

Marine Parks (Great Sandy) Zoning Plan 2024

Explanatory notes for SL 2024 No. 26

made under the

Marine Parks Act 2004

General Outline

Marine Parks (Great Sandy) Zoning Plan 2024

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Authorising law

Sections 21 to 24 and 150 of the *Marine Parks Act 2004*

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 approve a zoning plan prepared by the Minister. The zoning plan is subordinate legislation.

A zoning plan made by the Minister for a marine park—

- must state for each zone or designated area, the name, objects to be achieved and the purpose for entry and use
- must define the external boundaries of each zone or designated area by a map or an appropriate description
- may provide for the reclamation of tidal land
- may provide for offences of not more than 165 penalty units.

Policy objectives and the reasons for them

The key policy objective of the *Marine Parks (Great Sandy) Zoning Plan 2024* 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 the Great Sandy Marine Park and to ensure its sustainable use for the enjoyment and benefit of present and future generations.

The Great Sandy Marine Park is an area of exceptional conservation value, surrounding the internationally significant K'gari (Fraser Island) World Heritage Area and encompassing the Great Sandy Strait, a Ramsar Wetland of International Significance. Eleven Fish Habitat Areas (FHAs), declared under the *Fisheries Act 1994* to protect habitat important for the State's fisheries from the impacts of coastal development, are also present within the marine park. There are six groups of First Nations peoples with a connection to the waters identified as the Great Sandy Marine Park: the Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda peoples, the Butchulla people and the Kabi Kabi people.

Like all Queensland marine parks, the Great Sandy Marine Park is a multiple use marine protected area established to support the long-term protection of the natural and cultural values of the area while providing opportunities for a range of uses, such as recreational and commercial fishing, boating, research, coastal works and tourism. The Great Sandy Marine Park Zoning Plan (the zoning plan) provides the management detail for the protection of the natural, cultural and use values of the marine park and aims to balance its ecologically sustainable use.

Achievement of policy objectives

The zoning plan establishes and defines the location of a network of spatially defined zones which afford different levels of protection and use, details special management arrangements for particular values or uses at specific locations, e.g. via designated area provisions, and applies offence provisions and penalties for non-compliance with zoning plan requirements. The objects to be achieved for each zone type are stated in Schedule 1 of the *Marine Parks Regulation 2017*. The zoning plan includes entry or use provisions for each zone and designated area that specify activities that are either as of right or require permission. Section 134 of the *Marine Parks Regulation 2017* indicates that activities that are not stated in a zoning plan as a purpose for which a marine park may be entered or used with a permission or without a permission, are prohibited.

Some activities provided for in the entry or use provisions may be managed through accreditation, for example, a harvest fishery. The zoning plan also allows for some historic, ongoing or emergency activities to be conducted either as of right, with permission or with notification. The zoning plan also provides for the accreditation of Traditional Use of Marine Resources Agreements, developed by First Nations people with sea Country in the marine park.

The Great Sandy Marine Park was first established in 2006. The zoning plan established at that time, was remade in 2017 to ensure the continuation of zoning plan rules while the first comprehensive statutory review of the zoning plan, required every 10 years for subordinate legislation under the *Statutory Instruments Act 1992*, could be undertaken. The *Marine Parks (Great Sandy) Zoning Plan 2024* is the outcome of this comprehensive review and replaces the *Marine Parks (Great Sandy) Zoning Plan 2017*.

With the aim of ensuring the Great Sandy Marine Park continues to contribute to the delivery of the purpose of the *Marine Parks Act 2004* to conserve the marine environment, the review of the *Marine Parks (Great Sandy) Zoning Plan 2017* investigated, among other things, whether management arrangements:

- conformed with contemporary marine protected area management principles

- adequately represented the range of habitat types and protected threatened species that occur within the park
- conserved natural and cultural values, in view of emerging threats, while allowing for a range of sustainable uses (both recreational and commercial) to occur.

The review assessed the continued need, effectiveness and efficiency of the *Marine Parks (Great Sandy) Zoning Plan 2017* and as a result recommended a range of changes to improve its effectiveness in achieving its purpose.

Problems identified with the *Marine Parks (Great Sandy) Zoning Plan 2017* were based on recommendations of the independent Scientific Reference Group (SRG), government priorities and community feedback, received prior to and during the zoning plan review, from First Nations peoples' representative bodies, key stakeholder and user groups, scientists, local government and the community.

The SRG, comprising experts from a range of disciplines established for the *Marine Parks (Great Sandy) Zoning Plan 2017* review, developed recommended guiding principles (9 bio-physical, 5 socio-economic and 4 general management principles) through consideration of the CARE (Comprehensive-Adequate-Representative-Efficient) and other marine protected area planning principles, and the United Nations Convention on Biological Diversity (CBD) global biodiversity targets (which provide that at least 30% of coastal and marine areas be protected and conserved).

The *Marine Parks (Great Sandy) Zoning Plan 2024* includes a number of changes compared to the *Marine Parks (Great Sandy) Zoning Plan 2017* (the repealed zoning plan), to address identified problems and improve conservation of the marine environment within the Great Sandy Marine Park. Changes balance the imperative to conserve the unique values (environmental, social, cultural and economic) of the marine environment in the Great Sandy Marine Park and to ensure its sustainable use for the enjoyment and benefit of present and future generations.

Other minor changes in relation to the repealed zoning plan have been made to improve clarity, remove obsolete provisions, reduce unnecessary regulatory burden, improve complementarity with the management of other State marine parks, address flow on effects for other proposed zoning plan changes and reflect contemporary legislative drafting standards.

The prescribed maximum penalty amounts for zoning plan offences are consistent with similar offences under other State environmental and wildlife management legislation. A number of new maximum penalties have been prescribed and a number of low maximum penalties that existed under the repealed zoning plan have been increased, to better reflect the impact that a person committing the offence may cause on the values of the marine park. In prescribing the maximum penalty for zoning plan offences, consideration was given to section 24(2)(b) of the *Marine Parks Act 2004* which allows a marine park zoning plan to provide for a maximum penalty of not more than 165 penalty units for a contravention of the plan. Associated new and increased penalty infringement notice values have been implemented by amendment to the *State Penalties Enforcement Regulation 2014*. These largely relate to the enforcement of the zoning plan's designated area provisions.

References to latitude and longitude used throughout the zoning plan use the Geocentric Datum of Australia 2020 (GDA2020). The use of this datum meets a Queensland Government policy objective to transition spatial information in use throughout Queensland from previously used datums to GDA2020, the current national geodetic datum adopted for Australia.

The *Marine Parks (Great Sandy) Zoning Plan 2024* commences on 21 May 2024.

Consistency with policy objectives of authorising law

The *Marine Parks (Great Sandy) Zoning Plan 2024* is consistent with the main objective of the *Marine Parks Act 2004* which is to provide for the conservation of the marine environment. This purpose is achieved by giving effect to the *Marine Parks Act 2004* and maintaining legislation, as far as practicable, in line with other Queensland state marine park zoning plans and the Commonwealth's marine park legislation for the Great Barrier Reef.

In accordance with section 28 of the *Marine Parks Act 2004*, the Minister for the Environment and the Great Barrier Reef and Minister for Science and Innovation has tabled a statement in the Legislative Assembly which identifies locations where small parts the Marine National Park zone, Conservation Park zone and Habitat Protection zone in the repealed zoning plan have been assigned a lower level of protection in the *Marine Parks (Great Sandy) Zoning Plan 2024*. The statement includes the reasons for the decrease in protection.

Inconsistency with policy objectives of other legislation

There are no inconsistencies with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative to achieving the policy objective. It is essential the *Marine Parks (Great Sandy) Zoning Plan 2024* is made in order to support the continuation of conservation and management of the marine environment in the Great Sandy Marine Park.

Non-regulatory changes, such as attempting to achieve the desired objectives through improved public education programs, were considered at a broad scale, including an assessment of the costs, benefits and feasibility of improved public education programs to achieve the desired outcomes. However, this was considered unlikely to be as effective in achieving conservation outcomes, without a regulatory basis to support behavioural change. The absence of a regulatory framework for management, permitting and compliance would have placed the natural and cultural values of the Great Sandy Marine Park, as well as the use of the marine park, at an unacceptable risk.

Consideration of alternative ways of addressing problems with the repealed zoning plan and potential options to address them, including a preferred approach, were set out within the Consultation Regulatory Impact Statement (CRIS). The Decision Regulatory Impact Statement (DRIS) presented the outcomes of the review of the *Marine Parks (Great Sandy) Zoning Plan 2017* and articulated decisions for inclusion in a new zoning plan (the *Marine Parks (Great Sandy) Zoning Plan 2024*) to address the key problems identified in the CRIS,

including any modifications to the preferred approach presented in the CRIS, informed by consultation feedback.

Benefits and costs of implementation

The *Marine Parks (Great Sandy) Zoning Plan 2024* includes management arrangements for Great Sandy Marine Park, some which are significantly changed from those under the repealed zoning plan. The *Marine Parks (Great Sandy) Zoning Plan 2024* will result in substantial benefits for the conservation of the natural and cultural values within the marine park and will improve management of specific threats to fauna, support ecosystem resilience and address a range of specific issues of concern to the public. However, these conservation initiatives will also result in some corresponding costs to existing uses conducted within the marine park, particularly some of the extractive uses.

The recreational fishing sector will experience localised loss of access to some valued fishing grounds, particularly resulting from the expanded Marine National Park zone network. However, it is expected that these localised impacts will be more than offset by the improved recreational fishery within Baffle Creek, Elliott River, Burrum River system, Great Sandy Strait and Tin Can Inlet that will result over time from the prohibition of commercial netting with large mesh gill nets and ring nets within those waterways. The government commitment to fund the construction of additional artificial reefs and boating infrastructure within the marine park, combined with the spill-over effects from the additional Marine National Park zones that is expected to occur over time for some species, will further enhance the recreational fishery within the marine park. Overall, it is predicted that the recreational fishery within the marine park will be significantly enhanced under the *Marine Parks (Great Sandy) Zoning Plan 2024*.

Commercial fishers will be the most significantly and directly impacted stakeholder group from the management arrangements in the *Marine Parks (Great Sandy) Zoning Plan 2024*. Overall impacts to the trawl, crab, line and harvest fishing sectors are predicted to be low to moderate, primarily resulting from reduced access to fishing grounds from the expansion of the Marine National Park zone network and changes to other zones. Impacts to the net fishing sector however, are more significant. In addition to impacts from the broadscale zoning changes, the net fishing sector will be impacted by the removal of the designated Great Sandy Area from the Conservation Park zone of Baffle Creek, Elliott River, Burrum River system, Great Sandy Strait and Tin Can Inlet and the resultant prohibition of the use of large mesh gill nets and ring nets within those waterways.

The provisions to better manage commercial gill net and ring net fishing within the marine park to address user conflict also complement initiatives of the Australian and Queensland governments to phase out the use of gill nets in the Great Barrier Reef (GBR) World Heritage Area. As is the case in Great Sandy Marine Park, the changes in the GBR have been implemented to address local and international concern with the threats that gill nets present to threatened species, such as dugong and turtles.

