

Activities and Uses in Marine Park Zones

The following tables summarise how activities and uses will be managed once marine park management plans are adopted. The prohibitions and restrictions described in the tables (grey shaded boxes) will be represented in the Marine Parks (Zoning) Regulations 2012.

Section 4 of the *Marine Parks Act 2007* establishes four types of marine park zones. These are General Managed Use, Habitat Protection, Sanctuary and Restricted Access Zones.

Section 5 of the *Marine Parks Act 2007* provides for Special Purpose Areas. These are areas within a marine park, defined by management plans, in which specified activities will be allowed that would otherwise be prohibited or restricted by zoning.

No additional permits under the *Marine Parks Act 2007* will be required if the activity is already permitted or licensed under another Act.

Exemptions

- The Minister responsible for marine parks may provide a permit for any activity to take place that would not ordinarily be allowed in a specific zone in accordance with section 19 of the *Marine Parks Act 2007*.
- The Regulations provide an exemption for any person acting in the course of an emergency.
- The Regulations do not apply to a person exercising official powers or functions under a State or Commonwealth Act or an Aboriginal person acting in accordance with an ILUA or Aboriginal tradition.

Existing activities and uses

Management plans accommodate existing and reasonably foreseeable activities and uses as much as possible, (as outlined by the policy commitments endorsed by Government) by appropriate zoning, the application of Special Purpose Areas or the provision of permits. Apart from fishing activities, any permits, licences or leases current at the time of the adoption of management plans were not affected by these restrictions.

KEY

Zone	Description
GMUZ	General Managed Use Zone – being a zone primarily established so that an area may be managed to provide protection for habitats and biodiversity within a marine park, while allowing ecologically sustainable development and use
HPZ	Habitat Protection Zone – being a zone primarily established so that an area may be managed to provide protection for habitats and biodiversity within a marine park, while allowing activities and uses that do not harm habitats or the functioning of ecosystems
SZ	Sanctuary Zone – being a zone primarily established so that an area may be managed to provide protection and conservation for habitats and biodiversity within a marine park, especially by prohibiting the removal or harm of plants, animals or marine products
RAZ	Restricted Access Zone – being a zone primarily established so that an area may be managed by limiting access to the area

RECREATION, EDUCATION AND OTHER	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Operating aircraft	✓	✓	✓	✓limit	Limit: Aircraft cannot fly within 300m of the ground or sea level, and helicopters not within 500m of the ground or sea level.
Diving e.g. scuba/snorkel	✓	✓	✓	×	
Pedestrian access	✓	✓	✓	×	
Recreational boating/yachting	✓	✓	✓	×	
Surfing/swimming	✓	✓	✓	×	
Domestic animals	✓	✓	✓limit	×	Limit: Dogs on leads (up to 2m long); or animals confined to vessels / vehicles; or animals under effective control and behaving in accordance with relevant local Council by-laws.
Research	✓	✓	✓permit	✓permit	Permit ³ : A permit is not required for research authorised under another Act.
Commercial photography/film making	✓	✓	✓permit	×	Permit ³ : A permit is not required for commercial photography/film making authorised under another Act.
Competitions / organised sporting events (non-fishing)	✓	✓	✓permit	×	Permit ³ : A permit is not required for non-fishing competitions/organised events authorised under another Act.
Tourism operations	✓	✓	✓permit	×	Permit ³ : A permit is not required for tourism operations authorised under another Act.
Animal feeding/baiting/berleying¹	✓	✓	×	×	
Motorised water sports²	✓	✓	×	×	

Notes

1. Feeding/baiting/berleying animals is not recommended in marine parks, except as required for fishing, aquaculture, research or tourism purposes.
2. A person may transit through a sanctuary zone in a motorised vessel.
3. Standard permits (and conditions) may be issued for activities that are deemed to be low impact. All other activities will be subject to case-by-case assessments and non-standard permits (and conditions) may be issued.

KEY

✓	Activity is deemed to be consistent with the definition of the zone (i.e. no change to existing activity/use).
✓limit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with stated limits under the Regulations.
✓permit	Activity is deemed to be consistent with the definition of the zone when conducted in accordance with a permit under the Regulations.
×	Activity is deemed to be inconsistent with the definition of the zone and will not be allowed. However, the Minister for Sustainability, Environment and Conservation may grant a permit for an activity that would otherwise be prohibited or restricted in a zone on a case-by-case basis.

FISHING AND COLLECTING (commercial, recreational and traditional)

Fishing activities are regulated under provisions of the *Fisheries Management Act 2007*.

Provisions relating to commercial and recreational fishing in sanctuary zones commence on 1 October 2014 (other than trawling).

