

Queensland



*Marine Parks Act 1982*

# **MARINE PARKS (MORETON BAY) ZONING PLAN 1997**

**Reprinted as in force on 7 August 1998  
(includes amendments up to SL No. 159 of 1998)**

**Reprint No. 1A**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This plan is reprinted as at 7 August 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**MARINE PARKS (MORETON BAY)  
ZONING PLAN 1997**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	7
2	Commencement .....	7
3	Dictionary .....	7
<b>PART 2—PURPOSE AND APPLICATION OF ZONING PLAN</b>		
4	Purpose of zoning plan .....	8
5	Application of zoning plan .....	8
6	Zones .....	8
7	Control of activities in zones .....	8
8	Relationship between zones and designated areas .....	9
9	Compliance with plan .....	9
10	Granting of permissions .....	9
<b>PART 3—ZONES</b>		
<i>Division 1—General use zone</i>		
11	Purpose of general use zone .....	10
12	Entry or use of general use zone without permission .....	11
13	Entry or use of general use zone with permission .....	12
14	Entry or use of general use zone for existing non-conforming purpose ....	15
<i>Division 2—Habitat zone</i>		
15	Purpose of habitat zone .....	15
16	Entry or use of habitat zone without permission .....	15
17	Entry or use of habitat zone with permission .....	17
18	Entry or use of habitat zone for existing non-conforming purpose .....	19

*Marine Parks (Moreton Bay) Zoning Plan 1997****Division 3—Conservation zone***

19	Purpose of conservation zone . . . . .	20
20	Entry or use of conservation zone without permission . . . . .	20
21	Entry or use of conservation zone with permission . . . . .	21
22	Entry and use for existing non-conforming purpose . . . . .	24
23	Chief executive may grant permission for existing non-conforming use . . .	24

***Division 4—Buffer zone***

24	Purpose of buffer zone . . . . .	24
25	Entry or use of buffer zone without permission . . . . .	25
26	Entry or use of buffer zone with permission . . . . .	25
27	Entry or use of buffer zone for non-conforming purpose . . . . .	26
28	Waste not to be discharged in buffer zone . . . . .	26

***Division 5—Protection zone***

29	Purpose of protection zone . . . . .	27
30	Entry or use of protection zone without permission . . . . .	27
31	Entry or use of protection zone with permission . . . . .	28
31A	Entry or use of Peel Island protection zone for non-conforming purpose . .	29
32	Waste not to be discharged in protection zone . . . . .	29

**PART 4—DESIGNATED AREAS*****Division 1—Special management of designated areas***

33	Designated areas . . . . .	29
----	----------------------------	----

***Division 2—Commercial bloodworm gathering areas***

34	Purpose of commercial bloodworm gathering area . . . . .	30
35	Entry or use of commercial bloodworm gathering area . . . . .	30

***Division 3—Ocean beach area***

36	Purpose of ocean beach area . . . . .	31
37	Entry or use of ocean beach area . . . . .	31

***Division 4—Navigation and port area***

38	Purpose of navigation and port area . . . . .	31
39	Entry or use of navigation area . . . . .	31

***Division 5—South Passage area***

40	Purpose of the South Passage area . . . . .	32
----	---	----

*Marine Parks (Moreton Bay) Zoning Plan 1997*


---

41	Entry or use of the South Passage area .....	32
	<b><i>Division 6—Turtle and dugong area</i></b>	
42	Purpose of turtle and dugong area .....	33
43	Entry or use of turtle and dugong area .....	33
	<b><i>Division 7—Pumicestone Passage area</i></b>	
44	Purpose of the Pumicestone Passage area .....	33
45	Entry or use of Pumicestone Passage area .....	33
	<b><i>Division 8—Works area</i></b>	
46	Purpose of works area .....	34
	<b>PART 5—REMOVAL OF UNAUTHORISED OR ABANDONED STRUCTURES AND VEHICLES</b>	
	<b><i>Division 1—Interpretation</i></b>	
47	Definition .....	34
	<b><i>Division 2—Notices and action by chief executive</i></b>	
48	Notice about unauthorised structure etc. ....	34
49	Inspector may seize structure or vehicle .....	35
50	Consent to entry .....	36
51	Warrants to enter and seize structure or vehicle .....	36
52	Notice of seizure to be given .....	37
53	Procedure if structure or vehicle is not claimed .....	38
54	Application of proceeds of sale .....	38
55	Release of structure or vehicle .....	39
	<b><i>Division 3—Appeals</i></b>	
56	Who may appeal .....	39
57	How to start appeal .....	40
58	Appellant to give notice of appeal .....	40
59	Stay of operation of decision .....	40
60	Hearing procedures .....	40
61	Powers of court on appeal .....	41
	<b>PART 6—MISCELLANEOUS</b>	
62	Access in special circumstances .....	41
63	Entry or use of marine park for non-conforming purpose .....	42
64	Restoration of habitat disturbed by bait gathering .....	42

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

65	Prohibition of domestic animals in areas adjacent to national park . . . . .	42
66	Prohibition on disturbing shorebirds . . . . .	43
67	Prohibition on anchoring or mooring aircraft or vessel for more than 120 days . . . . .	43
68	Application of other statutory instruments to marine park . . . . .	44

**SCHEDULE 1 . . . . . 45**

**BOUNDARIES OF ZONES WITHIN MARINE PARK**

**PART 1—GENERAL USE ZONES**

1	Dunwich general use zone . . . . .	45
2	Cabbage Tree Point general use zone . . . . .	45
3	Jacobs Well general use zone . . . . .	46
4	General use zone . . . . .	47

**PART 2—HABITAT ZONES**

5	Golden Beach habitat zone . . . . .	47
6	Bribie Island-Deception Bay habitat zone . . . . .	48
7	Scarborough Point habitat zone . . . . .	49
8	Pine River-Freshwater Creek habitat zone . . . . .	50
9	Eastern Moreton Bay habitat zone . . . . .	51
10	Nudgee Beach habitat zone . . . . .	53
11	Airport to port habitat zone . . . . .	54
12	Mud Island habitat zone . . . . .	54
13	Fisherman Islands to Raby Bay habitat zone . . . . .	54
14	St Helena Island habitat zone . . . . .	55
15	Cleveland Point-Southern Bay Islands habitat zone . . . . .	55
16	Broadwater habitat zone . . . . .	57
17	Jabiru Island-Coombabah Creek habitat zone . . . . .	58

**PART 3—CONSERVATION ZONES**

18	Pumicestone Passage conservation zone . . . . .	59
19	Northern Moreton Island (Heath Island Lagoon) conservation zone . . . . .	61
21	Redcliffe Point conservation zone . . . . .	61
22	Hays Inlet conservation zone . . . . .	62
23	Boondall Wetlands conservation zone . . . . .	62
24	Green Island conservation zone . . . . .	63

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

25	Peel Island-South Passage conservation zone . . . . .	63
26	Bird and Goat Islands conservation zone . . . . .	65
27	Shag Rock conservation zone . . . . .	66
28	Flat Rock conservation zone . . . . .	66
29	Boat Rock conservation zone . . . . .	66
30	Southern Moreton Bay conservation zone . . . . .	66
31	Coombah Lake conservation zone . . . . .	68
32	Huth Creek conservation zone . . . . .	68

**PART 4—BUFFER ZONE**

33	Flinders Reef Buffer Zone . . . . .	68
----	-------------------------------------	----

**PART 5—PROTECTION ZONES**

34	Flinders Reef protection zone . . . . .	69
35	Tripcony Bight protection zone . . . . .	69
36	Peel Island protection zone . . . . .	69
37	Willes Island protection zone . . . . .	70
38	Swan Bay protection zone . . . . .	71
39	McCoy’s Creek protection zone . . . . .	72

**SCHEDULE 2 . . . . . 73**

**BOUNDARIES OF DESIGNATED AREAS WITHIN MARINE PARK**

**PART 1—COMMERCIAL BLOODWORM GATHERING AREAS**

1	Commercial bloodworm gathering area 1 . . . . .	73
2	Commercial bloodworm gathering area 2 . . . . .	73
3	Commercial bloodworm gathering area 3 . . . . .	74
4	Commercial bloodworm gathering area 4 . . . . .	74

**PART 2—OCEAN BEACH AREAS**

5	Bribie Island ocean beach area . . . . .	75
6	Moreton Island ocean beach area . . . . .	75
7	North Stradbroke Island ocean beach area . . . . .	76
8	South Stradbroke Island ocean beach area . . . . .	77

**PART 3—NAVIGATION AND PORT AREAS**

9	Shipping channels . . . . .	77
10	Southern navigation channels . . . . .	80

*Marine Parks (Moreton Bay) Zoning Plan 1997*


---

11	Beach nourishment sites . . . . .	80
12	Dredge material deposition sites . . . . .	80
<b>PART 4—SOUTH PASSAGE AREA</b>		
13	South Passage area . . . . .	81
<b>PART 5—PUMICESTONE PASSAGE AREA</b>		
14	Pumicestone Passage area . . . . .	83
<b>PART 6—TURTLE AND DUGONG AREAS</b>		
15	Moreton Banks turtle and dugong area . . . . .	84
16	Price Anchorage turtle and dugong area . . . . .	84
17	Lamb Island turtle and dugong area . . . . .	85
18	Peel Island turtle and dugong area . . . . .	86
19	Amity Banks turtle and dugong area . . . . .	87
<b>PART 7—WORKS AREA</b>		
20	Toondah Harbour designated works area . . . . .	87
<b>SCHEDULE 3</b>		88
<b>DECLARED ANIMALS</b>		
<b>SCHEDULE 4</b>		92
<b>DICTIONARY</b>		
<b>ENDNOTES</b>		
1	Index to endnotes . . . . .	100
2	Date to which amendments incorporated . . . . .	100
3	Key . . . . .	101
4	Table of earlier reprints . . . . .	101
5	Tables in earlier reprints . . . . .	101
6	List of legislation . . . . .	102
7	List of annotations . . . . .	102



# MARINE PARKS (MORETON BAY) ZONING PLAN 1997

[as amended by all amendments that commenced on or before 7 August 1998]

## PART 1—PRELIMINARY

### Short title

1. This zoning plan may be cited as the *Marine Parks (Moreton Bay) Zoning Plan 1997*.

### Commencement

2. This zoning plan commences on 1 December 1997.

### Dictionary

3.(1) The dictionary in schedule 4 defines particular words used in this zoning plan.<sup>1</sup>

(2) An expression that is not defined in this zoning plan, but is defined in the regulation, has the meaning given by the regulation.

---

<sup>1</sup> In some legislation, definitions are contained in a dictionary that appears as the last schedule and forms part of the legislation—*Acts Interpretation Act 1954*, section 14 and the *Statutory Instruments Act 1992*, section 14.

## **PART 2—PURPOSE AND APPLICATION OF ZONING PLAN**

### **Purpose of zoning plan**

4. The purpose of this zoning plan is to provide for the ecologically sustainable use of Moreton Bay Marine Park and to protect its natural, recreational, cultural heritage and amenity values.

### **Application of zoning plan**

5. This zoning plan applies to Moreton Bay Marine Park.

### **Zones**

6.(1) The marine park is divided into the following zones—

- (a) general use zones;
- (b) habitat zones;
- (c) conservation zones;
- (d) buffer zones;
- (e) protection zones.

(2) The zones cover the whole marine park and do not overlap.

(3) The boundaries of the zones are set out in schedule 1.<sup>2</sup>

### **Control of activities in zones**

7.(1) The purposes for which a person may enter or use a particular zone are set out in part 3 of this zoning plan.

(2) Also, part 6 sets out purposes for which a person may enter or use

---

<sup>2</sup> The latitudinal and longitudinal positions used in the schedule to describe the zone boundaries are described using the Australian Geodetic Datum 1984. The approximate locations of the zones are shown on Moreton Bay Marine Park Zoning Plan Map MP3, a copy of which may be inspected at the department's central office at 160 Ann Street, Brisbane or the department's regional office at the Jetset Centre, 288 Edward Street, Brisbane.

the marine park and restrictions on the entry or use of the marine park.

(3) Part 6 applies despite any other provision in this zoning plan.

### **Relationship between zones and designated areas**

**8.(1)** A designated area may be set aside within a zone for special management.

(2) The restrictions on entry or use of a designated area within a zone are in addition to the restrictions for the zone.

### **Compliance with plan**

**9.** A person who enters or uses the marine park in a way that does not comply with this zoning plan commits an offence against the regulation and may be liable to a maximum penalty of 100 penalty units.<sup>3</sup>

### **Granting of permissions**

**10.(1)** This section applies to an application for a permission to enter or use a zone for a particular purpose.

(2) The regulation provides for how an application for a permission is to be made and how the chief executive decides whether or not to grant the permission.<sup>4</sup>

(3) In addition to the criteria for deciding the application set out in the regulation, the chief executive must be satisfied that the proposed entry or use of the zone—

- (a) will not have an unacceptable environmental impact on the zone; and
- (b) is consistent with the maintenance of the biological diversity and ecological functioning of the marine park; and
- (c) will not cause a loss of vegetation essential to the marine park's

---

<sup>3</sup> See section 8A of the regulation (Entry and use of zones and designated areas).

<sup>4</sup> See sections 9 (Application for permission to enter or use a marine park) and 10 (Grant or refusal of permission) of the regulation.

productivity; and

- (d) will not prejudice the natural condition and amenity of the marine park.

(4) Also, the chief executive must consider—

- (a) any effect the proposed entry or use of the zone will have on the marine park's natural tidal flushing pattern or natural coastal processes; and
- (b) the cumulative impact on the marine park of the proposed entry or use of the zone and any other entry or use of the marine park, particularly the cumulative impact of small-scale developments for which an environmental impact statement is not required; and
- (c) the effect of the proposed entry or use on shorebirds, particularly international migratory bird species, and their habitat and the need to protect shorebirds and their habitat; and
- (d) if the proposed entry or use of the zone involves the entry or use of a designated area—the purpose of the area.

(5) The chief executive may grant a permission for the installation or construction of a structure within an ocean beach area only if the structure is consistent with the purpose of the area.

(6) However, subsection (3) does not apply if the chief executive is making a decision about an application for carrying out major works in the marine park.

## **PART 3—ZONES**

### *Division 1—General use zone*

#### **Purpose of general use zone**

**11.** The purpose of a general use zone is to provide for the general use and public enjoyment of the zone in ways that are consistent with the conservation of the marine park.

**Entry or use of general use zone without permission**

**12.** A person may enter or use a general use zone without a permission for the following purposes—

- (a) a recreational, educational, cultural or spiritual activity that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (b) photography, filming or sound recording that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (c) fishing including, for example, trawling or trolling for pelagic fish;
- (d) organising, promoting or carrying out a commercial fishing competition;
- (e) recreational bait gathering;
- (f) limited collecting;
- (g) carrying out non-manipulative research;
- (h) navigating a boat;
- (i) navigating a personal water craft;
- (j) navigating a hovercraft other than for a commercial purpose;
- (k) carrying out a boat, ferry or water taxi service (other than a service involving a hovercraft) for transfer passengers or transfer vehicles;
- (l) carrying out shipping operations within the Port of Brisbane;
- (m) organising, promoting or carrying out a competition for motorised boats, hovercraft or personal water craft under an authority granted under the *Transport Operations (Marine Safety) Act 1994*;
- (n) at an approved mooring—mooring or anchoring a vessel;
- (o) at a place other than an approved mooring—mooring or

- anchoring a vessel for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location;
- (p) operating an aircraft, including, for example, taking off from, or landing at, a constructed airport, airstrip or helipad;
  - (q) at an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft;
  - (r) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location;
  - (s) organising, promoting or carrying out an organised event that does not—
    - (i) involve the taking of marine products; or
    - (ii) disturb or impair the value or usefulness of the zone;
  - (t) carrying out a tourist program that does not involve—
    - (i) marine mammals, sharks or sea turtles; or
    - (ii) the use of tidal land above the level of lowest astronomical tide adjacent to a protected area; or
    - (iii) hovercraft;
  - (u) operating a facility consistent with the purpose of the zone;
  - (v) installing a pile mooring under a Harbours Act sanction or a buoy mooring under the *Transport Operations (Marine Safety) Act 1994*.

*Example of paragraph (s)—*

An organised fete or carnival held on tidal land.

*Example of paragraph (u)—*

Operating a pontoon for ecotourism.

