



Queensland

Marine Parks Act 2004

Marine Parks (Moreton Bay) Zoning Plan 1997

Reprinted as in force on 31 August 2006

Reprint No. 2

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- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- correct minor errors (s 44).

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

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including a table of corrected minor errors**
- **editorial changes made in earlier reprints.**

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Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

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[as amended by all amendments that commenced on or before 31 August 2006

Part 1 Preliminary

1 Short title

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

2 Commencement

This zoning plan commences on 1 December 1997.

3 Dictionary

- (1) The dictionary in schedule 4 defines particular words used in this zoning plan.
- (2) An expression that is not defined in this zoning plan, but is defined in the regulation, has the meaning given by the regulation.

Part 2 Purpose and application of Zoning Plan

4 Purpose of zoning plan

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.

5 Application of zoning plan

This zoning plan applies to Moreton Bay Marine Park.

6 Zones

- (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 1.¹

7 Control of activities in zones

- (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 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.

1 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.

8 Relationship between zones and designated areas

- (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.

10 Granting of permissions

- (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.
- (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 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

11 Purpose of general use zone

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.

12 Entry or use of general use zone without permission

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

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- (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

13 Entry or use of general use zone with permission

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

- (a) if the person is a traditional inhabitant of Moreton Bay—traditional fishing, hunting or gathering;²
- (b) operating an oyster ground;

² 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.

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- (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;
- (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;
- (q) within a designated navigation and port area—
 - (i) carrying out dredging for navigation purposes; and

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- (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*.

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

Division 2 Habitat zone

15 Purpose of habitat zone

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.

16 Entry or use of habitat zone without permission

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
 - (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 500ft or more above tidal waters or tidal land;
- (q) taking off from, or landing at, a constructed airport, airstrip or helipad;
- (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

17 Entry or use of habitat zone with permission

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;³
- (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 500ft;

³ 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.

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- (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;
- (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

Division 3 Conservation zone

19 Purpose of conservation zone

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.

20 Entry or use of conservation zone without permission

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

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- (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;
- (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 500ft 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.

21 Entry or use of conservation zone with permission

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;⁴
- (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 500ft 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;

⁴ 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.

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- (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;
- (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;
- (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

22 Entry and use for existing non-conforming purpose

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.

Division 4 Buffer zone

24 Purpose of buffer zone

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.

25 Entry or use of buffer zone without permission

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 500ft or more above tidal waters or tidal land.

26 Entry or use of buffer zone with permission

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 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 500ft 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

27 Entry or use of buffer zone for non-conforming purpose

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*.

28 Waste not to be discharged in buffer zone

A 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**29 Purpose of protection zone**

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.

30 Entry or use of protection zone without permission

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 500ft or more above tidal waters or tidal land.

31 Entry or use of protection zone with permission

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

31A Entry or use of Peel Island protection zone for non-conforming purpose

- (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.

32 Waste not to be discharged in protection zone

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

33 Designated areas

- (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;
 - (h) grey nurse shark areas.
- (2) The boundaries of the designated areas are set out in schedule 2.⁵
- (3) The latitudinal and longitudinal positions used in the schedule are worked out using the system called—
 - (a) for parts 1 to 7—the ‘Australian Geodetic Datum 1984’ or ‘AGD 84’; or
 - (b) for part 8—the ‘World Geodetic System 1984’ or ‘WGS 84’.

⁵ A copy of the plans showing the approximate location of each designated area may be inspected, free of charge, at the department’s office at 160 Ann Street, Brisbane.

Division 2 Commercial bloodworm gathering areas

34 Purpose of commercial bloodworm gathering area

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.

35 Entry or use of commercial bloodworm gathering area

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.

Division 3 Ocean beach area

36 Purpose of ocean beach area

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.

37 Entry or use of ocean beach area

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

38 Purpose of navigation and port area

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.

39 Entry or use of navigation area

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

40 Purpose of the South Passage area

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.

41 Entry or use of the South Passage area

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

42 Purpose of turtle and dugong area

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.

43 Entry or use of turtle and dugong area

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

44 Purpose of the Pumicestone Passage area

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.

45 Entry or use of Pumicestone Passage area

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

Maximum penalty—10 penalty units.

Division 8 Works area

46 Purpose of works area

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

Division 9 Grey nurse shark areas

Subdivision 1 Purpose

46A Purpose of grey nurse shark area

The purpose of a grey nurse shark area is—

- (a) to protect grey nurse shark populations; and
- (b) to protect the habitat of grey nurse sharks; and
- (c) to minimise harm or distress caused directly or indirectly to grey nurse sharks by diving and other activities.

Subdivision 2 General entry and use restrictions

46B Entry or use of grey nurse shark area

- (1) A person must not dive between 6p.m. and 6a.m. in a grey nurse shark area, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) A person must not do any of the following in a grey nurse shark area—
 - (a) touch or feed a grey nurse shark;
 - (b) entrap, or attempt to entrap, a grey nurse shark;
 - (c) block a cave entrance or gutter;
 - (d) use mechanical or electro-acoustic apparatus in the water.

