



*Marine Parks Act 1982*

# **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004**

**Reprinted as in force on 1 December 2005**

**Reprint No. 1B revised edition**

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

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 earlier reprints.**

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

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# **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004**

[as amended by all amendments that commenced on or before 1 December 2005]

## **Part 1 Preliminary**

### **Division 1 General**

#### **1 Short title**

This zoning plan may be cited as the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*.

#### **2 Application**

This plan applies to the GBR Coast Marine Park.

### **Division 2 Interpretation generally**

#### **3 Interpretation of terms generally**

- (1) The dictionary in schedule 11 defines particular terms used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, words used in this plan have the same meaning they have in the Commonwealth Zoning Plan.
- (3) However, for applying the Commonwealth Zoning Plan under subsection (2)—
  - (a) a reference to the Marine Park is taken to be a reference to the GBR Coast Marine Park; and

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- (b) a reference to the Great Barrier Reef Region is taken to be a reference to the GBR Coast Marine Park; and
- (c) a reference to the Authority is taken to be a reference to the chief executive; and
- (d) a reference to a permission is taken to be a reference to a permission granted under the regulation; and
- (e) a reference to being accredited by the Authority in accordance with the Regulations is taken to be a reference to being accredited by the chief executive under this plan; and
- (f) a reference to an accredited educational or research institution is taken to be a reference to an educational or research institution accredited by the chief executive under this plan.

#### **4 Applying Commonwealth purposes to marine park**

- (1) This section applies if a provision of this plan—
  - (a) states that a person may enter or use an area within a zone or designated area without permission for a permitted purpose for the zone or designated area; or
  - (b) provides that the chief executive may grant a permission to a person to enter or use an area within a zone or designated area for a permissible purpose for the zone or designated area.
- (2) For applying the provision of the Commonwealth Zoning Plan that states the permitted or permissible purpose—
  - (a) a reference to the Marine Park is taken to be a reference to the GBR Coast Marine Park; and
  - (b) a reference to a zone of a particular class is taken to be a reference to a zone of the same class within the GBR Coast Marine Park; and
  - (c) a reference to a designated area of a particular type is taken to be a reference to a designated area of the same type within the GBR Coast Marine Park; and

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- (d) a reference to the Authority is taken to be a reference to the chief executive; and
- (e) a reference to a permission is taken to be a reference to a permission granted under the regulation; and
- (f) words are taken to have the same meaning they have in the Commonwealth Zoning Plan subject to applying the Commonwealth Zoning Plan in the way mentioned in section 3(3); and
- (g) a reference to an objective for a Commonwealth zone is taken to be a reference to the objective stated in this plan for the zone of the same class within the GBR Coast Marine Park; and
- (h) a reference to an accredited activity, agreement, entity or other thing is taken to be a reference to an activity, agreement, entity or other thing of the same type accredited by the chief executive under this plan; and
- (i) a reference to the requirements prescribed in the Regulations relating to the operation of a traditional use of marine resources agreement is taken to be a reference to the requirements stated in this plan relating to the operation of traditional use of marine resources agreements; and
- (j) a reference to a plan of management is taken to be a reference to—
  - (i) a plan prepared under the Commonwealth Act, section 39ZD; or
  - (ii) a management plan approved by the Minister under the regulation, section 17.<sup>1</sup>

## **5 References to H.A.T., high water etc.**

- (1) A reference in this plan to the mainland, an island or another natural feature at H.A.T., high water, L.A.T., or low water is a reference to the line that represents H.A.T., high water,

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<sup>1</sup> Commonwealth Act, section 39ZD (Preparation of plan of management)  
Regulation, section 17 (Approval of plans and programs)

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L.A.T., or low water adjacent to the mainland, the island or the natural feature.

*Examples of natural features—*

bay, creek, inlet, river, rock

- (2) A reference to the bank of a creek, inlet or river is a reference to the line that—
  - (a) runs along the outer limit of the defined channel of the creek, inlet or river; and
  - (b) follows the upper limit of the land in the channel that is covered by the waters of the creek, inlet or river—
    - (i) for a reference to the bank at H.A.T.—at H.A.T.; or
    - (ii) for a reference to the bank at high water—at high water; or
    - (iii) for a reference to the bank at L.A.T.—at L.A.T.; or
    - (iv) for a reference to the bank at low water—at low water.
- (3) In this section—
 

*the mainland* includes a part of the mainland.

## 6 References to relevant mangrove line

- (1) This section applies if schedule 2, 3, 4, 5 or 6 states that a boundary of an area runs along the relevant mangrove line.
- (2) The relevant mangrove line is the mangrove line for the mangrove forest that is between—
  - (a) the point at which the boundary of the area starts to run along the mangrove line; and
  - (b) the point at which the boundary of the area stops running along the mangrove line.
- (3) For subsection (2), the mangrove forest is taken to be a continuous forest between the 2 points mentioned in the subsection even if there is a gap in the forest.



## **Division 3                      Working out particular areas**

### **7                      Purpose of div 3**

This division states the method for working out an area within a zone or a designated area of the marine park that must be worked out by extending a Commonwealth area that is at the State at low water to the landward boundary of the marine park.

### **8                      Rule for working out areas extending Commonwealth areas to the mainland**

- (1) This section applies to an area that is to be worked out by extending a Commonwealth area that is at the mainland at low water to the landward boundary of the marine park.
- (2) The area must be worked out by extending, in the way mentioned in section 10, the relevant boundaries of the Commonwealth area from the landward boundary of the area to the landward boundary of the marine park.

### **9                      Rules for working out areas extending Commonwealth areas to an island**

- (1) This section applies to an area that is to be worked out by extending a Commonwealth area that is at an island at low water to the landward boundary of the marine park.
- (2) If the whole of the island at low water adjoins the same Commonwealth area, the area must be worked out by extending the landward boundary of the Commonwealth area to the landward boundary of the marine park.
- (3) If the island at low water adjoins 2 or more Commonwealth areas, the areas adjoining the island must be worked out by extending, in the way mentioned in section 10, the relevant boundaries of the Commonwealth areas from the landward boundary of the areas to the landward boundary of the marine park.

## **10 How relevant boundaries are to be extended**

- (1) This section states the way a relevant boundary of a Commonwealth area must be extended to the landward boundary of the marine park under section 8 or section 9(3).
- (2) If the relevant boundary is a headland boundary, the relevant boundary must be extended to the landward boundary of the marine park by joining, in a straight line, the intersection point for the relevant boundary to the closest point on the landward boundary of the marine park.
- (3) If the relevant boundary is not a headland boundary, the relevant boundary must be extended to the landward boundary of the marine park in a straight line at the angle at which the relevant boundary meets the landward boundary of the area.

- (4) In this section—

***headland boundary*** means a relevant boundary of a Commonwealth area that—

- (a) meets the landward boundary of the Commonwealth area at or near a headland; and
- (b) will not, if it is extended in a straight line at the angle at which the relevant boundary meets the landward boundary, meet the landward boundary of the marine park on the headland.

*Example for definition headland boundary—*

The eastern relevant boundary of the Commonwealth area that adjoins Nara Inlet at low water is a headland boundary because—

- (a) the relevant boundary meets the landward boundary of the Commonwealth area immediately south of a headland on the eastern side of the entrance to Nara Inlet; and
- (b) if the relevant boundary is extended in a straight line at the angle at which the relevant boundary meets the landward boundary of the Commonwealth area, the relevant boundary will not meet the landward boundary of the marine park on the headland on the eastern side of the entrance to Nara Inlet.

***intersection point***, for a relevant boundary of a Commonwealth area, means the point where the relevant boundary meets the landward boundary of the area.

**11 Area that is within the zone or designated area worked out under this division**

- (1) This section states the area that is within the zone or designated area of the marine park worked out under section 8 or 9.
- (2) The area that is within the zone or designated area is—
  - (a) for an area worked out under section 8 or section 9(3)—the area that is formed by the following lines—
    - (i) the line that runs along the landward boundary of the Commonwealth area;
    - (ii) the lines that extend the relevant boundaries of the relevant Commonwealth area to the landward boundary of the marine park;
    - (iii) the line that runs along the landward boundary of the marine park; or
  - (b) for an area worked out under section 9(2)—the area that is between the landward boundary of the Commonwealth area and the landward boundary of the marine park.

**Division 4 Working out particular lines**

**12 Working out lines by reference to 2 points**

- (1) This section states the method for working out a line mentioned in this plan if the line must be worked out by reference to 2 points.
- (2) If both points are on the landward boundary of the marine park (each a *boundary point*), the line is the line that runs along a geodesic between the 2 boundary points.
- (3) If 1 point is on the landward boundary of the marine park (the *boundary point*) and the other point is either landward or seaward of the landward boundary of the marine park (the *non-boundary point*), the line is the line that runs along a geodesic between the following points—
  - (a) the boundary point;

- (b) the point where the geodesic that passes through the boundary point and the non-boundary point intersects the landward boundary of the marine park.
- (4) If 1 point is landward of the landward boundary of the marine park (the *starting point*) and the other point is either landward or seaward of the landward boundary of the marine park (the *ending point*), the line is the line that runs along a geodesic between the following points—
  - (a) the point where the geodesic that passes through the starting point and ending point intersects the landward boundary of the marine park near the starting point;
  - (b) the point where the geodesic that passes through the starting point and ending point intersects the landward boundary near the ending point.
- (5) If both points are seaward of the landward boundary of the marine park (each a *seaward point*), the line is the line that runs along a geodesic between the following points—
  - (a) the point where the geodesic that passes through the 2 seaward points intersects the landward boundary of the marine park near 1 of the seaward points;
  - (b) the point where the geodesic that passes through the 2 points intersects the landward boundary of the marine park near the other seaward point.

## **Division 5                    Other aids to interpretation**

### **13            References to latitudes and longitudes**

The latitudes and longitudes used to describe an area mentioned in this plan are worked out using the Geocentric Datum of Australia 1994, commonly called ‘GDA94’, notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

**14 Significance of particular sequences of letters or numbers**

- (1) The sequence of letters and numbers starting with the letters 'QI' and preceding a name of an area described in schedule 2, 3, 4, 5, 6 or 7 is the unique identifier given under this plan to identify the area.
- (2) The bracketed sequence of letters or numbers, or letters and numbers, that follows a reference to a cay, island, reef or rock mentioned in this plan is included to provide additional information for identifying the cay, island, reef or rock.

**Part 2 Zones**

**Division 1 Preliminary**

**15 Relationship between pt 2 and pts 3 and 4**

This part is subject to parts 3 and 4.<sup>2</sup>

**16 Zones generally**

- (1) The marine park consists of the following zones—
  - (a) general use zone;
  - (b) habitat protection zone;
  - (c) estuarine conservation zone;
  - (d) conservation park zone;
  - (e) buffer zone;
  - (f) scientific research zone;
  - (g) marine national park zone;
  - (h) preservation zone.

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<sup>2</sup> Parts 3 (Designated areas) and 4 (Additional purposes for entry or use)

- (2) The areas of the marine park that are within each zone are described in schedule 1.
- (3) Maps showing the approximate locations of the zones may be inspected at the department's offices during office hours on business days.
- (4) The classes of zones mentioned in subsection (1) are listed in ascending order of the level of protection given to them under this plan.

**17 Applicable zone for part of marine park within 2 or more zones**

- (1) This section applies if, having regard to schedule 1, any part of the marine park falls within 2 or more zones.
- (2) The part is taken to fall within the zone that is given the highest level of protection under this plan.

**Division 2 General use zone**

**18 Objectives**

The objectives for the general use zone are—

- (a) to provide for the conservation of the areas of the marine park within the zone; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for reasonable use of the areas.

**19 Entry or use without permission**

A person may enter or use an area within the general use zone without permission for the following purposes—

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- (a) a purpose for which the Commonwealth general use zone may be used or entered without permission of, or notification to, the Marine Park Authority;<sup>3</sup>
- (b) bait gathering;
- (c) oyster gathering.

## 20 Entry or use with permission

(1) The chief executive may grant a permission to a person for an area within the general use zone only for a relevant purpose.

(2) In this section—

*relevant purpose* means each of the following—

- (a) a purpose for which the Commonwealth general use zone may be used or entered with written permission of the Marine Park Authority;<sup>4</sup>
- (b) for an area that is within the prescribed exploration area—
  - (i) exploration of, or mining for, minerals by a holder of a lease, licence, permit or other authority under the *Mineral Resources Act 1989* that authorises the exploration or mining; or
  - (ii) exploration or extraction of petroleum by a holder of a lease, licence, permit or other authority under the *Petroleum Act 1923* that authorises the exploration or extraction.

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<sup>3</sup> See the Commonwealth Zoning Plan, sections 2.2.3 (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).

<sup>4</sup> See the Commonwealth Zoning Plan, section 2.2.4 (Use or entry with permission) and the Commonwealth Regulation, section 37 (General Use Zone—activities).

## Division 3                      Habitat protection zone

### 21            Objectives

The objectives for the habitat protection zone are—

- (a) to provide for the conservation of the areas of the marine park within the zone through the protection and management of sensitive habitats that are generally free from potentially damaging activities; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for reasonable use of the areas.

### 22            Entry or use without permission

- (1) A person may enter or use an area within the habitat protection zone without permission for the following purposes—
  - (a) a purpose for which the Commonwealth habitat protection zone may be used or entered without permission of, or notification to, the Marine Park Authority;<sup>5</sup>
  - (b) bait gathering;
  - (c) oyster gathering.
- (2) Also, the holder of a lease, licence, permit or other authority under the *Mineral Resources Act 1989* may enter or use The Narrows, without permission, for exploration of, or mining for, minerals if—
  - (a) the exploration or mining is authorised under the lease, licence, permit or authority; and
  - (b) the holder complies with any directions given by the chief executive in relation to the entering or use.

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<sup>5</sup> See the Commonwealth Zoning Plan, section 2.3.3 (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).



(3) In this section—

*The Narrows* means the area within the Mackay/Capricorn Management area that is described in schedule 3, section 2.<sup>6</sup>

## 23 Entry or use with permission

(1) The chief executive may grant a permission to a person for an area within the habitat protection zone only for a relevant purpose.

(2) In this section—

*relevant purpose* means each of the following—

(a) a purpose for which the Commonwealth habitat protection zone may be used or entered with written permission of the Marine Park Authority;<sup>7</sup>

(b) for an area that is within the prescribed exploration area—

(i) exploration of, or mining for, minerals by a holder of a lease, licence, permit or other authority under the *Mineral Resources Act 1989* that authorises the exploration or mining; or

(ii) exploration or extraction of petroleum by a holder of a lease, licence, permit or other authority under the *Petroleum Act 1923* that authorises the exploration or extraction.

## Division 4 Estuarine conservation zone

### 24 Objectives

The objectives for the estuarine conservation zone are—

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6 Schedule 3 (Internal habitat protection zone areas), section 2 (QI HP-22-01 The Narrows)

7 See the Commonwealth Zoning Plan, sections 2.3.4 (Use or entry with permission) and the Commonwealth Regulation, section 38 (Habitat Protection Zone—activities).

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- (a) to provide for the protection of the natural integrity and values of the areas of the marine park within the zone; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for—
  - (i) the presentation of the values of the relatively undisturbed areas of the marine park within the zone; and
  - (ii) the continuation of existing fishing use in the area.

## **25 Entry or use without permission**

A person may enter or use an area within the estuarine conservation zone without permission for the following purposes—

- (a) to carry out a low impact activity that does not involve the taking of a plant, animal or marine product in the area;
- (b) to carry out any of the following fishing activities—
  - (i) bait gathering;
  - (ii) limited collecting;
  - (iii) limited spearfishing;
  - (iv) line fishing;
  - (v) netting, including bait netting;
  - (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;
- (c) a traditional use of marine resources that is carried out in a way that is consistent with an accredited traditional use of marine resources agreement, including, in

particular, any conditions or requirements relating to the agreement;

- (d) to carry out photography, filming or sound recording;
- (e) to carry out limited impact research (extractive) or limited impact research (non-extractive);
- (f) to conduct a limited educational program;
- (g) to navigate a vessel or aircraft, other than a ship or a managed vessel or aircraft, if any equipment that is normally used for fishing or collecting is stowed or secured when the vessel or aircraft is in an area of the zone within which the use of the equipment is not authorised under the Act.

## **26 Entry or use with permission**

- (1) The chief executive may grant a permission to a person for an area within the estuarine conservation zone only for a relevant purpose.

- (2) In this section—

*relevant purpose* means each of the following—

- (a) fishing for—
  - (i) taking a plant, animal or marine product in a harvest fishery other than an accredited harvest fishery; or
  - (ii) a developmental fishery program;
- (b) collecting other than limited collecting;
- (c) traditional use of marine resources other than a traditional use of marine resources mentioned in section 25(c);
- (d) operating a fishing industry service vessel;
- (e) conducting a tourist program;
- (f) research, other than limited impact research (extractive) or limited impact research (non-extractive);

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- (g) conducting an educational program, other than a limited educational program;
- (h) conducting a vessel or aircraft charter operation;
- (i) operating a vessel or aircraft in a particular area within the zone—
  - (i) for more than 14 consecutive days; or
  - (ii) for more than 30 days in any period of 60 days;
- (j) navigating a ship or a managed vessel or aircraft;
- (k) operating a facility for a purpose, other than a purpose mentioned in section 25, that is consistent with the objectives mentioned in section 24, including, for example, the following—
  - (i) operating a facility for discharging waste;
  - (ii) operating a facility for the building, assembling, fixing in position, maintaining or demolishing of another facility;
  - (iii) operating a facility for constructing or operating mooring facilities for vessels;
  - (iv) operating a facility for a landing area or another facility for aircraft;
- (l) carrying out works for a purpose that is consistent with the objectives mentioned in section 24;
- (m) a program for taking a plant or animal, other than a taking authorised under section 25 or part 4, that poses a threat to—
  - (i) human life or safety; or
  - (ii) marine ecosystems of the marine park; or
  - (iii) the use or amenity of an area within the marine park or an area adjacent to the marine park;
- (n) any other purpose that is consistent with the objectives mentioned in section 24, other than—
  - (i) a purpose mentioned in section 25; or

- (ii) a purpose mentioned in the Commonwealth Regulation, section 38.<sup>8</sup>

## **Division 5                      Conservation park zone**

### **27            Objectives**

The objectives for the conservation park zone are—

- (a) to provide for the conservation of the areas of the marine park within the zone; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for reasonable use and enjoyment, including, for example, limited extractive use, of the areas.