### **Entry or use of general use zone with permission**

**13.** The chief executive may grant a permission for a person to enter or use a general use zone for the following purposes—

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (a) if the person is a traditional inhabitant of Moreton Bay—traditional fishing, hunting or gathering;<sup>5</sup>
- (b) operating an oyster ground;
- (c) mariculture;
- (d) collecting, including, for example, collecting for a commercial purpose under an authority for an aquarium fish fishery under the *Fisheries Act 1994*;
- (e) carrying out manipulative research;
- (f) at a place other than at an approved mooring—mooring or anchoring a vessel for more than 30 days in any 60 day period or for more than 14 consecutive days in the 1 location;
- (g) taking off from, or landing at, a place other than a constructed airport, airstrip or helipad in an aircraft;
- (h) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft for more than 30 days in any 60 day period or for more than 14 consecutive days in the 1 location;
- (i) carrying out an activity that disturbs or impairs the value or usefulness of the zone;
- (j) carrying out a tourist program involving—
  - (i) marine mammals, sharks or sea turtles; or
  - (ii) the use of tidal land above the level of lowest astronomical tide adjacent to a protected area;
- (k) carrying out a commercial whale watching program;
- (l) carrying out a commercial activity involving hovercraft;
- (m) performing minor works consistent with the purpose of the zone;

---

<sup>5</sup> If a person has a native title right or interest to carry out fishing, hunting or gathering, this section applies subject to the *Native Title Act 1993* (Cwlth), section 211. Section 211 limits the operation of certain laws that would otherwise prohibit or restrict native title holders from exercising certain native title rights (such as fishing, hunting or gathering) other than under a licence, permit or other instrument.

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (n) performing major works within a designated works area;
- (o) dredging a navigation channel to maintain the profile of the channel under a Harbours Act sanction;
- (p) carrying out an activity to preserve, maintain and keep clean an access channel for a canal under the *Canals Act 1958*, section 11;<sup>6</sup>
- (q) within a designated navigation and port area—
  - (i) carrying out dredging for navigation purposes; and
  - (ii) disposing of the dredged material in a way that is consistent with the purpose of the area;
- (r) discharging waste;
- (s) extracting water for a commercial purpose;
- (t) extracting sand, gravel, rock, stone, clay, earth or other materials;
- (u) carrying out a program for the taking of animals or plants that, in the chief executive's reasonable opinion, pose a threat to—
  - (i) public health or safety; or
  - (ii) marine or island ecosystems that are part of, or within, the marine park; or
  - (iii) the use or amenity of the marine park;
- (v) introducing or adding animals, plants or other organisms;
- (w) exploring for, or extracting or mining, resources, including, for example—
  - (i) exploring for petroleum by the holder of an authority to prospect under the *Petroleum Act 1923*; and
  - (ii) extracting petroleum by the holder of a lease or licence under the *Petroleum Act 1923*; and
  - (iii) exploring for minerals by the holder of an authority to prospect under the *Mineral Resources Act 1989*; and
  - (iv) mining for minerals by the holder of a mining lease under the *Mineral Resources Act 1989*.

---

<sup>6</sup> Section 11 (Maintenance of canals)



*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

*Examples of paragraph (i)—*

1. Location filming within the marine park involving film crews occupying the zone for several days.
2. Using explosive devices.

*Example of paragraph (u)(i)—*

Entering the marine park to carry out a program for the control of mosquito and midge populations in the park.

**Entry or use of general use zone for existing non-conforming purpose**

**14.** Despite the purpose of a general use zone, a person may enter or use the zone for the purpose of carrying out coral dredging at Mud Island and the eastern side of St Helena Island under the coral limestone licence issued on 30 August 1991 and held by Queensland Cement Limited under the *Fisheries Act 1994*.

*Division 2—Habitat zone*

**Purpose of habitat zone**

**15.** The purpose of a habitat zone is to—

- (a) conserve significant habitats within the marine park and the cultural heritage and amenity values of the marine park; and
- (b) maintain the productivity and diversity of ecological communities within the marine park; and
- (c) provide for reasonable public use and enjoyment of the zone consistent with the conservation of the marine park.

**Entry or use of habitat zone without permission**

**16.** A person may enter or use a habitat zone without a permission for the following purposes—

- (a) a recreational, educational, cultural or spiritual activity that does not—
  - (i) involve the taking of marine products; or

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (ii) disturb or impair the value or usefulness of the zone;
- (b) photography, filming or sound recording that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (c) fishing including, for example, trawling or trolling for pelagic fish;
- (d) organising, promoting or carrying out a commercial fishing competition;
- (e) recreational bait gathering;
- (f) commercial bait worm gathering within a commercial bait worm gathering area;
- (g) limited collecting;
- (h) carrying out non-manipulative research;
- (i) navigating a boat;
- (j) navigating a personal water craft;
- (k) navigating a hovercraft other than for a commercial purpose;
- (l) carrying out a boat, ferry or water taxi service (other than a service involving a hovercraft) for transfer passengers or transfer vehicles;
- (m) organising, promoting or carrying out a competition for motorised boats, hovercraft or personal water craft under an authority granted under the *Transport Operations (Marine Safety) Act 1994*;
- (n) at an approved mooring—mooring or anchoring a vessel;
- (o) at a place other than an approved mooring—mooring or anchoring a vessel for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location;
- (p) operating an aircraft at an altitude of 500 ft or more above tidal waters or tidal land;
- (q) taking off from, or landing at, a constructed airport, airstrip or helipad;

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (r) at an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft;
- (s) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or anchoring an aircraft for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location;
- (t) organising, promoting or carrying out an organised event that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (u) carrying out a tourist program that does not involve—
  - (i) marine mammals, sharks or sea-turtles; or
  - (ii) the use of tidal land above the level of lowest astronomical tide adjacent to a protected area;
  - (iii) a hovercraft;
- (v) operating a facility that is consistent with the purpose of the zone.

*Example of paragraph (t)—*

An organised fete or carnival held on tidal land.

*Example of paragraph (v)—*

Operating a pontoon for ecotourism.

### **Entry or use of habitat zone with permission**

**17.** The chief executive may grant a permission for a person to enter or use a habitat zone for the following purposes—

- (a) if the person is a traditional inhabitant of Moreton Bay—traditional fishing, hunting or gathering;<sup>7</sup>

---

<sup>7</sup> If a person has a native title right or interest to carry out fishing, hunting or gathering, this section applies subject to the *Native Title Act 1993* (Cwlth), section 211. Section 211 limits the operation of certain laws that would otherwise prohibit or restrict native title holders from exercising certain native title rights (such as fishing, hunting or gathering) other than under a licence, permit or other instrument.

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (b) operating an oyster ground;
- (c) mariculture;
- (d) collecting including, for example, collecting for a commercial purpose under an authority for an aquarium fish fishery under the *Fisheries Act 1994*;
- (e) carrying out manipulative research;
- (f) at a place other than an approved mooring—mooring or anchoring a vessel for more than 30 days in any 60 day period or for more than 14 consecutive days in the 1 location;
- (g) operating an aircraft above tidal waters or tidal land at an altitude of less than 500 ft;
- (h) taking off from, or landing at, a place other than a constructed airport, airstrip or helipad in an aircraft;
- (i) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or anchoring an aircraft for more than 30 days in any 60 day period or for more than 14 consecutive days in the 1 location;
- (j) carrying out an activity that disturbs or impairs the value or usefulness of the zone;
- (k) carrying out a tourist program involving—
  - (i) marine mammals, sharks or sea turtles; or
  - (ii) the use of tidal land above the level of lowest astronomical tide adjacent to a protected area;
- (l) carrying out a commercial whale watching program;
- (m) carrying out a commercial activity involving hovercraft;
- (n) performing minor works consistent with the purpose of the zone;
- (o) performing major works within a designated works area;
- (p) dredging a navigation channel to maintain the profile of the channel under a Harbours Act sanction;
- (q) carrying out an activity to preserve, maintain and keep clean an

- access channel for a canal under the *Canals Act 1958*, section 11;<sup>8</sup>
- (r) within a designated navigation and port area—
    - (i) dredging for navigation purposes; and
    - (ii) disposing of dredged material in a way that is consistent with the purpose of the area;
  - (s) discharging waste;
  - (t) extracting water for a commercial purpose;
  - (u) extracting sand, gravel, rock, stone, clay, earth or other materials;
  - (v) carrying out a program for taking animals and plants that, in the chief executive's reasonable opinion, pose a threat to—
    - (i) public health or human life or safety; or
    - (ii) marine or island ecosystems that are part of, or within, the marine park; or
    - (iii) the use and amenity of the marine park;
  - (w) introducing or adding animals, plants or other organisms.

*Example of paragraph (j)—*

Location filming within the marine park involving film crews occupying the zone for several days.

*Example of paragraph (v)(i)—*

Carrying out a program for the control of mosquito and midge populations.

### **Entry or use of habitat zone for existing non-conforming purpose**

**18.** Despite the purpose of a habitat zone, a person may enter or use the zone for the purpose of carrying out coral dredging at Mud Island and the eastern side of St Helena Island under the coral limestone licence issued on 30 August 1991 and held by Queensland Cement Limited under the *Fisheries Act 1994*.

---

<sup>8</sup> Section 11 (Maintenance of canals)

***Division 3—Conservation zone*****Purpose of conservation zone**

**19.** The purpose of a conservation zone is to—

- (a) conserve the zone’s cultural and natural resources and amenity values; and
- (b) conserve the zone’s natural condition to the greatest possible extent; and
- (c) allow members of the public to enjoy the relatively undisturbed nature of the zone; and
- (d) ensure use of the zone’s natural resources is ecologically sustainable.

**Entry or use of conservation zone without permission**

**20.** A person may enter or use a conservation zone without permission for the following purposes—

- (a) a recreational, educational, cultural or spiritual activity that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (b) photography, filming or sound recording that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (c) fishing, other than trawling;
- (d) recreational bait gathering;
- (e) limited collecting;
- (f) carrying out non-manipulative research;
- (g) navigating a boat other than a submersible boat;
- (h) navigating a personal water craft in a navigation channel;

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (i) navigating a hovercraft in a navigation channel other than for a commercial purpose;
- (j) carrying out a boat, ferry or water taxi service (other than a service involving a hovercraft) for transfer passengers or transfer vehicles;
- (k) organising, promoting or carrying out speed trials for motorised boats under an authority granted under the *Transport Operations (Marine Safety) Act 1994*;
- (l) at an approved mooring—mooring or anchoring a vessel;
- (m) at a place other than an approved mooring—mooring or anchoring a vessel for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location;
- (n) operating an aircraft at an altitude of 500 ft or more above tidal waters or tidal land;
- (o) taking off from, or landing at, a constructed airport, airstrip or helipad;
- (p) at an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft;
- (q) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or parking an aircraft for 30 days or less in any period of 60 days but not more than 14 consecutive days in 1 location.

### **Entry or use of conservation zone with permission**

**21.** The chief executive may grant a permission for a person to enter or use a conservation zone for the following purposes—

- (a) if the person is a traditional inhabitant of Moreton Bay—traditional fishing, hunting or gathering;<sup>9</sup>

---

<sup>9</sup> If a person has a native title right or interest to carry out fishing, hunting or gathering, this section applies subject to the *Native Title Act 1993* (Cwlth), section 211. Section 211 limits the operation of certain laws that would otherwise prohibit or restrict native title holders from exercising certain native title rights (such as fishing, hunting or gathering) other than under a licence, permit or other instrument.

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (b) operating an oyster ground;
- (c) collecting including, for example, collecting for a commercial purpose under an authority for an aquarium fish fishery under the *Fisheries Act 1994*;
- (d) organising, promoting or carrying out a commercial fishing competition;
- (e) carrying out manipulative research;
- (f) navigating a submersible boat;
- (g) navigating a hovercraft outside a navigation channel;
- (h) at a place other than an approved mooring—mooring or anchoring a vessel for more than 14 consecutive days in the 1 location but not more than 30 days in any 60 day period;
- (i) operating an aircraft at an altitude of less than 500 ft above tidal waters or tidal land;
- (j) taking off from, or landing at, a place other than a constructed airport, airstrip or helipad in an aircraft;
- (k) organising, promoting or carrying out an organised event;
- (l) at a place other than an approved mooring or a constructed airport, airstrip or helipad—mooring or anchoring an aircraft for more than 14 consecutive days in the 1 location but not more than 30 days in any 60 day period;
- (m) carrying out an activity that disturbs or impairs the value or usefulness of the zone;
- (n) carrying out a tourist program;
- (o) carrying out a commercial whale watching program;
- (p) carrying out a commercial activity involving hovercraft;
- (q) operating a facility that is consistent with the purpose of the zone;
- (r) carrying out minor works that are consistent with the purpose of the zone;
- (s) carrying out major works within a designated works area;



*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (t) dredging a navigation channel to maintain the profile of the channel under a Harbours Act sanction;
- (u) carrying out an activity to preserve, maintain and keep clean an access channel for a canal under the *Canals Act 1958*, section 11;<sup>10</sup>
- (v) within a designated navigation and port area—
  - (i) dredging for navigation purposes; and
  - (ii) disposing of dredged material in a way that is consistent with the purpose of the area;
- (w) discharging waste;
- (x) extracting water for a commercial purpose;
- (y) carrying out a program for taking animals and plants that, in the chief executive's reasonable opinion, pose a threat to—
  - (i) public health or safety; or
  - (ii) marine or island ecosystems that are part of, or within, the marine park; or
  - (iii) the use and amenity of the marine park;
- (z) introducing or adding animals, plants or other organisms.

*Example of paragraph (k)—*

An organised fete or carnival held on tidal land.

*Example of paragraph (m)*

Location filming within the marine park involving film crews occupying the zone for several days.

*Example of paragraph (q)—*

Operating a pontoon for ecotourism.

*Example of paragraph (y)(i)—*

Carrying out a program for the control of mosquito and midge populations.

---

<sup>10</sup> Section 11 (Maintenance of canals)

**Entry and use for existing non-conforming purpose**

22. Despite the purpose of the zone, the chief executive may grant a permission for a person to enter or use a conservation zone for the following purposes—

- (a) if an approval is granted under the *Transport Operations (Marine Safety) Act 1994* for the Gold Coast Ski Classic—organising, promoting, participating in or carrying out another activity associated with the race;
- (b) if an approval is granted under the *Transport Operations (Marine Safety) Act 1994* for the Russell Island Power Boat Classic—organising, promoting, participating in or carrying out another activity associated with the race.

**Chief executive may grant permission for existing non-conforming use**

23. Despite the purpose of the zone, the chief executive may grant a permission for the following persons to continue sand dredging in the Rous Channel within the South Passage area—

- (a) Moreton Bay Tug and Barge Company Pty Ltd;
- (b) Marine Contracting Pty Ltd.

***Division 4—Buffer zone*****Purpose of buffer zone**

24. The purpose of a buffer zone is to provide for the protection of the zone's biological diversity and natural condition to the greatest possible extent, while allowing—

- (a) the public to appreciate and enjoy the undisturbed nature of the zone; and
- (b) for the trolling for pelagic fish.

**Entry or use of buffer zone without permission**

**25.** A person may enter or use a buffer zone without permission for the following purposes—

- (a) a recreational, educational, cultural or spiritual activity that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (b) photography, filming or sound recording that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (c) trolling for pelagic fish;
- (d) carrying out non-manipulative research;
- (e) navigating a boat, other than a submersible boat;
- (f) mooring or anchoring a vessel or aircraft, or parking an aircraft, for 7 days or less;
- (g) operating an aircraft at an altitude of 500 ft or more above tidal waters or tidal land.

**Entry or use of buffer zone with permission**

**26.** The chief executive may grant a permission for a person to enter or use the buffer zone for the following purposes—

- (a) carrying out manipulative research;
- (b) navigating a submersible boat;
- (c) navigating a hovercraft (other than for a commercial purpose) whether within or outside a navigation channel;
- (d) carrying out a boat, ferry or water taxi service for transfer passenger or vehicles;
- (e) mooring or anchoring a vessel, other than under a permission for the operation of a facility, for more than 7 days but not more than 30 days in any period of 60 days;

*Marine Parks (Moreton Bay) Zoning Plan 1997*

---

- (f) operating an aircraft at an altitude of less than 500 ft above tidal land or tidal waters;
- (g) mooring or parking an aircraft, other than under a permit for the operation of a facility, for more than 7 days but not more than 30 days in any period of 60 days;
- (h) organising, promoting or carrying out an organised event;
- (i) carrying out an activity that disturbs or impairs the value or usefulness of the zone;
- (j) carrying out a tourist program that does not involve—
  - (i) marine mammals, sharks or sea-turtles; or
  - (ii) a hovercraft;
- (k) operating a facility that is consistent with the purpose of the zone;
- (l) performing minor works that are consistent with the purpose of the zone.