Maximum penalty—100 penalty units.

- (3) A person must not interfere with a grey nurse shark's natural behaviour in a grey nurse shark area.

Examples—

- chasing or harassing a grey nurse shark
- interrupting a grey nurse shark's swimming pattern

Maximum penalty—100 penalty units.

- (4) If a person is diving in a grey nurse shark area as part of a group of divers, the person commits an offence if the person is 1 of more than 10 divers from the group who are in the water at the same time.

Maximum penalty—10 penalty units.

- (5) However, subsection (4) does not apply to a person participating in a tourist program if the person is diving in accordance with the instructions of the operator of the tourist program.

- (6) In this section—

mechanical or electro-acoustic apparatus—

- (a) includes a scooter, horn and shark repelling device; but
 (b) does not include the following—
 (i) equipment commonly used for diving;

Examples—

- scuba
- equipment required for diving under the *Workplace Health and Safety Act 1995*

- (ii) equipment required for emergency defence operations.

Example—

mine detection equipment

Subdivision 3 Entry and use restrictions for tourist program operators

46C Information about area restrictions must be given

- (1) This section applies to a person who operates a tourist program in a grey nurse shark area (an *operator*) if a purpose of the tourist program is diving.
- (2) The operator must ensure that, before a person who is participating in the tourist program enters the water in a grey nurse shark area, the person is given information about the

restrictions under this division on entering or using the grey nurse shark area (the *area restrictions*).

Maximum penalty—10 penalty units.

46D Displaying area restrictions sign

- (1) An operator must display a sign stating the area restrictions and complying with the requirements mentioned in subsections (2) and (3) for the sign—
 - (a) in each place, under the control or management of the operator, where diving activities in the grey nurse shark area are organised or promoted; and
 - (b) on each boat used by the operator to carry divers in the area.

Maximum penalty—10 penalty units.

- (2) The sign must—
 - (a) be clearly visible to a person entering the place or boat; and
 - (b) be at least 297mm x 210mm in size; and
 - (c) be made of durable and weatherproof material.
- (3) The lettering on the sign must be—
 - (a) at least 3mm in height and in a bold style; and
 - (b) durable, legible and clearly visible.

46E Restriction on number of persons diving

- (1) An operator must ensure that in a grey nurse shark area—
 - (a) no more than 12 persons in a group of divers participating in the program are in the water at the same time in the area; and
 - (b) if there are more than 10 persons in the group in the water, each additional person in the water is acting for the operator of the program as a dive instructor or guide for the group.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply for the tourist program if the operator has the written authority of the chief executive stating that more than 10 persons in a group of divers participating in the operator's tourist program may be in the water in a grey nurse shark area at the same time.
- (3) The chief executive may give an authority mentioned in subsection (2) only if the chief executive is satisfied the proposed entry or use of the area under the program is consistent with the purpose of the area mentioned in section 46A.⁶

Subdivision 4 Entry and use restrictions for dive clubs

46F Application of sdiv 4

This subdivision applies to a dive club conducting diving activities for its members in a grey nurse shark area.

46G Definitions for sdiv 4

In this subdivision—

dive club means an entity that in any way facilitates, organises or coordinates diving activities for its members.

relevant person, for a dive club that is not an incorporated entity and that is conducting diving activities, means a person who takes part in directing the diving activities.

46H Information about zone and area restrictions must be given

The dive club or, if the dive club is not an incorporated entity, each relevant person for the dive club, must, before a member, guest or visitor of the club enters the water in the area as part of the club's diving activities in the area, ensure that the member, guest or visitor is given information about—

⁶ Section 46A (Purpose of grey nurse shark area)

- (a) the restrictions for the zone; and
- (b) the area restrictions.

Maximum penalty—10 penalty units.

46I Displaying area restrictions sign

- (1) The dive club or, if the dive club is not an incorporated entity, each relevant person for the dive club, must ensure a sign stating the area restrictions and complying with the requirements mentioned in subsections (2) and (3) for the sign is displayed—
 - (a) in each place, under the control or management of the dive club or the relevant person, where diving activities in the grey nurse shark area are organised or promoted; and
 - (b) on each boat used by the dive club to carry the dive club's members, guests or visitors for diving activities in the area.

Maximum penalty—10 penalty units.

- (2) The sign must—
 - (a) be clearly visible to a person entering the place or boat; and
 - (b) be at least 297mm x 210mm in size; and
 - (c) be made of durable and weatherproof material.
- (3) The lettering on the sign must be—
 - (a) at least 3mm in height and in a bold style; and
 - (b) durable, legible and clearly visible.

