



# Oyster industry plan for Moreton Bay Marine Park

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## Summary

The purpose of the 'Oyster Industry Plan for Moreton Bay Marine Park' (the Plan) is to continue to support and promote the development of the commercial oyster industry in Queensland while providing for the ecologically sustainable use of Moreton Bay Marine Park (MBMP) in accordance with the *Marine Parks Act 2004*. The Plan provides an administrative framework for oystering that will give confidence to long-term investment in the industry and support its operation within MBMP. The scope of the Plan includes commercial oyster aquaculture of the Sydney rock oyster (*Saccostrea glomerata*) within the Moreton Bay Marine Park. Non-commercial traditional oystering is not within the scope of the Plan.

The Plan details how the commercial oyster industry is to be managed within MBMP. It includes details on allowable oyster infrastructure, storage of equipment, structures and moorings. The Plan also specifies oyster areas not to be reallocated for oyster growing. These areas are identified with a view to not re-allocating the Resource Allocation Authority (RAA) when the existing oyster operations cease, to help maintain biodiversity and protect areas of high conservation value. Matters that do not fall within the scope of this document, i.e. cultivation of species other than Sydney rock oysters, traditional oyster areas, will be addressed separately on a case-by-case basis by the Department of Agriculture and Fisheries (DAF) and the Department of National Parks, Sport and Racing (NPSR).

The Plan, developed in collaboration with the Queensland Oyster Growers Association has been accredited under Part 5, Division 2 of the *Marine Parks Regulation 2006*. As a result, individual oyster growers who conduct their operations within the framework of the plan do not require a Marine Parks permit for the aquaculture activity. Accreditation of the Plan does not authorise activities that are prohibited in the marine park and does not remove the need for the relevant approvals to be issued under the *Fisheries Act 1994* and *Sustainable Planning Act 2009*.

Oyster growers are required to obtain a Marine Parks permit for any activities that are outside the framework of the Plan, which has been developed to accommodate the needs of the majority of oyster growers. Special circumstances may apply to certain oyster areas and businesses, and these proposals will be considered for approval by NPSR on a case-by-case basis.

The Plan will be reviewed by DAF and NPSR every ten years. If the *Marine Parks (Moreton Bay) Zoning Plan 2008* (the Zoning Plan) is amended, there may be changes to the purposes for which MBMP can be entered or used (either without an authority, or for a purpose for which the Chief Executive can issue a permission). In this event, the Plan will need to be reviewed within twelve months of such changes (see section 90 of the *Marine Parks Regulation 2006*) to ensure it remains consistent with the Zoning Plan.

The Plan was last reviewed in 2015.

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## Introduction

### About Moreton Bay Marine Park

Moreton Bay Marine Park (MBMP) extends about 125km along the Queensland coastline, from Caloundra to the Gold Coast seaway. It is more than 35km wide in the north, tapering to less than 5km wide at the southern extremity, and covers approximately 3400km<sup>2</sup>. MBMP includes all tidal lands and tidal waters below the level of highest astronomical tide, excluding freehold land. On 4th July 2011 the Federal Court of Australia made a native title determination recognising the Quandamooka People's non-exclusive rights to an area which includes 29 505 ha of the marine park.

MBMP was declared in 1993 for the protection and management of the marine environment, including significant conservation values such as sea turtles, humpback whales, dugongs and other threatened species and migratory species.

Potential impacts from oyster farming on the above values include direct disturbance of habitat due to placement of structures; introduction of disease; phytoplankton reduction in the vicinity of farms and fouling material from cleaning of structures.

Within the MBMP potential impacts from oyster farming, and other activities, are managed through the entry and use provisions of the four marine park zone types described within the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

Operating within the Plan will ensure oystering is carried out in accordance with the Zoning Plan, providing for the ecologically sustainable use of MBMP and protecting its natural, recreational, cultural heritage and amenity values.

### History of oystering within Moreton Bay

The Sydney rock oyster, also known as the Moreton Bay rock oyster (*Saccostrea glomerata*), has been cultivated in Moreton Bay since the 1860s. In 1874, the first oyster licences were issued in the form of dredge sections, in which specified areas were allocated to lessees. Until 1920, wild oysters were dredged from the deeper waters or harvested from naturally occurring ground banks.

Following a peak in the industry from 1904 to 1908, the Queensland oyster industry gradually declined due to factors such as mudworm disease and increased production in New South Wales. By 1936, Queensland oyster growers were relying on spat sourced from New South Wales and were using infrastructure to farm oysters.

### Description of oystering within Moreton Bay

The four contemporary oyster growing areas in Moreton Bay are located at Moreton Island, North Stradbroke Island (includes Myora and Canaipa), Pimpama River and Pumicestone Passage within General Use, Habitat Protection and Conservation Park zones of MBMP. There are currently 354 hectares of approved oyster areas within Moreton Bay, comprising 0.001% of the total area of the Marine Park.

Oyster farming operations consist of three interrelated stages, each of which may require different conditions and/or different locations.

### Spat collection/nursery areas

Natural spat fall occurs in limited areas within Moreton Bay. Queensland oyster growers rely on imported spat from New South Wales, which is collected from natural spat falls or produced by a



hatchery. Some spat is still collected in Moreton Bay but the amount is small compared to that sourced from New South Wales.

Spat is collected by placing suitable settlement infrastructure in oyster areas where there is a known spat fall. Experimentation in Moreton Bay has shown that spat fall is most productive between December and March. Methods for collecting spat include stick batteries and PVC collecting slats. The catching infrastructure is placed in the water less than two weeks before the expected spat fall, where it remains for a minimum of six weeks to a maximum of sixteen weeks, depending on the success of the spat fall.

## **Growing spat to a mature size**

Oyster growers have adopted methods of cultivation that vary depending on physical, chemical and biological conditions in different areas of Moreton Bay. Different methods for growing spat to maturity and fattening include stick cultivation, tray cultivation, BST adjustable longline, rack and basket system, and subtidal system. Tray cultivation and the BST adjustable longline are the most common culture methods used in Moreton Bay.

## **Maturing and fattening the oysters**

Some oyster growers have several oyster areas at different growing areas within Moreton Bay, as not all areas are suitable for spat collection, nursery areas, growing or fattening. Mature oysters are often moved to areas suited to fattening the oysters prior to sale. Major harvesting takes place between August and April depending on the location.

Between spat collection and harvesting, oysters are monitored by the oyster growers and graded and culled when required. Oysters reach market size in an average of three years.

## **Industry status**

Total rock oyster production from MBMP oyster areas ranged from 102 500 dozen to 203 000 dozen per annum between 2011–12 and 2013–14, with an average production of 145 000 dozen. Total production value during this period has been steady around \$500 000 per annum. The average wholesale price per dozen of oysters has decreased from \$3.97 in 2012-13 to \$2.57 in 2013-14.

About a dozen full and part-time growers are responsible for the majority of MBMP's oyster production. Most authorised oyster areas produce few (if any) oysters, and are consequently restricting the potential total production and the value of the industry to the economy and community. Annual returns submitted by authority holders reveals that around 50% of licensed oyster areas have nil production, although the number of oyster areas without stock has decreased in recent years.

## **Legislative environment**

### **Fisheries resource allocation authorities and development approvals**

The aquaculture of oysters is considered to be assessable development under the *Sustainable Planning Act 2009* and is authorised by a development approval. The Department of Infrastructure, Local Government and Planning (DILGP) are the lodgement and assessment point for development applications for oyster aquaculture within MBMP as the State Assessment and Referral Agency.

In addition to the development approval, a Resource Allocation Authority (RAA) is required for any development involving the allocation of public resources, including aquaculture developments on tidal lands. RAAs for aquaculture are issued under the *Fisheries Act 1994* and signify the state's consent as owner of the resource.

There are currently 89 approved RAAs and corresponding development approvals issued under the *Fisheries Act 1994* and *Sustainable Planning Act 2009* respectively for the culture of rock oysters in specified areas in Moreton Bay.

The purpose of the *Fisheries Act 1994* is to 'provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to—

- a) apply and balance the principles of ecologically sustainable development; and
- b) promote ecologically sustainable development'<sup>1</sup>.

In assessing an application for a fisheries development permit, 'the chief executive must consider the potential effect the development would have on—

- a) the management, use, development and protection of fisheries resources and fish habitats; and
- b) the management of aquaculture activities'<sup>2</sup>.

In considering an application for an authority, 'the chief executive must—

- a) comply with any relevant regulation or management plan; and
- b) consider any applicable wild river declaration'<sup>3</sup>.