### **28            Entry or use without permission**

- (1) A person may enter or use an area within the conservation park zone without permission for 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;<sup>9</sup>
  - (b) oyster gathering.
- (2) Also, a person may enter or use, without permission, a conservation park line fishing area for limited line fishing.
- (3) In this section—

***conservation park line fishing area*** means an area within the conservation park zone that is mentioned and described in schedule 7.

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8 Commonwealth Regulation, section 38 (Habitat Protection Zone—activities)

9 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).

***limited line fishing*** means fishing using not more than 2 prescribed instruments.

***prescribed instrument*** means a hand held fishing rod or a handline that has—

- (a) only 1 hook; and
- (b) not more than 1 artificial fly; and
- (c) not more than 1 lure.

## 29 Entry or use with permission

- (1) The chief executive may grant a permission to a person for an area within the conservation park zone only for a relevant purpose.
- (2) In this section—

***relevant purpose*** means a purpose for which the Commonwealth conservation park zone may be used or entered with written permission of the Marine Park Authority.<sup>10</sup>

## Division 6 Buffer zone

### 30 Objectives

The objectives for the buffer zone are—

- (a) to provide for the protection of the natural integrity and values of the areas of the marine park that are generally free from extractive activities; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for—
  - (i) particular activities, including, for example, the presentation of the values of the marine park, to be

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<sup>10</sup> See the Commonwealth Zoning Plan, section 2.4.4 (Use or entry with permission) and the Commonwealth Regulation, section 39 (Conservation Park Zone—activities).

undertaken in relatively undisturbed areas within the zone; and

- (ii) trolling for pelagic species.

### **31 Entry or use without permission**

A person may enter or use an area within the buffer zone without permission for a purpose for which the Commonwealth buffer zone may be used or entered without permission of, or notification to, the Marine Park Authority.<sup>11</sup>

### **32 Entry or use with permission**

- (1) The chief executive may grant a permission to a person for an area within the buffer zone only for a relevant purpose.
- (2) In this section—

*relevant purpose* means a purpose for which the Commonwealth buffer zone may be used or entered with written permission of the Marine Park Authority.<sup>12</sup>

## **Division 7 Scientific research zone**

### **33 Objectives**

The objectives for the scientific research zone are—

- (a) to provide for the protection of the natural integrity and values of the areas of the marine park that are generally free from extractive activities; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for scientific research to be

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11 See the Commonwealth Zoning Plan, section 2.5.3 (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).

12 See the Commonwealth Zoning Plan, section 2.5.4 (Use or entry with permission) and the Commonwealth Regulation, section 40 (Buffer Zone—activities).

undertaken in relatively undisturbed areas within the zone.

### **34 Entry or use without permission**

A person may enter or use an area within the scientific research zone without permission for a purpose for which the Commonwealth scientific research zone may be used or entered without permission of, or notification to, the Marine Park Authority.<sup>13</sup>

### **35 Entry or use with permission**

(1) The chief executive may grant a permission to a person for an area within the scientific research zone only for a relevant purpose.

(2) In this section—

*relevant purpose* means a purpose for which the Commonwealth scientific research zone may be used or entered with written permission of the Marine Park Authority.<sup>14</sup>

## **Division 8 Marine national park zone**

### **36 Objectives**

The objectives for the marine national park zone are—

(a) to provide for the protection of the natural integrity and values of the areas of the marine park that are generally free from extractive activities; and

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13 See the Commonwealth Zoning Plan, section 2.6.3 (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).

14 See the Commonwealth Zoning Plan, section 2.6.4 (Use or entry with permission) and the Commonwealth Regulation, section 41 (Scientific Research Zone—activities).



- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for particular activities, including, for example, the presentation of the values of the marine park, to be undertaken in relatively undisturbed areas within the zone.

### **37 Entry or use without permission**

A person may enter or use an area within the marine national park zone without permission for a purpose for which the Commonwealth marine national park zone may be used or entered without permission of, or notification to, the Marine Park Authority.<sup>15</sup>

### **38 Entry or use with permission**

- (1) The chief executive may grant a permission to a person for an area within the marine national park zone only for a relevant purpose.
- (2) In this section—

*relevant purpose* means a purpose for which the Commonwealth marine national park zone may be used or entered with written permission of the Marine Park Authority.<sup>16</sup>

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15 See the Commonwealth Zoning Plan, section 2.7.3 (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).

16 See the Commonwealth Zoning Plan, section 2.7.4 (Use or entry with permission) and the Commonwealth Regulation, section 42 (Marine National Park Zone—activities).

## Division 9                      Preservation zone

### 39      Objective

The objective for the preservation zone is to provide for the protection of the natural integrity and values of the areas of the marine park that are generally undisturbed by human activities.

### 40      Entry or use without permission

- (1) A person may enter or use an area within the preservation zone without permission for a purpose for which the Commonwealth preservation zone may be used or entered without permission of, or notification to, the Marine Park Authority, other than a prescribed navigation purpose.<sup>17</sup>

- (2) In this section—

*prescribed navigation purpose* means to navigate a vessel within the area or to access another area within the marine park.

### 41      Entry or use with permission

- (1) The chief executive may grant a permission to a person for an area within the preservation zone only for a relevant purpose.

- (2) In this section—

*relevant purpose* means each of the following—

- (a) a purpose for which the Commonwealth preservation zone may be used or entered with written permission of the Marine Park Authority;<sup>18</sup>

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<sup>17</sup> See the Commonwealth Zoning Plan, section 2.8.3 (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).

<sup>18</sup> See the Commonwealth Zoning Plan, section 2.8.4 (Use or entry with permission) and the Commonwealth Regulation, section 43 (Preservation Zone—activities).

- (b) to navigate a vessel, other than a ship or a managed vessel or aircraft, within the area or to access another area within the marine park, if any equipment that is normally used for fishing or collecting is stowed or secured when the vessel is in an area within the preservation zone.

## **Part 3                      Designated areas**

### **Division 1                Preliminary**

#### **42        Relationship with pt 4**

This part is subject to part 4.<sup>19</sup>

#### **43        Areas set aside for special management**

The following areas of the marine park are set aside for special management—

- (a) remote natural areas;
- (b) shipping areas;
- (c) the Princess Charlotte Bay special management area;
- (d) species conservation (dugong protection) special management areas;
- (e) restricted access special management areas;
- (f) public appreciation special management areas;
- (g) no dories detached (marine national park zone) special management areas;
- (h) one dory detached (conservation park zone) special management areas;

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<sup>19</sup> Part 4 (Additional purposes for entry or use)

- (i) one dory detached (buffer zone) special management areas;
- (j) fisheries experimental areas;
- (k) seasonal closure areas;
- (l) the Michaelmas Cay restricted access area;
- (m) commercial crab fishery areas.

## **Division 2                    Remote natural areas**

### **44            Remote natural areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 1, is a remote natural area.
- (2) A remote natural area may be the whole or part of 1 or more zones.

### **45            Objectives**

- (1) The objectives for each remote natural area are—
  - (a) to ensure the area remains largely unaltered by works or facilities; and
  - (b) to provide opportunities for quiet appreciation and enjoyment of the area.
- (2) The objectives mentioned in subsection (1) are in addition to the objectives for the zone within which the area or part of the area is located.

### **46            Special management provision**

- (1) Despite part 2, a person may not enter or use, without permission, an area within a remote natural area for—
  - (a) a declared purpose; or
  - (b) an unauthorised purpose.

- (2) However, the chief executive may grant a person a permission to enter or use an area within a remote natural area for a declared purpose.
- (3) Despite part 2, the chief executive must not grant a permission to a person for an area within a remote natural area for an unauthorised purpose.

- (4) In this section—

*declared purpose* means a purpose declared for the Commonwealth Zoning Plan, section 3.4.<sup>20</sup>

*unauthorised purpose* means a purpose for which the Commonwealth remote natural area may not be used or entered.<sup>21</sup>

## **Division 3                      Shipping areas**

### **47            Shipping areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 2, is a shipping area.
- (2) A shipping area may be the whole or part of 1 or more zones.

### **48            Objective**

The objective for each shipping area is to make provision for the navigation of ships within the area.

### **49            Special management provision**

Despite part 2 and division 2, a person may enter or use, without permission, a shipping area for a purpose for which a

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<sup>20</sup> Commonwealth Zoning Plan, section 3.4 (Use or entry with permission).

<sup>21</sup> See Commonwealth Zoning Plan, section 3.3 (Use or entry for certain purposes not authorised) and the Commonwealth Regulation, section 44 (Remote Natural Area—purposes for which the area may not be used or entered).

Commonwealth shipping area may be used or entered without permission.<sup>22</sup>

## **Division 4                    Princess Charlotte Bay special management area**

### **50            Princess Charlotte Bay special management area**

- (1) The area consisting of the areas of the marine park mentioned and described in schedule 8, part 3, is the Princess Charlotte Bay special management area.
- (2) The Princess Charlotte Bay special management area is within the habitat protection zone.

### **51            Objective**

The objective for the Princess Charlotte Bay special management area is to restrict access to, or the use of, the area for the conservation of marine species.

### **52            Special management provision**

- (1) Section 22 does not authorise a person to enter or use, without permission, the Princess Charlotte Bay special management area for netting, other than bait netting.<sup>23</sup>
- (2) However, the chief executive may grant a person a permission to enter or use the Princess Charlotte Bay special management area for netting, other than bait netting, if—
  - (a) the person holds a primary commercial fishing boat licence that authorises netting to be carried out in the prescribed PCB area; and

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22 See the Commonwealth Zoning Plan, section 4.1.3 (Shipping management provision). See also, the Commonwealth Zoning Plan, section 1.5(3) (Interpretation—general) for the conditions or limitations that may be prescribed under the Commonwealth Regulation.

23 Section 22 (Entry or use without permission)

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- (b) netting was carried out, under the licence or a former licence for the licence, in the prescribed PCB area—
    - (i) at any time during the period starting on 1 January 1996 and ending on 31 December 1999; and
    - (ii) at any time in at least 3 years during the period starting on 1 January 1988 and ending on 31 December 1999; and
  - (c) at least 5 tonnes of catch were taken while the netting was carried out, under the licence, in the prescribed PCB area during the period starting on 1 January 1988 and ending on 31 December 1999.
- (3) The chief executive may accept advice from the Marine Park Authority for working out whether the matters mentioned in subsection (2)(b) or (c) have happened.

**53 Application for permission must include particular information**

An application, under the regulation, for a permission for netting, other than bait netting, in an area within the Princess Charlotte Bay special management area must be accompanied by—

- (a) a certificate, or a certified copy of a certificate, issued under the *Fisheries Act 1994*, section 74, stating the applicant is the holder of a primary commercial fishing boat licence that authorises netting to be carried out in the prescribed PCB area; and
- (b) a copy of each relevant return for the applicant, certified to be a true copy by the chief executive (fisheries), showing that the applicant has complied with the conditions stated in section 52(2)(b) and (c).

## **Division 5                    Species conservation (dugong protection) special management areas**

### **54            Species conservation (dugong protection) special management areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 4, is a species conservation (dugong protection) special management area.
- (2) A species conservation (dugong protection) special management area may be the whole or part of 1 or more zones.

### **55            Objective**

The objective for each species conservation (dugong protection) special management area is to restrict the use of the area for the conservation of dugongs.

### **56            Special management provision**

Despite part 2, a person may enter or use an area within a species conservation (dugong protection) special management area for netting, including bait netting, only if—

- (a) the person may use and enter the area for the netting under part 2; and
- (b) the person complies with the applicable provisions of Fisheries Regulation, schedule 2, part 5, when carrying out the netting in the area.<sup>24</sup>

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<sup>24</sup> Fisheries Regulation, schedule 2 (Closed waters—commercial fishing), part 5 (Using nets in dugong protection areas)



## **Division 6                      Restricted access special management areas**

### **57            Restricted access special management areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 5, is a restricted access special management area.
- (2) A restricted access special management area may be the whole or part of 1 or more zones.

### **58            Objective**

The objective for each restricted access area is to restrict access to, or the use of, the area for conservation purposes or for managing activities carried out in the area, including, for example, restrictions for—

- (a) the conservation of wildlife;
- (b) the conservation of cultural or natural resources;
- (c) ensuring public safety;
- (d) providing for restrictions consistent with any other Act.

### **59            Special management provision—general**

- (1) This section is subject to sections 60 and 61.
- (2) A provision of part 2 that authorises a person to enter or use an area of the marine park without permission does not apply to a restricted access special management area.
- (3) However, the chief executive may grant a person a permission to enter or use an area of the marine park within a restricted access special management area for a purpose mentioned in a provision mentioned in subsection (2).
- (4) A permission, other than a permission mentioned in subsection (3), granted by the chief executive to enter or use an area of the marine park that is within a restricted access special management area does not authorise the holder of the

permission to enter the restricted access special management area.

- (5) However, the holder may apply to the chief executive for an additional permission to enter the restricted access special management area.

**60 Special management provision—Australian Institute of Marine Science restricted access special management areas**

- (1) Despite section 59, the Australian Institute of Marine Science, or a person acting for the Institute, may enter or use the Australian Institute of Marine Science restricted access special management area for an activity—

(a) that is associated with the operation of the research facility that—

(i) is operated by the Institute for carrying out its functions under the *Australian Institute of Marine Science Act 1972* (Cwlth);<sup>25</sup> and

(ii) is located adjacent to the area; and

(b) for which the Institute has permission or does not, under part 2, require permission.

- (2) In this section—

*Australian Institute of Marine Science* means the institute continued in existence under the *Australian Institute of Marine Science Act 1972* (Cwlth), section 7.<sup>26</sup>

*Australian Institute of Marine Science restricted access special management area* means the area that is the combined area of the following—

- (a) the area of the marine park within the Commonwealth Australian Institute of Marine Science restricted access special management area;

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<sup>25</sup> See the *Australian Institute of Marine Science Act 1972* (Cwlth), section 9 (Functions of Institute).

<sup>26</sup> *Australian Institute of Marine Science Act 1972* (Cwlth), section 7 (The Institute)

- (b) the area of the marine park worked out by extending the part of the Commonwealth Australian Institute of Marine Science restricted access special management area at the State at low water to the landward boundary of the marine park.

***Commonwealth Australian Institute of Marine Science restricted access special management area*** means the area described in the Commonwealth Zoning Plan, schedule 1, part 5, item 5.08.<sup>27</sup>

**61 Special management provision—One Tree Island Reef restricted access special management areas**

- (1) Despite section 59, the University of Sydney, or a person acting for the University, may enter or use the One Tree Island Reef restricted access special management area for an activity—
- (a) that is associated with the operation of the research facility that—
- (i) is operated by the University for carrying out its object and functions under the *University of Sydney Act 1989* (NSW);<sup>28</sup> and
- (ii) is located at One Tree Island; and
- (b) for which the University has permission or does not, under part 2, require permission.
- (2) In this section—

***One Tree Island Reef restricted access special management area*** means the area that is the combined area of the following—

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<sup>27</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 5 (Scientific Research Zone), item 5.08 ([SR-19-2008] Australian Institute of Marine Science). See also, the Commonwealth Regulation, table 52 (Restricted Access SMAs), part 4 (Areas described by reference to the Zoning Plan).

<sup>28</sup> See the *University of Sydney Act 1989* (NSW), section 6 (Object and functions of University).

- (a) the area of the marine park within the Commonwealth One Tree Island Reef restricted access special management area;
- (b) the area of the marine park worked out by extending the part of the Commonwealth One Tree Island Reef restricted access special management area at the State at low water to the landward boundary of the marine park.

***Commonwealth One Tree Island Reef restricted access special management area*** means the area described in the Commonwealth Zoning Plan, schedule 1, part 5, item 5.10.<sup>29</sup>

***University of Sydney*** means the University of Sydney established under the *University of Sydney Act 1989* (NSW), section 4.<sup>30</sup>

## **Division 7                      Public appreciation special management areas**

### **62            Public appreciation special management areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 6, is a public appreciation special management area.
- (2) A public appreciation special management area may be the whole or part of 1 or more zones.

### **63            Objective**

The objective for each public appreciation special management area is to restrict access to, or the use of, the area to provide opportunities for the appreciation of the areas by the public.

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<sup>29</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 5 (Scientific Research Zone), item 5.10 ([SR-23-2010] One Tree Island Reef (23-055)). See also, the Commonwealth Regulation, table 52 (Restricted Access SMAs), part 4 (Areas described by reference to the Zoning Plan).

<sup>30</sup> *University of Sydney Act 1989* (NSW), section 4 (Establishment of University)

## **64 Special management provision**

- (1) Despite part 2, a person may not enter or use, without permission, an area of a public appreciation special management area for an unauthorised purpose.
- (2) Subsection (1) does not apply to 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.
- (3) Also, despite part 2, the chief executive must not grant a permission to a person for an area of a public appreciation special management area for an unauthorised purpose.
- (4) Subsection (3) does not apply to the grant of 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.
- (5) In this section—

***Commonwealth Fitzroy Island Reef public appreciation special management area*** means the area described in the Commonwealth Regulation, table 57, part 1.<sup>31</sup>

***Commonwealth Whitsundays public appreciation special management area*** means the area described in the Commonwealth Regulation, table 57, part 4.<sup>32</sup>

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31 Commonwealth Regulation, table 57 (Public Appreciation SMAs), part 1 (Fitzroy Island Reef (CP-16-4039) Public Appreciation SMA)

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

***Fitzroy Island Reef 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 Fitzroy Island Reef public appreciation special management area;
- (b) the area of the marine park worked out by extending the part of the Commonwealth Fitzroy Island Reef public appreciation special management area that is at the State at low water to the landward boundary of the marine park.

***unauthorised purpose*** means each of the following—

- (a) limited spearfishing;
- (b) conducting a harvest fishery;
- (c) conducting an aquaculture operation.

***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.

## **Division 8                      No dories detached (marine national park zone) special management areas**

### **65                      No dories detached (marine national park zone) special management areas**

Each area of the marine park within the area mentioned in schedule 8, part 7, is a no dories detached (marine national park zone) special management area.

