

Whitsundays Plan of Management Amendment 1999

The Great Barrier Reef Marine Park Authority prepares this amendment of a plan of management under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*.

Dated 12 October 1999.

Whitsundays Plan of Management Amendment 1999¹

made under the

Great Barrier Reef Marine Park Act 1975

Contents

	PAGE
1 NAME OF AMENDMENT	4
2 COMMENCEMENT	4
3 AMENDMENT OF WHITSUNDAYS PLAN OF MANAGEMENT	4
SCHEDULE 1 AMENDMENTS	5
[1] Part 1	5
Part 1 Management of the Whitsunday Planning Area	5
[2] Part 2	25
Part 2 Enforcement provisions	25
[3] Schedule 1, heading	31
Schedule 1 The Planning Area	31
[4] Schedule 1	31
[5] Schedule 1	31
[6] Schedule 2, item 1, paragraph (e) (ii), (iii) and (iv)	31
[7] Schedule 2, item 2, paragraph (b)	32
[8] Schedule 2, item 3, paragraph (h)	32
[9] Schedule 2, item 3, subparagraph (i) (xiii)	32

[10] Schedule 2, item 3, paragraph (k)	32
[11] Schedule 2, item 3, paragraphs (m) and (n)	33
[12] Schedule 4, paragraphs (n) to (r)	34
[13] Schedule 5	35
[14] Schedule 5, item 3	35
[15] Schedule 5, item 6, paragraphs (a) and (b)	35
[16] Schedule 5, after item 11	35
[17] Schedule 6	37
Schedule 6 Cruise ship anchorages	37
[18] Schedule 8	39
Schedule 8 Langford/Black Islands Area	39
[19] Schedule 9	39
Schedule 9 Definitions	39

1 Name of amendment

This amendment is the *Whitsundays Plan of Management Amendment 1999*.

2 Commencement

This amendment comes into force when the Authority gives public notice of it under subsection 39ZE (4) of the *Great Barrier Reef Marine Park Act 1975*.

Note However, the enforcement provisions inserted into the Whitsundays Plan of Management by this amendment do not come into force until a day declared by the regulations — see that Act, s 39ZF (2).

3 Amendment of Whitsundays Plan of Management

Schedule 1 amends the Whitsundays Plan of Management.

Schedule 1 Amendments

[1] Part 1

substitute

Part 1 Management of the Whitsunday Planning Area

Division 1 Preliminary

1.1 Name of this Plan

This Plan is the *Whitsundays Plan of Management 1998*.

1.2 Application of this Plan

This Plan applies to the part of the Great Barrier Reef Marine Park within the Whitsunday Planning Area (that is, the areas described in Schedule 1).

1.3 General intent of this Plan

- (1) The general intent of this Plan is, in conjunction with other management mechanisms, to protect and conserve identified values of the Planning Area, while allowing for reasonable opportunities to access and use the Planning Area.
- (2) Section 39Y of the Act sets out the objects of plans of management. Those objects are:
 - (a) to ensure, for particular areas of the Marine Park in which the Authority considers that nature conservation values, cultural and heritage values, or scientific values are, or may be, threatened, that appropriate proposals are developed to reduce or eliminate the threats; and
 - (b) to ensure that species and ecological communities that are, or may become, vulnerable or endangered are managed to enable their recovery and continued protection and conservation; and
 - (c) to ensure that activities within areas of the Marine Park are managed on the basis of ecologically sustainable use; and
 - (d) to provide a basis for managing the uses of a particular area of the Marine Park that may conflict with other uses of the area or with the values of the area; and
 - (e) to provide for the management of areas of the Marine Park in conjunction with community groups in circumstances where those groups have a special interest in the areas concerned; and
 - (f) to enable people using the Marine Park to participate in a wide range of recreational activities.

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- (3) Subsection 39Z (1) of the Act states that the Authority in preparing management plans must have regard to:
- (a) the protection of world heritage values of the Marine Park; and
 - (b) the precautionary principle.

Note S 39Z of the Act defines *the precautionary principle* to have the same meaning as in section 3.5.1 of the Intergovernmental Agreement on the Environment. (The Agreement is set out in full in the Schedule to the *National Environment Protection Council Act 1994*.) The principle is as follows:

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

1.4 Interpretation

- (1) In this Plan, a term defined in Schedule 9 has the meaning given in that schedule, unless the context requires otherwise.
- (2) A reference in this Plan to a reef or other place, followed by an identification number in brackets (for example, Line Reef (19-128)), is a reference to the reef or place so named and identified in the Great Barrier Reef Marine Park Central Section Zoning Information (specifically Hardy Reef BRA Q113 and Whitsundays BRA Q115), published by the Authority in 1987.
- (3) If 2 Locations described in this Plan overlap, the boundary between them, in the area of overlap, is taken to be the median line between their boundaries as described.
- (4) If for this Plan an area has as its seaward boundary a line every point of which is a particular distance seaward from a reef or coastline (for example, the coastal 1 500 metre line) but the area does not extend all the way around the reef or coastline, the lateral boundaries of the area are the lines that are perpendicular to the reef or coastline at each end of the area.
- (5) If part of the boundary of a Location extends beyond the Planning Area, the Location boundary is taken to be the boundary of the Planning Area.
- (6) The origin of geographical coordinates used in this Plan is the Australian Geodetic Datum 1966 (AGD66) unless otherwise stated.
- (7) If a specific reef Location is mentioned in this Plan, the reference includes the area within the 500 metre line of the reef unless the context indicates otherwise.

Note 1 The intertidal areas and most of the islands are managed by the Queensland Parks and Wildlife Service.

Note 2 The Commonwealth islands of Eshelby Island (20-012), Little Eshelby Island (20-013) and the southern part of Dent Island (20-058), and their intertidal areas, are managed by the Great Barrier Reef Marine Park Authority.

1.5 Nature conservation – general

- (1) The Authority considers protection of the natural values of the Marine Park to be an essential consideration of management. Use that threatens, or may be reasonably expected to threaten, natural values will be managed.
- (2) The Authority considers that the following nature conservation values are, or may be, threatened in the Planning Area:
 - (a) corals and associated biota;
 - (b) marine animals, plants and habitat;
 - (c) birds nesting or roosting in the Planning Area;
 - (d) scenic integrity;
 - (e) water quality.
- (3) The Authority has identified the following issues to be resolved in protecting nature conservation values in the Planning Area:
 - (a) limiting the damage to coral from anchoring and other direct human activities;
 - (b) minimising disturbance to whales, particularly in the inshore calving areas of the Planning Area;
 - (c) minimising the decline in, and pressures on, dugong populations in the Planning Area;
 - (d) minimising disturbance to turtles, particularly when nesting in the Planning Area;
 - (e) minimising disturbance to birds, particularly when nesting or roosting, in the Planning Area;
 - (f) ensuring scenic integrity and water quality are not degraded.
- (4) To reduce or eliminate the threats to nature conservation values in the Planning Area, areas of unique or outstanding nature conservation value will be assigned high levels of protection, and in some cases, access may be limited as a result of more detailed site planning.

Note 1 Tertiary treatment standards have been implemented for direct discharge of waste into the Planning Area. The Authority is working with Queensland agencies and stakeholders to implement appropriate standards for vessel discharges and to manage diffuse, land-based sources of pollution.

Note 2 Best environmental practices are in place and are regularly required for the major activities in the Planning Area including anchoring and mooring, fishing and diving and snorkelling.

Note 3 As tourism is the major use in the Planning Area, the Authority is working with the tourism industry to ensure best environmental practices through accreditation, training and education programs and materials.

1.6 Corals and associated biota conservation: values, issues and strategies addressed in this plan

Corals and associated biota conservation values

- (1) The Authority has identified the following values relating to corals and associated biota in the Planning Area:
 - (a) corals and associated biota are an integral part of the Marine Park and the Great Barrier Reef World Heritage Area;
 - (b) the relatively clear waters of the northern Whitsundays have allowed for the growth and development of extensive and diverse reef structures and of corals relatively uncommon on fringing reefs;
 - (c) surveys of fringing reefs in the Whitsundays have identified a number of reefs of outstanding species richness, coral cover, uniqueness and aesthetic appeal;
 - (d) a previously undescribed coral species (*Goniastrea* sp.) has been recorded at Double Bay, and a species of sponge (*Rhabderemia sorokinae*) at Deloraine Island reef.

Corals and associated biota conservation issues

- (2) The Authority has identified the following issues relating to corals and associated biota in the Planning Area:
 - (a) fringing reefs are a limited resource throughout the Marine Park and especially in the Planning Area — this relatively scarce resource has important conservation and aesthetic values;
 - (b) the accessibility of the Whitsundays fringing reefs make them vulnerable to degradation from excessive human use, particularly damage from anchoring, diving, reef walking and collecting.
 - (c) coral and associated biota have the potential to be affected by run-off from adjacent coastal development;
 - (d) species of biota that are thought to have only limited geographic distribution (for example, *Goniastrea* sp., *Rhabderemia sorokinae*) require protection.

