zoning plan users guide

CAPE BYRON MARINE PARK

Above: Marshalls Creek (MPA)

Above: Humpback whale off Cape Byron (M. Egan, Southern Cross University Whale Research Centre)

Introduction

Marine parks help conserve our State's marine life for present and future generations, whilst providing a great opportunity to improve public appreciation, understanding and enjoyment of our unique marine environment.

The Cape Byron Marine Park covers approximately 22,000 hectares, extending from Brunswick Heads in the north to Lennox Head in the south. The Marine Park includes all of the seabed and extends seaward from the mean high water mark to the three nautical mile limit of State waters. The tidal waters of the Brunswick River and its tributaries, as well as, Belongil Creek and Tallow Creek are also within the Marine Park.

Local marine habitats include a range of exposed and sheltered sandy beaches, rocky shores, rocky reefs, submerged pinnacles, small rocky islands, coral communities, riverine estuaries, coastal creeks and lakes, and a variety of sandy seabed habitats.

Marine life includes many species of dolphins, fish, seabirds, marine plants and invertebrates such as sponges, corals and anemones. Threatened marine species that occur in the Cape Byron Marine Park include little terns, grey nurse sharks and sea turtles. Humpback whales travel through the Marine Park on their annual migration, making the area an important site for long-term monitoring of whale populations.

Sites within the Marine Park that have been identified as particularly culturally significant to Indigenous people include Julian Rocks, Cocked Hat Rocks, Cape Byron and beaches around Broken Head.

Baby Loggerhead Turtles, Cape Byron Marine Park (MPA)

Permits

A variety of activities undertaken within the Marine Park require a permit from the Marine Parks Authority. The Cape Byron Marine Park Zoning Plan identifies activities that can occur without specific permission and those that require a permit. Examples of activities undertaken within the Marine Park requiring permits include:

- Commercial activities;
- Personal watercraft (jetskis) and hovercraft use;
- Organised events (including weddings and competitions);
- Research; and
- Collecting for private aquariums.

Penalties apply

The Cape Byron Marine Park is a special place established to help conserve our marine environment for the enjoyment of present and future generations. Please enjoy the Marine Park but be warned, on-the-spot fines and other penalties apply for infringements against the Zoning Plan and regulations.

Zoning

The Cape Byron Marine Park Zoning Plan is intended to enhance the conservation of marine habitats and species by providing various levels of protection. The zoning ensures that all estuaries, beaches and intertidal rocky shores that are not included within sanctuary zones, are included in habitat protection zones or, for management reasons, in special purpose zones.

Eastern Blue Devilfish (David Harasti)

Sanctuary Zones (6,105 Ha, 27.5 %)

Or "no-take" areas provide the highest level of protection to habitat, animals, plants and areas of cultural significance by prohibiting all forms of fishing and collecting activities, and anchoring on reefs. Activities that do not harm plants, animals and habitats are permitted.

Habitat Protection Zones (4,160 Ha, 18.7%)

Conserve marine biodiversity by protecting habitats and reducing high impact activities. Recreational fishing, some forms of commercial fishing, tourist activities and fishing competitions are permitted in habitat protection zones. Only species listed in Table 1 may be taken from habitat protection zones. Restrictions apply in the following habitat protection zones: Mackerel Boulder, Wilsons and Bait Reef and Lennox Head Boulder Foreshore.

Grey Nurse Shark (David Harasti)

General Use Zones (11,860 Ha, 53.5%)

Provide for a wide range of activities including both commercial and recreational fishing. General use zones complement other marine park zones and provide an integrated approach to the management of the Marine Park. All standard NSW fishing regulations and bag limits apply. However, all forms of setline/dropline, longline and purse seine net fishing are prohibited in the Marine Park.

Commercial fishing (MPA)

Special Purpose Zones (49.4 Ha, 0.2%)

Five special purpose zones are included in the Marine Park and provide for: management of oyster leases in Marshalls Creek; a boat harbour in the Brunswick River; protection, traditional use and rehabilitation of Belongil Creek and Tallow Creek; and fishing from the board-walk at Lennox Head for people with a disability. Note, the Brunswick River Boat Harbour Special Purpose Zone is the only special purpose zone where fishing is permitted without a permit from the Marine Parks Authority.

Terns at Tallow Beach (MPA)

Infringement and Incident Reporting

Cape Byron Marine Park
Tallow Beach Road
PO Box 127, Byron Bay NSW 2481
Ph: (02) 6620 9300
Fax: (02) 6620 9333
www.mpa.nsw.gov.au

Fisheries
NSW Department of Primary Industries
Fisheries Information Line: 1300 550 474
24 Hour Fisher's Watch Line: 1800 043 536
www.dpi.nsw.gov.au/fisheries

Marine Mammal, Reptile and other Wildlife
NSW Department of Environment & Climate Change
Information Centre: 1300 361 967
Northern Rivers Regional Office: (02) 6627 0200
www.environment.nsw.gov.au

Pollution
NSW Department of Environment & Climate Change
Environment Hotline: 131 555
www.environment.nsw.gov.au

Boating
NSW Maritime Authority
Information Line: 13 12 56
www.maritime.nsw.gov.au

Disclaimer
This brochure provides a plain English guide to the zoning plan for the Cape Byron Marine Park. It should not be used for navigation purposes. It does not replace any regulation and should not be used for formal legal interpretation.

