



Cairns Area Plan of Management Amendment 2005 (No. 1)

The GREAT BARRIER REEF MARINE PARK AUTHORITY has prepared this amendment of a plan of management under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*.

Dated 8 September 2005

J.M. Tanzer
Chairman

F. Barker
Member

E. Scott
Member

L. Keliher
Member

1 Name of amendment

This amendment is the *Cairns Area Plan of Management Amendment 2005 (No. 1)*.

2 Commencement

This amendment commences on the day after it is registered.

3 Amendment of *Cairns Area Plan of Management 1998*

Schedule 1 amends the *Cairns Area Plan of Management 1998*.

Schedule 1 Amendments

(section 3)

[1] Subclause 1.4 (2)

omit

Great Barrier Reef Marine Park Cairns Section and Cairns Marine Park Zoning Maps (Cooktown BRA Q155 and Cairns BRA Q156), published by the Authority in February 1992.

insert

Amalgamated Great Barrier Reef Section and the Cairns/Cooktown Management Area map (MPZ30), published by the Authority in April 2004.

[2] Subclause 1.4 (5), note 2

omit

Department of Environment

insert

Environmental Protection Agency

[3] Subclause 1.6 (11)

omit

without a relevant permission under the Zoning Plan.

insert

under the Zoning Plan without a relevant permission, unless the taking is in accordance with an accredited coral harvest fishery.

[4] Subclause 1.6 (18), notes 1 and 2

omit

[5] Paragraph 1.7 (16) (a)

substitute

- (a) prohibiting the taking of dugong within the Planning Area except in accordance with section 5.3 of the Zoning Plan; and

[6] Subclause 1.7 (16), after note 2

insert

Note 3 **Taking** has the same meaning as in the Zoning Plan — see Schedule 9. In the Zoning Plan, **taking** is defined as follows:

taking an animal, plant or marine product includes:

- (a) removing, gathering, catching, capturing, killing, destroying, dredging for, raising, carrying away, bringing ashore, interfering with and obtaining (by any other means) the animal, plant or marine product; and
- (b) attempting to do anything mentioned in paragraph (a).

[7] Clause 1.10, table 1, item entitled 'Offshore Cairns', column 2

omit

Cairns Section.)

insert

Planning Area.)

[8] Subclause 1.11 (5), note

substitute

Note This site is specifically referred to in the Register of the National Estate kept under the *Australian Heritage Council Act 2003*. The site has been nominated for inclusion in the Commonwealth Heritage List kept under the *Environment Protection and Biodiversity Conservation Act 1999*.

[9] Subparagraph 1.12 (9) (c) (iii)

omit

manipulative

insert

extractive

[10] Subparagraphs 1.12 (9) (d) (i) and (ii)

substitute

- (i) anchoring by vessels more than 7 metres in overall length; and
- (ii) fishing or collecting (except trolling or bait netting for pelagic species in the Conservation Park Zone) in part of the Locality to protect specific scientific research sites; and

[11] Paragraph 1.13 (1) (a)

omit

Lizard Island and Low Island; and

insert

Green Island, Lizard Island and Low Island; and

[12] Paragraph 1.13 (1) (b)

omit

mariculture and aquarium trade collecting

insert

aquaculture and harvest fishing

[13] Clause 1.15, table 6, item entitled 'Lizard Island Locality 1', column 2

omit

(except trolling or bait netting for pelagic species) within 250 metres off

insert

or collecting (except trolling or bait netting for pelagic species in the Conservation Park Zone) within 250 metres of

[14] Paragraph 1.15 (4) (f)

after

fishing

insert

or collecting (except trolling or bait netting for pelagic species in the Conservation Park Zone)

[15] Subclauses 1.19 (3A) and (3B)

substitute

(3A) Despite subclauses (2) and (3), the Authority intends to grant up to 20 new permissions for regional tour operations that permit the operations to have all-year access to the Planning Area without a booking.

Note In providing the new permissions mentioned in subclause (3A), the Authority prefers that new operations, where appropriate, use moorings. In future reviews of moorings in the Planning Area, the Authority will consider requirements for moorings for new operators.

(3B) However, an operation under a permission mentioned in subclause (3A) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.

Note The booking limits for Sensitive Locations are set out in Schedule 5.

[16] Subclause 1.19 (3C)

omit

However, a permission

insert

A permission

[17] Subclause 1.19 (3F)

omit

they have established

insert

the applicant has established

[18] Clause 1.19, table 7, item entitled 'Regional Tour Operation', column 3

omit

Cairns Area Plan of Management Amendment 2002 (No.1);

insert

Cairns Area Plan of Management Amendment 2002 (No.1);

[19] Subclauses 1.21 (4), (5) and (6), including the notes

substitute

- (4) The Authority may grant relevant permissions for moorings by inviting expressions of interest. In considering any expression of interest received, the fundamental consideration of the Authority will be to ensure the best possible outcome for the Marine Park.

