

Cairns Area Plan of Management Amendment 1999 (No. 1)

The Great Barrier Reef Marine Park Authority, acting under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*, prepares this amendment of the Cairns Area Plan of Management.

Dated 12 October 1999.

Cairns Area Plan of Management Amendment 1999 (No. 1)¹

made under the

Great Barrier Reef Marine Park Act 1975

Contents

Page

1 Name of amendment

This amendment is the *Cairns Area Plan of Management Amendment 1999 (No. 1)*.

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 Cairns Area 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 Plan of Management

Schedule 1 amends the Cairns Area Plan of Management.

Schedule 1 Amendments

[1] Part 1

substitute

Part 1 Management of the Cairns Planning Area

Division 1 Preliminary

1.1 Name of this Plan

This Plan is the *Cairns Area Plan of Management 1998*.

1.2 Application of this Plan

This Plan applies to the Cairns Planning Area (that is, the area described in Schedule 1).

Note This Plan in its original form (except Part 2) commenced on 22 June 1998. See Act, subsection 39ZF (1). No date was set for the commencement of Part 2 of the original Plan.

1.3 General intent

- (1) The general intent of this Plan, in conjunction with other management mechanisms, is to protect and conserve identified values of the Cairns Area, while allowing for reasonable opportunities to access and use the Planning Area.
- (2) Section 39Y of the *Great Barrier Reef Marine Park Act 1975* 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;
 - (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;
 - (c) to ensure that activities within areas of the Marine Park are managed on the basis of ecologically sustainable use;
 - (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;

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- (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;
 - (f) to enable people using the Marine Park to participate in a range of recreational activities.
- (3) Subsection 39Z (1) of the *Great Barrier Reef Marine Park Act 1975* states that ‘The Authority in preparing management plans must have regard to:
- (a) the protection of world heritage values of the Marine Park;
 - (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 indicates otherwise.
- (2) A reference in this Plan to a reef or other place, followed by an identification number in brackets (for example, ‘Escape Reef (15-094)’), is a reference to the reef or place so named and identified in the 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.
- (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) The origin of geographical coordinates used in this Plan is the Australian Geodetic Datum 1966 (AGD66).

Note 1 Where a specific reef Location is mentioned in this Plan this generally refers to the area within the 500 metre line of the reef, including the reef.

Note 2 The land and intertidal areas of all the islands and cays (except for Low Island (16-028) and Russell Island (17-013) which are within the Marine Park) are managed by the Queensland Department of Environment unless leased or privately owned.

Division 2 Nature conservation: values, issues and strategies

Subdivision 1 General

1.5 Nature conservation — general

- (1) The Authority believes protection of the nature conservation values of the Marine Park to be a major consideration of management. Use that threatens, or may be reasonably expected to threaten, nature conservation values will be managed.
- (2) Nature conservation values of the Planning Area that the Authority considers are, or may be, threatened include:
 - (a) corals and associated biota; and
 - (b) marine animals, plants and habitat; and
 - (c) birds nesting or roosting in, or adjacent to, the Planning Area.
- (3) The Authority has identified the following issues to be resolved in this Plan in protecting the above nature conservation values:
 - (a) limiting damage to coral from anchoring and other direct human activities;
 - (b) assisting in minimising the decline of and pressure on dugong populations in the Planning Area;
 - (c) minimising disturbance to whales;
 - (d) minimising damage to fish spawning aggregation sites, and disturbance of fish spawning aggregations; and
 - (e) minimising the disturbance to birds roosting and nesting by noisy activities and inappropriate visitation.

Subdivision 2 Coral

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

Corals and associated biota conservation values

- (1) Healthy coral cover, formations and substrate are fundamental to the value of the Planning Area and many of its ecological processes.
- (2) The Planning Area has a diversity of coral reef systems and associated biota. Coral quality and cover vary greatly on the reefs, but there are many areas of outstanding coral and associated fauna. Outer and mid-shelf reefs represent a range of reef types. Most inshore reefs have a distinctive, shallow reef benthos. Many reefs have high percentage coral cover and high species diversity.
- (3) Protection of a functioning, healthy coral reef ecosystem is a major basis for protection of the Marine Park and for its World Heritage listing.