Corals and associated biota conservation strategies

- (3) Zoning protects various habitats for various purposes. The taking of coral, including damage to coral and coral collecting, is prohibited under the Zoning Plan without a permission. However, more explicit and enforceable regulation is required to address impacts such as anchor damage.
- (4) The Authority has developed the following additional strategies to reduce or eliminate the threats to corals and associated biota in the Planning Area:
 - (a) damaging coral will not be allowed in the Planning Area, however:
 - (i) in developing regulations, special consideration or exception will be given to the use of a lightweight reef pick, if reasonable care is taken to avoid damaging coral; and
 - (ii) the prohibition will not apply to a person collecting coral in accordance with a relevant permission;

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- (b) areas of coral reef that are most susceptible to damage, and known sites for rare species of biota, will be identified as no anchoring areas and marked where appropriate: anchoring, including the use of diver descent lines and other facilities, will not be allowed within these no anchoring areas;
 - (c) as a general rule, anchoring equipment associated with ships has a higher risk of causing damage to coral and associated biota and, for that reason, a ship must not be anchored in a setting area, except at a cruise ship anchorage;
 - (d) the number of relevant permissions for tourist programs that rely on daily anchoring in the Planning Area will be capped;
 - (e) the number of relevant permissions for tourist programs that involve reef walking in the Planning Area will be capped, except:
 - (i) at Hardy Reef; and
 - (ii) at Black Island Reef;
 - (f) the number of relevant permissions for commercial collecting and mariculture in the Planning Area will be capped.

Note 1 Information on best environmental practices will be widely disseminated with the intention that it be observed when anchoring in the Planning Area.

Note 2 The Authority will continue to monitor corals and associated biota and develop conservation measures within the Planning Area as part of the Authority's reef protection program.

1.7 Marine animals, plants and habitat conservation: values, issues and strategies addressed in this plan

Marine animals, plants and habitat conservation values

- (1) The Authority has identified the following values relating to marine animals, plants and habitat in the Planning Area;
 - (a) whales, dugongs, dolphins and turtles are an integral part of the Marine Park and the Great Barrier Reef World Heritage Area;
 - (b) the Whitsundays is an important calving ground for whales which migrate north from the Southern Ocean during winter;
 - (c) dugongs occur in relatively low numbers in the Planning Area;
 - (d) several species of dolphin and marine turtle occur in the Planning Area;
 - (e) seagrass beds occur in many areas of the Whitsundays and support a rich and diverse fauna and flora, providing sheltered, nutrient-rich habitat and grazing areas for dugongs and turtles, and are important nurseries for a variety of marine life;
 - (f) mangrove communities are of major ecological and economic importance in the Whitsundays, providing habitats and nurseries for fish, and buffering estuaries from sediments and coastlines from storms, they are natural nutrient filters and are critical habitat for many birds and other wildlife.

Marine animals, plants and habitat conservation issues

- (2) The Authority has identified the following issues relating to marine animals, plants and habitat in the Planning Area;
- (a) the following species are, or may become, vulnerable or endangered: dugong (*Dugong dugon*), flatback turtle (*Natator depressus*), green turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), loggerhead turtle (*Caretta caretta*), humpback whale (*Megaptera novaeangliae*), Irrawaddy dolphin (*Orcaella brevirostris*) and Indo-Pacific hump-backed dolphin (*Sousa chinensis*);
 - (b) adult whales and calves may be disturbed by vessels and aircraft at close range;
 - (c) turtles are highly susceptible to human interference at nesting sites;
 - (d) turtles, dugongs and dolphins are occasionally injured by boat propellers;
 - (e) dugong populations throughout the southern Marine Park are severely depleted and under pressure from a variety of activities such as habitat loss, gill-netting, traditional hunting, incidental kills and illegal take;
 - (f) seagrass and mangrove communities are important to a variety of marine life and may be depleted by inappropriate human activity.

Marine animals, plants and habitat conservation strategies

- (3) The Authority has developed the following strategies to reduce or eliminate the threats to marine animals, plants and habitat in the Planning Area:
- (a) taking of, or interfering with, dugongs and loggerhead turtles will not be allowed in the Planning Area;
- Note* This strategy is supported by the Giru Dala Aboriginal Council of Elders.
- (b) vessels will not be allowed to approach within 300 metres of a whale in the Whale Protection Area — outside this area the limit will be 100 metres;
 - (c) fixed wing aircraft will not be allowed, below 1 000 feet (above ground or water), to approach within 300 metres of a whale in the Planning Area;
 - (d) helicopters will not be allowed, below 2 000 feet (above ground or water), to approach within 1 000 metres of a whale in the Planning Area;
 - (e) whale spotting with a helicopter as part of a tourist program will not be allowed in the Planning Area;
 - (f) whale watching with a vessel as part of a tourist program will not be allowed in the Whale Protection Area;
 - (g) the number of relevant permissions for tourist programs that involve whale watching in the Planning Area will be capped.

Note 1 Information on best environmental practices will be widely disseminated with the intention that it be observed when whale watching in the Planning Area.

Note 2 The Authority will continue to monitor marine animals, plants and habitat and develop conservation measures within the Planning Area as part of the Authority's threatened species conservation program.

1.8 Bird conservation: values, issues and strategies addressed in this plan

Bird conservation values

- (1) The Authority has identified the following values relating to birds nesting or roosting in the Planning Area:
 - (a) birds are an integral part of the Marine Park and the Great Barrier Reef World Heritage Area;
 - (b) the Whitsundays is recognised internationally as an important stopover area for migratory birds;
 - (c) there are a number of significant bird sites (listed in Table 1) in the Planning Area.

Table 1 Significant bird sites with restriction periods

Sites that have an all year restriction period	Sites that have a restriction period from 1 October to 31 March (inclusive)
Bird Island	Armit Island (southern beach only)
East Rock	Double Cone Island (western island only)
Edwin Rock	Grassy Island (southern beach only)
Eshelby Island	Little Armit Island
Little Eshelby Island	Olden Rock (south of Olden Island)
	Shaw Island (beach east of Burning Point)
	South Repulse Island (western beach only)

Note 1 The islands, rocks and beaches listed have been identified by the Queensland Parks and Wildlife Service as significant bird sites, particularly for nesting or roosting which predominantly occurs during the restriction period.

Note 2 The species diversity and conservation status of each species, and the number of each species, combine to determine the significance of a site.

Bird conservation issues

- (2) The Authority has identified the following issues relating to birds nesting or roosting, in the Planning Area:
 - (a) seabirds nesting in colonies and roosting on sandspits, and shorebirds feeding at mudflats, are susceptible to disturbance from human activity;
 - (b) the Authority considers that the following species are, or may become, vulnerable in the Planning Area: beach stone-curlew (*Esacus neglectus*), black-naped tern (*Sterna sumatrana*), bridled tern (*Sterna anaethetus*), crested tern (*Sterna bergii*), lesser crested tern (*Sterna bengalensis*), eastern reef egret (*Egretta sacra*), pied cormorant (*Phalacrocorax varius*), pied imperial-pigeon (*Ducula spilorrhoea*), osprey (*Pandion haliaetus*) and white-bellied sea-eagle (*Haliaeetus leucogaster*).

Bird conservation strategies

- (3) The Authority has developed the following strategies to reduce or eliminate the threats to birds nesting or roosting in the Planning Area:
- (a) aircraft will not be allowed, below 1 500 feet (above ground or water), to approach within 1 000 metres of a significant bird site (during the restriction period for the site mentioned in Table 1);
 - (b) a 6-knot speed limit will apply within 200 metres of a significant bird site (during the restriction period);
 - (c) a boat free zone will apply within 200 metres of East Rock, Edwin Rock and Olden Rock, between 1 October and 31 December each year.

Note 1 Buffers around significant bird sites are measured from high water.

Note 2 Information on best environmental practices will be widely disseminated with the intention that it be observed when visiting islands and observing seabirds in the Planning Area.

Note 3 The Authority will continue to monitor and develop bird conservation measures within the Planning Area as part of the Authority's threatened species conservation program.

Division 3 Cultural and heritage: values, issues and strategies

1.9 Cultural and heritage: values, issues and strategies addressed in this plan

Cultural and heritage values

- (1) The Authority considers that the following cultural and heritage values are, or may be, threatened in the Planning Area:
- (a) the relationship of traditional inhabitants with the marine environment, as demonstrated by the existence of sites of spiritual significance to traditional inhabitants, and the conduct of traditional subsistence activities in the Planning Area (for example, traditional hunting);
 - (b) evidence of Aboriginal occupation of the islands, including a quarry of international significance, a nationally significant rock art site, other rock art sites, middens and stone fish traps;
- Note* Three of these sites are specifically referred to in the Register of the National Estate kept under the *Australian Heritage Commission Act 1975*.
- (c) Relics of European occupation of the islands, associated with early exploration and industry, particularly timber felling and milling, mining, grazing and tourism, including shipwrecks, tramways, fencelines, sheds and tools representing former grazing activities, timber extraction and indications of early resort development;
 - (d) the Dent Island lighthouse and light station.

Cultural and heritage issues

- (2) The Authority has identified the following issues to be resolved in protecting cultural and heritage values in the Planning Area:
 - (a) maintaining the natural values of the Planning Area for the successful maintenance of cultural and heritage values and uses;
 - (b) preventing contemporary cultural and heritage values, and use by traditional inhabitants, from being impaired by greater use of parts of the Planning Area;
 - (c) preventing places of high cultural and heritage value for traditional inhabitants from being compromised by inappropriate use;
 - (d) protecting sites of cultural and heritage significance from degradation.

Cultural and heritage strategy

- (3) To reduce or eliminate the threats to cultural and heritage values in the Planning Area, sites of significant cultural and heritage value will be assigned high levels of protection, and in some cases, access may be limited as a result of more detailed site planning.

Division 4 Use of the Planning Area, issues and strategies

1.10 Use of the Planning Area, issues and strategies addressed in this plan

- (1) A diverse range of activities is undertaken in the Planning Area, which represents 1% of the total area of the Great Barrier Reef Marine Park. The Planning Area is one of the most important tourism destinations on the Queensland coast and accounts for over one-third of all visitors to the Great Barrier Reef. The Planning Area is recognised as one of the primary presentation areas of Great Barrier Reef world heritage values. Protection of the values of the Planning Area, particularly the fragile reef environment, is paramount to the long-term sustainability of the local tourism industry.