Note 1 Installation of permitted moorings and pontoons remains subject to supervision.

Note 2 Relevant permissions to install new moorings may be subject to completion of detailed site plans for reefs where permitted moorings are permitted and a Reef Anchorage has been designated.

Note 3 The Authority must grant relevant permissions for moorings in accordance with the Regulations. Amendments of the Regulations may be required to provide for a process of inviting expressions of interest. The Authority will, if necessary, rank expressions of interest in accordance with advertised selection criteria.

[20] Subclauses 1.22 (4A) and (4B)

substitute

- (4A) Despite subclause (4), the Authority intends to grant up to 20 new permissions for regional tour operations that permit the operations to have all-year access to the Planning Area without a booking.

- (4B) However, an operation under a permission mentioned in subclause (4A) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.

Note The booking limits for Sensitive Locations are set out in Schedule 5.

[21] Subclause 1.22 (4C)

omit

However, a permission

insert

A permission

[22] After subclause 1.22 (4D)

insert

- (4E) It is the intention of the Authority that 5 of the permissions mentioned in subclause (4A) will be reserved for persons undertaking tourism operations that operate predominantly from the Cooktown/Bloomfield area.

- (4F) The Authority intends that the permissions mentioned in subclause (4E) will be used for operations from the Cooktown/Bloomfield area. They will be issued for 1 year initially and their level of use will be reviewed at the end of that time. Upon application for continuation of the permission, the applicant, in addition to being assessed against the normal assessment criteria, will be required to demonstrate that the applicant has established the permitted tourism program into the Planning Area from the Cooktown/Bloomfield area on a regular basis. The Authority may place additional controls on any subsequent permission to ensure the permission is used in the manner intended.

[23] Subclause 1.23 (7)

omit

15 new permission

insert

20 new permissions

[24] Subclause 1.23 (8)

substitute

- (8) A permission mentioned in subclause (7) may permit a regional tour operation to have all-year access to the Planning Area without a booking.

- (8A) However, an operation under a permission mentioned in subclause (7) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.

Note The booking limits for Sensitive Locations are set out in Schedule 5.

[25] Subclause 1.23 (9)

omit

However, a permission

insert

A permission

[26] After subclause 1.23 (10)

insert

- (11) It is the intention of the Authority that 5 of the permissions mentioned in subclause (7) will be reserved for persons undertaking tourism operations that operate predominantly from the Cooktown/Bloomfield area.
- (12) The Authority intends that the permissions mentioned in subclause (11) will be used for operations from the Cooktown/Bloomfield area. They will be issued for 1 year initially and their level of use will be reviewed at the end of that time. Upon application for continuation of the permission, the applicant, in addition to being assessed against the normal assessment criteria, will be required to demonstrate that the applicant has established the permitted tourism program into the Planning Area from the Cooktown/Bloomfield area on a regular basis. The Authority may place additional controls on any subsequent permission to ensure the permission is used in the manner intended.

[27] Subclause 1.24 (13)

after

booking if

insert

operating

[28] Part 2, heading, note 2

substitute

Note 2 The Act contains a number of offence provisions relating to zones, including the following:

- (a) section 38A (Zones to be used only for permitted purposes);
- (b) section 38B (Permission requirements to be observed — zoned area);
- (c) section 38C (Contravening conditions of permit or authority — zoned area);
- (d) section 38CA (Zones to be used only for permitted fishing);

- (e) section 38CB (Permission requirements to be observed for fishing — zoned area);
- (f) section 38CC (Contravening conditions of permit or authority in relation to fishing — zoned area);
- (g) section 38M (Zones to be used only by permitted ships);
- (h) section 38MA (Permission requirements to be observed for ships — zoned area);
- (i) section 38MB (Contravening conditions of permit or authority in relation to ships — zoned area).

[29] Paragraph 2.3 (1) (c)

omit

clause 19

insert

Part 5

[30] Subclause 2.3 (1), note

substitute

Note Part 5 of the Zoning Plan is about additional purposes for use and entry, such as saving life or dealing with an environmental emergency.

[31] Subclause 2.3 (2)

omit

clause 20 of

[32] Subclause 2.3 (2), note

omit

[33] Subclause 2.5 (1), notes 1, 2 and 3

substitute

Note *Ship* is defined as a vessel in excess of 70 metres in overall length — see Schedule 9.