Overall, the combination of changes between the repealed zoning plan and the *Marine Parks (Great Sandy) Zoning Plan 2024* are estimated to reduce the commercial fishing catch across all fisheries within the marine park by approximately 35%, with this reduced catch having a value of approximately \$2.5-3m (GVP) per year (noting that catch naturally varies from year

to year). The majority of this impact, 79% by catch weight, will result from impacts on the net fishery (in particular to the large mesh gill net component of the net fishery).

A comprehensive impact mitigation package for the commercial fishing and post-harvest seafood sectors, which includes ex-gratia payments for lost probable income over 3 years from areas impacted by zoning plan changes, fishing licence and fishing symbol buybacks, support for retraining of employees and support for seafood processors and wholesalers, is being implemented to address these commercial fishing related impacts.

Impacts to other users of the marine park from the provisions contained in the *Marine Parks (Great Sandy) Zoning Plan 2024* are expected to be minor, with the nature-based tourism and charter sectors expected to become more secure.

Local governments and communities living adjacent to the marine park are expected to benefit from a zoning network of Habitat Protection and General Use zones that provide for the delivery of more effective responses to climate change impacts, such as increased risks of shoreline erosion.

An impact analysis comparing the costs and benefits of the *Marine Parks (Great Sandy) Zoning Plan 2024* to the *Marine Parks (Great Sandy) Zoning Plan 2017* was provided in the CRIS, based on quantitative (where data was available) and qualitative assessment measures. A further overview of costs and benefits for management arrangements under the *Marine Parks (Great Sandy) Zoning Plan 2024* is provided in the DRIS.

Consistency with fundamental legislative principles

The *Marine Parks (Great Sandy) Zoning Plan 2024* has been prepared with regard to the fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992*. There are two FLPs which certain provisions of the *Marine Parks (Great Sandy) Zoning Plan 2024* are inconsistent with. They are:-

- Common law rights to freedom of movement and
- Right to conduct business without interference.

Common law rights to freedom of movement

There are four instances in which the zoning plan places restrictions on public entry to specific designated areas in the marine park. These areas are the Ex-HMAS Tobruk area, the grey nurse shark area, the Mon Repos area and the seasonal shorebird closure area.

Ex-HMAS Tobruk Area

This designated area, covering an area of 1.34 km² (0.02% of the marine park), limits access to the dive site of the ex-HMAS Tobruk to only those persons who have a permission to enter the area for diving and snorkelling, to undertake research or another activity that is relevant to and a priority for the management of the area or that would be beneficial for the area. The purpose of the area is to manage and maintain the wreck while providing for safe opportunities to appreciate, understand and enjoy the area and minimise harm or distress to living organisms in the area.

Restricting access to the area, unless the person has a permission, ensures that its use is limited to activities that are in keeping with the objects of the area, maintains its recreational

value as a popular dive location and safeguards the area from conflicting uses. Further, the restriction on access by other marine park users, e.g. those traversing in vessels, aids in management of the area from a diving safety and utility perspective.

Grey Nurse Shark Area

The grey nurse shark area, covering an area of 17.98 km² (0.29% of the marine park), is a designated area that provides protection to the critically endangered grey nurse shark and mitigates the impacts of disturbance by divers on their natural behaviour through regulation of diver activities within the area. This location is one of only four key aggregation sites for grey nurse sharks in Queensland and the only known site in the Great Sandy Marine Park. Importantly, it is also the only known gestation site for pregnant female grey nurse sharks on the east coast of Australia with approximately half of the mature female sharks, that comprise the total east coast population of approximately 2000 individuals, being recorded in the area.

There are times when urgent action, such as the prohibition of entry to the area, may be required to deal with a threat to a grey nurse shark in the area. Removal of any risks posed by human presence or interference through the implementation of a Prohibited Area Notice, maximises the success of an urgent action being undertaken to support the survival of the critically endangered grey nurse shark. If implemented, a Prohibited Area Notice cannot be in effect for more than 180 days (which includes one extension of 90 days) and would only be utilised if the chief executive decides that urgent action is required. Such a decision would be informed by expert, technical advice and is unlikely to be required very often.

Mon Repos Area

Mon Repos is an internationally significant turtle rookery, with the beach at Mon Repos supporting the largest number of nesting loggerhead turtles on the eastern Australian mainland. It is also one of the two largest rookeries for this species in the South Pacific Ocean. Successful breeding here is critical for the survival of this endangered species. Nesting turtles, hatchlings, and fragile nesting sites are at risk of disturbance and interference from members of the public who are not part of ranger-led tours.

By restricting public access to the Mon Repos area, which covers an area of 1.02 km² (0.02% of the marine park) between the hours of 6pm and 6am from 15 October to 31 May each year to only those persons taking part in a Queensland Parks and Wildlife Service Ranger guided tour or conducting research and monitoring in the area, the managing agency is able to regulate the total number of people on Mon Repos beach and manage their movement around turtles and nests. This contributes to protection of turtles by reducing the risk of disturbance, interference and stress for each nesting turtle and emerging hatchlings, and improving research capacity to inform efforts to improve the long-term survival of threatened species.

The access restriction has been tailored to the turtle nesting season, i.e. between 15 October and 31 May, and only applies during the times, i.e. between 6pm and 6am, that are considered most critical for nesting turtles and hatchlings and therefore when they are most at risk from the impacts of disturbance.

Seasonal Shorebird Closure Area

The purpose of designated seasonal shorebird closure area, covering an area of 1.12 km² (0.02% of the marine park), is to prevent direct and indirect human disturbance of shorebirds, particularly migratory shorebirds at the marine park's four most significant shorebird roost sites. Many shorebird species are listed as endangered or critically endangered and all

migratory shorebirds are considered as Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (C'th). The seasonal shorebird closure area provisions prohibit public access to these areas from 1 September to 31 October (when birds arrive in the marine park depleted in energy after their migration from the northern hemisphere) and between 1 March to 30 April (when birds need to gain weight for their return journey to the northern hemisphere breeding grounds). Evidence shows that shorebirds take flight when disturbed and that repeated disturbance depletes critical energy reserves and can prevent individuals from gaining the necessary weight to successfully complete their migration and breed. The populations of a number of migratory shorebird species are declining within the marine park, some by more than 10% per year.

Preventing public access to the four most significant roost sites within the marine park at these critical times is intended to minimise the risk of human disturbance (which has been recorded at each of the 4 sites) and help reduce further declines in the population of several threatened shorebird species, through maximising their chance of successful migrations for breeding.

The restrictions prohibiting access at Mon Repos, the four seasonal shorebird closure areas and the grey nurse shark area, apply to small and discrete areas in the marine park for specific periods of time, and have been put in place to protect threatened species at critical times during their life cycle when they are most susceptible to disturbance from human activity. Restrictions on access support Australian Government commitments and obligations to protect biodiversity and threatened species as a signatory to several international conventions and agreements.

Right to conduct business without interference

The Great Sandy Marine Park is an area of high ecological and cultural value. Meeting the community's clear expectation for the new zoning plan to provide greater protection of these values could not be delivered without a level of interaction and impact on businesses that undertake commercial extraction of natural resources from the areas of the marine park that were identified for increased protection. As the commercial fishing sector is the principal industry involved in the commercial extraction of natural resources from the marine park, it is the businesses involved in that industry that are impacted by changes to increase protection.

Amendments to provisions in place under the repealed zoning plan such as the removal of the designated Great Sandy Area, the expansion in area of highly protected zones, and the associated prohibition or limitation of certain forms of commercial fishing (trawl, line pot net and harvest) from parts of the marine park will result in impacts on the commercial fishing sector to varying degrees.

A number of provisions and management arrangements that affect commercial fishing have been introduced in recognition of threats that particular fishing methods (specifically the use of large mesh gill nets and ring nets) present to threatened species within particular areas of the park. The arrangements, that restrict the areas of the park within which these gill nets can be used, complement a recent government decision to phase out the use of these gill nets within the GBR World Heritage Area by mid-2027 and more broadly, the government's objective to improve the ecological sustainability of the fishing industry in Queensland. While the prohibition of large mesh gill nets and ring nets from large areas of the park has significant impacts on the commercial net fishery, other forms of commercial netting that present a lower risk to threatened species (i.e. set pocket, tunnel, ocean beach and bait

netting) have been allowed to continue largely unchanged, to maintain some local net caught fish and prawns for supply to the public and to support jobs in the local fishing industry.

Changes to commercial fishing activities in the marine park are expected to provide a net benefit to Queensland and deliver long-term benefits for the community, through better protecting biodiversity, sustaining habitats and species and increasing productivity of ecosystems, leading to increased opportunities for cultural, recreational and other commercial activities.

The government has recognised that the new zoning plan will result in some commercial fishers operating in affected fisheries in the marine park will need to modify their fishing operations, move to alternative fishing locations to remain economically viable or exit the industry. These impacts on individual fishers are being addressed with an impact mitigation package to support fishers and associated post-harvest seafood businesses directly affected by the zoning plan. This package includes ex-gratia payments for lost probable income over 3 years from areas impacted by zoning plan changes, fishing licence and symbol buybacks and support for retraining.

Consultation

Since 2019, the Department of Environment, Science and Innovation (the department) has undertaken extensive consultation with the community, First Nations peoples, local councils, scientists and key stakeholder groups on the zoning arrangements in the marine park, to inform the *Marine Parks (Great Sandy) Zoning Plan 2024*.

Based on feedback received from public consultation on the '*Great Sandy Marine Park Discussion Paper: Zoning Plan Opportunities*' in early 2019, independent advice from the Great Sandy Marine Park Scientific Reference Group, and consultation with local and state government, First Nations peoples, and other key stakeholders, a Consultation Regulatory Impact Statement (CRIS), that included an outline of the proposed provisions for a revised zoning plan was released for public consultation between 23 September and 23 October 2022.

The CRIS included options to address issues of:

- habitat protection—proposing increases to the proportion of the marine park, and the range of habitats represented, within highly protected zones and the introduction of location specific initiatives to better manage a range of habitat impacting uses,
- threatened species protection – proposing increases to the area of threatened species habitats protected within highly protected zones and the introduction of location specific management to deal with risks to these species from particular uses,
- user conflict between fishing sectors—proposing the prohibition of some forms of commercial net fishing in parts of the Conservation Park zone (known as the Great Sandy Area (GSA),
- protection of cultural values—proposing additional management of uses with certain areas of high cultural value,
- management of Platypus Bay to complement K'gari management—proposing management of particular uses to protect the amenity values of this remote area of the marine park,
- coastal management and alignment with declared Fish Habitat Areas—proposing modification of existing zones to support improved coastal management outcomes,

public infrastructure delivery and better consistency with Fish Habitat Area management,

- offence penalties and a range of other amendments—proposing increases to maximum penalties for some offences,
- description of the marine park and zone boundaries—proposing the use of a contemporary method to better describe the marine park and zone boundaries.

Key recommended options included proposals to prohibit the use of commercial large mesh gill nets and ring nets from conservation zones within the GSA and to increase the proportion of the marine park in the highest protection Marine National Park zone from 3.9 to 12.8 per cent.

Stakeholders and the community were invited to provide input on the proposed changes via an online survey or by submitting their feedback in writing.

During the public consultation period, information about the draft zoning plan was distributed via traditional media, social media, newspaper and online advertising, email, posters, stickers and flyers, potentially reaching more than 1.5 million people and generating more than 21,000 visits to the consultation website. More than 443,000 of this audience was within the Great Sandy Marine Park local communities of Fraser Coast, Bundaberg, Gympie and Tin Can Bay.