Use of the Planning Area

- (2) The Authority has identified a broad range of existing uses in the Planning Area including recreation; tourism and education; coastal development and marine facilities; commercial fishing, collecting and mariculture; traditional fishing, hunting and gathering; shipping; and research and monitoring.

Use issues

- (3) The Authority has identified the following issues to be resolved in managing use in the Planning Area:
 - (a) ensuring that all activities in the Planning Area are ecologically sustainable and undertaken in accordance with best environmental practices;
 - (b) ensuring that cultural and recreational use is not inappropriately displaced by growth in commercial use;

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- (c) minimising disturbance to users of the Planning Area caused by noisy and intrusive activities;
 - (d) ensuring that the remote qualities of some sites are not inadvertently lost through unplanned increases in use;
 - (e) ensuring that irregular use by most users is not inappropriately compromised by regular use by a few users;
 - (f) ensuring that operation in popular anchorages is not constrained by the installation of tourist facilities;
 - (g) managing intensive use to ensure it does not devalue visitor experience at popular destinations;
 - (h) managing the spatial distribution of tourist programs throughout the Planning Area;
 - (i) preventing the scenic integrity of the Planning Area from being compromised by coastal development and the inappropriate installation of facilities in the Planning Area;
 - (j) managing the impact of commercial collecting and mariculture on other users of the Planning Area for the following reasons:
 - (i) mariculture operations may require exclusive use of large areas over a long term, can affect water quality and amenity and may conflict with other use of the Planning Area;
 - (ii) collecting is seen by many people as incompatible with other tourism and recreational use and has the capacity to degrade reef communities and structure;
 - (iii) commercial collecting has the capacity to over-exploit the resource at a local level, particularly the inshore endemic species—although a wide variety of species are harvested, uncommon species are more valuable and are therefore targeted by collectors;
 - (iv) these impacts are accentuated by the cumulative effects of high, overall use of the Planning Area;
 - (k) managing the impact of tourism on other users of the Planning Area for the following reasons:
 - (i) actual tourism use of the Planning Area is much less than the potential level of use permitted under current Marine Park relevant permissions for tourist programs;
 - (ii) the current management system has proved effective at managing impacts from larger, site-specific operations, but has been less effective in addressing the cumulative impacts of the many smaller operations and the increasing recreational use of the Planning Area;
 - (iii) impacts reported at many sites suggest that levels of use are already approaching the environmentally sustainable limits;
 - (iv) in the absence of a more detailed planning framework, Marine Park relevant permissions have historically been developed specifically for each individual tourist program, and in many cases this has resulted in over-complex permit conditions.

Use strategies

- (4) The Authority has developed the following strategies to manage use in the Planning Area:
- (a) focus of use — ensuring that the limited resources available for management are used most effectively by generally focussing highest levels of use on the Hardy, Molle and Inner Whitsunday units referred to in Map 1;
 - (b) restrictions on the operation of vessels and aircraft in setting areas (described in Table 2) — consequently:
 - (i) the Authority may limit use of setting 5 areas and some setting 4 areas as a result of detailed site planning, to be undertaken in consultation with key stakeholders; and
 - (ii) until this detailed site planning is completed, the number of relevant permissions for tourist programs that involve a setting 5 area will be capped; and
 - (iii) a vessel more than 35 metres in overall length, or carrying more than 15 people, will not be allowed to operate in a setting 4 area; and
 - (iv) a vessel more than 35 metres in overall length, or carrying more than 40 people, will not be allowed to operate in a setting 3 area; and
 - (v) a vessel more than 35 metres in overall length will not be allowed to operate in a setting 2 area; and
 - (vi) a ship will not be allowed to operate in a setting area.

Note With increasing levels of visitation to the Planning Area there is environmental damage and increased conflict of activities. To manage these impacts, and to continue to provide a range of recreation opportunity, the Authority has set limits on vessel length, group size, types of craft, facilities and certain activities in the reefal and coastal waters of the Planning Area. These reefal and coastal waters have been assigned “settings”, referred to in Table 2, based on their values, existing use and management requirements.

- (5) The vessel length and group size limits will not apply to:
- (a) a ship anchored at a cruise ship anchorage, but only if it has a booking, and only for the duration of the booking; or
 - (b) a large vessel anchored at a cruise ship anchorage; or
 - (c) a vessel transferring passengers at a cruise ship anchorage, but only while it is doing so; or
 - (d) a vessel transiting a setting area, but only while it is doing so; or
 - (e) a long range roving operation.
- (6) Tourism operations that meet the required eligibility criteria set by this Plan will be excepted from some of the group size limits.
- (7) An aircraft will not be allowed to operate in a Location more than twice per week unless landing at, or taking off from an official airstrip or airport, or a regular aircraft landing area for a Location mentioned in Schedule 7.
- (7A) No more than 1 ship will be allowed to anchor at a cruise ship anchorage at a time, except at the Turtle Bay cruise ship anchorage.

Table 2 Setting descriptions**Setting 1 Developed**

Immediately adjacent to urban areas and resorts. These areas are the access points to the Planning Area and a focus for intensive tourism and recreation. These areas are heavily used by a wide range of craft, and contain permanent facilities (for example, marinas, jetties and boat ramps).

Group size (including crew)	Vessel length
no limit	up to 70 metres

Setting 2 High use

A natural setting that may have high levels of visitation. These areas are easily accessed, and appropriate facilities (for example, pontoons, moorings, markers) may be required to manage impacts and assist in visitor interpretation of the area. These areas are regularly visited by larger vessels and aircraft.

Group size (including crew)	Vessel length
no limit	up to 35 metres

Setting 3 Moderate use

A natural setting that may have moderate levels of visitation, with appropriate moorings and management facilities to manage impacts. These areas are occasionally visited by larger vessels and aircraft.

Group size (including crew)	Vessel length
up to 40 people	up to 35 metres

Setting 4 Natural

A natural setting with low levels of visitation. These areas are generally free from facilities, larger vessels and aircraft.

Group size (including crew)	Vessel length
up to 15 people	up to 35 metres (unless limited by site)

Setting 5 Protected

A protected natural setting, for areas of outstanding or unique conservation value and areas of special management concern. Operation in these areas will be limited and managed according to individual site plans.

Group size (including crew)	Vessel length
limited by site	limited by site

Restrictions on use of sensitive sites

- (8) A number of sites in the Planning Area have been identified as possessing certain unique or outstanding nature conservation, cultural and heritage and scientific values, referred to in Table 3, and have been assigned to setting 5 for their protection.

Table 3 Setting 5 areas and their significant values

Setting 5 area	Significant values
Cow and Calf Islands	Conservation: inshore fringing reef, mangrove A remote area of scientific interest
Deloraine Island	Conservation: fringing reef, rare sponge species Remote area
Double Bay East	Conservation: fringing reef, rare coral species. Mainland coastal area of scientific interest
Eshelby and Little Eshelby Islands	Conservation: seabird nesting and roosting Commonwealth islands with lighthouses etc. Preservation Zone
Haslewood and Lupton Islands (including Turrum Island)	Conservation: seagrass beds, turtle feeding and nesting, seabird nesting and roosting, fringing reef, including deepwater bommies Source reef for Whitsundays
Hill Inlet (including northern end of Whitehaven Beach)	Conservation: mangroves, seabird nesting Scenic value: unique silica sand inlet and delta (a visual icon for the Whitsundays) Cultural significance

Note The values listed in this table are not exhaustive but indicative of the significance of the setting 5 areas.

- (9) Other sensitive sites in the Planning Area include: Bait Reef, Black, Langford and Bird Islands, Blue Pearl Bay (Hayman Island), Butterfly Bay and Maureen's Cove (Hook Island), Cateran Bay (Border Island), Chance Bay (Whitsunday Island), Hardy Reef, Luncheon, Manta Ray and Pinnacle Bays (Hook Island), Mackerel Bay and Osprey Bay (Hook Island), Raven's Cove and False Nara Inlet (Hook Island), Saba Bay (Hook Island), Stonehaven Anchorage and Caves Cove (Hook Island), Sunlovers Bay (Daydream Island) and Whitehaven Beach (Whitsunday Island).
- (10) Management strategies for sensitive sites in the Planning Area have been, or are being, developed through detailed site planning, with input from key stakeholders.
- (11) As soon as practicable, following development of management strategies for sensitive sites in the Planning Area, the Authority will seek public comment on an amendment of this Plan to bring them into effect.

Restrictions on installing certain facilities in the Planning Area

- (12) Numerous moorings and tourist facilities exist in the Planning Area, particularly in setting 1 areas, but also at Hardy Reef and several other popular destinations in the Planning Area. A number of public moorings and reef protection markers have also been installed in the Planning Area, to protect the fragile reefs while providing continued access to popular destinations.
- (13) Recognising that the installation of moorings and tourist facilities at popular destinations may lead to exclusivity and displacement of other

users, the number of such facilities permitted in the Planning Area will be capped, except:

- (a) in a setting 1 area; and
- (b) in the Hardy Reef Location.

Restrictions on commercial collecting and mariculture in the Planning Area

- (14) Because the Authority considers that commercial collecting and mariculture may conflict with the increased use of the Planning Area for tourism and recreation and could become unsustainable because of the cumulative impact of many uses of the Planning Area and the relatively limited extent of reefal development, it will:
 - (a) cap the number of relevant permissions for commercial collecting and mariculture in the Planning Area; and
 - (b) assess the impact of commercial collecting and mariculture operations at individual sites upon application for permit renewal; and
 - (c) facilitate the relocation of existing commercial collecting and mariculture operations to suitable sites outside the Planning Area.