Subdivision 5 When entry and use prohibited

46J Meaning of *prohibited area notice*

A *prohibited area notice* is a notice made by the chief executive that—

- (a) prohibits entry to a stated grey nurse shark area, or a

- stated part of a stated grey nurse shark area; or
- (b) prohibits entry to the water in a stated grey nurse shark area, or a stated part of a stated grey nurse shark area.

46K Making prohibited area notice

- (1) The chief executive may make a prohibited area notice only if the chief executive is satisfied urgent action is needed to meet a significant threat to a grey nurse shark population.
- (2) Without limiting subsection (1), the chief executive may be satisfied urgent action is needed to meet a significant threat to a grey nurse shark population if female grey nurse sharks in the area have recently given, or are about to give, birth.

46L Requirements for prohibited area notice

- (1) A prohibited area notice must state each of the following—
- (a) the prohibition that applies under the notice;
- (b) the location and boundaries of the prohibited area under the notice;
- (c) where a map showing the boundaries of the prohibited area is available for public inspection;
- (d) the period for which the notice has effect.
- (2) The chief executive must publish the prohibited area notice in the gazette and may publish it in other ways the chief executive considers appropriate.⁷

46M Duration of prohibited area notice

- (1) A prohibited area notice has effect from its first publication in the gazette and continues in force until whichever of the following first happens—
- (a) the period stated in it ends;

⁷ A copy of the prohibited area declaration may be inspected, free of charge, at the department's office at 160 Ann Street, Brisbane or at the department's district office at 127 Russell Street, Cleveland. The notice will be made available on-line at the department's website at <www.epa.qld.gov.au>.

- (b) it is repealed by a provision of this zoning plan.
- (2) The stated period must be not more than 90 days.
- (3) The chief executive may, by a further notice published in the gazette, extend the prohibited area notice for not more than 90 days.

46N Offence to contravene entry and use prohibitions

A person must not, unless the person has a reasonable excuse—

- (a) if a prohibited area notice prohibits entry to a prohibited area—enter the area; or
- (b) if a prohibited area notice prohibits entry to the water in a prohibited area—enter the water in the area.

Maximum penalty—100 penalty units.

46O Prohibited area notice to prevail

If a prohibited area notice prohibits entry to, or entry to the water in, a prohibited area, and a provision, other than section 62,⁸ of this zoning plan or a restricted area notice otherwise allows entry to, or entry to the water in, the area, the prohibited area notice prevails to the extent of any inconsistency.

Subdivision 6 When diving and other activities restricted

46P Meaning of *restricted area notice*

A *restricted area notice* is a notice made by the chief executive that restricts diving or other activities for a stated grey nurse shark area, or a stated part of a stated grey nurse shark area.

8 Section 62 (Access in special circumstances)

46Q Making restricted area notice

The chief executive may make a restricted area notice only if the chief executive is satisfied restrictions on diving or other activities are needed to protect a grey nurse shark population.

46R Requirements for restricted area notice

- (1) A restricted area notice must state each of the following—
 - (a) the restrictions that apply under the notice;
Examples—
 - limiting the number of divers, or groups of divers, that may enter or use the restricted area
 - requiring divers to make a booking to enter the restricted area
 - setting limits on the minimum distance between groups of divers in the restricted area
 - setting limits on the minimum distance between a diver and a grey nurse shark in the restricted area
 - (b) the location and boundaries of the restricted area under the notice;
 - (c) where a map showing the boundaries of the restricted area is available for public inspection;
- (2) The chief executive must publish the restricted area notice in the gazette and may publish it in other ways the chief executive considers appropriate.⁹

46S Duration of restricted area notice

- (1) A restricted area notice has effect from its first publication in the gazette and continues in force until whichever of the following first happens—
 - (a) the period stated in it ends;
 - (b) it is repealed by a provision of this zoning plan.

⁹ A copy of the restricted area declaration may be inspected, free of charge, at the department's office at 160 Ann Street, Brisbane or at the department's district office at 127 Russell Street, Cleveland. The notice will be made available on-line at the department's website at <www.epa.qld.gov.au>.

- (2) The stated period must be not more than 6 months.
- (3) The chief executive may, by a further notice published in the gazette, extend the restricted area notice for not more than 90 days.

46T Offence to contravene entry and use restrictions

A person must not, unless the person has a reasonable excuse, act in a way that is inconsistent with a restriction or a requirement included in a restricted area notice.

Maximum penalty—100 penalty units.

46U Relationship between restricted area notice and zoning plan provisions

If a restricted area notice restricts diving or other activities in a restricted area, and a provision, other than section 62,¹⁰ of this zoning plan otherwise allows diving or other activities, the restricted area notice prevails to the extent of any inconsistency.

Part 5 Removal of unauthorised or abandoned structures and vehicles

Division 1 Interpretation

47 Definition

In this part—

vehicle means an aircraft, motor vehicle or vessel.

¹⁰ Section 62 (Access in special circumstances)

Division 2 Notices and action by chief executive

48 Notice about unauthorised structure etc.

- (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.

49 Inspector may seize structure or vehicle

- (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.