## **66 Objective**

The objective for each no dories detached (marine national park zone) special management area is to restrict access to, or the use of, the area for the conservation of natural resources.

## **67 Special management provision**

- (1) This section is subject to section 76.<sup>33</sup>
- (2) Despite part 2, a person may bring a dory into a no dories detached (marine national park zone) special management area only if the dory is attached to the relevant primary boat for the dory at all times while the dory is in the area.
- (3) Subsection (2) does not apply for a time when the dory is being used—
  - (a) to save the life of, or to avoid injury to, an individual; or
  - (b) to locate, or to secure the safety of, an aircraft, vessel or structure to prevent or minimise damage to the environment or to the aircraft, vessel or structure; or
  - (c) to move a person from land to the relevant primary boat for the dory, or from the relevant primary boat to land, if—
    - (i) the journey is direct; and
    - (ii) the relevant primary boat remains within 1n mile of the dory and the land; or
  - (d) in the Night Island area if the dory remains within 500m of a fishing industry service vessel for which a permission is in force; or
  - (e) to navigate to an area outside the special management area if—
    - (i) the journey is direct; and

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<sup>33</sup> Section 76 (Special management provision—unnamed reef (21-139) fisheries experimental area)

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- (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 1n mile of land while it is in the special management area.
- (4) In this section—

***Commonwealth Night Island area*** means the area described in the Commonwealth Zoning Plan, schedule 1, part 6, item 6.15.<sup>34</sup>

***Night Island area*** means the area that is the combined area of the following—

- (a) the area of the marine park that is within the Commonwealth Night Island area;
- (b) the area of the marine park that is worked out by extending the part of the Commonwealth Night Island area that is at the State at low water to the landward boundary of the marine park.

## **Division 9                      One dory detached (conservation park zone) special management areas**

### **68            One dory detached (conservation park zone) special management areas**

Each area of the marine park within the area mentioned in schedule 8, part 8, is a one dory detached (conservation park zone) special management area.

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<sup>34</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 6 (Marine National Park Zone), item 6.15 ([MNP-13-1015] Night Island (13-031))



**69 Objective**

The objective for each one dory detached (conservation park zone) special management area is to restrict access to, or the use of, the area for the conservation of natural resources.

**70 Special management provision**

- (1) This section is subject to division 14.<sup>35</sup>
- (2) Despite part 2, a person may use a primary commercial fishing boat in a one dory detached (conservation park zone) special management area only if not more than 1 dory is detached from the boat at any time while the boat is in the area.

**Division 10 One dory detached (buffer zone) special management areas****71 One dory detached (buffer zone) special management areas**

Each area of the marine park within the area mentioned in schedule 8, part 9, is a one dory detached (buffer zone) special management areas.

**72 Objective**

The objective for each one dory detached (buffer zone) special management area is to restrict access to, or the use of, the area for the conservation of natural resources.

**73 Special management provision**

Despite part 2, a person may use a primary commercial fishing boat in a one dory detached (buffer zone) special management area only if not more than 1 dory is detached from the boat at any time while the boat is in the area.

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<sup>35</sup> Division 14 (Commercial crab fishery areas)

## **Division 12                      Seasonal closure areas**

### **79                      Seasonal closure areas**

- (1) An area of the marine park mentioned and described in schedule 8, part 11, is a seasonal closure area.
- (2) A seasonal closure area may be the whole or part of 1 or more zones.
- (3) The boundary of an area described in schedule 8, part 11, by reference to a beach changes as the tide changes.

### **80                      Objective**

The objective for each seasonal closure area is to protect areas of the marine park that are important to particular animals within the marine park from human intrusion during particular periods, not exceeding 6 months, in a year.

### **81                      Special management provision**

- (1) Despite part 2, a person may enter or use a seasonal closure area during the closed period for the area without permission only for the following purposes—
  - (a) to operate aircraft at an altitude of not less than 500ft above the ground or water;
  - (b) to navigate a vessel to an island if—
    - (i) the person is authorised to enter the island under an Act; and
    - (ii) any equipment normally used for fishing or collecting on board the vessel is stowed or secured.
- (2) Also, despite part 2, the chief executive may grant a permission to a person for a seasonal closure area that applies during the closed period only for—
  - (a) scientific research that can not be carried out at a place not within the area; or
  - (b) a purpose that is consistent with the objective for—

- (i) seasonal closure areas; and
  - (ii) the zone within which the area is located.
- (3) In this section—
- closed period*, for a seasonal closure area, means—
- (a) for a seasonal closure area mentioned in schedule 9—the period stated in schedule 9 opposite the area; or
  - (b) for another seasonal closure area—the period stated in a public notice published by the chief executive under the regulation, section 7, as the period during which this section applies for the area.<sup>36</sup>

## **Division 13            Michaelmas Cay restricted access area**

### **82            Michaelmas Cay restricted access area**

- (1) The area of the marine park mentioned and described in schedule 8, part 12, is the Michaelmas Cay restricted access area.
- (2) The Michaelmas Cay restricted access area is within the marine national park zone.

### **83            Objective**

The objective for the Michaelmas Cay restricted access area is to protect particular animals within the area from human intrusion.

### **84            Accessible area for Michaelmas Cay restricted access area**

- (1) The chief executive may identify an accessible area for the Michaelmas Cay restricted access area by placing a rope on the beach adjoining Michaelmas Cay in a way that ensures—

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<sup>36</sup> The regulation, section 7 (Designated areas)

- (a) a part of the rope runs along the beach; and
  - (b) the ends of the rope point seaward.
- (2) The accessible area must be worked out by extending the ends of the rope mentioned in subsection (1) to low water.
- (3) The accessible area is the area formed by the following lines—
- (a) the line made by the part of the rope that runs along the beach;
  - (b) the lines that run along the ends of the rope and extend the ends to low water;
  - (c) the line that runs along low water between the lines mentioned in paragraph (b).

## **85 Special management provision**

- (1) Despite part 2, a person may enter or use only the part of the Michaelmas Cay restricted access area that is within the accessible area for the restricted access area.
- (2) Also, despite part 2, a person may enter or use the accessible area without permission—
- (a) only for a purpose or activity—
    - (i) for which a person may enter or use the marine national park zone without permission; and
    - (ii) that does not involve disturbing a bird in the area; and
  - (b) only between 9.30a.m. and 3p.m. on the same day.

*Examples of activities that involve disturbing birds—*

    flying a kite or using a beach umbrella or horn

- (3) Also, despite part 2, the chief executive may grant a permission to a person for an area within the Michaelmas Cay restricted access area only for scientific research relating to the conservation of the area.

## **Division 14                      Commercial crab fishery areas**

### **86            Commercial crab fishery area**

- (1) Each area of the marine park mentioned and described in schedule 8, part 13, is a commercial crab fishery area.
- (2) A commercial crab fishery may be the whole or part of 1 or more zones.

### **87            Objective**

The objective for each commercial crab fishery area is to allow commercial crab fishing in the area.

### **88            Special management provision**

- (1) Despite part 2, a person may enter or use a commercial crab fishery area without permission for taking crabs, other than spanner crabs, if—
  - (a) the person holds a commercial fisher licence with the fishery symbol ‘C1’ written on it; and
  - (b) the person complies with the applicable provisions of the Fisheries Regulation.<sup>37</sup>
- (2) Also, despite division 9, the person may detach, within the area, more than 1 dory from a primary commercial fishing boat for taking crabs under subsection (2).
- (3) In this section—

*commercial fisher licence* means a commercial fisher licence issued under the Fisheries Regulation.

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<sup>37</sup> See, in particular, the Fisheries Regulation, schedule 11 (Commercial crab fishery)

## Part 4 Additional purposes for entry or use

### 89 Entry or use for undertaking functions under the Act

- (1) An authorised person may enter or use an area within a zone to perform a function or exercise a power under the Act.
- (2) In this section—  
*authorised person* means any of the following persons—
  - (a) the Minister;
  - (b) the chief executive;
  - (c) a public service officer or other employee of the department acting under the chief executive's authority;
  - (d) an inspector.

### 90 Entry or use without permission after notification

- (1) A person may enter or use an area within the marine park for a purpose mentioned in the Commonwealth Zoning Plan, section 5.2, paragraph (a), (b), (c), (d), (e), (f), or (g), if the person—
  - (a) has notified the chief executive that the person intends to enter or use the zone for the purpose; and
  - (b) complies with any directions given by the chief executive in relation to the entering or use.<sup>38</sup>
- (2) To remove doubt, a person using or entering an area within the marine park under subsection (1) is not required to notify the Marine Park Authority of the entering or use.

### 91 Entry or use for non-conforming use with permission

- (1) The chief executive may grant a permission to a person for an area within the marine park mentioned in schedule 10, column

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38 Commonwealth Zoning Plan, section 5.2 (Use or entry without permission after notification)

- 1, for a purpose mentioned, in schedule 10, column 2, opposite the area.
- (2) However, the permission must be subject to the conditions mentioned, in schedule 10, column 3, opposite the area.
- (3) Subsection (2) does not limit the conditions to which the permission may be subject.

## **Part 5                      Provisions about    accreditations**

### **Division 1                      Accreditation of educational or    research institutions**

#### **92                      Accreditation of educational or research institutions**

- (1) The chief executive may, by publishing a notice in the gazette, accredit the following for this plan—
  - (a) an educational institution;
  - (b) a research institution.
- (2) However, the chief executive may accredit an educational or research institution only if the chief executive is satisfied the institution—
  - (a) has adopted appropriate environmental practices and standards, including, for example, providing instructions for, and training, its personnel for the activities the institution intends to carry out in the marine park; and
  - (b) has an ongoing commitment to improve the environmental practices and standards.
- (3) The notice mentioned in subsection (1) must state the educational or research institution is an accredited educational or research institution for this plan.

**93 Cancellation of accreditation of educational or research institutions**

- (1) The chief executive may, by publishing a notice in the gazette, cancel an accreditation of an education or research institution for this plan if the chief executive is satisfied the institution—
  - (a) has stopped holding appropriate environmental practices and standards for the activities it carries out in the marine park; or
  - (b) no longer has an ongoing commitment to improve the environmental practices and standards adopted by the institution for activities it carries out in the marine park.
- (2) The notice must state the educational or research institution is no longer an accredited educational or research institution for this plan.

**Division 2 Accreditation of harvest fishery**

**94 Accreditation of harvest fishery**

- (1) The chief executive may, by publishing a notice in the gazette, accredit a harvest fishery for this plan.
- (2) However, the chief executive may accredit a harvest fishery only if the chief executive is satisfied that the accreditation of the fishery is desirable in the interests of managing the marine park, having regard to—
  - (a) the management arrangements for the fishery under the *Fisheries Act 1994*; and
  - (b) any other relevant matters.
- (3) The notice mentioned in subsection (1) must state the harvest fishery is an accredited harvest fishery for this plan.

**95 Cancellation of accreditation of harvest fishery**

- (1) The chief executive may cancel an accreditation of a harvest fishery if the chief executive is satisfied—



- (a) the management arrangements that apply for the fishery under the *Fisheries Act 1994* no longer provide a sound basis for an ecologically sustainable fishery in an area that is part of, or includes a part of, the marine park; or
  - (b) the compliance arrangements for the fishery are not adequate, or are not being adequately enforced.
- (2) The notice must state the harvest fishery is no longer an accredited harvest fishery for this plan.

## **Division 3                      Accreditation of traditional use of marine resources agreement**

### **Subdivision 1              Preliminary**

#### **96              Chief executive may accredit traditional use of marine resources agreement**

The chief executive may accredit a traditional use of marine resources agreement for this plan.

#### **97              Giving notice under this division**

- (1) This section applies if the chief executive is required to give a notice under this division to—
- (a) the applicant for accreditation of a traditional use of marine resources agreement; or
  - (b) the holder of an accredited traditional use of marine resources agreement.
- (2) The chief executive complies with the requirement if the chief executive gives the notice to the person stated in the application for the accreditation of the agreement as the person to whom correspondence may be sent on behalf of the traditional owner group in whose name the application is made.

## **Subdivision 2      Applications**

### **98      Application for grant of accreditations**

- (1) A person may apply to the chief executive to accredit a traditional use of marine resources agreement.
- (2) The application must—
  - (a) be in writing; and
  - (b) include the following information—
    - (i) the names of all of the members of the traditional owner group in whose name the application is made;
    - (ii) the name and address of a person to whom correspondence may be sent on behalf of the traditional owner group; and
  - (c) be accompanied by—
    - (i) a copy of the agreement; and
    - (ii) written confirmation, by a relevant representative Aboriginal/Torres Strait Islander body, that each member of the traditional owner group in whose name the application is made is a traditional owner for the part of the marine park in relation to which the agreement is to operate.

### **99      Requirements for considering application**

In considering an application for accreditation of a traditional use of marine resources agreement, the chief executive must have regard to the following—

- (a) the terms of the agreement;
- (b) the objectives of the zone or zones within which the proposed traditional use of marine resources is proposed to be undertaken;
- (c) the likely effect of accreditation of the agreement on future options for the marine park;

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- (d) the nature and scale of the proposed traditional use of marine resources;
- (e) the conservation of the natural resources of the marine park, including, in particular—
  - (i) the need for conservation of protected species in the marine park; and
  - (ii) the capability of the relevant population of a protected species to sustain harvesting;
- (f) any other requirements for ensuring the orderly and proper management of the marine park;
- (g) the need to protect the cultural resources held in relation to the marine park by traditional owners and other people;
- (h) the possible effects of the proposed traditional use of marine resources on the environment and the adequacy of safeguards for the environment and the likely effects of that use on adjoining and adjacent areas;
- (i) any existing agreements or arrangements between the chief executive and the traditional owners who prepared the agreement;
- (j) any legislation or government policy that applies to the proposed traditional use of marine resources;
- (k) any other relevant matters, including, for example, any action necessary to avoid, remedy or minimise unacceptable environmental impact.

**100 Additional information for applications**

- (1) The chief executive may, by written notice, ask the applicant to give the chief executive further reasonable information or documents about the application by the reasonable date stated in the notice.
- (2) The chief executive may refuse the application if the applicant does not, without reasonable excuse, give the chief executive the further information or documents by the stated day.

- (3) If the chief executive agrees, the applicant may amend the application before the chief executive has finished considering it.

### **101 Chief executive must grant or refuse application**

- (1) The chief must consider each proper application and either grant or refuse the application.
- (2) For subsection (1), an application is a proper application if—
  - (a) it complies with the requirements for an application under section 98; and
  - (b) any requests for information made in relation to the application under section 100 have been complied with.

### **102 Refusal of application**

If the chief executive decides to refuse the application, the chief executive must, within 14 days after making the decision, give the applicant a written notice stating the decision and the reasons for it.

### **103 Grant of application**

- (1) This section applies if the chief executive grants the application.
- (2) The chief executive must also decide—
  - (a) when the accredited traditional use of marine resources agreement is to come into effect; and
  - (b) when the accredited traditional use of marine resources agreement is to cease to have effect.
- (3) Also, the chief executive must—
  - (a) give the applicant a copy of the accredited traditional use of marine resources agreement and a written notice stating the following—
    - (i) the day the accredited traditional use of marine resources agreement comes into effect;

- (ii) the day the accredited traditional use of marine resources agreement cease to have effect;
  - (iii) any conditions imposed on the accreditation under section 104; and
- (b) publish a notice in the gazette stating the agreement is an accredited traditional use of marine resources agreement for this plan.

**104 Conditions on accreditation of traditional use of marine resources agreements**

- (1) The chief executive may impose the following types of conditions on an accreditation of a traditional use of marine resources agreement—
- (a) conditions allowing the holders of the accreditation to authorise other persons to carry out activities under the agreement and stating the maximum number of persons the holders may authorise;
  - (b) conditions that are appropriate for achieving the purposes of the Act, including, for example, conditions requiring particular persons to give the chief executive a written undertaking for activities carried out under the agreement.
- (2) The accreditation remains in force, unless sooner cancelled or suspended, for the period—
- (a) starting on the day the chief executive has decided as the day when the accredited traditional use of marine resources agreement is to come into effect; and
  - (b) ending on the day the chief executive has decided as the day when the accredited traditional use of marine resources agreement is to cease to have effect.

### **Subdivision 3      Amendment, suspension or    cancellation of accreditations**

#### **105      Amendment of accreditation—grounds**

The chief executive may amend an accreditation of a traditional use of marine resources agreement, including, for example, by adding a further condition to the accreditation if—

- (a) the holder of the accreditation has given written agreement to the amendment; or
- (d) the chief executive believes on reasonable grounds the amendment is necessary or desirable for the conservation of the marine park; or
- (c) the holder of the accreditation has failed to comply with a condition of the accreditation or the agreement.

#### **106      Suspension—grounds**

The chief executive may cancel an accreditation of a traditional use of marine resources agreement if—

- (a) the chief executive believes on reasonable grounds the amendment is necessary or desirable for the conservation of the marine park; or
- (b) the holder of the accreditation has failed to comply with a condition of the accreditation or the agreement; or
- (c) the holder of the accreditation has committed, or is committing, an offence against the Act.

#### **107      Cancellation—grounds**

The chief executive may cancel an accreditation of a traditional use of marine resources agreement if the chief executive believes on reasonable grounds—

- (a) the accreditation was granted in error or because of a materially false or fraudulent document, statement or representation; or

- (b) the holder of the accreditation—
  - (i) has failed to comply with a condition of the accreditation or the agreement; or
  - (ii) has committed, or is committing, an offence against the Act.

### **108 Amendment, suspension or cancellation—procedure**

- (1) Before amending, suspending or cancelling an accreditation of a traditional use of marine resources agreement, the chief executive must give the holder of the accreditation a written notice inviting the holder to show why the accreditation should not be amended, suspended or cancelled (the *proposed action*).
- (2) The notice must state the following—
  - (a) the proposed action;
  - (b) the grounds for the proposed action;
  - (c) the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is suspension of the accreditation, the proposed suspension period;
  - (e) if the proposed action is to amend the accreditation, the proposed amendment;
  - (f) that representations may be made about the notice;
  - (g) how the representations may be made;
  - (h) where the representations may be made or sent;
  - (i) a day and time for making the representations or a period within which the representations must be made.
- (3) The stated day or period must be, or must end, at least 28 days after the notice is given.
- (4) If, after considering all representations made by the stated day or within the stated period, the chief executive still considers the proposed action should be taken, the chief executive may—

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- (a) if the proposed action is to amend the accreditation—amend the accreditation; or
  - (b) if the proposed action is to suspend the accreditation—suspend the accreditation for no longer than the proposed suspension period; or
  - (c) if the proposed action is to cancel the accreditation—cancel the accreditation or suspend it for a period.
- (5) This section does not apply if the accreditation is amended under section 105(a).