Restrictions on cruise ship operations in the Planning Area

- (15) Cruise ships will not be permitted in the Planning Area outside the General Use 'A' Zone and Shipping Areas, except when anchored at (or transiting to or from) a cruise ship anchorage.
- (16) Cruise ships will not be allowed to operate their tenders in the Planning Area, except to transfer passengers (by the most direct reasonable route) between the ship and:
 - (a) a place outside the Planning Area; or
 - (b) a tourist facility within, or partly within, the Planning Area.
- (16A) Cruise ships will not be allowed to operate in the Planning Area without a pilot.

Restrictions on aircraft operations in the Planning Area

- (17) Aircraft operations will not be allowed to carry out scenic flights below 1 000 feet (above ground or water).
- (18) Recognising that aircraft operations have a unique style and impact, the Authority will not permit conversion of permissions between aircraft operations and other tourist programs in the Planning Area.

Restrictions on bareboat operations in the Planning Area

- (19) Because the Authority is concerned at the number of bareboats permitted to operate in the Planning Area and recognises that it is more environmentally sensitive to have accredited bareboat operations, and crewed or guided bareboats rather than uncrewed or unguided bareboats, the Authority will:
 - (a) cap the number of bareboats permitted to operate in the Planning Area; and

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- (b) permit the conversion of bareboat operations to crewed vessel operations (but not vice versa); and
 - (c) not reallocate (up to the cap) relevant permissions for bareboat operations, as a result of conversions to crewed vessel operations; and
 - (d) allow bareboat operations to provide crew and sail guides as required; and
 - (e) develop an accreditation and training program which, once implemented, may require compliance by all bareboat operations in the Planning Area.

Restrictions on long range roving operations in the Planning Area

- (19A) Long range roving operations will not be allowed to:
 - (a) operate a vessel longer than 35 metres overall; or
 - (b) operate a vessel that is not surveyed for overnight operation, or that has fewer than 9 sleeping berths; or
 - (c) operate without crew; or
 - (d) operate with more than 30 passengers; or
 - (e) visit a particular Location on more than 2 days in any 7-day period; or
 - (f) operate to a fixed schedule, or advertise or promote a regular destination, route or timetable; or
 - (g) operate except by way of a whole vessel charter to a single client, without taking bookings from individual passengers or agents.
- (19B) Because long range roving operations have a unique style of operation and impact, the Authority will not permit conversion of permissions between long range roving operations and other tourist programs in the Planning Area.

Restrictions on Bowen operations in the Planning Area

- (19C) Bowen operations will be limited to operating from Bowen, and will not be permitted to embark new passengers other than at Bowen.
- (19D) The Authority will only issue a limited number of permissions for Bowen operations (not more than 10 in total), and will not permit conversion of permissions between Bowen operations and other tourist programs in the Planning Area.

Restrictions on other operations in the Planning Area

- (20) Recognising that retail and hire operations, and operations involving the selling of services, can attract a number of other craft and people, increasing the potential for conflict at more remote or low use sites, these operations will not be allowed in the Planning Area, except in a setting 1 area.
- (21) Recognising that hire and craftless operations are generally focused near resorts and coastal settlements, and crewed vessel, aircraft and bareboat operations are generally dissipated throughout the Planning Area, the Authority will not permit conversion of permissions of hire or craftless operations to other tourist programs in the Planning Area.

Restrictions on certain activities in the Planning Area

- (22) Motorised water sports and aerobatics will not be allowed in a setting area, except a setting 1 area.
- (23) Fishing will not be allowed in the Bait Reef No Anchoring Area or the Manta Ray Bay No Anchoring Area.
- (24) The operation of high-speed vessels as part of a tourist program will not be allowed in a setting area, except a setting 1 area.

Note For the meaning of *high-speed vessel*, see Schedule 9. See subclause (31).

- (25) Fishing as part of a tourist program will not be allowed in the Langford/Black Islands Area.
- (26) The number of relevant permissions for tourist programs that involve fishing in the Planning Area will be capped, except:
 - (a) in the General Use 'A' Zone; and
 - (b) in the General Use 'B' Zone.

Limits on tourist programs in the Planning Area

- (27) Crewed vessel, aircraft and bareboat operations will be limited to 50 days' operation in the Planning Area per year, and will be required to be the subject of a booking to the Planning Area, unless they meet the required eligibility criteria set by this Plan. There will be a maximum of 20 bookings (for crewed vessel, aircraft and bareboat operations) available per day.
- (28) Cruise ship operations will be limited to 50 days' operation in the Planning Area per year, and will be required to be the subject of a booking to the Planning Area. There will be a maximum of 3 bookings (for cruise ship operations) available per day.
- (28A) Long range roving operations will be limited to 100 days' operation in the Planning Area per year, and will not be required to be the subject of a booking to the Planning Area.
- (29) However, Bowen, hire and craftless operations will not be limited to 50 days' operation in the Planning Area per year, and will not be required to be the subject of a booking to the Planning Area.

Review of high-speed vessels such as personal watercraft, hovercraft and wing-in-ground effects

- (30) The Authority also received a number of submissions recommending that the use of high-speed vessels, particularly personal watercraft, be provided for in this Plan as a legitimate means of transport. The Authority has made such provision, but will monitor their use to ensure that they do not intrude on the values or other users of the Planning Area.

Table 4 Types of tourist programs consistent with this Plan

Operations	Conditions of operations	Eligibility requirements
Standard tour operation (aircraft or crewed vessel only) Up to 50 days' operation in the Planning Area per year with a booking requirement	Aircraft operation Limited to 2 visits per Location per week, except designated landing areas No scenic flights below 1 000 feet	Nil
	Crewed vessel operation Maximum vessel length 70m	Nil
Excepted from the 50-day limit and the booking requirement	Non-motorised operation Limited to using a non-motorised craft	Nil
Regional tour operation (aircraft or crewed vessel only) All year operation in the Planning Area without a booking requirement	Aircraft operation Limited to 2 visits per Location per week, except designated landing areas No scenic flights below 1 000 feet	Existing permission for more than 50 days' operation in the Planning Area per year, or special circumstances
	Crewed vessel operation Maximum vessel length 70m	Existing permission for more than 50 days' operation in the Planning Area per year, and, proof of operation in the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997, or special circumstances
Excepted from the group size limit of a setting on up to 50 days per year	Group size capped, or at the setting limit if greater	Existing permission for operation in that setting above the group size limit, and proof of operation in that setting above the group size limit on at least 1 day between 1 January 1996 and 30 June 1997, or special circumstances
Excepted from the group size limit of a setting on more than 50 days per year	Group size capped, or at the setting limit if greater	Existing permission for operation in that setting above the group size limit, and proof of operation in that setting above the group size limit on at least 50 days between 1 January 1996 and 30 June 1997, or special circumstances
Bowen operation (crewed vessel only) All year operation in the Planning Area without a booking requirement	Maximum vessel length 70 metres Limited to operating from Bowen, and not permitted to embark new passengers other than at Bowen	Nil <i>Note 1</i> Applications for a permission for a Bowen operation must be received no later than 3 months after the commencing day <i>Note 2</i> No more than 10 permissions for Bowen operations will be granted.

Operations	Conditions of operations	Eligibility requirements
<p>Long range roving operation (crewed vessel only)</p> <p>Up to 100 days' operation in the Planning Area per year without a booking requirement</p> <p>Excepted from the group size limit of a setting</p>	<p>Maximum vessel length 35m</p> <p>Must be surveyed for overnight operation, with provision for more than 8 sleeping berths</p> <p>Limited to 30 passengers (not including crew)</p> <p>Limited to two visits per Location per week</p> <p>Must not operate to a fixed schedule, or advertise or promote a regular destination, route or timetable</p> <p>Must only operate as a whole vessel charter with a single client, without bookings from individual passengers or agents</p>	<p>Nil</p> <p><i>Note</i> Applications for a permission for a long range roving operation must be received no later than 3 months after the commencing day.</p>
<p>Cruise ship operation (ship only)</p> <p>Up to 50 days' operation in the Planning Area per year with a booking requirement</p>	<p>Limited to the General Use 'A' Zone, Shipping Areas and designated anchorages</p> <p>Must carry a pilot</p> <p>Limited to 1 cruise ship per anchorage at any time, except at Turtle Bay</p> <p>Anchoring in setting areas limited to designated anchorages</p> <p>Ships' tenders limited to transferring passengers</p>	<p>Nil</p>
<p>Bareboat operation (bareboat only)</p> <p>All year operation in the Planning Area without a booking requirement</p>	<p>Nil</p>	<p>Existing permission for more than 50 days' operation in the Planning Area per year</p>
<p>Hire operation (hire craft and hire equipment only)</p> <p>All year operation in the Planning Area without a booking requirement</p>	<p>Limited to setting 1 areas</p>	<p>Nil</p>
<p>Craftless operation (without vessel or aircraft)</p> <p>All year operation in the Planning Area without a booking requirement</p>	<p>Nil</p>	<p>Nil</p>

Note This table provides a summary of types of tourist programs in the Planning Area and the conditions of operations and eligibility requirements that apply. See Divisions 4 and 5 of this Plan for full details.