*Example of paragraph (h)—*

An organised fete or carnival held on tidal land.

*Example of paragraph (i)*

Location filming within the marine park involving film crews occupying the zone for several days.

*Example of paragraph (k)—*

Operating a pontoon for ecotourism.

### **Entry or use of buffer zone for non-conforming purpose**

**27.** Despite the purpose of the zone, a person may, under a permission, enter or use a buffer zone to collect for a commercial purpose under an authority for a commercial aquarium fish fishery under the *Fisheries Act 1994*.

### **Waste not to be discharged in buffer zone**

**28.** Despite section 20(2) of the regulation, person must not discharge the following waste in a buffer zone—

- (a) human waste;
- (b) offal from a fish;
- (c) biodegradable waste.

Maximum penalty—50 penalty units.

### ***Division 5—Protection zone***

#### **Purpose of protection zone**

**29.** The purpose of a protection zone is to provide for the permanent preservation of the zone's biological diversity and natural condition to the greatest possible extent, while allowing the public to appreciate and enjoy the undisturbed nature of the zone.

#### **Entry or use of protection zone without permission**

**30.** A person may enter or use a protection zone without a permission for the following purposes—

- (a) a recreational, educational, cultural or spiritual activity that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (b) photography, filming or sound recording that does not—
  - (i) involve the taking of marine products; or
  - (ii) disturb or impair the value or usefulness of the zone;
- (c) carrying out non-manipulative research;
- (d) navigating a boat other than a submersible boat;
- (e) anchoring or mooring a vessel or aircraft, or parking an aircraft, for 7 days or less;
- (f) operating an aircraft at an altitude of 500 ft or more above tidal waters or tidal land.

**Entry or use of protection zone with permission**

**31.** The chief executive may grant a permission for a person to enter or use a protection zone for the following purposes—

- (a) carrying out manipulative research;
- (b) navigating a submersible boat;
- (c) navigating a hovercraft (other than for a commercial purpose), whether within or outside a navigation channel;
- (d) carrying out a boat, ferry or water taxi service for transfer passengers or transfer vehicles;
- (e) mooring or anchoring a vessel, other than under a permission for the operation of a facility, for more than 7 days but not more than 30 days in any period of 60 days;
- (f) operating an aircraft at an altitude of less than 500 feet above tidal waters or tidal land;
- (g) mooring or parking an aircraft, other than under a permit for the operation of a facility, for more than 7 days but not more than 30 days in any period of 60 days;
- (h) organising, promoting or carrying out an organised event;
- (i) carrying out an activity that disturbs or impairs the value or usefulness of the zone;
- (j) carrying out a tourist program that does not involve—
  - (i) marine mammals, sharks or sea turtles; or
  - (ii) a hovercraft;
- (k) operating a facility that is consistent with the purpose of the zone;
- (l) performing minor works that are consistent with the purpose of the zone.

*Example of paragraph (h)—*

An organised fete or carnival held on tidal land.

*Example of paragraph (i)*

Location filming within the marine park involving film crews occupying the zone for several days.

*Example of paragraph (k)—*

Operating a pontoon for ecotourism.

### **Entry or use of Peel Island protection zone for non-conforming purpose**

**31A.(1)** Despite the purpose of the zone, a person may, under a permission, enter or use the Peel Island protection zone to carry out commercial fishing.

(2) In this section—

**“Peel Island protection zone”** means the area described in schedule 1, section 36.

### **Waste not to be discharged in protection zone**

**32.** Despite section 20(2) of the regulation, a person must not discharge the following waste in a protection zone—

- (a) human waste;
- (b) offal from a fish;
- (c) biodegradable waste.

Maximum penalty—50 penalty units.

## **PART 4—DESIGNATED AREAS**

### *Division 1—Special management of designated areas*

#### **Designated areas**

**33.(1)** The following designated areas within the zones of the marine park are set aside for special management—

- (a) commercial bloodworm gathering areas;
- (b) ocean beach areas;

- (c) navigation and port areas;
- (d) the South Passage area;
- (e) turtle and dugong areas;
- (f) the Pumicestone Passage area;
- (g) works areas.

(2) The boundaries of the designated areas are set out in schedule 2.<sup>11</sup>

### *Division 2—Commercial bloodworm gathering areas*

#### **Purpose of commercial bloodworm gathering area**

**34.** The purpose of a commercial bloodworm gathering area is to provide for the management of commercial bloodworm gathering in a way that ensures the ecological integrity of the area, including, for example, the value of the area as a feeding habitat for shorebirds.

#### **Entry or use of commercial bloodworm gathering area**

**35.** A person must not enter or use a commercial bloodworm gathering area for the gathering of worms unless the person has an authority under the *Fisheries Act 1994*.

Maximum penalty—10 penalty units.

---

<sup>11</sup> The latitudinal and longitudinal positions used in the schedule to describe designated area boundaries are described using the Australian Geodetic Datum 1984.

The approximate locations of the designated areas are shown on Moreton Bay Marine Park Zoning Plan Map MP3, a copy of which may be inspected at the department's central office at 160 Ann Street, Brisbane and its regional centre at the Jetset Centre, 288 Edward Street, Brisbane.



***Division 3—Ocean beach area*****Purpose of ocean beach area**

**36.** The purpose of an ocean beach area is—

- (a) to protect the natural visual amenity and ecological integrity of the ocean beaches; and
- (b) to provide for the operation of natural coastal processes; and
- (c) to protect and rehabilitate natural beach plant and animal communities.

**Entry or use of ocean beach area**

**37.** A public authority exercising its statutory powers in an ocean beach area must—

- (a) have regard to the purpose of the area; and
- (b) consult with the chief executive about any proposal or action that may affect the visual amenity, coastal processes or beach, plant or animal communities of the area.

***Division 4—Navigation and port area*****Purpose of navigation and port area**

**38.** The purpose of a navigation and port area is to provide for—

- (a) the operation and maintenance of navigation channels; and
- (b) dredging for navigation purposes; and
- (c) disposal of dredged material.

**Entry or use of navigation area**

**39.** A public authority exercising statutory powers in a navigation and port area must—

- (a) have regard to the purpose of the area; and

- (b) consult with the chief executive about any proposal or action that may affect the area; and
- (c) carry out any dredging or disposal of dredged material in the area in an environmentally responsible way.

### *Division 5—South Passage area*

#### **Purpose of the South Passage area**

**40.** The purpose of the South Passage area is—

- (a) to conserve dugong, sea turtle and shorebird populations and their habitats; and
- (b) to protect the unique coral reef assemblage and associated benthic communities in the vicinity of the Myora light; and
- (c) to recognise Aboriginal interests in the area and involve the traditional inhabitants of Moreton Bay in the planning and management, including conservation, of the natural resources of the area; and
- (d) to allow for the review and rationalisation of existing activities, particularly sand extraction, that do not conform with the purpose of the conservation zone through detailed management planning processes.

#### **Entry or use of the South Passage area**

**41.** A public authority exercising statutory powers in the South Passage area must—

- (a) have regard to the purpose of the area; and
- (b) consult with the chief executive about any proposal or action that may affect the area.

***Division 6—Turtle and dugong area*****Purpose of turtle and dugong area**

**42.** The purpose of a turtle and dugong area is to conserve sea-turtle and dugong populations, including by, for example, protecting turtles and dugong from injury or death caused by vessels.

**Entry or use of turtle and dugong area**

**43.** A person must not, in a turtle and dugong area—

- (a) operate a speedboat in a planing or non-displacement mode; or
- (b) operate a boat, hovercraft or personal watercraft in a way or at a speed that could reasonably be expected to result in the striking of a sea-turtle or dugong.

Maximum penalty—10 penalty units.

***Division 7—Pumicestone Passage area*****Purpose of the Pumicestone Passage area**

**44.** The purpose of the Pumicestone Passage area is—

- (a) to protect the natural visual amenity and landscape character of the area; and
- (b) to recognise the recreational significance of the area to the community; and
- (c) to allow the community to enjoy the amenity of the area.

**Entry or use of Pumicestone Passage area**

**45.** A person must not use a hovercraft in the Pumicestone Passage area.

Maximum penalty—10 penalty units.

***Division 8—Works area*****Purpose of works area**

**46.** The purpose of a works area is to provide for the carrying out of major works that might disturb or destroy the natural hydrology, or change the natural species composition or productivity of aquatic communities in the area, if the works are necessary for—

- (a) the public benefit; or
- (b) the provision of facilities for use by the public.

*Example of paragraph (a)—*

The establishment of transport infrastructure.

**PART 5—REMOVAL OF UNAUTHORISED OR  
ABANDONED STRUCTURES AND VEHICLES*****Division 1—Interpretation*****Definition**

**47.** In this part—

“**vehicle**” means an aircraft, motor vehicle or vessel.

***Division 2—Notices and action by chief executive*****Notice about unauthorised structure etc.**

**48.(1)** This section applies if, in the chief executive’s reasonable opinion—

- (a) a structure in the marine park—
  - (i) has been installed in contravention of the Act; or

- (ii) is unlawful for another reason and needs to be removed for the preservation and protection of the marine park; or
- (b) a structure or vehicle in the marine park has been abandoned; or
- (c) a vehicle is at a place in the marine park without authority under this zoning plan.

(2) The chief executive may give the person responsible for the structure or vehicle a notice directing the person, within the time stated in the notice, to take reasonable action—

- (a) to remove the structure or vehicle from the place; and
- (b) for a structure—to restore the place, as nearly as practicable, to its former state.

(3) The time stated in the notice must be reasonable in the circumstances and in any case not less than 30 days.

(4) The notice must state that the person may appeal against the decision to give the notice within 30 days after the person is given the notice.

(5) If the name of the person is not known, the notice may be given—

- (a) in a newspaper circulating throughout the State; or
- (b) by displaying it in a prominent position on the structure or vehicle.

(6) The person must, unless the person has a reasonable excuse, comply with the notice.

Maximum penalty—100 penalty units.

### **Inspector may seize structure or vehicle**

**49.(1)** If a person fails to comply with a notice requiring the person to remove a structure or vehicle from the place, an inspector may enter and seize the structure or vehicle.

(2) However, an inspector must not enter and seize a structure or vehicle that is a private dwelling unless—

- (a) its occupier consents to the entry and seizure; or
- (b) the entry and seizure is authorised by warrant.

(3) An inspector may also enter land around a structure or vehicle to gain access to the structure or vehicle or to ask its occupier for consent to enter the structure or vehicle.

### **Consent to entry**

**50.(1)** This section applies if an inspector intends to ask an occupier of a structure or vehicle that is a private dwelling for consent to enter and seize the structure or vehicle.

(2) Before asking for the consent, the inspector must tell the occupier that the occupier is not required to consent.

(3) If the consent is given, the inspector may ask the occupier to sign an acknowledgment of the consent.

(4) The acknowledgment must state the following—

- (a) that the occupier was told that the occupier was not required to consent;
- (b) that the occupier gives the inspector consent to enter the structure or vehicle and to seize the structure or vehicle under this part;
- (c) the time and date the consent was given.

(5) If the occupier signs the acknowledgment, the inspector must immediately give a copy to the occupier.

(6) Subsection (7) applies to a court if—

- (a) an issue arises, in a proceeding in or before the court, whether the occupier of a structure or vehicle consented to an inspector entering or seizing the structure or vehicle under this part; and
- (b) an acknowledgment under this section is not produced in evidence for the entry or seizure; and
- (c) it is not proved the occupier consented to the entry.

(7) The court may presume the occupier did not consent.

### **Warrants to enter and seize structure or vehicle**

**51.(1)** An inspector may apply to a magistrate for a warrant to enter and

seize a structure or vehicle that is a private dwelling.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

*Example—*

The magistrate may require additional information supporting the application to be given by statutory declaration.

(4) The magistrate may issue the warrant only if the magistrate is satisfied there are reasonable grounds for believing—

- (a) for a structure—the structure has been installed in contravention of the Act; or
- (b) for a structure or vehicle—the structure or vehicle has been abandoned; or
- (c) for a vehicle—the vehicle is in the marine park without authority under this zoning plan.

(5) The warrant must state the following—

- (a) that a stated inspector may, with necessary and reasonable help and force, enter the structure or vehicle;
- (b) that the structure or vehicle may be seized under the warrant;
- (c) the hours of the day or night when the structure or vehicle may be entered;
- (d) the date, within 14 days after the warrant's issue, that the warrant ends.

### **Notice of seizure to be given**

**52.(1)** This section applies to a seized structure or vehicle the chief executive reasonably believes has a market value of more than \$300.

(2) The chief executive must give the owner of the structure or vehicle written notice of its seizure.

(3) If the owner's name is not known, notice—

- (a) must be given in a newspaper circulating throughout the State; and
  - (b) may also be given by displaying it in a prominent position on a permanent feature as close as possible to the place where the structure or vehicle was found.
- (4) The notice must state that—
- (a) the owner may claim the structure or vehicle within 2 months after receiving the notice; and
  - (b) the structure or vehicle may be disposed of if not claimed within 2 months.

### **Procedure if structure or vehicle is not claimed**

**53.(1)** This section applies if—

- (a) the owner of a seized structure or vehicle does not claim the structure or vehicle within 2 months after notice is given about the seizure of the structure or vehicle; or
- (b) section 52 does not apply to the structure or vehicle.

(2) After publishing a notice in a newspaper circulating generally in the State, the chief executive may sell the structure or vehicle by auction.

(3) The notice must—

- (a) identify the structure or vehicle; and
- (b) state that the structure or vehicle is to be sold by auction; and
- (c) state the time and place of the auction.

(4) If the structure or vehicle is not sold by auction, the chief executive may dispose of the structure or vehicle in the way the chief executive considers appropriate.

(5) Compensation is not payable for a sale or disposal under this section.

### **Application of proceeds of sale**

**54.(1)** If the chief executive sells the structure or vehicle, the proceeds of the sale must be applied in the following order—



- (a) in payment of the reasonable expenses of the chief executive incurred in the sale;
- (b) in payment of the reasonable cost of—
  - (i) seizing, removing and holding the structure or vehicle; and
  - (ii) giving notice of the seizure;
- (c) for a structure—in payment of the reasonable cost of work necessary to restore the site from which the structure is removed as nearly as practicable to its former state;
- (d) in payment of any balance to the owner of the structure or vehicle.

### **Release of structure or vehicle**

**55.** If a person claims the structure or vehicle, the chief executive may release the structure or vehicle to the person only if the person—

- (a) satisfies the chief executive the person has a right to the structure or vehicle; and
- (b) pays the chief executive's reasonable costs of—
  - (i) seizing, removing and holding the structure or vehicle; and
  - (ii) giving notice of the seizure; and
  - (iii) if notice is given of the sale of the structure or vehicle—giving the notice; and
  - (iv) for a structure—restoring the place from which the structure was removed, as nearly as practicable, to its former state.

### ***Division 3—Appeals***

#### **Who may appeal**

**56.** A person who is dissatisfied with the chief executive's decision to give the person a notice may appeal against the decision to a Magistrates Court.

**How to start appeal**

**57.(1)** An appeal is started by—

- (a) filing written notice of the appeal with the registrar of the court; and
- (b) complying with the rules of court applicable to the appeal.

**(2)** The notice of appeal must—

- (a) be filed within 30 days after the person receives the notice; and
- (b) state fully the grounds of the appeal and the facts relied on.

**(3)** The court may at any time extend the time for filing the notice of appeal.

**Appellant to give notice of appeal**

**58.** Within 7 days after filing a notice of appeal, the appellant must serve notice of the appeal on the chief executive.

**Stay of operation of decision**

**59.(1)** The court may grant a stay of the decision appealed against to secure the effectiveness of the appeal.

**(2)** A stay may be granted on conditions the court considers appropriate and has effect for the period stated by the court.

**(3)** The period of a stay must not extend past the time when the court decides the appeal.

**(4)** An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

**Hearing procedures**

**60.(1)** The procedure for an appeal is to be under the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the magistrate.