In addition, 'the chief executive must consider the impact of the development mentioned in the authority on each of the following—

- a) coastal management under the *Coastal Protection and Management Act 1995*;
- b) the protection of Queensland waters as required under the *Environmental Protection Act 1994*; and
- c) the management of marine parks under the *Marine Parks Act 2004*<sup>4</sup>.

Further:

The chief executive may refuse to issue or renew a RAA if satisfied the refusal is necessary or desirable for the best management, use, development or protection of fisheries resources or fish habitats<sup>5</sup>.

Appeals relating to decisions for RAAs and development approvals are heard in the Queensland Civil and Administrative Tribunal and the Planning and Environment Court respectively.

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<sup>1</sup> Fisheries Act 1994, division 2, section 3.

<sup>2</sup> *ibid.*, division 3A, subdivision 2, section 76D.

<sup>3</sup> *ibid.*, division 3, subdivision 2, section 55.

<sup>4</sup> Fisheries Act 1994, division 3, subdivision 2A, section 60A.

<sup>5</sup> *ibid.*, division 3, subdivision 2, division, section 59.



## Marine Park legislation, zoning plans and permits

NPSR is responsible for administering the *Marine Parks Act 2004* and its subordinate legislation. The *Marine Parks Regulation 2006* and the Zoning Plan provide for the management of MBMP, with the Zoning Plan as the primary tool for managing ecologically sustainable use of the Marine Park.

Under the entry and use provisions of the Zoning Plan, permission is required to conduct an aquaculture operation, other than an aquaculture operation involving the addition of feed in General Use, Habitat Protection and Conservation Park zones. Oyster farming in a Marine National Park zone is prohibited. The majority of oyster areas in MBMP are located within Habitat Protection zones (see Appendix 1).

Section 85 of the Marine Parks Regulation provides for the accreditation of an external instrument that provides for how a particular activity should be conducted by a person in a marine park. Provided the person complies with the requirements in the external instrument, a separate authority or permission is not required to enter or use the marine park to conduct the activity. The Oyster Industry Plan for Moreton Bay Marine Park has been accredited as an external instrument under section 85 of the Marine Parks Regulation thereby negating the need for oyster growers to obtain an individual permit to undertake oyster aquaculture in the marine park.

Nine designated areas have also been established in the marine park to help manage specific issues which occur at specific locations in the marine park. The purposes and provisions of a designated area are in addition to and equally important as the purposes and provisions of the zone for that area. Under the Zoning Plan, permits granted in these areas must be consistent with the objects of the designated area.

Some oyster areas are located within designated areas that have special management requirements. These areas include several Go Slow Areas for Turtles and Dugong. Within these go slow areas it is an offence under the Zoning Plan to operate a vessel:

- in a planning or non-displacement mode;
- for motorised water sports;
- in a way or at a speed that could reasonably be expected to result in striking a turtle or dugong.

Private structures (boat ramps, jetties or pontoons that are unavailable for use by the public) within Habitat Protection and Conservation Park zones are not permitted within MBMP. However, oystering (including the infrastructure used in the industry) was acknowledged as a historical activity when MBMP was established, and oyster growers were recognised as bona fide users of Moreton Bay's resources and therefore limited infrastructure associated with the cultivation of oysters is allowed.

Sections 10 and 11 of the *Marine Parks Regulation 2006* are considered when assessing permit applications, (Appendix 2 together with section 10 of the *Marine Parks (Moreton Bay) Zoning Plan 2008* (see Appendix 3).

## Declared Fish Habitat Areas

The declared Fish Habitat Area (FHA) legislation under the *Fisheries Act 1994* allows for the declaration, conservation and management of defined areas of key fish habitat as declared FHAs. Within a declared FHA, the integrity, structure and fish habitat values of all habitats (vegetated and unvegetated) are given significant protection from physical disturbance.

The declared FHA network provides protection from development for key areas of fish habitats that sustain the fish on which commercial, recreational and traditional fisheries rely. In addition, the Fisheries Act provides for the maintenance of community use of declared FHAs, particularly for fishing, and recognises the importance of these areas for education and research. The declared FHA network also protects cultural heritage in the form of historic fishing and harvesting activities (e.g. middens).

Development works in a declared FHA, such as the construction of jetties, pontoons and installation of pile moorings and oyster furniture, requires approval under the *Sustainable Planning Act 2009* and an RAA for a declared FHA prescribed development purpose under the *Fisheries Act 1994*.

FHAs are declared to include a 'management A area' and/or a 'management B area'. Management A areas provide a higher level of protection than management B areas thereby providing management flexibility for the FHA network. Management A areas are declared to protect key fish habitats and impose stricter management measures. Management B areas are declared to protect important fish habitats while allowing for a less stringent management approach, particularly where existing or planned uses would be prohibited in a management A area. Management B areas are also used as a buffer adjoining management A areas, and thereby provide enhanced protection for these key fish habitats. A large number of oyster leases within Moreton Bay occur within declared FHAs (see Appendix 1). Within a management A area, the construction of oyster racks, oyster long lines, sea cages and other tidal aquaculture structures may not be approved.

Within a management B area, the construction of aquaculture oyster racks, oyster long lines, sea cages and other tidal aquaculture structures may be considered for approval under the prescribed development purpose 'constructing a permanent structure on tidal land or within the area'. However, such aquaculture ventures require a substantial area of a declared FHA to be alienated from community use.

The policy Management of declared Fish Habitat Areas<sup>6</sup> outlines approval exemptions for installation of oyster infrastructure in declared FHAs, except where installation constitutes tidal works under the *Coastal Protection and Management Act 1995*. The policy also discusses relocation of oyster areas within declared FHAs.

## **Management of oyster areas within Moreton Bay Marine Park**

### **Standard Conditions for approvals**

#### **Development approval**

DILGP is the assessment manager for development applications for oyster aquaculture within MBMP as the State Assessment and Referral Agency. DILGP forward development applications they receive to state agencies for their consideration and to provide a technical assessment response in relation to the application. This includes recommending any conditions which are required. DILGP is the final decision maker for approval of development applications and setting conditions.

#### **Resource allocation authority**

DAF is the lead agency for assessing aquaculture RAA applications and can impose reasonable and relevant conditions on an authority. RAA applications are assessed against the purposes of the *Fisheries Act 1994*, which includes promoting ecologically sustainable development. RAA's for oyster

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<sup>6</sup> Available at <http://www.nprsr.qld.gov.au/managing/habitat-areas/policies-code.html>

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areas within the MBMP are able to be issued for up to 30 years. Conditions on the RAA include requirements to indemnify the state, clean-up of oyster area following cancellation or surrender of authority, marking of oyster area and keeping it in good condition, infrastructure permitted to be used and production requirements. The following are standard conditions which will ordinarily be imposed on a RAA for the culture of rock oysters within MBMP.

1. The person operating under this authority must indemnify the state acting through DAF (including agents of the state) from and against any loss, damage or expense arising from any claim, demand, action, suit or proceeding that may be made or brought by any persons against the state with respect to:
  - a. the death of or injury to any persons
  - b. the loss of or damage to any property where such death, injury, loss or damage arises out of or in connection with the developer's activity within the approved area managed by DAF, and is caused by the negligent act or omission of the developer or an employee, member, agent, invitee or client of the developer.
2. On cessation of the aquaculture operations, cancellation, surrender or prior to any transfer, the area must be cleaned up, including the removal and disposal of anything used for the aquaculture activity. Clean up must occur within a maximum of two (2) months of cessation of activity, cancellation or surrender.
3. The authorised area and markers defining the area must be kept in good condition and free from waste material and debris.
4. Only aquaculture furniture that has industry acceptance and/or DAF authorisation is to be used, and can be placed only within the boundaries of the approved aquaculture area. The use of structures such as sheds, fences, pontoons, docks or wave walls are not authorised unless separate written approval has been granted by the relevant authority.
5. The developer must comply with the minimum production levels established in the 'Policy for Maximising Rock Oyster Production: Management of Non-Productive oyster Areas'<sup>7</sup>.

The 'Policy for Maximising Rock Oyster Production: Management of Non-Productive oyster Areas'<sup>7</sup> establishes a minimum level of production per hectare or part thereof per annum per business enterprise. This policy was developed to address the large number of latent oyster areas in Moreton Bay by increasing the use and production from oyster areas. Production from oyster areas is monitored through annual production returns submitted by the oyster growers.
6. Each corner of the approved aquaculture area must be marked with posts as follows:
  - a. Secure a corner marker post at the corners of the approved aquaculture area.
  - b. Each corner marker post must display the words 'Approved Aquaculture Area' in lettering no less than twenty-five (25) millimetres in height and the area number in legible figures no less than eighty (80) millimetres in height.
  - c. Maintain the corner marker posts and signs in good condition.