During this period, the department held over 40 stakeholder meetings and received 1245 online survey responses and 215 written submissions. Two of these written submissions were ‘campaign form letters’, generated by the Australian Marine Conservation Society (4056 letters) and the Queensland Seafood Industry Association (1066 letters) and one of the submissions was from the Great Sandy Alliance which represented the views of 26 organisations from the conservation and tourism sectors.

Extensive engagement with First Nations peoples’ representative bodies (Port Curtis Coral Coast Trust Limited, Butchulla Native Title Aboriginal Corporation, Butchulla Aboriginal Corporation and Kabi Kabi Peoples Aboriginal Corporation) occurred, respectfully acknowledging that First Nations peoples have a strong and enduring connection to the land and sea Country within and in areas adjoining the marine park.

Community and stakeholder consultation indicated strong support for the majority of proposed changes in the CRIS. In most cases the proposed changes were either supported as is, or with suggested modifications. These modifications were mostly in relation to the location or boundary alignment of particular Marine National Park zones. The only proposal that was strongly opposed by the majority of respondents (70%) was the proposal to allow commercial tunnel netting to continue within the Conservation Park zone of the Great Sandy Strait and Tin Can Inlet. However, to retain a supply of local inshore finfish and recognising its lower risk to threatened species, the *Marine Parks (Great Sandy) Zoning Plan 2024* provides for tunnel netting in these areas to continue.

Analysis of the consultation feedback, commissioning of further specialist economic and technical advice and engagement across government informed the final adjustments to the zoning and management changes that have been incorporated in the *Marine Parks (Great Sandy) Zoning Plan 2024*.

Advice was sought from the Office of Best Practice Regulation (the OBPR) in relation to both the CRIS and DRIS. In both cases, the OBPR made an assessment in regard to the adequacy criteria specified in *The Queensland Government Guide to Better Regulation* (the former guidelines) and determined in both instances, that each RIS met the requirements of the former guidelines and was adequate for publication.

Notes on provisions

A description of the main provisions for each part of the zoning plan is provided below, in summarising the framework of the plan and including relevant background information regarding changes from the *Marine Parks (Great Sandy) Zoning Plan 2017* (the repealed zoning plan). The relationship between the different parts of the plan is also defined.

Part 1 Preliminary

Division 1 General

Division 1 states the zoning plan may be cited as the *Marine Parks (Great Sandy) Zoning Plan 2024* or as the Great Sandy Marine Park Zoning Plan. It also states the zoning plan commences on 21 May 2024 and applies to the Great Sandy Marine Park.

To note, the extent of the marine park is described in schedule 3 of the Marine Parks (Declaration) Regulation 2006. Section 20 of the *Marine Parks Act 2004* describes what the park comprises, being the land and waters in the park's declared area and the park's associated airspace (meaning the airspace to the height of 915m above the park) and subsoil (meaning the subsoil to a depth of 1km below the surface of the park) and other natural and cultural resources.

Division 1 acknowledges section 211 of the Commonwealth *Native Title Act 1993* that provides for the 'Preservation of certain native title rights and interests'. Section 211 allows for native title holders to be exempted from laws which restricts their ability to exercise native title rights. The effect of section 211 of the Commonwealth *Native Title Act 1993* in the application of the zoning plan, is that native title holders¹ may undertake traditional hunting, fishing, gathering, and partake in cultural or spiritual activities, throughout the marine park without permission, if the requirements of section 211 of the *Native Title Act 1993* are satisfied. Section 211 applies if an activity is for the purpose of satisfying the native title holder's personal, domestic or non-commercial communal needs and in the exercise or enjoyment of their native title rights and interests.

¹ A native title holder is someone who holds native title, s224 Commonwealth Native Title Act 1993

Division 2 Interpretation

Subdivision 1 Definitions and key concepts

Subdivision 1 provides for definitions and key concepts. It states that the dictionary in schedule 6 defines particular words used in the zoning plan. It also refers to the *Marine Parks Regulation 2017* for the meaning of terms not defined under the zoning plan.

Subdivision 1 outlines the ‘Meaning of anchor a vessel or aircraft’ and the ‘Period for which vessel or aircraft taken to be anchored’. These are both new sections in the zoning plan to improve clarity on the regulation of anchoring in the marine park.

It is specified that ‘anchor a vessel or an aircraft’ includes securing the vessel or aircraft in any way, to a thing, other than an approved mooring or lawful structure. ‘Anchoring’ therefore includes tying up a vessel to a mangrove, for example, but does not include securing a vessel to a lawful jetty, pontoon, wharf or mooring piles. Grounding a vessel or aircraft and using an anchor chain or rope to limit the movement of a vessel or aircraft (e.g. dropping an anchor and hence securing a vessel to the seabed) are also included in the meaning of anchoring. In all of these circumstances, the restrictions specified in the entry or use provisions for each zone in part 2 in relation to the length of time a vessel or aircraft can remain in a particular place in the zone without permission apply.

Definitions for both ‘approved mooring’ and ‘lawful structure’ are provided.

While the period of time a vessel or aircraft can anchor is retained from the repealed zoning plan, section 6 clarifies that a person is taken to continue to anchor a vessel at the place during the period unless, during the period, the vessel is moved and anchored more than 1 nautical mile from the place. This clarification supports the intent of this provision to prevent anchoring being a long-term vessel storage option within the marine park.

To note, anchors and anchor chain or rope left in place (e.g. with a float attached) without a vessel attached, would be regarded as an unauthorised mooring in the marine park.

Subdivision 2 Other interpretative provisions

Subdivision 2 provides further technical information on the interpretation of the zoning plan, including that the datum of the latitudes and longitudes used to describe zones, designated areas and other locations in the plan is GDA2020.

Subdivision 2 states that references to zones and designated areas by names are identified as references to zones established under section 12(1) and described in schedule 1, and as references to designated areas established under section 25(1) and described in schedule 2.

When fish habitat area names are referenced in the zoning plan, it is a reference to the declared fish habitat area of that name under the *Fisheries Act 1994*, as at the commencement of the zoning plan.

Part 2 Zones

Division 1 Preliminary

Division 1 specifies that if an authorisation or restriction applying to a person under part 2 is inconsistent with an authorisation or restriction applying to the person under part 4 or 6, then the authorisation or restriction under part 4 or 6 prevails to the extent of the inconsistency. For example, the restriction under part 2 that allows for only limited crabbing in Conservation Park (CP) zones, would not apply to a commercial fisher who is authorised to carry out commercial crabbing in the CP zone in compliance with the non-conforming use provisions under part 6.

The division includes a list of the zones established in the marine park, with the zones listed in ascending order of protection. It provides information to assist in interpretation of the zone boundary descriptions and identifies that schedule 1 describes the parts of the marine park comprising each zone. Schedule 1 prescribes the area of the marine park within each zone, using metes and bounds descriptions. This contemporary boundary description replaces the statutory plan (MP2) used in the repealed zoning plan to define zone boundaries (for further detail refer to the notes regarding schedule 1). The Marine National Park (MNP) zone network includes eight new and 12 expanded MNP zones compared to the repealed zoning plan, to improve habitat representation and conservation of the marine park's natural and cultural values. These changes to zoning result in 12.8% of the area of the marine park in MNP zones, contributing to a total of 28.6% of the marine park in highly protected zones (MNP and CP zones). Some zone changes (e.g. from CP zone to Habitat Protection (HP) zone) facilitate local government responses to increased threats of coastal erosion from climate change impacts and to facilitate public marine infrastructure upgrades.

Division 1 indicates that an indicative map is to be made available on the department's website to help users interpret the zone boundary locations.

Division 1 lists General Use (GU), HP, CP and MNP zones as the zones established for the marine park. The only buffer zone in the repealed zoning plan located at Wolf Rock, is replaced by a MNP zone, to improve protection for the critically endangered grey nurse shark.

Divisions 2 to 5 each refer to the *Marine Parks Regulation 2017* for the objects to be achieved for each zone type. The entry or use provisions, that specify the different purposes for which a person may enter or use the zone both without and with permission, are listed for each zone type. A 'permission' means a permission issued under the *Marine Parks Act 2004* (as defined in the *Marine Parks Act 2004* Dictionary). In accordance with the requirements of Section 5 of the *Marine Parks Act 2004*, as far as practicable, the entry or use provisions are consistent with those in the *Marine Parks (Moreton Bay) Zoning Plan 2019*, 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

General use (GU) 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 recreational and

commercial fishing, for example netting, crabbing, line fishing, trawling, aquaculture, research, works, and movement of ships.

The specific purposes for which a person may enter or use an area in a GU zone with, and without, permission are detailed in this division.

Division 3 Habitat Protection Zone

Habitat protection (HP) 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 GU 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 HP zone with, and without, permission are detailed in this division.

Division 4 Conservation Park Zone

As a highly protected area, Conservation Park (CP) zones are areas where most forms of large-scale extractive use, direct disposal into the area, private structures and major development are generally inconsistent with the objects of the zone. 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 prohibit trawling and most forms of netting and apply limits on line fishing and crabbing equipment.

The specific purposes for which a person may enter or use an area in a CP zone with, and without, permission are detailed in this division.

Division 5 Marine National Park Zone

Marine national park (MNP) zones provide the highest level of protection in the *Marine Parks (Great Sandy) Zoning Plan 2024*. These are areas where all forms of extractive use (including all forms of fishing), are prohibited and direct disposal into the area, development and most maritime infrastructure is considered inconsistent with the objects of the zone to provide whole-of-ecosystem protection.

The specific purposes for which a person may enter or use an area in a MNP zone with, and without, permission are detailed in this division.

The following notes provide clarification on any changes to divisions 2-5 in comparison with the repealed zoning plan.

Additional notes (divisions 2-5)

Fishing or collecting activities – ‘oyster gathering’ – GU, HP and CP zones

The repealed zoning plan specifically referred to ‘oyster gathering’ as an activity that could be carried out without a permission in GU, HP and CP zones. Given that oyster gathering is an activity undertaken by hand, it is considered to already be captured in the entry or use

provisions by reference to ‘limited collecting’ and is no longer specifically referred to. Entry or use restrictions in relation to oyster gathering are unchanged.

Fishing or collecting activities – ‘limited line fishing’ – CP zones

The entry or use provisions specify that a person may enter or use an area in the CP zone without a permission to carry out ‘limited line fishing’. The definition of ‘limited line fishing’ has changed from the use of one rod / hand-held line and one hook per person under the repealed zoning plan, to the use of no more than 2 hand-held fishing rods or handlines for each person, and no more than 2 hooks in total for each person.

Under the repealed zoning plan, the use of one rod / hand-held line and one hook per person was allowed within CP zones, except those within the designated Great Sandy Area (i.e. Baffle Creek, Elliott River, Burrum River system, Great Sandy Strait and Tin Can Inlet) where each line fisher could use a maximum of three rods/lines per person with a combined total of six hooks. Given the removal of the designated Great Sandy Area, the allowance of up to 2 rods/lines and 2 hooks for both commercial and recreational fishers, provides standardised rules in relation to line and hook rules within all CP zones in the marine park. This line fishing allowance is consistent with CP zone entry or use provisions in the Moreton Bay Marine Park Zoning Plan.

