

Queensland



MARINE PARKS AMENDMENT BILL 2003

Queensland



MARINE PARKS AMENDMENT BILL 2003

TABLE OF PROVISIONS

Section		Page
1	Short title	4
2	Act amended	4
3	Insertion of new s 31	4
31	Limitation on application of regulation and zoning plan.	4

2003

A BILL

FOR

An Act to amend the *Marine Parks Act 1982*

The Parliament of Queensland enacts—

1

Clause 1 Short title

2

This Act may be cited as the *Marine Parks Amendment Act 2003*.

3

Clause 2 Act amended

4

This Act amends the *Marine Parks Act 1982*.

5

Clause 3 Insertion of new s 31

6

After section 30—

7

insert—

8

‘31 Limitation on application of regulation and zoning plan

9

‘(1) Neither the regulation provisions nor a zoning plan under this Act applies to the entry into or use of a marine park for carrying out the permitted works by or for the developers if the developers—

10

11

12

- (a) are the registered owners, under the *Land Title Act 1994*, of the land described as lot 1 on RP 737281 and lot 2 on RP 745019, County of Nares, Parish of Smithfield; and

13

14

15

- (b) are complying with the terms of the deed entered into between the developers, the State and Cairns City Council on 18 August 2003 or the deed as amended.

16

17

18

‘(2) However, subsection (1) applies only to the extent the activities involved in the entry or use are necessary, including because of a requirement under another law, for carrying out the permitted works.

19

20

21

‘(3) Also, subsection (1) applies only until the deed mentioned in subsection (1)(b) is cancelled, expires or otherwise ends.

22

23

‘(4) Neither the regulation provisions nor a zoning plan under this Act applies to the entry into or use of a marine park for carrying out maintenance works by or for an entity if—

24

25

26

- (a) the entity is authorised under subsection (5) to carry out the works; and

27

28

Marine Parks Amendment Bill 2003

- (b) the entity and anyone acting for the entity comply with the authorisation; and 1
2
- (c) the works are carried out in accordance with the authorisation. 3
- ‘(5) The chief executive may, in writing— 4
- (a) authorise an entity to carry out maintenance works; and 5
- (b) impose conditions on the authorisation, including, for example, a requirement that the entity enter into a deed concerning the works. 6
7
8
- ‘(6) Without limiting subsections (1) to (4), a person does not commit an offence against this Act only because the person carries out the permitted works, or maintenance works, under this section. 9
10
11
- ‘(7) In this section— 12
- “developers”** means Norwood Street Project Pty Ltd ACN 099 371 972 (as trustee) and Cairns Blue Pty Ltd ACN 102 517 984. 13
14
- “dredging area”** means the areas of Half Moon Creek and Half Moon Bay stated in the environmental authority as areas to be dredged under the authority.¹ 15
16
17
- “environmental authority”** means the environmental authority issued to the developers under the *Environmental Protection Act 1994*, to replace environmental authority number 5010000239. 18
19
20
- “maintenance works”** means— 21
- (a) the dredging necessary to maintain the navigability of the dredging area; and 22
23
- (b) the disposal of the dredging spoil. 24
- “marine park”** means a marine park that includes all or part of the dredging area. 25
26
- “permitted works”** means— 27
- (a) the dredging, in the dredging area, permitted under the environmental authority; and 28
29

1 See the *Environmental Protection Act 1994*, section 542 for inspection of the register, kept under that Act, containing details about the authority.

Marine Parks Amendment Bill 2003

(b) the disposal of the spoil, from the dredging mentioned in 1
paragraph (a), permitted under a licence, permit or other 2
authority given to the developers under an Act. 3

“regulation provisions” means the *Marine Parks Regulation 1990*, 4
sections 8A, 19 to 21 and 33.’. 5