**(2)** An appeal is by way of rehearing, unaffected by the chief executive's decision.

**Powers of court on appeal**

**61.(1)** In deciding an appeal, the court may—

- (a) confirm the decision appealed against; or
- (b) vary the decision appealed against; or
- (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.

**(2)** If on appeal the court acts under subsection (1)(b) or (c), the decision is taken, for this zoning plan (other than this part), to be that of the chief executive.

**PART 6—MISCELLANEOUS****Access in special circumstances**

**62.(1)** A person may, without a permission, enter or use the marine park for the following purposes—

- (a) removing a boat that is wrecked, stranded, sunk or abandoned, other than a wreck protected under the *Historic Shipwrecks Act 1976* (Cwlth);
- (b) building, installing or servicing, under the *Transport Operations (Marine Safety) Act 1994*, a navigational aid or buoy mooring;
- (c) defence operations, including, for example, the use of boats and aircraft not otherwise permitted under this zoning plan or the explosion of ordinances;
- (d) government geodetic, bathometric or similar surveys.

**(2)** However, before entering a zone for a purpose mentioned in subsection (1), the person must give the chief executive reasonable written notice of—

- (a) the purpose of entering or using the zone; and
- (b) the day and time the proposed entry or use is to happen.

**(3)** The chief executive may make the entry or use subject to the

reasonable conditions necessary for the conservation, protection and preservation of the marine park or a thing in the marine park.

(4) If the chief executive makes the entry or use of a zone by a person under this section subject to conditions, the person must comply with the conditions.

### **Entry or use of marine park for non-conforming purpose**

**63.(1)** An officer or employee of the Queensland Museum or a fisheries management agency may, without a permission, collect declared fish, invertebrates or plants anywhere in the marine park, other than a protection zone, for the museum or agency's purposes.

(2) On the chief executive's request, the museum or agency must give the chief executive reasonable access to information about the marine park gained as a result of an entry or use under subsection (1).

### **Restoration of habitat disturbed by bait gathering**

**64.(1)** This section applies to a person who uses the marine park for the purpose of recreational or commercial bloodworm gathering.

(2) The person must restore any habitat in the marine park disturbed by the person while carrying out the gathering.

Maximum penalty—10 penalty units.

*Example—*

If a person disturbs seagrass habitat while carrying out recreational or commercial bloodworm gathering, the person must restore the disturbed habitat by replacing all seagrass sods in an upright position.

### **Prohibition of domestic animals in areas adjacent to national park**

**65.(1)** This section applies if a person brings a domestic animal into the marine park.

(2) The person must not take the animal onto tidal land in the marine park that is adjacent to a national park unless the animal is contained within an aircraft, vehicle or vessel.

Maximum penalty—10 penalty units.

(3) In this section—

“**national park**” means an area dedicated under the *Nature Conservation Act 1992* as a national park.

### **Prohibition on disturbing shorebirds**

**66.(1)** A public authority exercising statutory powers in the marine park must consult with the chief executive about any proposal or action that may affect the value of the marine park to shorebirds.

(2) A person must not take a dog into the marine park unless the dog is controlled or restrained by the person in a way that prevents the dog from causing undue disturbance to shorebirds in the marine park.

Maximum penalty—10 penalty units.

(3) A person must not, in the marine park—

- (a) navigate a boat, hovercraft or personal water craft, or drive a vehicle, through a group of feeding or roosting shorebirds; or
- (b) land, or take off in, an aircraft through a group of feeding or roosting shorebirds; or
- (c) cause undue disturbance to shorebirds or their habitat.

Maximum penalty—10 penalty units.

*Example of subsection (3)(c)—*

To minimise disturbance to shorebirds, a person approaching an area of exposed tidal flat with shorebirds upon it must take the most direct route when—

- (a) landing on shore; or
- (b) moving from the shore to the nearest water of navigable depth.

### **Prohibition on anchoring or mooring aircraft or vessel for more than 120 days**

**67.** A person must not, other than at an approved mooring or under a permit for a facility, anchor or moor an aircraft or vessel in the marine park for more than 120 days in a year.

Maximum penalty—10 penalty units.

**Application of other statutory instruments to marine park**

**68.(1)** This section applies if—

- (a) a local government makes a local law about protecting the environment within the marine park; or
- (b) a regulation is made under the *Fisheries Act 1994* about protecting the environment within the marine park.

**(2)** To the extent of any inconsistency between this zoning plan and the local law or regulation, the instrument that provides the most stringent protection of the marine park prevails.

## **SCHEDULE 1**

### **BOUNDARIES OF ZONES WITHIN MARINE PARK**

section 6(3)

#### **PART 1—GENERAL USE ZONES**

##### **Dunwich general use zone**

1. Consists of the area, the boundary of which—
  - (a) starts on the marine park boundary on the western side of North Stradbroke Island at the most westerly point of the marine park boundary in the vicinity of Polka Point; and
  - (b) then runs in a westerly direction for 400 m along the parallel of latitude to the point 27°29.92 ' south, 153°23.61' east; and
  - (c) then runs in a southerly direction for 1 km along the meridian of longitude that passes through the point 27°30.46' south, 153°24.11' east; and
  - (d) then runs in an easterly direction along the parallel of latitude that passes through the point for 800 m to the point 27°30.46' south, 153°24.10' east; and
  - (e) then runs in a generally north-easterly direction along a geodesic that passes through the most westerly point of the property boundary of lot 163 on SL8381 to the intersection of the geodesic by the marine park boundary; and
  - (f) then runs in a generally north-westerly direction along the marine park boundary to the point where the zone's boundary starts.

##### **Cabbage Tree Point general use zone**

2. Consists of the area, the boundary of which—

## SCHEDULE 1 (continued)

- (a) starts on the marine park boundary in the general vicinity of Cabbage Tree Point at the intersection of the marine park boundary by the parallel of latitude that passes through the most northerly point of the property boundary of lot 412 on CP861652; and
- (b) then runs in an easterly direction along the parallel of latitude to the intersection of the parallel of latitude by the eastern side of the navigation channel west of Tabby Tabby Island; and
- (c) then runs in a generally southerly direction along the eastern side of the navigation channel to the intersection of the eastern side of the navigation channel by the parallel of latitude that passes through the most southerly point of the property boundary of lot 5 on RP222544; and
- (d) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary; and
- (e) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Jacobs Well general use zone**

**3.(1)** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the general vicinity of Jacobs Well at the intersection of the marine park boundary by the parallel of latitude that passes through the most southerly point of the property boundary of lot 258 on WD943; and
- (b) then runs in an easterly direction along the parallel of latitude to the intersection of the parallel of latitude by the eastern side of the navigation channel west of Kangaroo Island; and
- (c) then runs in a generally south-easterly direction along the eastern side of the navigation channel to the intersection of the eastern side of the navigation channel by the meridian of longitude that passes through the most easterly corner of the property boundary of lot 21 on RP847582; and



**SCHEDULE 1 (continued)**

- (d) then runs in a southerly direction along the meridian of longitude to its intersection by the marine park boundary; and
- (e) then runs in a generally north-easterly direction along the marine park boundary to the point where the zone's boundary starts.

(2) However, the zone does not include the area within the Huth Creek conservation zone.

**General use zone**

4. In addition to the areas stated in sections 1 to 3, the general use zone consists of all other areas of the marine park that are not included in another zone.

**PART 2—HABITAT ZONES****Golden Beach habitat zone**

5. Consists of the area, the boundary of which—
- (a) starts on the marine park boundary in the vicinity of Caloundra Head at the most easterly point of H.A.T. at Caloundra Head; and
  - (b) then runs in a generally south-easterly direction along the marine park boundary for a distance of 300 m; and
  - (c) then runs in a generally south-westerly direction along a geodesic at a bearing of 240° to its intersection by the meridian of longitude that passes through the most southerly point of the marine park boundary at Deepwater Point; and
  - (d) then runs in a generally north-westerly direction along a geodesic to the point 26°48.49' south, 153°07.70' east (however, where the geodesic intersects the 0 m depth contour and the contour runs north of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and

## SCHEDULE 1 (continued)

- (e) then runs in a generally south-westerly direction along a geodesic to the point 26°48.90' south, 153°07.38' east (however, where the geodesic intersects the 0 m depth contour and the contour runs west of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and
- (f) then runs in a generally southerly direction along a geodesic to the point 26°49.95' south, 153°07.32' east (however, where the geodesic intersects the 0 m depth contour and the contour runs west of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and
- (g) then runs in a generally south-westerly direction along a geodesic to the point 26°50.73' south, 153°06.97' east; and
- (h) then runs in a generally westerly direction along a geodesic to a point on the marine park boundary where the marine park boundary is intersected by an imaginary extension of the northern property boundary of lot 431 on CG2549; and
- (i) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Bribie Island-Deception Bay habitat zone****6. Consists of the area, the boundary of which—**

- (a) starts on the marine park boundary on Bribie Island at the most northerly point of the marine park boundary on Bribie Island; and
- (b) then runs in an easterly direction along the parallel of latitude for 1 km; and
- (c) then runs in a generally southerly and then generally westerly direction along a line 1 km seaward of the marine park boundary on Bribie Island to the intersection of the line by the parallel of latitude 27°05.60' south (west of Bongaree, Bribie Island); and
- (d) then runs in a westerly direction along the parallel of latitude to the point 27°05.60' south, 153°08.32' east; and

## SCHEDULE 1 (continued)

- (e) then runs in a generally south-westerly direction along a geodesic to a point on the marine park boundary in the vicinity of Kippa Ring where the marine park boundary is intersected by the western bank of Albatross Canal; and
- (f) then runs in a generally westerly and then generally northerly direction along the marine park boundary to the most easterly point of the marine park boundary in the vicinity of Toorbul Point (approximately 27°04.62' south, 153°09.82' east); and
- (g) then runs in a generally south-easterly direction along a geodesic toward the most south-westerly point of the marine park boundary on Bribie Island (approximately 27°05.98' south, 153°09.82' east) to the intersection of the geodesic by a line 50 m seaward of the marine park boundary on the western side of Bribie Island; and
- (h) then runs in a generally northerly direction along a line 50 m seaward of the marine park boundary to its intersection by the parallel of latitude that passes through the intersection of the marine park boundary on the western side of Bribie Island by an imaginary line forming an extension of the south-eastern boundary of Maude Street at White Patch; and
- (i) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of Bribie Island; and
- (j) then runs in a generally southerly, generally easterly and then generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Scarborough Point habitat zone**

7. Consists of the area, the boundary of which—

- (a) starts on the marine park boundary at Scarborough at the intersection of the marine park boundary by the meridian of longitude 153°06.74' east; and

## SCHEDULE 1 (continued)

- (b) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude  $27^{\circ}11.08'$  south; and
- (c) then runs in an easterly direction along the parallel of latitude to its intersection by the meridian of longitude  $153^{\circ}07.88'$  east that passes through the point  $27^{\circ}11.08'$  south,  $153^{\circ}07.88'$  east (north-east of North Reef); and
- (d) then runs in a southerly direction along the meridian of longitude to its intersection by the parallel of latitude that passes through the easternmost point of the northern side of Queen Street, Scarborough; and
- (e) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary; and
- (f) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Pine River-Freshwater Creek habitat zone****8.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Clontarf Point, at the point at which the marine park boundary is intersected by the north-western side of the Hornibrook Highway Bridge (viaduct); and
- (b) then runs in a generally westerly direction along a geodesic to the northern bank of the mouth of Freshwater Creek in the vicinity of the point  $27^{\circ}15.84'$  south,  $153^{\circ}03.57'$  east; and
- (c) then runs in a generally north-westerly direction along the edge of the mangroves on the northern side of Freshwater Creek to the marine park boundary; and
- (d) then runs along the marine park boundary in a generally southerly direction around Hays Inlet and then in a generally westerly direction along the Pine River to the upstream limit of the marine park in the vicinity of the Bruce Highway (Gympie Arterial Road); and

## SCHEDULE 1 (continued)

- (e) then runs in a generally south-westerly direction along the marine park boundary to the southern side of the Pine River; and
- (f) then runs along the marine park boundary in a generally south-easterly, then generally northerly, then generally easterly direction (including Bald Hills Creek) along the Pine River to a point on the marine park boundary in the vicinity of Brighton Park where the marine park boundary is intersected by the south-western side of the Hornibrook Highway Bridge (viaduct); and
- (g) then runs in a generally north-easterly direction along a geodesic parallel to the Hornibrook Highway Bridge (viaduct) to the point where the zone's boundary starts.

**Eastern Moreton Bay habitat zone**

**9.(1)** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of Moreton Island at the intersection of the marine park boundary by the parallel of latitude 27°16.00' south; and
- (b) then runs in a westerly direction along the parallel of latitude for 1 km; and
- (c) then runs in a generally northerly direction along a line 1 km seaward of the marine park boundary on the western side of Moreton Island to the intersection of the line by the parallel of latitude that passes through the most westerly point of the marine park boundary at Comboyuro Point; and
- (d) then runs in a generally northerly direction along a geodesic to the point 27°02.43' south, 153°20.63' east (immediately north of the Inner Freeman Channel); and
- (e) then runs in a north-easterly direction (45°) along a geodesic to its intersection by the marine park boundary; and
- (f) then runs in a generally south-easterly direction along the marine park boundary to its intersection by the 50 m depth contour; and

## SCHEDULE 1 (continued)

- (g) then runs in a generally southerly direction along the 50 m depth contour to its intersection by the parallel of latitude (approximately  $27^{\circ}26.29'$  south) that passes through the most easterly point of the marine park boundary at Point Lookout; and
- (h) then runs in a westerly direction along the parallel of latitude to a point 1 km seaward of the marine park boundary on North Stradbroke Island; and
- (i) then runs in a generally southerly direction along a line 1 km seaward of the marine park boundary on the eastern side of North Stradbroke Island to the intersection of the line by the parallel of latitude  $27^{\circ}43.63'$  south (at approximately  $27^{\circ}43.63'$  south,  $153^{\circ}27.80'$  east); and
- (j) then runs in a generally southerly direction along a geodesic to a point 1 km seaward of the marine park boundary on the eastern side of South Stradbroke Island (at approximately  $27^{\circ}44.77'$  south,  $153^{\circ}26.79'$  east); and
- (k) then runs in a generally southerly direction along a line 1 km seaward of the marine park boundary on the eastern side of South Stradbroke Island to the connection of the line with the marine park boundary; and
- (l) then runs in a westerly direction and then generally northerly direction along the marine park boundary on the eastern side of South Stradbroke Island to the most north-easterly point of the marine park boundary on South Stradbroke Island; and
- (m) then runs in a generally north-easterly direction along a geodesic to the most south-easterly point of the marine park boundary on North Stradbroke Island; and
- (n) then runs in a generally northerly and then generally westerly direction along the marine park boundary on the eastern and northern sides of North Stradbroke Island to the intersection of the marine park boundary by the meridian of longitude  $153^{\circ}28.00'$  east (in the vicinity of Amity Point); and

## SCHEDULE 1 (continued)

- (o) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude 27° 19.70' south (in the general vicinity of Mirrapool Islands); and
- (p) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on the eastern side of Moreton Island; and
- (q) then runs in a generally northerly, generally westerly and then generally southerly direction along the marine park boundary to the point where the zone's boundary starts.

(2) However, the zone does not include areas within the Northern Moreton Island conservation zone, Shag Rock conservation zone, Flat Rock conservation zone, Boat Rock conservation zone, Flinders Reef protection zone or Flinders Reef buffer zone.

**Nudgee Beach habitat zone**

**10.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Nudgee Beach at the intersection of the marine park boundary by an imaginary extension of the most western side of O'Quinn St, Nudgee Beach; and
- (b) then runs in a generally north-easterly direction along the imaginary extension to its intersection by the 2 m depth contour in that general vicinity; and
- (c) then runs in a generally south-easterly direction along the 2 m depth contour to its intersection by the marine park boundary; and
- (d) then runs in a generally south-westerly, then generally south-easterly and then generally north-westerly direction along the marine park boundary to the point where the zone's boundary starts.

## SCHEDULE 1 (continued)

**Airport to port habitat zone**

**11.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the north-eastern side of the proposed Brisbane Airport cross-runway extension area at the intersection of the marine park boundary by the 2 m depth contour; and
- (b) then runs in a generally south-easterly direction along the 2 m depth contour to its intersection by the marine park boundary in the vicinity of the most easterly point of Luggage Point; and
- (c) then runs in a generally north-westerly direction along the marine park boundary to the point where the zone's boundary starts.