1.11 Tourism management — general

- (1) This Plan sets out:
 - (a) relevant permissions that may be granted for tourist programs; and
 - (b) exceptions to the requirements of this Plan that will be provided for tourist programs that meet the required eligibility criteria set by this Plan.
- (2) This approach requires clear definition of particular types of tourist programs in the Planning Area, referred to in Table 4, and has been adopted because tourist programs are more numerous, and cumulative in effect, than other uses in the Planning Area.
- (3) This Plan limits certain conversions and activities while allowing for growth in tourist visitation to the Planning Area, and greater flexibility for most tourist programs.
- (4) The Authority intends that the only relevant permissions for tourist programs that may be granted in the Planning Area are those consistent with the provisions of this Plan. If a proposal is of the nature of a tourist program requiring the written permission of the Authority or its delegate under the Zoning Plan and is not provided for in this Plan, then it may lead to a proposal to amend this Plan in accordance with section 39ZG of the Act.
- (5) Requirements and procedures for application, assessment, decisions and review of decisions concerning relevant permissions are otherwise as provided for in the Act, Zoning Plan and Regulations.

1.12 Eligibility requirements for certain tourist programs

- (1) Because the Authority recognises that a large number of tourist programs are permitted to operate daily in the Planning Area, and that these tourist programs must be limited, particularly when anchoring or alighting, to protect the nature conservation and cultural and heritage values of the Planning Area:
 - (a) crewed vessel, aircraft and bareboat operations will be limited to 50 days' operation in the Planning Area per year, and will be required to be the subject of a booking for the Planning Area, unless:
 - (i) they were permitted to operate in the Planning Area on more than 50 days per year on 22 June 1998; and
 - (ii) for crewed vessel operations only, it can be demonstrated that they were operated in the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997;
 - (b) the Authority will also consider an exception to the limit of 50 days' operation in the Planning Area per year, and the booking requirement for the Planning Area, if special circumstances warrant the exception.

Note The types of tourist program that are permitted to operate daily in the Planning Area include crewed vessel, aircraft, bareboat, hire and craftless operations. Cruise ship operations are not permitted to operate daily in the Planning Area.

1.13 Exceptions available to certain tourist programs

Exceptions to the group size limits – for non-conforming operations

- (1) The Authority will consider an exception to the limits on group size set by a relevant setting limit only:
 - (a) for tourist programs that have operated in accordance with a relevant permission; and
 - (b) if there will be no increase in group size above the maximum permitted to that setting on 22 June 1998, or above the setting limit if greater.
- (2) The Authority will allow an exception for regional tour operations that can demonstrate at least 1 day's operation in that setting above the group size limit between 1 January 1996 and 30 June 1997.
- (3) The Authority's intent is that an exception to the group size limit of a setting will not allow a tourist program to operate in that setting (above the group size limit) on more than 50 days per year, unless at least 50 days' operation in that setting (above the group size limit) can be demonstrated between 1 January 1996 and 30 June 1997.
- (4) The Authority will also consider an exception to the group size limit of a setting for a tourist program if special circumstances warrant the exception.

Exception to the 50-day limit and booking requirement – for non-motorised operations

- (5) The Authority will allow an exception to the limit of 50 days' operation in the Planning Area per year, and the booking requirement for the Planning Area, for tourist programs using a non-motorised craft.

1.14 Evidentiary requirements for tourist programs

- (1) When applying for a new permission or authorisation, proof of eligibility may be by:
 - (a) reference to Environmental Management Charge returns held by the Authority before 5 December 1997; or
 - (b) reference to other official documents or records such as vessel or aircraft log books and passenger manifests or dive logs; or
 - (c) proof of special circumstances, which may include:
 - (i) personal illness or circumstances that prevented operations that would otherwise have enabled the permission holder to have met eligibility criteria; or
 - (ii) grant of a relevant permission at such a time that the permission holder could not reasonably have met eligibility criteria but otherwise clearly intended to commence tourism operations in accordance with that permission.

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- (2) A person seeking to prove eligibility by reference to documents or records not held by the Authority before 5 December 1997 will be required to provide evidence of:
 - (a) the number of days entry to the Planning Area or setting required for the eligibility criteria; and
 - (b) all tourist programs conducted in the Marine Park during the period in which it is claimed the eligibility criteria are met.
 - (3) A person seeking to prove eligibility must make application to the Authority no later than 3 months after the commencing day, and provide all relevant supporting information available at the time.
 - (4) However, for subclause (3), the Authority may consider an application received more than 3 months after the commencing day if special circumstances warrant its doing so.

1.15 Relevant permission replication issues for tourist programs

- (1) The Authority's approach to managing the impact of tourist programs in the Planning Area, particularly those that involve anchoring or alighting, relies fundamentally on the limits set by this Plan. Consequently, any relevant permission replication as a result of transition to a new permission, or multiple applications for the same new permission, will undermine this approach.
- (2) The Authority intends that when applying for a new permission for a tourist program:
 - (a) all existing permissions and authorisations (held by that person) for that tourist program in the Planning Area, will have to be surrendered, revoked or have expired; and
 - (b) a person will not be granted more than one new permission for that tourist program in the Planning Area; and
 - (c) more than one person will not be granted a new permission for that tourist program in the Planning Area, unless each person has met the eligibility criteria stated in this Plan for that tourist program.
- (3) The Authority intends that a tourist program, after having been converted to a new permission:
 - (a) will not be allowed to operate with a booking in the Planning Area on more than 50 days per year; and
 - (b) will not be split in relation to the Planning Area.

[2] Part 2

substitute

Part 2 Enforcement provisions

Note 1: Regulations may be made providing for giving effect to the enforcement provisions of a plan of management or to the enforcement provisions of an amendment of a plan of management: see s 66 (2) (ba) of the Act.

Note 2: The Act provides for offences in relation to:

- (a) the use or entry of a zone for a purpose other than a purpose permitted under a zoning plan; or
- (b) the use or entry of a zone without a relevant permission where permission is required under the zoning plan; or
- (c) the contravention of a condition to which a relevant permission is subject.

See the Act, ss. 38A, 38B and 38C.

Division 1 Preliminary

2.1 How many people on a vessel

When deciding how many people a vessel is carrying, everybody on board must be counted, including officers and members of the crew, and anybody on board to help with an activity (for example, a tour guide or diving instructor).

2.2 Length of a vessel

For this Part, the length of a vessel is its overall length.

2.3 When this Part does not apply

- (1) Nothing in this Part prohibits or restricts anything being done:
 - (a) by a law-enforcement authority of the Commonwealth or Queensland for its work; or
 - (b) for observation or surveillance by, or on behalf of, an authority of the Commonwealth or Queensland; or
 - (c) in accordance with clause 15 of the Zoning Plan.

Note Clause 15 of the Central Section Zoning Plan is about access in special circumstances such as saving life or dealing with an environmental emergency.

- (2) If the Authority gives permission under clause 16 of the Zoning Plan to do something for the purpose of research, nothing in this Part prevents or restricts anything being done in accordance with the permission.

Note Clause 16 of the Central Section Zoning Plan is about research and monitoring.

Division 2 General restrictions on the operation of vessels and aircraft

2.4 Vessels not to be operated in certain setting areas

- (1) A person must not operate, in a setting 4 area, a vessel that:
 - (a) is more than 35 metres long; or
 - (b) is carrying more than 15 people.

Note Setting 4 areas are set out in item 4 of Schedule 2.

- (2) A person must not operate, in a setting 3 area, a vessel that:
 - (a) is more than 35 metres long; or

(b) is carrying more than 40 people.

Note Setting 3 areas are set out in item 3 of Schedule 2.

(3) A person must not operate, in a setting 2 area, a vessel that is more than 35 metres long.

Note Setting 2 areas are set out in item 2 of Schedule 2.

(4) A person must not operate a ship in a setting area.

Note Setting areas are set out in Schedule 2.

(5) However, subclauses (1) to (4) do not prevent:

(a) a ship that has a booking for a cruise ship anchorage anchoring at the anchorage even if the anchorage is in a setting area that the ship would not, except for this paragraph, be permitted to operate in; or

Note Cruise ship anchorages are set out in Schedule 6.

(b) a large vessel anchoring at a cruise ship anchorage even if the anchorage is in a setting area that the vessel would not, except for this paragraph, be permitted to operate in; or

(c) a vessel transferring passengers at a cruise ship anchorage; or

(d) a vessel transiting a setting area that the vessel would not, except for this paragraph, be permitted to operate in; or

(e) a vessel being operated in accordance with a new permission or authorisation.

(6) Except in the Turtle Bay cruise ship anchorage, a person must not anchor a ship at a cruise ship anchorage at which another ship is already anchored.

2.5 Operation of vessels or aircraft for tourist programs

(1) A person must not operate a tourist program on more than 50 days per year if the program involves the use of a vessel or aircraft.

(2) A person must not operate a tourist program without a booking if the program involves the use of a vessel or aircraft.

(3) Subclauses (1) and (2) do not apply to:

(a) operation in accordance with a new permission or authorisation; or

(b) a vessel or aircraft transiting the Planning Area; or

(c) operation of a non-motorised craft; or

(d) operation of a hire craft or hire equipment.

2.6 Limited exception for activities under certain older permissions

(1) This clause applies to a person who holds a relevant permission granted before the commencing day.

(2) If clause 2.4 or 2.5 prohibits an activity permitted by the permission, or regulates such an activity in a way inconsistent with the permission, then, despite the clause, the person may continue the activity in accordance with the permission if, no later than 3 months after the commencing day:

(a) the person applies to the Authority, in accordance with the Regulations, to continue to carry on the activity in that way; and

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- (b) the Authority has not made a decision on the application.
 - (3) For subclause (2), the Authority will consider an application received more than 3 months after the commencing day if special circumstances warrant its doing so.

2.7 Limits on operation of aircraft

- (1) A person must not operate an aircraft in a Location more than twice per week, except to land at, or take off from:
 - (a) Hamilton Island Airport, the Lindeman Island airstrip or the Whitsunday airstrip; or
 - (b) in the case of a Location mentioned in Schedule 7 — the regular aircraft landing area for that Location.
- (2) A person must not operate an aircraft for scenic flights, as part of a tourist program, below 1 000 feet (above ground or water) in the Planning Area.

