

Queensland



Subordinate Legislation 1991 No. 170

Marine Parks Act 1982

MARINE PARKS (WOONGARRA ZONING PLAN) ORDER 1991

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Short title

1. This order in council may be cited as the *Marine Parks (Woongarra Zoning Plan) Order 1991*.

Approval of zoning plan

2. The zoning plan for the Woongarra Marine Park, set out in the Schedule, is approved.

Inspection or purchase of zoning plan

3. The zoning plan approved under section 2 may be inspected at, or a copy of the plan purchased or obtained from—

- (a) Department of Environment and Heritage,
160 Ann Street,
BRISBANE; or
- (b) Queensland National Parks and Wildlife Service,
Corner Wharf and Richmond Streets,
MARYBOROUGH; or
- (c) Queensland National Parks and Wildlife Service,
194 Quay Street,
ROCKHAMPTON.

SCHEDULE

ZONING PLAN FOR WOONGARRA MARINE PARK

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PART 1—PRELIMINARY

Application of zoning plan

1. The zoning plan applies to the Woongarra Marine Park.

Definitions

2. In this zoning plan—

“aircraft” means a machine or device that can derive support in the atmosphere from the reactions of the air or from buoyancy, but does not include a hovercraft;

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

- (a) spat, spawn, eggs and parts of eggs; and
- (b) the skin, feathers, shell or other part of an animal;

“bait gathering” means the taking of yabbies, eugaries (pippies), bait worms or crabs by hand or by hand-held implement under fisheries legislation;

“bait netting” means fishing using a recreational bait net or a commercial bait net described in, and used under fisheries legislation;

“bait worms” means worms belonging to the Family Nereidae or Family Eunicidae that are taken for use as bait;

- “**collecting**” means the taking of any declared animal, plant or other marine product;
- “**commercial netting**” means fishing using any net described in, and used under fisheries legislation;
- “**commercial oyster gathering**” means the taking of oysters from an oyster ground under fisheries legislation;
- “**crabbing**” means the taking of crabs by the apparatus described in, and used under the Fifth and Sixth Schedules of the *Fishing Industry Organisation and Marketing Regulations 1991*;
- “**crabs**” means crustacea of the Infraorder Brachyura;
- “**declared**” in relation to marine products means an animal, plant or other marine product listed in Schedule 3;
- “**eugarie**” means a mollusc belonging to the species *Plebidonax deltoides*;
- “**fisheries legislation**” means the *Fisheries Act 1976*, and the *Fishing Industry Organisation and Marketing Act 1977*;
- “**fishing**” means the taking of fish, crustaceans or molluscs but does not include the taking of declared animals;
- “**high water**” means the Mean High Water Spring (MHWS) tide level;
- “**highest astronomical tide**” means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;
- “**hook**” means a single hook or a group of hooks linked (ganged) together;
- “**hovercraft**” means any air-cushion vehicle;
- “**limited collecting**” means the taking for non-commercial purposes of not more than 5 specimens of any one species of any declared fish or invertebrate within any 28 day period, by means of a hand-held implement or by hand only but does not include the taking for non-commercial purposes of Class Anthozoa, a sub-species of Phylum Coelenterata;
- “**limited oyster gathering**” means the gathering of oysters for immediate consumption;

“manipulative research” means any research that, by the nature of its activities, will result in significant damage, degradation or disruption to the physical environment or living resources of the marine park and includes taking of specimens by fishing or collecting;

“non-manipulative research” means any research that, by the nature of its activities, will not result in significant damage, degradation or disruption to the physical environment or living resources of the marine park and does not include taking of specimens by fishing or collecting;

“oyster” means a mollusc of the family Ostreidae and includes an oyster without its shell;

“photography and filming” means the use of still, video or cine camera equipment for the recording of visual images or sound;

“plants” includes algae, fungi, seeds and parts of plants;

“public notice” means publication—

(a) in the Gazette; and

(b) in a newspaper that circulates throughout Queensland;