**Mud Island habitat zone**

**12.** Consists of the area around Mud Island enclosed by the 2 m depth contour.

**Fisherman Islands to Raby Bay habitat zone**

**13.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the general vicinity of Fisherman Islands at the intersection of the marine park boundary by the parallel of latitude that passes through the point 27°22.03' south, 153°13.85' east (north of St Helena Island); and
- (b) then runs in an easterly direction along the parallel of latitude to its intersection by the 2 m depth contour immediately east of the point 27°22.03' south, 153°13.85' east; and
- (c) then runs in a generally southerly direction along the 2 m depth contour to the most easterly point of the 2 m depth contour on the northern side of the navigation channel leading into Manly Boat Harbour; and
- (d) then runs in a generally southerly direction along a geodesic to the most northerly point of the 2 m depth contour on the southern



## SCHEDULE 1 (continued)

- side of the navigation channel leading into Manly Boat Harbour;  
and
- (e) then runs in a generally easterly direction along the 2 m depth contour to the most north-easterly point of the 2 m depth contour on the western side of the navigation channel leading into Wood Canal, Birkdale; and
  - (f) then runs in a generally easterly direction along a geodesic to the most north-westerly point of the 2 m depth contour on the eastern side of the navigation channel leading into Wood Canal, Birkdale; and
  - (g) then runs in a generally south-easterly direction along the 2 m depth contour to its intersection by the meridian of longitude 153°16.45' east; and
  - (h) then runs in a southerly direction along the meridian of longitude to the point 27°30.55' south, 153°16.45' east (in the vicinity of the entrance to the access channel to Endeavour Canal, Raby Island); and
  - (i) then runs in a generally south-westerly direction along the northern side of the access channel to Endeavour Canal to the intersection of the northern side of Endeavour Canal by the marine park boundary; and
  - (j) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**St Helena Island habitat zone**

**14.** Consists of the area around St Helena Island enclosed by the 2 m depth contour.

**Cleveland Point-Southern Bay Islands habitat zone**

**15.(1)** Consists of the area, the boundary of which—

## SCHEDULE 1 (continued)

- (a) starts on the marine park boundary in the vicinity of Cleveland Point at the most northerly point of the marine park boundary on Cleveland Point; and
- (b) then runs in a generally north-easterly direction along a geodesic at a bearing of  $42^\circ$  to its intersection by a geodesic that passes through the points  $27^\circ 27.33'$  south,  $153^\circ 19.92'$  east (in the vicinity of Maroom Bank) and  $27^\circ 28.29'$  south,  $153^\circ 20.97'$  east (in the vicinity of Hanlon Light, north of Peel Island); and
- (c) then runs in a south-easterly direction along the geodesic to its intersection with the Peel Island 2 m depth contour (in the vicinity of Hanlon Light, north of Peel Island); and
- (d) then runs along the 2 m depth contour in a generally southerly, generally easterly and then generally northerly direction to its intersection by the parallel of latitude  $27^\circ 29.85'$  south; and
- (h) then runs along that parallel of latitude to the point  $27^\circ 29.85'$  south,  $153^\circ 22.67'$  east; and
- (i) then runs in a generally north-easterly direction along a geodesic to the point  $27^\circ 29.59'$  south,  $153^\circ 22.84'$  east (in the vicinity of Douglas Light); and
- (j) then runs in a generally easterly direction along a geodesic to the point  $27^\circ 29.52'$  south,  $153^\circ 23.69'$  east (in the vicinity of the entrance to the navigation channel into One Mile, North Stradbroke Island); and
- (k) then runs in a generally easterly direction along the northern side of the navigation channel to its intersection by the marine park boundary in the vicinity of One Mile, North Stradbroke Island; and
- (l) then runs in a generally southerly direction along the marine park boundary on the western side of North Stradbroke Island to the intersection of the marine park boundary on the western side of North Stradbroke Island by the meridian of longitude that passes through the most easterly point of the marine park boundary on Canaipa Point, Russell Island, at a point (approximately  $27^\circ 39.16'$

## SCHEDULE 1 (continued)

south, 153°24.89' east) on the marine park boundary on North Stradbroke Island immediately south of Canaipa Point; and

- (m) then runs in a northerly direction along the meridian of longitude to the most easterly point of the marine park boundary on Canaipa Point, Russell Island; and
- (n) then runs in a generally westerly and then generally southerly direction along the marine park boundary on the northern and western sides of Russell Island to the most westerly point (approximately 27°41.89' south, 153°21.87' east) of the marine park boundary on Russel Island, in the vicinity of Rocky Point; and
- (o) then runs in a generally south-westerly direction along a geodesic to the most easterly point of the marine park boundary in the vicinity of Little Rocky Point (approximately 27°42.80' south, 153°21.31' east); and
- (p) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

(2) However, the zone does not include the area within the Dunwich general use zone and the Bird and Goat Islands conservation zone.

**Broadwater habitat zone**

16. Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of South Stradbroke Island at the intersection of the marine park boundary by the parallel of latitude 27°47.00' south; and
- (b) then runs in a westerly direction along the parallel of latitude to its intersection by the western side of the Broadwater navigation channel; and
- (c) then runs in a generally southerly direction along the western side of the navigation channel to the intersection of the western side of the navigation channel by the marine park boundary; and

## SCHEDULE 1 (continued)

- (d) then runs in a generally southerly direction along the marine park boundary to its juncture with the H.A.T. line on the western side of South Stradbroke Island; and
- (e) then runs in a generally northerly direction along the marine park boundary on the western side of South Stradbroke Island to the point where the zone's boundary starts.

**Jabiru Island-Coombabah Creek habitat zone****17. Consists of the area, the boundary of which—**

- (a) starts on the marine park boundary on the south bank of Coombabah Creek at the intersection of the marine park boundary by a geodesic that passes through the most north-westerly point of lot 12 on RP835931 and the most westerly point of lot 65 on W3134; and
- (b) then runs in a generally north-westerly direction along the geodesic to its intersection by the marine park boundary on the north bank of Coombabah Creek; and
- (c) then runs in a generally easterly and then generally northerly direction along the marine park boundary to a point on the marine park boundary north-west (at a bearing of 315°) of the most northerly point of the property boundary of lot 212 on WD5230 in the vicinity of Boykambil, Hope Island; and
- (d) then runs in a south-easterly direction (at a bearing of 135°) along a geodesic to the most northerly point of the property boundary of lot 212 on WD5230; and
- (e) then runs in a generally south-easterly direction along the eastern property boundary of lot 212 on WD5230 and the north-eastern property boundary of lot 4 on RP841229 to the most easterly point of the property boundary of lot 4 on RP841229; and
- (f) then runs in a south-easterly direction (at a bearing of 135°) along a geodesic to its intersection by the marine park boundary; and
- (g) then runs in a generally south-westerly direction along the marine park boundary to the point where the boundary of the zone starts.

## SCHEDULE 1 (continued)

**PART 3—CONSERVATION ZONES****Pumicestone Passage conservation zone**

**18.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of Pumicestone Passage at the intersection of the marine park boundary by an imaginary extension of the northern property boundary of lot 431 on CG2549; and
- (b) then runs in a southerly direction along the marine park boundary to its intersection by a line from the most north-easterly extremity of Tripcony Bight (situated west of the most southerly tip of Long Island in the vicinity of the point 26°56.36' south, 153°03.91' east) to the most northerly point of the marine park boundary on Thooloora Island (in the vicinity of the point 26°57.13' south, 153°04.60' east); and
- (c) then runs along the marine park boundary in a generally easterly and southerly direction to the most southerly point of the marine park boundary on Thooloora Island (in the vicinity of the point 26°57.66' south, 153°04.50' east); and
- (d) then runs in a generally westerly direction to intersect the marine park boundary on the western side of Pumicestone Passage (in the vicinity of the point 26°57.78' south, 153°03.20' east); and
- (f) then runs in a generally southerly direction along the marine park boundary to the most easterly point of the marine park boundary in the vicinity of Toorbul Point (approximately 27°04.62' south, 153°09.82' east); and
- (g) then runs in a generally south-easterly direction along a geodesic toward the most south-westerly point of the marine park boundary on Bribie Island (approximately 27°05.98' south, 153°09.82' east) to the intersection of the geodesic by a line 50 m seaward of the marine park boundary on the western side of Bribie Island; and

## SCHEDULE 1 (continued)

- (h) then runs in a generally northerly direction along a line 50 m seaward of the marine park boundary to its intersection by the parallel of latitude that passes through the intersection of the marine park boundary on the western side of Bribie Island by an imaginary line forming an extension of the south-eastern boundary of Maude Street at White Patch; and
- (i) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of Bribie Island; and
- (j) then runs in a generally northerly direction along the marine park boundary on the western side of Bribie Island to the most northerly point of the marine park boundary on Bribie Island; and
- (k) then runs in an easterly direction along the parallel of latitude to its intersection by the meridian of longitude that passes through the most southerly point of the marine park boundary at Deepwater Point; and
- (l) then runs in a northerly direction along the meridian of longitude to its intersection by the Golden Beach habitat zone; and
- (m) then runs in a generally north-westerly direction along a geodesic to the point  $26^{\circ}48.49'$  south,  $153^{\circ}07.70'$  east (however, where this geodesic intersects the 0 m depth contour and the contour runs north of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and
- (n) then runs in a generally south-westerly direction along a geodesic to the point  $26^{\circ}48.90'$  south,  $153^{\circ}07.38'$  east (however, where the geodesic intersects the 0 m depth contour and the contour runs west of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and
- (o) then runs in a generally southerly direction along a geodesic to the point  $26^{\circ}49.95'$  south,  $153^{\circ}07.32'$  east (however, where the geodesic intersects the 0 m depth contour and the contour runs west of the geodesic, the contour will form the boundary until its intersection by the geodesic once again); and

## SCHEDULE 1 (continued)

- (p) then runs in a generally south-westerly direction along a geodesic to the point  $26^{\circ}50.73'$  south,  $153^{\circ}06.97'$  east; and
- (q) then runs in a generally westerly direction along a geodesic to the point where the zone's boundary starts.

**Northern Moreton Island (Heath Island Lagoon) conservation zone**

**19.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on Moreton Island at the intersection of the marine park boundary by the western side of the North Point Road in the general vicinity of Yellow Patch; and
- (b) then runs in a generally north-westerly direction along a geodesic perpendicular to the marine park boundary to the intersection of the geodesic by the mean low water spring tide line; and
- (c) then runs in a generally south-westerly direction along the mean low water spring tide line to the intersection of the mean low water spring tide line by a geodesic drawn perpendicularly to the marine park boundary from the point of intersection of the marine park boundary by the north-eastern side of the Tailor Bight Road in the vicinity of Tailor Bight; and
- (d) then runs in a generally south-easterly direction along the geodesic to the point of intersection of the marine park boundary by the north-eastern side of the Tailor Bight Road in the vicinity of Tailor Bight; and
- (e) then runs in a generally north-easterly direction along the marine park boundary to the point where the zone's boundary starts.

**Redcliffe Point conservation zone**

**21.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary at Redcliffe at the intersection of the marine park boundary by the parallel of latitude  $27^{\circ}13.79'$  south; and

## SCHEDULE 1 (continued)

- (b) runs in an easterly direction along the parallel of latitude to its intersection by the meridian of longitude 153°07.37' east; and
- (c) then runs in a southerly direction along the meridian of longitude to its intersection by the parallel of latitude 27°14.43' south; and
- (d) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary; and
- (e) then runs in a generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Hays Inlet conservation zone**

22. Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Clontarf Point, at the point at which the marine park boundary is intersected by the north-western side of the Hornibrook Highway Bridge (viaduct); and
- (b) then runs in a generally westerly direction along a geodesic to the northern bank of the mouth of Freshwater Creek in the vicinity of the point 27°15.84' south, 153°03.57' east; and
- (c) then runs in a generally north-westerly direction along the edge of the mangroves on the northern side of Freshwater Creek to the marine park boundary; and
- (d) then runs along the marine park boundary in a generally northerly direction around Hays Inlet to Anzac Avenue, Rothwell; and
- (e) then runs along the marine park boundary in a generally south-easterly direction around Hays Inlet to the point where the zone's boundary starts.

**Boondall Wetlands conservation zone**

23. Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Nudgee Beach at the intersection of the marine park boundary by an



## SCHEDULE 1 (continued)

imaginary extension of the north-western side of O'Quinn St, Nudgee Beach; and

- (b) then runs in a generally north-easterly direction along the imaginary extension to its intersection by the Nudgee Beach 2 m depth contour; and
- (c) then runs in a generally north-westerly direction along the 2 m depth contour to its intersection by the parallel of latitude 27°19.83' south; and
- (d) then runs in a generally westerly direction along a geodesic to the most north-easterly point of the 0 m depth contour, in the vicinity of 27°19.83' south, 153°05.47' east, on the southern side of the entrance to Cabbage Tree Creek; and
- (e) then runs in a generally south-westerly direction along the 0 m depth contour to its intersection by an imaginary extension of the south-western side of Sunday Street, Shorncliffe; and
- (f) then runs in a generally north-westerly direction along the imaginary extension of Sunday Street until its intersection by the marine park boundary.

**Green Island conservation zone**

**24.** Consists of the area around Green Island enclosed by the 2 m depth contour.

**Peel Island-South Passage conservation zone**

**25.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of Moreton Island at the intersection of the marine park boundary by the parallel of latitude 27°16.00' south; and
- (b) then runs in a westerly direction along the parallel of latitude for 1 km; and

## SCHEDULE 1 (continued)

- (c) then runs in a generally southerly direction along a geodesic to the point 27°18.88' south, 153°22.92' east; and
- (d) then runs in a generally south-westerly direction along a geodesic to the point 27°24.33' south, 153°20.06' east; and
- (e) then runs in a generally south-westerly direction along a geodesic to the point 27°25.37' south, 153°18.22' east (west of the Chain Banks); and
- (f) then runs in a generally south-easterly direction along a geodesic to the point 27°27.33' south, 153°19.92' east (in the vicinity of Maroom Bank); and
- (g) then runs in a generally south-easterly direction to the most northerly extremity of Peel Island Reef on the 2 m depth contour adjacent to the Hanlon Light; and
- (h) then runs along the 2 m depth contour in a southerly and northerly direction through Lazeret Gutter to the intersection of the 2 m depth contour by the meridian of longitude that passes through the point 27°28.72' south and 153°21.44' east; and
- (i) then runs due south along the meridian of longitude to its intersection with the H.A.T. boundary on Peel Island in the vicinity of Cucumber Point; and
- (j) then runs along the H.A.T. boundary generally in an easterly, southerly, westerly and northerly direction to its intersection with the northern side of 'The Causeway' situated on the south-western side of the island; and
- (k) then runs due west from this point to its intersection with the Peel Island 2 m depth contour; and
- (m) then runs in a generally southerly, generally easterly and then generally northerly direction along Peel Island 2 m depth contour to its intersection by the parallel of latitude 27°29.85' south; and
- (n) then runs along that parallel of latitude to the point 27°29.85' south, 153°22.67' east; and

## SCHEDULE 1 (continued)

- (o) then runs in a generally north-easterly direction along a geodesic to the point 27°29.59' south, 153°22.84' east (in the vicinity of Douglas Light); and
- (p) then runs in a generally easterly direction along a geodesic to the point 27°29.52' south, 153°23.69' east (in the vicinity of the entrance to the navigation channel into One Mile, North Stradbroke Island); and
- (q) then runs in a generally easterly direction along the northern side of the navigation channel to its intersection by the marine park boundary in the vicinity of One Mile, North Stradbroke Island; and
- (r) then runs in a generally northerly direction along the marine park boundary on the western side of North Stradbroke Island to the intersection of the marine park boundary by the meridian of longitude 153°28.00' east (in the vicinity of Amity Point); and
- (s) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude 27°19.70' south (in the general vicinity of Mirrapool Islands); and
- (t) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on the eastern side of Moreton Island; and
- (u) then runs in a generally southerly and then generally northerly direction along the marine park boundary to the point where the zone's boundary starts.