**109 Notice and effect of amendment, suspension or cancellation**

- (1) If the chief executive amends, suspends or cancels an accreditation under section 105, notice and particulars of the amendment, suspension or cancellation must be given to the holder of the accreditation.
- (2) The notice must state the decision and the reasons for it.
- (3) If the chief executive amends the accreditation, the amendment takes effect from the day, not earlier than 28 days after the holder receives the notice, stated in the notice.
- (4) If the chief executive suspends the accreditation, it is ineffective during the period of suspension.
- (5) The suspension—
  - (a) may be for the period the chief executive decides; and
  - (b) has effect from—
    - (i) the day the notice is given; or
    - (ii) if a later day is stated in the notice—the stated day.
- (6) If the chief executive cancels the accreditation, it ceases to have effect from—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the stated day.



## 110 Termination of agreement by holders

- (1) The holder of an accredited traditional use of marine resources agreement may terminate the agreement at any time by giving written notice to the chief executive.
- (2) The agreement ceases to have effect on—
  - (a) the day the chief executive receives the notice; or
  - (b) if the notice states a later day, not later than the day the accreditation of the agreement ceases to have effect—the later day stated in the notice.
- (3) The accreditation of the agreement ceases to have effect on the day the agreement ceases to have effect.

## Division 4 Authorisations under accredited traditional use of marine resources agreements

### 111 Requirements about giving authorisations under TUMRAs

- (1) This section applies if an accreditation of a traditional use of marine resources agreement includes a condition stating that the holder of the accreditation may authorise another person to carry out an activity that may be lawfully carried out in relation to the agreement for a stated period.
- (2) The holder of the accreditation must keep a record of the relevant matters for any authorisation given under the agreement.
- (3) In this section—

*relevant matters*, for an authorisation, means the following—

  - (a) the name of the person to whom the authorisation is given;
  - (b) the date on which the authorisation was given;
  - (c) the nature of the activity the person is authorised to carry out under the authorisation.

## **112 Effect of authorisations given under TUMRAs**

- (1) A person to whom an authorisation is given under an accredited traditional use of marine resources agreement may carry out an activity that is stated in the record kept by the holder of the accreditation under section 111(2).
- (2) For subsection (1)—
  - (a) the person to whom the authorisation is given is taken to be a traditional owner; and
  - (b) the conditions imposed on the accreditation of the agreement, and the conditions stated in the agreement, apply to the person.
- (3) To remove any doubt, it is declared that a person who gives an authorisation under an accredited traditional use of marine resources agreement may still carry out, in relation to the agreement, any activity for which the person has given an authorisation under the agreement.

## **Part 6 Requirements for particular applications for permissions**

### **113 Matters chief executive must consider for applications relating to traditional use of marine resources**

- (1) This section applies to an application for a permission, under the regulation, part 3, for an area within the marine park for the traditional use of marine resources involving the taking of animals, plants or marine products.
- (2) Without limiting the matters the chief executive must, under the regulation, part 3, have regard to in considering the application, the chief executive must have regard to the following—
  - (a) the need for the conservation of protected species in the zone or marine park and, in particular, the capability of the relevant population of that species in the zone or marine park to sustain harvesting;

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- (b) the means to be employed in the proposed taking;
- (c) the number of animals or plants, or the amount of marine product, proposed to be taken;
- (d) the purpose of the proposed taking;
- (e) whether the entry and use of the area in which the activity is to take place will be in accordance with Aboriginal tradition or Island custom;
- (f) whether the applicant is a traditional owner.

## Schedule 1      Zones

section 16

### 1      **General use zone**

The general use zone consists of the areas of the marine park that are not part of a zone mentioned in sections 2 to 8 of this schedule.

### 2      **Habitat protection zone**

- (1) The habitat protection zone consists of the following areas—
  - (a) the areas within the marine park that are within a Commonwealth habitat protection zone area;
  - (b) the areas within the marine park that are worked out by extending each Commonwealth habitat protection zone area that is at the State at low water to the landward boundary of the marine park;
  - (c) each internal habitat protection zone area.
- (2) However, the habitat protection zone does not include the following areas—
  - (a) an area mentioned and described in schedule 2, section 4, 9, 14, or 19;<sup>39</sup>
  - (b) an area mentioned and described in schedule 4, section 11, 12, 13 or 14;<sup>40</sup>

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39 Schedule 2 (Internal general use zone areas), section 4 (QI GU-24-04 Pancake Creek (Middle Island)), 9 (QI GU-22-12 Island Bluff (Broad Sound)), 14 (QI GU-20-04 Dempster Creek) or 19 (QI GU-19-04 Bowling Green Bay (southern side))

40 Schedule 4 (Estuarine conservation zone areas), section 11 (QI EC-16-10 Mossman River), 12 (QI EC-16-11 Saltwater Creek), 13 (QI EC-15-08 Walker Bay (south of Annan River) or 14 (QI EC-15-09 Annan River)

### Schedule 1 (continued)

(c) an area mentioned and described in schedule 6, section 1.<sup>41</sup>

(3) In this section—

***Commonwealth habitat protection zone area*** means an area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 2.<sup>42</sup>

***internal habitat protection zone area*** means an area mentioned and described in schedule 3.

### **3 Estuarine conservation zone**

The estuarine conservation zone consists of the estuarine conservation zone areas mentioned and described in schedule 4.<sup>43</sup>

### **4 Conservation park zone**

(1) The conservation park zone consists of the following areas—

- (a) the areas of the marine park that are within a Commonwealth conservation park zone area;
- (b) the areas of the marine park that are worked out by extending each Commonwealth conservation park area that is at the State at low water to the landward boundary of the marine park;
- (c) each internal conservation park zone area.

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41 Schedule 6 (Internal marine national park zone areas), section 1 (QI MNP-17-02 North Maria Creek)

42 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 2 (Habitat Protection Zone)

43 Schedule 4 (Estuarine conservation zone areas)

### Schedule 1 (continued)

- (2) However, the conservation park zone does not include the following areas—
- (a) an area mentioned and described in schedule 2, section 1, 2, 3, 5, 6, 7, 12, 13, 17, 20, 20A, 20B, 20C, 21, 21A, 22 or 23;<sup>44</sup>
  - (b) an area mentioned and described in schedule 3, section 3(a), (b) or (c), 6, 7, 8, 9, 10, 12, 14 or 17;<sup>45</sup>
  - (c) an area mentioned and described in schedule 4, section 3, 9, 10 or 15.<sup>46</sup>
- (3) In this section—

***Commonwealth conservation park zone area*** means an area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 3.<sup>47</sup>

***internal conservation park zone area*** means an area mentioned and described in schedule 5.<sup>48</sup>

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44 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))

45 Schedule 3 (Internal habitat protection zone areas), section 3 (QI HP-22-04 Townshend Island), 6 (QI HP-20-04 Plantation Creek), 7 (QI HP-20-05 Port Newry to Rabbit Island), 8 (QI HP-20-06 Rabbit Island), 9 (QI HP-20-14 Gulnare Inlet (Whitsunday Island)), 10 (QI HP-19-01 Nobbies Inlet (Cape Upstart)), 12 (QI HP-18-02 Missionary Bay (Hinchinbrook Island)), 14 (QI HP-15-14 West of Cape Bedford) or 17 (QI HP-14-06 Starcke River)

46 Schedule 4 (Estuarine conservation zone areas), section 3 (QI EC-17-08 Mutchero Inlet, Russell River and Mulgrave River), 9 (QI EC-16-08 Mowbray River), 10 (QI EC-16-09 Dickson Inlet and Packer's Creek) or 15 (QI EC-15-11 Endeavour River)

47 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—description of zones and areas), part 3 (Conservation Park Zone)

48 Schedule 5 (Internal conservation park zone areas)

## Schedule 1 (continued)

### 5 Buffer zone

- (1) The buffer zone consists of the following areas—
  - (a) the areas of the marine park that are within a Commonwealth buffer zone area;
  - (b) the areas within the marine park that are worked out by extending each Commonwealth buffer zone area that is at the State at low water to the landward boundary of the marine park.

- (2) In this section—

*Commonwealth buffer zone area* means an area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 4.<sup>49</sup>

### 6 Scientific research zone

- (1) The scientific research zone consists of the following areas—
  - (a) the areas of the marine park that are within a Commonwealth scientific research zone area;
  - (b) the areas within the marine park that are worked out by extending each Commonwealth scientific research zone area that is at the State at low water to the landward boundary of the marine park.

- (2) In this section—

*Commonwealth scientific research zone area* means an area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 5.<sup>50</sup>

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<sup>49</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—description of zones and areas), part 4 (Buffer Zone)

<sup>50</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—description of zones and areas), part 5 (Scientific Research Zone)

### Schedule 1 (continued)

#### 7 Marine national park zone

- (1) The marine national park zone consists of the following areas—
  - (a) the areas of the marine that are within a Commonwealth marine national park zone area;
  - (b) the areas within the marine park that are worked out by extending each Commonwealth marine national park zone area that is at the State at low water to the landward boundary of the marine park;
  - (c) each internal marine national park zone area.
- (2) However, the marine national park zone does not include the following areas—
  - (a) an area mentioned and described in schedule 2, section 8, 10, 11, 15, 16 or 18;<sup>51</sup>
  - (b) an area mentioned and described in schedule 3, section 3(d), 4, 13, 16 or 18;<sup>52</sup>
  - (c) an area mentioned and described in schedule 5, section 1, 2 or 3.<sup>53</sup>
- (3) In this section—

***Commonwealth marine national park zone area*** means an area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 6.<sup>54</sup>

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51 Schedule 2 (Internal general use zone areas), section 8 (QI GU-22-09 Shoalwater Bay), 10 (QI GU-22-13 Herbert Creek and Charon Point (Broad Sound)), 11 (QI GU-22-14 Styx River), 15 (QI GU-20-05 Genesta Bay), 16 (QI GU-20-15 Earlando) or 18 (QI GU-19-03 Bowling Green Bay (south-eastern side))

52 Schedule 3 (Internal habitat protection zone areas), section 3 (QI HP-22-04 Townshend Island), 4 (QI HP-22-08 Shoalwater Bay (eastern side)), 13 (QI HP-15-03 Fritz Creek (south of Rattlesnake Point)), 16 (QI HP-14-05 East of Starcke River) or 18 (QI HP-14-07 West of Starcke River)

53 Schedule 5 (Internal conservation park zone areas), section 1 (QI CP-22-10 Sabina Point (Shoalwater Bay)), 2 (QI CP-22-11 MacDonald Point) or 3 (QI CP-21-01 Bamborough Island (Duke Islands))

54 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 6 (Marine National Park Zone)



Schedule 1 (continued)

*internal marine national park zone area* means an area mentioned and described in schedule 6.<sup>55</sup>

**8 Preservation zone**

- (1) The preservation zone consists of the following areas—
- (a) the areas of the marine park that are within a Commonwealth preservation zone area;
  - (b) the areas within the marine park that are worked out by extending each Commonwealth preservation zone area that is at the State at low water to the landward boundary of the marine park.

- (2) In this section—

*Commonwealth preservation zone area* means an area mentioned in the Commonwealth Zoning Plan, schedule 1, part 7.<sup>56</sup>

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<sup>55</sup> Schedule 6 (Internal marine park national park zone areas)

<sup>56</sup> Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 7 (Preservation Zone)

## Schedule 2 Internal general use zone areas

schedule 1, sections 2(2)(a), 4(2)(a) and 7(2)(a)

### 1 **QI GU-24-01 Round Hill Creek**

The part of Round Hill Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 24°09.600' south, longitude 151°52.950' east;
- (b) latitude 24°10.338' east, longitude 151°52.068' east.<sup>57</sup>

### 2 **QI GU-24-02 Eurimbula Creek**

The part of Eurimbula Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 24°10.362' south, longitude 151°50.676' east;
- (b) latitude 24°10.314' south, longitude 151°50.442' east.<sup>58</sup>

### 3 **QI GU-24-03 Middle Creek and Jennie Lind Creek (Middle Island)**

The following areas within the marine park—

- (a) the part of Middle Creek that is upstream of the line worked out by reference to the following points—
  - (i) latitude 24°07.308' south, longitude 151°47.124' east;

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57 The line worked out by reference to latitude 24°09.600' south, longitude 151°52.950' east and latitude 24°10.338' east, longitude 151°52.068' east crosses the mouth of Round Hill Creek at high water.

58 The line worked out by reference to latitude 24°10.362' south, longitude 151°50.676' east and latitude 24°10.314' south, longitude 151°50.442' east crosses the mouth of Eurimbula Creek at high water.

**Schedule 2 (continued)**

- (ii) latitude 24°07.152' south, longitude 151°47.130' east;<sup>59</sup>
- (b) the part of Jennie Lind Creek that is upstream of the line worked out by reference to the following points—
  - (i) latitude 24°02.118' south, longitude 151°45.780' east;
  - (ii) latitude 24°02.004' south, longitude 151°45.850' east.<sup>60</sup>

**4 QI GU-24-04 Pancake Creek (Middle Island)**

The part of Pancake Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 24°01.278' south, longitude 151°44.628' east
- (b) latitude 24°01.368' south, longitude 151°43.836' east.<sup>61</sup>

**5 QI GU-23-02 Curtis Island**

The part of the marine park that is within the following boundary—

- 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;

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59 The line worked out by reference to latitude 24°07.308' south, longitude 151°47.124' east and latitude 24°07.152' south, longitude 151°47.130' east crosses the mouth of Middle Creek at high water.

60 The line worked out by reference to latitude 24°02.118' south, longitude 151°45.780' east and latitude 24°02.004' south, longitude 151°45.850' east crosses the mouth of Jennie Lind Creek at high water.

61 The line worked out by reference to latitude 24°01.278' south, longitude 151°44.628' east and latitude 24°01.368' south, longitude 151°43.836' east crosses the mouth of Pancake Creek at high water.

Schedule 2 (continued)

- (b) latitude 23°30.636' south, longitude 151°11.898' east<sup>62</sup>
- 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
- then westerly along the relevant mangrove line to the most southern point of the line worked out by reference to the following points—
  - (a) latitude 23°28.722' south, longitude 151°05.166' east;
  - (b) latitude 23°28.338' south, longitude 151°04.878' east<sup>63</sup>
- then north-westerly along the line worked out by reference to the following points—
  - (a) latitude 23°28.722' south, longitude 151°05.166' east;
  - (b) latitude 23°28.338' south, longitude 151°04.878' east;
 to the most northern point of the line
- then southerly and easterly along Curtis Island at H.A.T. to where it intersects latitude 23°31.050' south.

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62 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.

63 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.

### Schedule 2 (continued)

#### **6 QI GU-22-02 Corio Bay**

The part of Corio Bay that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 22°57.504' south, longitude 150°46.488' east
- (b) latitude 22°56.622' south, longitude 150°47.460' east.<sup>64</sup>

#### **7 QI GU-22-03 Island Head Creek**

The part of Island Head Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 22°21.090' south, longitude 150°39.582' east;
- (b) latitude 22°20.778' south, longitude 150°38.760' east.<sup>65</sup>

#### **8 QI GU-22-09 Shoalwater Bay**

The following areas—

- (a) the part of the marine park that is within the following boundary—
  - from where the mainland at high water intersects longitude 150°15.366' east
  - then north-westerly along the relevant mangrove line to where the mainland at high water intersects longitude 150°13.133' east<sup>66</sup>
  - then easterly along the mainland at high water to where it intersects longitude 150°15.366' east;

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64 The line worked out by reference to latitude 22°57.504' south, longitude 150°46.488' east and latitude 22°56.622' south, longitude 150°47.460' east crosses the entrance to Corio Bay at high water.

65 The line worked out by reference to latitude 22°21.090' south, longitude 150°39.582' east and latitude 22°20.778' south, longitude 150°38.760' east crosses the mouth of Island Head Creek.

66 The mainland at high water intersects longitude 150°13.133' east just west of the mouths of Pine Mountain Creek, Charcoal Creek and Ross Creek.

### Schedule 2 (continued)

- (b) the part of the marine park that is within the following boundary—
- from where the mainland at high water intersects longitude 150°11.742' east
  - then westerly along the relevant mangrove line to where the mainland at high water intersects latitude 22°21.450' south<sup>67</sup>
  - then easterly along the mainland at high water to where it intersects longitude 150°11.742' east.

## 9 **QI GU-22-12 Island Bluff (Broad Sound)**

The part of the marine park within the following boundary—

- from where the mainland at high water intersects latitude 22°17.142' south<sup>68</sup>
- then westerly along a geodesic to where latitude 22°16.992' south intersects the unnamed island near latitude 22°16.992' south, longitude 149°55.872' east at high water
- then westerly along the southern side of the unnamed island near latitude 22°16.992' south, longitude 149°55.872' east at high water to where it intersects latitude 22°16.926' south
- then westerly along a geodesic to where latitude 22°16.896' south intersects the outer boundary of the mangrove forest that adjoins the eastern side of Broad Sound

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<sup>67</sup> The mainland at high water intersects latitude 22°21.450' south just south of the southern boundary of Shoalwater Bay Conservation Park.

The Shoalwater Bay Conservation Park is shown as lot 501 on plan NPW699. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 3 (Conservation parks).

<sup>68</sup> The mainland at high water intersects latitude 22°17.142' south on the western side of Torilla Peninsula.

**Schedule 2 (continued)**

- then southerly along the relevant mangrove line to latitude 22°19.392' south, longitude 149°55.008' east<sup>69</sup>
- then southerly along a geodesic across the mouth of the unnamed inlet on the eastern side of Broad Sound to latitude 22°20.496' south, longitude 149°54.876' east
- then southerly along the relevant mangrove line to latitude 22°20.658' south, longitude 149°54.805' east
- then south-easterly along the line that extends the geodesic that passes through the following points—
  - (a) latitude 22°14.589' south, longitude 149°51.440' east
  - (b) latitude 22°20.658' south, longitude 149°54.805' east;

to where the line intersects the mainland at high water
- then generally northerly along the mainland at high water to where it intersects latitude 22°17.142' south.