<sup>7</sup> Available at [https://www.daf.qld.gov.au/data/assets/pdf\\_file/0003/73488/Policy-Maximise-Productive-Oyster-Areas.pdf](https://www.daf.qld.gov.au/data/assets/pdf_file/0003/73488/Policy-Maximise-Productive-Oyster-Areas.pdf)

- d. When necessary the developer must replace corner marker posts and signs.
  - e. The marker posts must be no less than fifty (50) millimetres in diameter and the tops of the corner marker posts must be no less than 0.5 metres above highest astronomical tide.
  - f. The signs must be retro-reflective and must be kept legible at all times.
  - g. Intermediate marker posts must be placed on the boundaries of the approved aquaculture area with the top 0.5 metres of the intermediate marker posts yellow in colour.
  - h. Where any boundary of the approved aquaculture area is not adjacent to any marked boat channel, the markers along the boundaries must be no more than 100 metres apart. Where any boundary of the approved aquaculture area is adjacent to any boat channel, the markers must be no more than 25 metres apart.
7. The holder must undertake oyster growing activities on the approved area in accordance with the current version of the Oyster Industry Plan for Moreton Bay Marine Park. The Plan is available at <https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies/moreton-bay-oyster-management-plan>

## **Allocation of areas for oystering**

Areas on state intertidal and subtidal lands suitable and available for oystering are limited due to the MBMP and Fish Habitat Area restrictions and increasing development in coastal regions. There are 106 oyster areas identified within Moreton Bay, covering an area of 435 ha (refer to Appendix 4 for maps and Appendix 1 for a table of oyster areas in Moreton Bay). Of these, 89 oyster areas are currently approved covering an area of 354 ha. Expansion of the total area available for oystering within Moreton Bay will not be considered until industry is utilising the current area available.

While oystering has no significant effect on seagrasses, the infrastructure used in the farming process may limit access to oystering areas, for both aquatic wildlife and human users of MBMP. A number of oyster areas are located in places of high conservation value with many of these areas providing habitat for endangered marine species. For this reason, in 2008, the former Department of Primary Industries and Fisheries, the former Environmental Protection Agency and the Moreton Bay Oyster Industry identified a number of oyster areas that were not to be reallocated when the associated RAAs were surrendered, cancelled or not renewed (see Appendix 5). This position is still appropriate to the current plan. Oyster growers can also volunteer to move to an existing but unused oyster area. These areas total 77.7 ha, which is 18% of the total area for oystering in Moreton Bay.

The former authority holder must remove all oystering infrastructure and rehabilitate the area as much as practicable. Queensland Boating and Fisheries Patrol are responsible for inspecting the areas to ensure they have been rehabilitated within the allocated period of two months. NPSR will also be notified when the area has been vacated and rehabilitated.

This process is a significant enhancement to the Marine Park's conservation values. As a result, NPSR is prepared to support further economic development of the industry through the limited use of fixed and floating platforms.

DAF may issue a new RAA for an oyster area where the authority has been surrendered, cancelled or not renewed, provided the area is located outside high conservation areas (i.e. not listed in Appendix 5). Oyster growers relocating from high conservation areas are given priority to these existing but unused oyster areas.

However, a new RAA might not be issued for the same location; an area of equivalent size may be allocated in an alternative location. This could be because the area is no longer suitable for oystering due to natural coastal processes or pollution concerns due to increased coastal development. In these cases, all oystering infrastructure must be removed and the area rehabilitated as much as practicable.

This change of location would be assessed as a new application for an RAA and development permit for the new area, during which DAF would consult with NPSR. In considering an application for an RAA, the chief executive must consider the effect of the development on the management of marine parks under the *Marine Parks Act 2004*.

Without expanding the total area available for oystering, this allows oyster growers to apply for new areas that may have historically been used for oystering or for the development of nursery areas. The process provides some flexibility for industry by giving existing oyster growers an opportunity to adjust the boundaries of their oyster area if part of the area is no longer suitable for oystering.

If an RAA is surrendered, cancelled, or not renewed, the development permit for that oyster area will remain. It cannot be used, however, until DAF has issued a new RAA for that area.

Marine park permits will also be required to conduct aquaculture at sites not included in Appendix 1 of the Plan.

## **Cultivation methods and oyster infrastructure**

Cultivation of rock oysters in Moreton Bay generally utilises rack infrastructure. Oysters are suspended from post and line structures placed in the intertidal zone. Oyster racks are usually a combination of wood and plastic, and approximately the width of a walkway. The industry standard is a system where oysters are enclosed in mesh bags hung from a line suspended between posts. Oyster areas are marked with corner marker posts and intermediate marker posts along the boundaries of the areas.

There is minimal environmental impact from rack culture as oyster bags are suspended near the surface of the water, so natural processes can take place beneath.

Infrastructure used on oyster areas within the MBMP must not interfere with natural ecosystems, such as seagrass communities. The oyster infrastructure must be temporary and cannot include fixed structures on the substrate (except for the supporting posts). All materials must be of an inert nature.

The following oyster infrastructure may be used within the Marine Park (see glossary for further definitions):

- BST adjustable longline;
- subtidal;
- spat batteries: stick batteries or PVC collecting slats;
- nursery systems;
- post and rail infrastructure for stick cultivation, tray cultivation, floating cylinders and rack and basket system.

## Storage of infrastructure and equipment

Oyster growers must manage the land and sea-based storage of their infrastructure and equipment so as not to affect the amenity values and natural resources of the Marine Park.

Oyster infrastructure and equipment may be temporarily stored on an oyster area for a maximum period of six months. Permanent storage on an oyster area is not permitted. Infrastructure and equipment must be stored on a fixed platform, floating pontoon or designated storage area, and must not be stored in MBMP directly on the substrate.

Oyster infrastructure and equipment can be stored at the designated oystermen reserves on Moreton and North Stradbroke Islands.

Oyster infrastructure and equipment may also be stored within the designated storage areas at Woogoompah Island (Image 1) within the boundary coordinates in Table 1.

**Table 1 – Boundary coordinates (WGS84) of the oyster industry storage areas at Woogoompah Island**

### **Northern storage area (Area 1)**

Point	Location	Latitude	Longitude
1	North-west corner	27° 48.790' S	153° 24.053' E
2	North-east corner	27° 48.794' S	153° 24.061' E
3	South-east corner	27° 48.818' S	153° 24.046' E
4	South-west corner	27° 48.809' S	153° 24.042' E
5	North-west midpoint	27° 48.802' S	153° 24.045' E

### **Southern storage area (Area 2)**

Point	Location	Latitude	Longitude
1	North-west corner	27° 48.826' S	153° 24.026' E
2	North-east corner	27° 48.824' S	153° 24.028' E
3	South-east corner	27° 48.830' S	153° 24.035' E
4	South-west corner	27° 48.831' S	153° 24.033' E

The storage areas must not expand beyond these coordinates. The northern storage (Area 1) is 0.067 hectares in size, with an approximate width of 15 metres (ranging between 14m and 15.5m) and a length of 50 metres (Image 2). The southern storage area (Area 2) is 0.0075 hectares in size, with a width of 5 metres and a length of 15 metres (Image 2).

The storage areas are to be kept clean and tidy and free from waste material. All waste material is to be removed from the storage areas and disposed of in accordance with Local Government guidelines for disposal of refuse. Access and use of the area is to be undertaken in a way as to minimise disturbance to marine plants. Oyster areas are not to be used to store equipment which is not directly related to, or being used for, the oyster operation. All equipment within the storage areas is to be stored or secured in such a way to prevent it from floating away from the storage areas.

The Woogoompah Island oyster storage areas are located outside the boundary of the Southern Bay Islands National Park (Woogoompah Island section), but located within the boundary of the MBMP. This area is excluded from the Jumpinpin-Broadwater declared Fish Habitat Area.

The storage of any oyster infrastructure and equipment outside of authorised oyster areas is not permitted within MBMP, with the exception of the designated area at Woogoompah Island.

**Image 1 – The location of the Woogoompah Island oyster industry storage areas**



**Image 2 – The location of the Woogoompah Island oyster industry northern (Area 1) and southern (Area 2) storage areas**





## Working platforms

Oyster growers may need working platforms to conduct their operations and to store equipment. Each oyster area is permitted to have one working platform. The use of platforms is only supported for active leases.

The working platform can be a fixed platform (conditions apply) or a floating pontoon, and must be located entirely within the boundaries of the oyster area. Oyster growers must liaise with Maritime Safety Queensland about any marking requirements for the working platforms.