50 Consent to entry

- (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.

51 Warrants to enter and seize structure or vehicle

- (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.

52 Notice of seizure to be given

- (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.

53 Procedure if structure or vehicle is not claimed

- (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.

54 Application of proceeds of sale

- (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.

55 Release of structure or vehicle

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

56 Who may appeal

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.

57 How to start appeal

- (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.

58 Appellant to give notice of appeal

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

59 Stay of operation of decision

- (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.

60 Hearing procedures

- (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.

61 Powers of court on appeal

- (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

62 Access in special circumstances

- (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 ordnances;
 - (d) government geodetic, bathometric or similar surveys.
- (2) However, a person intending to enter or use the marine park for a purpose mentioned in subsection (1) must give the chief executive a notice stating the person intends to enter or use the marine park for the purpose.
- (3) The chief executive may, upon receiving the notice, impose conditions on the entry or use.

Note—

See section 45 of the Act and section 112 of the Regulation for offences relating to a person entering or using a marine park for a purpose for which a notice must be given to the chief executive.

63 Entry or use of marine park for non-conforming purpose

- (1) An officer or employee of the Queensland Museum or department in which the *Fisheries Act 1994* is administered may, without a permission, collect declared fish, invertebrates or plants anywhere in the marine park, other than a protection zone, for the museum or that department's purposes.
- (2) On the chief executive's request, the museum or department 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).

64 Restoration of habitat disturbed by bait gathering

- (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.

65 Prohibition of domestic animals in areas adjacent to national park

- (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.

66 Prohibition on disturbing shorebirds

- (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.

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

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.

68 Application of other statutory instruments to marine park

- (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

1 Dunwich general use zone

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 400m 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 1km 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 800m 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.

2 Cabbage Tree Point general use zone

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.

3 Jacobs Well general use zone

- (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

Schedule 1 (continued)

- by the meridian of longitude that passes through the most easterly corner of the property boundary of lot 21 on RP847582; and
- (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.

4 General use zone

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**5 Golden Beach habitat zone**

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 300m; 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

Schedule 1 (continued)

geodesic to the point 26°48.49' south, 153°07.70' east (however, where the geodesic intersects the 0m 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

- (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 0m 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 0m 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.

6 Bribie Island-Deception Bay habitat zone

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 1km; and

Schedule 1 (continued)

- (c) then runs in a generally southerly and then generally westerly direction along a line 1km 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
- (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 50m 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 50m 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.

Schedule 1 (continued)

7 Scarborough Point habitat zone

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
- (b) then runs in a northerly direction along the meridian of longitude to its intersection by the parallel of latitude 27°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°07.88' east that passes through the point 27°11.08' south, 153°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.

8 Pine River-Freshwater Creek habitat zone

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

Schedule 1 (continued)

- 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
 - (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.

9 Eastern Moreton Bay habitat zone

- (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 1km; and
 - (c) then runs in a generally northerly direction along a line 1km 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

Schedule 1 (continued)

- (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 50m depth contour; and
 - (g) then runs in a generally southerly direction along the 50m 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 1km seaward of the marine park boundary on North Stradbroke Island; and
 - (i) then runs in a generally southerly direction along a line 1km 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 1km 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 1km 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

Schedule 1 (continued)

- (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°28.00' east (in the vicinity of Amity Point); and
 - (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.

10 Nudgee Beach habitat zone

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 2m depth contour in that general vicinity; and
- (c) then runs in a generally south-easterly direction along the 2m depth contour to its intersection by the marine park boundary; and

Schedule 1 (continued)

- (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.

11 Airport to port habitat zone

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 2m depth contour; and
- (b) then runs in a generally south-easterly direction along the 2m 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.

12 Mud Island habitat zone

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

13 Fisherman Islands to Raby Bay habitat zone

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 2m depth contour immediately east of the point 27°22.03' south, 153°13.85' east; and

Schedule 1 (continued)

- (c) then runs in a generally southerly direction along the 2m depth contour to the most easterly point of the 2m 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 2m depth contour on the southern side of the navigation channel leading into Manly Boat Harbour; and
- (e) then runs in a generally easterly direction along the 2m depth contour to the most north-easterly point of the 2m 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 2m 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 2m 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.

14 St Helena Island habitat zone

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

Schedule 1 (continued)

15 Cleveland Point-Southern Bay Islands habitat zone

- (1) Consists of the area, the boundary of which—
 - (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° to its intersection by a geodesic that passes through the points 27°27.33' south, 153°19.92' east (in the vicinity of Maroom Bank) and 27°28.29' south, 153°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 2m depth contour (in the vicinity of Hanlon Light, north of Peel Island); and
 - (d) then runs along the 2m depth contour in a generally southerly, generally easterly and then generally northerly direction to its intersection by the parallel of latitude 27°29.85' south; and
 - (h) then runs along that parallel of latitude to the point 27°29.85' south, 153°22.67' east; and
 - (i) 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
 - (j) 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
 - (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

Schedule 1 (continued)

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) 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 Russell 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.