[34] Subclause 2.10 (6A)

omit

and (2A),

insert

or (2A),

[35] Clause 2.13

omit

[36] Paragraph 2.14 (2) (a)*omit*

collects

insert

takes

[37] After paragraph 2.14 (2) (a)*insert*

(ab) is acting in accordance with an accredited coral harvest fishery; or

[38] Clause 2.16*substitute***2.16 Restrictions on fishing or collecting in Lizard Island Locality 1**

A person must not fish or collect (except trolling or bait netting for pelagic species in the Conservation Park Zone) inshore of the coastal 250 metre line of Lizard Island Locality 1.

[39] Subclause 2.17 (3)*omit*

regulation 100

insert

Part 3A

[40] Subclause 2.27 (2)*substitute*

- (2) A permission mentioned in subclause (1) may permit a regional tour operation to have all-year access to the Planning Area without a booking.
- (2A) An operation under a permission mentioned in subclause (1) must comply with, and is not eligible for exemption from, the booking requirements and limits that apply to Sensitive Locations.

Note The booking limits for Sensitive Locations are set out in Schedule 5.

[41] Schedules 1, 2 and 3*substitute***Schedule 1 Cairns Area Description**

The Cairns Area comprises:

- (a) the area of the Great Barrier Reef Marine Park the boundary of which is defined by the coastal 1500 metre line around the island group comprising the 4 islands — Lizard Island (14-116a), Palfrey Island (14-116b), South Island (14-116c) and Seabird Islet (14-116d); and
- (b) the area of the Great Barrier Reef Marine Park the boundary of which:
 - (i) commences at the easternmost intersection of the parallel of latitude $17^{\circ}19.95'$ south by the 5 kilometre line, at or about latitude $17^{\circ}19.95'$ south, longitude $146^{\circ}04.14'$ east;
 - (ii) runs then generally northerly along that 5 kilometre line to its intersection by the 1 kilometre line around High Island, at or about latitude $17^{\circ}10.55'$ south, longitude $146^{\circ}00.66'$ east;
 - (iii) then generally north-westerly, northerly and north-easterly along that 1 kilometre line to its intersection by the 5 kilometre line, at or about latitude $17^{\circ}08.76'$ south, longitude $146^{\circ}00.20'$ east;
 - (iv) then generally north-westerly and northerly along the 5 kilometre line to its southernmost intersection by the 5 kilometre line around Fitzroy Island;
 - (v) then generally easterly, north-easterly, northerly, north-westerly and westerly along that 5 kilometre line to its intersection by the 5 kilometre line;
 - (vi) then generally north-westerly and westerly along the 5 kilometre line to its intersection by the geodesic between the point of latitude $16^{\circ}49.70'$ south, longitude $145^{\circ}53.40'$ east and the intersection of the parallel of latitude $16^{\circ}47.20'$ south by the 5 kilometre line and then along this geodesic to its intersection with the 5 kilometre line;
 - (vii) then north-westerly, northerly and north-easterly along the 5 kilometre line to its intersection with the geodesic between the point of latitude $16^{\circ}19.00'$ south, longitude $145^{\circ}30.00'$ east and the intersection of the parallel of latitude $16^{\circ}17.00'$ south with the coastline at low water;
 - (viii) then north-westerly along that geodesic to the intersection of the parallel of latitude $16^{\circ}17.00'$ south with the coastline at low water;
 - (ix) then generally northerly and north-westerly along that coastline at low water to its intersection by the meridian of longitude $145^{\circ}22.71'$ east;
 - (x) then north-easterly along the geodesic to the point of latitude $15^{\circ}43.00'$ south, longitude $145^{\circ}25.33'$ east;

- (xi) then easterly along the geodesic to the point of latitude 15°42.85' south, longitude 145°28.23' east;
- (xii) then south-easterly along the geodesic to the point of latitude 15°45.70' south, longitude 145°35.30' east;
- (xiii) then north-easterly along the geodesic to the point of latitude 15°42.55' south, longitude 145°45.86' east;
- (xiv) then northerly along the geodesic to the point of latitude 15°07.20' south, longitude 145°39.86' east;
- (xv) then north-westerly along the geodesic to the point of latitude 15°04.23' south, longitude 145°37.98' east;
- (xvi) then northerly along the geodesic to the point of latitude 14°42.80' south, longitude 145°39.95' east;
- (xvii) then north-westerly along the geodesic to the point of latitude 14°27.26' south, longitude 145°26.73' east;
- (xviii) then north-westerly along the geodesic to the point of latitude 14°25.05' south, longitude 145°25.78' east;
- (xix) then north-easterly along that geodesic to the point of latitude 14°18.27' south, longitude 145°39.00' east;
- (xx) then south-easterly along the geodesic to the point of latitude 15°00.00' south, longitude 146°00.00' east;
- (xxi) then south-easterly along the geodesic that passes through the point of latitude 17°30.00' south, longitude 147°00.00' east to its intersection by the parallel of latitude 16°44.60' south; and
- (xxii) then south-westerly along the geodesic to the point of commencement.