The working platform and pontoon shall not be used for live-aboard accommodation (i.e. not to be used for a dwelling).

Floating platforms, including barges and pontoons, must be:

- a maximum of 50m<sup>2</sup> in total area
- a maximum height of 2.5 metres above deck level
- entirely located within the boundaries of the approved aquaculture area
- anchored in a way that secures the pontoon safely.

Fixed platforms must be:

- a maximum of 40m<sup>2</sup> in total area
- a maximum height of 2.5 metres above the highest astronomical tide
- entirely located within the boundaries of the approved aquaculture area.

A fixed platform must also be constructed in accordance with certified plans to ensure the platform is structurally adequate and designed for the intended location and anticipated usage.

Oyster growers are no longer required to obtain a Marine Parks permit for a fixed platform if it meets these requirements. The construction of any fixed platform is considered 'tidal works' (or 'prescribed tidal works', depending on the location of the oyster area) under the *Coastal Protection and Management Act 1995*. A development permit for operational works is required under the *Sustainable Planning Act 2009*. Applications for these development permits would be assessed in accordance with the provisions of the Coastal Protection and Management Act and Regulations, the State Planning Policy, and the Department of Environment and Heritage Protection's Operational policies (where applicable).

Under the *Fisheries Regulation 2008*, permanent private structures (including fixed platforms) are not permitted within a Fish Habitat Management A Area. This includes the oyster areas at Moreton Island and Myora growing areas and some oyster areas at Pimpama River and Pumicestone Passage growing areas. To construct fixed platforms in Fish Habitat Management B Areas, oyster growers need to apply for an RAA for interference with a declared fish habitat area and any relevant approvals under the *Sustainable Planning Act 2009*.

Any fixed or floating platforms that do not meet the above requirements may still be permitted, but will require a marine park assessment and approval. All platforms must be maintained in a condition amenable to public safety.



## Moorings

Oyster growers may require buoy moorings in their oyster area to moor floating platforms and registered vessels.

Oyster areas that are smaller than 5 hectares and do not have a fixed platform are permitted to have one buoy mooring. Oyster areas 5 hectares and greater may have up to two buoy moorings. Fore and aft mooring configurations count as one mooring. All buoy moorings must be located within the boundaries of the oyster area, regardless of oyster area size.

A Marine Parks permit is not required to install the buoy mooring(s), but approval is still required from Maritime Safety Queensland under the *Transport Operations (Marine Safety) Act 1994*. A declared FHA approval is not required for buoy moorings under this Plan. Pile moorings, however, may trigger tidal works approval and therefore also declared FHA approvals<sup>8</sup>.

Where possible, buoy moorings installed in oyster areas are to meet the following specifications:

- less than 1m<sup>2</sup> of substrate is disturbed during mooring installation and use;
- installation of the mooring does not involve dredging;
- the buoy mooring keeps the vessel or floating platform using the mooring off the substrate; and
- the buoy mooring keeps all cables, chains, ropes and other tackle off the substrate.

## Other structures

Other structures, including breakwalls, fences, boat ramps and jetties, are not permitted to be constructed on oyster areas.

## Disposal of debris, rubbish and waste material

All excess infrastructure and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from MBMP and disposed of in accordance with Local Government guidelines for disposal of refuse.

DAF is committed to ensuring the rehabilitation of oyster areas that are cancelled or surrendered, and will strongly enforce authority conditions requiring clean-up of the oyster area. Queensland Boating and Fisheries Patrol will undertake an inspection of oyster areas after cancellation or surrender to ensure the area has been cleaned up. Further action will be initiated against the former authority holder where the oyster area is not cleaned up.

## Treatment processes for timber

Any treated timber used in the works must be treated in accordance with Australian Standard 1604.1-2012 'Specification for preservative treatment Part 1: Sawn and round timber.

CCA-treated (copper chrome arsenate treated) timber (including double-treated timber) to be embedded in the substrate or in direct contact with sea water (either permanently or as a result of tidal influence) must be withheld from use for a minimum period of 6 weeks after treatment, or demonstrated to more than 99% of Cr (V1) fixed in the timber.

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<sup>8</sup> For more information refer to the Operational policy – Management of declared Fish Habitat Areas, available at [www.npsr.qld.gov.au](http://www.npsr.qld.gov.au)



All other CCA-treated timber used in the works must be completely dry prior to use.

Where creosote is used to treat timber (including double-treated timber) to be used in the works, it must be applied using vacuum-pressure treatment in approved industrial facilities at retention rates specified by Australian Standard 1604. Timber that is only surface-treated with creosote is not acceptable for use in the Marine Park.

All offcuts and sawdust must be collected and disposed of at an approved landfill site.

### **Dealing with injured wildlife**

Any wildlife injured within MBMP as a result of oystering activities must be reported to the NPSR Hotline on 1300 ANIMAL (1300 264 625).



## Oyster industry under the Plan

The oyster industry has been operating under the management arrangements of the Plan since August 2008. Of the 13 oyster areas identified in Appendix 5 as not to be reallocated, four have either been surrendered or expired. This has resulted in a reduction of the overall total hectares for oyster aquaculture in MBMP by 30.5 hectares. In two of these cases the holder of the authority surrendered the oyster area to move to an existing but unused oyster area in another location. In addition, a number of other oyster areas have been surrendered or expired. DAF may reallocate these oyster areas in the future through a competitive allocation process. Since the Plan was first accredited there has been an overall improvement in the general appearance of oyster areas with derelict infrastructure removed and oyster areas cleaned up. Some oyster growers have taken advantage of the provisions in the Plan which allow for a working platform on the oyster area. This has allowed some growers to increase production from their oyster area.

Accreditation of the Plan will continue to support and promote the development of the commercial oyster industry in Moreton Bay while providing for the ecologically sustainable use of MBMP in accordance with the *Marine Parks Act 2004*.

## Glossary

Term	Definition
breakwalls	Any structure designed to reduce wave action on an oyster area.
CCA-treated timber	CCA treated timber is timber saturated with a mixture of copper, chrome and arsenic, to effectively preserve the wood and is highly resistant to leaching.
creosote	A liquid mixture of chemicals from the distillation of coal tar. Creosote for use in timber treatment must be made to specific requirements as defined in Australian Standard AS1143 (1973) High temperature creosote for the preservation of timber. Creosote bonds strongly with timber during the preservation process to produce a dark brown timber (which gradually fades) with a mild tar odour.
double-treated timber	Timber treated by both CCA and creosote.
fattening	Preparing oysters for sale by increasing the volume of meat in the oyster shell. Oysters are often moved to estuarine areas prior to sale, where there are high nutrient levels to fatten them.
intertidal	Between the high tide and low tide marks.
mudworm	An oyster disease caused by a spionid polychaete worm ( <i>Polydora websteri</i> ).
nursery areas	Nutrient-rich areas where hatchery spat is subject to continual water flow. Spat stays there for up to 16 weeks prior to being placed on an oyster area for growing to a mature size. Nursery areas need to be located in areas with deeper water.
oyster infrastructure	<p>Any structure that is used for the purpose of collecting oyster spat or growing oysters. Examples of oyster infrastructure include:</p> <p>BST adjustable longline: Bags are suspended by either stainless steel wire coated in plastic or polypropylene wire covered in a sheath of poly pipe. The wire is stretched between anchor posts of hardwood, galvanised iron, aluminium, PVC or large diameter poly pipe.</p> <p>collecting slats: PVC water pipes or plastic slats are laid horizontally at regular intervals to form a grid. They are laid out on rails in rows and secured to the rack, or suspended from lines stretched between two anchoring points.</p>



	<p>nursery systems: Spat is contained in a series of small mesh baskets or cylinders fixed in position and subject to a continual upwelling of water.</p> <p>post and rail infrastructure: Used for stick cultivation, tray cultivation, floating cylinders and the rack and basket system. The infrastructure used for these cultivation methods involves two parallel rails, supported at regular intervals by posts driven into the substrate. These rails and posts are commonly constructed using sawn hardwood treated with creosote, radiata pine timber treated with creosote or CCA, galvanised iron, aluminium, PVC or large diameter poly pipe. The sticks, trays, floating cylinders or baskets are laid across the rails and secured to the structure.</p> <p>rack and basket system: Bags of PVC mesh with two longitudinal sticks through either end are suspended between two parallel rails supported by posts at regular intervals.</p> <p>stick battery: Sticks of hardwood are laid out at regular intervals and nailed to cross beams to form frames that are stacked on top of each other. The batteries are laid out on rails in rows and secured to the rack, or suspended from lines stretched between two anchoring points.</p> <p>stick cultivation: The sticks used for spat collection are retained, and the oysters are left to mature. The sticks are separated and laid out more extensively onto two parallel rails supported by posts at regular intervals.</p> <p>subtidal system: Oysters are suspended in the water and remain below the water at all times. Various types of infrastructure can be used to accommodate oysters in subtidal waters, including trays suspended on buoys or pyramid-like devices with horizontal trays.</p> <p>tray cultivation: Timber, aluminium or plastic frames with bases of galvanised wire or plastic mesh are used to construct trays. The top of the trays are usually covered with a wire mesh. The trays are suspended between two parallel rails supported</p>
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	by posts at regular intervals.
spat	Juvenile oysters that have settled on a substrate and are not yet mature. The spat stage lasts for approximately 12 months.
subtidal	The zone from the low tide mark to a shallow depth of water.
substrate	Seabed.