16 Broadwater habitat zone

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

Schedule 1 (continued)

- (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
- (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.

17 Jabiru Island-Coomabah Creek habitat zone

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

Schedule 1 (continued)

- (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.

Part 3 Conservation zones**18 Pumicestone Passage conservation zone**

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°03.38' east); and
- (f) then runs in a generally southerly direction along the

Schedule 1 (continued)

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 50m 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 50m 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°48.49' south, 153°07.70' east (however, where this geodesic intersects the 0m 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)

- (n) 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 0m 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°49.95' south, 153°07.32' east (however, where the geodesic intersects the 0m 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
- (p) then runs in a generally south-westerly direction along a geodesic to the point 26°50.73' south, 153°06.97' east; and
- (q) then runs in a generally westerly direction along a geodesic to the point where the zone's boundary starts.

19 Northern Moreton Island (Heath Island Lagoon) conservation zone

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

Schedule 1 (continued)

- (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.

21 Redcliffe Point conservation zone

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°13.79' south; and
- (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.

22 Hays Inlet conservation zone

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

Schedule 1 (continued)

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.

23 Boondall Wetlands conservation zone

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 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 2m depth contour; and
- (c) then runs in a generally north-westerly direction along the 2m 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 0m 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 0m 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

Schedule 1 (continued)

intersection by the marine park boundary; and

- (g) then runs in a generally southerly direction along the marine park boundary to the point where the zone's boundary starts.

24 Green Island conservation zone

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

25 Peel Island-South Passage conservation zone

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 1km; 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 (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 2m depth contour adjacent to the Hanlon Light; and
- (h) then runs along the 2m depth contour in a southerly and northerly direction through Lazeret Gutter to the intersection of the 2m depth contour by the meridian of

Schedule 1 (continued)

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 2m depth contour; and
- (m) then runs in a generally southerly, generally easterly and then generally northerly direction along Peel Island 2m 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
- (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

Schedule 1 (continued)

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.

26 Bird and Goat Islands conservation zone

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 2m depth contour where it first occurs; and
- (c) then runs in a generally southerly, generally easterly and then generally northerly direction around Bird and Goat Islands along the 2m 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.

27 Shag Rock conservation zone

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

Schedule 1 (continued)

28 Flat Rock conservation zone

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

29 Boat Rock conservation zone

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

30 Southern Moreton Bay conservation 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 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
- (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

Schedule 1 (continued)

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.
- (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.

31 Coombabah Lake conservation zone

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

Schedule 1 (continued)

- (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.

32 Huth Creek conservation zone

Consists of lot 394 on WD2853.

Part 4 Buffer zone**33 Flinders Reef Buffer Zone**

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

Part 5 Protection zones**34 Flinders Reef protection zone**

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

35 Tripcony Bight protection zone

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

Schedule 1 (continued)

(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°57.78' 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.

36 Peel Island protection zone

Consists of—

- (a) the area around Peel Island that is enclosed by a boundary which—
 - (i) starts on the northern side of Peel Island at the intersection of the 2m 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 Peel Island; and
 - (iv) then runs due west from this point to its intersection with the Peel Island 2m depth contour; and

Schedule 1 (continued)

- (v) then runs along the 2m 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 2m 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 2m depth contour.

37 Willes Island protection zone

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
- (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 0m depth contour; and
- (c) then runs in a westerly direction along the parallel of latitude to the Willes Island 0m depth contour; and
- (d) then runs in a generally south-westerly direction along the 0m 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

Schedule 1 (continued)

the marine park boundary on the western side of North Stradbroke Island to the point where the zone's boundary starts.

38 Swan Bay protection zone

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 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.

39 McCoy's Creek protection zone

Consists of the area, the boundary of which—

Schedule 1 (continued)

- (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

1 Commercial bloodworm gathering area 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.

2 Commercial bloodworm gathering area 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
- (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.

Schedule 2 (continued)

3 Commercial bloodworm gathering area 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.

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

Schedule 2 (continued)

Part 2 Ocean beach areas**5 Bribie Island ocean beach area**

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 1km; and
- (c) then runs in a generally southerly and then generally westerly direction along a line 1km 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.

6 Moreton Island ocean beach area

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 1km seaward of the marine park boundary at Comboyuro Point; and
- (c) then runs in a generally north-easterly and then generally southerly direction along a line 1km seaward of the marine park boundary on the northern and eastern sides of Moreton Island to the intersection of the line by

Schedule 2 (continued)

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.

7 North Stradbroke Island ocean beach area

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 1km 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 1km seaward of the marine park boundary on the northern and eastern sides of North Stradbroke Island to 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

Schedule 2 (continued)

- (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.