“ship” means a vessel with a gross tonnage in excess of 1500 tonnes;

“stowed or secured” in relation to equipment, means rendered inoperative and, in relation to trawl equipment, rendered inoperative at least to the extent of having nets out of water and hung on board with cod ends open;

“the coastal one nautical mile line” means the line every point of which is at a distance of one nautical mile from the nearest point of the coastline at high water;

“the coastal 300 metre line” has a corresponding meaning to “the coastal one nautical mile line”;

“the Park” means the Woongarra Marine Park;

“vessel” means a ship, boat, hovercraft, raft or pontoon or any other thing capable of carrying persons or goods through or on water;

“yabbies” means crustacea of the Genus *Callinassa* of the Family Callinassidae.

PART 2—ZONING PROVISIONS

Division 1—Zones

Zones

3.(1) The Park consists of the following zones—

- (a) General Use Zone;
- (b) Habitat Protection Zone;
- (c) Conservation Park Zone.

(2) The boundaries of the zones are set out in Schedule 1.

(3) The approximate locations of the zones are shown on the zoning map in Schedule 4.

Division 2—General Use Zone

Objective

4. The objective of general use zoning is to provide opportunities for reasonable general use consistent with the conservation of the Park.

Entry and use

5.(1) Subject to Part 4 (Additional Uses and Exemptions), a person may enter or use the General Use Zone for any of the following purposes—

- (a) trolling;
- (b) line fishing;
- (c) spearfishing that is—
 - (i) not for sale or trade; and
 - (ii) not with underwater breathing apparatus (other than a snorkel); and

- (iii) not with a power-head;
- (d) limited collecting;
- (e) limited oyster gathering;
- (f) commercial oyster gathering;
- (g) crabbing;
- (h) bait gathering;
- (i) bait netting;
- (j) commercial netting;
- (k) trawling;
- (l) recreational or educational activities that do not involve the taking of marine products;
- (m) photography and filming;
- (n) non-manipulative research;
- (o) the navigation and operation of vessels, other than hovercraft;
- (p) the operation of tourist programs and any associated use of vessels;
- (q) the operation of an aircraft at an altitude of not less than 500 feet above ground or water.

(2) The Director may give permission under clause 9 of the *Marine Parks Regulations 1990* for a person to enter or use the General Use Zone for any of the following purposes—

- (a) manipulative research, including the taking of marine products;
- (b) collecting;
- (c) the farming of marine resources including the operation, construction, maintenance, demolition or removal of any associated facility;
- (d) the construction, operation, maintenance, demolition or removal of any facility associated with a tourist program;
- (e) the construction or conduct of mooring facilities for vessels;

- (f) the operation of a structure including the conduct of operations in or upon, the discharge of wastes from, or the building, assembling, fixing in position, maintenance or demolition of, that structure;
- (g) the operation of aircraft other than as permitted under subsection (1);
- (h) the navigation and operation of a hovercraft;
- (i) the dumping of soil or the carrying out of reclamation works, beach protection works, harbour works, road building works or any other works;
- (j) programs for the taking of animals or plants that pose a threat to human life or safety, or to marine ecosystems that are part of the Park, or to the use and amenity of an area or of adjacent areas;
- (k) exploration for petroleum by the holder of an Authority to Prospect issued under the *Mineral Resources Act 1989*;
- (l) extraction of petroleum by the holder of a lease or licence issued under the *Mineral Resources Act 1989*;
- (m) exploration for minerals by the holder of an Authority to Prospect issued under the *Mineral Resources Act 1989*;
- (n) mining for minerals by the holder of a Mining Lease issued under the *Mineral Resources Act 1989*;
- (o) any purpose not listed in this section, consistent with the objective of the zone.

Division 3—Habitat Protection Zone

Objective

6. The objective of habitat protection zoning is to provide for the protection of important marine resources while providing opportunities for reasonable general use in areas that are free from trawling, mining and generally free from substrate disturbance.

