



Queensland

Marine Parks Zoning Plans Amendment Zoning Plan (No. 1) 2005

Subordinate Legislation 2005 No. 12

made under the

Marine Parks Act 1982

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004	
2	Zoning plan amended in pt 2	3
3	Amendment of s 19 (Entry or use without permission)	3
4	Amendment of s 22 (Entry or use without permission)	3
5	Amendment of s 25 (Entry or use without permission)	3
6	Amendment of s 28 (Entry or use without permission)	4
7	Amendment of s 64 (Special management provision)	4
8	Amendment of s 67 (Special management provision)	5
9	Amendment of sch 1 (Zones)	6
10	Amendment of sch 2 (Internal general use zone areas)	6
11	Amendment of sch 3 (Internal habitat protection zone areas)	12
12	Amendment of sch 4 (Estuarine conservation zone areas)	13
13	Amendment of sch 10 (Non-conforming uses)	14
14	Amendment of sch 11 (Dictionary)	14
Part 3	Amendment of Hervey Bay Marine Park Zoning Plan	
15	Zoning plan amended in pt 3	15
16	Replacement of s 1 (Application of zoning plan)	15

*Marine Parks Zoning Plans Amendment Zoning Plan No. 12, 2005
(No. 1) 2005*

	1	Short title	15
	1A	Application of zoning plan	15
17		Amendment of s 4 (Interpretation)	15
18		Amendment of s 5.2 (Use and entry)	15
19		Amendment of s 6.3 (Use and entry)	15
20		Amendment of s 6.4 (Monitoring requirements)	16
21		Amendment of s 7 (Access in special circumstances)	16
22		Amendment of s 8.2 (Functions of committee)	16
23		Amendment of s 8.3 (Membership of committee)	16
Part 4		Amendment of Marine Parks (Woongarra) Zoning Plan 1991	
24		Zoning plan amended in pt 4	17
25		Amendment of s 5 (Entry and use)	17
26		Amendment of s 7 (Entry and use)	17
27		Amendment of s 9 (Entry and use)	17
28		Amendment of s 10 (Environmental impact)	17
29		Amendment of s 13 (Access in special circumstances)	18

Part 1 Preliminary

1 Short title

This zoning plan may be cited as the *Marine Parks Zoning Plans Amendment Zoning Plan (No. 1) 2005*.

Part 2 Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

2 Zoning plan amended in pt 2

This part amends the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*.

3 Amendment of s 19 (Entry or use without permission)

Section 19—

insert—

‘(c) oyster gathering.’.

4 Amendment of s 22 (Entry or use without permission)

Section 22(1)—

insert—

‘(c) oyster gathering.’.

5 Amendment of s 25 (Entry or use without permission)

Section 25(b)(vi)—

omit, insert—

‘(vi) oyster gathering;

- (vii) taking a plant, animal or marine product in an accredited harvest fishery in compliance with any requirements that apply to the taking under the *Fisheries Act 1994* or the accreditation;
- (viii) trapping;
- (ix) trolling;’.

6 Amendment of s 28 (Entry or use without permission)

Section 28(1), from ‘a purpose’—

omit, insert—

‘the following purposes—

- (a) a purpose for which the Commonwealth conservation park zone may be used or entered without permission of, or notification to, the Marine Park Authority;¹
- (b) oyster gathering.’.

7 Amendment of s 64 (Special management provision)

(1) Section 64(2), from ‘a person’—

omit, insert—

‘the following—

- (a) a person entering or using the Fitzroy Island Reef public appreciation special management area for conducting an aquaculture operation;
- (b) a person entering or using a part of the Whitsundays public appreciation special management area that is not within the conservation park zone.’.

(2) Section 64(4), from ‘a permission’—

¹ See the Commonwealth Zoning Plan, section 2.4.3 (Use or entry without permission), 5.1 (Use or entry without permission or notification) and 5.3 (Entry to zones for purpose of taking protected species etc). See also, the Commonwealth Regulation, section 69 (Entry to zones for purpose of taking certain protected species).

omit, insert—

‘the following—

- (a) a permission to enter or use the Fitzroy Island Reef public appreciation special management area for conducting an aquaculture operation;
 - (b) a permission to enter or use a part of the Whitsundays public appreciation special management area that is not within the conservation park zone.’.
- (3) Section 64(5)—

insert—

‘Commonwealth Whitsundays public appreciation special management area means the area described in the Commonwealth Regulation, table 57, part 4.²

Whitsundays public appreciation special management area means the area that is the combined area of the following—

- (a) the area of the marine park within the Commonwealth Whitsundays public appreciation special management area;
- (b) the area of the marine park worked out by extending the part of the Commonwealth Whitsundays public appreciation special management area that is at the State at low water to the landward boundary of the marine park.’.