8 South Stradbroke Island ocean beach area

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 1km; and
- (c) then runs in a generally southerly direction along a line 1km 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**9 Shipping channels**

- (1) Consist of the area, the boundary of which—
 - (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

Schedule 2 (continued)

- (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
- (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

Schedule 2 (continued)

- (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)**10 Southern navigation channels**

The navigation channels south of Coochiemudlo Island that are marked as navigation and port areas on map MP3¹¹ are designated as the southern navigation channels.

11 Beach nourishment sites

The following areas are designated as beach nourishment sites—

- (a) in the vicinity of Skirmish Banks—all areas within a 1.5km 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 1km 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 1.5km radius of the point 26°56.069' south, 153°10.154' east.

12 Dredge material deposition sites

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 1.25km 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

11 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 1.5km 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 1.75km 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 1.5km 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 1km radius of the point 27°22.813' south, 153°16.596' east; and
- (f) in the vicinity of Raby Bay—all areas within a 500m radius of the point 27°29.804' south, 153°17.555' east.

Schedule 2 (continued)

Part 4 **South passage area****13** **South Passage area**

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 1km; 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

Schedule 2 (continued)

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).

Part 6 Turtle and dugong areas

15 Moreton Banks turtle and dugong area

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 2m depth contour; and
- (c) then runs in a generally south-westerly and then generally north-easterly direction along the 2m depth contour around Moreton Banks (including Boolong Bank and Coonungai Bank) to the intersection of the 2m 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);

Schedule 2 (continued)

- (ii) 27°21.11' south, 153°24.84' east (west of Koorinal); 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.

16 Price Anchorage turtle and dugong area

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 parallel of latitude 27°34.96' south; and
- (b) then runs in a westerly direction along the parallel of latitude to the point 27°34.96' south, 153°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°35.34' south, 153°24.23' east;
 - (ii) 27°35.75' south, 153°24.20' east;
 - (iii) 27°36.60' south, 153°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.

Schedule 2 (continued)

17 Lamb Island turtle and dugong area

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 500m; and
- (c) then runs in a generally south-westerly direction along a geodesic to a point 500m 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
- (e) then runs in a generally north-easterly direction along the marine park boundary to the point where the area's boundary starts.

18 Peel Island turtle and dugong area

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°29.85' south (immediately east of Peel Island); and
- (b) then runs in an easterly direction along the parallel of latitude to its intersection by the Peel Island 2m depth contour; and
- (c) then runs in a generally north-westerly direction along the 2m depth contour to its intersection by the meridian of longitude 153°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°28.29' south, 153°20.97' (in the vicinity of Hanlon Light, north of Peel Island); and

Schedule 2 (continued)

- (e) then runs in a westerly direction for 500m along the parallel of latitude 27°28.29' south; and
- (f) then runs in a generally south-westerly direction along a geodesic at a bearing of 225° (about 1.75km) to its intersection by the meridian of longitude 153°20.00' east; and
- (g) then runs in a southerly direction along the meridian of longitude to its intersection by the Peel Island 2m depth contour; and
- (h) then runs in a generally south-westerly and then generally easterly direction along the 2m depth contour to its intersection by the parallel of latitude 27°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
- (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.

19 Amity Banks turtle and dugong area

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

Part 7 Works areas**20 Toondah Harbour designated works area**

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 meets the boundary of Lot 19 on CP 904126, at the point

Schedule 2 (continued)

- 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 about 98.4m; and
 - (c) then runs in a generally southerly direction at a bearing of 192°25' for about 62m; and
 - (d) then runs in a generally westerly direction at a bearing of 282°26' for about 98.4m; and
 - (e) then runs in a generally northerly direction at a bearing of 12°25' for about 62m to the point where the area's boundary starts.

21 Weinam Creek designated works area

Consists of the area, the boundary of which—

- (a) starts on the marine park boundary in the vicinity of Weinam Creek where the marine park boundary meets the most south-eastern point of the boundary of Lot 300 on SP 123870; and
- (b) then runs in a generally north-easterly direction at a bearing of 57°00' for about 97.13m to the point 27°37.117' south, 153°18.658' east; and
- (c) then runs in a generally south-easterly direction at a bearing of 108°00' for about 166.69m to the point 27°37.143' south, 153°18.750' east; and
- (d) then runs in a generally southerly direction at a bearing of 165°30' for about 79.58m to the point 27°37.181' south, 153°18.766' east; and
- (e) then runs in a generally south-westerly direction at a bearing of 231°00' for about 227.36m to the point 27°37.262' south, 153°18.659' east; and
- (f) then runs in a generally north-westerly direction at a bearing of 323°30' until it meets the marine park boundary at the point 27°37.215' south, 153°18.618' east; and

Schedule 2 (continued)

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

Part 8 Grey nurse shark areas**22 Cherub's Cave grey nurse shark area**

Consists of the area enclosed within a 1.2km radius of the point 27°07.67' south, 153°28.67' east.

23 Flat Rock grey nurse shark area

Consists of the area enclosed within a 1.2km radius of the point 27°23.41' south, 153°33.07' east.

