters relating to marine reserve design and guiding principles for selecting areas for consideration as marine national parks. A Stakeholder Reference Group was also established as a forum for representative government, community and industry-based organisations to contribute information to the review and disseminate information to their constituents.

To engage the broader community, a comprehensive public awareness and engagement campaign was conducted to encourage stakeholders to provide input into development of the draft zoning plan and to make a formal submission following its release on 2 December 2007. Key engagement strategies included—

- releasing a draft zoning plan, regulatory impact statement and draft Public Benefit Test for public consultation
- mailing letters and emails to over 3000 marine park users announcing the launch of the review and again following the release of the draft zoning plan
- distributing posters and postcards promoting the review through bait and tackle shops, fishing clubs, boat clubs and libraries

- distributing printed submission materials including maps, submission forms and ‘Have your say’ documents out to over 2000 people
- developing an online survey to gain community feedback on how the marine park is used, and establishing an online submissions system to receive electronic submissions on the draft zoning plan
- hosting 16 community display sessions across south-east Queensland, in addition to attending major boating and fishing shows in the region
- featuring public notices and advertisements in state and local newspapers, and airing community service advertisements on radio and all major television stations
- establishing a 1800 freecall number and email address to respond to community queries
- hosting a series of stakeholder meetings and workshops to seek advice on areas being considered for higher protection
- distributing a range of information and educational products via the EPA’s website.

The community engagement program resulted in over 8000 submissions being received, which were considered in the development of the final zoning plan.

Notes on provisions

Part 1 Preliminary

Division 1 General provisions

Division 1 states that the zoning plan may be cited as the *Marine Parks (Moreton Bay) Zoning Plan 2008* or as the Moreton Bay Marine Park Zoning Plan. It also states this plan commences on 1 March 2009.

It states that this zoning plan applies to the Moreton Bay Marine Park as described in schedule 1 of the *Marine Parks (Declaration) Regulation 2006*.

A brief description of the main provisions for each part of the zoning plan is provided, summarising the framework of the plan. The relationship between the different parts of the plan is also defined.

Division 2 Interpretation

Division 2 states that a dictionary is provided which defines particular words used in this zoning plan, to aid interpretation of the zoning plan.

To assist interpretation, this division provides further technical information on the projection of the coordinates used in the plan to describe particular zones and areas.

It also outlines that a unique sequence of letters and numbers is used to identify each of the zones and designated areas in the zoning plan, for example, 'MNP01-Westaways Creek' will be a unique identifier for the marine national park zone at Westaways Creek.

Part 2 **Requirements for particular applications for permissions**

Part 3 of the regulation specifies the requirements for obtaining a permission in State marine parks. Part 2 of the zoning plan specifies additional matters that the chief executive must have regard to when considering an application for a permit to enter and use a zone in the Moreton Bay Marine Park. These additional matters include how entry or use of the zone for a particular purpose will affect the values of the marine park, for example, effects on migratory shorebirds.

Part 3 **Zones**

Division 1 **Preliminary**

Division 1 provides a list of the different zones that apply in the marine park, with the zones listed in ascending order of protection. It provides information to assist in interpreting the zone boundary descriptions and that schedule 1 describes the boundaries of areas comprising each zone. It also indicates that a map will be made available to help users determine the location of zones.

Divisions 2 to 5 provide the entry or use provisions for the zones. These entry and use provisions are generally consistent with the *Marine Parks (Great Sandy) Zoning Plan 2006*, the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*, and the *Commonwealth Great Barrier Reef Marine Park Zoning Plan 2003*.

Division 2 **General use zone**

Division 2 states that the objects for the general use zone are provided in schedule 1 of the regulation.

General use zones are areas in the marine park where most activities can occur either as of right or with a permit in the marine park. Activities

include most forms of recreational and commercial fishing, for example netting, crabbing, line fishing, trawling, aquaculture, research, works, and movement of large ships.

The specific purposes for which a person may enter or use an area in a general use zone without permission are outlined in this division. The purposes for which a person may enter or use an area in a general use zone with a permit are also outlined.

To provide consistent management with the former Moreton Bay Marine Park Zoning Plan this section provides for works that are inconsistent with the object of the zone to occur with permission within a designated works area. Further details regarding works areas are provided in part 4, division 11.

The entry or use provisions also provide for permits to be granted for private structures in a general use zone. A private structure is defined as a boat ramp, jetty or pontoon that is unavailable for use by the public.

Division 3 Habitat protection zone

Division 3 states that the objects for the habitat protection zone are provided in schedule 1 of the regulation.