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Bait digging/pumping	✓	✓	×	×	
Berleying for fishing	✓	✓	×	×	
Cockling (pipi and mud cockles)	✓	✓	×	×	
Collecting fish by hand (abalone, urchin, scallop, etc)	✓	✓	×	×	
Line fishing (including long lining)	✓	✓	×	×	
Netting (e.g. dab, haul, swing, gill, beach or power)	✓	✓	×	×	
Pot and trap fishing (including drop/hoop nets)	✓	✓	×	×	
Purse seine netting (including sardine)	✓	✓	×	×	
Raking (crab)	✓	✓	×	×	
Spear fishing	✓	✓	×	×	
Competitions/organised events (fishing)	✓	✓	×	×	
Traditional fishing and collecting (Aboriginal)	✓	✓	✓limit	✓limit	Limit: Activity is limited to Aboriginal persons who are acting in accordance with an ILUA or Aboriginal tradition .
Collecting naturally occurring materials such as wood, mulch or other dead vegetation or seagrass/algae (including beach cast)	✓	×	×	×	
Collecting sessile assemblages, stromatolites, fossils and archaeological remains	✓	×	×	×	
Trawling (commencing on 29 March 2013)	✓	×	×	×	

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HARBOR, NAVIGATION & TRANSPORT ACTIVITIES¹

Harbor, navigation and transport activities are regulated under provisions of the *Harbors and Navigation Act 1993*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Navigation markers/aids	✓	✓	✓	✓	
General navigation and operation of vessels (other than anchoring)	✓	✓	✓	×	
Anchoring of vessels – 80 metres or less (overall length)	✓	✓	✓	×	
Anchoring of vessels – greater than 80 metres (overall length)	✓	×	×	×	Special purpose areas provide for anchoring of vessels greater than 80 metres in all harbors and in designated transshipment and anchoring locations and pilot boarding grounds.
Permanent vessel moorings	✓	✓	✓permit	×	Permit: A permit will be required, which includes assessment by DEWNR and DPTI.
Dredging	✓	✓limit	×	×	Limit: Activity is confined to a Minister, port operator or person acting under the <i>Harbors and Navigation Act 1993</i> .
Depositing dredged materials	✓	✓limit	×	×	

Notes

1. Activities undertaken to support the ongoing operation of ports and harbors are provided for in all zones. Also, given the extensive development expected to occur over the next 5-10 years in Upper Spencer Gulf, transitional arrangements are required. For this purpose, all HPZ, SZ and RAZ in Upper Spencer Gulf Marine Park are declared as Special Purpose Areas, and provide for harbor, transport and marine based infrastructure activities. This will provide for (a) activities comprising a development or project, or that part of a development or project, within the ambit of a declaration under section 46 of the *Development Act 1993*; and (b) activities comprising development approved under section 49 (Crown development and public infrastructure) or section 49A (Electricity infrastructure development) of the *Development Act 1993*. This arrangement will be assessed at the time the first management plan is reviewed.

COASTAL DEVELOPMENTS AND INFRASTRUCTURE¹

Coastal developments and infrastructure are regulated under provisions of the *Development Act 1993*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Infrastructure (including marinas, jetties, pontoons, breakwalls)	✓	✓	×	×	
Outfall and pipelines	✓	✓	×	×	
Renewable energy infrastructure (wind, wave, tidal)	✓	✓	×	×	

Notes

1. Coastal developments and infrastructure in HPZ will be managed under the *Development Act 1993* to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems). Developments will be considered on a case-by-case basis to ensure that the achievement of the objects of the Act and the zone are supported appropriately. Development Plans and Major Projects are informed by the Planning Strategy which now includes the objects of the *Marine Parks Act 2007* so consideration of these will inform the assessment process. In addition, as part of the assessment process, advice or direction may be required from the Coast Protection Board and/or the Environment Protection Authority and other authorities, depending on the nature of the development. These agencies also have the requirement to take into account the objects of the *Marine Parks Act 2007*.

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AQUACULTURE

Aquaculture activities are regulated under provisions of the *Aquaculture Act 2001*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Farming of bivalve molluscs	✓	✓	×	×	
Farming of aquatic animals (other than prescribed wild-caught tuna) with regular feeding	✓	✓	×	×	
Farming of prescribed wild-caught tuna	✓	✓	×	×	
Farming of algae	✓	✓	×	×	
Pilot leases	✓	✓	×	×	

Notes

Aquaculture in HPZ will be managed under the *Aquaculture Act 2001* to ensure that all reasonable and practicable measures are taken to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems). The *Aquaculture Act 2001* operates in addition to the *Marine Parks Act 2007* and requires aquaculture policies to seek to further the objects of the *Marine Parks Act 2007* where they apply within a marine park.