Entry and use

7.(1) Subject to Part 4 (Additional Uses and Exemptions), a person may enter or use the Habitat Protection Zone for any of the following purposes—

- (a) trolling;
- (b) line fishing;
- (c) spearfishing that is—
 - (i) not for sale or trade; and
 - (ii) not with underwater breathing apparatus (other than a snorkel); and
 - (iii) not with a power-head;
- (d) limited collecting;
- (e) limited oyster gathering;
- (f) commercial oyster gathering;
- (g) crabbing;
- (h) bait gathering;
- (i) bait netting;
- (j) commercial netting;
- (k) recreational or educational activities that do not involve the taking of marine products;
- (l) photography and filming;
- (m) non-manipulative research;
- (n) navigation and operation of vessels, other than hovercraft or ships, if any equipment, the use of which is not permitted in the Zone, is stowed or secured at all times when the vessel is in the Zone;
- (o) the operation of an aircraft at an altitude of not less than 500 feet above ground or water.

(2) The Director may give permission under section 9 of the *Marine Parks Regulations 1990* for a person to enter or use the Habitat Protection Zone for any of the following purposes—

- (a) manipulative research, including the taking of marine products;
- (b) collecting;
- (c) the farming of marine resources including the operation, construction, maintenance, demolition or removal of any associated facility;
- (d) the operation of tourist programs and any associated use of vessels, or the construction, operation, maintenance, demolition or removal of any associated facility;
- (e) the construction or conduct of mooring facilities for vessels;
- (f) the operation of a structure including the conduct of operations in or upon, the discharge of wastes from, or the building, assembling, fixing in position, maintenance or demolition of, that structure;
- (g) the operation of aircraft other than as permitted under in subsection (1);
- (h) the navigation and operation of a hovercraft;
- (i) the dumping of soil or the carrying out of reclamation works, beach protection works, harbour works, road building works or any other works;
- (j) programs for the taking of animals or plants that pose a threat to human life or safety, or to marine ecosystems that are part of the Park, or to the use and amenity of an area or adjacent areas;
- (k) any purpose not listed in this section, consistent with the objective of the zone.

Division 4—Conservation Park Zone**Objective**

8. The objective of conservation park zoning is to provide for the protection of areas of the Park in a natural state, allowing the public opportunities to appreciate and enjoy the relatively undisturbed nature of those areas, and providing for limited removal of marine resources.

Entry and use

9.(1) Subject to Part 4 (Additional Uses and Exemptions), a person may enter or use the Conservation Park Zone for any of the following purposes—

- (a) trolling for pelagic species;
- (b) line fishing in which each person uses no more than 2 hand held rods or handlines, each with—
 - (i) only one hook; or
 - (ii) an artificial fly; or
 - (iii) a lure;
- (c) spearfishing that is—
 - (i) not for sale or trade; and
 - (ii) not with underwater breathing apparatus (other than a snorkel); and
 - (iii) not with a power-head;
- (d) limited collecting;
- (e) limited oyster gathering;
- (f) recreational or educational activities that do not involve the taking of marine products;
- (g) photography and filming;
- (h) non-manipulative research;

- (i) navigation and operation of vessels, other than hovercraft or ships, if any equipment, the use of which is not permitted in the zone, is stowed or secured at all times when the vessel is in the zone;
- (j) the operation of an aircraft at an altitude of not less than 500 feet above ground or water.

(2) The Director may give permission under section 9 of the *Marine Parks Regulations 1990* for a person to enter or use the Conservation Park Zone for any of the following purposes—

- (a) manipulative research including the taking of marine products;
- (b) the operation of tourist programs and any associated use of vessels, or the construction, operation, maintenance, demolition or removal of any associated facility;
- (c) the construction or conduct of mooring facilities for vessels;
- (d) the operation of a structure including the conduct of operations in or upon, the discharge of wastes from, or the building, assembling, fixing in position, maintenance or demolition of, that structure;
- (e) the operation of aircraft other than as permitted under subsection (1);
- (f) the carrying out of works consistent with the objective of the zone;
- (g) programs for the taking of animals or plants that pose a threat to human life or safety, or to marine ecosystems which are part of the Park, or to the use and amenity of an area or adjacent areas;
- (h) any purpose not listed in this section, consistent with the objective of the zone.