**10    QI GU-22-13 Herbert Creek and Charon Point (Broad Sound)**

The parts of Herbert Creek and Charon Point that are within the marine park and upstream of the following line—

- from where the mainland at high water intersects the line that extends the geodesic that passes through the following points—
  - (a) latitude 22°14.589' south, longitude 149°51.440' east;
  - (b) latitude 22°20.658' south, longitude 149°54.805' east
- then north-westerly along the line that extends the geodesic that passes through the following points—

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<sup>69</sup> Latitude 22°19.392' south, longitude 149°55.008' east is on the northern side of the mouth of the unnamed inlet at Island Bluff.

Schedule 2 (continued)

- (a) latitude 22°14.589' south, longitude 149°51.440' east;
  - (b) latitude 22°20.658' south, longitude 149°54.805' east;
- to latitude 22°20.658' south, longitude 149°54.805' east<sup>70</sup>
- then south-westerly along the geodesic that passes through the following points—
    - (a) latitude 22°20.658' south, longitude 149°54.805' east
    - (b) latitude 22°22.896' south, longitude 149°48.546' east

to where the geodesic intersects the coastal 500m high water line around the mainland at Charon Point
  - then westerly along the coastal 500m high water line around the mainland at Charon Point to where it intersects the geodesic that passes through the following points—
    - (a) the most northern point of Charon Point at high water;<sup>71</sup>
    - (b) latitude 22°22.333' south, longitude 149°46.066' east<sup>72</sup>
  - then south-easterly along that geodesic to the most northern point of Charon Point at high water.

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70 Latitude 22°20.658' south, longitude 149°54.805' east is on the outer boundary of the mangrove forest that adjoins the eastern side of Broad Sound near the mouth of Herbert Creek.

71 The most northern point of Charon Point at high water is at approximately latitude 22°22.916' south, longitude 149°48.433' east.

72 Latitude 22°22.333' south, longitude 149°46.066' east is approximately the most eastern point of Rosewood Island.



Schedule 2 (continued)

**11 QI GU-22-14 Styx River**

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

- from the most northern point of Charon Point at H.A.T.<sup>73</sup>
- then north-westerly along a geodesic to the most eastern point of Rosewood Island at H.A.T.
- then westerly along the relevant mangrove line to the most north-western point of Rosewood Island at H.A.T.<sup>74</sup>

**12 QI GU-22-15 Sand Fly Creek to Apple Tree Creek**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects latitude 22°04.560' south
- then northerly along the relevant mangrove line to where the mainland at high water intersects latitude 22°03.858' south
- then southerly along the mainland at high water to where it intersects latitude 22°04.560' south.

**13 QI GU-21-02 Reliance Creek**

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

- from where the mainland at high water intersects longitude 149°08.526' east

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73 The most northern point of Charon Point at H.A.T. is approximately latitude 22°22.916' south, longitude 149°48.433' east,

74 The most north-western point of Rosewood Island at H.A.T. is approximately at latitude 22°21.363' south, longitude 149°42.786' east.

### Schedule 2 (continued)

- then westerly along the relevant mangrove line to latitude 21°00.084' south, longitude 149°07.716' east
- then westerly along a geodesic to latitude 21°00.132' south, longitude 149°07.206' east
- then westerly along the relevant mangrove line to where the mainland at high water intersects longitude 149°07.032' east.

#### **14      QI GU-20-04 Dempster Creek**

The part of Dempster Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 20°40.296' south, longitude 148°42.378' east;
- (b) latitude 20°40.524' south, longitude 148°42.672' east.<sup>75</sup>

#### **15      QI GU-20-05 Genesta Bay**

The part of the unnamed inlet at Genesta Bay that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 20°29.250' east, longitude 148°53.016' east
- (b) latitude 20°29.216' south, longitude 148°53.016' east.<sup>76</sup>

#### **16      QI GU-20-15 Earlando**

The following areas—

- (a) the part of the marine park that is within the following boundary—

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75 The line worked out by reference to latitude 20°40.296' south, longitude 148°42.378' east and latitude 20°40.524' south, longitude 148°42.672' east crosses the mouth of Dempster Creek.

76 The line worked out by reference to latitude 20°29.250' east, longitude 148°53.016' east and latitude 20°29.216' south, longitude 148°53.016' east crosses the mouth of the unnamed inlet at Genesta Bay.

### Schedule 2 (continued)

- from where the mainland at high water intersects latitude 20°09.882' south<sup>77</sup>
  - then north-westerly along a geodesic to where the mainland at high water intersects latitude 20°09.264' south<sup>78</sup>
  - then south-westerly and easterly along the mainland at high water to where it intersects latitude 20°09.882' south;
- (b) the part of the marine park that is within the following boundary—
- from where the mainland at high water intersects latitude 20°09.240' south<sup>79</sup>
  - then northerly along a geodesic to where the mainland at high water intersects latitude 20°08.520' south<sup>80</sup>
  - then south-westerly and easterly along the mainland at high water to where it intersects latitude 20°09.240' south.

## 17 **QI GU-19-02 Cape Bowling Green**

The part of the marine park that is within the following boundary—

- from the most western point of Cape Bowling Green at high water

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77 The mainland at high water intersects latitude 20°09.882' south on the southern side of the southern bay at Earlando.

78 The mainland at high water intersects latitude 20°09.264' south on the northern side of the southern bay at Earlando.

79 The mainland at high water intersects latitude 20°09.240' south on the southern side of the northern bay at Earlando.

80 The mainland at high water intersects latitude 20°08.520' south on the northern side of the northern bay at Earlando.

### Schedule 2 (continued)

- then southerly along the mangrove line for the mangrove forest that adjoins the western side of Cape Bowling Green to where the outer boundary of the forest intersects latitude 19°22.611' south
- then east along latitude 19°22.611' south to where it intersects the western boundary of Bowling Green Bay National Park<sup>81</sup>
- then northerly along the western boundary of Bowling Green Bay National Park to where it meets the northern boundary of the national park
- then east along the northern boundary of Bowling Green Bay National Park to where it meets the mainland at high water
- then northerly along the mainland at high water to the most western point of Cape Bowling Green at high water.

#### **18 QI GU-19-03 Bowling Green Bay (south-eastern side)**

The part of the marine park that is within the following boundary—

- from where latitude 19°22.611' south intersects the western boundary of Bowling Green Bay National Park
- then west along latitude 19°22.611' south to where it intersects the outer boundary of the mangrove forest that adjoins the south-eastern side of Bowling Green Bay
- then southerly and westerly along the mangrove line for the mangrove forest that adjoins the south-eastern side of Bowling Green Bay to where the outer boundary of that forest intersects longitude 147°23.581' east

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81 Bowling Green Bay National Park is shown as lot 32 on plan NPW653. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National parks).

### Schedule 2 (continued)

- then south along longitude 147°23.581' east to where it interests the northern boundary of Bowling Green Bay National Park
- then easterly and northerly along the boundary of Bowling Green Bay National Park to where the western boundary of the national park intersects latitude 19°22.611' south.

#### **19 QI GU-19-04 Bowling Green Bay (southern side)**

The part of the marine park that is within the following boundary—

- from where longitude 147°23.581' east intersects the northern boundary of Bowling Green Bay National Park
- then north along longitude 147°23.581' 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 Bay to where the outer boundary of that forest intersects longitude 147°15.684' east
- then south along longitude 147°15.684' east to where it interests the northern boundary of Bowling Green Bay National Park
- then easterly along the northern boundary of Bowling Green Bay National Park to where it intersects longitude 147°23.581' east.

#### **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

### Schedule 2 (continued)

- 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 Bay to where the outer boundary of the forest intersects longitude 147°15.608' east<sup>82</sup>
- 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 Bay<sup>83</sup>
- 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 Bay<sup>84</sup>
- then westerly along a geodesic to where longitude 147°14.811' east intersects the outer boundary for the

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82 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.

83 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.

84 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.

Schedule 2 (continued)

mangrove forest that adjoins the southern side of Bowling Green Bay<sup>85</sup>

- 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' east<sup>86</sup>
- 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' south<sup>87</sup>

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85 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.

86 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.

87 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.

### Schedule 2 (continued)

- then westerly along a geodesic to where longitude 147°09.705' east intersects the outer boundary of the mangrove forest that adjoins the southern side of Bowling Green Bay<sup>88</sup>
- 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' east<sup>89</sup>
- 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 Bay<sup>90</sup>

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88    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.

89    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.

90    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.



### Schedule 2 (continued)

- then south-westerly along a geodesic to where latitude 19°17.028' south intersects the outer boundary of the mangrove forest that adjoins the south-eastern side of Cleveland Bay.<sup>91</sup>

#### **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 Bay<sup>92</sup>
- 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.<sup>93</sup>

#### **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 Bay<sup>94</sup>

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91 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.

92 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.

93 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.

94 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.

### Schedule 2 (continued)

- then south-westerly along a geodesic to where latitude 19°18.055' south intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay.<sup>95</sup>

#### **21    QI GU-19-08 Magnetic Island (western side)**

The part of the marine park that is within the following boundary—

- from where Magnetic Island at H.A.T. intersects latitude 19°10.356' south
- then north-westerly along the relevant mangrove line to where Magnetic Island at H.A.T. intersects latitude 19°08.226' south
- then south-easterly along Magnetic Island at H.A.T. to where it intersects latitude 19°10.356' south.

#### **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 River<sup>96</sup>
- then westerly along a geodesic to where longitude 146°41.892' east intersects the outer boundary of the

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95    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.

96    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.

### Schedule 2 (continued)

mangrove forest that adjoins the western side of the mouth of the Bohle River.<sup>97</sup>

#### **22    QI GU-15-10 Endeavour River (mouth)**

The part of the marine park that is within the following boundary—

- from the most southern point of the mainland at Point Saunders at H.A.T.
- then easterly along a geodesic to where latitude 15°27.719' south intersects the coastal 100m line around the mainland
- then northerly along the coastal 100m line around the mainland to where it intersects latitude 15°27.570' south
- then westerly along a geodesic to where latitude 15°27.594' south intersects the mainland at H.A.T.<sup>98</sup>
- then southerly along the mainland at H.A.T. to its most southern point at Point Saunders.

#### **23    QI GU-15-13 Endeavour River (northern anabranch)**

The part of the Endeavour River that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 15°27.456' south, longitude 145°14.160' east;
- (b) latitude 15°27.630' south, longitude 145°14.352' east.<sup>99</sup>

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97    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.

98    Latitude 15°27.594' south intersects the mainland at H.A.T. just north of Point Saunders.

99    The line worked out by reference to latitude 15°27.456' south, longitude 145°14.160' east and latitude 15°27.630' south, longitude 145°14.352' east crosses the mouth of the northern anabranch of the Endeavour River.

## **Schedule 3      Internal habitat protection zone areas**

section 22(3), definition *The Narrows*, and schedule 1, sections  
2(1)(c), 4(2)(b) and 7(2)(b)

### **1      QI HP-24-06 Rodds Harbour**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects latitude 24°00.528' south<sup>100</sup>
- then south-westerly along a geodesic to latitude 24°00.636' south, longitude 151°35.910' east
- then south-easterly along a geodesic to the most western point of the coastal 500m line around Bird Island
- then south-easterly along a geodesic to the most western point where the coastal 500m line around the mainland intersects latitude 24°04.398' south
- then east along latitude 24°04.398' south to the most western point where it intersects the mainland at high water<sup>101</sup>
- then easterly, northerly and westerly along the mainland at high water to where it intersects latitude 24°00.528' south.

### **2      QI HP-22-01 The Narrows**

The part of The Narrows that is within the marine park and between the following lines—

- (a) the following line—

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100 The mainland at high water intersects latitude 24°00.528' south near Spit End.

101 The most western point where latitude 24°04.398' south intersects the mainland at high water is at Rodds Peninsula and is at approximately latitude 24°04.398' south, longitude 151°40.332' east.

### Schedule 3 (continued)

- from where Curtis Island at H.A.T. intersects latitude 22°33.700' south<sup>102</sup>
- then west along latitude 22°33.700' south to where it intersects the mainland at high water;
- (b) the following line—
  - from where Kangaroo Island at high water intersects latitude 23°45.000' south<sup>103</sup>
  - then east along latitude 23°45.000' south to where it intersects Curtis Island at high water.

### 3 **QI HP-22-04 Townshend Island**

The following areas—

- (a) the part of the marine park that is within the following boundary—
  - from where Townshend Island at high water intersects longitude 150°33.060' east<sup>104</sup>
  - then north-westerly along the relevant mangrove line to where Townshend Island at high water intersects latitude 22°17.796' south<sup>105</sup>
  - then southerly along Townshend Island at high water to where it intersects longitude 150°33.060' east;
- (b) the part of the marine park that is within the following boundary—

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102 Curtis Island at H.A.T. intersects latitude 22°33.700' south on the western side of the island, at the northern end of The Narrows.

103 Kangaroo Island at high water intersects latitude 23°45.000' south at Friend Point.

104 Townshend Island at high water intersects longitude 150°33.060' east at approximately latitude 22°18.090' south.

105 Townshend Island at high water intersects latitude 22°17.796' south at approximately longitude 150°32.832' east.

### Schedule 3 (continued)

- from where Townshend Island at high water intersects latitude 22°19.026' south<sup>106</sup>
  - then southerly along the relevant mangrove line to where Townshend Island at high water intersects latitude 22°19.236' south<sup>107</sup>
  - then northerly along Townshend Island at high water to where it intersects latitude 22°19.026' south;
- (c) the part of the marine park that is within the following boundary—
- from where Townshend Island at high water intersects latitude 22°19.494' south<sup>108</sup>
  - then southerly along the relevant mangrove line to where Townshend Island at high water intersects latitude 22°19.962' south<sup>109</sup>
  - then northerly along Townshend Island at high water to where it intersects latitude 22°19.494' south;
- (d) the part of the marine park that is within the following boundary—
- from where Townshend Island at high water intersects latitude 22°20.370' south<sup>110</sup>
  - then northerly along the mangrove line for the mangrove forest that adjoins the western side of

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106 Townshend Island at high water intersects latitude 22°19.026' south at approximately longitude 150°31.560' east.

107 Townshend Island at high water intersects latitude 22°19.236' south at approximately longitude 150°31.650' east.

108 Townshend Island at high water intersects latitude 22°19.494' south at approximately longitude 150°30.984' east.

109 Townshend Island at high water intersects latitude 22°19.962' south at approximately longitude 150°31.218' east.

110 Townshend Island at high water intersects latitude 22°20.370' south at approximately longitude 150°28.626' east.

### Schedule 3 (continued)

Townshend Island to where the outer boundary of the forest intersects latitude 22°19.740' south

- then east along latitude 22°19.740' south to where it intersects Townshend Island at high water
- then southerly along Townshend Island at high water to where it intersects latitude 22°20.370' south.

#### 4 **QI HP-22-08 Shoalwater Bay (eastern side)**

The following areas—

- (a) the part of Shoalwater Bay that is within the marine park and landward of the following line—
- from latitude 22°24.330' south, longitude 150°32.268' east
  - then southerly along the relevant mangrove line to the most eastern point of the line worked out by reference to the following points—
    - (i) latitude 22°28.884' south, longitude 150°33.300' east;
    - (ii) latitude 22°31.278' south, longitude 150°29.190' east<sup>111</sup>
  - then south-westerly along the line worked out by reference to the following points—
    - (i) latitude 22°28.884' south, longitude 150°33.300' east;
    - (ii) latitude 22°31.278' south, longitude 150°29.190' east;

to the most western point of the line

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111 The line worked out by reference to latitude 22°28.884' south, longitude 150°33.300' east and latitude 22°31.278' south, longitude 150°29.190' east crosses the mouth of Head Creek at high water.

### Schedule 3 (continued)

- then westerly along a geodesic to the most eastern point of the line worked out by reference to the following points—
    - (i) latitude 22°31.278' south, longitude 150°29.190' east;
    - (ii) latitude 22°31.602' south, longitude 150°28.350' east<sup>112</sup>
  - then westerly along the line worked out by the reference to the following points—
    - (i) latitude 22°31.278' south, longitude 150°29.190' east;
    - (ii) latitude 22°31.602' south, longitude 150°28.350' east;

to the most western point of the line
  - then northerly along the relevant mangrove line to where the mainland at high water intersects longitude 150°23.406' east;
- (b) the part of the marine park that is within the following boundary—
- from where the mainland at high water intersects longitude 150°22.230' east
  - then westerly along the relevant mangrove line to where the mainland at high water intersects longitude 150°21.852' east
  - then easterly along the mainland at high water to where it intersects longitude 150°22.230' east;
- (c) the part of the marine park that is within the following boundary—

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112 The line worked out by reference to latitude 22°31.278', longitude 150°29.190' east and latitude 22°31.602' south, longitude 150°28.350' east crosses the mouth of Shoalwater Creek at high water.



### Schedule 3 (continued)

- from where the mainland at high water intersects longitude 150°19.746' east
- then westerly along the relevant mangrove line to where the mainland at high water intersects longitude 150°18.108' east
- then easterly along the mainland at high water to where it intersects longitude 150°19.746' east.

#### 5 **QI HP-21-03 West Hill Creek**

The part of West Hill Creek that is within the marine park and is upstream of the line worked out by reference to the following points—

- (a) latitude 21°50.124' south, longitude 149°27.678' east;
- (b) latitude 21°49.782' south, longitude 149°27.528' east.<sup>113</sup>

#### 6 **QI HP-20-04 Plantation Creek**

The part of Plantation Creek that is within the marine park and is upstream of line worked out by reference to the following points—

- (a) latitude 20°54.018' south, longitude 148°58.968' east;
- (b) latitude 20°54.084' south, longitude 148°58.866' east.<sup>114</sup>

#### 7 **QI HP-20-05 Port Newry to Rabbit Island**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects longitude 148°57.066' east

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113 The line worked out by reference to latitude 21°50.124' south, longitude 149°27.678' east and latitude 21°49.782' south, longitude 149°27.528' east crosses the mouth of West Hill Creek at high water.

114 The line worked out by reference to latitude 20°54.018' south, longitude 148°58.968' east and latitude 20°54.084' south, longitude 148°58.866' east crosses the mouth of Plantation Creek at high water.