**Bird and Goat Islands conservation zone**

**26.** Consists of the area, the boundary of which—

- (a) starts at the point 27°30.37' south, 153°22.53' east (south-east of Peel Island); and
- (b) then runs in a generally southerly direction along the geodesic that passes through the point 27°31.22' south, 153°23.00' east (south of Goat Island) to the intersection of the geodesic by the Goat Island 2 m depth contour where it first occurs; and

## SCHEDULE 1 (continued)

- (c) then runs in a generally southerly, generally easterly and then generally northerly direction around Bird and Goat Islands along the 2 m depth contour to its intersection by the parallel of latitude 27°30.63' south; and
- (d) then runs along the parallel of latitude to the point 27°30.63' south, 153°23.23' east; and
- (e) then runs in a generally north-easterly direction along a geodesic to the point 27°29.92' south, 153°23.52' east; and
- (f) then runs in a generally south-westerly direction along a geodesic to the point where the zone's boundary starts.

**Shag Rock conservation zone**

27. Consists of the area enclosed within a 750 m radius of the point 27°24.81' south, 153°31.53' east.

**Flat Rock conservation zone**

28. Consists of the area enclosed within a 750 m radius of the point 27°23.45' south, 153°32.87' east.

**Boat Rock conservation zone**

29. Consists of the area enclosed within a 750 m radius of the point 27°25.22' south, 153°33.42' east.

**Southern Moreton Bay conservation zone**

30.(1) Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of North Stradbroke Island at the intersection of the marine park boundary by the meridian of longitude that passes through the most easterly point of the marine park boundary on Canaipa Point, Russell Island, at a point (approximately 27°39.16' south, 153°24.89' east) immediately south of Canaipa Point; and

## SCHEDULE 1 (continued)

- (b) then runs in a northerly direction along the meridian of longitude to the most easterly point of the marine park boundary on Canaipa Point, Russell Island; and
- (c) then runs in a generally southerly and then generally westerly direction along the marine park boundary on the eastern and southern sides of Russell Island to the most westerly point (approximately 27°41.89' south, 153°21.87' east) of the marine park boundary on Russell Island (in the vicinity of Rocky Point); and
- (d) then runs in a generally south-westerly direction along a geodesic to the most easterly point of the marine park boundary in the vicinity of Little Rocky Point (approximately 27°42.80' south, 153°21.31' east); and
- (e) then runs in a generally south-easterly direction along the marine park boundary to the most north-easterly point of the marine park boundary in the vicinity of Sovereign Islands; and
- (f) then runs in a generally northerly direction along the western side of the navigation channel to the intersection of the western side of the navigation channel by the parallel of latitude 27°47.00' south, west of South Stradbroke Island; and
- (g) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of South Stradbroke Island; and
- (h) then runs in a generally northerly and then generally easterly direction along the marine park boundary on South Stradbroke Island to the most north-easterly point of the marine park boundary on South Stradbroke Island; and
- (i) then runs in a generally northerly direction along a geodesic to the most south-easterly point of the marine park boundary on North Stradbroke Island; and
- (j) then runs in a generally north-easterly direction along the marine park boundary on the western side of North Stradbroke Island to the point where the zone's boundary starts.

**SCHEDULE 1 (continued)**

(2) However, the zone does not include the areas within the Willes Island protection zone, Swan Bay protection zone, McCoys Creek protection zone, Huth Creek conservation zone, Coombabah Lake conservation zone, Jabiru Island-Coombabah Creek habitat zone, Cabbage Tree Point general use zone or Jacobs Well general use zone.

**Coombabah Lake conservation zone**

**31.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the south bank of Coombabah Creek at the intersection of the marine park boundary by a geodesic that passes through the most northerly point of lot 12 on RP835931 and the most westerly point of lot 65 on W3134; and
- (b) then runs in a generally north-westerly direction along the geodesic to its intersection by the marine park boundary on the north bank of Coombabah Creek; and
- (c) then runs in a generally south-westerly and then generally north-easterly direction along the marine park boundary around Coombabah Lake and Coombabah Creek to the point where the zone's boundary starts.

**Huth Creek conservation zone**

**32.** Consists of lot 394 on WD2853.

**PART 4—BUFFER ZONE****Flinders Reef Buffer Zone**

**33.** Consists of the area, 150 m in width, surrounding Flinders Reef Protection Zone.

## SCHEDULE 1 (continued)

**PART 5—PROTECTION ZONES****Flinders Reef protection zone**

**34.** Consists of the area enclosed within a line 50 m seaward of the mean low water spring tide line of the rocky shelf of Flinders Reef.

**Tripcony Bight protection zone**

**35.** Consists of the area, the boundary of which—

- (a) starts at the most northerly point of the marine park boundary on Thooloora Island (in the vicinity of the point 26°57.13' south, 153°04.60' east); and
- (b) then runs along the marine park boundary in a generally easterly and southerly direction to the most southerly point of the marine park boundary on Thooloora Island (in the vicinity of the point 26°57.66' south, 153°04.50' east); and
- (c) then runs in a generally westerly direction to intersect the marine park boundary on the western side of Pumicestone Passage (in the vicinity of the point 26°56.78' south, 153°03.38' east); and
- (d) then runs in a generally northerly and easterly direction along the marine park boundary to the most north-easterly extremity of Tripcony Bight, situated west of the most southerly tip of Long Island (in the vicinity of the point 26°56.36' south, 153°03.91' east); and
- (e) then runs along a line to the point where the zone's boundary starts at the northern tip of Thooloora Island.

**Peel Island protection zone**

**36.** Consists of—

- (a) the area around Peel Island that is enclosed by a boundary which—

## SCHEDULE 1 (continued)

- (i) starts on the northern side of Peel Island at the intersection of the 2 m depth contour by the meridian of longitude that passes through the point 27°28.72' south and 153°21.44' east (in the vicinity of the entrance to Lazaret Gutter); and
  - (ii) then runs due south along the meridian of longitude to its intersection with the H.A.T. boundary on Peel Island in the vicinity of Cucumber Point; and
  - (iii) then runs along the H.A.T. boundary generally in a westerly and southerly direction to its intersection with the northern side of 'The Causeway' situated on the south-western side of the Peel Island; and
  - (iv) then runs due west from this point to its intersection with the Peel Island 2 m depth contour; and
  - (v) then runs along the 2 m depth contour in a generally westerly and northerly direction to the most northerly extremity of Peel Island Reef adjacent to the Hanlon Light; and
  - (vi) then continues along the 2 m depth contour in a southerly and northerly direction through Lazaret Gutter to the point where the boundary starts (in the vicinity of the entrance to Lazaret Gutter); and
- (b) all the submerged fringing reefs situated to the north-western side of Peel Island, delineated by a boundary coincident with the 2 m depth contour.

**Willes Island protection zone**

**37.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of North Stradbroke Island at the intersection of the marine park boundary by the meridian of longitude that passes through the most easterly point of the marine park boundary on Canaipa Point, Russell Island, at a point (approximately 27°39.16' south, 153°24.89' east) immediately south of Canaipa Point; and



## SCHEDULE 1 (continued)

- (b) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude that passes through the most northerly point of the Willes Island 0 m depth contour; and
- (c) then runs in a westerly direction along the parallel of latitude to the Willes Island 0 m depth contour; and
- (d) then runs in a generally south-westerly direction along the 0 m depth contour to its intersection by the parallel of latitude that passes through the most southerly point of lot 158 on RP130591; and
- (e) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of North Stradbroke Island; and
- (f) then runs in a generally north-easterly direction along the marine park boundary on the western side of North Stradbroke Island to the point where the zone's boundary starts.

**Swan Bay protection zone**

**38.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on North Stradbroke Island at the most southerly point of the marine park boundary on the eastern side of Swan Bay; and
- (b) then runs in a generally northerly and then generally south-westerly direction along the marine park boundary enclosing Swan Bay to the most south-easterly point (approximately 27°43.81' south, 153°25.53' east) of the marine park boundary on the western side of Swan Bay; and
- (c) then runs in a generally south-easterly direction along a geodesic to the most easterly point of the outer edge of mangrove vegetation on the north bank of the mouth of Never Never Creek on the western side of Swan Bay; and
- (d) then runs in a generally southerly direction along a geodesic to the most northerly point of the outer edge of mangrove vegetation on

## SCHEDULE 1 (continued)

the south bank of the mouth of Never Never Creek on the western side of Swan Bay; and

- (e) then runs in a generally south-easterly direction along the outer edge of mangrove vegetation on the western side of Swan Bay to the most easterly point of the outer edge of mangrove vegetation on the western bank of the mouth of Swan Bay; and
- (f) then runs in a generally easterly direction along a geodesic to the point where the zone's boundary starts.

**McCoy's Creek protection zone**

**39.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Diamond Head at the most northerly point of the marine park boundary at Diamond Head; and
- (b) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on the western bank of the mouth of McCoys Creek; and
- (c) then runs in a generally south-westerly, generally south-easterly and then generally northerly direction along the marine park boundary enclosing McCoys Creek to the point where the zone's boundary starts.

**SCHEDULE 2****BOUNDARIES OF DESIGNATED AREAS WITHIN  
MARINE PARK**

section 33(2)

**PART 1—COMMERCIAL BLOODWORM  
GATHERING AREAS****Commercial bloodworm gathering area 1**

1. Consists of the area, the boundary of which—
  - (a) starts at the point 27°25.117' south, 153°11.65' east; and
  - (b) then runs along a geodesic to the point 27°24.10' south, 153°11.467' east; and
  - (c) then runs along a geodesic to the point 27°24.20' south, 153°11.767' east; and
  - (d) then runs along a geodesic to the point 27°24.817' south, 153°12.033' east; and
  - (e) then runs along a geodesic to the point where the area's boundary starts.

**Commercial bloodworm gathering area 2**

2. Consists of the area, the boundary of which—
  - (a) starts at the point 27°23.867' south, 153°11.267' east; and
  - (b) then runs along a geodesic to the point 27°23.683' south, 153°11.00' east; and
  - (c) then runs along a geodesic to the point 27°23.567' south, 153°11.517' east; and

## SCHEDULE 2 (continued)

- (d) then runs along a geodesic to the point 27°23.817' south, 153°11.85' east; and
- (e) then runs along a geodesic to the point where the area's boundary starts.

**Commercial bloodworm gathering area 3**

3. Consists of the area, the boundary of which—

- (a) starts at the point 27°23.35' south, 153°11.333' east; and
- (b) then runs along a geodesic to the point 27°23.117' south, 153°10.967' east; and
- (c) then runs along a geodesic to the point 27°22.45' south, 153°11.25' east; and
- (d) then runs along a geodesic to the point 27°22.75' south, 153°11.717' east; and
- (e) then runs along a geodesic to the point where the area's boundary starts.

**Commercial bloodworm gathering area 4**

4. Consists of the area, the boundary of which—

- (a) starts at the point 27°25.60' south, 153°11.00' east; and
- (b) then runs along a geodesic to the point 27°25.20' south, 153°10.483' east; and
- (c) then runs along a geodesic to the point 27°24.667' south, 153°10.483' east; and
- (d) then runs along a geodesic to the point 27°24.733' south, 153°10.70' east; and
- (e) then runs along a geodesic to the point 27°24.983' south, 153°11.033' east; and
- (f) then runs along a geodesic to the point 27°25.45' south, 153°11.317' east; and

## SCHEDULE 2 (continued)

- (g) then runs along a geodesic to the point where the area's boundary starts.

**PART 2—OCEAN BEACH AREAS****Bribie Island ocean beach area**

- 5. Consists of the area, the boundary of which—
  - (a) starts on the marine park boundary on Bribie Island at the most northerly point of the marine park boundary on Bribie Island; and
  - (b) then runs in an easterly direction along the parallel of latitude for 1 km; and
  - (c) then runs in a generally southerly and then generally westerly direction along a line 1 km seaward of the marine park boundary on Bribie Island to the intersection of the line by the parallel of latitude 27°05.63' south (west of Bongaree, Bribie Island); and
  - (d) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of Bribie Island; and
  - (e) then runs in a generally southerly, generally easterly and then generally northerly direction along the marine park boundary around Bribie Island to the point where the area's boundary starts.

**Moreton Island ocean beach area**

- 6. Consists of the area, the boundary of which—
  - (a) starts on the marine park boundary on Moreton Island at the most westerly point of the marine park boundary in the vicinity of Comboyuro Point; and
  - (b) then runs in a westerly direction along the parallel of latitude to a point 1 km seaward of the marine park boundary at Comboyuro Point; and

## SCHEDULE 2 (continued)

- (c) then runs in a generally north-easterly and then generally southerly direction along a line 1 km seaward of the marine park boundary on the northern and eastern sides of Moreton Island to the intersection of the line by the meridian of longitude that passes through the most southerly point of the marine park boundary on Moreton Island; and
- (d) then runs in a northerly direction along the meridian of longitude to its intersection by the marine park boundary on Moreton Island; and
- (e) then runs in a generally northerly and then generally south-westerly direction along the marine park boundary on the eastern and northern sides of Moreton Island to the most westerly point of the marine park boundary on the sand spit forming the eastern side of the entrance to Heath Island Lagoon; and
- (f) then runs in a generally south-westerly direction along a geodesic to the most easterly point of the marine park boundary on the sand spit forming the western side of the entrance to Heath Island Lagoon; and
- (g) then runs in a generally south-westerly direction along the marine park boundary to the point where the area's boundary starts.

**North Stradbroke Island ocean beach area****7. Consists of the area, the boundary of which—**

- (a) starts on the marine park boundary on North Stradbroke Island at the intersection of the marine park boundary by an imaginary extension of the south-western side of Toompany Street, Amity Point; and
- (b) then runs in a northerly direction along the meridian of longitude to a point 1 km seaward of the marine park boundary at Amity Point; and
- (c) then runs in a generally easterly and then generally southerly direction along a line 1 km seaward of the marine park boundary on the northern and eastern sides of North Stradbroke Island to

**SCHEDULE 2 (continued)**

the intersection of the line by the parallel of latitude that passes through the most southerly point of the marine park boundary on North Stradbroke Island; and

- (d) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on North Stradbroke Island; and
- (e) then runs in a generally northerly and then generally north-westerly direction along the marine park boundary on the eastern and northern sides of North Stradbroke Island to the point where the area's boundary starts.

**South Stradbroke Island ocean beach area**

**8.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on South Stradbroke Island at the most northerly point of the marine park boundary on South Stradbroke Island; and
- (b) then runs in an easterly direction along the parallel of latitude for 1 km; and
- (c) then runs in a generally southerly direction along a line 1 km seaward of the marine park boundary on the eastern side of South Stradbroke Island to the connection of the line with the marine park boundary; and
- (d) then runs in a westerly direction and then generally northerly direction along the marine park boundary on the eastern side of south Stradbroke Island to the point where the area's boundary starts.

**PART 3—NAVIGATION AND PORT AREAS****Shipping channels**

**9.(1)** Consist of the area, the boundary of which—

## SCHEDULE 2 (continued)

- (a) starts at the point 27°20.77' south, 153°11.16' east; and
- (b) then runs along a geodesic to the point 27°17.861' south, 153°12.976' east; and
- (c) then runs along a geodesic to the point 27°14.185' south, 153°13.055' east; and
- (d) then runs along a geodesic to the point 27°09.02' south, 153°20.763' east; and
- (e) then runs along a geodesic to the point 27°08.46' south, 153°20.828' east; and
- (f) then runs along a geodesic to the point 27°05.60' south, 153°18.395' east; and
- (g) then runs along a geodesic to the point 27°03.43' south, 153°17.685' east; and
- (h) then runs along a geodesic to the point 27°02.60' south, 153°15.084' east; and
- (i) then runs along a geodesic to the point 26°57.965' south, 153°13.234' east; and
- (j) then runs along a geodesic to the point 26°51.684' south, 153°08.90' east; and
- (k) then runs along a geodesic to the point 26°49.773' south, 153°08.55' east; and
- (l) then runs along a geodesic to the point 26°48.824' south, 153°10.533' east; and
- (m) then runs along a geodesic to the point 26°49.012' south, 153°11.039' east; and
- (n) then runs along a geodesic to the point 26°49.979' south, 153°09.02' east; and
- (o) then runs along a geodesic to the point 26°51.548' south, 153°09.31' east; and
- (p) then runs along a geodesic to the point 26°57.781' south, 153°13.610' east; and



## SCHEDULE 2 (continued)

- (q) then runs along a geodesic to the point 27°02.30' south, 153°15.416' east; and
  - (r) then runs along a geodesic to the point 27°03.14' south, 153°18.031' east; and
  - (s) then runs along a geodesic to the point 27°05.43' south, 153°18.779' east; and
  - (t) then runs along a geodesic to the point 27°08.35' south, 153°21.267' east; and
  - (u) then runs along a geodesic to the point 27°10.817' south, 153°20.982' east; and
  - (v) then runs along a geodesic to the point 27°14.427' south, 153°20.082' east; and
  - (w) then runs along a geodesic to the point 27°17.841' south, 153°13.205' east; and
  - (x) then runs along a geodesic to the point 27°20.68' south, 153°11.01' east; and
  - (y) then runs along a geodesic to the point where the area's boundary starts.
- (2)** However, the area does not include the area, the boundary of which—
- (a) starts at the point 27°17.304' south, 153°13.412' east; and
  - (b) then runs along a geodesic to the point 27°14.377' south, 153°13.476' east; and
  - (c) then runs along a geodesic to the point 27°09.53' south, 153°20.704' east; and
  - (d) then runs along a geodesic to the point 27°10.756' south, 153°20.563' east; and
  - (e) then runs along a geodesic to the point 27°14.178' south, 153°19.709' east; and
  - (f) then runs along a geodesic to the point where the area's boundary starts.