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- (4) A diverse, resilient and productive coral reef ecosystem is the basis of most use of the Planning Area (for example, most research, traditional activities, collecting and tourism, and some fishing and recreational use).
 - (5) Maintaining the Marine Park as a natural, healthy and well-protected coral reef ecosystem is essential for national and international appreciation, presentation and continuing support for future protection of the Great Barrier Reef Marine Park.

Corals and associated biota conservation issues

- (6) There is a high and increasing risk of widespread coral damage from anchoring and other direct human activities due to the increasing level of use at Locations in the Planning Area.
- (7) Widespread or recurrent damage to coral will alter the quality, cover, composition and topography of coral over time.
- (8) The extent and long-term effects of damage to corals from direct human use of the Marine Park have not been quantified. However, extensive damage from human impact has been demonstrated in other coral reef systems and in localised parts of the Marine Park.
- (9) Coral is most susceptible to damage in places where use is high.
- (10) User behaviour can substantially raise or lower the risk of individual point damage.
- (11) Zoning protects various habitats for various purposes. The taking of coral, including damage to coral, is prohibited without a relevant permission under the Zoning Plan. However, more explicit and enforceable regulation is required.

Corals and associated biota conservation strategies

- (12) The Authority's strategies are to reduce or eliminate the threats to coral and associated biota in the Planning Area, by:
 - (a) managing direct causes of damage to corals by making it an offence to knowingly, recklessly or negligently damage or anchor on coral in the Planning Area; and
 - (b) designating places as Reef Anchorages in Locations in the Planning Area, as listed in Schedule 8, that will:
 - (i) provide for some places where reasonable access will not be inhibited by moorings; and
 - (ii) encourage the use of places where damage to coral is least likely to occur; and
 - (c) restricting where large vessels and ships can anchor; and
 - (d) managing the maximum daily levels of tourist program use that relies on anchoring in the Planning Area, by:
 - (i) limiting the number of tourism operations that may anchor in the Planning Area; and

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- (ii) encouraging growth of new tourism operations to moorings and pontoons.
- (13) It is the Authority's expectation that people will anchor with due care to avoid damage to coral, including:
- (a) anchoring in sand away from coral if available;
 - (b) using a reef pick appropriate to the size of the vessel; and
 - (c) when hauling in, motoring toward the anchor.

Note Special consideration will be given in formulating regulations to anchoring in unusual weathers, such as northerly winds.

- (14) The Authority, recognising that there is a vessel size where anchoring equipment has a higher risk of causing damage to coral, proposes that:
- (a) a vessel of greater than 35 metres may not anchor in a Location except if at Lizard Island Locality 2, Lizard Island Locality 3, Ribbon Reef 2 or Ribbon Reef 5 or in a Reef Anchorage at any other Location; and
 - (b) a vessel of greater than 70 metres may not anchor in a Location except:

at Lizard Island Locality 2; Lizard Island Locality 3; Ribbon Reef 5; Ribbon Reef 2.

Note Although Ribbon Reef No2 is a permitted anchorage until it has been completely surveyed by AMSA it is not considered to be entirely safe.

Subdivision 3 Marine animals, plants and habitat conservation

1.7 Dugong: values, issues and strategies addressed in this Plan

Dugong conservation values

- (1) Dugong (*Dugong dugon*) are rare marine mammals.
- (2) The largest global population of dugong live in Australian waters.
- (3) The Marine Park is a major habitat for dugong populations in Australian waters.
- (4) Dugongs have high biodiversity value as the only species in the family Dugongidae and one of only four species in the order Sirenia.
- (5) Dugongs are listed as vulnerable to extinction by the International Union for the Conservation of Nature.
- (6) Dugongs are generally found in coastal and inshore areas, feeding primarily on seagrasses.

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- (7) Dugongs in the Marine Park are protected against commercial take.
 - (8) Traditional hunting of dugongs is still permitted in certain parts of the Marine Park.
 - (9) Dugongs exist in inshore waters in the Planning Area which contain shallow and deep water seagrass, particularly in the Port Douglas to Cape Tribulation inshore waters.