Fishing or collecting activities – ‘limited trolling’ – CP zones

The entry or use provisions in section 20 include that a person may enter or use an area in the CP zone without a permission to carry out ‘limited trolling’ (fishing with a line or lines trailed from a vessel that is underway, using no more than 2 lines for each person on the vessel, with no more than 2 hooks in total for each person), rather than ‘trolling’ (fishing with a line or lines trailed from a vessel that is underway, using no more than 3 lines for each person on the vessel, with no more than 6 hooks in total for each person) as was allowed under the repealed zoning plan.

The further restriction on trolling in CP zones compared to GU and HP zones reflects the higher conservation status of this zone type and is consistent with the allowances for limited line fishing (using no more than 2 hooks and 2 lines), that can occur without permission in a CP zone. The activity of limited trolling continues to require that a vessel must be underway and not adrift (a definition of ‘underway’ is included in the dictionary).

Anchoring a vessel or aircraft – all zones

The entry or use provisions for all zones refer to the same restrictions for anchoring a vessel or aircraft in the zone both without and with permission.

The term ‘*anchor* a vessel or aircraft’ is specified rather than ‘*operate* a vessel or aircraft’ as referred to in the repealed zoning plan. The term ‘operate’ created confusion amongst vessel owners, many of whom believed the zoning plan restricted how often they could use their vessel in the set time periods, which is not the case. The wording now reflects the original intent of this provision, which is to regulate the anchoring of a vessel or aircraft in an area of the marine park, with anchoring at the same location in the zone for any more than 14 consecutive days or 30 days in any period of 60 days, requiring permission in all zone types. A new definition for ‘anchor’ has been added to the dictionary – refer to schedule 6 notes.

A vessel is defined in the *Marine Parks Act 2004* to mean “a barge, boat, ferry, hovercraft, personal water craft, water taxi or other thing capable of carrying people or goods through

water, but does not include an aircraft”. The provisions in the zoning plan make specific reference to ‘aircraft’, to ensure that seaplanes, in the event they are anchoring in the marine park, are subject to the same restrictions and prevented from long term stays (without permission).

Navigating a vessel or aircraft – GU zone

Section 14 specifies that without permission, a person may enter or use a GU zone to navigate a vessel or aircraft, other than a managed vessel, if equipment normally used for an activity involving fishing or collecting is stowed or secured when the vessel is in a part of the zone in which the use of the equipment is not authorised under the Act. Under the repealed zoning plan, a permission was required to navigate a ‘ship’ in a GU zone, however the reference to a ‘ship’ has been removed, to reflect the intent that a ‘ship’ can navigate the GU zone without permission. A ‘ship’ is defined in the zoning plan dictionary (schedule 6), and includes for example, vessels that are 50m or more in length, oil tankers and chemical carriers. However, ‘ship’ is also captured in the broader term ‘vessel’. The requirement for a permission to navigate a ship or managed vessel in all other zone types has been retained.

The reference to ‘aircraft’ as well as vessels has been retained, to ensure that seaplanes travelling on water, can do so in the GU zone without permission.

The reference to ‘managed vessel’ has also been retained. ‘Vessel’ is defined in the *Marine Parks Act 2004* to mean ‘a barge, boat, ferry, hovercraft, personal water craft, water taxi or other thing capable of carrying people or goods through water, but does not include an aircraft’. A ‘managed vessel’ is defined in schedule 6 to mean ‘an airboat, a hovercraft, a motorised hydrofoil other than a motorised hydrofoil board, or a wing in ground effect craft’. The definition is modified from the repealed zoning plan, to include an airboat and to refine the definition of a hydrofoil, to include only larger motorised hydrofoil vessels. The reference to ‘airboat’ is consistent with the *Marine Parks (Moreton Bay) Zoning Plan 2019* and enables the appropriate management of this type of vessel, that has the potential to disturb the natural and cultural resources of the marine park. A motorised hydrofoil board, typically used in water sports, is similar to a surfboard or wake board but has a hydrofoil rather than fins mounted underneath. Exclusion of motorised hydrofoil boards from the definition of ‘managed vessel’ means a permission is not required to operate these small, motorised hydrofoil boards in the marine park.

Although the definition of ‘vessel’ in the *Marine Parks Act 2004* includes hovercraft, hovercrafts require specific management, due to their unique ability to travel over both exposed land and water within the marine park and are therefore specifically defined in the zoning plan and managed separately from other vessels. A person requires a permission to enter or use a GU zone (or HP, CP and MNP zone) to navigate a managed vessel.

Carrying out a media activity – all zones

In all zones of the marine park, a limited media activity may be carried out without permission, while a media activity can only be carried out with permission. A limited media activity is something that has, or is likely to have, negligible impact on the marine park or persons using the marine park (as defined in the zoning plan dictionary in Schedule 6).

The repealed zoning plan provided only for limited media activities to be undertaken (without permission) but remained silent on carrying out a media activity in relation to all zones. If not listed as an activity that can occur with or without permission in a particular zone, the activity

is prohibited in the marine park. Amending the entry or use provisions so that all zones specifically refer to media activities, enables activities such as the recording of images or sounds, to be undertaken in all zones with permission. A definition of ‘media activity’ is included in schedule 6.

Conducting a limited educational program – MNP zones

A ‘limited educational program’ is defined in Schedule 6 as an educational program not involving fishing or collecting and can be conducted in an MNP zone without permission. This is unchanged from the repealed zoning plan. In relation to conducting an educational program in an MNP zone however, section 24 is now silent on this (thereby removing the mechanism for a permission to be granted to conduct an educational program that involves fishing and collecting in MNP zones). Conducting an educational program in an MNP zone, which has the potential to involve fishing and collecting is inconsistent with the objects of an MNP zone.

Operation of fishing industry service vessels – all zones

There is no reference to a requirement for a permission to operate a fishing industry service vessel. Under the repealed zoning plan, a person could apply for a permission to enter or use any zones to operate a fishing industry service vessel, being ‘a vessel that provides fuel, goods or services to, or carries products for, a commercial fishing operation in the marine park’. However, this activity is not undertaken in the Great Sandy or Moreton Bay marine parks at a scale that is considered to require specific marine park management and therefore provisions have been removed.

Operating a facility – all zones

A provision has been added to the ‘with permission’ sections in relation to all zone types to clarify that when navigating a vessel as part of an ‘as of right’ activity in a particular zone, that a permission to ‘operate a facility’ (which by definition includes a vessel) is not required.

To note, examples of ‘operating a facility’ were included in the repealed zoning plan but are no longer specified to simplify the entry or use provisions and for consistency with the Moreton Bay Marine Park Zoning Plan. Any proposal to ‘operate a facility’ would need to be consistent with the objects of the zone. Some examples of ‘operating a facility’ include constructing or operating mooring facilities for vessels or aircraft or operating a landing area or facility for aircraft.

Carrying out works – all zones

Examples of ‘works’ were included in the repealed zoning plan, but are no longer specified in order to simplify the entry or use provisions and improve consistency with the Moreton Bay Marine Park Zoning Plan. Any proposal to carry out works in the marine park is required to be consistent with the objects to be achieved for a particular zone type.

Part 3 Designated areas

Designated areas are areas in the Great Sandy Marine Park that require special management of activities or uses for a specific purpose. Like zones, designated areas have entry or use provisions. The designated areas specified in the zoning plan form an overlay to the zones and enhance the protection of marine park values through addressing specific threats and managing specific issues of conservation concern.

Division 1 Preliminary

Division 1 includes a list of the designated areas established in the marine park and specifies that the parts of the marine park comprising each designated area are described in schedule 2. Schedule 2 describes the boundaries of each designated area with a ‘metes and bounds’ description, replacing the previous statutory plan MP3 under the repealed zoning plan. For further detail refer to the notes for Schedule 2.

Several designated areas and corresponding management provisions under the repealed zoning plan have been removed as they are no longer required. Some of these are replaced with alternative management arrangements:

- Great Sandy area (that overlaid Conservation Park zone in the Great Sandy Strait and other waterways and allowed some forms of commercial and recreational fishing to occur within its boundary where they would normally be prohibited or restricted by the underlying zone management). Some of those commercial fishing practices previously enabled by the Great Sandy area will continue to be undertaken in the marine park via non-conforming use provisions under part 4.
- Shorebird roosting and feeding area – restrictions similar to those that applied in this designated area now apply throughout the marine park under part 6.
- Turtle monitoring area – no special management provisions were prescribed with regard to activities that can or cannot be undertaken in the area therefore the designated area type is redundant and unnecessary.

Compared to the repealed zoning plan, several new types of designated area are introduced in the marine park while some existing designated areas are expanded in size, and/or restrictions strengthened to improve the management of particular values or uses at specific locations and meet the objectives of the zoning plan.

The new designated area types in the Great Sandy Marine Park are:

- Go slow area for natural and cultural resources
- No-anchoring area
- No-motorised vessel area
- Platypus Bay area
- Seasonal shorebird closure area

To note, ‘go slow areas’ under the repealed zoning plan have been renamed as ‘go slow area for turtles and dugongs’ to clarify the purpose and distinguish this type of designated area from ‘go slow areas for natural and cultural resources’.

The division states that the department is to publish an indicative map on the website showing the location of the designated areas.

It also states that the entry or use restrictions for designated areas apply in addition to any restrictions for entering or using the underlying zone.

Division 2 Entry and use restrictions affecting zones and designated areas generally

This division states that this section applies to a person applying for permission to enter or use a zone where a designated area or part of a designated area is in the zone and that the

chief executive must not grant the permission for the part of the zone in which the designated area is situated if the entry or use would be inconsistent with the objects of the designated area. Reference is made to part 3 'Permission to enter or use marine park' of the *Marine Parks Regulation 2017*, which specifies the matters to which the chief executive must have regard in considering an application for a permission that includes 'the objects of the area'. For example, when considering an application to carry out a tourism program in the Conservation Park (CP) zone around Point Vernon that involves the use of a vessel, the requirements of the no-anchoring areas would be a consideration in deciding the application. If anchoring was required as part of the tourism program, the permission would need to specify that approval to conduct the activity does not extend to that part of the zone where the no-anchoring area is situated.

It is also specified that any permission to enter or use a zone where a designated area is situated is subject to any entry or use requirements for the designated area under the relevant designated area division (3-12). For example, the carrying out of research (other than limited impact research) is an activity that can be undertaken in a CP zone with permission, however, division 12 additionally requires that, if the research is proposed to be conducted within the part of the CP zone that is within a designated seasonal shorebird closure area, the research within that area must be relevant to, and a priority for, the management of the seasonal shorebird closure area in order for the permission to be granted.

To note, activities that may be undertaken in a particular zone without permission may be subject to a permission under part 3, if the person proposes to carry out the activity in a designated area that partly restricts entry to the location. Designated areas that restrict entry in various ways are the ex-HMAS Tobruk area, grey nurse shark area, Mon Repos area and the seasonal shorebird closure area. Any application to access these designated areas would be assessed in accordance with part 3 'Permission to enter or use marine park' of the *Marine Parks Regulation 2017*.

This subdivision also states that a public entity exercising statutory powers in a designated area must consult with the chief executive about any proposal or action relating to entering or using the area that may not be consistent with the objects to be achieved for the area. For example, a local government proposing to introduce a local law to create a dog off-leash area on a foreshore that is within a fish trap area must first consult with the department to ensure the activities conducted within the off-leash area would be compatible with the designated area.