## Appendix 1 Oyster areas in Moreton Bay Marine Park (as at July 2015)

Location	Growing area	Marine park zone	Declared Fish Habitat Area (mgmt. area)	Oyster area (O.A)	Size (ha)	Current Status
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	202	4.7	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	201	6.2	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	200	5.0	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	199	4.9	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	26	4.8	Approved
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	53	1.5	Approved
Little Sand Hill	Moreton Island	Habitat Protection	Moreton Banks (A)	205	12.1	Approved
Frasers Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	175	11.3	Approved
Frasers Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	139	11.3	Approved
The Divide	Moreton Island	Habitat Protection	Moreton Banks (A)	89	10.7	Approved
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	38	0.2	Approved
Frasers Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	55	11.2	Approved
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	177	5.0	Approved

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	64	5.0	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	19	4.4	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	103	4.6	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	56	2.5	Approved
Blue Hole	Moreton Island	Habitat Protection	Moreton Banks (A)	104	1.7	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	102	1.4	Approved
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	579	10.9	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	46	9.9	Expired
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	63	4.4	Approved
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	54	3.9	Approved
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	21	10.0	Expired
Myora Springs	Myora	Habitat Protection	Myora-Amity Banks (A)	196	4.4	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	214	3.1	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	211	1.9	Approved

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	161	3.0	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	212	3.6	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	28	4.5	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	16	4.5	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	2	3.3	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	61	5.0	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	198	7.0	Expired
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	43	3.6	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	30	5.0	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	87	7.0	Approved
Myora Light	Myora	Habitat Protection	Myora-Amity Banks (A)	23	4.2	Approved
Erica Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	176	3.6	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	27	11.9	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	223	6.9	Approved

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	44	3.7	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	29	4.4	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	35	6.8	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	78	4.5	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	40	2.8	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	315	2.0	Approved
Rainbow Channel	Myora	Habitat Protection	Myora-Amity Banks (A)	34	2.3	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	9	4.8	Approved
Palmer Passage	Myora	Habitat Protection	-	216	5.6	Expired
Dunwich	Myora	Habitat Protection	-	343	5	Expired
Canaipa	Canaipa	Habitat Protection	-	138	5.5	Approved
Canaipa	Canaipa	Habitat Protection	-	136	4.6	Approved
Canaipa	Canaipa	Habitat Protection	-	80	2.1	Expired
Canaipa	Canaipa	Habitat Protection	-	154	2.2	Expired

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Canaipa	Canaipa	Habitat Protection	-	129	1.7	Approved
Canaipa	Canaipa	Habitat Protection	-	141	2.2	Expired
Deanbilla Spit	Canaipa	Habitat Protection	-	13	0.6	Expired
Deanbilla Bay	Canaipa	Habitat Protection	-	73	1.0	Approved
Wallen Wallen	Canaipa	Habitat Protection	-	112	5.0	Expired
Canaipa	Canaipa	Habitat Protection	-	135	4.0	Approved
Wallen Wallen	Canaipa	Habitat Protection	-	115	3.2	Approved
Deanbilla Spit	Canaipa	Habitat Protection	-	8	1.0	Approved
Canaipa	Canaipa	Habitat Protection	-	24	1.7	Approved
Deanbilla Spit	Canaipa	Habitat Protection	-	113	1.8	Approved
Deanbilla Bay	Canaipa	Habitat Protection	-	47	3.8	Approved
Canaipa	Canaipa	Habitat Protection	-	130	3.0	Approved
Canaipa	Canaipa	Habitat Protection	-	45	0.9	Approved
Canaipa	Canaipa	Habitat Protection	-	68	3.2	Approved

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Canaipa	Canaipa	Habitat Protection	-	42	1.0	Approved
Canaipa	Canaipa	Habitat Protection	-	86	2.7	Expired
Deanbilla Bay	Canaipa	Habitat Protection	-	71	6.3	Approved
Deanbilla Spit	Canaipa	Habitat Protection	-	59	8.7	Approved
Deanbilla Bay	Canaipa	Habitat Protection	-	123	2.9	Approved
Deanbilla Bay	Canaipa	Habitat Protection	-	134	3.3	Approved
Deanbilla Bay	Canaipa	Habitat Protection	-	57	10.9	Approved
Canaipa	Canaipa	Habitat Protection	-	137	6.9	Approved
Canaipa	Canaipa	Habitat Protection	-	82	5.2	Approved
Canaipa	Canaipa	Habitat Protection	-	70	2.25	Approved
Wallen Wallen	Canaipa	Habitat Protection	-	65	5.0	Approved
Canaipa	Canaipa	Habitat Protection	-	83	3.2	Approved
Canaipa	Canaipa	Habitat Protection	-	124	1.1	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	33	0.8	Approved

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Browns Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	74	1.3	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	17	0.8	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	3	1.7	Approved
South Stradbroke Island	Pimpama River	Habitat Protection	-	20	0.2	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	1	1.0	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	67	1.0	Approved
Wasp Creek	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	126	1.7	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	88	0.9	Approved
Woogoompah Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	15	1.0	Approved
Browns Island	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	66	1.5	Approved
Pimpama River	Pimpama River	Habitat Protection	Jumpinpin-Broadwater (A)	93	1.4	Expired

<b>Location</b>	<b>Growing area</b>	<b>Marine park zone</b>	<b>Declared Fish Habitat Area (mgmt. area)</b>	<b>Oyster area (O.A)</b>	<b>Size (ha)</b>	<b>Current Status</b>
Tipplers Passage	Pimpama River	Habitat Protection	-	122	8.2	Approved
Pumicestone Passage	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	62	0.3	Expired
Ningi Creek	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	49	0.3	Expired
Donnybrook	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	167	1.7	Expired
Pumicestone Passage	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	7	0.7	Approved
Toorbul Point	Pumicestone Passage	Conservation Park	-	18	0.4	Approved
Ningi Creek	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	52	0.4	Approved
Elimbah Creek	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	48	1.5	Approved
Ningi Creek	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	25	2.7	Approved
Ningi Creek	Pumicestone Passage	Conservation Park	Pumicestone Channel (B)	31	1.4	Approved
Mud Island	Mud Island	Habitat Protection	-	180	13.1	Expired
Mud Island	Mud Island	Habitat Protection	-	181	11.7	Expired

Location	Growing area	Marine park zone	Declared Fish Habitat Area (mgmt. area)	Oyster area (O.A)	Size (ha)	Current Status
			Total number of approved areas = 89 Total number of expired areas = 17 Total = 106			Total area approved = 353.85 ha Total area of expired areas = 80.8 Total area = 434.65



## Appendix 2 Excerpts from *Marine Parks (Moreton Bay) Zoning Plan 2008*<sup>9</sup>

### 10 Matters chief executive must consider for applications for permission

1. This section applies to an application for a permission, under the Regulation, part 3, to enter or use a zone in the marine park. Without limiting the matters the chief executive must, under the Regulation, part 3, have regard to in considering the application, the chief executive must consider the following—
  - a. whether the proposed entry to or use of the zone will have an unacceptable environmental impact on the zone;
  - b. whether the proposed entry to or use of the zone is consistent with the maintenance of the biological diversity and ecological functioning of the marine park;
  - c. whether the proposed entry to or use of the zone will cause a loss of vegetation essential to the natural productivity of the marine park;
  - d. whether the proposed entry to or use of the zone will prejudice the natural amenity and condition of the marine park;
  - e. any effect the proposed entry to or use of the zone will have on the environment as a result of the marine park's natural hydrological pattern or natural coastal processes;
  - f. the cumulative impact on the marine park of the proposed entry to or use of the zone and any other entry to or use of the marine park, particularly the cumulative impact of small-scale developments for which an environmental impact statement is not required;
  - g. the effect of the proposed entry to or use of the zone on—
    - i. shorebirds, particularly international migratory species of shorebird; and
    - ii. the need to protect shorebirds and the habitat of shorebirds;
  - h. if the proposed entry to or use of the zone involves the entry to or use of a designated area—the objects of the area.
2. However, if the purpose of the application is for carrying out major works that are inconsistent with the objects of the general use zone or habitat protection zone, without limiting the matters the chief executive must have regard to under the Regulation, part 3, the chief executive need not consider the matters mentioned in subsection (2)(a) to (d).
3. In this section— international migratory species, of shorebird, means a species of shorebird that has travelled from a location outside Australia.