Dugong conservation issues

- (10) Dugong populations are under pressure in the Planning Area.
- (11) Dugong populations have suffered a serious decline in parts of the Marine Park south of Cooktown.
- (12) Dugongs have a low reproductive capability and those that live close to the shore are susceptible to human activities. A slight fall in adult numbers can cause a long-term decline in the population.
- (13) Threats to dugongs include fishing and shark nets, collisions with boats, habitat degradation and loss, and illegal netting and hunting. Indigenous hunting may also be a threat to dugongs, if the species is not ecologically secure in that part of the Marine Park.
- (14) High levels of vessel or aircraft use in areas with possibly significant dugong populations may create unacceptable disturbance.
- (15) Dugongs feed primarily on seagrasses which may suffer damage from human use.

Dugong conservation strategies

- (16) The Authority's strategies are to manage activities to protect significant dugong habitats and to limit pressure on dugong populations, by:
 - (a) prohibiting the taking of, or interference with, dugong within the Planning Area; and
 - (b) limiting the number of people on vessels or aircraft operating in some Locations in the Planning Area with possibly significant dugong populations; and
 - (c) limiting the number of moorings and pontoons that may be installed in Locations in the Planning Area with possibly significant dugong populations.

Note 1 A number of Aboriginal groups have supported the prohibition on the take of dugong.

Note 2 The Authority will continue to monitor and develop measures for dugong conservation within the Planning Area as part of Marine Park-wide threatened species conservation programs.

1.8 Whales: values, issues and strategies addressed in this Plan

Whale conservation values

- (1) The Marine Park is an important breeding and feeding ground for several species of whales, some of which are rare.
- (2) Migratory species of whales breed in the tropical waters of the Great Barrier Reef during the winter months (July–September).

Whale conservation issues

- (3) Whales in the Planning Area may be disturbed by human activities.
- (4) Human impacts may result in interruption of mating or reproductive events, noise induced effects, separation of calves and mothers, collisions, displacement from area due to high vessel traffic or behavioural change.
- (5) High levels of vessel or aircraft use near to whales may create unacceptable disturbance to whale populations in the Planning Area.
- (6) A high demand for permissions to conduct whale watching in the Planning Area, if met, would have the potential to disturb populations of whales.

Whale conservation strategy

- (7) During development of long-term strategies, the Authority has taken a precautionary approach to minimise disturbance to whales, by limiting the grant of relevant permissions for the purpose of whale watching in the Planning Area.
- (8) Permissions will only be granted:
 - (a) for the purpose of research; or
 - (b) to a tourism operator if the level of whale watching in the Planning Area is maintained as the same as, or less than, that permitted when this Plan commences.

Note The Authority will continue to monitor and develop measures for whale conservation within the Planning Area as part of Marine Park-wide threatened species conservation programs.

1.9 Fish spawning: values, issues and strategies addressed in this Plan

Fish spawning aggregation site values

- (1) Aggregation sites in the Planning Area are essential for the reproduction cycles of many reef fish species.
- (2) Many species of coral reef fish aggregate to spawn at sites with specific attributes.

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- (3) Attributes of fish spawning aggregation sites include clean water, high coral cover, complex coral forms and protection from prevailing winds.
 - (4) Spawning aggregations are a principal reproductive need for some species.
 - (5) There is evidence that some species of fish require specific coral topography as part of the spawning event.

Fish spawning aggregation site issues

- (6) Use may damage aggregation sites and disturb fish spawning aggregations.
- (7) Researchers have indicated that fish spawning aggregations are critical to the reproductive success and sustainability of some species.
- (8) Further research is required to fully understand the nature and scale of human activities that impact on sites or aggregations, but there is evidence that some species of fish which aggregate for the purposes of spawning are susceptible to disturbance.
- (9) Activities that damage coral or change coral topography may threaten spawning events and reproductive success rates of some fish populations.
- (10) Likely or known fish spawning aggregation sites should not be publicised without prior protection and enforceability of requirements.