8 Amendment of s 67 (Special management provision)

Section 67(3)—

insert—

- ‘(e) to navigate to an area outside the special management area if—
 - (i) the journey is direct; and

² Commonwealth Regulation, table 57 (Public Appreciation SMAs), part 4 (Whitsundays Public Appreciation SMA)

- (ii) any equipment, on the dory, that is normally used for fishing or collecting is stowed or secured when the dory is in the special management area; and
- (iii) the dory remains within 1 n mile of land while it is in the special management area.’.

9 Amendment of sch 1 (Zones)

- (1) Schedule 1, section 4(2), ‘habitat protection’—
omit, insert—
‘conservation park’.
- (2) Schedule 1, section 4(2)(a), from ‘21’—
omit, insert—
‘20A, 20B, 20C, 21, 21A, 22 or 23;’³.

10 Amendment of sch 2 (Internal general use zone areas)

- (1) Schedule 2, section 5, first and second dot points—
omit, insert—
 - from the most eastern point of the line worked out by reference to the following points—
 - (a) latitude 23°30.240’ south, longitude 151°13.080’ east;

3 Schedule 2 (Internal general use zone areas), section 1 (QI GU-24-01 Round Hill Creek), 2 (QI GU-24-02 Eurimbula Creek), 3 (QI GU-24-03 Middle Creek and Jennie Lind Creek (Middle Island)), 5 (QI GU-23-02 Curtis Island), 6 (QI GU-22-02 Corio Bay), 7 (QI GU-22-03 Island Head Creek), 12 (QI GU-22-15 Sand Fly Creek to Apple Tree Creek), 13 (QI GU-21-02 Reliance Creek), 17 (QI GU-19-02 Cape Bowling Green), 20 (QI GU-19-05 Barratta Creek to Haughton River), 20A (QI GU-19-05A Cocoa Creek), 20B (QI GU-19-05B Crocodile Creek), 20C (QI GU-19-05C Alligator Creek), 21 (QI GU-19-08 Magnetic Island (western side)), 21A (QI GU-19-08A Bohle River), 22 (QI GU-15-10 Endeavour River (mouth)) or 23 (QI GU-15-13 Endeavour River (northern anabranch))

(b) latitude 23°30.636' south, longitude 151°11.898' east⁴

- then westerly along the line worked out by reference to the following points—

(a) latitude 23°30.240' south, longitude 151°13.080' east;

(b) latitude 23°30.636' south, longitude 151°11.898' east;

to the most western point of the line’.

- (2) Schedule 2, section 5, third dot point, paragraph (b) and footnote—

omit, insert—

‘(b) latitude 23°28.338' south, longitude 151°04.878' east⁵’.

- (3) Schedule 2, section 20—

omit, insert—

‘20 QI GU-19-05 Barratta Creek to Haughton River

‘The part of Bowling Green Bay that is within the marine park and landward of the following line—

- from where longitude 147°15.684' east intersects the northern boundary of Bowling Green Bay National Park
- then north along longitude 147°15.684' east to where it intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay
- then westerly along the mangrove line for the mangrove forest that adjoins the southern side of Bowling Green

4 The line worked out by reference to latitude 23°30.240' south, longitude 151°13.080' east and latitude 23°30.636' south, longitude 151°11.898' east crosses the mouth of the inlet at Yellow Patch at H.A.T.

5 The line worked out by reference to latitude 23°28.722' south, longitude 151°05.166' east and latitude 23°28.338' south, longitude 151°04.878' east crosses the mouth of Keppel Creek at H.A.T.

*Marine Parks Zoning Plans Amendment Zoning Plan No. 12, 2005
(No. 1) 2005*

Bay to where the outer boundary of the forest intersects longitude 147°15.608' east⁶

- then south-westerly along a geodesic to where latitude 19°25.771' south intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay⁷
- then south-westerly along a geodesic to where longitude 147°15.253' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay⁸
- then westerly along a geodesic to where longitude 147°14.811' east intersects the outer boundary for the

6 The outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay intersects longitude 147°15.608' east on the eastern side of the mouth of Sheep Station Creek at high water, at approximately latitude 19°25.697' south.

7 Latitude 19°25.771' south intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay on the western side of the mouth of Sheep Station Creek at high water, at approximately longitude 147°15.533' east.