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<sup>9</sup> [www.legislation.qld.gov.au/Acts\\_SLs/Acts\\_SL.htm](http://www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm)



## Appendix 3 Sections 10 and 11 of the *Marine Parks Regulation* 2006<sup>10</sup>

### 10 Matters chief executive must consider

In considering an application for a permission for a marine park or a part of a marine park, the chief executive must have regard to all of the following—

- a) the potential impact of the conduct proposed to be permitted under the permission (the **proposed conduct**) on the environment and on the cultural resources of the marine park or the part;
- b) options for monitoring, managing and mitigating the potential impact of the proposed conduct on the environment and on the cultural resources of the marine park or the part;
- c) if the proposed conduct will take place in an area to which a zoning plan applies—the objectives of the area as set out in the zoning plan;
- d) any written submissions received about the application in response to the public notice of the application given under section 15;
- e) any other matters relevant to the orderly and proper management of the marine park.

### 11 Other matters chief executive may consider

1. In considering an application for a permission for a marine park or a part of a marine park, the chief executive may also have regard to the following—
  - a) the effect that the grant of the permission will have on public appreciation, understanding, and enjoyment of the marine park;
  - b) the potential impact of the conduct proposed to be permitted under the permission (the **proposed conduct**) on other conduct in the relevant area or nearby areas, or in the marine park, that is being undertaken, is planned, is in progress, or is reasonably foreseeable at the time of the chief executive's consideration of the application, whether or not related to or a consequence of the proposed conduct;
  - c) any policy or guideline issued by the chief executive about the management of the marine park or the performance of the chief executive's functions under the Act;
  - d) if the application for the permission relates to an undeveloped project the cost of which will be large—the capacity of the applicant to satisfactorily develop and manage the project;
  - e) if the proposed conduct also requires an approval or a permission under a law of the State or a law of the Commonwealth or another State—whether the approval or permission has been, or is likely to be, granted and, if granted, the terms and conditions of it being granted;
  - f) any relevant intergovernmental, Australian or international agreement, code, instrument, protocol or standard;
  - g) any relevant law of the State or of the Commonwealth, or a relevant instrument;

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<sup>10</sup> [www.legislation.qld.gov.au/Acts\\_SLs/Acts\\_SL.htm](http://www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm)

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- h) any relevant recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), or any conservation plan under the *Nature Conservation Act 1992*;
  - i) whether the applicant for the permission is a suitable person to hold the permission, having regard to—
    - i. the applicant's history in relation to environment matters; and
    - ii. if the applicant is a body corporate—the history of its executive officers in relation to environment matters; and
    - iii. if the applicant is a company that is a subsidiary of another company (the **parent body**)—the history of the parent body and its executive officers in relation to environment matters; and
    - iv. whether the applicant owes any amount payable under the Act;
  - j) the likely cumulative effect of the applicant's proposed use and other uses on a marine park;
  - k) any other matters relevant to achieving the purpose of the Act.

2. In this section—

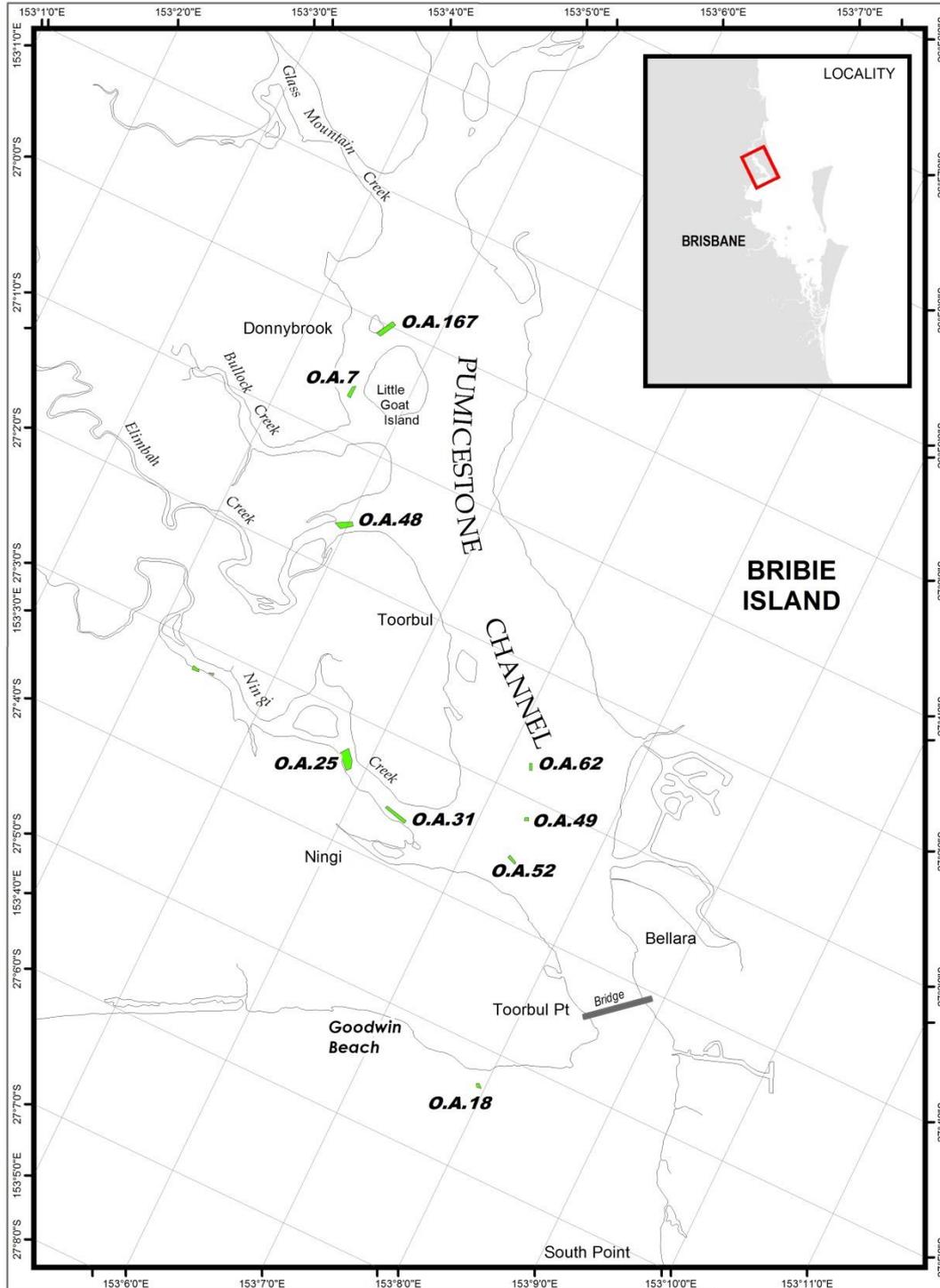
**relevant instrument**, for a marine park or a part of a marine park, means—

- a) a management plan applying to the marine park or part; or
- b) a management statement or management plan under the *Nature Conservation Act 1992* applying to a protected area under that Act that is within or adjacent to the marine park or part; or
- c) a management plan under the *Recreation Areas Management Act 2006* applying to a recreation area under that Act that is within or adjacent to the marine park or part; or
- d) a management plan under the Commonwealth Act applying to an area of the Commonwealth marine park that is within or adjacent to the marine park or part; or
- e) a coastal plan under the *Coastal Protection and Management Act 1995* applying to the coastal zone under that Act that is within or adjacent to the marine park or part; or
- f) any other instrument made under an Act that the chief executive considers to be relevant.