Habitat protection zones are areas where the protection of habitats is emphasised and threatening processes, in particular those activities which disturb the seabed, are generally not permitted. This zone differs to the general use zone by prohibiting activities that may cause impacts on habitat, such as trawling.

The specific purposes for which a person may enter or use an area in a habitat protection zone without permission are outlined in this division. The purposes for which a person may enter or use an area in a habitat protection zone with a permit are also outlined.

To provide consistent management with the former Moreton Bay Marine Park Zoning Plan this section provides for works that are inconsistent with the object of the zone to occur with permission within a designated works area. Further details regarding works areas are provided in part 4, division 11.

Division 4 Conservation park zone

Division 4 states that the objects for the conservation park zone are provided in schedule 1 of the regulation.

As a highly protected area, conservation park zones are areas where most forms of large scale extractive use, direct disposal into the area, private structures and major development are prohibited. These zones emphasise protection of the area's natural integrity, however limited recreational and commercial line fishing, bait netting and crabbing may still occur. The restrictions include no trawling and limits on line fishing, netting and crabbing equipment.

The specific purposes for which a person may enter or use an area in a conservation park zone without permission are outlined in this division. The purposes for which a person may enter or use an area in a conservation park zone with a permit are also outlined.

Limited line fishing in all conservation park zones in Moreton Bay Marine Park will allow the use of a maximum of 2 lines and 2 hooks per person, in any combination.

The same limit is applied to trolling and is referred to as limited trolling. The activity of limited trolling continues to require that a boat must be under way and not adrift.

Division 5 Marine national park zone

Division 5 states that the objects for the marine national park zone are provided in schedule 1 of the regulation.

Marine national park zones provide the highest level of protection in the Moreton Bay Marine Park Zoning Plan. These are areas where all forms of extractive use (including all forms of fishing), direct disposal into the area, development and most maritime infrastructure are prohibited to provide whole-of-ecosystem protection.

The specific purposes for which a person may enter or use an area in a marine national park zone without permission are outlined in this division. The purposes for which a person may enter or use an area in a marine national park zone with a permit are also outlined.

Part 4 Designated areas

Designated areas are areas in Moreton Park Marine Park that require special management of activities or uses for a specific purpose. Like zones, entry and use provisions apply to designated areas. Designated areas form an overlay to the zones and may provide for either a form of restriction, for example the requirement for a boat to reduce speed to minimise boat strike on turtles or dugong while in a go slow area; or a relaxation, for example a works area provides for major impact works to occur, such as dredging a new navigation channel.

Division 1 Preliminary

Division 1 provides a list of the designated areas within the marine park set aside for special management and specifies that the boundaries are provided in schedule 2. The division also states that the EPA will publish a map showing the location of the designated areas.

It also states that provisions for entry or use of designated areas apply in addition to provisions for any zone in the same area.

Division 2 Entry or use restrictions for particular designated areas

Subdivision 1 Preliminary

Subdivision 1 lists the designated areas that are relevant designated areas in which the division applies to. These designated areas do not apply any additional permit requirements to enter or use the area.

Subdivision 2 Permission not to be granted if inconsistent with objects of area

Subdivision 2 states how this section applies to a person applying for permission to enter or use a zone and that the chief executive must not grant the permission if entering or using the area is inconsistent with the objects of a relevant designated area, for example, when considering a permit for a vessel tourist program in a habitat protection zone the vessel go slow requirements of the designated area would be a consideration in deciding the grant of a permit.

This subdivision also provides that a person may enter or use a designated area to undertake research under a permission.

Subdivision 3 Consultation with chief executive

Subdivision 3 states that a public authority exercising statutory powers in a relevant designated area must consult with the chief executive about any proposal or action in a relevant designated area that may be inconsistent with the objectives of the area, for example, if an enforcement authority proposes to anchor in a no-anchoring area they must first consult with the EPA.

Division 3 Grey nurse shark areas

Division 3 provides the objects and special management provisions for a designated grey nurse shark area. The management of these areas is consistent with the management of similar areas under the zoning plan for the Great Sandy Marine Park.

The purpose of a grey nurse shark area is to protect grey nurse shark populations and their habitat and to minimise harm or distress caused directly or indirectly by diving or other activities. The grey nurse shark is at risk of extinction and is listed as endangered under the *Nature Conservation Act 1992*.

The 3 existing grey nurse shark areas from the repealed Moreton Bay Marine Park Zoning Plan are retained in the *Marine Parks (Moreton Bay) Zoning Plan 2008*. The entry and use provisions that currently apply in these areas are also retained.