8 The geodesic between the following points crosses the mouth of the eastern arm of Barratta Creek at high water—

- the point where latitude 19°25.771' south intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay;
- the point where longitude 147°15.253' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay.

Longitude 147°15.253' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay at approximately latitude 19°25.949' south.

*Marine Parks Zoning Plans Amendment Zoning Plan No. 12, 2005
(No. 1) 2005*

mangrove forest that adjoins the southern side of Bowling Green Bay⁹

- then westerly along the relevant mangrove line to the most eastern point of the line worked out by reference to the following points—
 - (a) latitude 19°25.383' south, longitude 147°12.900' east;
 - (b) latitude 19°25.383' south, longitude 147°12.683' east¹⁰
 - then westerly along the line worked out by reference to the following points—
 - (a) latitude 19°25.383' south, longitude 147°12.900' east;
 - (b) latitude 19°25.383' south, longitude 147°12.683' east;
- to the most western point of the line
- then westerly along the mangrove line for the mangrove forest that adjoins the southern side of Bowling Green Bay to where the outer boundary of the forest intersects latitude 19°24.749' south¹¹
 - then westerly along a geodesic to where longitude 147°09.705' east intersects the outer boundary of the

9 The geodesic between the following points crosses the mouth of the western arm of Barratta Creek at high water—

- the point where longitude 147°15.253' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay;
- the point where longitude 147°14.811' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay.

Longitude 147°14.811' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay at approximately latitude 19°25.942' south.

10 The line worked out by reference to latitude 19°25.383' south, longitude 147°12.900' east and latitude 19°25.383' south, longitude 147°12.683' east crosses the mouth of Bomber Creek at high water.

11 The outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay intersects latitude 19°24.749' south on the eastern side of the mouth of Barramundi Creek at high water, at approximately longitude 147°10.117' east.

mangrove forest that adjoins the southern side of Bowling Green Bay¹²

- then westerly along the relevant mangrove line to the most eastern point of the line worked out by reference to the following points—
 - (a) latitude 19°24.449' south, longitude 147°08.096' east;
 - (b) latitude 19°23.310' south, longitude 147°06.864' east¹³
 - then westerly along the line worked out by reference to the following points—
 - (a) latitude 19°24.449' south, longitude 147°08.096' east;
 - (b) latitude 19°23.310' south, longitude 147°06.864' east;
- to the most western point of the line.

'20A QI GU-19-05A Cocoa Creek

'The part of Cocoa Creek that is within the marine park and upstream of the following line—

- from where longitude 146°58.807' east intersects the outer boundary of the mangrove forest that adjoins the south-eastern side of Cleveland Bay¹⁴
- then south-westerly along a geodesic to where latitude 19°17.028' south intersects the outer boundary of the

12 Longitude 147°09.705' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay on the western side of the mouth of Barramundi Creek at high water, at approximately latitude 19°24.437' south.

13 The line worked out by reference to latitude 19°24.449' south, longitude 147°08.096' east and latitude 19°23.310' south, longitude 147°06.864' east crosses the mouth of the Haughton River at high water.

14 Longitude 146°58.807' east intersects the outer boundary of the mangrove forest that adjoins the south-eastern side of Cleveland Bay at approximately latitude 19°16.946' south.

mangrove forest that adjoins the south-eastern side of Cleveland Bay.¹⁵

‘20B QI GU-19-05B Crocodile Creek

‘The part of Crocodile Creek that is within the marine park and upstream of the following line—

- from where longitude 146°57.634' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay¹⁶
- then south-westerly along a geodesic to where longitude 146°57.221' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay.¹⁷

‘20C QI GU-19-05C Alligator Creek

‘The part of Alligator Creek that is within the marine park and and upstream of the following line—

- from where longitude 146°55.702' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay¹⁸
- then south-westerly along a geodesic to where latitude 19°18.055' south intersects the outer boundary of the

15 Latitude 19°17.028' south intersects the outer boundary of the mangrove forest that adjoins the south-eastern side of Cleveland Bay at approximately longitude 146°58.611' east.

16 Longitude 146°57.634' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay at approximately latitude 19°17.593' south.

17 Longitude 146°57.221' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay at approximately latitude 19°17.949' south.

18 Longitude 146°55.702' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay at approximately latitude 19°17.870' south.

mangrove forest that adjoins the southern side of Cleveland Bay.¹⁹.

- (4) Schedule 2, section 21, ‘high water’—

omit, insert—

‘H.A.T.’.