24 Henderson Rock grey nurse shark area

Consists of the area enclosed within a 1.2km radius of the point 27°07.92' south, 153°28.71' east.

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>Halophyrne</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
Pegasidae	<i>Eurypegasus</i>	all species	sea dragons, sea moths
	<i>Pegasus</i>	all species	

Schedule 3 (continued)

Fish			
Family	Genera	Species	Common name
Scorpaenidae	all genera other than— <i>Scorpaena</i> <i>Neosebastes</i>	all species <i>incisipinnis</i> all species	scorpion fish, fortesques, firefish, lionfish
Aploactinidae	all genera	all species	velvetfish, mossbacks
Pataecidae	<i>Pataecus</i>	<i>fronto</i>	red Indian fish
Grammistidae	<i>Diploprion</i> <i>Grammistes</i>	all species all species	soapfishes, yellow emperor
Pseudochromidae	all genera	all species	dottybacks, cichlops
Plesiopidae	all genera	all species	longfins
Apogonidae	all genera	all species	cardinalfishes
Malacanthidae	<i>Malacanthus</i> <i>Hoplolatilus</i>	all species all species	tilefishes
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

Schedule 3 (continued)

Fish			
Family	Genera	Species	Common name
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 frenchii</i>		fox fish
	<i>Bodianus perditio</i>		gold spot wrasse
	<i>Bodianus unimaculatus</i>		pigfish
	<i>Cheilinus chlorourus</i>		floral maori
	<i>Hemigymnus</i>	all species	wrasse
	<i>Epibulus insidiator</i>		thick lipped wrasses 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	

Schedule 3 (continued)

Fish

Family	Genera	Species	Common name
Monacanthidae	<i>Pervagor</i> <i>Chaetodermis</i> <i>Oxymonacanthus</i> <i>Paraluteres</i>	all species <i>penicilligerus</i> <i>longirostris</i> <i>prionurus</i>	leatherjackets
Diodontidae	all genera	all species	porcupine fishes

Invertebrates

All species of marine invertebrates over 5mm 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)

Schedule 3 (continued)

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*.¹²

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*.

area restrictions, for part 4, division 9, see section 46C(2).

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.

12 The *Nature Conservation Act 1992*, schedule 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*.¹³

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)¹⁴ 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.

13 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.

14 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*.¹⁵

declared animal means an animal mentioned in schedule 3.

depth contour means the depth in metres below the Australian Height Datum.¹⁶

dive club, for part 4, division 9, subdivision 4, see section 46G.

dive instructor means a person who holds a current qualification from a recreational scuba training organisation, designed to qualify the person as a scuba instructor.

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

15 The *Nature Conservation Act 1992*, section 9, defines *conservation* as follows—

9 Meaning of conservation

Conservation is the protection and maintenance of nature while allowing for its ecologically sustainable use.

16 All depths quoted in this zoning plan are related to the Moreton Bay Datum for which 0m is defined as 1.243m below Australian Height Datum (AHD). In this context, the 2m depth contour equates to -3.243m AHD and the 50m depth contour equates to -51.243m AHD. The depth contours are shown on the Queensland Transport, Boating Safety Charts of Moreton Bay.

Schedule 4 (continued)

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.

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

group, of divers, means a number of persons associated in any way through their diving activities.

Examples—

- persons who are members of the same dive club
- persons diving from the same boat
- persons who are clients of the same tourist program operator

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).¹⁷

major works, for a zone, means works that are inconsistent with the purpose of the zone and involve the disturbance or

17 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)

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;
- (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.

Schedule 4 (continued)

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.

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

operator, for part 4, division 9, subdivision 3, see section 46C(1).

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 3.5m 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.

prohibited area, for part 4, division 9, subdivision 5, means a stated grey nurse shark area, or a stated part of a stated grey nurse shark area, the subject of a prohibited area notice.

prohibited area notice, for part 4, division 9, subdivision 5, see section 46J.

protected area means an area declared under the *Nature*

Schedule 4 (continued)

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.

relevant person, for part 4, division 9, subdivision 4, see section 46G.

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.

restricted area, for part 4, division 9, subdivision 6, means a stated grey nurse shark area, or a stated part of a stated grey nurse shark area, the subject of a restricted area notice.

restricted area notice, for part 4, division 9, subdivision 6, see section 46P.

scuba means self-contained underwater breathing apparatus.

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

- (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.

Schedule 4 (continued)

shorebirds includes ducks, seabirds, swans and wading birds.

speed boat means a vessel—

- (a) powered by propulsion machinery exceeding 4.5KW 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.

the Regulation means the *Marine Parks Regulation 2006*.

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.

transfer passenger means a person who—

Schedule 4 (continued)

- (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 offal of fish or stormwater discharge.