WASTEWATER DISPOSAL/ DISCHARGES

Discharges are generally regulated under provisions of the *Environment Protection Act 1993* and the *Environment Protection (Water Quality) Policy 2003*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Discharge¹	✓	✓	×	×	Discharges regulated under sections 3(2) or 8(7) of Schedule 1 of the <i>Environment Protection Act 1993</i> are prohibited
Extraction and disposal for a desalination plant¹	✓	✓	×	×	
Vessel discharge of wastewater ²	✓	✓	×	×	Specifically regulated by Clause 36 of the <i>Environment Protection (Water Quality) Policy 2003</i>

Notes

- Discharges in HPZ will be managed under the *Environment Protection (Water Quality) Policy 2003* to ensure that all reasonable and practicable measures are taken to achieve the definition of the zone (i.e. no harm to habitats or the functioning of ecosystems).
- Wastewater includes black water, concentrated black water and grey water as defined by the *Environment Protection (Water Quality) Policy 2003*.

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RESOURCE EXPLORATION AND PRODUCTION

These activities are regulated under provisions of the *Mining Act 1971*, the *Petroleum and Geothermal Energy Act 2000*, the *Offshore Minerals Act 2000* and the *Petroleum (Submerged Lands) Act 1982* to achieve the objectives of the marine park zones described under the *Marine Parks Act 2007*.

	GMUZ	HPZ	SZ	RAZ	Limits / Permits / Exceptions
Exploration (passive)					
– satellite/high level airborne	✓	✓	✓	✓	
– airborne surveys	✓	✓	✓	×*	*Will depend on the nature and timing of the proposed survey in relation to key environmental considerations (e.g. breeding and migration cycles of protected species).
– geophysical/geochemical surveys	✓	✓	✓limit	×	Limit: Will depend on the nature and timing of the proposed survey in relation to key environmental considerations (e.g. breeding and migration cycles of protected species).
Exploration (active)					
– geological sampling	✓	✓	×*	×	*Will depend on nature of proposed surveying
– geophysical/geochemical surveys	✓	✓	×*	×	*Will depend on nature of proposed surveying
– drilling (drill rig within zone)	✓	×*	×	×	*Will depend on nature of proposal and its location
– deviated drilling (drill rig outside zone)	✓	✓	✓limit	×*	Limit: Activity will need to be conducted in accordance with approved conditions *Deviated drilling from outside zone may be considered if consistent with the zone
– trenching/bulk sampling	×*	×*	×	×	*Will depend on nature of proposal and its location
Gas storage					
– carbon sequestration (surface facilities within zone)	✓	×*	×	×	*Will depend on nature of proposal and its location
– carbon sequestration (surface facilities outside zone)	✓	✓	×*	×*	*Deviated drilling from outside zone may be considered if consistent with the zone
Production/ Extraction					
– seawater (for extraction of resources such as salt)	✓	✓	×	×	
– through drillhole (surface facilities within zone)	✓	×*	×	×	*Will depend on nature of proposal and its location

– through drillhole (surface facilities outside zone)	✓	✓	✓limit	×*	Limit: Activity will need to be conducted in accordance with approved conditions * Extraction from deviated drillhole from outside zone may be considered if consistent with the zone
– underground mining with surface facility	×*	×	×	×	*Will depend on nature of proposal and its location
– underground mining with no surface facility	✓	✓limit	×*	×*	Limit: Activity will need to be conducted in accordance with approved conditions. May be considered if activity does not compromise habitats or the functioning of ecosystems. *Will depend on nature of proposal and its location.
– pipeline on/above ground/seabed/trenched	✓	×*	×	×	*Will depend on nature of proposal and its location
– pipeline underground	✓	✓	×*	×*	*Will depend on nature of proposal and its location
– seabed dredging	×*	×	×	×	*Will depend on nature of proposal and its location
– pit-type extraction	×*	×	×	×	*Will depend on nature of proposal and its location
Processing					
– mineral facility (mobile e.g. vessel based)	×*	×	×	×	*Will depend on nature of proposal and its location
– mineral facility (permanent)	×	×	×	×	
– petroleum/geothermal facility	×	×	×	×	

Notes

All licence applications under the *Mining Act 1971* and the *Petroleum and Geothermal Energy Act 2000* within and adjacent to marine parks are referred by the Minister for Mineral Resources and Energy to the Minister for Sustainability, Environment and Conservation for concurrence. A referral process is required for the approval of on-ground exploration, and production activities, as part of the relevant mining regulation protocols between DMITRE and DEWNR. This provides for case-by-case assessment of each proposed activity. This includes activities marked with a tick in the table above. The table indicates which activities are likely to be restricted when leases, licences and permits are considered by the Ministers. Activity proposals are considered by assessing risk. Activities likely to compromise the values of any zone would not be approved. A similar process is expected to be undertaken for activities authorised under the *Offshore Minerals Act 2000* and the *Petroleum (Submerged Lands) Act 1982*.

This table may be revised over time as new technologies and techniques are developed, to ensure that new technologies are appropriately considered, consistent with marine park zone objectives.

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