*Example of an instrument for paragraph (f)* - an instrument about the management of the environment

# Appendix 4 Location of oyster areas in Moreton Bay

Image 3 – Pumicestone Passage growing area



Author: Department of Agriculture and Fisheries  
 Map Date: 20/08/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



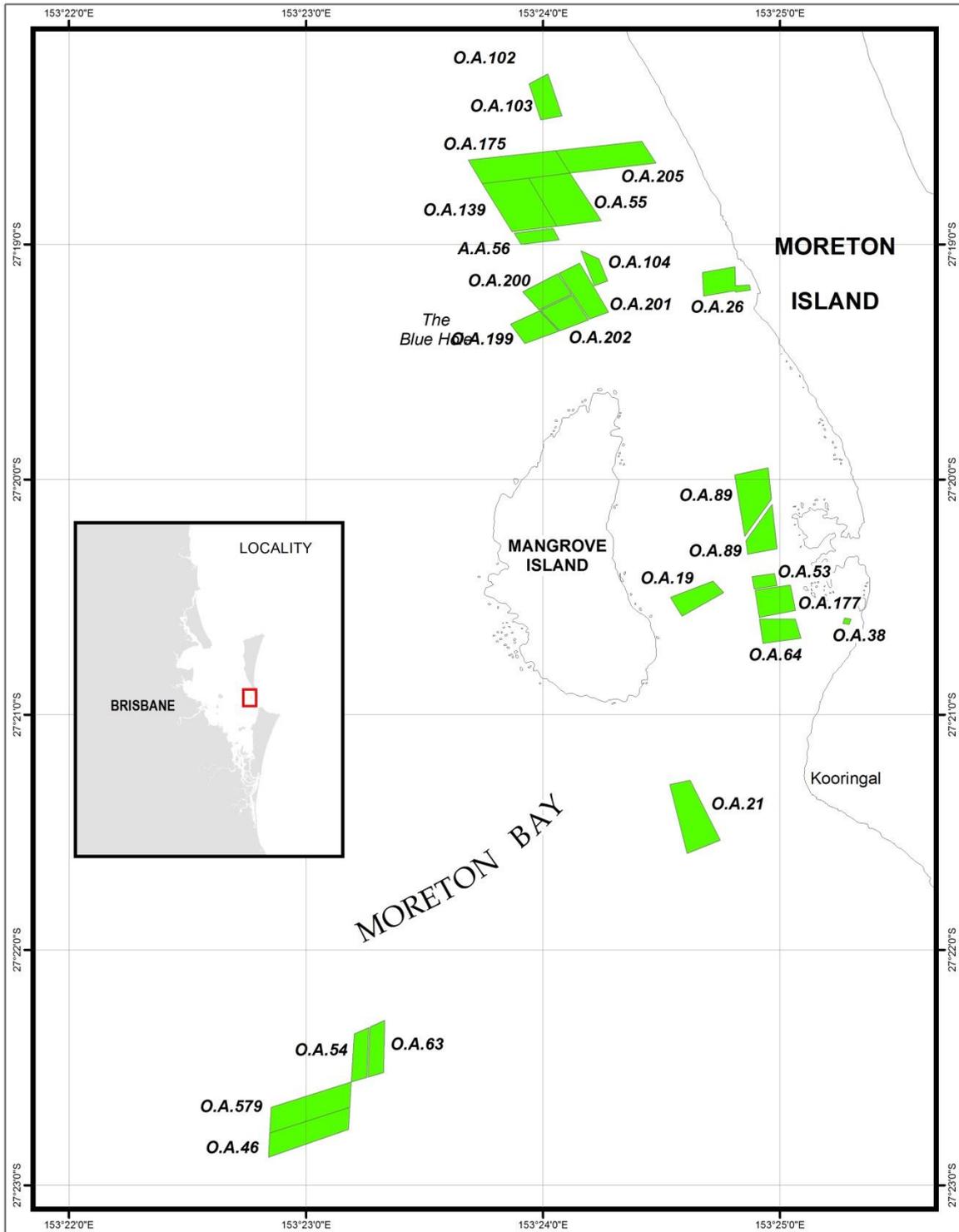
**Legend:**  
 Aquaculture Sites



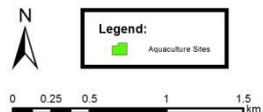
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Image 4 – Moreton Island growing area



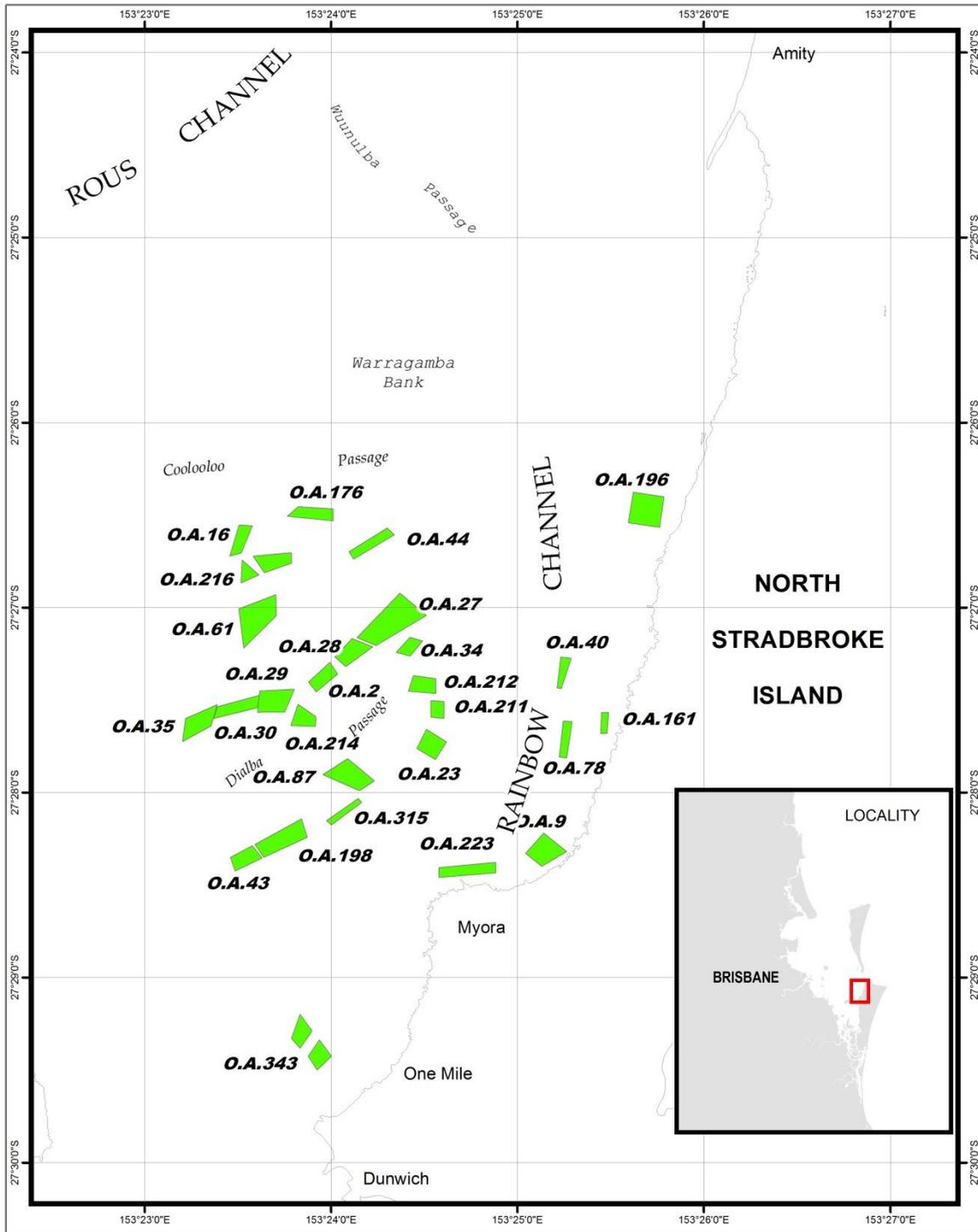
Author: Department of Agriculture and Fisheries  
 Map Date: 1/09/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



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Image 5 – Myora growing area