Division 5—General**Environmental impact**

10.(1) An applicant for permission to enter or use a zone must satisfy the Director that no unacceptable environmental impact will occur as a result of the use of the area for the purpose for which permission is sought.

(2) In this section—

“unacceptable environmental impact” means an impact that may result in disturbance or alteration to the hydrology, water quality, substrate, or the natural species composition or productivity of communities.

PART 3—DESIGNATED AREA PROVISIONS**Designated areas**

11.(1) The following areas are set aside for special management—

- (a) Turtle Monitoring Special Management Area;
- (b) Mon Repos Special Management Area;
- (c) Turtle Protection Special Management Area.

(2) The boundaries of the designated areas are set out in Schedule 2.

(3) The approximate locations of the designated areas are shown on the designated areas map in Schedule 4.

Objectives

12.(1) The objective of setting aside the Turtle Monitoring Special Management Area for special management is to investigate any effects of trawling on marine turtles during the turtle nesting season.

(2) The objective of setting aside the Mon Repos Special Management Area is to provide for foreshore, inshore and nearshore areas at Mon Repos to be specially managed for the purposes of conservation of marine turtle rookeries, appreciation by the public and for the regulation of public access.

(3) The objective of setting aside the Turtle Protection Special Management Area is to provide for other areas of the marine park to be specially managed for the purposes of conservation of natural or cultural resources, undisturbed scientific research, appreciation by the public and public safety.

PART FOUR—ADDITIONAL USES AND EXEMPTIONS

Access in special circumstances

13.(1) In addition to the purposes specified in Part 2, a person may enter or use a zone for the purpose of—

- (a) saving a human life or avoiding the risk of injury to a human being; or
- (b) locating or securing the safety of an aircraft, vessel or structure that is, or may be, endangered by weather or by navigational or operational hazards; or
- (c) government reconnaissance, surveillance, or law enforcement (including enforcement of the Act); or
- (d) monitoring and management of the Park by, or with the approval of, the Director; or
- (e) dealing with an emergency involving a serious threat to the environment.

(2) The Director may, for the following purposes, permit a person to enter or use a zone and may give such directions for the entry and use as are reasonably necessary for the conservation, protection and preservation of the Park and any thing contained in the Park—

- (a) removing a vessel that is wrecked, stranded, sunk or abandoned, except a wreck protected under the Historic Shipwrecks Act 1976 of the Commonwealth or a wreck located within a Special Management Area that has been designated for the purpose of special management of that wreck; or

- (b) defence operations, including the use of ships and aircraft; or
- (c) government geodetic, bathymetric or similar surveys; or
- (d) the construction, installation and servicing of authorised navigational aids and their ancillary buildings and works, including the operation of vessels and aircraft for these purposes.

SCHEDULE 1

ZONE BOUNDARIES

General Use Zone

1. The General Use Zone consists of the tidal land and tidal waters within the boundaries of the Park that are not included in any other zone.

Habitat Protection Zone

2. The Habitat Protection Zone consists of—
- (a) the area the boundary of which—
 - (i) commences at the point of intersection of the parallel of latitude $24^{\circ}45.6'$ south and the coastline at highest astronomical tide, in the vicinity of South Head; and
 - (ii) runs east along that parallel to its intersection by the coastal 300 metre line; and
 - (iii) then generally southeasterly along the coastal 300 metre line to its intersection by the parallel of latitude $24^{\circ}48.7'$ south; and
 - (iv) then northeasterly along the geodesic bearing 30° true to the intersection of that geodesic by the coastal one nautical mile line; and