## SCHEDULE 2 (continued)

**Southern navigation channels**

**10.** The navigation channels south of Coochiemudlo Island that are marked as navigation and port areas on map MP3<sup>12</sup> are designated as the southern navigation channels.

**Beach nourishment sites**

**11.** The following areas are designated as beach nourishment sites—

- (a) in the vicinity of Skirmish Banks—all areas within a 1.5 km radius of the point 27°03.43' south, 153°14.219' east; and
- (b) in the vicinity of North-west Channel (South)—all areas within a 1 km radius of the point 27°00.08' south, 153°12.941' east; and
- (c) in the vicinity of North-west Channel (North)—all areas within a 1.5 km radius of the point 26°56.069' south, 153°10. 154' east.

**Dredge material deposition sites**

**12.** The following areas are designated as dredge material deposition sites—

- (a) in the vicinity of Mud Island—all areas enclosed by the boundary which—
  - (i) starts at the point 27°19.520' south, 153°13.96' east, north-west of Mud Island; and
  - (ii) then runs in a generally northerly, generally easterly and then generally southerly direction along an arc of 1.25 km radius from 27°19.520' south, 153°13.270' east to the most westerly point of the arc at 27°19.520' south, 153°12.545' east; and

---

<sup>12</sup> A copy of map MP3 may be inspected at the department's central office at 160 Ann Street, Brisbane or the department's regional office at the Jetset Centre, 288 Edward Street, Brisbane.

## SCHEDULE 2 (continued)

- (iii) then runs in a southerly direction along the meridian of longitude to the point 27°20.713' south, 153°12.545' east; and
- (iv) then runs in a generally south-easterly direction along a geodesic to the point 27°21.837' south, 153°14.439' east; and
- (v) then runs in a generally north-easterly direction along a geodesic to the point 27°21.381' south, 153°14.802' east; and
- (vi) then runs in a generally north-westerly direction along a geodesic to the point 27°20.908' south, 153°13.96' east; and
- (vii) then runs in a northerly direction along the meridian of longitude to the point where the area's boundary starts; and
- (b) in the vicinity of Shark Spit—all areas within a 1.5 km radius of the point 27°14.90' south, 153°21.09' east; and
- (c) in the vicinity of Hamilton Patches—all areas within the marine park boundary that are within a 1.75 km radius of the point 26°50.106' south, 153°12.779' east (Fairway Dredge Material Deposition Site); and
- (d) in the vicinity of North-east Channel—all areas within a 1.5 km radius of the point 26°55.836' south, 153°19.219' east; and
- (e) in the vicinity of St. Helena Island—all areas within a 1 km radius of the point 27°22.813' south, 153°16.596' east; and
- (f) in the vicinity of Raby Bay—all areas within a 500 m radius of the point 27°29.804' south, 153°17.555' east.

**PART 4—SOUTH PASSAGE AREA****South Passage area**

- 13.** Consists of the area, the boundary of which—

## SCHEDULE 2 (continued)

- (a) starts on the marine park boundary on the western side of Moreton Island at the intersection of the marine park boundary by the parallel of latitude 27°16.00' south; and
- (b) then runs in a westerly direction along the parallel of latitude for 1 km; and
- (c) then runs in a generally southerly direction along a geodesic to the point 27°18.88' south, 153°22.92' east; and
- (d) then runs in a generally south-westerly direction along a geodesic to the point 27°24.33' south 153°20.06' east; and
- (e) then runs in a generally south-westerly direction along a geodesic to the point 27°25.37' south, 153°18.22' east (immediately west of the Chain Banks); and
- (f) then runs in a generally south-easterly direction along a geodesic to the point 27°27.33' south, 153°19.92' east (in the vicinity of Maroom Bank); and
- (g) then runs in a generally south-easterly direction along a geodesic to the point 27°28.29' south, 153°20.97' east (in the vicinity of Hanlon Light, north of Peel Island); and
- (h) then runs in a generally south-easterly direction along a geodesic to the point 27°29.59' south, 153°22.84' east (in the vicinity of Douglas Light); and
- (i) then runs in a generally easterly direction along a geodesic to the point 27°29.52' south, 153°23.69' east (in the vicinity of the entrance to the navigation channel into One Mile, North Stradbroke Island); and
- (j) then runs in a generally easterly direction along the northern side of the navigation channel to its intersection by the marine park boundary in the vicinity of One Mile, North Stradbroke Island; and
- (k) then runs in a generally northerly direction along the marine park boundary on the western side of North Stradbroke Island to the intersection of the marine park boundary by the meridian of longitude 153°28' east in the vicinity of Amity Point; and

## SCHEDULE 2 (continued)

- (l) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude 27°19.70' south, in the general vicinity of Mirrapool Islands; and
- (m) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on the eastern side of Moreton Island; and
- (n) then runs in a generally southerly and then generally northerly direction along the marine park boundary to the point where the area's boundary starts.

**PART 5—PUMICESTONE PASSAGE AREA****Pumicestone Passage area**

**14.** Consists of all areas of the Pumicestone Passage between—

- (a) the geodesic that—
  - (i) starts at the most northerly point of the marine park boundary on Bribie Island (approximately 26°49.14' south, 153°07.73' east); and
  - (ii) then runs in a generally north-easterly direction to the most southerly point of the marine park boundary at Deepwater Point (approximately 26°48.70' south, 153°07.98' east), Caloundra; and
- (b) the geodesic that—
  - (i) starts at the most south-westerly point of the marine park boundary on Bribie Island in the vicinity of Bongaree (approximately 27°05.98' south, 153°09.82' east); and
  - (ii) then runs in a generally north-westerly direction along a geodesic to the most easterly point of the marine park boundary in the vicinity of Toorbul Point (approximately 27°04.62' south, 153°08.59' east).

## SCHEDULE 2 (continued)

**PART 6—TURTLE AND DUGONG AREAS****Moreton Banks turtle and dugong area**

**15.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the western side of Moreton Island at the intersection of the marine park boundary by the parallel of latitude that passes through the point 27°17.72' south, 153°24.00' east; and
- (b) then runs in a westerly direction along the parallel of latitude to its intersection by the 2 m depth contour; and
- (c) then runs in a generally south-westerly and then generally north-easterly direction along the 2 m depth contour around Moreton Banks (including Boolong Bank and Coonungai Bank) to the intersection of the 2 m depth contour by the meridian of longitude 153°25.25' east (south of Moreton Island); and
- (d) then runs in a northerly direction along the meridian of longitude to the point 27°21.93' south, 153°25.25' east; and
- (e) then runs in a generally northerly direction along successive geodesics that run in turn to each of the following points—
  - (i) 27°21.50' south, 153°24.88' east (west of Campbell Point);
  - (ii) 27°21.11' south, 153°24.84' east (west of Koorungal); and
- (f) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of Moreton Island; and
- (g) then runs in a generally northerly direction along the marine park boundary on the western side of Moreton Island to the point where the area's boundary starts.

**Price Anchorage turtle and dugong area**

**16.** Consists of the area, the boundary of which—

## SCHEDULE 2 (continued)

- (a) starts on the marine park boundary on the western side of North Stradbroke Island at the intersection of the marine park boundary by the parallel of latitude  $27^{\circ}34.96'$  south; and
- (b) then runs in a westerly direction along the parallel of latitude to the point  $27^{\circ}34.96'$  south,  $153^{\circ}24.40'$  east; and
- (c) then runs in a generally southerly direction along successive geodesics that run in turn to each of the following points—
  - (i)  $27^{\circ}35.34'$  south,  $153^{\circ}24.23'$  east';
  - (ii)  $27^{\circ}35.75'$  south,  $153^{\circ}24.20'$  east';
  - (iii)  $27^{\circ}36.60'$  south,  $153^{\circ}24.20'$  east; and
- (d) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of North Stradbroke Island; and
- (e) then runs in a generally northerly direction along the marine park boundary on the western side of North Stradbroke Island to the point where the area's boundary starts.

**Lamb Island turtle and dugong area****17.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on Lamb Island at the most easterly point (Clarkes Point) of the marine park boundary on Lamb Island; and
- (b) then runs in an easterly direction along the parallel of latitude for 500 m; and
- (c) then runs in a generally south-westerly direction along a geodesic to a point 500 m east of the most easterly point of the marine park boundary on Burns Point, Lamb Island; and
- (d) then runs in a westerly direction along the parallel of latitude to its intersection by the marine park boundary on Burns Point, Lamb Island; and

## SCHEDULE 2 (continued)

- (e) then runs in a generally north-easterly direction along the marine park boundary to the point where the area's boundary starts.

**Peel Island turtle and dugong area**

**18.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary on the eastern side of Peel Island at the intersection of the marine park boundary by the parallel of latitude  $27^{\circ}29.85'$  south (immediately east of Peel Island); and
- (b) then runs in a easterly direction along the parallel of latitude to its intersection by the Peel Island 2 m depth contour; and
- (c) then runs in a generally north-westerly direction along the 2 m depth contour to its intersection by the meridian of longitude  $153^{\circ}20.97'$  east (in the vicinity of Hanlon Light, north of Peel Island); and
- (d) then runs in a northerly direction along the meridian of longitude to the point  $27^{\circ}28.29'$  south,  $153^{\circ}20.97'$  (in the vicinity of Hanlon Light, north of Peel Island); and
- (e) then runs in a westerly direction for 500 m along the parallel of latitude  $27^{\circ}28.29'$  south; and
- (f) then runs in a generally south-westerly direction along a geodesic at a bearing of  $225^{\circ}$  (approximately 1.75 km) to its intersection by the meridian of longitude  $153^{\circ}20.00'$  east; and
- (g) then runs in a southerly direction along the meridian of longitude to its intersection by the Peel Island 2 m depth contour; and
- (h) then runs in a generally south-westerly and then generally easterly direction along the 2 m depth contour to its intersection by the parallel of latitude  $27^{\circ}30.50'$  south on the western side of Peel Island; and
- (i) then runs in an easterly direction along the parallel of latitude to its intersection by the marine park boundary on the western side of Peel Island; and



## SCHEDULE 2 (continued)

- (j) then runs in a generally northerly and then generally easterly direction along the marine park boundary to the point where the area's boundary starts.

**Amity Banks turtle and dugong area**

**19.** Consists of all areas of Amity Banks (including Maroom Bank and Warragamba Bank) enclosed by the 2 m depth contour.

**PART 7—WORKS AREA****Toondah Harbour designated works area**

**20.** Consists of the area, the boundary of which—

- (a) starts on the marine park boundary, in the vicinity of Toondah Harbour where the marine park boundary is coincident with the boundary of Lot 19 on CP 904126, at the point 27°31.82' south, 153°16.85' east; and
- (b) then runs in a generally easterly direction along the marine park boundary at a bearing of 102°26' for a distance of approximately 98.4 m; and
- (c) then runs in a generally southerly direction at a bearing of 192°25' for a distance of approximately 62 m; and
- (d) then runs in a generally westerly direction at a bearing of 282°26' for a distance of approximately 98.4 m; and
- (e) then runs in a generally northerly direction at a bearing of 12°25' for a distance of approximately 62 m to the point where the area's boundary starts.

## SCHEDULE 3

### DECLARED ANIMALS

schedule 4, definition “declared animal”

#### Sharks

Family	Genera	Species	Common name
Heterodontidae	<i>Heterodontus</i>	<i>galeatus</i>	crested Port Jackson shark
Odontaspidae	<i>Carcharias</i>	<i>taurus</i>	grey nurse shark

#### Fish

Family	Genera	Species	Common name
Muraenidae	<i>Gymnothorax</i>	all species	moray eels
	<i>Echidna</i>	all species	
	<i>Siderea</i>	all species	
Batrachoididae	<i>Batrachomoeus</i>	all species	frogfishes
	<i>Halophryne</i>	all species	
Antennaridae	<i>Antennarius</i>	all species	anglerfishes
	<i>Histrio</i>	all species	
	<i>Histiophryne</i>	all species	
Monocentrididae	<i>Cleidopus</i>	<i>gloriamaris</i>	pineapple fish
Holocentridae	<i>Sargocentron</i>	all species	squirrelfish, soldierfish
	<i>Neoniphon</i>	all species	
	<i>Myripristis</i>	all species	
Aulostomidae	<i>Aulostomus</i>	<i>chinensis</i>	flutemouth
Solenostomidae	<i>Solenostomus</i>	all species	ghost pipefish
Syngnathidae	all genera	all species	pipefish, sea horses

## SCHEDULE 3 (continued)

Pegasidae	<i>Eurypegasmus</i>	all species	sea dragons, sea
	<i>Pegasus</i>	all species	moths
Scorpaenidae	all genera other than—	all species	scorpion fish, fortesques, firefish, lionfish
	<i>Scorpaena</i>	<i>incisipinnis</i>	
	<i>Neosebastes</i>	all species	
Aploactinidae	all genera	all species	velvetfish, mossbacks
Pataecidae	<i>Pataecus</i>	<i>fronto</i>	red Indian fish
Grammistidae	<i>Diploprion</i>	all species	soapfishes, yellow emperor
	<i>Grammistes</i>	all species	
Pseudochromidae	all genera	all species	dottybacks, cichlops
Plesiopidae	all genera	all species	longfins
Apogonidae	all genera	all species	cardinalfishes
Malacanthidae	<i>Malacanthus</i>	all species	tilefishes
	<i>Hoplolatilus</i>	all species	
Chaetodontidae	all genera	all species	butterfly fishes
Pomacanthidae	all genera	all species	angelfishes
Pomacentridae	all genera	all species	damsel fishes, anemone fishes, chromis
Cirrhitidae	all genera	all species	hawkfishes
Labridae	all genera other than—		wrasses
	<i>Hologymnosus</i>	all species	
	<i>Pseudolabrus</i>	all species	
	<i>Achoerodus</i>	all species	
	<i>Choerodon</i>	all species	
	<i>Bodianus</i>	<i>frenchii</i>	fox fish

## SCHEDULE 3 (continued)

	<i>Bodianus</i>	<i>perditio</i>	gold spot wrasse
	<i>Bodianus</i>	<i>unimaculatus</i>	pigfish
	<i>Cheilinus</i>	<i>chlorourus</i>	floral maori wrasse
	<i>Hemigymnus</i>	all species	thick lipped wrasses
	<i>Epibulus</i>	<i>insidiator</i>	sling jaw wrasse
Blenniidae	all genera	all species	blennies
Tripterygiidae	all genera	all species	triplefins
Gobiidae	all genera	all species	gobies
Eleotrididae	all genera	all species	gudgeons, sleepers
Microdesmidae	<i>Ptereleotris</i>	all species	dartfish
Periophthalmidae	all genera	all species	mudskippers
Acanthuridae	all genera other than—		surgeonfishes, unicorn fishes
	<i>Acanthurus</i>	all species	
	<i>Naso</i>	all species	
Zanclidae	<i>Zanclus</i>	<i>cornutus</i>	moorish idol
Ostraciidae	<i>Ostracion</i>	all species	boxfishes
	<i>Lactoria</i>	all species	
Tetraodontidae	<i>Canthigaster</i>	all species	tobies, puffers
	<i>Arthon</i>	all species	
Monacanthidae	<i>Pervagor</i>	all species	leatherjackets
	<i>Chaetodermis</i>	<i>penicilligerus</i>	
	<i>Oxymonacanthus</i>	<i>longirostris</i>	
	<i>Paraluteres</i>	<i>prionurus</i>	
Diodontidae	all genera	all species	porcupine fishes

## SCHEDULE 3 (continued)

**Invertebrates**

All species of marine invertebrates over 5 mm in length other than the following—

Family Nereidae (bait worms)

Family Eunicidae (bait worms)

Family Panuliridae, not including *Stenopus hispidus* (crayfish and shrimps)

Family Penaeidae (prawns)

Family Scyllaridae (mud crabs and Moreton Bay bugs)

Family Portunidae (sand crabs)

Family Raninidae (spanner crabs)

Family Grapsidae (rock crabs)

Family Xanthidae (rock crabs)

Family Anomura (hermit crabs and yabbies)

Family Ocypodidae (ghost crabs)

Family Mictyridae (soldier crabs)

Family Alpheidae (clicking shrimps)

Class Stomatopoda (mantis shrimps)

Family Ostreidae (oysters)

Family Amusidae, species *Plebidonax deltoides* (eugaries or pippies)

Family Mytilidae (mussels)

Family Arcidae (cockles)

Family Onuphidae

Family Phyllodocidae.