To note, some of the offence provisions relating to designated areas provide that a person does not commit the relevant offence if the person has a reasonable excuse but this is not the case for all the listed offences. The defence of reasonable excuse has been included in offence provisions where this is considered practical and appropriate. In instances where an offence provision in the zoning plan does not include a 'reasonable excuse', a defence may still be available under provisions of the Criminal Code relating to, for example, acting under duress, a genuine mistake of fact, or acting in an emergency.

Division 3 Ex-HMAS Tobruk area

Division 3 provides the objects and special management provisions for the designated ex-HMAS Tobruk area, including how a person may enter or use the area and the associated offences.

The purpose of the ex-HMAS Tobruk area is to: manage and maintain the wreck of the ex-HMAS Tobruk; provide safe opportunities for public appreciation, understanding and enjoyment of the area; minimise the damage, disturbance or any other interference to the wreck; minimise harm or distress to the living organisms in the area caused by human activities; and minimise disturbance to natural and cultural resources in the area.

The intent of the provisions from the repealed zoning plan has largely been retained and provide that permissions to enter or use the ex-HMAS Tobruk area may only be granted for the purposes of research, diving (free diving or scuba) or snorkelling or a related activity or another purpose. Research must be relevant to and a priority for management of the designated area (rather than ‘the marine park’) and unable to be conducted elsewhere. Research involving fishing or collecting can be considered for approval if it meets the above criteria. Similarly, in relation to ‘another purpose’, the chief executive must consider it beneficial to the natural and cultural resources of the designated area (rather than ‘the marine park’). Referring to the designated area rather than the marine park more broadly, improves clarity for the assessment of applications. Examples of activities that may meet these criteria are a limited education program or a limited media activity.

A person must not enter the ex-HMAS Tobruk area unless they have permission or authority under a commercial activity agreement or have a reasonable excuse. This section provides that interference of the wreck is only permitted in relation to carrying out research. The provision in the repealed zoning plan, that prohibited fishing or collecting in the ex-HMAS Tobruk area unless it was being carried out in relation to research has been removed. It is no longer necessary as the underlying zone of the ex-HMAS Tobruk area has changed from General Use zone under the repealed zoning plan to Marine National Park zone, where fishing and collecting is prohibited.

Division 4 Fish trap area

Division 4 provides the objects and special management provisions for designated fish trap areas.

The purpose of the designated fish trap area is to protect cultural resources from damage caused by anchoring, and to protect both cultural resources (e.g. a fish trap itself and any materials used to construct it such as rocks) and inert marine resources, being any naturally occurring material other than a plant or animal within the designated area (e.g. sand, mud, shell-grit), from damage, modification or removal.

The division outlines the restrictions on entering or using the area, which prohibit the anchoring of vessels or aircraft (e.g. seaplanes) and the physical damage, excavation, modification or removal of cultural or inert marine resources from the area.

The *Marine Parks Act 2004* defines ***cultural resources*** to mean “places or objects having anthropological, archaeological, historical, scientific, sociological, spiritual or visual significance or value, including significance or value of that kind under Aboriginal tradition or Island custom”.

The *Marine Parks Regulation 2017* (schedule 6) defines ***marine resource*** as “any naturally occurring material within the marine park including—

- (a) material making up the seabed, for example, coral limestone, shell-grit or star sand; and
- (b) seawater.

For the purposes of this section, a further definition of ‘inert marine resources’ is specified to exclude plants or animals. It is not the intent that the fish trap area imposes restrictions on lawful fishing and collecting.

The fish trap area restrictions do not apply to the Traditional Owners for the fish trap area.

Division 5 Go slow areas

Subdivision 1 Preliminary

Subdivision 1 defines a transit lane map. Under the repealed zoning plan, transit lanes in go slow areas were implemented via a transit lane notice that was required to be published in the gazette by the chief executive. This provision has been updated and transit lanes are now implemented via the chief executive’s publication of a transit lane map on the department’s website. The transit lane map shows the location and boundary of transit lanes where the special management provisions of the go slow areas do not apply.

Subdivision 2 Go slow area for natural and cultural resources

Subdivision 2 provides the objects and special management provisions for designated go slow areas for natural and cultural resources. The *Marine Parks (Great Sandy) Zoning Plan 2024* establishes new designated go slow areas for natural and cultural values in Carland Creek and Wathumba Creek.

The purpose of this designated area is to help protect the natural and cultural resources of the area from damage caused by the operation of vessels, while providing opportunities to appreciate, and create awareness and understanding of, these natural and cultural resources. The *Marine Parks Act 2004* defines *cultural resources*, as noted above. The Act defines *natural resources* as “the natural and physical features and processes of the environment, including living organisms, soil, water, minerals and air”.

The special management provisions specify the same rules in relation to the operation of vessels, that apply in the go slow area for turtles and dugongs, i.e. rules that prohibit a person from navigating a vessel in a planing or non-displacement mode, navigating a vessel for a motorised water sport and from navigating a vessel at a speed greater than 6 knots. These restrictions on the way vessels are operated aim to reduce degradation of cultural sites in the area, such as middens, from vessel wash and minimise the impacts of vessel use, e.g. noise and speed, on the creation of a peaceful and respectful environment for First Nations peoples to connect to Country. The subdivision specifies that these restrictions do not apply to vessels within marked navigation channels or transit lanes. A transit lane can be implemented to provide a corridor across a go-slow area where vessels can be operated irrespective of the restrictions, for example to enable access to public boat ramps where marked navigation channels are not in place.

Subdivision 3 Go slow area for turtles and dugongs

Subdivision 3 provides the objects and special management provisions for designated go slow areas for turtles and dugongs. Changes from the repealed zoning plan include amending the boundary/increasing the size of eight existing go slow areas and establishing a new go slow area at Reef Islands within the Great Sandy Strait. The Sandy Cape go slow area now applies all year-round.

The purpose of the go slow area, typically designated over shallow areas in the marine park, is to protect turtles and dugongs from vessel strike in critical feeding and resting areas. The objects for the area are to protect turtles and dugongs and their habitat and to minimise harm, distress and the number of deaths caused directly or indirectly to turtles and dugongs by human activity, including the operation of vessels.

The special management provision that prohibits a person from navigating a vessel in a planing or non-displacement mode (except in a marked navigation channel or transit lane) has been retained from the repealed zoning plan. However, rather than prohibiting a person from ‘operating a vessel in a way or at a speed that could reasonably be expected to result in the striking of a turtle or dugong’ (as in the repealed zoning plan), the provisions now specify that a person is prohibited from navigating a vessel for a motorised water sport and from navigating a vessel at a speed greater than 6 knots. Clarifying the vessel operations that would likely result in striking of a turtle or dugong is for improved understanding and compliance with go slow area rules. The same rules are in place for both the go slow area for natural and cultural resources and the go slow area for turtles and dugongs.

A new exemption from go slow area rules is provided for a person navigating a vessel under a permission that authorises surf lifesaving activities in the GSA02-Woongarra Coast go slow area while the provisions of the go slow area applies at this location (i.e. from 15 October through to 30 April). This allows a local surf lifesaving provider, such as a surf lifesaving club situated adjacent to the Woongarra Coast go slow area or a local council responsible for providing lifesaving services, to apply for permission to undertake lifesaving activities involving the navigation of vessels contrary to the special management provisions, if for example, training activities in the go slow area are required during the time when the go slow area applies.

The types of proposed lifesaving activities and risk of impacts on turtles and dugongs in relation to undertaking the activities in the GSA02-Woongarra Coast, will be considerations in assessing an application for permission. Lifesaving activities that may typically be authorised include the use of vessels in a manner contrary to the special management provisions required to:-

- (a) conduct patrols of waters along the Woongarra Coast by surf life-saving personnel
- (b) undertake training in relation to member proficiency testing (initial and recurring)
- (c) undertake training to participate in surf life-saving vessel competitions, held elsewhere or outside the regulated period of GSA02-Woongarra Coast.

Division 6 Grey nurse shark area

Subdivision 1 Preliminary

Subdivision 1 provides definitions relevant to the division and provides the meaning of the area restrictions for the grey nurse shark area.

Subdivision 2 Objects

Subdivision 2 provides the objects and special management provisions for the designated grey nurse shark area.

The purpose of the grey nurse shark area is to protect grey nurse sharks and their habitat; to minimise harm or distress to grey nurse sharks caused directly or indirectly by human activities, including diving; and to allow research that is relevant to, and a priority for, the area.

The size of the grey nurse shark area is expanded from the repealed zoning plan, to align with the expanded boundary of the Wolf Rock Marine National Park zone (MNP27-Wolf Rock).

Subdivision 3 Entry and use of zone in which grey nurse shark area is situated

Subdivision 3 provides that, within a grey nurse shark area, a permission to dive between 6pm and 6am, can only be granted for diving activities that are necessary to carry out research that is relevant to, and is a priority for, the management of the grey nurse shark area and cannot reasonably be conducted elsewhere.

Subdivision 4 General restrictions

This subdivision provides that a person must not dive between 6pm and 6am, unless they are undertaking research under a permission identified in Subdivision 3 or have a reasonable excuse.

The subdivision also provides that at any time in the grey nurse shark area, a person must not, unless specifically authorised to do so as part of a permission to carry out research, touch or feed a grey nurse shark; trap, or attempt to trap a grey nurse shark; chase or harass a grey nurse shark; interrupt a grey nurse shark's swimming pattern; block a cave entrance or gutter; or use electro-acoustic or mechanical apparatus in the water (with some exceptions, for example if the equipment is required to carry out emergency defence activities).

Restrictions on diving are outlined in relation to persons diving independent from a tourism program or dive club in this subdivision. In this situation, the vessel master must ensure that divers are provided with a summary of the area restrictions (defined in this subdivision), prior to entering the water. The vessel master is also responsible for ensuring that no more than 10 divers from the vessel are in the water at the same time.

Subdivision 5 Responsibilities of tourism program operators

Subdivision 5 specifies that in the case of a tourism program involving diving in the grey nurse shark area, the tourism operator conducting the program is responsible for giving a

summary of the area restrictions to each person before they enter the water and ensuring no more than 12 persons are in the water at the same time (noting that 2 of these must be either a dive instructor or certified assistant; or unless the chief executive has authorised more people to be in the water).

Subdivision 6 Responsibilities of dive clubs

This subdivision specifies that the responsible entity for a dive club, must ensure that divers are provided with a summary of the area restrictions, prior to entering the water. They also are responsible for ensuring that no more than 10 divers are in the water at the same time.

The requirement under the repealed zoning plan, for tourism program operators and dive clubs to display a sign regarding area restrictions has been removed. Requiring a responsible person to provide information to divers about the restrictions of the designated area fulfils the same purpose as a sign. Displaying physical signs can also be difficult for operators, given the design of some dive vessels.

Subdivision 7 Prohibited area notices

Subdivision 7 provides for the chief executive to make a prohibited area notice and clarifies that the notice is to prohibit entry into a grey nurse shark area or part of the grey nurse shark area, if the chief executive considers urgent action needed to deal with a threat to a grey nurse shark in the prohibited area. The specific reference in the repealed zoning plan to, '*a female grey nurse shark in the prohibited area has recently given or is about to give birth*' as a situation in which the chief executive may be satisfied that urgent action is needed, is considered unnecessary. A female shark recently given or about to give birth, is one of several circumstances that would be considered as requiring urgent action. As such, it is adequately captured in the zoning plan provision that enables the chief executive to make a prohibited area notice if urgent action is needed and not specifically referred to in the *Marine Parks (Great Sandy) Zoning Plan 2024*.