- (v) then generally southeasterly along that coastal one nautical mile line to its intersection by the parallel of latitude 24°48.4' south; and
 - (vi) then southwesterly along the geodesic bearing 210° true to the intersection of that geodesic by the coastal 300 metre line; and
 - (vii) then generally southerly along that coastal 300 metre line to its intersection by the parallel of latitude 24°52.4' south; and
 - (viii) then west along that parallel to its intersection by the coastline at highest astronomical tide, in the vicinity of the southern bank of the mouth of Palmer Creek; and
 - (ix) then generally northerly and northwesterly along that coastline at highest astronomical tide (crossing the mouths of creeks and streams in accordance with the general trend of the coast at highest astronomical tide) to the point of commencement; and
- (b) the tidal land and tidal waters of the unnamed inlet and its tributary streams that flow into the sea at the southern end of Mon Repos Beach at about latitude 24°48.1' south, longitude 152°26.7' east; and
 - (c) the tidal land and tidal waters of Rifle Range Creek; and
 - (d) the tidal land and tidal waters of Palmer Creek; and
 - (e) the area the boundary of which—
 - (i) commences at the point of intersection of the parallel of latitude 24°53.3' south and the coastline at highest astronomical tide; and
 - (ii) runs east along that parallel to its intersection by the coastal 300 metre line; and
 - (iii) then generally southerly along that coastal 300 metre line to its intersection by the parallel of latitude 24°55.5' south; and
 - (iv) then west along that parallel to its intersection by the coastline at highest astronomical tide, in the vicinity of Elliott Heads; and

(v) then generally northerly along that coastline at highest astronomical tide to the point of commencement.

Conservation Park Zone

3. The Conservation Park Zone consists of—

- (a) the area the boundary of which—
 - (i) commences at the point of intersection of the parallel of latitude 24°50.1' south and the coastline at highest astronomical tide; and
 - (ii) runs east along that parallel to its intersection by the coastal 300 metre line; and
 - (iii) then generally southeasterly then southwesterly along that coastal 300 metre line to its intersection by the parallel of latitude 24°50.9' south; and
 - (iv) then west along that parallel to its intersection by the coastline at highest astronomical tide; and
 - (v) then generally northerly along that coastline at highest astronomical tide to the point of commencement; and
- (b) the area the boundary of which—
 - (i) commences at the point of intersection of the parallel of latitude 24°52.4' south and the coastline at highest astronomical tide, in the vicinity of the south bank of the mouth of Palmer Creek; and
 - (ii) runs east along that parallel to its intersection by the coastal 300 metre line; and
 - (iii) then generally southerly along that coastal 300 metre line to its intersection by the parallel of latitude 24°53.3' south; and
 - (iv) then west along that parallel to its intersection by the coastline at highest astronomical tide; and
 - (v) then generally northerly along that coastline at highest astronomical tide to the point of commencement.

SCHEDULE 2

DESIGNATED AREA BOUNDARIES

Turtle Monitoring Special Management Area

1. The Turtle Monitoring Special Management Area consists of the entire area of the Park.

Mon Repos Special Management Area

2. The Mon Repos Special Management Area consists of the area the boundary of which—

- (a) commences at the point of intersection of the parallel of latitude which passes through the northernmost point of Mon Repos Environmental Park (Res. 1133, Parish of Barolin, County of Cook) and the coastline at highest astronomical tide; and
- (b) runs east along that parallel to its intersection by the coastal 300 metre line; and
- (c) then generally southeasterly along that coastal 300 metre line to its intersection by the parallel of Latitude which passes through the easternmost point of Mon Repos Environmental Park; and
- (d) then west along that parallel to its intersection by the coastline at highest astronomical tide; and
- (e) then generally northwesterly along that coastline at highest astronomical tide (crossing the mouths of creeks and streams in accordance with the general trend of the coast at highest astronomical tide) to the point of commencement.

