



New South Wales

Threatened Species Conservation Amendment (Little Penguin) Regulation 2003

under the

Threatened Species Conservation Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Threatened Species Conservation Act 1995*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

This Regulation relates to area A of the land declared by the Minister for the Environment to be the critical habitat of the endangered population of Little Penguin at North Sydney Harbour (as shown marked A on the Little Penguin critical habitat map published in Gazette No 263 of 20 December 2002 on page 10983). The object of this Regulation is to prohibit a person from:

- (a) anchoring or mooring a vessel in area A of the critical habitat during the Little Penguin breeding season (being the period from 1 July in any year until 28 February in the following year, inclusive), or anchoring or mooring a vessel outside that area during that season in such a way that the anchored or moored vessel enters area A, and
- (b) causing a vessel (other than a non-motorised tender) to enter or remain in area A of the critical habitat between sunset and sunrise during the Little Penguin breeding season.

This Regulation is made under the *Threatened Species Conservation Act 1995*, including sections 51 and 150.

2003 No 307

Clause 1 Threatened Species Conservation Amendment (Little Penguin)
Regulation 2003

Threatened Species Conservation Amendment (Little Penguin) Regulation 2003

under the

Threatened Species Conservation Act 1995

1 Name of Regulation

This Regulation is the *Threatened Species Conservation Amendment (Little Penguin) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

3 Amendment of Threatened Species Conservation Regulation 2002

The *Threatened Species Conservation Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 7A

Insert after clause 7:

7A Anchoring, mooring and access by vessels

- (1) A person must not:
 - (a) anchor or moor a vessel in the Little Penguin critical habitat area A during the Little Penguin breeding season, or
 - (b) anchor or moor a vessel outside the Little Penguin critical habitat area A during the Little Penguin breeding season in such a way that the anchored or moored vessel enters the Little Penguin critical habitat area A, or
 - (c) cause a vessel (other than a non-motorised tender) to enter or remain in the Little Penguin critical habitat area A between sunset and sunrise during the Little Penguin breeding season.

Maximum penalty: 50 penalty units.

- (2) In this clause:

moor a vessel includes attach a vessel to a mooring by any means.

mooring means any post, stake, pile, float, pontoon or any other object (other than the anchor of a vessel) secured by any direct or indirect means to the waters' bed or placed on the waters' bed for the purpose of attaching a vessel to the bed.

tender has the same meaning as it has in the *Boating (Safety Equipment) Regulation—N.S.W.*

vessel includes a water craft of any description used or capable of being used as a means of transportation on water, including:

- (a) any non-displacement craft, and
- (b) a seaplane, but only while it is on water.