It is a requirement that a prohibited area notice is published on the department's website or in some other way the chief executive considers appropriate.

Division 7 Mon Repos area

Division 7 provides the objects and special management provisions for the designated Mon Repos area. The beach at Mon Repos supports the largest number of nesting loggerhead turtles on the eastern Australian mainland and is internationally recognised as one of the two largest rookeries for this species in the South Pacific Ocean.

The purpose of the Mon Repos area is to protect turtles (in particular loggerhead turtles which are an endangered species under the *Nature Conservation Act 1992*) and their habitat and to minimise harm, distress and the number of deaths caused directly or indirectly to turtles by human activity, including the operation of vehicles or allowing domestic animals into the area. An additional objective for this area is to promote education and research about turtles, in recognition of the important and ongoing turtle research at this site, and the conservation education provided by the Mon Repos Turtle Centre and associated turtle tours.

The Mon Repos area is in effect from 15 October of a year to 31 May of the next year (the *regulated season*). This is an extension of the timing of the restrictions from the repealed zoning plan (which specified 15 October to 30 April). The extension by a month provides for the protection of late season hatchlings from disturbance.

During the regulated season, general public access to the Mon Repos area is prohibited between 6pm and 6am, without a permission or a reasonable excuse, recognising the importance of the area to nesting turtles and hatchlings and Queensland Parks and Wildlife Service (QPWS) ranger-led tours in educating the public about turtle conservation. The zoning plan provisions for the area, enable the department to regulate the total number of people on Mon Repos beach and manage their movement around turtles and nests. This contributes to the protection of turtles at critical stages of their life cycle by reducing the risk of disturbance, interference and stress for each nesting turtle and emerging hatchlings, as well as improving research capacity and enhancing visitor experience and educational opportunities for those participating in QPWS ranger-led tours.

Permissions for entry or use to the Mon Repos area must be consistent with the objects of the designated area. Examples of purposes that may meet this criteria are activities that would result in minimal impacts to the area, such as conducting a limited education program or a limited media activity. Anyone who is in the Mon Repos area between 6pm and 6am requires a permission to use more than 1 artificial light or to use a light that is more than 100 lumens.

While public entry to the beach at Mon Repos was not prohibited under the repealed zoning plan, management arrangements were in place and the area signed, to indicate that the general public should not be on the beach between 6pm and 6am.

Provisions of the *Marine Parks Act 2004* enable entry by members of the public on a nightly Mon Repos turtle tour with QPWS and the department to carry out research, works or an education program as necessary for the management of the area, to enter the designated area during 6pm-6am.

In addition to the nightly access restrictions and continuing from the repealed zoning plan, vehicle use is prohibited in the Mon Repos area without a permission, unless it is for monitoring and managing turtles. Domestic animals are also prohibited in the area during the regulated season.

The provision under the repealed zoning plan, that provided for a person in the area needing to comply with any direction given by the chief executive or an inspector, has been removed. This provision was unnecessary as these powers for inspectors are already provided under the *Marine Parks Act 2004*.

Division 8 No-anchoring area

Division 8 provides the objects and special management provisions for designated no-anchoring areas.

This is a new type of designated area for the Great Sandy Marine Park, although designated no-anchoring areas exist in the Moreton Bay Marine Park to protect sensitive coral habitats from anchor damage.

The introduction of this designated area type in the Great Sandy Marine Park at three small locations (Platypus Bay, Gables Point and Gatakers Bay) recognises the value of, and a need to protect, the marine park's natural and cultural resources that are at risk of physical damage from anchors. The object of the no-anchoring area is to protect both natural and cultural resources that have been or are being degraded, or are susceptible to being damaged, from anchoring. The provisions afford protection to sensitive habitat types such as coral and sea whips, and cultural resources, such as sites where sacred artefacts are located, from damage or degradation from anchoring. The no-anchoring area does not impose any restrictions on vessels lawfully entering the area but prohibits a person from anchoring a vessel or aircraft (for example a seaplane) in the area, unless the person has a reasonable excuse.

An exemption is provided for a person fishing or collecting in the NAA02-Gatakers Bay and NAA03-Gables Point no-anchoring areas for the commercial aquarium fish fishery given the importance of these areas to that fishery and to support safe collection in these areas. Fishers in the aquarium fish fishery will be able to anchor in the area while fishing or collecting. Under part 2, these fishers are required to hold a permission to undertake this fishery within the marine park which will include specific conditions regarding the placement of vessel anchors in sensitive environments.

Schedule 6 defines *aquarium fish fishery* to mean the aquarium fish fishery described in the Fisheries (Commercial Fisheries) Regulation 2019, schedule 7A, part 1.

Division 9 No-motorised vessel area

Division 9 provides the objects and special management provisions for designated no-motorised vessel areas.

This is a new type of designated area in the Great Sandy Marine Park, developed to protect the natural and cultural resources of the area including by minimising disturbance, in particular by the operation of motorised vessels. No-motorised vessel areas are introduced in Searys and Cooloola Creeks in Tin Can Inlet.

A person must not navigate a motorised vessel in a no-motorised vessel area unless the person has a reasonable excuse. 'Motorised vessel' is defined in schedule 6. A sailing boat, for example, with a motor can enter a no-motorised vessel area as long as it is not being propelled by a motor at that time (i.e. when the boat is under sail).

Prohibiting the use of motorised vessels reduces the risk of noise disturbing cultural practices in the area and also reduces the potential impacts of vessel wash on culturally significant sites such as middens.

The section does not apply to Traditional Owners for the no-motorised vessel area (or a person operating a motorised vessel for a Traditional Owner) to ensure that all members of their community have the opportunity to connect to Country in these creeks, including those members who may require the use of a motorised vessel in order to access the area.

Division 10 Platypus Bay area

Division 10 provides the objects and special management provisions for the designated Platypus Bay area.

The purpose of this new designated area in Great Sandy Marine Park is to protect the natural integrity and use and non-use values of relatively undisturbed areas in the marine park; provide opportunities to appreciate, and create awareness and understanding of the natural integrity and values; and to minimise harm or distress caused directly or indirectly to an animal of a protected species. The navigation of vessels for motorised waters sports and the taking off or landing of aircraft, are both prohibited in the area (unless the person has a reasonable excuse). Motorised vessels may still be used in the area, but not to undertake water sports. The designated area complements the management of the remote K'gari section of the Great Sandy National Park and World Heritage Area.

Provisions that prohibit the take-off and landing of aircraft apply to helicopters and fixed-wing aircraft, such as airplanes, ultralights and microlights. Remotely piloted aircraft (defined in Schedule 6) are not prohibited from landing or taking off in the area.

Commercial fishers undertaking a lawful commercial fishing activity (such as setting and retrieving nets from a vessel) for trade or commerce are exempt from the motorised water sports provisions. This exemption is provided to clarify that a commercial fisher driving their fishing vessel in a course, other than a straight line, during their fishing operations is not affected by the motorised water sports definition.

Division 11 Seasonal shorebird closure area

Division 11 provides the objects and special management provisions for designated seasonal shorebird closure areas, which apply between 1 March and 30 April; and between 1 September and 31 October (i.e. the *closure period*).

The purpose of this new type of designated area in the Great Sandy Marine Park is to protect areas used by shorebirds, including migratory shorebirds, that are critical to roosting and to minimise harm or distress caused directly or indirectly to shorebirds by human activities including, for example, allowing domestic animals into the area.

Access to the closure areas during the closure period is prohibited unless the person has a reasonable excuse or a permission. Permissions to enter the closure area during the closure period may only be granted for activities that are relevant to, and a priority for, the management of the area (for example, a limited media activity, research, conducting shorebird counts by a shorebird monitoring entity such as Queensland Ornithological Society Inc, Birdlife Southern Queensland) to collect data that is important to inform management of the area) or for carrying out a program for taking a plant or animal that poses a threat to human life or safety, such as mosquito control.

A person must not allow a domestic animal under their care or control to enter the area, or operate a remotely piloted aircraft so that it enters the designated area (unless it is authorised under a permission).

The months of the closure period are considered to be the most critical time for migratory shorebirds in the marine park, capturing the time when birds first arrive in the marine park, depleted in energy from their long migration (i.e. from 1 September and 31 October) and just before they leave the marine park when birds need to gain weight for their return journey to the northern hemisphere (between 1 March to 30 April). The above rules only apply during

the closure period, with the general shorebird disturbance provisions (section 102) applying during times when the closure area is not in effect (i.e. 1 November to the end of February and 1 May to 31 August).

Access restrictions do not apply to the Traditional Owners for the closure area, recognising the importance of maintaining access to Country.

Division 12 Turtle protection area

Division 12 provides the objects and special management provisions for the designated Turtle Protection Area.

The purpose of this area is to protect turtles and their habitat; and minimise harm or distress caused directly or indirectly to turtles by human activities, including trawling.

The Turtle Protection Area was a designated area under the repealed zoning plan that extended approximately 1.8km offshore. The boundaries of this designated area have been revised and now extend approximately 5km offshore. This affords protection to a larger area of inter-nesting turtle habitat from the impacts of trawling.

The 1.8km wide trawling exclusion area was introduced in 2006 to address a turtle bycatch issue with the banana prawn trawl fishery. While Turtle Excluder Devices (TED) and associated by-catch reduction devices are compulsory in Queensland's east coast trawl fishery, disturbance and stress to turtles still occurs from interactions with trawl nets.

Research at Mon Repos shows an unexplained decline in recruitment of endangered loggerhead turtles into the nesting cohort. The expansion of the Turtle Protection Area, in removing the risk of turtle-trawl net interactions and thereby reducing stress on turtles in the inter-nesting area, could improve nesting success with flow on effects to turtle populations both regionally and internationally.

Part 4 Additional purposes for entry or use

The relationship with part 3 is specified, in that if an authorisation or restriction applying to a person under part 4 is inconsistent with an authorisation or restriction applying to the person under part 3, that unless otherwise provided, the authorisation or restriction under part 3 prevails to the extent of the inconsistency.

The part identifies a number of specific, emergency related purposes for entry or use where a person authorised under part 4 will prevail over part 3 if there is an inconsistency with an authorisation or restriction. For example, a Volunteer Marine Rescue (VMR) vessel investigating or responding to an emergency alert may enter or use the marine park without a permission or notice under this part. If necessary for that emergency response, the VMR vessel may navigate through a designated go-slow area at a speed greater than 6 knots or enter the designated Ex-HMAS Tobruk area and those actions would not breach the restrictions applying to those designated areas in part 3.

This part describes purposes for which a person may enter or use an area in the marine park:

- without permission or notice (e.g. to deal with an emergency), including entry or use to carry out particular non-conforming uses; or

- without permission after notice to the chief executive (whereby the chief executive can impose conditions on the entry or use); or
- with permission to carry out particular non-conforming uses.

It also provides for entry or use by an authorised person (without permission or notification), to carry out an activity relating to the management of an area, for example research, works or an education program. This section reflects section 145B of the *Marine Parks Act 2004*.