Schedule 2 Sector Descriptions

1. Lizard Island Sector

The Lizard Island Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park the boundary of which is defined by the coastal 1500 metre line around the island group comprising the 4 islands — Lizard Island (14-116a), Palfrey Island (14-116b), South Island (14-116c) and Seabird Islet (14-116d).

2. Ribbon Reefs Sector

The Ribbon Reefs Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park bounded by a line which:

- (a) commences at the point of latitude 15°42.55' south, longitude 145°45.86' east;
- (b) runs then northerly along the geodesic to the point of latitude 15°07.20' south, longitude 145°39.86' east;

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- (c) then north-westerly along the geodesic to the point of latitude 15°04.23' south, longitude 145°37.98' east;
 - (d) then northerly along the geodesic to the point of latitude 14°42.80' south, longitude 145°39.95' east;
 - (e) then north-westerly along the geodesic to the point of latitude 14°27.26' south, longitude 145°26.73' east;
 - (f) then north-westerly along the geodesic to the point of latitude 14°25.05' south, longitude 145°25.78' east;
 - (g) then north-easterly along that geodesic to the point of latitude 14°18.27' south, longitude 145°39.00' east;
 - (h) then south-easterly along the geodesic to the point of latitude 15°00.00' south, longitude 146°00.00' east;
 - (i) then south-easterly along the geodesic that passes through the point of latitude 17°30.00' south, longitude 147°00.00' east to its intersection by the parallel of latitude 15°32.01' south; and
 - (j) then south-westerly along the geodesic to the point of commencement.

3. Offshore Port Douglas Sector

The Offshore Port Douglas Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park bounded by a line which:

- (a) commences at the easternmost intersection of the parallel of latitude 16°41.90' south by the 5 kilometre line, at or about latitude 16°41.90' south, longitude 145°41.46' east;
- (b) runs then generally north-westerly, northerly and north-easterly along the 5 kilometre line to its intersection with the geodesic between the point of latitude 16°19.00' south, longitude 145°30.00' east and the intersection of the parallel of latitude 16°17.00' south with the coastline at low water;
- (c) then north-westerly along that geodesic to the intersection of the parallel of latitude 16°17.00' south with the coastline at low water;
- (d) then generally northerly and north-westerly along that coastline at low water to its intersection by the meridian of longitude 145°22.71' east;
- (e) then north-easterly along the geodesic to the point of latitude 15°43.00' south, longitude 145°25.33' east;
- (f) then easterly along the geodesic to the point of latitude 15°42.85' south, longitude 145°28.23' east;
- (g) then south-easterly along the geodesic to the point of latitude 15°45.70' south, longitude 145°35.30' east;
- (h) then north-easterly along the geodesic to the point of latitude 15°42.55' south, longitude 145°45.86' east;
- (i) then north-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 15°32.01' south;

- (j) then south-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 15°49.65' south; and
- (k) then south-westerly along the geodesic to the point of commencement.

4. Offshore Cairns Sector

The Offshore Cairns Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park bounded by a line which:

- (a) commences at the easternmost intersection of the parallel of latitude 16°50.30' south by the 5 kilometre line, at or about latitude 16°50.30' south, longitude 145°57.85' east;
- (b) runs then generally north-westerly and westerly along the 5 kilometre line to its intersection by the geodesic between the point of latitude 16°49.70' south, longitude 145°53.40' east and the intersection of the parallel of latitude 16°47.20' south by the 5 kilometre line and then along this geodesic to its intersection with the 5 kilometre line, at or about latitude 16°47.20' south, longitude 145°45.97' east;
- (c) then generally north-westerly along the 5 kilometre line to its easternmost intersection by the parallel of latitude 16°41.90' south;
- (d) then north-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 15°49.65' south;
- (e) then south-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 16°28.86' south; and
- (f) then south-westerly along the geodesic to the point of commencement.