### Schedule 3 (continued)

- then north along longitude 148°57.066' east to where it intersects latitude 20°52.554' south
- then westerly along the mangrove line for the mangrove forest that adjoins the eastern side of the mouth of Cluny Creek to where the outer boundary of the forest intersects longitude 148°55.278' east<sup>115</sup>
- 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 Creek<sup>116</sup>
- then westerly along the relevant mangrove line to latitude 20°51.444' south, longitude 148°53.034' east
- then south along longitude 148°53.034' east to where it intersects the mainland at high water
- then easterly along the mainland at high water to where it intersects longitude 148°57.066' east

## 8 **QI HP-20-06 Rabbit Island**

The part of the marine park that is within the following boundary—

- from where longitude 148°56.460' east intersects the western side of Rabbit Island at high water
- then north-westerly along a geodesic to where longitude 148°56.196' east intersects the western side of Rabbit Island at high water

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115 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.

116 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.

### Schedule 3 (continued)

- then easterly and southerly along the western side of Rabbit Island at high water to where it intersects longitude 148°56.460' east.

#### **9      QI HP-20-14 Gulnare Inlet (Whitsunday Island)**

The part of Gulnare Inlet that is upstream of line worked out by reference to the following points—

- (a) latitude 20°18.354' south, longitude 148°56.982' east;
- (b) latitude 20°18.108' south, longitude 148°56.526' east.<sup>117</sup>

#### **10     QI HP-19-01 Nobbies Inlet (Cape Upstart)**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects latitude 19°47.478' south<sup>118</sup>
- then southerly along the mangrove line for the mangrove forest that adjoins the western side of Cape Upstart to where the outer boundary of the forest intersects latitude 19°49.572' south
- then east along latitude 19°49.572' south to where it intersects the mainland at high water
- then northerly along the mainland at high water to where it intersects latitude 19°47.478' south.

#### **11     QI HP-18-01 Hinchinbrook Channel**

The part of Hinchinbrook Channel that is within the marine park and between the following lines—

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117 The line worked out by reference to latitude 20°18.354' south, longitude 148°56.982' east and latitude 20°18.108' south, longitude 148°56.526' east crosses the mouth of Gulnare Inlet at high water.

118 The mainland at high water intersects latitude 19°47.478' south on the western side of Cape Upstart.

### Schedule 3 (continued)

- (a) the following line—
- from where latitude 18°14.816' south intersects the mainland at high water
  - then east along latitude 18°14.816' south to where it intersects the most western point of Hinchinbrook Island at high water;
- (b) the following line—
- from where the mainland at high water intersects longitude 146°19.055' east<sup>119</sup>
  - then north along longitude 146°19.055' east to where it intersects the southern side of Hinchinbrook Island.<sup>120</sup>

## 12 **QI HP-18-02 Missionary Bay (Hinchinbrook Island)**

The area within the marine park that is within the following boundary—

- from where latitude 18°13.710' south intersects the western boundary of Hinchinbrook Island National Park<sup>121</sup>
- then west along latitude 18°13.710' south to where it intersects the outer boundary of the mangrove forest that adjoins the eastern side of Missionary Bay
- then southerly and westerly along the mangrove line for the mangrove forest that adjoins the eastern side of Missionary Bay to where outer boundary of the forest intersects longitude 146°11.088' east

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119 The mainland at high water intersects longitude 146°19.055' east on the southern side of the Hinchinbrook Channel.

120 Longitude 146°19.055' east intersects the southern side of Hinchinbrook Island at high water on the northern side of Hinchinbrook Channel.

121 Hinchinbrook Island National Park is shown as lot 436 on plan NPW697. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National parks).

### Schedule 3 (continued)

- then south along longitude 146°11.088' east to where it intersects the northern boundary of Hinchinbrook Island National Park
- then easterly and northerly along the boundary of Hinchinbrook Island National Park to where the western boundary of the national park intersects latitude 18°13.710' south.

#### **13 QI HP-15-03 Fritz Creek (south of Rattlesnake Point)**

The part of Fritz Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 15°50.886' south, longitude 145°22.428' east;
- (b) latitude 15°50.874' south, longitude 155°22.446' east.<sup>122</sup>

#### **14 QI HP-15-14 West of Cape Bedford**

The part of the marine park that is within the following boundary—

- from where the mainland at H.A.T. intersects latitude 15°14.778' south on the western side of Cape Bedford
- then west along latitude 15°14.778' south to where it intersects the outer boundary of the mangrove forest that adjoins the western side of Cape Bedford
- then south-westerly along the mangrove line for the mangrove forest that adjoins the western side of Cape Bedford to where the outer boundary of the forest intersects latitude 15°15.366' south on the western side of Cape Bedford
- then east along latitude 15°15.366' south to where it intersects the mainland at H.A.T. on the western side of Cape Bedford

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<sup>122</sup> The line worked out by reference to latitude 15°50.886' south, longitude 145°22.428' east and latitude 15°50.874' south, longitude 155°22.446' east crosses the mouth of Fritz Creek at high water.

### Schedule 3 (continued)

- then north-easterly along the mainland at H.A.T. to where it intersects latitude 15°14.778' south on the western side of Cape Bedford.

#### **15 QI HP-14-01 West of Cape Flattery port area**

The part of the marine park that is within the following boundary—

- from latitude 14°56.178' south, longitude 145°18.006' east
- then southerly along a geodesic to latitude 14°57.156' south, longitude 145°18.005' east<sup>123</sup>
- then north-easterly along a geodesic to latitude 14°56.634' south, longitude 145°18.402' east
- then north-westerly along a geodesic to latitude 14°56.178' south, longitude 145°18.006' east.

#### **16 QI HP-14-05 East of Starcke River**

The part of the marine park that is within the following boundary—

- from where the mainland at H.A.T. intersects longitude 145°12.084' east
- then westerly along the mangrove line for the mangrove forest just east of Starcke River to where the outer boundary of the forest intersects longitude 145°01.536' east
- then south along longitude 145°01.536' east to where it intersects the mainland at H.A.T.
- then easterly along the mainland at H.A.T. to where it intersects longitude 145°12.084' east.

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<sup>123</sup> Latitude 14°57.156' south, longitude 145°18.005' east is near the western boundary of the Cape Flattery port area.

Schedule 3 (continued)

**17 QI HP-14-06 Starcke River**

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

- from where the mainland at H.A.T. intersects longitude 145°01.536' east
- then north along longitude 145°01.536' east to where it intersects the outer boundary of the mangrove forest at the mouth of the Starcke River
- then westerly along the mangrove line for the mangrove forest at the mouth of the Starcke River to where it intersects longitude 145°01.068' east
- then south along longitude 145°01.068' east to where it intersects the mainland at H.A.T.

**18 QI HP-14-07 West of Starcke River**

The part of the marine park that is within the following boundary—

- from where the mainland at H.A.T. intersects longitude 145°01.068' east
- then north along longitude 145°01.068' east to where it intersects the outer boundary of the mangrove forest just west of Starcke River
- then westerly along the mangrove line for the mangrove forest just west of Starcke River to where the mainland at H.A.T. intersects longitude 144°57.246' east
- then easterly along the mainland at H.A.T. to where it intersects longitude 145°01.068' east.

## **Schedule 4      Estuarine conservation zone                          areas**

schedule 1, sections 2(2)(b), 3 and 4(2)(c)

### **1      QI EC-17-05 Moresby River and Mourilyan Creek**

(1) The parts of the Moresby River, other than the part mentioned in subsection (2), Mourilyan Creek and their tributaries, that are within the marine park and between the following—

(a) the following line—

- from latitude 17°36.008' south, longitude 146°06.165' east
- then south-easterly along a geodesic to latitude 17°36.508' south, longitude 146°06.465' east
- then south along longitude 146°06.465' east to where it intersects latitude 17°36.908' south
- then easterly along a geodesic to latitude 17°37.208' south, longitude 146°07.865' east;

(b) latitude 17°38.802' south.

(2) For subsection (1), the estuarine conservation zone does not include the part of the Moresby River that is within the marine park and upstream of where the river joins Little Moresby Creek.

### **2      QI EC-17-07 Johnstone River**

The part of the Johnstone River that is within the marine park and upstream of the line worked out by reference to the following points—



Schedule 4 (continued)

- (a) latitude 17°30.702' south, longitude 146°04.176' east;
- (b) latitude 17°30.348' south, longitude 146°04.596' east.<sup>124</sup>

**3 QI EC-17-08 Mutchero Inlet, Russell River and Mulgrave River**

The parts of Mutchero Inlet, the Russell River, other than the part south of latitude 17°14.904' south, and the Mulgrave River, that are within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 17°13.416' south, longitude 145°58.272' east;
- (b) latitude 17°13.320' south, longitude 145°58.128' east.<sup>125</sup>

**4 QI EC-16-01 Trinity Inlet**

- (1) The part of Trinity Inlet that is within the following areas—
  - (a) the part of the marine park that is within the Trinity Inlet fish habitat area, other than the part mentioned in subsection (2);
  - (b) the parts of the marine park that are within the following lots—
    - (i) lots 1 to 4 on plan C19823;
    - (ii) lot 92 on plan NR3051;
    - (iii) lot 146 on SP129134;
    - (iv) lot 151 on plan NR4172.
- (2) For subsection (1)(a), the estuarine conservation zone does not include the part of Trinity Inlet fish habitat area that is within the marine park and within the following boundary—

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124 The line worked out by reference to latitude 17°30.702' south, longitude 146°04.176' east and latitude 17°30.348' south, longitude 146°04.596' east crosses the mouth of the Johnstone River at H.A.T.

125 The line worked out by reference to latitude 17°13.416' south, longitude 145°58.272' east and latitude 17°13.320' south, longitude 145°58.128' east crosses the mouth of Mutchero Inlet at H.A.T.

### Schedule 4 (continued)

- from the most eastern point of the southern bank at the mouth of the Barron River at H.A.T.<sup>126</sup>
  - then easterly along the geodesic that passes through the following points—
    - (a) the most eastern point of the southern bank at the mouth of the Barron River at H.A.T.;
    - (b) the most northern point of False Cape at H.A.T.<sup>127</sup>  
to where the geodesic intersects the western boundary of the main shipping channel shown on plan FHA-003 [Revision 2]
  - then southerly along the western boundary of the main shipping channel to where it meets the southern boundary of the Trinity Inlet fish habitat area
  - then westerly along the southern boundary of the Trinity Inlet fish habitat area to where it meets the mainland at L.A.T.
  - then generally northerly along the mainland at L.A.T. to where it meets the northern boundary of the Trinity Inlet fish habitat area<sup>128</sup>
  - then westerly along the northern boundary of the Trinity Inlet fish habitat area to where it meets the most eastern point of the southern bank at the mouth of the Barron River at H.A.
- (3) In this section—
- Trinity Inlet fish habitat area*** means the Trinity Inlet fish habitat area—
- (a) declared under the Fisheries Regulation; and

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126 The most eastern point of the southern bank at the mouth of the Barron River at H.A.T. is approximately latitude 16°51.834' south, longitude 145°46.020' east.

127 The most northern point of the False Cape at H.A.T. is approximately latitude 16°52.254' south, longitude 145°50.904' east.

128 The mainland at L.A.T. meets the northern boundary of the Trinity Inlet fish habitat area at Ellie Point.

### Schedule 4 (continued)

- (b) as it was immediately before the commencement of this schedule.<sup>129</sup>

## 5 **QI EC-16-03 Barron River and Redden Creek**

The following areas—

- (a) the part of the Barron River that is within the marine park and upstream of the following line—
- from the most eastern point of the southern bank at the mouth of the Barron River at H.A.T.<sup>130</sup>
  - then north-westerly along a geodesic to the most eastern point of the northern bank at the mouth of the Barron River at H.A.T.<sup>131</sup>
- (b) the part of Redden Creek that is within the marine park and upstream of the following line—
- from the most eastern point on the southern bank at the mouth of Redden Creek at H.A.T.<sup>132</sup>
  - then north-westerly along a geodesic to the most eastern point on the northern bank at the mouth of Redden Creek at H.A.T.<sup>133</sup>

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129 The Trinity Inlet fish habitat area as it was immediately before the commencement of this schedule is shown on plan FHA-003 [Revision 2]. See the Fisheries Regulation, schedule 7 (Fish habitat areas), section 68 (Trinity Inlet).

130 The most eastern point of the southern bank at the mouth of the Barron River at H.A.T. is at approximately latitude 16°52.254' south, longitude 145°46.002' east.

131 The most eastern point of the northern bank at the mouth of the Barron River at H.A.T. at approximately latitude 16°51.834 ' south, longitude 145°45.810' east.

132 The most eastern point on the southern bank at the mouth of Redden Creek at H.A.T. is at approximately latitude 16°51.312' south, longitude 145°45.204' east.

133 The most eastern point of the northern bank at the mouth of Redden Creek at H.A.T. is at approximately latitude 16°51.288' south, longitude 145°45.186' east.

Schedule 4 (continued)

**6 QI EC-16-04 Barr Creek**

The part of Barr Creek that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 16°50.742' south, longitude 145°44.718' east;
- (b) latitude 16°50.724' south, longitude 145°44.646' east.<sup>134</sup>

**7 QI EC-16-05 Yorkeys Creek, Thomatis Creek and Richters Creek**

The parts of Yorkeys Creek, Thomatis Creek and Richters Creek that are within the marine park and upstream of the following line—

- from the most northern point of the eastern bank at Thomatis Creek at H.A.T.<sup>135</sup>
- then south-westerly along a geodesic to the most northern point of the western bank at the mouth of Thomatis Creek at H.A.T.<sup>136</sup>
- then northerly across the mouth of Yorkeys Creek to where the mouth meets the south-eastern corner of lot 105 on AP7001.<sup>137</sup>

**8 QI EC-16-06 Half Moon Creek**

The part of Half Moon Creek that is within the marine park and upstream of the line worked out by reference to the following points—

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134 The line worked out by reference to latitude 16°50.742' south, longitude 145°44.718' east and latitude 16°50.724' south, longitude 145°44.646' east crosses the mouth of Barr Creek at H.A.T.

135 The most northern point of the eastern bank at the mouth of Thomatis Creek at H.A.T. is approximately latitude 16°49.326' south, longitude 145°44.004' east.

136 The most northern point of the western bank at the mouth of Thomatis Creek at H.A.T. is approximately latitude 16°49.356' south, longitude 145°43.962' east and meets the southern bank of Yorkey Creek.

137 The mouth of Yorkeys Creek meets the south-eastern corner of lot 105 on AP7001 at approximately latitude 16°49.134' south, longitude 145°43.908' east.

### Schedule 4 (continued)

- (a) latitude 16°48.114' south, longitude 145°42.810' east;
- (b) latitude 16°48.084' south, longitude 145°42.804' east.<sup>138</sup>

#### **9 QI EC-16-08 Mowbray River**

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

- from latitude 16°32.460' south, longitude 145°29.298' east
- then westerly along a geodesic to latitude 16°32.442' south, longitude 145°29.172' east
- then northerly along the relevant mangrove line to latitude 16°31.824' south, longitude 145°28.674' east.

#### **10 QI EC-16-09 Dickson Inlet and Packer's Creek**

The parts of Dickson Inlet and Packer's Creek that are within the marine park and upstream of the following line—

- from latitude 16°28.920' south, longitude 145°27.630' east
- then westerly along a geodesic to latitude 16°28.920' south, longitude 145°27.414' east
- then generally northerly along the relevant mangrove line to latitude 16°27.240' south, longitude 145°24.594' east.

#### **11 QI EC-16-10 Mossman River**

The part of the Mossman River that is within the marine park and upstream of the line worked out by reference to the following points—

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<sup>138</sup> The line worked out by reference to latitude 16°48.114' south, longitude 145°42.810' east and latitude 16°48.084' south, longitude 145°42.804' east crosses the mouth of Half Moon Creek at H.A.T.

**Schedule 4 (continued)**

- (a) latitude 16°26.064' south, longitude 145°24.372' east;
- (b) latitude 16°25.992' south, longitude 145°24.330' east.<sup>139</sup>

**12 QI EC-16-11 Saltwater Creek**

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

- from the south-eastern corner of lot 5 on plan SR906<sup>140</sup>
- then northerly along the mainland at H.A.T. to where it intersects the southern bank at the mouth of Saltwater Creek<sup>141</sup>
- then northerly along a geodesic to where the mainland at H.A.T. intersects the northern bank at the mouth of Saltwater Creek<sup>142</sup>
- then northerly along the mainland at H.A.T. to where it intersects latitude 16°23.658' south.

**13 QI EC-15-08 Walker Bay (south of Annan River)**

The part of the marine park that is within the following boundary—

- from where the mainland at H.A.T. intersects longitude 145°18.312' east<sup>143</sup>

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139 The line worked out by reference to latitude 16°26.064' south, longitude 145°24.372' east and latitude 16°25.992' south, longitude 145°24.330' east crosses the mouth of the Mossman River at H.A.T.

140 The south-eastern corner lot 5 on plan SR906 meets the mainland at H.A.T.

141 The southern bank at the mouth of Saltwater Creek at H.A.T. is at approximately latitude 16°24.702' south, longitude 145°24.534' east.

142 The northern bank at the mouth of Saltwater Creek at H.A.T. is at approximately latitude 16°24.618' south, longitude 145°24.54' east.

143 The mainland at H.A.T. intersects longitude 145°18.312' east on the eastern side of Walker Bay.

#### Schedule 4 (continued)

- then generally westerly along the relevant mangrove line to where the mainland at H.A.T. intersects longitude 145°17.400' east<sup>144</sup>
- then north-easterly along the mainland at H.A.T. to where it intersects longitude 145°18.312' east.

#### 14 **QI EC-15-09 Annan River**

The part of the Annan River that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 15°31.866' south, longitude 145°16.182' east;
- (b) latitude 15°31.746' south, longitude 145°16.224' east.<sup>145</sup>

#### 15 **QI EC-15-11 Endeavour River**

(1) The part of the Endeavour River, other than a part mentioned in subsection (2), that is within the marine park and upstream of the following line—

- from the most southern point of the mainland at Point Saunders at H.A.T.
- then south easterly along a geodesic to latitude 15°27.719' south, longitude 145°14.483' east
- then southerly along a geodesic to the most western point of the outer boundary of the mangrove forest that adjoins the eastern bank of the middle mouth of Chinamans Creek
- then south-easterly along a geodesic to the point where the old railway line that ran along the southern bank of the Endeavour River intersects the line that extends the

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144 The mainland at H.A.T. intersects longitude 145°17.400' east on the southern side of Walker Bay.