An authorised person is defined in the schedule dictionary of the *Marine Parks Act 2004* and means any of the following persons—

- (a) the Minister;
- (b) the chief executive;
- (c) an inspector;
- (d) a public service officer or other employee of the department acting under the chief executive's authority.

A number of activities that, under the repealed zoning plan, didn't require a permission but required notification to the chief executive, can now be undertaken without notification (and without permission). These include activities relating to management of navigational aids or their ancillary buildings authorised under state or Commonwealth legislation; the installation, relocation or removal of signage for, or about, the *Fisheries Act 1994*; and carrying out geodetic, bathymetric or similar surveys by the State or Commonwealth. Given these activities are essential to the core business of several government departments and are unlikely to adversely impact the marine park, the requirement to notify the chief executive before the activities are undertaken is unnecessary.

Two new additional purposes for entry or use without permission after notification are specified. These are to use sand from the marine park to restore an eroded public access track; and to carry out maintenance programs to manage toxic cyanobacteria. Cyanobacteria is a threat that may need to be managed in the marine park to minimise risks to public health and natural resources of the marine park. The ability to use sand from a beach to restore a public access track in or immediately adjoining the marine park that is eroded (for example following damage from storm events), allows local government to promptly restore public access to beaches, particularly for communities and tourist accommodation on K'gari. The section provides a definition for 'public access track', being a track maintained by a public entity and used by members of the public, for accessing the marine park from adjoining land.

A 'notice period' is newly specified in relation to the required timeframe within which an entry or usage notice should be given to the chief executive, in relation to those activities that can be undertaken without permission after notification. Generally, most of these activities present a low risk to the marine environment or other users of the marine park and therefore notification can be given at any time before entering the area. However, given the potential scale of impact from maintenance dredging for navigational purposes on the marine environment and users of the marine park, the chief executive is required to be notified at least 20 business days before entry to the marine park for that purpose. This notification period for maintenance dredging allows time for the chief executive to comprehensively assess the notification and the proposed maintenance works and determine whether any conditions should be imposed.

Maintenance dredging is usually undertaken by local or state government authorities to ensure that lawfully dredged channels, berths or construction works are maintained at previously authorised dimensions. Specification of the notice period provides clarity for proponents who may be engaging contractors to undertake maintenance.

Part 4 refers to 2 types of non-conforming uses that can be undertaken in particular areas of the marine park –

- Without permission or notice, as listed in Schedule 3 and relating to the commercial crab fishery, marine yabby fishery, tunnel netting, set pocket netting, and K8 (ocean beach) fishery (refer to notes on Schedule 3); and
- With permission, listed in Schedule 4 and relating to the aquarium fish fishery and coral fishery (refer to notes on Schedule 4).

To note, the following non-conforming uses (the first three of which are administrative changes) under the repealed zoning plan have been removed as they are no longer required:

- Conducting an aquaculture operation (not involving the addition of feed) in a Conservation Park (CP) or Habitat Protection (HP) zones. This activity is managed by the standard entry or use provisions for CP, HP and General Use zones.
- Conducting a developmental fishery (jellyfish fishery) in the CP zone located in the Great Sandy Strait. This fishery is no longer undertaken.
- Collecting in the commercial shell-grit fishery in the CP zone located between Beelbi Creek and Torquay. The fisheries authority is no longer in force.
- Beam trawling in the CP zone located in the Mary River and waters from its mouth to 1km seaward of its mouth.
- Spoil disposal for beach replenishment purposes in the CP zone located in the Great Sandy Strait near the mouth of Snapper Creek, to protect habitats in this locality.

Part 5 Accredited traditional use of marine resource agreements

Division 1 Preliminary

The intent of part 5 provisions is retained from the repealed zoning plan, however some minor changes have been made to reflect contemporary drafting standards and align Great Sandy Marine Park Zoning Plan provisions with similar provisions in the *Marine Parks (Moreton Bay) Zoning Plan 2019*.

The TUMRA framework originated in the management of the Commonwealth Great Barrier Reef Marine Park. It was developed after discussions with Traditional Owners, Native Title Representative Bodies, the Native Title Unit at the Commonwealth Office of the Attorney General and others and was considered to be the most practical and acceptable way forward to assist Traditional Owners in the management of sustainable traditional use of sea Country. The intent of the TUMRA accreditation provisions is consistent across the Commonwealth Great Barrier Reef Marine Park and all three State marine parks (i.e. Great Barrier Reef Coast Marine Park, Moreton Bay Marine Park and Great Sandy Marine Park).

Division 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.

Division 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 requirements for accrediting the agreement are outlined, including what must be included on an accreditation certificate (e.g. when the accreditation is in force and its duration). The chief executive may impose certain types of conditions on an accreditation of a traditional use of marine resources agreement.

If an application is refused, it is specified that the chief executive must give the applicant an information notice stating the decision and reasons for refusal within 14 days of making the decision. A decision to refuse an application is a reviewable decision under part 9 of the *Marine Parks Regulation 2017*. If the chief executive grants the application they must provide the applicant with a written notice (the accreditation certificate) stating when the agreement comes into effect and ceases to have effect (the accreditation period).

Division 3 specifies the agreement remains in force for the accreditation period and that the holders of the accreditation may end the agreement by giving notice to the chief executive.

Division 4 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 5 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.

Part 6 General restrictions on activities in marine park

Part 6 provides further detail on the restrictions that apply to particular activities that may be conducted under the zone entry or use provisions and also provides for restrictions in relation to disturbing shorebirds in the marine park.

The relationship with part 3 is specified, in that if an authorisation or restriction applying to a person under part 6 is inconsistent with an authorisation or restriction applying to the person under part 3, that unless otherwise provided, the authorisation or restriction under part 3 prevails to the extent of the inconsistency.

In relation to bait netting, it is specified what type of nets may be used for recreational and commercial bait netting and the relevant sections of the Fisheries Declaration 2019 and Fisheries (Commercial Fisheries) Regulation 2019 that apply.

Bait netting is allowed under the standard provisions of Conservation Park (CP) zones in all of Queensland's State marine parks. When a commercial fisher is carrying out bait netting in a CP zone they must not take a 'relevant fish' (i.e. bream, whiting and flathead). This restriction prohibits the commercial targeting of these key table species with bait nets. However, under the repealed zoning plan, provisions of the designated Great Sandy Area enabled commercial fishers to take and possess 'relevant fish' while bait netting within CP zones of Great Sandy Area waterways (Baffle Creek, Elliott River, Burrum River system, Great Sandy Strait and Tin Can Inlet). The repeal of the designated Great Sandy Area under this plan has now removed this inconsistency and the restrictions on commercial take of 'relevant fish' with a bait net now apply consistently throughout all CP zones in the marine park. Definitions of 'commercial fisher' and 'possess' are included in schedule 6.

It is specified in relation to HPZ-3 - Cherwell and Upper Burrum Rivers and HPZ17 - Dayman Spit, that bait netting is the only form of netting that commercial fishers can carry out in these two areas. These areas were CP zone under the repealed zoning plan. The zoning change in these areas is specifically to enable applications for development activities for coastal management purposes, for example beach nourishment, to be considered. As an outcome of changing these areas from CP zone to Habitat Protection zone, all forms of commercial netting would also typically be allowed to be conducted in these areas. The restriction that allows commercial net fishers to only carry out bait netting in these two areas of the HP zone, will ensure that that the important recreational fishing area within HPZ17 - Dayman Spit (the area surrounding the Urangan Pier is not impacted by other forms of commercial netting and will avoid the potential for HPZ-3 - Cherwell and Upper Burrum Rivers being impacted by net fishing effort transfer as an outcome of the repeal of the designated Great Sandy Area.

The apparatus that may be used when crabbing in the marine park is outlined in part 6, and it is specified that the use of this apparatus must be in accordance with the Fisheries Declaration 2019 and Fisheries (Commercial Fisheries) Regulation 2019.

The restrictions that apply to fishing or collecting in relation to protected species, and collection limits for fish species are mentioned in schedule 5 part 2. It also specifies that collection is restricted for marine invertebrates longer than 5mm (other than those mentioned in schedule 5 part 3). The definition of 'protected species' now includes reference to Schedule 5 part 1.

The reference to not taking or possessing more than a total of 5 specimens of any animal or species '*in any 28 day period*' under the repealed zoning plan has been removed as this time period is difficult to enforce. The intent is that a person cannot have in their possession at any time, more than a total of 5 specimens of any animal or species of a restricted species under this section.

To note, marine plants, including mangroves, seagrass and saltmarsh, are protected under the *Fisheries Act 1994*.

The zoning plan no longer specifies restrictions that apply to the operation of commercial fishing vessels and their associated tender vessels, as they are not considered necessary in the Great Sandy Marine Park. The repealed provisions mirrored those in the Great Barrier Reef Coast Marine Park zoning plan, however they are not relevant for the Great Sandy Marine Park, where much of the commercial fishing in the park occurs in relatively sheltered and

shallow waterways which are suited to the use of smaller vessels, negating the need for the use of dories/ tender vessels.

The reference to ‘limited crabbing’ in this part under the repealed zoning plan has been removed, as ‘limited crabbing’ is referred to and defined in section 20 of the zoning plan that describes the CP zone entry or use without permission.

The zone entry or use provisions under part 2 provide for the conduct of both limited impact research (extractive) and limited impact research (non-extractive), which can both be undertaken in all zone types without permission except in the Marine National Park zone, where only limited impact research (non-extractive) can be undertaken (without permission).

Limited impact research (extractive) is defined in schedule 6, being research that is a component of an educational program or a research project, or research that is limited research sampling or involves the installation of minor research aids (as defined in schedule 6). Part 6 outlines the types of research aids (e.g. stakes, surface marker buoys) and how they may be used when conducting limited impact research (extractive) and when taking samples of animals, plants or other marine resources as part of limited research sampling. In relation to limited research sampling, restrictions on the method of collection and collection limits are specified.

It is specified that a person must not take more than 20L of a particular marine resource for a research project in a year. ‘Marine resource’ is specified rather than ‘wet sediment’ (as was referred to under the repealed zoning plan), given that ‘marine resource’ is defined (in the *Marine Parks Regulation 2017*) and includes material making up the seabed which includes sediment. The amount of seawater that can be taken for each research project each year has increased from 20L to 500L, an amount considered more reasonable to support research.

Limited impact research (non-extractive) is defined in schedule 6. This form of research does not involve fishing or collecting. Restrictions relating to the type of equipment that can be used when monitoring, in addition to restrictions when carrying out aerial and visual surveys, are outlined.

This part describes how limited spearfishing can be undertaken, with ‘limited spearfishing’ being defined in schedule 6. Equipment that must not be used when conducting limited spearfishing is outlined in this part, for example a powerhead, a firearm, a light and underwater breathing apparatus, other than a snorkel. This reflects that limited spearfishing, i.e. fishing with a spear or spear gun, is the only type of spearfishing that may be undertaken in the marine park.

The division specifies that a person must not take protected animal or plant species in the marine park unless it is authorised under a permission or an accredited traditional use of marine resources agreement. These provisions are largely unchanged from the repealed zoning plan, although the provision relating to the taking of a protected species for an accredited harvest fishery has been removed as it is not the intent that accredited harvest fisheries are authorised to take protected species.