5. South Offshore Cairns Sector

The South Offshore Cairns Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park bounded by a line which:

- (a) commences at the point of latitude 17°15.86' south, longitude 146°08.40' east;
- (b) runs then north-westerly along the geodesic to the easternmost intersection of the parallel of latitude 17°06.18' south by the 5 kilometre line, at or about latitude 17°06.18' south, longitude 145°59.03' east;
- (c) then generally north-westerly and northerly along the 5 kilometre line to its southernmost intersection by the 5 kilometre line around Fitzroy Island;
- (d) then generally easterly, north-easterly, northerly, north-westerly and westerly along that 5 kilometre line to its intersection by the 5 kilometre line;

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- (e) then generally north-westerly along that 5 kilometre line to its easternmost intersection by the parallel of latitude 16°50.30' south;
 - (f) then north-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 16°28.86' south;
 - (g) then south-easterly along the geodesic that passes through the point of latitude 17°30.00' south, longitude 147°00.00' east to its intersection by the parallel of latitude 16°44.60' south; and
 - (h) then south-westerly along the geodesic to the point of commencement.

6. Frankland Islands Sector

The Frankland Islands Sector of the Cairns Area is the part of the Great Barrier Reef Marine Park bounded by a line which:

- (a) commences at the easternmost intersection of the parallel of latitude 17°19.95' south by the 5 kilometre line, at or about latitude 17°19.95' south, longitude 146°04.14' east;
- (b) runs then generally northerly along that 5 kilometre line to its intersection by the 1 kilometre line around High Island, at or about latitude 17°10.55' south, longitude 146°00.66' east;
- (c) then generally north-westerly, northerly and north-easterly along that 1 kilometre line to its intersection by the 5 kilometre line, at or about latitude 17°08.76' south, longitude 146°00.20' east;
- (d) then generally north-westerly along that 5 kilometre line to its easternmost intersection of the parallel of latitude 17°06.18', at or about latitude 17°06.18' south, longitude 145°59.03' east;
- (e) then south-easterly along the geodesic to the point of latitude 17°15.86' south, longitude 146°08.40' east; and
- (f) then south-westerly along the geodesic to the point of commencement.

Schedule 3 Locality Descriptions

1. Lizard Island Locality 1

Lizard Island Locality 1 of the Cairns Area is the part of the Lizard Island Sector bounded by a line which:

- (a) commences at the southern end of Turtle Beach at low water;
- (b) runs then generally south-westerly along the geodesic on a bearing of 235° for a distance of approximately 1850 metres to the point of latitude 14°39.80' south, longitude 145°26.20' east;
- (c) then northerly along the geodesic for a distance of approximately 2200 metres to its intersection with the coastal 1500 metre line;
- (d) then generally north-easterly and easterly along the coastal 1500 metre line to its intersection with the meridian of longitude 145°27.21' east;

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- (e) then southerly along that meridian to its intersection with the coastline of Lizard Island at low water, which is the northern extremity of North Point; and
 - (f) then generally south-easterly along the coastline of Lizard Island at low water to the point of commencement.

2. Lizard Island Locality 2

Lizard Island Locality 2 of the Cairns Area is the part of the Lizard Island Sector bounded by a line which:

- (a) commences at the north-western extremity of the point immediately south-east of Osprey Island (14-116e), located at low water at point of latitude 14°40.14' south, longitude 145°26.61' east;
- (b) runs then generally north-westerly along the geodesic on a bearing of 305° for a distance of approximately 990 metres to the point of latitude 14°39.80' south, longitude 145°26.20' east;
- (c) then generally north-easterly along the geodesic on a bearing of 55° for a distance of approximately 800 metres to the point of latitude 14°39.55' south, longitude 145°26.56' east;
- (d) then generally south-easterly along the geodesic on a bearing of 155° for a distance of approximately 950 metres to the north-westernmost point of the headland of Lizard Island at Chinamans Ridge at low water; and
- (e) then generally south-westerly and westerly along the coastline of Lizard Island at low water to the point of commencement.

3. Lizard Island Locality 3

Lizard Island Locality 3 of the Cairns Area is the part of the Lizard Island Sector bounded by a line which:

- (a) commences at the north-westernmost point of the headland of Lizard Island at Chinamans Ridge at low water;
- (b) runs then generally north-westerly along the geodesic on a bearing of 325° for a distance of approximately 950 metres to the point of latitude 14°39.55' south, longitude 145°26.56' east;
- (c) then generally north-easterly along the geodesic on a bearing of 55° for a distance of approximately 1050 metres to the southern end of Turtle Beach at low water; and
- (d) then generally southerly and westerly along the coastline of Lizard Island at low water to the point of commencement.