No warranty is given that this guide is free from error or omission. This publication should not be used as an aid in determining whether an activity is safe to perform. Users of this publication should satisfy themselves of the accuracy of the information contained in this publication through their own inquiries. The NSW Marine Parks Authority and its servants and agents expressly disclaim liability for any act done, or omission made, based on the information in this publication and any consequences of any such act or omission. The information contained in this publication is subject to change.

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our environment it's a *living thing*

Stingray design: Sean Kay

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Domesticated animals

Domesticated animals (including dogs and horses) are permitted on beaches within the Marine Park that have been designated for such activities by local government authorities or other land management agencies. Dogs are not permitted on beaches adjacent to a National Park or Nature Reserve. Horses are permitted on Tyagarah Beach subject to the owner obtaining a Marine Parks Authority permit.

Domesticated animals will be permitted within any zone of the Marine Park if they are assisting a disabled person, are a police dog, remain confined to a vessel or vehicle, or if the owner has a Marine Parks Authority permit.

Recreational and commercial boating

Speed Restrictions

Vessel operators are advised that restrictions apply to the operations of vessels in the Marine Park under the *Maritime Services Act 1935* and include speed restrictions and a ban on aquaplaning and water skiing in the Brunswick River and Marshalls Creek. In addition to speed restrictions imposed under maritime legislation, the operators of all vessels are required to limit their speed to 4 knots within 200m of Julian Rocks.

Personal watercraft and hovercraft

The use of motorised personal watercraft (including jet skis) and hovercraft for commercial or non-commercial purposes is prohibited within the Marine Park unless use is:

- by a regulatory authority in the course of its business;
- for safety purposes (e.g. by surf lifesaving clubs under permit); or
- for an organised event (under permit), including training, that requires the use of such craft.

Recreational fishing (MPA)

Anchoring and mooring

- Anchoring is permitted in the Marine Park with the following exceptions:
  - anchoring is not permitted on any reef within a sanctuary zone;
  - anchoring is not permitted within 700m of Julian Rocks trigonometrical station.
- Vessels greater than 25m in length can only anchor in areas of the Marine Park north of Julian Rocks, latitude 28° 36.6'S, or south of Cape Byron, latitude 28° 38.6'S;
- Seven moorings have been provided at Julian Rocks that may be used by vessels of up to 15 tonnes displacement (up to 10m in length) in winds of 24 knots or less;
- A mooring provided by the Marine Parks Authority must not be used in a manner contrary to the conditions of use as displayed on that mooring;
- A vessel cannot occupy a Marine Parks Authority mooring for more than 2 hours;
- A person cannot attach a vessel to another vessel already at a Marine Parks Authority mooring (does not apply to tenders);
- Fishing is not permitted from a vessel attached to a Marine Parks Authority mooring;
- A person cannot attach a vessel to a Marine Park Zone Marker Buoy.

NOTE: Anchoring is permitted in all areas of the Marine Park in emergency situations, where preservation of life or property requires.

Transiting the Marine Park/sanctuary zones

A Marine Parks Authority permit is required to undertake a commercial activity in the Marine Park. However, a Marine Parks Authority permit is not required for a commercial vessel to transit the Marine Park provided that no commercial activity is conducted within the Marine Park, and the route through the Marine Park to a destination outside is the most direct and expeditious. Fishing vessels may transit a sanctuary zone provided that all fishing gear is stowed appropriately. Fishing lines must be inboard and must not be baited and no part of a fishing net can be in the water.

Discharge of ballast water

Discharge of ballast water is not permitted within the Marine Park. Any vessel intending to discharge ballast water is required to exchange ballast water outside the Marine Park.

Hull fouling

Where a visiting vessel is considered to be heavily fouled by marine organisms or poses a reasonable risk of the introduction of exotic animals and plants to the Marine Park, the vessel will be required to leave the Marine Park, except where the preservation of life or property requires.

Vessel based whale and dolphin watching

Within NSW special regulations apply to approaching whales and dolphins. For information contact the NSW Department of Environment and Climate Change.

The operators of commercial vessels require a permit from the Marine Parks Authority to conduct whale watching in the Marine Park. Permits will not be granted for commercial vessels to undertake whale watching in the Marine Park to the east of Cape Byron between latitudes 28° 36.9'S and 28° 39.6'S; that is, east of a line from 1 nautical mile north of the northern most extremity of the Cape (Stepping Stones) to 1 nautical mile south of the southern most extremity of the Cape (Cosy Corner).