Fish spawning aggregation site strategy

- (11) The Authority's strategy to minimise damage to fish spawning aggregation sites and disturbance of fish spawning aggregations is to continue to consider the location of known fish spawning aggregation sites when locating moorings, pontoons and Reef Anchorages.

Note The Authority will continue to monitor and develop measures for fish spawning aggregation sites in the Planning Area as part of Marine Park-wide strategies.

1.10 Bird conservation: values, issues and strategies addressed in this Plan

Bird conservation values

- (1) Birds are an important part of the nature conservation values of the Marine Park and form an integral part of the ecosystem.
- (2) Seabirds are an integral component of marine ecosystems.
- (3) Seabirds and other birds are essential components of the ecology of islands and cays.

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- (4) Some species of birds that roost or nest on islands and cays are important to the health of the nearby Wet Tropics World Heritage Area.
 - (5) Table 1 lists the islands and cays that support important bird roosting and nesting grounds.

Table 1 Bird nesting and roosting sites

Sector	Site
Lizard Island	Seabird Islet
Offshore Port Douglas	West Hope and Woody Islands, Mackay and Undine Cays
Offshore Cairns	Michaelmas, Vlasoff and Upolu Cays (Michaelmas Cay is rated as the second most important bird nesting site in the Great Barrier Reef World Heritage Area and the most significant bird nesting site in the Cairns Section.)
South Offshore Cairns	Sudbury Cay

Bird conservation issues

- (6) Roosting and nesting birds are disturbed by noisy activities and inappropriate visitation.
- (7) There are only a few cays and islands suitable for bird breeding and roosting in or adjacent to the Planning Area.
- (8) Bird breeding and roosting populations are susceptible to noisy or intrusive activities, inappropriate visitor behaviour and visitation.
- (9) Increasing demand for access to islands and cays where birds roost or nest cannot be met without threatening the sustainability of bird populations in the Planning Area.
- (10) A number of species of birds have exhibited declining breeding success rates in the Planning Area.

Bird conservation strategies

- (11) The Authority's strategies are to minimise disturbance to birds roosting and nesting in the Planning Area, by:
 - (a) limiting the number of people on vessels or aircraft operating adjacent to significant bird roosting or nesting islands or cays; and
 - (b) requiring that within the Michaelmas Cay Locality a person must not operate:
 - (i) an aircraft; or
 - (ii) a vessel or aircraft under power at a speed greater than 6 knots; or
 - (iii) a horn, loudspeaker or siren; and

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- (c) requiring that a person must not operate a vessel or aircraft under power at a speed greater than 6 knots within the Low Island Locality; and
 - (d) requiring that a person must not operate a hovercraft, or a vessel used for motorised watersport, in a Location other than Lizard Island Locality 2; and
 - (e) limiting the growth of tourist program use adjacent to significant bird roosting or nesting islands or cays.

Note The Authority will continue to monitor and develop measures for bird conservation within the Planning Area as part of Marine Park-wide threatened species conservation programs.

Division 3 Cultural and heritage values, issues and strategies

1.11 Cultural and heritage values, issues and strategies addressed in this Plan

Cultural and heritage values

- (1) Indigenous groups have a relationship with the marine environment and particular areas in, or adjacent to, the Planning Area, and sites of heritage value exist in the Planning Area.
- (2) This relationship is demonstrated by:
 - (a) the existence in the Planning Area, of sites of cultural and heritage significance to traditional inhabitants; and
 - (b) the conduct, by traditional inhabitants, of traditional activities including subsistence activities in the Planning Area.
- (3) Nature conservation values form the basis of many cultural values.
- (4) The Authority, on the advice of a number of local indigenous groups, has identified Locations that have particular cultural and heritage significance, as described in Table 2.

