

Information Notice

Notice of decision

Enquiries: *Permissions Management*
 Email: MarineParksWorks@des.qld.gov.au
 Phone: 07 3199 7501
 Our reference: C-PFPMPP-100351866

Moreton Bay Regional Council,
 PO Box 159
 CABOOLTURE QLD 4510
 Email: mbrc@moretonbay.qld.gov.au

Attention: Sam Cook

State Marine Park application

I refer to your application dated 29-Nov-2022.

Authority applied for	Authority Number	Decision
Marine Park Permit issued under the provisions of the <i>Marine Parks Act 2004</i> .	P-MPP-100351867	Granted

When assessing an application for a Marine Park Authority, regard must be given to the Marine Parks Regulation 2017 and relevant zoning plans. These matters have been considered and subsequently certain conditions have been imposed on your authority to provide for the conservation of the marine park while allowing opportunities for reasonable use of the area. Please ensure that you and your agents or contractors are familiar with these conditions.

You, or your agents, must carry a copy of your authority whilst conducting your approved activity. Please be aware that you may be approached by a Queensland Parks and Wildlife Service (QPWS) officer when in the marine park and asked to produce this authority or a copy. You are also reminded that the onus is on you to re-apply for the continuation of the authority at least two months prior to the expiry.

Please be aware that you can be fined for not complying with authority conditions as well as the zoning plan, *Marine Parks Act 2004* or Marine Parks Regulation 2017. Penalties include on-the-spot fines and significant penalties can be imposed against breaches of marine park legislation. Failure to comply with authority conditions may result in further action such as an infringement notice, suspension or cancellation of the authority or prosecution.

Authority holders should be familiar with:

- Marine park user guides, designated areas, zoning plans and maps - <https://www.qld.gov.au/environment/coasts-waterways/marine-parks/zoning>
- Information Sheet for marine park authority holders - <https://parks.des.qld.gov.au/policies/pdf/is-pk-mm-info-marine-park-permit-holders.pdf>

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Review and appeal

The Marine Parks Regulation 2017 has review and appeal provisions available to you should you be dissatisfied with any condition imposed on your authority. In summary these include:

- An application for an internal review of the decision must be made in writing within 20 business days after being given this notice.
- The application must be supported by sufficient information to decide the application.
- The application for internal review does not stay the decision made.
- The department must review the decision within 20 business days of receiving the application and provide you with a decision within 10 business days of making the review decision.
- If you are dissatisfied with the review decision then under section 169 of the Marine Parks Regulation 2017 you may appeal to the Queensland Civil and Administrative Tribunal (QCAT) against the internal review decision.

Should you seek a review or appeal, I advise that you seek independent advice before taking such action. For further information you are directed to Part 8: Review and Appeal Provisions of the Marine Parks Regulation 2017 that can be found at www.legislation.qld.gov.au

Park Access

Access into the authorised areas may be restricted from time to time (and at short notice) due to park management, severe weather or safety concerns. The authority holder should check Park Alerts via www.des.qld.gov.au for each protected area or State forest, prior to commencement of activities or receive Park Alert updates by:

- Following @QldParkAlerts on Twitter (<https://twitter.com/QldParkAlerts>)
- Subscribing to one of the park alerts RSS feeds (<http://www.des.qld.gov.au/help/feeds/>)

Cultural Heritage

Aboriginal cultural heritage is protected under the *Aboriginal Cultural Heritage Act 2003* (the legislation) whether or not they are known or recorded. Section 23 of the legislation, provides that a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Indigenous cultural heritage (the cultural heritage duty of care). Penalties apply for breaching the cultural heritage duty of care. A person will comply with the duty of care in relation to Indigenous cultural heritage if the person is acting in accordance with:

1. the duty of care guidelines gazetted under the legislation;
2. an agreement with the Aboriginal or Torres Strait Islander party for the area; or
3. a cultural heritage management plan approved under Part 7 of the legislation.

For more information regarding Indigenous cultural heritage please visit www.datsip.qld.gov.au

The Commonwealth *Aboriginal and Torres Strait Island Heritage Protection Act 1984* also provides protection for Indigenous heritage.

Native Title

For areas not subject to a native title determination, should it be determined at some future date by any Court or Tribunal that native title exists over the subject land or waters, this authority may be terminated or amended. In that event, the Authority Holder (or any subsequent Authority Holder) may be required to remove any works established under this authority at the Authority Holder (or any subsequent Authority Holder's) own cost, expense and risk. In that event, no compensation for works, development costs or loss of income shall be payable to the Authority Holder (or any subsequent Authority Holder) by the State of Queensland.

If you require any further information or assistance please contact the office on the details provided.

Yours sincerely



Signature

3/02/2023

Date

Delegate: Lawson McLiver
Queensland Parks and Wildlife Service
Department of Environment and Science