2.8 Limits on use of certain kinds of vessel

- (1) A person must not operate a high-speed vessel as part of a tourist program in a setting area, except a setting 1 area.

Note 1 Setting areas are set out in Schedule 2. Setting 1 areas are set out in item 1 of that Schedule.

Note 2 For the meaning of *high-speed vessel*, see Schedule 9.

- (2) A person must not operate a ship as part of a tourist program in the Planning Area except:
 - (a) in the General Use ‘A’ Zone; or
 - (b) in a Shipping Area; or
 - (c) to anchor at, or transit to or from, a cruise ship anchorage.

Note The General Use ‘A’ Zone, and the Shipping Areas, are set out in the Schedule to the Zoning Plan.

- (3) A person must not operate a ship’s tender as part of a tourist program in the Planning Area except to transfer passengers, by the most direct reasonable route, between the ship and:
 - (a) a place outside the Planning Area; or
 - (b) a tourist facility within, or partly within, the Planning Area.

Division 3 Wildlife protection

2.9 Dugongs and loggerhead turtles not to be taken or interfered with

- (1) A person must not take, or interfere with, a dugong.

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

taking in relation to animals, plants and marine products includes remove, gather, catch, capture, kill, destroy, dredge for, raise, carry away, bring ashore, or obtain by any means, or to endeavour to carry out any of those acts;.

See also ss 18A and 46 (1) (a) of the *Acts Interpretation Act 1901*.

- (2) A person must not take, or interfere with, a loggerhead turtle.
- (3) In subclauses (1) and (2):
interfere with includes harass, chase, herd, tag, mark and brand.

2.10 Protection of whales

- (1) A person must not operate a vessel to approach:
 - (a) within 300 metres of a whale in the Whale Protection Area; or
 - (b) within 100 metres of a whale elsewhere in the Planning Area.

Note 1 The Whale Protection Area is set out in Schedule 4.

Note 2 See also the *Whale Protection Act 1980*.

- (2) A person must not operate a vessel for whale watching, as part of a tourist program, in the Whale Protection Area.
- (3) A person must not operate:
 - (a) a fixed-wing aircraft, below 1 000 feet (above ground or water), to approach within 300 metres of a whale; or
 - (b) a helicopter, below 2 000 feet (above ground or water), to approach within 1 000 metres of a whale.
- (4) A person must not operate a helicopter for whale spotting, as part of a tourist program, in the Planning Area.

2.11 Activities near significant bird sites

- (1) A person must not operate an aircraft, below 1 500 feet (above ground or water), to approach within 1 000 metres of a significant bird site during the restriction period mentioned for that site.

Note The significant bird sites, and the restriction period for each site, are set out in Table 1.

- (2) A person must not operate a vessel at a speed greater than 6 knots within 200 metres of a significant bird site during the restriction period mentioned for that site.
- (3) A person must not operate a vessel to approach within 200 metres of the following significant bird sites, between 1 October and 31 December in a year:
 - (a) East Rock;
 - (b) Edwin Rock;
 - (c) Olden Rock.

2.12 Protecting coral

- (1) A person must not damage coral.

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- (2) The conduct prohibited by subclause (1) does not include:
 - (a) damaging coral by anchoring, if the person who anchors takes reasonable care to avoid damaging the coral, and an anchor of the kind commonly called a reef pick is used; or
 - (b) collecting coral in accordance with a relevant permission.
 - (3) A person must not anchor a vessel, an aircraft, or any other facility in a no anchoring area.

Note The no anchoring areas are set out in Schedule 5.
 - (4) A person must not anchor a ship in a setting area, except at a cruise ship anchorage and with a booking.

Note 1 Setting areas are set out in Schedule 2.
Note 2 Cruise ship anchorages are set out in Schedule 6.
 - (5) A person must not operate a ship in the Planning Area, as part of a tourist program, without a pilot.

Division 4 Other activities

2.13 **Fishing**

- (1) A person must not fish in the following no anchoring areas:
 - (a) the Bait Reef No Anchoring Area;
 - (b) the Manta Ray No Anchoring Area.

Note The no anchoring areas are set out in Schedule 5.
- (2) A person must not fish as part of a tourist program in the Langford/Black Islands Area.

Note The Langford/Black Islands Area is set out in Schedule 8.

2.14 **Certain commercial activities**

- (1) Except in a setting 1 area, a person must not carry on a retail operation in the Planning Area.

Note Setting areas are set out in Schedule 2. Setting 1 areas are set out in item 1 of that Schedule.
- (2) Except in a setting 1 area, a person must not carry on an operation involving the selling of services in the Planning Area.
- (3) Except in a setting 1 area, a person must not carry on a hire operation in the Planning Area.

2.15 **Aerobatics and motorised water sports**

- (1) A person must not operate an aircraft for aerobatics in a setting area, except a setting 1 area.

Note 1 Setting areas are set out in Schedule 2. Setting 1 areas are set out in item 1 of that Schedule.
Note 2 A setting area includes airspace to a height of 915 metres.

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- (2) A person must not operate a vessel for motorised water sports in a setting area, except a setting 1 area.

[3] Schedule 1, heading

substitute

Schedule 1 The Planning Area

[4] Schedule 1

omit

The Area refers to the part of the Marine Park within the areas (1 – 2)

insert

The Planning Area is areas 1 and 2

[5] Schedule 1

omit

Inner Whitsunday, Outer

[6] Schedule 2, item 1, paragraph (e) (ii), (iii) and (iv)

substitute

(e) Daydream and South Molle Island Resorts:

The area the boundary of which:

- (i) commences on the coastline of Daydream Island at its northernmost point;
- (ii) then runs north along the meridian of longitude that passes through that point to its intersection by the coastal 500 metre line of Daydream Island;
- (iii) then easterly along the geodesic to its intersection by the northernmost point of the coastline of Mid Molle Island at low water;
- (iv) then easterly along the geodesic to the point of intersection of the coastal 1 500 metre line of North Molle Island and the coastal 1 500 metre line of South Molle Island;
- (v) then south along the meridian to its intersection by the coastline of South Molle Island at low water, in the vicinity of Deedes Point;
- (vi) then south-westerly, north-westerly and southerly along the coastline of South Molle Island at low water to its westernmost point, in the vicinity of Ker Point;

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- (vii) then north-westerly along the geodesic to its intersection by the coastal 500 metre line of Daydream Island at its southernmost point;
 - (viii) then north-westerly along the coastal 500 metre line of Daydream Island to its westernmost point;
 - (ix) then east along the parallel to its intersection by the coastline of Daydream Island at low water; and
 - (x) then southerly and northerly along the coastline of Daydream Island at low water to the point of commencement.

[7] Schedule 2, item 2, paragraph (b)

substitute

(b) Black Island

The area enclosed within the coastal 100 metre line of Black Island.

[8] Schedule 2, item 3, paragraph (h)

substitute

(h) Woodwark Bay, Mainland:

The area the boundary of which:

- (i) commences on the mainland coastline at low water at its intersection by the parallel of latitude 20° 10' 30" south;
- (ii) then runs south-easterly along the geodesic to its intersection by the mainland coastline at low water at its intersection by the parallel of latitude 20° 11' 40" south; and
- (iii) then runs southerly and northerly along the mainland coastline at low water to the point of commencement.

[9] Schedule 2, item 3, subparagraph (i) (xiii)

substitute

- (xiii) the stretch of coastline on South Molle Island at low water between its northernmost point and its southernmost intersection by the meridian of longitude 148° 49' 59" east, in a westerly direction.

[10] Schedule 2, item 3, paragraph (k)

substitute

(k) South-eastern Whitsunday Island:

The area enclosed within the coastal 1 500 metre line of the following:

- (i) Frith Rock;
- (ii) Moon Island;
- (iii) Martin Islet;
- (iv) the stretch of coastline on Whitsunday Island at low water between its intersection by the meridian of longitude

149° 03' 49" east and its intersection by the parallel of latitude 20° 16' 51" south;

- (v) the stretch of coastline on Haslewood Island at low water between its intersection by the parallel of latitude 20° 16' 33" south, and its southernmost intersection of the meridian of longitude 149° 04' 13" east;
- (vi) the stretch of coastline on Teague Island at low water between its northernmost and southernmost points, in a westerly direction.

[11] Schedule 2, item 3, paragraphs (m) and (n)

substitute

(m) Pandanus Bay:

The area the boundary of which:

- (i) commences on the coastline of Long Island at low water at its easternmost intersection by the parallel of latitude 20° 10' 10" south;
- (ii) then runs south-easterly along the geodesic, bisecting Pelican Island, to its intersection by the coastal 500 metre line of Long Island;
- (iii) then runs southerly along the geodesic to the point of intersection of the coastal 500 metre line of Long Island and the parallel of latitude 20° 34' 58" south;
- (iv) then runs south-westerly along the geodesic to the coastline of Long Island at low water at its intersection by the parallel of latitude 21° 31' 15" south;
- (v) then runs northerly along the coastline of Long Island at low water to the point of commencement.