Subdivision 1 Objects of grey nurse shark areas

Subdivision 1 states the objects for the grey nurse shark area and are in addition to the objects of the zone in the same area.

Subdivision 2 General restrictions

Subdivision 2 outlines the purposes for which a person may enter or use the grey nurse shark area. Penalties apply.

Subdivision 3 Restrictions for tourism program operators

Subdivision 3 states that a tourism program operator must give information about the restrictions applying to a grey nurse shark area to a person participating in the tourist program before the person enters the water in the grey nurse shark area. The operator must also display appropriate signage stating the restrictions which apply to the area. This subdivision further states that there are restrictions on the number of persons able to dive in the grey nurse shark area in a group and outlines how the group may be comprised. Penalties apply for contravention of this subdivision.

Subdivision 4 Restrictions for dive clubs

Subdivision 4 applies to dive club members conducting diving activities in a grey nurse shark area. It states that a dive club or each relevant person for the club must provide information to a member, guest or visitor of the club about the restrictions which apply to the grey nurse shark area before the

member, guest or visitor enters the water. A dive club or each relevant person for a dive club must also display appropriate signage stating the restrictions which apply in the area. Penalties apply for contravention of this subdivision.

Subdivision 5 When entry and use prohibited

Subdivision 5 states the purposes for the making of a prohibited area notice in relation to a grey nurse shark area by the chief executive. It outlines what a prohibited area notice is required to state and where it must be published, when it takes effect, for how long and the process for an extension.

It states that a person must comply in an area prescribed by a prohibited area notice unless they have a reasonable excuse. Penalties apply for contravention of this subdivision.

This subdivision also states that a prohibited area notice overrides any inconsistency with a restricted access area notice or with this plan (other than section 66 of the plan).

Division 4 Go slow areas for turtle and dugong

Division 4 states the objects for a go slow area for turtle and dugong. The purpose of a go slow area for turtle and dugong is to protect these species from injury, death or disturbance caused by the operation of vessels, particularly through speed. This division outlines that a person must not operate in a planning or non-displacement mode or conduct motorised water sports in a go slow area for turtle and dugong.

The go slow areas for turtle and dugong under the repealed zoning plan will be retained in the *Marine Parks (Moreton Bay) Zoning Plan 2008* with some extensions and additional areas. This division introduces a new provision specific for vessels longer than eight metres which states the maximum speed these vessels can operate in specific listed go slow areas. Penalties apply for contravention of this division.

This section also provides a permit exception for the Bay Islands Transit System in specifically listed go slow areas. The purpose of the exemption is to allow continued passenger ferry operations while further work is

undertaken to develop options for mitigating the risks of boat strike on local dugong populations.

Division 5 Go slow areas for natural values

Division 5 states the object and special management provisions for a go slow area for natural values. These areas protect the natural integrity and presentation of the relatively undisturbed values of selected areas by reducing boat speed.

The division outlines what a person must not do in a go slow area for natural values including operate in a planing or non-displacement mode or for motorised water sports. Penalties apply for contravention of this division.

Division 6 Material extraction areas

Division 6 states the object for a material extraction area. These areas have been retained from the repealed Moreton Bay Marine Park zoning plan to allow for continued extraction of sand. This division outlines that these areas are set aside to provide specifically for the extraction of sand and that a permit is required. The chief executive must not grant a permit to extract sand in an area outside a material extraction area, unless the extraction is associated with a facility or works. Penalties apply for contravention of this division.

Division 7 Disposal and extraction area

Division 7 states the object for the disposal and extraction area. It outlines that this area is set aside to provide specifically for dredged sand to be deposited into the area and subsequently extracted when needed for purposes such as beach nourishment. A permit may be granted to allow these activities to occur in the area. Permission must not be granted to conduct this activity outside the disposal and extraction area. Penalties apply for contravention of this division.

Division 8 Material disposal area

Division 8 states the object for the material disposal area. It outlines that the area provides specifically for the disposal of dredged material in the marine park and that a permit is required for this activity. Permission must not be granted to deposit dredged material other than in the material disposal area unless the disposal is associated with a facility or works permission. In these instances the chief executive may consider alternate disposal if the dredged material has a social, economic or environmental benefit to the marine park, such as use for beach protection or to maintain marine and coastal processes. In these cases, the chief executive will consider an alternative disposal site, provided it can be demonstrated that the dredged material is uncontaminated and that disposal at the alternative location is consistent with the zone. Penalties apply for contravention of this division.

Division 9 Mooring areas

Division 9 states the object for a mooring area. It outlines the requirements for installing a mooring within a mooring area, and that if installed in accordance with these guidelines the mooring does not require a permission. The requirements include provisions about mooring equipment and its interaction with the sea bottom in the mooring area. Penalties apply for contravention of this division.