**Reptiles, birds and mammals**

All species of reptiles, birds and mammals.

**SCHEDULE 4****DICTIONARY**

section 3

**“animal”** has the meaning given by the *Nature Conservation Act 1992*.<sup>13</sup>

**“approved mooring”** means a mooring installed in the marine park—

- (a) by the chief executive or under a permission granted by the chief executive; or
- (b) under an approval given by the chief executive of the department that administers the *Transport Operations (Marine Safety) Act 1994*.

**“bait worm”** means a worm that—

- (a) belongs to the Class Polychaeta, Family Eunicidae, Family Nereidae, Family Onuphidae or Family Phyllodocidae; and
- (b) is taken for use as bait.

---

<sup>13</sup> The *Nature Conservation Act 1992*, section 7, defines “animal” as follows—

**“animal”** means any member of the animal kingdom (other than human), (whether alive or dead), and includes—

- (a) any—
  - (i) amphibian; or
  - (ii) bird; or
  - (iii) coral; or
  - (iv) fish; or
  - (v) invertebrate; or
  - (vi) mammal; or
  - (vii) reptile; and
- (b) the whole or any part of—
  - (i) the progeny, larvae, pupae, eggs or genetic or reproductive material of an animal; and
  - (ii) the carcass or another part of an animal.’.

## SCHEDULE 4 (continued)

“**biological diversity**” has the meaning given by the *Nature Conservation Act 1992*.<sup>14</sup>

“**boat**” includes a ship, submersible boat, raft or pontoon but does not include a hovercraft or personal water craft.

“**collecting**” means taking a declared animal (other than coral)<sup>15</sup> or a plant (other than phytoplankton).

“**commercial bloodworm gathering**” means taking bloodworms for a commercial purpose under an authority for a worm fishery (bloodworm) under the *Fisheries Act 1994*.

“**commercial fishing competition**” means a fishing competition that is open to the public for a fee, but does not include a fishing competition arranged by, and restricted to, bona fide members of a single club or association and involving fewer than 30 participants.

---

<sup>14</sup> The *Nature Conservation Act 1992*, section 10, defines “biological diversity” as follows—

‘**10.(1) “Biological diversity”** is the natural diversity of native wildlife, together with the environmental conditions necessary for their survival, and includes—

- (a) regional diversity, that is, the diversity of the landscape components of a region, and the functional relationships that affect environmental conditions within ecosystems; and
- (b) ecosystem diversity, that is, the diversity of the different types of communities formed by living organisms and the relations between them; and
- (c) species diversity, that is, the diversity of species; and
- (d) genetic diversity, that is, the diversity of genes within each species.

‘**(2)** In subsection (1)—

“**landscape components**” includes landforms, soils, water, climate, wildlife and land uses.’.

<sup>15</sup> Within Moreton Bay Marine Park, coral may only be taken under a permit granted by the chief executive to carry out manipulative research.

## SCHEDULE 4 (continued)

“**conservation**” has the meaning given by the *Nature Conservation Act 1992*.<sup>16</sup>

“**declared animal**” means an animal mentioned in schedule 3.

“**depth contour**” means the depth in metres below the Australian Height Datum.<sup>17</sup>

“**ecologically sustainable**” means within the park’s capacity to sustain natural processes while—

- (a) maintaining the life support systems and biological diversity of nature; and
- (b) ensuring the benefit of use to present generations does not diminish the potential to meet the needs and aspirations of future generations.

“**educational activity**” means an activity that is—

- (a) a component of a course conducted by a school or tertiary institution that is recognised by a State or Commonwealth department responsible for education; or
- (b) conducted by an overseas institution that is accredited by the national body responsible for education in the country in which the institution is established and is recognised in Australia by a State or Commonwealth department responsible for education.

“**eugarie**” means a mollusc belonging to the species *Plebidonax deltoides*.

“**facility**” means a building, equipment, structure or vessel.

---

<sup>16</sup> The *Nature Conservation Act 1992*, section 9, defines “conservation” as follows—

**‘Meaning of conservation**

**‘9. “Conservation”** is the protection and maintenance of nature while allowing for its ecologically sustainable use.’.

<sup>17</sup> All depths quoted in this zoning plan are related to the Moreton Bay Datum for which 0 m is defined as 1.243 m below Australian Height Datum (“AHD”). In this context, the 2 m depth contour equates to -3 243 m AHD and the 50 m depth contour equates to -51.243 m AHD. The depth contours are shown on the Queensland Transport, Boating Safety Charts of Moreton Bay.



## SCHEDULE 4 (continued)

**“fisheries management agency”** means—

- (a) the department that administers the *Fisheries Act 1994*; or
- (b) the Queensland Fisheries Management Authority.

**“fishing”** means the ecologically sustainable taking of fish, crustaceans, molluscs or annelids under the *Fisheries Act 1994*, but does not include taking declared animals.

**“Harbours Act sanction”** means a sanction under the *Harbours Act 1955*, section 86 as continued in effect by the *Transport Infrastructure Act 1994*, section 236.

**“hovercraft”** means a vehicle designed to be supported on a cushion of air.

**“limited collecting”** means collecting, by hand or hand-held implement, for a non-commercial purpose, not more than 5 specimens of the following in a 28 day period—

- (a) declared fish; or
- (b) declared invertebrate (other than specimens of the Class Anthozoa).<sup>18</sup>

**“major works”**, for a zone, means works that are inconsistent with the purpose of the zone and involve the disturbance or alienation of the marine park, including, for example—

- (a) the removal or destruction of the substrate, animals or plants; or
- (b) the alteration of tidal or natural currents or drainage patterns.

*Examples of major works—*

- (a) port and harbour works, including, for example, building a breakwater or berthing and terminal facility;
- (b) airport works, including, for example, building a runway or terminal;

---

<sup>18</sup> Class Anthozoa consists of anemones and corals. Within Moreton Bay Marine Park—

- (a) anemones may only be taken under a permission granted by the chief executive for collecting; and
- (b) corals may only be taken under a permission granted by the chief executive for manipulative research.

## SCHEDULE 4 (continued)

- (c) reclamation works;
- (d) excavation or dredging works, other than in a navigation and port area;
- (e) development dredging of a navigation channel or boat harbour;
- (f) filling;
- (g) disposal of dredged material, other than in a navigation and port area;
- (h) building structures, including, for example, a sand loading facility, marina, wharf or submarine pipeline.

**“manipulative research”** means research that—

- (a) by the nature of its activities may result in the alteration, damage, degradation or disruption of the physical environment or live marine products of the marine park; or
- (b) involves collecting; or
- (c) involves taking coral.

**“mariculture”** means the farming or cultivation of live marine products, animals or plants and includes operating, building, maintaining, demolishing, or removing mariculture furniture or an associated facility, but does not include operating an oyster ground.

**“mariculture furniture”** means a cage, rack, tank, tray or anything else used, or capable of being used, in mariculture or to assist in mariculture, but does not include equipment used in operating an oyster ground.

**“marine park”** means Moreton Bay Marine Park.

**“minor works”**, for a zone, means works that involve minimal disturbance to the substrate or aquatic communities, or minor alienation of parts of the marine park from enjoyment by the public.

*Examples of minor works—*

- (a) installation and removal of pile and buoy moorings, pontoons, jetties, boat ramps, interpretative facilities or other simple structures;
- (b) drainage works;
- (c) beach nourishment and protection;
- (d) foreshore modification including revetment.

## SCHEDULE 4 (continued)

**“navigation channel”** means a marine channel delineated by aids to navigation placed in the marine park under the *Transport Operations (Marine Safety) Act 1994*.

**“oyster”** means a mollusc of the Family Ostreidae and includes an oyster without its shell.

**“oyster ground”** means a facility composed of platforms and stakes for oyster production.

**“personal water craft”** means a power driven device that—

- (a) is not more than 3.5 m in length; and
- (b) has a fully enclosed hull that is designed to not take on water if capsized; and
- (c) is designed to be operated by a person standing, crouching or kneeling on it or sitting astride it.

**“protected area”** means an area declared under the *Nature Conservation Act 1992* to be a national park or conservation park.

**“recreational bait gathering”** means taking, for non-commercial purposes, the following animals by hand, or using a yabby-pump or fork—

- (a) bait worms other than bloodworms; or
- (b) not more than 50 bloodworms or parts of bloodworms; or
- (c) crabs, eugaries or yabbies.

**“regulation”** means the *Marine Parks Regulation 1990*.

**“research”** means an educational or scientific activity carried out by—

- (a) an institution that is recognised by a State or Commonwealth department responsible for education or scientific research; or
- (b) an overseas institution that is recognised by the chief executive as having appropriate educational or scientific standing.

**“shipping operations”** means the transportation of goods by ship (including the loading or unloading of the goods) but does not include—

## SCHEDULE 4 (continued)

- (a) waste discharge or disposal; or
- (b) dredging navigation channels; or
- (c) tourist activities; or
- (d) carrying out a boat, ferry or water taxi service for transfer passengers or transfer vehicles.

**“shorebirds”** includes ducks, seabirds, swans and wading birds.

**“speed boat”** means a vessel—

- (a) powered by propulsion machinery exceeding 4.5 KW brake power; and
- (b) designed to be capable of a speed of more than 10 knots; and
- (c) with a hull designed to be a planing or non-displacement hull.

**“speed trial”**, for motorised boats, means an event in which individual participants travel over a set course at a predetermined fixed speed below the speed limit prescribed for the zone, or part of the zone, under the *Transport Operations (Marine Safety) Act 1994*.

**“structure”** means something built or constructed and includes an artificial reef, wall, mooring, mariculture furniture, pillar or post.

**“tourist”** means a person who is in the marine park principally for recreation, including, for example, recreational fishing or collecting.

**“tourist program”** means a commercial activity that includes the provision of transport, accommodation or services for tourists.

**“traditional fishing”** means the ecologically sustainable taking of fish, crustaceans, molluscs or annelids under the *Fisheries Act 1994* (other than for recreational or commercial purposes) by a traditional inhabitant of Moreton Bay.

**“traditional hunting and gathering”** means collecting, other than for recreational or commercial purposes, by a traditional inhabitant of Moreton Bay.

**“traditional inhabitant”**, of Moreton Bay, means an indigenous person who is particularly concerned with the land or waters within the marine park.

## SCHEDULE 4 (continued)

**“transfer passenger”** means a person who—

- (a) is transported into the marine park and disembarks at a place adjacent to the marine park; and
- (b) is transported through the marine park by the most direct reasonable route; and
- (c) does not, during the course of travel in the marine park, engage in any tourist activity.

**“transfer vehicle”** means a vehicle that—

- (a) is transported into the marine park and unloaded at a place adjacent to the marine park; and
- (b) is transported through the marine park by the most direct reasonable route; and
- (c) is not, during the course of travel in the marine park, used for a tourist activity.

**“trolling”** means line fishing from a moving boat.

**“vessel”** means a boat, hovercraft, personal water craft, ferry, barge, water taxi or other thing capable of carrying people or goods through water, but does not include an aircraft.

**“waste”** includes any gas, liquid, solid or energy (or a combination of wastes) that is surplus to, or unwanted from, any industrial, commercial, domestic or other activity, whether or not of value but does not include—

- (a) waste mentioned in section 20(2)(b) of the regulation; or
- (b) stormwater discharge.

**ENDNOTES****1 Index to endnotes**

	Page
2 Date to which amendments incorporated . . . . .	100
3 Key . . . . .	101
4 Table of earlier reprints . . . . .	101
5 Tables in earlier reprints . . . . .	101
6 List of legislation . . . . .	102
7 List of annotations . . . . .	102

**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 August 1998. Future amendments of the Marine Park (Moreton Bay) Zoning Plan 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	5 December 1997

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

## **6 List of legislation**

### **Marine Parks (Moreton Bay) Zoning Plan 1997 SL No. 385**

made by the chief executive, Department of Environment on 24 October 1997  
 notfd gaz 14 November 1997 pp 1164–5  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 December 1997 (see s 2)  
exp 24 October 2007 (see SIA s 54)

as amended by—

### **Marine Parks (Moreton Bay) Amendment Zoning Plan (No. 1) 1998 SL No. 159**

notfd gaz 22 May 1998 pp 509–514  
 commenced on date of notification

## **7 List of annotations**

### **Entry or use of habitat zone without permission**

s 16 amd 1998 SL No. 159 s 3

### **Entry or use of Peel Island protection zone for non-conforming purpose**

s 31A ins 1998 SL No. 159 s 4

### **Designated areas**

s 33 amd 1998 SL No. 159 s 5

### **PART 4—DESIGNATED AREAS**

#### **Division 2—Commercial bloodworm gathering areas**

div hdg sub 1998 SL No. 159 s 6

#### **Purpose of commercial bloodworm gathering area**

prov hdg amd 1998 SL No. 159 s 7

s 34 amd 1998 SL No. 159 s 7

#### **Entry or use of commercial bloodworm gathering area**

prov hdg amd 1998 SL No. 159 s 8

s 35 amd 1998 SL No. 159 s 8

#### **Restoration of habitat disturbed by bait gathering**

s 64 amd 1998 SL No. 159 s 9

### **SCHEDULE 1—BOUNDARIES OF ZONES WITHIN MARINE PARK**

#### **Cleveland Point-Southern Bay Islands habitat zone**

s 15 amd 1998 SL No. 159 s 10(1)

#### **Pumicestone Passage conservation zone**

s 18 amd 1998 SL No. 159 s 10(2)

#### **Oyster Area 81 conservation zone**

s 20 om 1998 SL No. 159 s 10(3)

#### **Peel Island-South Passage conservation zone**

s 25 amd 1998 SL No. 159 s 10(4)



**Tripcony Bight protection zone**

s 35 sub 1998 SL No. 159 s 10(5)

**Peel Island protection zone**

s 36 sub 1998 SL No. 159 s 10(5)

**SCHEDULE 2—BOUNDARIES OF DESIGNATED AREAS WITHIN MARINE PARK****PART 1—COMMERCIAL BLOODWORM GATHERING AREAS**

pt hdg sub 1998 SL No. 159 s 11(1)

**Commercial bloodworm gathering area 1**

s 1 prov hdg amd 1998 SL No. 159 s 11(2)

**Commercial bloodworm gathering area 2**

s 2 prov hdg amd 1998 SL No. 159 s 11(2)

**Commercial bloodworm gathering area 3**

s 3 prov hdg amd 1998 SL No. 159 s 11(2)

**Commercial bloodworm gathering area 4**

s 4 prov hdg amd 1998 SL No. 159 s 11(2)

**PART 7—WORKS AREA**

pt hdg ins 1998 SL No. 159 s 11(3)

**Toondah Harbour designated works area**

s 20 ins 1998 SL No. 159 s 11(3)

**SCHEDULE 3—DECLARED ANIMALS**

amd 1998 SL No. 159 s 12

**SCHEDULE 4—DICTIONARY**

def “bait worm” amd 1998 SL No. 159 s 13(1)

def “commercial bloodworm gathering” amd 1998 SL No. 159 s 13(2)–(3)

def “recreational bait gathering” amd 1998 SL No. 159 s 13(4)