(n) Kennedy Sound:

The area the boundary of which:

- (i) commences on the coastline of Lindeman Island at low water at its easternmost point, in the vicinity of Dalwood Point;
- (ii) then runs easterly along the geodesic to the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20° 37' 09" south;
- (iii) then runs southerly along the coastline of Shaw Island at low water to its intersection by the parallel of latitude 20° 38' 41" south;
- (iv) then runs south-westerly along the geodesic to the westernmost point of Shaw Island, in the vicinity of Burning Point;
- (v) then runs northerly along the geodesic to its intersection by the coastline of Seaforth Island at low water at its southernmost point;
- (vi) then runs north-easterly along the coastline of Seaforth Island at low water to its intersection by the meridian of longitude 149° 03' 04" east;

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- (vii) then runs northerly along the geodesic to its intersection by the coastline of Lindeman Island at low water at its southernmost point, in the vicinity of Piccaninny Point; and
- (viii) then runs easterly along the coastline of Lindeman Island at low water to the point of commencement.
- (o) **Mackerel Bay:**
The area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at its intersection by the parallel of latitude 20° 04' 33" south;
- (ii) then runs south-westerly along the geodesic to the coastline of Hook Island at low water at its intersection by the parallel of latitude 20° 05' 45" south;
- (iii) then runs westerly, northerly and easterly along the coastline of Hook Island at low water to the point of commencement.
- (p) **Roberta Bay:**
The area the boundary of which:
- (i) commences on the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20° 39' 30" south;
- (ii) then runs south-westerly along the geodesic to the coastline of Shaw Island at low water at its intersection of by the parallel of latitude 20° 30' 33" south;
- (iii) then runs north-easterly along the coastline of Shaw Island at low water to the point of commencement.
- (q) **Eastern Border Island:**
The area the boundary of which:
- (i) commences on the coastline of Border Island at low water at its easternmost point;
- (ii) then runs southerly along the geodesic to its intersection by the coastline of Border Island at low water at its south-easternmost point;
- (iii) then northerly along the coastline of Border Island at low water to the point of commencement.

[12] Schedule 4, paragraphs (n) to (r)

substitute

- (n) then southerly along the 1 nautical mile line of Deloraine Island to its intersection by the 1 nautical mile line of Border Island;
- (na) then southerly along the 1 nautical mile line of Border Island to its intersection by the geodesic that passes through the southernmost point of Border Island and the northernmost point of Esk Island;
- (nb) then southerly along the geodesic to its intersection by the 1 nautical mile line of Esk Island;
- (nc) then easterly along the 1 nautical mile line of Esk Island to its intersection by the geodesic that passes through the easternmost point of Esk Island and the northernmost point of Honeymoon Island;
- (p) then south-easterly along the geodesic to its intersection by the 1 nautical mile line of Honeymoon Island;

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- (pa) then easterly along the 1 nautical mile line of Honeymoon Island to its intersection by the 1 nautical mile line of Haslewood Island;
 - (pb) then easterly along the 1 nautical mile line of Haslewood Island to its intersection by the geodesic that passes through the northernmost point of Haslewood Island and the northernmost point of Ireby Island;
 - (pc) then north-easterly along the geodesic to its intersection by the 1 nautical mile line of Ireby Island;
 - (pd) then northerly along the 1 nautical mile line of Ireby Island to its intersection by the 1 nautical mile line of Sillago Island;

[13] Schedule 5

omit

No anchoring areas refer to the areas (1 – 11) described below.

insert

The no anchoring areas are described below.

[14] Schedule 5, item 3

omit

[15] Schedule 5, item 6, paragraphs (a) and (b)

substitute

- (a) commences on the coastline of Hook Island at low water at or about the point of latitude 20° 04' 25'' south, longitude 148° 55' 07.8'' east;
- (b) then runs easterly along the geodesic to the reef protection marker at or about the point of latitude 20° 04' 26.7'' south, longitude 148° 55' 22.3'' east;
- (ba) then runs easterly along the geodesic to the reef protection marker at or about the point of latitude 20° 04' 27.3'' south, longitude 148° 55' 28.5'' east;

[16] Schedule 5, after item 11

insert

12. North Stonehaven Bay No Anchoring Area:

The area the boundary of which:

- (a) commences on the coastline of Hook Island at low water at water at or about the point of latitude 20° 05' 18.6'' south, longitude 148° 54' 16.5'' east;
- (b) then runs south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20° 05' 20.8'' south, longitude 148° 54' 15.7'' east;

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- (c) then southerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 05' 26''$ south, longitude $148^{\circ} 54' 20.6''$ east;
 - (d) then southerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 05' 34.3''$ south, longitude $148^{\circ} 54' 20.8''$ east;
 - (e) then southerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 05' 46.8''$ south, longitude $148^{\circ} 54' 21.5''$ east;
 - (f) then south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude $20^{\circ} 05' 54.7''$ south, longitude $148^{\circ} 54' 19''$ east, in the vicinity of Anchor Point;
 - (g) then easterly and northerly along the coastline of Hook Island at low water to the point of commencement.

13. South Stonehaven Bay No Anchoring Area:

The area the boundary of which:

- (a) commences on the coastline of Hook Island at low water at or the about the point of latitude $20^{\circ} 05' 54.7''$ south, longitude $148^{\circ} 54' 19''$ east;
- (b) then southerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 05' 59.8''$ south, longitude $148^{\circ} 54' 19.7''$ east;
- (c) then south-easterly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 06' 07.7''$ south, longitude $148^{\circ} 54' 25.6''$ east;
- (d) then south-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 06' 16.3''$ south, longitude $148^{\circ} 54' 18''$ east;
- (e) then south-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 06' 17.7''$ south, longitude $148^{\circ} 54' 07.3''$ east;
- (f) then westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 06' 18.5''$ south, longitude $148^{\circ} 54' 03.5''$ east;
- (g) then south-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 06' 23.8''$ south, longitude $148^{\circ} 53' 57.1''$ east;
- (h) then south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude $20^{\circ} 06' 27.4''$ south, longitude $148^{\circ} 53' 54.4''$ east, in the vicinity of Ian Point;
- (i) then easterly and northerly along the coastline of Hook Island at low water to the point of commencement.

14. False Nara No Anchoring Area:

The area the boundary of which:

- (a) commences on the coastline of Hook Island at low water at or the about the point of latitude $20^{\circ} 09' 51.8''$ south, longitude $148^{\circ} 52' 52.4''$ east;

-
- (b) then runs north-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 10' 08.7''$ south, longitude $148^{\circ} 53' 09.7''$ east;
 - (c) then north-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 09' 04.3''$ south, longitude $148^{\circ} 53' 07.3''$ east;
 - (d) then north-westerly along the geodesic to the reef protection marker at or about the point of latitude $20^{\circ} 09' 02.3''$ south, longitude $148^{\circ} 52' 59.7''$ east;
 - (e) then north-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude $20^{\circ} 10' 17.5''$ south, longitude $148^{\circ} 53' 13''$ east;
 - (f) then north-easterly and south-easterly along the coastline of Hook Island at low water to the point of commencement.

[1715] Schedule 6

substitute

Schedule 6 Cruise ship anchorages

The cruise ship anchorages are the areas described below. Geographic coordinates in the descriptions are given in terms of the World Geodetic Standard 1984.

1. Hardy Reef Cruise Ship Anchorage

At or about:

- (a) the point of latitude $19^{\circ} 44.45'$ south, longitude $149^{\circ} 08.40'$ east; or
- (b) No. 2 beacon bearing 090° , distance 1.10 nautical miles

2. Cid Harbour Cruise Ship Anchorage

The area the boundary of which:

- (a) commences at the point of latitude $20^{\circ} 14.30'$ south, longitude $148^{\circ} 56.00'$ east;
- (b) then runs south-easterly along the geodesic to the point of latitude $20^{\circ} 15.00'$ south, longitude $148^{\circ} 56.20'$ east;
- (c) then southerly along the geodesic to the point of latitude $20^{\circ} 15.70'$ south, longitude $148^{\circ} 56' .20$ east;
- (d) then westerly along the geodesic to the point of latitude $20^{\circ} 15.70'$ south, longitude $148^{\circ} 55.80'$ east;
- (e) then northerly along the geodesic to the point of latitude $20^{\circ} 14.30'$ south, longitude $148^{\circ} 55.20'$ east;
- (f) then easterly along the geodesic to the point of commencement.

3. Turtle Bay Cruise Ship Anchorage

The area the boundary of which:

- (a) commences at the point of latitude 20° 19.50′ south, longitude 149° 01.00′ east;
- (b) then southerly along the geodesic to the point of latitude 20° 20.00′ south, longitude 149° 01.00′ east;
- (c) then westerly along the geodesic to the point of latitude 20° 20.00′ south, longitude 148° 59.50′ east;
- (d) then northerly along the geodesic to the point of latitude 20° 19.50′ south, longitude 148° 59.50′ east;
- (e) then easterly along the geodesic to the point of commencement.

Note Turtle Bay is not surveyed to modern standards and uncharted dangers may exist. A survey of Turtle Bay will be conducted by mid 2000. In the interim, Turtle Bay is not recommended as a cruise ship anchorage.

4. Funnel Bay Cruise Ship Anchorage

The area the boundary of which:

- (a) commences at the point of latitude 20° 13.20′ south, longitude 148° 44.75′ east;
- (b) then runs southerly along the geodesic to the point of latitude 20° 14.60′ south, longitude 148° 44.75′ east;
- (c) then westerly along the geodesic to the point of latitude 20° 14.60′ south, longitude 148° 43.00′ east;
- (d) then northerly along the geodesic to the point of latitude 20° 13.20′ south, longitude 148° 43.00′ east;
- (e) then easterly along the geodesic to the point of commencement.

5. Port Molle Cruise Ship Anchorage

The area the boundary of which:

- (a) commences at the point of latitude 20° 19.00′ south, longitude 148° 50.10′ east;
- (b) then runs southerly along the geodesic to the point of latitude 20° 19.80′ south, longitude 148° 50.60′ east;
- (c) then westerly along the geodesic to the point of latitude 20° 19.80′ south, longitude 148° 50.00′ east;
- (d) then northerly along the geodesic to the point of latitude 20° 19.00′ south, longitude 148° 49.50′ east;
- (e) then easterly along the geodesic to the point of commencement.