Motorised wheeled vehicles

With the exception of commercial fishers and fishers with a disability who have been issued a permit by Byron Shire Council, the operation of vehicles on beaches in Byron Shire is prohibited. Within Ballina Shire, vehicles are only permitted on that section of Seven Mile Beach from the 4WD vehicle access track at Camp Drew north for 3.3.km to the Byron Shire boundary. Vehicles may be used to launch vessels at current boat launching areas within the Marine Park.

Fish feeding and fish cleaning

Fish cleaning and dumping of fish discards is prohibited in sanctuary zones. Fish feeding, including shark feeding is prohibited in the Marine Park.

Collecting

- Collecting is not permitted in sanctuary zones, or in Mackerel Boulder, Wilsons Reef and Bait Reef, or Lennox Head Boulder Foreshore habitat protection zones;
- Commercial collection for the aquarium trade is prohibited in the Marine Park;
- Recreational collecting for aquarium specimens is allowed subject to possession of a relevant permit;
- Collecting marine plants and animals for scientific or educational purposes is allowed, subject to possession of a relevant permit;
- Collecting (for non-scientific purposes) in habitat protection zones is restricted to species listed in Table 1.

Setline/dropline, longlining, and purse seine netting

All forms of setline/dropline, longline and purse seine net fishing are prohibited in the Marine Park.

Protection of species

All species are protected in sanctuary zones of the Marine Park. All species are protected in habitat protection zones of the Marine Park, except those species listed in Table 1. Note, all species of sharks and rays (Class Chondrichthyes), are protected in habitat protection zones.

OPPOSITE: Table 1. Species that may be taken from habitat protection zones

With the exception of Wilsons Reef and Bait Reef Habitat Protection Zone (see Table 2) and subject to any other restrictions that apply under the Cape Byron Marine Park Zoning Plan or the *Fisheries Management Act 1994*, species listed in Table 1 may be taken from habitat protection zones and the Brunswick River Boat Harbour Special Purpose Zone.

Dolphins, Cape Byron Marine Park (Liz Hawkins)

Table 1. Species that may be taken from habitat protection zones

Common name	Class or Family	Species
Finfish (fish with fins and scales)	Class Osteichthyes	All species with the exception of those species listed as protected or threatened under the Fisheries Management Act 1994 including black cod, estuary cod, giant Queensland groper, eastern blue devilfish, Ballina angelfish, and the elegant wrasse
Lobster, crayfish	Family Palinuridae	All species in this family
Prawns	Family Penaeidae	All species in this family
Squid	Family Sepiidae	All species in this family
Pipis	Family Donacidae	All species in this family
Rock and Beach worms	Family Onuphidae	All species in this family
Marine yabbies (nippers)	Family Callianassidae	All species in this family
Mud crabs, rock crabs, blue swimmer crabs	Family Grapsidae, Family Portunidae	All species in these two families including Scylla serrata & Portunus pelagicus
Spanner crabs	Family Raninidae	Ranina ranina
Sea lettuce	Family Ulvaceae	Ulva lactuca
Bait weed	Family Ulvaceae	Enteromorpha intestinalis
Oysters	Family Ostreidae	All species in this family
Turban shell (Googoombull)	Family Turbinidae	All species in this family
Abalone	Family Haliotidae	All species in this family
Periwinkles	Family Trochidae	Austrocochlea spp.

Note: Department of Primary Industries bag and size limits also apply and are specified in the *Fisheries Management Act 1994*. All species are protected in the Wilsons Reef and Bait Reef Habitat Protection Zone, except those species listed in Table 2.

Table 2. Species that may be taken from the Wilsons Reef and Bait Reef Habitat Protection Zone

Only the species listed in Table 2 may be taken, in accordance with any other restrictions that apply under the Fisheries Management Act 1994, while in this zone.

Common Name	Family	Species
Mullet	Mugilidae	All species in this family
Garfish	Hemiramphidae	All species in this family
Sea pike, Snook	Sphyraenidae	All species in this family
Hardyheads	Atherinidae	All species in this family
Mackerels, Wahoo & Tuna	Scombridae	All species in this family
Trevallies, Kingfish, Scad, etc.	Carangidae	All species in this family
Pilchards, herring, sprats etc.	Clupeidae	All species in this family
Cobia	Rachycentridae	Rachycentron canadum
Dolphinfish	Coryphaenidae	Coryphaena hippurus
Tailor	Pomatomidae	Pomatomus saltatrix

Note: Department of Primary Industries bag and size limits also apply and are specified in the *Fisheries Management Act 1994*.

Scuba diving, Cape Byron Marine Park (MPA)