4. Lizard Island Locality 4

Lizard Island Locality 4 of the Cairns Area is the part of the Lizard Island Sector bounded by a line which:

- (a) commences at the northernmost intersection of the island coastline of Lizard Island at low water in the vicinity of North Point with the meridian of longitude $145^{\circ}27.21'$ east;
- (b) then north along the meridian of longitude $145^{\circ}27.21'$ east to its northernmost intersection with the coastal 500 metre line around Lizard Island;
- (c) then generally south-easterly, southerly, south-westerly, westerly, north-westerly, northerly and north-easterly along the coastal 500 metre line around Lizard Island to its northernmost intersection with longitude $145^{\circ}26.20'$ east, at or about the point of latitude $14^{\circ}39.80'$ south, longitude $145^{\circ}26.20'$ east;
- (d) then south-easterly along the geodesic to the north-western extremity of the point on the Lizard Island coastline at low water immediately south east of Osprey Island (14-116e), at or about the point of latitude $14^{\circ}40.14'$ south, longitude $145^{\circ}26.61'$ east; and
- (e) then generally southerly, easterly, north-easterly and north-westerly along the island coastline of Lizard Island at low water to the point of commencement.

5. Cod Hole Locality

The Cod Hole Locality of the Cairns Area is the part of the Ribbon Reefs Sector bounded by a line which:

- (a) commences at the westernmost intersection of the reef crest of Ribbon Reef No. 10 by the parallel of latitude $14^{\circ}40.25'$ south;
- (b) runs then west along that parallel to its intersection by the 100 metre line around Ribbon Reef No. 10;
- (c) then generally north-easterly along that 100 metre line to its intersection by the meridian of longitude $145^{\circ}39.9'$ east;
- (d) then south along that meridian to its northern most point of intersection by the reef crest of Ribbon Reef No. 10; and
- (e) then south-westerly along that reef crest to the point of commencement.

6. Cape Tribulation Bay Locality 1

Cape Tribulation Bay Locality 1 of the Cairns Area is the part of the Offshore Port Douglas Sector bounded by a line which:

- (a) commences at the intersection of the parallel of latitude $16^{\circ}05.00'$ south by the coastline of the mainland at low water, south of Cape Tribulation;
- (b) runs then generally northerly and north-westerly along that coastline at low water to its intersection by the parallel of latitude $16^{\circ}03.00'$ south;

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- (c) then east along that parallel to its intersection by the coastal 500 metre line of the mainland;
 - (d) then generally south-easterly and southerly along the coastal 500 metre line to its intersection by the parallel of latitude 16°05.00' south; and
 - (e) then west along that parallel to the point of commencement.

7. Cape Tribulation Bay Locality 2

Cape Tribulation Bay Locality 2 of the Cairns Area is the part of the Offshore Port Douglas Sector bounded by a line which:

- (a) commences at the intersection of the parallel of latitude 16°03.00' south by the coastline of the mainland at low water, north of Cape Tribulation;
- (b) runs then generally north-westerly along that coastline at low water to its intersection by the meridian of longitude 145°22.72' east;
- (c) then north along that meridian to its intersection by the coastal 500 metre line of the mainland;
- (d) then generally south-easterly along the coastal 500 metre line to its easternmost intersection by the parallel of latitude 16°03.00' south; and
- (e) then west along that parallel to the point of commencement.

8. Alexandra Bay Locality

The Alexandra Bay Locality of the Cairns Area is the part of the Offshore Port Douglas Sector bounded by a line which:

- (a) commences at the intersection of the parallel of latitude 16°05.00' south by the coastline of the mainland at low water, south of Cape Tribulation;
- (b) then east along that parallel to its intersection by the coastal 500 metre line of the mainland;
- (c) then generally south-westerly, southerly and south-easterly along the coastal 500 metre line to its intersection by the parallel of latitude 16°13.44' south;
- (d) then west along that parallel to its intersection by the coastal 500 metre line of the mainland; and
- (e) then generally north-westerly, northerly and north-easterly along that coastline at low water to the point of commencement.

9. Low Island Locality

The Low Island Locality of the Cairns Area is the part of the Offshore Port Douglas Sector bounded by:

- (a) the meridians of longitude 145°33.43' east and 145°33.94' east; and
- (b) the parallels of latitude 16°22.94' south and 16°23.29' south.

10. Hastings Reef Locality 1

Hastings Reef Locality 1 of the Cairns Area is the part of the Offshore Cairns Sector at Hastings Reef (16-057) bounded by a line which:

- (a) commences at the westernmost intersection of the 500 metre line around Hastings Reef (16-057) by the parallel of latitude 16°31.00' south;
- (b) runs then east along that parallel to the easternmost intersection of the 500 metre line around Hastings Reef (16-057); and
- (c) then generally south-westerly, westerly and north-easterly along that 500 metre line to the point of commencement.

11. Hastings Reef Locality 2

Hasting Reef Locality 2 of the Cairns Area is the part of the Offshore Cairns Sector at Hastings Reef (16-057) bounded by a line which:

- (a) commences at the westernmost intersection of the 500 metre line around Hastings Reef (16-057) by the parallel of latitude 16°31.00' south;
- (b) runs then generally north-easterly and south-easterly along that 500 metre line to its easternmost intersection by the parallel of latitude 16°31.00' south; and
- (c) then west along that parallel to the point of commencement.