Pipefish are specifically mentioned in relation to a commercial fisher using the marine park for trawling. Pipefish of the two species mentioned are listed marine species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and are therefore

protected species under the definition of ‘protected species’ in the zoning plan. Because they are a protected species, a person cannot take these species. However, in acknowledging that pipefish are caught as bycatch species in the trawl fishery, these provisions in both the repealed and this zoning plan authorise the take of pipefish in the marine park as provided for in fisheries legislation.

Part 6 includes provisions to prevent the disturbance of shorebirds.

Public entities, such as a local government, must consult with the chief executive about any proposal or action that they plan to undertake (for example the establishment of a dog off-leash area) that may affect the marine park’s environment or use and non-use values in a way that adversely affects shorebirds.

Under the repealed zoning plan, special management provisions relating to shorebird disturbance applied only within the designated shorebird roosting and feeding area. Provisions to prevent shorebird disturbance now apply throughout the marine park.

People are prohibited from navigating vessels or driving vehicles through, or navigating an aircraft through or above, a group of shorebirds. The operation of remotely piloted aircraft in a way that causes the aircraft to fly through, or hover above, a group of shorebirds, is also prohibited. A person must not walk or run through a group of shorebirds or allow domestic animals under their care or control to chase or harass shorebirds. The implementation of these provisions park-wide, is a measure to enhance protection of shorebirds that are known to feed, nest, roost and transit throughout the marine park, including in areas outside of the previous designated shorebird roosting and feeding area.

To note, under the repealed zoning plan, part 6 contained provisions outlining the requirements for considering applications for particular marine park permissions. The provisions in part 3 of the *Marine Park Regulation 2017*, that refer to the matters to which the chief executive must and may have regard to in considering and deciding applications for permissions to enter or use the marine park, adequately address the requirements for considering applications for permission to enter or use the Great Sandy Marine Park. The provisions contained in part 6 of the repealed zoning plan are therefore not included in the *Marine Parks (Great Sandy) Zoning Plan 2024*.

Part 7 Repeal and transitional provisions

Division 1 Repeal

Division 1 states that the *Marine Parks (Great Sandy) Zoning Plan 2017*, SL No. 155 is repealed. This gives effect to the transitional provisions described in Division 2.

Division 2 Transitional provisions

The part outlines how changes in the provisions relating to entry or use of a zone from the repealed zoning plan are dealt with and provides definitions.

It outlines that a person who was authorised to carry out an activity without permission in a part of the former marine park that now requires a permission to undertake, can continue to

carry out the activity for 120 days after the commencement of the *Marine Parks (Great Sandy) Zoning Plan 2024*. It is considered that 120 days is an appropriate period within which a person can apply for a permission to continue to carry out the activity. The part also provides that if an application has been made but a decision not yet reached within the 120 day period, that the person may continue the activity until the chief executive decides the application.

Part 7 outlines that existing transit lane notices for go slow areas continue to apply and that a map to which the transit lane notice relates is taken to be a ‘transit lane map’ and therefore the transit lane continues following commencement of the zoning plan. Section 34 refers to transit lane maps, and that the chief executive may publish a transit lane map on the department’s website (replacing the requirement for a transit lane notice to be gazetted).

It is provided that existing prohibited area notices made under the repealed zoning plan continue in effect upon commencement of the zoning plan.

It is also provided that existing accredited traditional use of marine resources agreements continue in effect as an accredited agreement under this plan and provides for the continuation of procedures for amending, suspending or cancelling an accredited traditional use of marine resources agreement under the repealed zoning plan.

Note: Transitional provisions relating to ensuring the continuing effect of permissions under the *Marine Parks Regulation 2017* are included in the Marine Parks and Other Legislation Amendment Regulation 2024.

Schedule 1 Zones

Schedule 1 prescribes the area of the marine park within each zone, using ‘metes and bounds’ descriptions, replacing the previous statutory plan MP2 under the repealed zoning plan.

Describing the zones using ‘metes and bounds’ within schedule 1 of the zoning plan, aligns with the method of description of the area of the marine park in the Marine Parks (Declaration) Regulation 2006.

Schedule 2 Designated areas

Schedule 2 prescribes the area of the marine park within each designated area using ‘metes and bounds’ descriptions, replacing the previous statutory plan MP3 under the repealed zoning plan.

Describing the designated areas using ‘metes and bounds’ within schedule 2 of the zoning plan aligns with the method of description of the area of the marine park in the *Marine Parks (Declaration) Regulation 2006*.

Schedule 3 Non-conforming uses - without permission or notice

This is a new schedule in the zoning plan that lists the non-conforming uses that can be carried out without permission. The schedule outlines the location/s where each non-

conforming use activity can be undertaken and any conditions that apply to the conduct of the activity.

A non-conforming use is an activity that would otherwise be a prohibited purpose within the zone type that it occurs. If a person does not comply with Schedule 3 the person is undertaking a prohibited activity and therefore would be non-compliant with section 43 of the *Marine Parks Act 2004*.

The following non-conforming use activities, as listed in schedule 3, can be undertaken in an area of the marine park without permission or notice. Four of the five non-conforming uses that can be undertaken without permission or notice are new and one is a continuing non-conforming use from the repealed zoning plan, however it no longer requires a permission or notice.

- The take of crabs in the commercial crab fishery (C1 fishery symbol) in compliance with the *Fisheries (Commercial Fisheries) Regulation 2019* by a person who holds, or is acting under the required fisheries authority, within the part of the Conservation Park (CP) zone located in Baffle Creek, Elliott River, Burrum River, the ‘crab and marine yabby non-conforming use area of CPZ21-Great Sandy Strait’ defined in Schedule 6 (which includes part of the Great Sandy Strait and northern Tin Can Inlet), Snapper Creek and southern Tin Can Inlet.
- The take of yabbies in the commercial marine yabby fishery (Y fishery symbol) in compliance with the *Fisheries (Commercial Fisheries) Regulation 2019* by a person who holds, or is acting under primary commercial fishing licence numbers 1435 or 3464, within the part of the CP zone located in Baffle Creek, Elliott River, Burrum River, the ‘crab and marine yabby non-conforming use area of CPZ21-Great Sandy Strait’ defined in Schedule 6, Snapper Creek and southern Tin Can Inlet.
- The use of a tunnel net in the commercial net fishery (east coast no.4) (N10 fishery symbol) in compliance with the *Fisheries (Commercial Fisheries) Regulation 2019* by a person who holds, or is acting under the required fisheries authority, within the parts of CPZ21-Great Sandy Strait that are within the net fishery (east coast no. 4) fishery area defined in schedule 6.
- The use of a set pocket net in the commercial net fishery (no.15) in compliance with the *Fisheries (Commercial Fisheries) Regulation 2019* by a person who holds, or is acting under the required fisheries authority, within the part of CPZ21-Great Sandy Strait that is within the set pocket net waters defined in schedule 6.
- The take of fish in the commercial net fishery (general netting and ocean beach – area 8) (K8 fishery symbol) in compliance with the *Fisheries (Commercial Fisheries) Regulation 2019* by a person who holds, or is acting under the required fisheries authority, within the part of CPZ21-Great Sandy Strait that is within the net fishery (general netting and ocean beach – area 8) fishery area defined in schedule 6.

Schedule 4 Non-conforming uses – with permission

There are two non-conforming uses that can be undertaken in the marine park with permission. These are the aquarium fish fishery in the Little Woody Island Marine National Park (MNP) zone (MNP18 – Little Woody Island) and the commercial collection of coral in the Big Woody Island MNP zone (MNP16 – Big Woody Island) and part of the Conservation Park (CP) zone within CPZ21-Great Sandy Strait. Schedule 4 outlines the location/s where

each non-conforming use activity can be undertaken with permission, and any conditions that apply to the conduct of the activity.

A non-conforming use is an activity that would otherwise be a prohibited purpose for the zone in which it occurs. If a person does not comply with Schedule 4 the person is undertaking a prohibited activity and therefore would be non-compliant with section 43 of the *Marine Parks Act 2004*.

Commercial collection of aquarium fish in the Little Woody Island MNP zone is a continuing non-conforming use from the repealed zoning plan. The conditions of the non-conforming use have been modified so that collection from the area is restricted to only those fishers that hold, or are acting under, a primary commercial fishing licence that has recorded catch in the aquarium fish fishery from within the Little Woody Island MNP zone since the marine park was established on 31 August 2006. Demonstration of this catch history is to be via catch logbook records as are required under the *Fisheries (Commercial Fisheries) Regulation 2019* and take from the area must be in compliance with that legislation.

Under the repealed zoning plan, a non-conforming use provision enabled commercial collection of coral in the CP zone to the north of Big Woody Island, within the area described as Coral Area 801 (by the Department of Agriculture and Fisheries), by the holders of two fisheries authority numbers (1484 or 1470). A minimal quantity of coral has been collected from this site under that non-conforming use provision. The collected coral has been used for display purposes in the Reef World Aquarium in Hervey Bay, a local tourist attraction in operation since 1979, and is not taken for commercial sale.

Much of the CP zone within Coral Area 801 is now an MNP zone under this zoning plan. The continuation of this non-conforming use provision will enable coral collection to continue within the same area of the marine park, noting however that part of Coral Area 801, which was formerly CP zone has (except for a very small area) been converted to an MNP zone under this zoning plan. The non-conforming use conditions have been modified to ensure that coral collected from the area can only be taken to be used for display purposes at the Reef World Aquarium in Hervey Bay. The boundary of the non-conforming use area excludes the part of Coral Area 801 that was within the MNP zone under the repealed zoning plan and has been defined by reference to geographic coordinates to provide improved boundary definition and interpretation.

Schedule 5 Restricted and excluded animals for fishing or collecting

Schedule 5 provides a list of the species that are protected in the marine park or for which their take or possession is restricted.

Part 1 describes species not to be taken or possessed. This list is referred to as part of the zoning plan definition of 'protected species' that also includes listed species under the *Environment Protection and Biodiversity Act 1999* (Cwlth) (EPBC), species protected under the *Nature Conservation Act 1992* (NCA) and a number of species of the genus *Epinephelus* that are larger than 1.2 metres in length. Given that grey nurse sharks are protected under both EPBC and NCA legislation, they are captured within the definition of 'protected species' and therefore are not specifically referred to in schedule 5.

Part 2 lists the particular fish that can be taken or possessed subject to restrictions, as referred to in section 97 (fishing or collecting) and section 100 (limited research sampling).

Part 3 lists the particular invertebrates that are excluded from restrictions, as referred to in relation to fishing and collecting in the marine park (section 97) and limited research sampling (section 100).

Plants are no longer referred to in the schedule. A definition of ‘plants’ has been added to schedule 6 and now includes ‘algae’. Under the *Fisheries Act 1994*, marine plants, such as seagrass, saltmarsh and mangroves, are protected under the *Fisheries Act 1994*. Not including ‘plants’ in schedule 5 (that were listed in schedule 2 of the repealed zoning plan) enables the lawful take of marine plants under the Fisheries legislation to occur.

Schedule 6 Dictionary

Schedule 6 is the dictionary where particular terms used in the plan are defined.

Some definitions have been retained from the repealed zoning plan, while some have been modified and some new definitions added, to provide clarity and/or support changes to the zoning plan provisions and improve understanding for marine park users. Definitions that are unnecessary have been removed.