145 The line worked out by reference to latitude 15°31.866' south, longitude 145°16.182' east and latitude 15°31.746' south, longitude 145°16.224' east crosses the mouth of the Annan River at high water.

Schedule 4 (continued)

southern boundary of Furneaux Street at Cooktown  
across the Endeavour River.

- (2) For subsection (1), the estuarine conservation zone does not include the following areas—
- (a) the part of the Endeavour River that is within the marine park and upstream of the line that runs across the Endeavour River at longitude 145°13.266' east;
  - (b) the part of the northern anabranch of the Endeavour River that is within the marine park and upstream of the following line—
    - from latitude 15°27.456' south, longitude 145°14.160' east
    - then south-easterly along a geodesic to latitude 15°27.630' south, longitude 145°14.352' east.



## **Schedule 5      Internal conservation park zone areas**

schedule 1, sections 4(1)(c) and 7(2)(c)

### **1      QI CP-22-10 Sabina Point (Shoalwater Bay)**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects latitude 22°24.756' south<sup>146</sup>
- then east along latitude 22°24.756' south to where it intersects the coastal 500m high water line around the mainland
- then northerly along the coastal 500m high water line around the mainland to where it intersects longitude 150°16.794' east
- then south along longitude 150°16.794' east to where it intersects the mainland at high water
- then easterly and southerly along the mainland at high water to where it intersects latitude 22°24.756' south.

### **2      QI CP-22-11 MacDonald Point**

The part of the marine park that is within the following boundary—

- from where the mainland at high water intersects latitude 22°20.430' south on the western side of Shoalwater Bay
- then east along latitude 22°20.430' south to where it intersects the coastal 500m high water line around the mainland

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<sup>146</sup> The mainland at high water intersects latitude 22°24.756' south at Rocky Creek (just south of Sabina Point).

### Schedule 5 (continued)

- then northerly along the coastal 500m high water line around the mainland to where it intersects longitude 150°10.536' east
- then south along longitude 150°10.536' east to where it intersects the mainland at high water<sup>147</sup>
- then easterly and southerly along the mainland at high water to where it intersects latitude 22°20.430' south on the western side of Shoalwater Bay.

#### **3      QI CP-21-01 Bamborough Island (Duke Islands)**

The part of the marine park that is landward of the coastal 500m line around Bamborough Island.

#### **4      QI CP-17-09 Russell River**

The part of the Russell River that is within the marine park and upstream of latitude 17°14.904' south.

#### **5      QI CP-16-12 Daintree River**

The part of the Daintree River, other than a part south of latitude 16°17.502' south, that is within the marine park and upstream of the line worked out by reference to the following points—

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<sup>147</sup> Longitude 150°10.536' east intersects the mainland at high water near the Shoalwater Bay Conservation Park.

The Shoalwater Bay Conservation Park is shown as lot 501 on plan NPW699. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 3 (Conservation parks).

Schedule 5 (continued)

- (a) latitude 16°17.370' south, longitude 145°26.874' east;
- (b) latitude 16°17.310' south, longitude 145°27.324' east.<sup>148</sup>

**6 QI CP-15-12 Endeavour River**

The part of the Endeavour River that is within the marine park and upstream of longitude 145°13.266' east.

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<sup>148</sup> The line worked out by reference to latitude 16°17.370' south, longitude 145°26.874' east and latitude 16°17.310' south, longitude 145°27.324' east crosses the mouth of the Daintree River at H.A.T.

## **Schedule 6      Internal marine national park zone areas**

schedule 1, sections 2(2)(c) and 7(1)(c)

### **1      QI MNP-17-02 North Maria Creek**

The part of North Maria Creek that is within the marine park and upstream of the most western point where the northern boundary of Maria Creek National Park crosses the creek.<sup>149</sup>

### **2      MNP-17-06 Mourilyan Creek**

The part of Mourilyan Creek that is within the marine park and between the latitude 17°38.902' south and latitude 17°40.908' south.

### **3      QI MNP-16-13 Daintree River**

The part of the Daintree River that is within the marine park and south of latitude 16°17.502' south.

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<sup>149</sup> Maria Creek National Park is shown as lot 1445 on plan NPW191. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National parks).

## **Schedule 7      Conservation park line fishing areas**

section 28(3), definition *conservation park line fishing area*

### **1      QI CP-17-09 Russell River**

The part of the Russell River that is within the marine park and between the following—

- (a) latitude 17°14.904' south;
- (b) the line that is 500m downstream from where the Russell River intersects Babinda Creek.

### **2      QI CP-16-13 Daintree River**

The part of the Daintree River, other than a part south of latitude 16°17.502' south, that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 16°17.370' south, longitude 145°26.874' east;
- (b) latitude 16°17.310' south, longitude 145°27.324' east.<sup>150</sup>

### **3      QI CP-15-01 Bloomfield (Banner Yearie) River**

The part of the Bloomfield (Banner Yearie) River that is within the marine park and upstream of the line worked out by reference to the following points—

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<sup>150</sup> The line worked out by reference to latitude 16°17.370' south, longitude 145°26.874' east and latitude 16°17.310' south, longitude 145°27.324' east crosses the mouth of the Daintree River at H.A.T.

**Schedule 7 (continued)**

- (a) latitude 15°55.362' south, longitude 145°21.780' east;
- (b) latitude 15°55.284' south, longitude 145°21.762' east.<sup>151</sup>

**4 QI CP-15-02 Bauer Inlet**

The part of Bauer Inlet that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 15°52.422' south, longitude 145°21.750' east;
- (b) latitude 15°52.404' south, longitude 145°21.768' east.<sup>152</sup>

**5 QI CP-15-12 Endeavour River**

The part of the Endeavour River that is within the marine park and upstream of longitude 145°13.266' east.

**6 QI CP-15-15 McIvor River**

The part of the McIvor River that is within the marine park and upstream of the line worked out by reference to the following points—

- (a) latitude 15°08.394' south, longitude 145°14.058' east;
- (b) latitude 15°08.376' south, longitude 145°14.166' east.<sup>153</sup>

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151 The line worked out by reference to latitude 15°55.362' south, longitude 145°21.780' east and latitude 15°55.284' south, longitude 145°21.762' east crosses the mouth of the Bloomfield (Banner Yearie) River at H.A.T.

152 The line worked out by reference to latitude 15°52.422' south, longitude 145°21.750' east and latitude 15°52.404' south, longitude 145°21.768' east crosses the mouth of Bauer Inlet at H.A.T.

153 The line worked out by reference to latitude 15°08.394' south, longitude 145°14.058' east and latitude 15°08.376' south, longitude 145°14.166' east crosses the mouth of the McIvor River at H.A.T.

## **Schedule 8      Designated areas**

sections 44(1), 47(1), 50(1), 54(1), 57(1), 62(1), 65, 68, 71, 74(1),  
79, 82(1) and 86(1)

### **Part 1                  Remote natural areas**

#### **1                  Area within Commonwealth remote natural area**

The area of the marine park within the Commonwealth remote natural area.

#### **2                  Area extending Commonwealth remote natural area**

The area within the marine park worked out by extending the part of the Commonwealth remote natural area that is at the State at low water to the landward boundary of the marine park.

### **Part 2                  Shipping areas**

#### **1                  Areas within Commonwealth shipping areas**

The areas of the marine park within a Commonwealth shipping area.

#### **2                  Areas extending Commonwealth shipping areas**

The areas within the marine park worked out by extending each Commonwealth shipping area that is at the State at low water to the landward boundary of the marine park.

Schedule 8 (continued)

**Part 3 Princess Charlotte Bay special management area**

**1 Area within Commonwealth Princess Charlotte Bay special management area**

The area of the marine park that is within the Commonwealth Princess Charlotte Bay special management area.

**2 Area extending Commonwealth Princess Charlotte Bay special management area**

The area within the marine park worked out by extending the part of the Commonwealth Princess Charlotte Bay special management area that is at the State at low water to the landward boundary of the marine park.

**Part 4 Species conservation (dugong protection) special management areas**

**1 Species conservation (dugong protection) special management areas**

The areas within the marine park that are within an area mentioned in the Fisheries Regulation, schedule 2, part 5.<sup>154</sup>

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<sup>154</sup> Fisheries Regulation, schedule 2 (Closed waters—commercial fishing), part 5 (Using nets in dugong protection areas)



Schedule 8 (continued)

**Part 5                      Restricted access special  
management areas**

**1                      Areas within Commonwealth restricted access special  
management areas**

The areas of the marine park within a Commonwealth restricted access special management area.

**2                      Areas extending Commonwealth restricted access  
special management areas**

The areas within the marine park worked out by extending each Commonwealth restricted access special management area that is at the State at low water to the landward boundary of the marine park.

**Part 6                      Public appreciation special  
management areas**

**1                      Areas within Commonwealth public appreciation special  
management areas**

The areas of the marine park that are within a Commonwealth public appreciation special management area.

**2                      Areas extending Commonwealth public appreciation  
special management areas**

The areas within the marine park worked out by extending each Commonwealth public appreciation special management area that is at the State at low water to the landward boundary of the marine park.

Schedule 8 (continued)

**Part 7**                      **No dories detached (marine national park zone) special management areas**

**1**            **Areas within marine national park zone**

The area consisting of the areas within the marine national park zone.

**Part 8**                      **One dory detached (conservation park zone) special management areas**

**1**            **Areas within conservation park zone**

The area consisting of the areas within the conservation park zone.

**Part 9**                      **One dory detached (buffer zone) special management areas**

**1**            **Areas within buffer zone**

The area consisting of the areas within the buffer zone.

Schedule 8 (continued)

**Part 10 Fisheries experimental areas**

**1 Areas within Commonwealth fisheries experimental areas**

The areas of the marine park that are within a Commonwealth fisheries experimental area.

**2 Areas extending Commonwealth fisheries experimental areas**

The areas within the marine park worked out by extending each Commonwealth fisheries experimental area that is at the State at low water to the landward boundary of the marine park.

**Part 11 Seasonal closure areas**

**1 Eagle Island at Eyrie Reef**

The beach adjoining Eagle Island at Eyrie Reef (14-118).

**2 Mackay Reef Cay**

The beach adjoining Mackay Reef Cay (16-015).

**3 Woody Island on Low Islets Reef.**

Woody Island on Low Islets Reef (16-028).

**4 Undine Reef Cay**

The beach adjoining Undine Reef Cay (16-020a).

Schedule 8 (continued)

- 5 Sudbury Cay on Sudbury Reef**  
The beach adjoining the Sudbury Cay on Sudbury Reef (17-001a).
- 6 Sisters Island on South Barnard Islands**  
The beach adjoining Sisters Island on South Barnard Islands (17-046).
- 7 Beaver Cay on Beaver Reef**  
The beach adjoining Beaver Cay on Beaver Reef (17-051).
- 8 Taylor Cay on Taylor Reef**  
The beach adjoining Taylor Cay on Taylor Reef (17-064).
- 9 Pelican Rock**  
The beach adjoining Pelican Rock (22-074).
- 10 Gannett Cay on Gannett Cay Reef**  
The beach adjoining Gannett Cay on Gannett Cay Reef (21-556).
- 11 Riptide Cay on Riptide Cay Reef**  
The beach adjoining Riptide Cay on Riptide Cay Reef (21-172).
- 12 Twin (Thomas) Cay on Twin (Thomas) Cay Reef**  
The beach adjoining Twin (Thomas) Cay on Twin (Thomas) Cay Reef (21-497).
- 13 Distant Cay on Distant Cay Reef**  
The beach adjoining Distant Cay on Distant Cay Reef (21-206).

Schedule 8 (continued)

- 14 Bacchi Cay on Bacchi Cay Reef**  
The beach adjoining Bacchi Cay on Bacchi Cay Reef (21-495).
- 15 Frigate Cay on Frigate Cay Reef**  
The beach adjoining Frigate Cay on Frigate Cay Reef (21-511).
- 16 Turtle (Bylund Cay) on Turtle (Bylund Cay) Reef**  
The beach adjoining Turtle (Bylund Cay) on Turtle (Bylund Cay) Reef (21-519).
- 17 Price Cay on Price Cay Reef**  
The beach adjoining Price Cay on Price Cay Reef (21-518).
- 18 Fairfax Islands on the Fairfax Islands Reef**  
The beach adjoining Fairfax Islands on the Fairfax Islands Reef (23-181).
- 19 Hoskyn Islands on the Hoskyn Islands Reef**  
The beach adjoining Hoskyn Islands on the Hoskyn Islands Reef (23-080).

**Part 12 Michaelmas Cay restricted access area**

- 1 Michaelmas Cay restricted access area**  
The part of Michaelmas Cay that is between high water and low water.

## Schedule 8 (continued)

**Part 13 Commercial crab fishery areas****1 Cape Bowling Green**

The area of the marine park that is within the following boundary—

- from where latitude 19°18.648' south intersects the mainland at high water on the western side of Cape Bowling Green
- then west along latitude 19°18.648' south to where it intersects the mangrove 500m line around the mangrove forest that adjoins the western side of Cape Bowling Green
- then southerly along the mangrove 500m line around the mangrove forest that adjoins the western side of Cape Bowling Green to where it intersects latitude 19°22.611' south
- then east along latitude 19°22.611' south to where it intersects the mainland at high water on the western side of Cape Bowling Green
- then northerly along the mainland at high water to where it intersects latitude 19°18.648' on the western side of Cape Bowling Green.

**2 Bowling Green Bay**

The area of the marine park that is within the following boundary—

- from where longitude 147°15.684' east intersects the mainland at high water
- then north along longitude 147°15.684' east to where it intersects the mangrove 500m line around the mangrove forest that adjoins the southern side of Bowling Green Bay

### Schedule 8 (continued)

- then westerly along the mangrove 500m line around the mangrove forest that adjoins the southern side of Bowling Green Bay to where it intersects latitude 19°23.282' south
- then west along latitude 19°23.282' south to where it intersects the mainland at high water<sup>155</sup>
- then easterly along the mainland at high water to where it intersects longitude 147°15.684' east.

### 3 Cleveland Bay

The area of the marine park that is within the following boundary—

- from where latitude 19°16.662' south intersects the outer boundary of the mangrove forest that adjoins the eastern side of Cleveland Bay
- then west along latitude 19°16.662' south to where it intersects the mangrove 500m line around the mangrove forest that adjoins the southern side of Cleveland Bay
- then westerly along the mangrove 500m line around the mangrove forest that adjoins the southern side of Cleveland Bay to where it intersects longitude 146°51.876' east
- then south along longitude 146°51.876' east to where it intersects the outer boundary of the mangrove forest that adjoins the southern side of Cleveland Bay
- then easterly along the relevant mangrove line to latitude 19°18.138' south, longitude 146°55.584' east<sup>156</sup>

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155 Latitude 19°23.282' south intersects the mainland at high water on the western side of Bowling Green Bay.

156 Latitude 19°18.138' south, longitude 146°55.584' east is on the western side of the mouth of Alligator Creek.

### Schedule 8 (continued)

- then easterly along a geodesic to latitude 19°18.132' south, longitude 146°55.668' east<sup>157</sup>
- then easterly along the relevant mangrove line to latitude 19°18.132' south, longitude 146°57.318' east<sup>158</sup>
- then easterly along a geodesic to latitude 19°18.108' south, longitude 146°57.498' east<sup>159</sup>
- then easterly along the mangrove line for the mangrove forest that adjoins the eastern side of Cleveland Bay to where the outer boundary of the forest intersects latitude 19°16.662' south.

#### 4 **Missionary Bay (Hinchinbrook Island)**

The area of the marine park that is within the following boundary—

- from where latitude 18°13.986' south intersects the northern boundary of HinchinBrook Island National Park<sup>160</sup>
- then west along latitude 18°13.986' south to where it intersects the mangrove 500m line around the mangrove forest that adjoins Missionary Bay
- then southerly along mangrove 500m line around the mangrove forest that adjoins Missionary Bay to where it intersects longitude 146°12.552' east

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157 Latitude 19°18.132' south, longitude 146°55.668' east is on the eastern side of the mouth of Alligator Creek.

158 Latitude 19°18.132' south, longitude 146°57.318' east is on the western side of the mouth of Crocodile Creek.

159 Latitude 19°18.108' south, longitude 146°57.498' east is on the eastern side of the mouth of Crocodile Creek.

160 Latitude 18°13.986' south intersects the northern boundary of HinchinBrook Island National Park on the eastern side of Missionary Bay.

Hinchinbrook Island National Park is shown as lot 436 on plan NPW697. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National parks).



### Schedule 8 (continued)

- then south along longitude 146°12.552' east to where it intersects the northern boundary of HinchinBrook Island National Park<sup>161</sup>
- then generally north-easterly along the northern boundary of HinchinBrook Island National Park to where it intersects latitude 18°13.986' south.

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<sup>161</sup> Longitude 146°12.552' east intersects the northern boundary of HinchinBrook Island National Park on the southern side of Missionary Bay.