Table 2 Locations of cultural and heritage significance and importance for cultural activities

Sector	Location
Lizard Island	Locality 1 and Locality 4
Offshore Port Douglas	Cowie Point, Bailey Point, Pearl Reef, East Hope Island Reef, West Hope Island Reef, Ruby Reef, Endeavour Reef, Pickersgill Reef, Evening Reef, Rudder Reef, Tongue Reef, Snapper Island Reef, Batt Reef and Low Island Locality
Offshore Cairns	Hastings Reef Locality 2, Michaelmas Reef, Arlington Reef and Green Island Reef
South Offshore Cairns	Moore Reef Locality 2, Sudbury and Scott Reefs
Frankland Islands	Islands within the Frankland Islands Sector

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- (5) The Low Island lighthouse and light station was built in 1878. The light station is a rare example of long-term human habitation of a Marine Park cay.

Cultural and heritage issues

- (6) Increasing use of the Planning Area has put pressure on cultural and heritage sites and may displace some cultural activities.
- (7) A decrease in the nature conservation values of the Planning Area may diminish the successful maintenance of cultural and heritage values and uses.
- (8) Greater use of parts of the Planning Area by large vessels or by vessels with large groups of people at some Locations may impair cultural and heritage values of traditional inhabitants.
- (9) Inappropriate use may compromise cultural and heritage values for traditional inhabitants at certain places.

Cultural and heritage strategy

- (10) The Authority's strategy is to take a precautionary approach to generally prevent further growth in use of the reefs of value to indigenous people, while allowing for continuation of established uses, by:
- (a) managing the intensity of tourism use to the Planning Area; and
 - (b) generally allocating low use categories to Locations with significant cultural values; and
 - (c) generally limiting the number of moorings and pontoons that will be permitted at Locations with significant cultural values; and
 - (d) designating some Locations as Sensitive Locations with additional or special protection; and
 - (e) providing exemption for traditional inhabitants from restrictions on the number of people on a vessel or aircraft that can access Locations if undertaking activities, not involving the take of plants, animals or marine products, for the purposes of Aboriginal or Torres Strait Islander custom or tradition.

Note The Authority maintains a management presence at Low Island.

Division 4 Scientific values, issues and strategies

1.12 **Scientific values, issues and strategies addressed in this Plan**

Scientific values

- (1) The protection and conservation of the values of the Planning Area will depend, in part, on the knowledge and understanding gained from scientific research and monitoring.

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- (2) Basic, strategic and applied research is undertaken in the Marine Park.
 - (3) There are research stations at two locations in the Planning Area of high scientific value: Lizard Island and Low Island.
 - (4) Scientific values of Low Isles derive from the diversity of natural features and from being the site of the 1928–1929 Great Barrier Reef Expedition. It is one of the few coral reefs in the world for which a long series of data exists and presents an unusual and valuable opportunity for continuing long term studies.
 - (5) Lizard Island is a mid-shelf continental island with a wide range of adjacent marine habitats. Lizard Island Locality 1 has possibly unique coral communities.

Scientific issues

- (6) Appropriate research is necessary to improve understanding of the Planning Area and guide effective long-term management.
- (7) Access to moorings is necessary to undertake research in some locations. Limiting the placement and use of moorings may inhibit research.
- (8) Inappropriate activities, including vessel anchoring and fishing may detrimentally affect ongoing research projects in places of high scientific values. This is particularly relevant for some locations that have high long-term scientific research values.

Scientific strategies

- (9) The Authority's strategies to conserve the scientific values of the Planning Area are to ensure Areas of high scientific research values are protected, and access for permitted research that is consistent with the values of the Planning Area is not inhibited, by:
 - (a) providing a general exemption for permitted research from the enforcement provisions contained in Part 2 (however, research permit assessment must consider the provisions of this Plan to ensure consistency with the intent of this Plan); and
 - (b) providing a general exemption for the purpose of research from limitations on the placement and number of moorings and other permanently moored facilities (however, research permissions will remain subject to meeting all other requirements, including permission application, assessment and decision processes under the Regulations, suitability of installation sites and Reef Anchorage needs); and
 - (c) limiting the impacts that may affect the values of Low Island Locality as a long-term research site, particularly in relation to nutrient levels in the Marine Park, by:
 - (i) prohibiting discharge of sewage, greywater, fresh fish or parts of fresh fish within the Low Island Locality; and