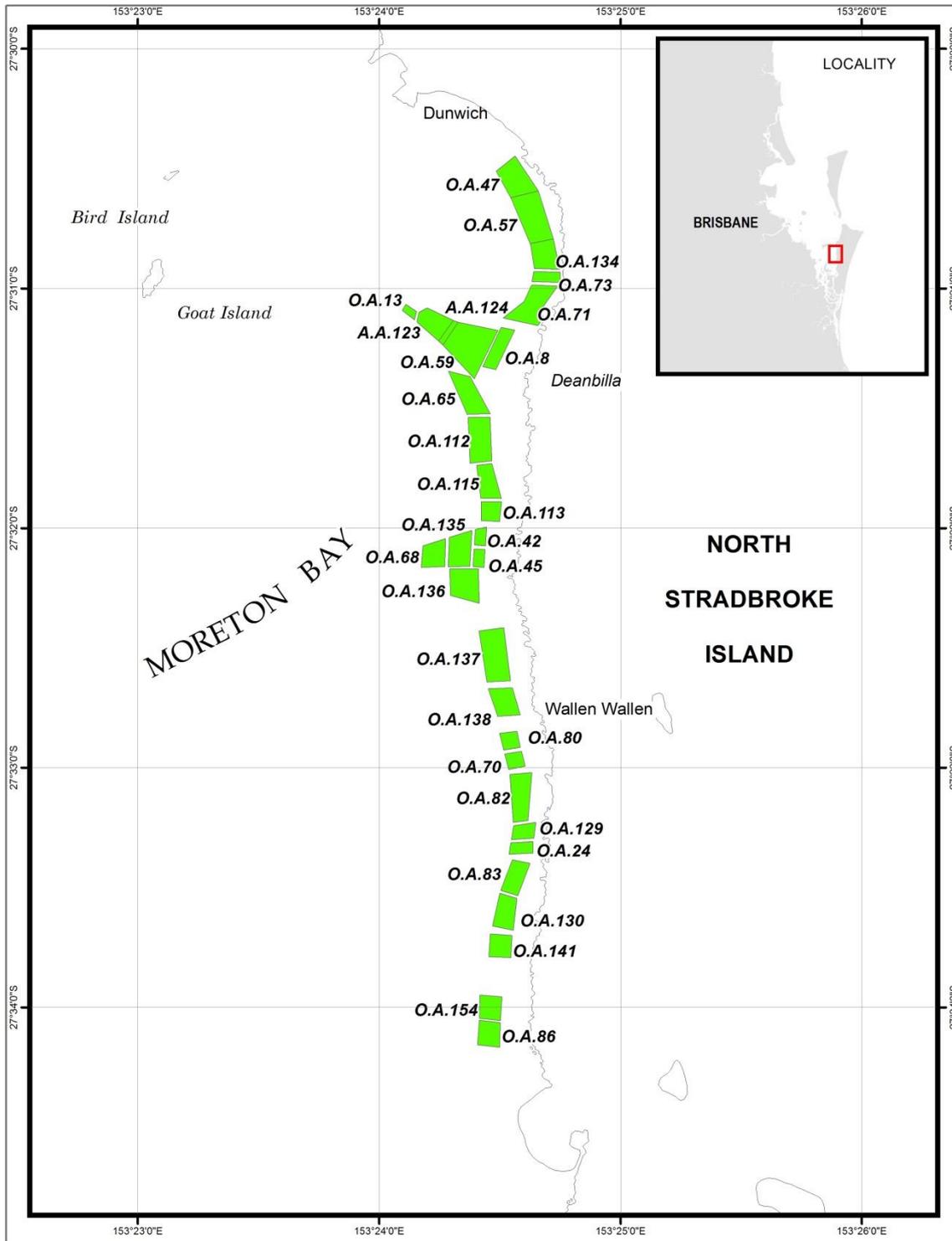
Author: Department of Agriculture and Fisheries  
 Map Date: 1/09/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



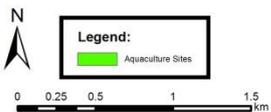
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**Image 6 – Canaipa growing area**



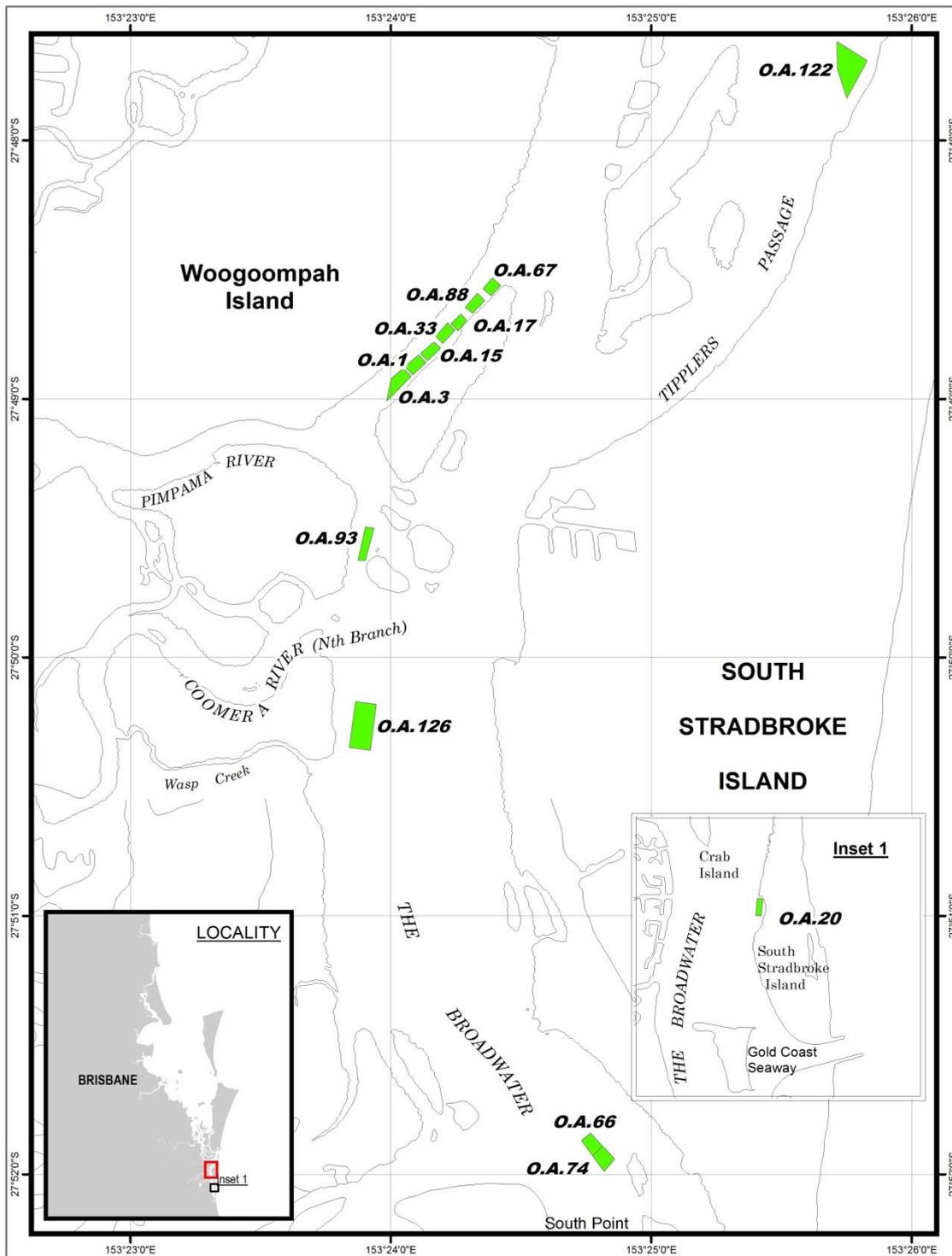
Author: Department of Agriculture and Fisheries  
 Map Date: 1/09/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



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Image 7 – Pimpama River growing area



Author: Department of Agriculture and Fisheries  
 Map Date: 1/09/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



Legend:  
 Aquaculture Sites



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## Appendix 5 Oyster areas in Moreton Bay Marine Park that are not to be reallocated in current location for conservation reasons

Location	Growing area	Marine park zone	Declared Fish Habitat Area (mgmt. area)	Oyster area (O.A)	Size (ha)	Current Status
Days Gutter	Moreton Island	Habitat Protection	Moreton Banks (A)	21	10.0	Expired
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	579	10.9	Approved
Moreton Island	Moreton Island	Habitat Protection	Moreton Banks (A)	46	9.9	Expired
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	63	4.4	Approved
Boolong Banks	Moreton Island	Habitat Protection	Moreton Banks (A)	54	3.9	Approved
Myora Springs	Myora	Habitat Protection	Myora-Amity Banks (A)	196	4.4	Approved
Palmer Passage	Myora	Habitat Protection	-	216	5.6	Expired
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	16	4.5	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	61	5.0	Approved

Location	Growing area	Marine park zone	Declared Fish Habitat Area (mgmt. area)	Oyster area (O.A)	Size (ha)	Current Status
Erica Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	176	3.6	Approved
Myora	Myora	Habitat Protection	Myora-Amity Banks (A)	44	3.7	Approved
Dialba Passage	Myora	Habitat Protection	Myora-Amity Banks (A)	35	6.8	Approved
Dunwich	Myora	Habitat Protection	-	343	5	Expired
				Total number of areas = 13	Total area approved = 47.2ha Total area expired = 30.5 ha TOTAL 77.7ha	