## **Schedule 9      Closed periods for seasonal closure areas**

section 81(3), definition *closed period*, paragraph (a)

<b>Seasonal closure area</b>	<b>Closed period</b>
Pelican Rock	1 April to 1 October of a year
Gannett Cay on Gannett Cay Reef	1 April to 1 October of a year
Riptide Cay on Riptide Cay Reef	1 October of a year to 1 April of the following year
Twin (Thomas) Cay on Twin (Thomas) Cay Reef	1 October of a year to 1 April of the following year
Distant Cay on Distant Cay Reef	1 October of a year to 1 April of the following year
Bacchi Cay on Bacchi Cay Reef	1 October of a year to 1 April of the following year
Frigate Cay on Frigate Cay Reef	1 October of a year to 1 April of the following year
Turtle (Bylund Cay) on Turtle (Bylund Cay) Reef	1 October of a year to 1 April of the following year
Price Cay on Price Cay Reef	1 October of a year to 1 April of the following year
Fairfax Islands on the Fairfax Islands Reef	1 October of a year to 1 April of the following year
Hoskyn Islands on the Hoskyn Islands Reef	1 October of a year to 1 April of the following year

## Schedule 10      Non-conforming uses

section 91

<b>Column 1 Part of marine park</b>	<b>Column 2 Non-conforming use</b>	<b>Column 3 Conditions</b>
<p>1 The part of the Trinity Inlet Segment that—</p> <ul style="list-style-type: none"> <li>• runs north along the Cairns esplanade wall from Shields Street to Smith Street; and</li> <li>• extends seawards for 500m from the wall</li> </ul>	<p>Water ski racing</p>	<ul style="list-style-type: none"> <li>• The conditions of an authority to hold a water skiing competition, issued under the <i>Transport Operations (Marine Safety) Act 1994</i></li> <li>• A vessel involved in a water skiing competition must not be any closer than 30m from any structure or the mainland at H.A.T.</li> </ul>
<p>2 The part of the Trinity Inlet Segment that—</p> <ul style="list-style-type: none"> <li>• runs north along the eastern boundary of the main channel opposite the southern end of the Cairns esplanade wall to the boundary of the Cairns/Cooktown Management Area; and</li> <li>• extends 150m eastwards from the boundary of the main channel</li> </ul>	<p>Water ski racing</p>	<ul style="list-style-type: none"> <li>• The conditions of an authority to hold a water skiing competition, issued under the <i>Transport Operations (Marine Safety) Act 1994</i></li> <li>• A vessel involved in a water skiing competition must not be any closer than 30m from any structure or the mainland at H.A.T.</li> </ul>

Schedule 10 (continued)

<b>Column 1 Part of marine park</b>	<b>Column 2 Non-conforming use</b>	<b>Column 3 Conditions</b>
<p>3 The part of the Trinity Inlet Segment that lies between Seelee Creek and Blackfellows Creek and has the following boundary—</p> <ul style="list-style-type: none"> <li>• from where the left bank of Seelee Creek meets the right bank of Trinity Inlet</li> <li>• then upstream along the right bank of Trinity Inlet to where it meets the right bank of Blackfellows Creek</li> <li>• then across Trinity Inlet to the left bank of Trinity Inlet</li> <li>• then downstream along the left bank of Trinity Inlet to a point opposite where the right bank of Trinity Inlet meets the left bank of Seelee Creek</li> <li>• then across Trinity Inlet to where the right bank of Trinity Inlet meets the left bank of Seelee Creek.</li> </ul>	Water skiing	Nil
<p>4 The part of lot 92 on plan NR3051 located at the north-eastern point of Admiralty Island, and the adjacent sea bed in the Trinity Inlet Segment</p>	Vessel cleaning and repairing	<p>Use may be continued only—</p> <ul style="list-style-type: none"> <li>(a) by the person who, immediately before the commencement of this schedule, was the holder of permit to occupy no. 208166; and</li> <li>(b) until the permit expires or is sooner cancelled</li> </ul>

Schedule 10 (continued)

<b>Column 1 Part of marine park</b>	<b>Column 2 Non-conforming use</b>	<b>Column 3 Conditions</b>
5 An area identified in an aquaculture licence issued under the <i>Fisheries Act 1994</i> for harvesting wild oysters from foreshores	Oyster gathering	The requirements that apply to gathering oysters under the <i>Fisheries Act 1994</i>
6 Cage Culture Area 1502, shown and described on plan number CC1502 prepared by the chief executive (fisheries) <sup>a</sup>	Conducting an aquaculture operation for barramundi	The aquaculture operation must be conducted wholly within Cage Culture Area 1502

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- a 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.

## Schedule 11 Dictionary

section 3(1)

**accredited harvest fishery** means a harvest fishery that has been accredited by the chief executive under this plan.

**accredited traditional use of marine resources agreement** means a traditional use of marine resources agreement that has been accredited by the chief executive under this plan.

**at**, the State at low water, includes—

- (a) adjoining the State at low water; and
- (b) covering the State at low water.

**bait gathering** means taking, in compliance with the *Fisheries Act 1994*, yabbies, eugaries, worms, or crabs, by hand or by using a hand held implement.

**beach** means tidal land to the extent it is not submerged by tidal waters.

**Cairns/Cooktown Management Area** means the area consisting of the areas mentioned and described in the regulation, schedule 8.

**chief executive (fisheries)** means the chief executive of the department in which the *Fisheries Act 1994* is administered.

**coastal 100m line**—

- 1 The *coastal 100m line* around the mainland is the line every point of which is 100m seaward from the mainland at low water.
- 2 However, to the extent there is a fringing reef around the mainland, the *coastal 100m line* is the line every point of which is 100m seaward from the seaward edge of the fringing reef.

**coastal 500m high water line**, around the mainland, is the line every point of which is 500m seaward from the mainland at high water.

### Schedule 11 (continued)

***coastal 500m line***—

- 1 The *coastal 500m line* around an island or the mainland is the line every point of which is 500m seaward from the island or the mainland at low water.
- 2 However, to the extent there is a fringing reef around the island or the mainland, the *coastal 500m line* is the line every point of which is 500m seaward from the seaward edge of the fringing reef.

***Commonwealth Act*** means the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

***Commonwealth area*** means an area mentioned in—

- (a) the Commonwealth Zoning Plan, schedule 1; or
- (b) the Commonwealth Regulation, table 52 or 57.<sup>162</sup>

***Commonwealth buffer zone*** means the buffer zone under the Commonwealth Zoning Plan.

***Commonwealth conservation park zone*** means the conservation park zone under the Commonwealth Zoning Plan.

***Commonwealth fisheries experimental area*** means an area mentioned and described the Commonwealth Zoning Plan, schedule 1, part 11.<sup>163</sup>

***Commonwealth general use zone*** means the general use zone under the Commonwealth Zoning Plan.

***Commonwealth habitat protection zone*** means the habitat protection zone under the Commonwealth Zoning Plan.

***Commonwealth marine national park zone*** means the marine national park zone under the Commonwealth Zoning Plan.

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162 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas)

Commonwealth Regulation, table 52 (Restricted access SMAs) or 57 (Public Appreciation SMAs)

163 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 11 (Fisheries Experimental Areas)

### Schedule 11 (continued)

***Commonwealth preservation zone*** means the preservation zone under the Commonwealth Zoning Plan.

***Commonwealth Princess Charlotte Bay special management area*** means the area described in the Commonwealth Zoning Plan, schedule 1, part 2, item 2.97.<sup>164</sup>

***Commonwealth public appreciation special management area*** means an area mentioned and described in the Commonwealth Regulation, table 57.<sup>165</sup>

***Commonwealth Regulation*** means the *Great Barrier Reef Marine Park Regulations 1983* (Cwlth).

***Commonwealth remote natural area*** means the area mentioned and described in the Commonwealth Zoning Plan, schedule 1, part 9.<sup>166</sup>

***Commonwealth restricted access special management area*** means an area mentioned and described in the Commonwealth Regulation, table 52.<sup>167</sup>

***Commonwealth scientific research zone*** means the scientific research zone under the Commonwealth Zoning Plan.

***Commonwealth shipping area*** means an area mentioned in the Commonwealth Zoning Plan, section 4.1.1.<sup>168</sup>

***Commonwealth Zoning Plan*** means the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cwlth) prepared under the Commonwealth Act, section 32.<sup>169</sup>

***cultural resources*** means places or objects having anthropological, archaeological, historical, scientific,

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164 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 2 (Habitat Protection Zone), item 2.97 ([HP-14-5097] Princess Charlotte Bay coastal area)

165 Commonwealth Regulation, table 57 (Public Appreciation SMAs)

166 Commonwealth Zoning Plan, schedule 1 (Amalgamated Great Barrier Reef Section—descriptions of Zones and Areas), part 9 (Remote Natural Area)

167 Commonwealth Regulation, table 52 (Restricted access SMAs)

168 Commonwealth Zoning Plan, section 4.1.1 (Shipping Areas)

169 Commonwealth Act, section 32 (Zoning plans)



### Schedule 11 (continued)

sociological, spiritual or visual significance or value, including significance or value of that kind under Aboriginal tradition or Island custom.

**designated area** means an area set aside under part 3.

**dory** means a commercial fishing boat identified in a tender commercial fishing boat licence issued under the Fisheries Regulation.

**environment** includes each of the following—

- (a) ecosystems and their constituent parts;
- (b) all natural resources;
- (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their—
  - (i) biodiversity and ecological integrity; or
  - (ii) intrinsic or attributed aesthetic, cultural, ecological, economic, recreational, social or scientific value, interest or amenity.

**eugarie** means a mollusc of the species *Plebidonax deltoides*.

**Fisheries Regulation** means the *Fisheries Regulation 1995*.

**former licence**, for a primary commercial fishing boat licence (the **current licence**), means a licence that was replaced or renewed by the current licence, including, for example, because the former licence expired or was surrendered.

**fringing reef**, in relation to an island or the mainland, means a reef that adjoins, overlaps or is in close proximity to the island or the mainland at low water.

**GBR Coast Marine Park** means the Great Barrier Reef Coast Marine Park described in the regulation, schedule 5.

**H.A.T.** means highest astronomical tide.

**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.

### Schedule 11 (continued)

**high water** means the mean height of the highest high water at spring tide.

**holder**, of an accreditation of a traditional use of marine resources agreement, means each member of the traditional owner group in whose name the application for the accreditation was made.

**L.A.T.** means lowest astronomical tide.

**lowest astronomical tide** means the lowest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

**low water** means the mean height of the lowest low water at spring tide.

**Mackay/Capricorn Management Area** means the area consisting of the areas mentioned and described in the regulation, schedule 6.

**mangrove 500m line**, around a mangrove forest, means the line every point of which is 500m seaward from the outer boundary of the forest.

**mangrove forest** means a community of mangroves that—

- (a) has a continuous canopy; and
- (b) an obvious outer boundary.

**mangrove line**, for a mangrove forest, means a line that—

- (a) runs along the outer boundary of the forest; and
- (b) at each point where there is a gap in the outer boundary of the forest, runs along—
  - (i) if the gap is caused by a mouth of a river, creek or stream—the line that joins 1 side of the river, creek or stream to the other side by running in the general trend of the outer boundary of the forest; or
  - (ii) if subparagraph (i) does not apply—

Schedule 11 (continued)

- (A) if the gap is near the mainland—the mainland at high water; or
- (B) if the gap is near an island—the island at high water.

***Marine Park Authority*** means the Great Barrier Reef Marine Park Authority established under the Commonwealth Act, section 6.<sup>170</sup>

***natural resources*** means the natural and physical features and processes of the environment, including living organisms, soil, water, minerals and air.

***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*.

***permissible purpose*** means—

- (a) for a zone—a purpose for which the Commonwealth zone of the same class may be used or entered with written permission of the Marine Park Authority; or
- (b) for a designated area—a purpose for which the Commonwealth designated area of the same type may be used or entered with written permission of the Marine Park Authority.

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<sup>170</sup> Commonwealth Act, section 6 (Great Barrier Reef Marine Park Authority)

### Schedule 11 (continued)

***permission*** means a permission to enter or use an area within the marine park, granted by the chief executive under the regulation, part 3.<sup>171</sup>

***permitted purpose*** means—

- (a) for a zone—a purpose for which the Commonwealth zone of the same class may be used or entered without permission of, or notification to, the Marine Park Authority; or
- (b) for a designated area—a purpose for which the Commonwealth designated area of the same type may be used or entered without permission of, or notification to, the Marine Park Authority.

***prescribed exploration area*** means an area that is—

- (a) within the Mackay/Capricorn Management Area; and
- (b) not within the Great Barrier Reef Region as defined under the Commonwealth Act, section 3(1).

***prescribed matters***, for a traditional use of marine resources agreement, means all of the following—

- (a) the area of the marine park in relation to which the agreement is to operate;
- (b) the names, or other means of identifying, the persons who are covered by the agreement;
- (c) the name and address of a person to whom correspondence can be sent on behalf of the traditional owner group for which the agreement is made;
- (d) a detailed description of the area and traditional use of marine resources to be covered by the agreement, including a description of the activities proposed to be undertaken at stated locations within the area;
- (e) the animal species that are proposed to be harvested and, if those species include 1 or more protected species,

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<sup>171</sup> The regulation, part 3 (Permission to enter or use a marine park)

### Schedule 11 (continued)

how many specimens of each protected species is proposed to be harvested;

- (f) the management arrangements proposed by the traditional owner group for implementation of the agreement, including, in particular, the proposed role of the traditional owner group in ensuring compliance with the provisions of the agreement;
- (g) the manner in which monitoring and reporting of the traditional use of marine resources is to be conducted under the agreement, including, in particular, the recording and reporting of information about the taking of protected species;
- (h) a statement about the process used to develop the agreement by the traditional owner group, including, for example, any consultation with government authorities and interested persons;
- (i) any other information the chief executive reasonably requires by giving written notice to the traditional owner group for which the agreement is made.

***prescribed PCB area*** means the area that is formed by the following—

- (a) latitude 14°00.000' south;
- (b) latitude 14°30.000' south;
- (c) longitude 143°30.000' east;
- (d) longitude 144°30.000' east.

***primary commercial fishing boat*** means a commercial fishing boat identified in a primary commercial fishing boat licence.

***primary commercial fishing boat licence*** means a primary commercial fishing boat licence issued under the Fisheries Regulation.

***relevant boundary***, of a Commonwealth area, means a boundary of the area that meets the landward boundary of the area.

Schedule 11 (continued)

**relevant primary boat**, for a dory, means the primary commercial fishing boat identified in the tender commercial fishing boat licence in which the dory is identified.

**relevant return**, for an applicant, means a return, or part of a return, that—

- (a) relates to netting carried out under the primary commercial fishing boat licence held by the applicant during the period starting on 1 January 1988 and ending on 31 December 1999; and
- (b) was given by the applicant to—
  - (i) the chief executive (fisheries) or the former Queensland Fisheries Management Authority under the *Fisheries Act 1994*; or
  - (ii) the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982*.

**representative Aboriginal/Torres Strait Islander body** has the meaning given by the *Native Title Act 1993* (Cwlth).

**tender commercial fishing boat licence** means a tender commercial fishing boat licence issued under the Fisheries Regulation.

**the marine park** means the Great Barrier Reef Coast Marine Park described in the regulation, schedule 5.

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

**this plan** means this zoning plan.

**traditional use of marine resources agreement**—

- 1 A *traditional use of marine resources agreement* is an agreement that—
  - (a) is prepared by a traditional owner group; and
  - (b) provides for the traditional use of marine resources in a part of the marine park; and

Schedule 11 (continued)

- (c) includes the prescribed matters for a traditional use of marine resources agreement.
- 2 However, an agreement does not fail to be a *traditional use of marine resources agreement* only because it does not contain all of the prescribed matters.

***Trinity Inlet Segment*** means the part of the marine park described in the regulation, schedule 8, section 2.

***zone*** means a zone established under part 2.

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	142
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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 1 December 2005. Future amendments of the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 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
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered



## 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 included	Effective	Notes
0A	none	5 November 2004	
1rv	2004 SL No. 12	18 February 2005	
1Arv	—	6 March 2005	prov exp 5 March 2005
1Brv	—	1 December 2005	provs exp 30 November 2005

## 5 List of legislation

### **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 SL No. 240**

made by the chief executive on 28 October 2004

notfd gaz 5 November 2004 pp 813–5

commenced on date of notification

exp 1 September 2015 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

amending legislation—

### **Marine Parks Zoning Amendment Plan (No. 1) 2005 SL No. 12 pts 1–2**

notfd gaz 18 February 2005 pp 596–7

commenced on date of notification

## 6 List of annotations

### **Entry or use without permission**

s 19 amd 2005 SL No. 12 s 3

### **Entry or use without permission**

s 22 amd 2005 SL No. 12 s 4

### **Entry or use without permission**

s 25 amd 2005 SL No. 12 s 5

### **Entry or use without permission**

s 28 amd 2005 SL No. 12 s 6

### **Special management provision**

s 64 amd 2005 SL No. 12 s 7

**Special management provision**

**s 67** amd 2005 SL No. 12 s 8

**Division 11 Fisheries experimental areas**

**div hdg** exp 30 November 2005 (see s 78)

**Fisheries experimental areas**

**s 74** exp 30 November 2005 (see s 78)

**Objective**

**s 75** exp 30 November 2005 (see s 78)

**Special management provision—unnamed reef (21-139) fisheries experimental area**

**s 76** exp 30 November 2005 (see s 78)

**Special management provision—other fisheries experimental areas**

**s 77** exp 5 March 2005 (see s 77(3))

**Expiry of div 11**

**s 78** exp 30 November 2005 (see s 78)

**SCHEDULE 1—ZONES****Conservation park zone**

**s 4** amd 2005 SL No. 12 s 9

**SCHEDULE 2—INTERNAL GENERAL USE ZONE AREAS****QI GU-23-02 Curtis Island**

**s 5** amd 2005 SL No. 12 s 10(1–2)

**QI GU-19-05 Barratta Creek to Haughton River**

**s 20** sub 2005 SL No. 12 s 10(3)

**QI GU-19-05A Cocoa Creek**

**s 20A** ins 2005 SL No. 12 s 10(3)

**QI GU-19-05B Crocodile Creek**

**s 20B** ins 2005 SL No. 12 s 10(3)

**QI GU-19-05C Alligator Creek**

**s 20C** ins 2005 SL No. 12 s 10(3)

**QI GU-19-08 Magnetic Island (western side)**

**s 21** amd 2005 SL No. 12 s 10(4)

**QI GU 19-08A Bohle River**

**s 21A** ins 2005 SL No. 12 s 10(5)

**SCHEDULE 3—INTERNAL HABITAT PROTECTION ZONE AREAS****QI HP-20-05 Port Newry to Rabbit Island**

**s 7** amd 2005 SL No. 12 s 11

**SCHEDULE 4—ESTUARINE CONSERVATION ZONE AREAS****QI EC-15-11 Endeavour River**

**s 15** amd 2005 SL No. 12 s 12

**SCHEDULE 10—NON-CONFORMING USES**

amd 2005 SL No. 12 s 13

**SCHEDULE 11—DICTIONARY**

def “**outer boundary**” ins 2005 SL No. 12 s 14

def “**oyster**” ins 2005 SL No. 12 s 14

def “**oyster gathering**” ins 2005 SL No. 12 s 14