Division 10 No-anchoring areas

Division 10 states the objects for a no-anchoring area. It outlines that a person must not anchor in a no-anchoring area to help protect coral habitats from damage caused by anchoring. Penalties apply for contravention of this division.

Division 11 Works areas

Subdivision 1 Preliminary

Subdivision 1 defines major works and also states that the object of a works area is to establish an area where major works that are necessary for the public benefit may be carried out. Major works includes activities such as port and harbour works, airport works and developmental dredging of a navigation channel or boat harbour.

Subdivision 2 General restrictions

Subdivision 2 outlines that a permit is required to conduct major works in a works area and that a permit for major works may not be granted outside a works area.

Subdivision 3 Setting aside works areas

This subdivision outlines that a works area may only be established in a general use zone and a habitat protection zone and that before declaring a works area the Minister will consider a number of requirements.

The chief executive may require the person proposing the major works to give public notice of the activity, there are a number of requirements that apply to the public notice. This subdivision also provides guidelines for the chief executive to request further information in relation to the proposed major works.

Part 5 Additional purposes for entry or use

Part 5 prevails over any other provision of the zoning plan.

This part outlines the purposes for which a person may enter or use an area in the marine park without permission or without notifying the chief executive such as for dealing with an emergency.

The part also outlines the purposes for which a person may enter or use an area in the marine park without a permission after giving notice to the chief executive. For example, notification is required for activities such as the maintenance or relocation of navigation aids. This section allows the chief executive to apply conditions to the activity if required.

The purposes in this part relate to emergencies, undertaking functions under the Act, maintaining navigational aids and navigation channels, defence activities and other similar functions. This part is consistent with other state marine parks.

Part 6 Provisions about accreditation

Division 1 Traditional use of marine resources agreement

Subdivision 1 Preliminary

Subdivision 1 provides that the chief executive may accredit a traditional use of marine resources agreement for this zoning plan and outlines how this section applies if the chief executive is required to give a notice under this division.

Subdivision 2 Applications

Subdivision 2 states that a person may apply to the chief executive for accreditation of a traditional use of marine resources agreement and outlines the application process. This subdivision outlines the requirements for the application, what the chief executive must have regard to when considering an application and the process for the chief executive to make a request for additional information to support an application.

The chief executive must consider each proper application in accordance with the requirements of this subdivision and either grant or refuse it.

If an application is refused, the chief executive must give the applicant a written notice stating the decision and reasons for refusal within 14 days of making the decision. If the chief executive grants the application they must provide the applicant with a written notice stating when the agreement comes into effect and ceases to have effect.

The chief executive may impose certain types of conditions on an accreditation of a traditional use of marine resources agreement and when the accreditation is in force is outlined in this subdivision.

Subdivision 3 Amendment, suspension or cancellation of accreditations

Subdivision 3 outlines the grounds for which the chief executive may amend, suspend or cancel an accreditation of a traditional use of marine resources agreement and the required procedure for doing any of these. It also states that notice is required to be given to the holder of a traditional use of marine resources agreement when it is amended, suspended or cancelled as to when this is effective. It also provides that the holder of a traditional use of marine resources agreement may terminate the agreement and state when the agreement ceases to take effect.

Division 2 Authorisations under accredited traditional use of marine resources agreements

Division 2 outlines what the holder of a traditional use of marine resources agreement is required to do to authorise another person to carry out an activity under the agreement and what activities that authorised person (who is taken to be a traditional owner) can carry out under the agreement.

Division 3 Accreditation of educational or research institution

This division states that the chief executive may apply conditions to an accreditation of an educational or research institution granted in accordance with the *Marine Park Regulation 2006* (the **regulation**).

This division also outlines additional provisions to the regulation for the cancellation of an accreditation and the grounds for amendment and suspension of an accreditation. The process for effecting the cancellation, amendment and suspension is also given.

A process for an educational or research institution to terminate an accreditation is provided in this division.

Part 7 Restrictions on activities in the marine park

Part 7 provides further detail on restrictions that apply to certain activities that may be conducted under the zone entry or use provisions.

Division 1 General restrictions

For bait netting, this division outlines what type of nets may be used for recreational and commercial bait netting and the relevant sections of the *Fisheries Regulation 2008* that apply.

The equipment that may be used when crabbing in the marine park is also provided, and that the use of this equipment must be in accordance with the *Fisheries Regulation 2008*.