12. Michaelmas Cay Locality

The Michaelmas Cay Locality of the Cairns Area is the part of the Offshore Cairns Sector within 1 nautical mile of Michaelmas Cay.

13. Euston Reef Locality

The Euston Reef Locality of the Cairns Area is the part of the South Offshore Cairns Sector within 500 metres of Euston Reef (16-063).

14. Green Island Reef Locality 1

Green Island Reef Locality 1 of the Cairns Area is the part of the Offshore Cairns Sector bounded by a line which:

- (a) commences at the intersection of the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east by the coastline of Green Island at low water on the southern side;
- (b) runs then generally south-westerly along that geodesic to a point 500 metres seaward from the coast of Green Island at low water;

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- (c) then generally northerly, north-easterly, south-easterly always remaining 500 metres seaward from the coast of Green Island at low water to the intersection of the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east;
 - (d) then generally south-westerly along that geodesic to its intersection with the coast of Green Island at low water; and
 - (e) then generally north-westerly, south-westerly and south-easterly along the coast of Green Island at low water to the point of commencement.

15. Green Island Reef Locality 2

Green Island Reef Locality 2 of the Cairns Area is the part of the Offshore Cairns Sector bounded by a line which:

- (a) commences at the westernmost intersection of the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east by the 500 metre line of Green Island Reef;
- (b) runs then generally north-westerly, north-easterly and south-easterly along that 500 metre line to its easternmost intersection by the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east;
- (c) then generally south-westerly along that geodesic to the 500 metre line of Green Island;
- (d) then generally north-westerly, south-westerly and southerly always remaining 500 metres seaward from the coast of Green Island at low water to its intersection by the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east; and
- (e) then generally south-westerly along that geodesic to the point of commencement.

16. Green Island Reef Locality 3

Green Island Reef Locality 3 of the Cairns Area is the part of the Offshore Cairns Sector bounded by a line which:

- (a) commences at the westernmost intersection of the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east by the 500 metre line of Green Island Reef;
- (b) runs then north-easterly along that geodesic to its westernmost intersection with the coast of Green Island at low water;

- (c) then generally south-easterly, north-easterly and north-westerly along the coastline of Green Island at low water to its easternmost intersection by the geodesic between the point of latitude 16°46.00' south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east;
- (d) then north-easterly along that geodesic to its intersection by the 500 metre line of Green Island Reef; and
- (e) then generally south-easterly, south-westerly and north-westerly, along the 500 metre line to the point of commencement.

17. Moore Reef Locality 1

Moore Reef Locality 1 of the Cairns Area is the part of the South Offshore Cairns Sector at Moore Reef (16-071) bounded by a line which:

- (a) commences at the easternmost intersection of the geodesic between the point of latitude 16°50.18' south, longitude 146°12.00' east and the point of latitude 16°53.97' south, longitude 146°16.00' east by the 500 metre line of Moore Reef;
- (b) runs then generally north-easterly, northerly, north-westerly, westerly and south-westerly along that 500 metre line to its easternmost intersection by the geodesic between the point of latitude 16°50.18' south, longitude 146°12.00' east and the point of latitude 16°53.97' south, longitude 146°16.00' east; and
- (c) then south-easterly along that geodesic to the point of commencement.

18. Moore Reef Locality 2

Moore Reef Locality 2 of the Cairns Area is the part of the South Offshore Cairns Sector at Moore Reef (16-071) bounded by a line which:

- (a) commences at the westernmost intersection of the parallel of latitude 16°54.00' south by the 500 metre line of Moore Reef (16-071);
- (b) runs then generally northerly and north-easterly along that 500 metre line to its westernmost intersection by the geodesic between the point of latitude 16°50.18' south, longitude 146°12.00' east and the point of latitude 16°53.97' south, longitude 146°16.00' east;
- (c) then south-easterly along that geodesic to its southernmost intersection by the 500 metre line around Moore Reef (16-071);
- (d) then generally south-westerly along that 500 metre line to its intersection by the parallel of latitude 16°54.00' south; and
- (e) then west along that parallel of latitude to the point of commencement.

19. Sudbury Cay Locality

The Sudbury Cay Locality of the Cairns Area is the part of the South Offshore Cairns Sector within 1 nautical mile of Sudbury Cay.