6. South East Hamilton Cruise Ship Anchorage:

At or about the point of latitude 20° 22.10′ south, longitude 148° 59.25′ east

7. South Hayman Cruise Ship Anchorage

The area the boundary of which:

- (a) commences at the point of latitude 20° 04.20′ south, longitude 148° 53.40′ east;

-
- (b) then runs south-easterly along the geodesic to the point of latitude 20° 04.70' south, longitude 148° 53.20' east;
 - (c) then south-westerly along the geodesic to the point of latitude 20° 04.28' south, longitude 148° 52.27' east;
 - (d) then north-westerly along the geodesic to the point of latitude 20° 03.90' south, longitude 148° 52.51' east;
 - (e) then north-easterly along the geodesic to the point of commencement.

[1816] Schedule 8

substitute

Schedule 8 Langford/Black Islands Area

The Langford/Black Islands Area is the area the boundary of which:

- (a) commences on the southernmost point of the coastline of Hayman Island at low water, in the vicinity of Groper Point;
- (b) then runs south-easterly along the geodesic to the coastline of Hook Island at low water, at its intersection by the parallel of latitude 20° 04' 50.9" south, in the vicinity of Cockatoo Point;
- (c) then runs south-easterly along the coastline of Hook Island at low water to its intersection by the parallel of latitude 20° 05' 19.6" south;
- (d) then runs westerly along the geodesic to the easternmost point of Langford Island/Spit at low water;
- (e) then runs north-westerly along the coastline of Langford Island/Spit at low water to its northernmost point;
- (f) then runs northerly along the geodesic to the westernmost point of Akhurst Island at low water;
- (g) then runs north-easterly along the geodesic to the northernmost point of Hayman Island at low water, in the vicinity of Dolphin Point; and
- (h) then runs southerly and easterly along the coastline of Hayman Island at low water to the point of commencement.

[17] Schedule 9

substitute

Schedule 9 Definitions

Note Terms used in this Plan and also in the Act have the same meaning in the Plan as in the Act: see the *Acts Interpretation Act 1901*, s 46 (1). Terms used in this Plan that are defined in the Act are noted below and a cross reference given to the Act, as follows:

[*aircraft*: see the Act, s 3 (1)]

1 nautical mile line of an island means the line every point of which is 1 nautical mile seaward from the nearest point of the coastline of the island at high water.

500 metre line of a reef means the line every point of which is 500 metres seaward from the nearest point of the reef edge of the reef.

Note See clause 4 of the Zoning Plan.

1 500 metre line of a reef means the line every point of which is 1 500 metres seaward from the nearest point of the reef edge of the reef.

Act means the *Great Barrier Reef Marine Park Act 1975*.

[**aircraft**: see the Act, s 3 (1)]

aircraft operation means a tourist program that uses an aircraft.

Bait Reef No Anchoring Area means the area described in item 1 of Schedule 5.

bareboat means a motorised vessel — for example, a yacht or motor cruiser — at least 6 metres in overall length, that is available for timeshare, hire or charter without a master or crew.

bareboat operation means a tourist program that uses a bareboat.

coastal 500 metre line of an island or the mainland means the line every point of which is 500 metres seaward from:

- (a) the nearest point of the coastline (at low water) of the island or mainland; or
- (b) where there is a fringing reef wholly or partly around the island or wholly or partly along the mainland — the nearest point of the reef edge of the fringing reef.

Note See clause 4 of the Zoning Plan. The definition in the Zoning Plan is:

the coastal 500 metre line means the line every point of which is at a distance of 500 metres seaward from the nearest point of the coastline at low water or the island or the mainland, as the case may be, to which it applies, or where there is a fringing reef wholly or partly around that island or wholly or partly along that mainland, 500 metres seaward from the nearest point of the *reef edge* of that fringing reef.

coastal 1 000 metre line of an island or the mainland means the line every point of which is 1 000 metres seaward from:

- (a) the nearest point of the coastline (at low water) of the island or mainland; or
- (b) where there is a fringing reef wholly or partly around the island or wholly or partly along the mainland — the nearest point of the reef edge of the fringing reef.

coastal 1 500 metre line of an island or the mainland means the line every point of which is 1 500 metres seaward from:

- (a) the nearest point of the coastline (at low water) of the island or mainland; or
- (b) where there is a fringing reef wholly or partly around the island or wholly or partly along the mainland — the nearest point of the reef edge of the fringing reef.

collecting has the same meaning as in the Zoning Plan.

Note See clause 4 of the Zoning Plan.

commencing day means the day on which the Whitsundays Plan of Management Amendment 1999 commences.

craftless operation means a tourist program that does not use either a vessel or an aircraft.

crewed vessel operation means a tourist program that uses a crewed vessel, except a ship.

cruise ship anchorage means an area described in Schedule 6.

cruise ship operation means a tourist program that uses a ship.

day means a period of 24 hours commencing at midnight.

existing permission means a relevant permission in force immediately before the commencing day.

facility means a facility for a tourist program (within the meaning given by subsection 3A (5) of the Act).

fishing has the same meaning as in the Zoning Plan.

Note See clause 4 of the Zoning Plan.

General Use 'A' Zone has the same meaning as in the Zoning Plan.

Note The General Use 'A' Zone is the parts of the Central Section that are not included in any other Zone — see item 1 of the Schedule to the Zoning Plan.

General Use 'B' Zone has the same meaning as in the Zoning Plan.

Note See item 2 of the Schedule to the Zoning Plan.

high-speed vessel means a personal watercraft, hovercraft or wing-in-ground-effect, or a vessel of any kind if operated faster than 35 knots.

hire craft means a motorised vessel — for example, a dinghy, a half cabin, or a personal watercraft — less than 6 metres in overall length, that is available for timeshare, hire or charter without a master or crew.

hire equipment means a non-motorised craft — for example, a kayak, a paddleboard, or a windsurfer — that is available for timeshare, hire or charter without a master or crew.

hire operation means a tourist program that uses a hire craft or hire equipment.

Langford/Black Islands Area means the area described in Schedule 8.

large vessel means a vessel longer than 35 metres overall, but not longer than 70 metres overall.

Location means the area within:

- (a) the 500 metre line of a reef referred to in column 1 of Schedule 3; or
- (b) the coastal 500 metre line of an island, islet or rock referred to in column 1 of Schedule 3; or
- (c) the coastal 500 metre line of an embayment or unnamed stretch of coastline referred to in column 1 of Schedule 3, as described in column 2 of that schedule;

Note A Location includes airspace above the area to 500 feet above ground or water — see clause 1.3 (4A).

long range roving operation means an operation of the kind described under that name in Table 4.

Manta Ray Bay No Anchoring Area means the area described in item 2 of Schedule 5.

Marine National Park 'A' Zone has the same meaning as in the Zoning Plan.

Note See item 3 of the Schedule to the Zoning Plan.

Marine National Park ‘B’ Zone has the same meaning as in the Zoning Plan.

Note See item 4 of the Schedule to the Zoning Plan.

Marine Park [see the Act, s 3 (1)]

motorised water sport means an activity that involves a high-speed vessel (except when transiting) or a motorised vessel of any kind if towing a person on top of the water or in the air, and includes jet-skiing, water-skiing and para-sailing.

new permission means a relevant permission granted after the commencing day.

no anchoring area means an area described in Schedule 5.

non-conforming operation means a tourist program referred to in subclauses 1.13 (1) to (4) of this Plan.

non-motorised operation means a tourist program referred to in subclause 1.13 (5) of this Plan.

overall length [see the Act, ss 3 (1), (7) and (8)]

per week means in any period of 7 consecutive days.

per year means in any period of 365 consecutive days.

personal watercraft has the same meaning as in the *Transport Operations (Marine Safety) Act 1995* of Queensland.

pilot [see the Act, s 3 (1)]

Planning Area means the Whitsunday Planning Area (that is, the areas described in Schedule 1).

reef has the same meaning as in the Zoning Plan.

Note See clause 4 of the Zoning Plan.

reef edge has the same meaning as in the Zoning Plan.

Note See clause 4 of the Zoning Plan.

regional tour operation means a crewed vessel or aircraft operation that meets the required eligibility criteria set out in clause 1.12 of this Plan.

regular aircraft landing area means an area described in Schedule 7.

Regulations means the Great Barrier Reef Marine Park Regulations.

relevant permission has the same meaning as in the Regulations.

Note See r 4 (1).

restriction period for a significant bird site means the period mentioned in Table 1 for the site.

setting 1 area means an area described in item 1 of Schedule 2.

setting 2 area means an area described in item 2 of Schedule 2.

setting 3 area means an area described in item 3 of Schedule 2.

setting 4 area means an area described in item 4 of Schedule 2.

setting 5 area means an area described in item 5 of Schedule 2.

setting area means an area described in Schedule 2.

ship means a vessel longer than 70 metres overall.

Shipping Area has the same meaning as in the Zoning Plan.

Note See item 9 of the Schedule to the Zoning Plan.

significant bird site means an island, islet, rock, inlet or bay mentioned in Table 1.

taking has the same meaning as in the Zoning Plan.

Note See clause 4 of the Zoning Plan.

tourist facility has the meaning given by subsection 3A (4) of the Act.

tourist program has the meaning given by subsection 3A (3) of the Act.

transiting means in transit, by the most direct reasonable route, to a place outside the area concerned.

vessel [see the Act, s 3 (1) (1)]

Whale Protection Area means the area described in Schedule 4.

Zoning Plan means the Central Section Zoning Plan made in 1987.