The restrictions that apply to fishing or collecting in the marine park are outlined in this part. This includes references to species in schedule 3 that are subject to collection limits. This part states that a person must also comply with the necessary requirements under fisheries legislation. Also provided are restrictions that apply to the operation of commercial fishing vessels and their associated tender vessels.

The zone entry and use provisions under part 3 allow the conduct of limited impact research (extractive) and limited impact research (non-extractive) by accredited research institutions without a permit. The types of research that may be conducted as limited impact research (extractive and non-extractive) are outlined in this section. It outlines the types of samples that may be taken, for example water and sediment samples, the research aids or equipment that may be used to take the samples and any restrictions that apply when conducting the sampling.

Equipment that must not be used when conducting limited spearfishing is outlined in this part, including equipment such as a powerhead, a firearm, a light and underwater breathing apparatus, other than a snorkel.

The division gives purposes for which a person may enter or use an area in the marine park for the taking of an animal or plant of a protected species.

Division 2 Other restrictions

Division 2 outlines restrictions that apply to certain activities in the marine park, including prohibitions.

A person is prohibited from navigating in the marine park for longer than 120 days in a 12 month period. This does not apply to transport services that transfer passengers or vehicles in or through the marine park, such as water taxis. This section aims to prevent people establishing themselves permanently in the marine park such as a place of residence.

A person is also prohibited from causing unreasonable disturbance to shorebirds in the marine park. This includes ensuring dogs are controlled or restrained around shorebirds and vessels and vehicles operate in a way that does not cause disturbance to shorebirds.

This division outlines that a person gathering bloodworms for a recreational or commercial purpose must restore any disturbed habitat while conducting the activity, for example replacing seagrass sods in an upright position.

This division also outlines that scuba diving, snorkeling, spearfishing, commercial fishing, recreational fishing, charter fishing and anchoring may be managed by a regulatory notice at an artificial reef in the marine park. A regulatory notice may prohibit any of these activities from being conducted

at an artificial reef to help manage conflicting access and use, for example diving and recreational fishing.

Part 8 Repeal

Part 8 states that this zoning plan repeals the *Marine Parks (Moreton Bay) Zoning Plan 1997*.

Part 9 Transitional provisions

Part 9 outlines how changes in the provisions relating to entry or use of a zone from the repealed zoning plan are dealt with.

It outlines when permissions issued before the commencement of this zoning plan are still valid and that a permit is no longer valid if the activity prescribed in the permit is no longer allowed in that part of the marine park, such as a permit to conduct a fishing competition in an area that is now a marine national park zone. It also addresses how permit applications that are being assessed will be considered.

It states that if a permit is required under the *Marine Parks (Moreton Bay) Zoning Plan 2008* an application must be lodged to enter or use a zone where a permit is required. It also provides that those who have followed the appropriate process to apply for a permit may continue until the decision is made.

Transitional arrangements have been provided for aquarium collectors with an 'A1' aquarium fish fishery licence (issued under the *Fisheries Regulation 2008*) to have continued access to marine national park zones with a permit. Under the repealed zoning plan some aquarium collectors, with historic use, have access to the Flinders Reef buffer zone through a non-conforming use permit. Only these aquarium collectors will have continued permitted access to this area, now referred to as the Flinders Reef area, for the duration of the transitional arrangements. Access to the Flinders Reef area is not transferable. The transitional arrangements cease

to have effect on 1 March 2013, after this time aquarium collecting in a marine national park zone will be a prohibited purpose.

Schedule 1 Zones

Schedule 1 specifies the boundaries for each of the zones in the marine park.

Part 1 describes the general use zones.

Part 2 describes the habitat protection zones.

Part 3 describes the conservation park zones.

Part 4 describes the marine national park zones.

Schedule 2 Designated areas

Schedule 2 specifies the boundaries for each of the designated areas in the marine park.

Part 1 describes the grey nurse shark areas.

Part 2 describes the go slow areas for turtle and dugong.

Part 3 describes the go slow areas for natural values.

Part 4 describes the material extraction areas.

Part 5 describes the disposal and extraction area.

Part 6 describes the material disposal area.

Part 7 describes the mooring areas.

Part 8 describes the no-anchoring areas.

Part 9 describes the works areas.

Schedule 3 Protected and restricted species

Schedule 3 provides a list of the species that are protected in the marine park or for which their take or possession is restricted.

Part 1 lists species that are protected in the marine park.

Part 2 lists species that are not to be taken or possessed.

Part 3 lists species that can be taken or possessed within restrictions.

Schedule 4 Dictionary

Schedule 4 is the dictionary where particular terms used in the plan are defined.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.

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