[42] Schedule 4, clause 5, column 2*omit*

Pellowe Reef (16-070)

insert

Pellowe Reef (16-070)

[43] Schedule 5, heading*substitute***Schedule 5 Sensitive Locations**

(subclause 1.15 (7), Table 7, subclauses 1.23 (2), 1.24 (5), (6) and (6A), 2.9 (3) and 2.10 (11))

[44] Schedule 5, item 9, column 3*omit*

1 500

insert

500

[45] Schedule 9, clause 1, before definition of Act*insert**accredited coral harvest fishery* means an accredited harvest fishery that involves the taking of coral.*accredited harvest fishery* has the same meaning as in the Zoning Plan.**[46] Schedule 9, clause 1, after definition of Alexandra Bay Locality***insert**Amalgamated Great Barrier Reef Section* has the same meaning as in the Regulations.**[47] Schedule 9, clause 1, after definition of ancillary mooring***insert**aquaculture operation* has the same meaning as in the Zoning Plan.*Note Aquaculture* has a corresponding meaning to *aquaculture operation* — see section 18A of the *Acts Interpretation Act 1901* and paragraph 13 (1) (a) of the *Legislative Instruments Act 2003*.

[48] Schedule 9, clause 1, definition of *authorisation*

omit

Division 2 of Part 4

insert

Division 2.4 of Part 2

[49] Schedule 9, clause 1, definitions of *Cairns Section*, *collecting* and *external boundary*

omit

[50] Schedule 9, clause 1, definition of *fishing*

substitute

fishing or collecting has the same meaning as in the Zoning Plan.

[51] Schedule 9, clause 1, after definition of *group size limit*

insert

harvest fishery has the same meaning as in the Zoning Plan.

Note Harvest fishing has a corresponding meaning to *harvest fishery* — see section 18A of the *Acts Interpretation Act 1901* and paragraph 13 (1) (a) of the *Legislative Instruments Act 2003*.

[52] Schedule 9, clause 1, definition of *landward boundary*

omit

[53] Schedule 9, clause 1, definition of *Marine Park*

substitute

Marine Park has the same meaning as in the Act.

[54] Schedule 9, clause 1, definition of *permanently moored facility*

substitute

permanently moored facility:

- (a) means a facility that is moored in 1 vicinity for more than:
 - (i) 14 consecutive days; or
 - (ii) 30 days in any period of 60 days; or
- (b) if it is defined in the Regulations — has the meaning given in the Regulations.

[55] Schedule 9, clause 1, definition of *personal watercraft*, including the notes

substitute

personal watercraft has the same meaning as in the *Transport Operations (Marine Safety) Regulation 2004* of Queensland, as in force from time to time.

Note 1 The *Transport Operations (Marine Safety) Regulation 2004* of Queensland, when made, defined ***personal watercraft*** as a powered ship that:

- (a) has a fully enclosed hull that does not take on water if capsized; and
- (b) is designed to be operated by a person standing, crouching, or kneeling on it or sitting astride it.

Note 2 Section 10 of the *Transport Operations (Marine Safety) Act 1994* of Queensland defines ***ship*** as follows:

- (1) A ***ship*** is any kind of boat or other vessel used or, for a boat or other vessel being built, intended to be used, in navigation by water or for any other purpose on water.
- (2) Without limiting subsection (1), a ***ship*** includes a boat or other vessel—
 - (a) whatever its size; and
 - (b) however it is propelled or moved.
- (3) A ***ship*** includes, for example—
 - (a) a barge, lighter or other floating vessel; and
 - (b) a hovercraft or other surface effect craft.
- (4) A ***ship*** does not include a vessel declared by regulation not to be a ship.
- (5) A regulation may provide that a ship includes an aircraft when it is on water or is taking off, or landing on, water.
- (6) Except as provided by a regulation under subsection (5), a ship does not include an aircraft.

[56] Schedule 9, clause 1, definition of *pontoon*

omit

mariculture

insert

aquaculture

[57] Schedule 9, clause 1, definition of *Zoning Plan*

substitute

Zoning Plan means the *Great Barrier Reef Marine Park Zoning Plan 2003*.

[58] Schedule 9, clause 2, definition of *5 kilometre line*, note

omit

[59] Schedule 9, clause 2, definition of *500 metre line*, paragraph (a)

substitute

- (a) of a reef — means the line every point of which is at a distance of 500 metres seaward from the nearest point of the reef edge of the reef to which it applies; and

[60] Schedule 9, clause 2, definition of *coastal 500 metre line*

substitute

coastal 500 metre line means the line every point of which:

- (a) is at a distance of 500 metres seaward of the island or the mainland, as the case may be, to which it applies; or
- (b) if there is a fringing reef wholly or partly around that island or wholly or partly along that mainland — is at a distance of 500 metres from the nearest point of the reef edge of that fringing reef.