- (5) Schedule 2—

insert—

‘21A QI GU-19-08A Bohle River

‘The part of Bohle River that is within the marine park and upstream of the following line—

- from where longitude 146°42.180' east intersects the outer boundary of the mangrove forest that adjoins the eastern side of the mouth of the Bohle River²⁰
- then westerly along a geodesic to where longitude 146°41.892' east intersects the outer boundary of the mangrove forest that adjoins the western side of the mouth of the Bohle River.²¹.

11 Amendment of sch 3 (Internal habitat protection zone areas)

Schedule 3, section 7, third dot point—

omit, insert—

- then westerly along the mangrove line for the mangrove forest that adjoins the eastern side of the mouth of Cluny

19 Latitude 19°18.055' south intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay at approximately longitude 146°55.524' east.

20 Longitude 146°42.180' east intersects the outer boundary of the mangrove forest that adjoins the eastern side of the mouth of the Bohle River at approximately latitude 19°11.463' south.

21 Longitude 146°41.892' east intersects the outer boundary of the mangrove forest that adjoins the western side of the mouth of the Bohle River at approximately latitude 19°11.528' south.

Creek to where the outer boundary of the forest intersects longitude 148°55.278' east²²

- then north-westerly along a geodesic to latitude 20°53.238' south, longitude 148°55.098' east
- then west along latitude 20°53.238' south to where it intersects the outer boundary of the mangrove forest that adjoins the western side of the mouth of Cluny Creek²³
- then westerly along the relevant mangrove line to latitude 20°51.444' south, longitude 148°53.034' east'.

12 **Amendment of sch 4 (Estuarine conservation zone areas)**

Schedule 4, section 15, second dot point—

omit, insert—

- then south easterly along a geodesic to latitude 15°27.719' south, longitude 145°14.483' east'.

22 The outer boundary for the mangrove forest that adjoins the eastern side of the mouth of Cluny Creek intersects longitude 148°55.278' east on the eastern side of the mouth of Cluny Creek at high water, at approximately latitude 20°53.364' south.

23 Latitude 20°53.238' south intersects the outer boundary of the mangrove forest that adjoins the western side of the mouth of Cluny Creek on the western side of the mouth of Cluny Creek at high water, at approximately longitude 148°54.810' east.

13 Amendment of sch 10 (Non-conforming uses)

Schedule 10—

insert—

‘6 Cage Culture Area 1502, shown and described on plan number CC1502 prepared by the chief executive (fisheries) ¹	Conducting an aquaculture operation for barramundi	The aquaculture operation must be conducted wholly within Cage Culture Area 1502’.
---	--	--

-
- 1 A copy of plan number CC1502 is available for inspection during office hours on business days at the following offices—
- the office of the Department of Primary Industries and Fisheries at 80 Ann Street, Brisbane;
 - the office of the Environmental Protection Agency at Old Quarantine Station, Cape Pallarenda Road, Townsville.

14 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

‘outer boundary—

- 1 The *outer boundary* of a mangrove forest is the boundary formed by the line that connects the trunks of the outermost mangroves in the forest.
- 2 For paragraph 1, the line that connects the trunks of the outermost mangroves in the forest must disregard any prop roots that extend further out from the trunk of any of the mangroves.

oyster—

- (a) means a mollusc of the family Ostreidae; and
- (b) includes an oyster that is not in its shell.

oyster gathering means taking oysters in compliance with the *Fisheries Act 1994*’.

omit, insert—

‘chief executive’.

- (2) Section 6.3(a), ‘or his delegate’—

omit.

20 Amendment of s 6.4 (Monitoring requirements)

Section 6.4, ‘Director’—

omit, insert—

‘chief executive’.

21 Amendment of s 7 (Access in special circumstances)

- (1) Section 7(d), ‘Director’—

omit, insert—

‘chief executive’.

- (2) Section 7(f), ‘Director or his delegate’—

omit, insert—

‘chief executive’.

22 Amendment of s 8.2 (Functions of committee)

Section 8.2, ‘Director’—

omit, insert—

‘chief executive’.

23 Amendment of s 8.3 (Membership of committee)

Section 8.3, ‘Director’—

omit, insert—

‘chief executive’.

omit, insert—
'chief executive'.

29 Amendment of s 13 (Access in special circumstances)

Section 13, 'director'—

omit, insert—
'chief executive'.

ENDNOTES

- 1 Made by the chief executive on 4 February 2005.
- 2 Approved by the Governor in Council on 17 February 2005.
- 3 Notified in the gazette on 18 February 2005.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Environmental Protection Agency.