Endnotes

1 Index to endnotes

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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 31 August 2006. Future amendments of the Marine Parks (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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 December 1997	5 December 1997
1A	1998 SL No. 159	22 May 1998	7 August 1998
1B	1998 SL No. 286	23 October 1998	4 October 1999

Reprint No.	Amendments included	Effective	Notes
1C	2002 SL No. 294	8 November 2002	
1D	2003 SL No. 377	19 December 2003	
1E	2006 SL No. 224	31 August 2006	R1E withdrawn, see R2
2	—	31 August 2006	

5 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 notification
 remaining provisions commenced 1 December 1997 (see s 2)
exp 1 September 2008 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

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

Marine Parks (Moreton Bay) Amendment Zoning Plan (No. 2) 1998 SL No. 286

notfd gaz 23 October 1998 pp 660–61
 commenced on date of notification

Marine Parks Zoning Plans Amendment Zoning Plan (No. 1) 2002 SL No. 294 pts 1–2

notfd gaz 8 November 2002 pp 857–8
 commenced on date of notification

Marine Parks (Moreton Bay) Amendment Zoning Plan (No. 1) 2003 SL No. 377

notfd gaz 19 December 2003 pp 1307–13
 commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2006 SL No. 224 pts 1, 3

notfd gaz 18 August 2006 pp 1821–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 31 August 2006 (see s 2)
 Note—An explanatory note was prepared

7 List of annotations

Short title

s 1 sub 2006 SL No. 224 s 23

Compliance with plan

s 9 om 2006 SL No. 224 s 24

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

s 14 om 2002 SL No. 294 s 3

Entry or use of habitat zone without permission

s 16 amd 1998 SL No. 159 s 3

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

s 18 om 2002 SL No. 294 s 3

Chief executive may grant permission for existing non-conforming use

s 23 om 2002 SL No. 294 s 3

Entry or use of buffer zone with permission

s 26 amd 2002 SL No. 294 s 4

Waste not to be discharged in buffer zone

s 28 amd 2006 SL No. 224 s 25

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

s 31A ins 1998 SL No. 159 s 4

Waste not to be discharged in protection zone

s 32 amd 2006 SL No. 224 s 25

Designated areas

s 33 amd 1998 SL No. 159 s 5; 2003 SL No. 377 s 3

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

Division 9—Grey nurse shark areas

div 9 (ss 46A–46U) ins 2003 SL No. 377 s 4

Access in special circumstances

s 62 amd 2002 SL No. 294 s 5; 2006 SL No. 224 s 26

Entry or use of marine park for non-conforming purpose

s 63 amd 2002 SL No. 294 s 6

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); 1998 SL No. 286 s 3(1)

Oyster Area 81 conservation zone

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

Boondall Wetlands conservation zone

s 23 amd 2002 SL No. 294 s 7

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); 1998 No. 286 s 3(2)

Peel Island protection zone

s 36 sub 1998 SL No. 159 s 10(5); 1998 No. 286 s 3(3)

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)

Peel Island turtle and dugong area

s 18 amd 2002 SL No. 294 s 8(1)

PART 7—WORKS AREAS

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

amd 2002 SL No. 294 s 8(3)

Toondah Harbour designated works areas 20 ins 1998 SL No. 159 s 11(3)
amd 2002 SL No. 294 s 8(2) and (4)**Weinam Creek designated works area**

s 21 ins 2002 SL No. 294 s 8(5)

PART 8—GREY NURSE SHARK AREAS

pt 8 (ss 22–24) ins 2003 SL No. 377 s 5

SCHEDULE 3—DECLARED ANIMALS

amd 1998 SL No. 159 s 12

SCHEDULE 4—DICTIONARY

def “area restrictions” ins 2003 SL No. 377 s 6

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 “**dive club**” ins 2003 SL No. 377 s 6
 def “**dive instructor**” ins 2003 SL No. 377 s 6
 def “**fisheries management agency**” om 2002 SL No. 294 s 9
 def “**group**” ins 2003 SL No. 377 s 6
 def “**operator**” ins 2003 SL No. 377 s 6
 def “**prohibited area**” ins 2003 SL No. 377 s 6
 def “**prohibited area notice**” ins 2003 SL No. 377 s 6
 def “**recreational bait gathering**” amd 1998 SL No. 159 s 13(4)
 def “**regulation**” om 2006 SL No. 224 s 27(1)
 def “**relevant person**” ins 2003 SL No. 377 s 6
 def “**restricted area**” ins 2003 SL No. 377 s 6
 def “**restricted area notice**” ins 2003 SL No. 377 s 6
 def “**scuba**” ins 2003 SL No. 377 s 6
 def “**the Regulation**” ins 2006 SL No. 224 s 27(1)
 def “**waste**” amd 2006 SL No. 224 s 27(2)

8 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
schedule 2, section 16(c)(i)	om ‘153°24.23 east;’ ins ‘153°24.23' east;’
schedule 2, section 16(c)(ii)	om ‘153°24.20 east;’ ins ‘153°24.20' east;’