Turtle Protection Special Management Area

3. The Turtle Protection Special Management Area consists of the area the boundary of which—

- (a) commences at the point of intersection of the parallel of latitude 24°45.6' south and the coastline at highest astronomical tide; and

- (b) runs east along that parallel to its intersection by the coastal one nautical mile line; and
- (c) then generally southeasterly along that coastal one nautical mile line to its intersection with the parallel of latitude 24°49' south; and
- (d) then west along that parallel to its intersection by the coastline at highest astronomical tide; and
- (e) then generally northwesterly and northerly along the coastline at highest astronomical tide (crossing the mouths of creeks and streams in accordance with the general trend of the coast at highest astronomical tide) to the point of commencement.

SCHEDULE 3

DECLARED SPECIES—ANIMALS, PLANTS AND OTHER MARINE PRODUCTS

PART I—ANIMALS

Fish

All species of each of the following—

Family Chaetodontidae	(Butterflyfish, Coralfish, Angelfish)
Family Pomacentridae	(Damsel-fish, Pullers, Sergeant-Majors, Anemone-fish)

Family Holocentridae	(Squirrel-fish, Soldier-fish)
Family Syngnathidae	(Sea-horses, Pipe-fish)
Genus Pterois	(Butterfly Cod, Red Firefish or Lionfish)
Genus Pteropterus	
Family Apogonidae	(Cardinalfish, Soldierfish)
Genus Cirrhitichthys	(Hawkfish)
Genus Paracirrhites	
Genus Anamapses	(Scribbled Wrasse)
Genus Epibulus	(Sling-Jaw or Telescopefish)
Genus Gomphosus	(Bird Wrasse)
Genus Labroides	(Cleaner Wrasse)
Genus Macropharyngodon	(Red-flecked Wrasse)
Genus Stethojulis	(Rainbowfish)
Genus Thalassoma	(Moon Wrasses, Jansen's Wrasse)
Family Blennidae	(Combtooth Blennies)
Family Clinidae	
Family Gobiidae	(Gobies, Mud-hoppers, Gudgeons)
Family Acanthuridae	(Surgeonfish, Moorish Idols, Unicornfish)
Genus Lo	(Fox-face)
Family Ostraciontidae	(Boxfish, Cowfish, Turretfish)
Species <i>Epinephelus lanceolatus</i>	(Queensland Groper)
Species <i>Epinephelus tauvina</i>	(Greasy Cod or Estuary Cod)
Species <i>Choerodon fasciatus</i>	(Harlequin Tuskfish)

Invertebrates

All species of each of the following—

- | | |
|---|---|
| Phylum Porifera | (Sponges) |
| Phylum Coelenterata | (Hydroids, Jellyfish and Corals) |
| Phylum Bryozoa | |
| Phylum Annelida
(except Family Nereidae and
Family Eunicidae) | |
| Phylum Echinodermata | (Starfish, Sea Cucumbers, Sea Urchins,
Brittlestars, Featherstars) |

Class Foraminifera

Class Crustacea
(except Family Panuliridae,
Family Penaeidae, Family Scyllaridae,
species *Portunus sanguinolentus*, males
of the species *Portunus pelagicus* or *Scylla
serrata*)

Class Gastropoda

Class Bivalvia
(except Family Amusidae and Family
Ostreidae)

Family Nautilidae

Reptiles

All species of each of the following—

- | | |
|-----------------------|------------------|
| Family Cheloniidae | (Marine Turtles) |
| Family Dermochelyidae | (Marine Turtles) |
| Family Laticaudidae | (Sea Snakes) |

Family Hydrophiidae (Sea Snakes)

Mammals

All species of each of the following—

Order Cetacea (Whales and Dolphins)

Order Sirenia (Dugong)

PART 2—PLANTS

All species of plants

PART 3—OTHER MARINE PRODUCTS

sea shells

coral limestone

shell-grit

star sand

SCHEDULE 4

MAPS

ENDNOTES

1. Made by the Governor in Council on 12 December 1991.
2. Published in the Gazette on 14 December 1991.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Environment and Heritage.