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- (ii) prohibiting hull scraping or painting within the Low Island Locality; and
 - (iii) limiting manipulative research to that:
 - (A) likely to complement research conducted by the 1928–1929 Great Barrier Reef Expedition; or
 - (B) likely to directly assist the management of the Low Island Locality; or
 - (C) likely to contribute to understanding of nutrient levels in the Marine Park, and cannot reasonably be conducted elsewhere; and
 - (d) limiting the impacts that may affect scientific values at Lizard Island Locality 1, by prohibiting:
 - (i) anchoring by vessels more than 7 metres in overall length,
 - (ii) fishing in part of the Locality to protect specific research sites; and
 - (e) allowing relevant permissions for the purpose of research to be granted for whale watching in the Planning Area.

Division 5 Use of the Planning Area, issues and strategies

1.13 **Use of the Planning Area, issues and strategies addressed in this Plan**

Use of the Planning Area

- (1) The Planning Area includes some of the most intensively used reefs and waters in the Marine Park and has the Marine Park's highest level of marine tourism use, and there is a wide diversity of use in the Planning Area — for example:
 - (a) research is conducted throughout the Planning Area — research stations are located at Lizard Island and Low Island; and
 - (b) commercial reef line fishing, trawling, collecting, mariculture and aquarium trade collecting are established uses of the Planning Area; and
 - (c) marine tourism operations visit all Sectors and most Locations in the Planning Area on a regular or periodic basis.
 - (d) hunting, fishing and collecting are undertaken by indigenous people in Locations in the Planning Area (particularly in inshore reef areas) — locations that have been identified by local indigenous groups as significant for cultural purposes are described in Table 2 in clause 1.11; and
 - (e) recreational activities include yachting, boating of other kinds and fishing in the Planning Area and tends to be concentrated in inshore areas near population centres and around the inner reefs, particularly in areas described in Table 3.

Table 3 Areas of concentrated recreational use

Sector	Location
Lizard Island	Lizard Island
Offshore Port Douglas	East Hope Island Reef, West Hope Island Reef, Pickersgill Reef, Evening Reef, Rudder Reef, Tongue Reef, Snapper Island Reef, Batt Reef
Offshore Cairns	Michaelmas Reef, Oyster Reef, Vlasoff Reef, Arlington Reef, Upolu Cay Reef, Green Island Reef
South Offshore Cairns	Thetford Reef, Moore Reef, Elford Reef, Briggs Reef, Sudbury Reef, Scott Reef
Frankland Islands	Frankland Islands Sector reefs

- (2) The Planning Area's natural scenery values form part of the values of the Great Barrier Reef World Heritage Property and assist in providing significant presentation opportunities.
- (3) The coastal regions adjacent to the Offshore Port Douglas and Frankland Islands Sectors comprise part of the Wet Tropics World Heritage Property. The Authority considers that, with limited coastal development, the Sectors provide the opportunity to present the World Heritage values of the Marine Park in association with the adjacent Wet Tropics.

Use issues

- (4) Growth in use may erode current and potential values (including opportunities for use) of the Planning Area.
- (5) Increasing use is displacing other uses at some Locations.
- (6) The number of moorings and pontoons installed in the Planning Area, is limiting anchoring access to other users.
- (7) Large, permanently moored facilities have the potential to compromise the Planning Area's scenic values.
- (8) Noisy or intrusive water sports such as jet-skis may impair the values of the Planning Area, including use and presentation values.
- (9) The tourist permissions system has inadequately managed high growth in use, because:
 - (a) it is based on case-by-case assessment and decision for tourist program permissions, without adequately addressing the cumulative impacts of operations overall;
 - (b) it allows for visitation to the Planning Area well in excess of actual use; and
 - (c) the available information indicates that use to the permitted level would result in visitation that would degrade the values of the Planning Area.

Use strategies

- (10) The Authority's intent is to manage growth in use to reduce conflict and provide now and into the future for a range of opportunities consistent with nature conservation, scientific, cultural and world heritage values by using the following strategies:
- (a) limiting the number of people per vessel or aircraft accessing each Location as described in Table 4; and
 - (b) managing Locations with high nature conservation values, cultural and heritage values, scientific values or use opportunities as Sensitive Locations as listed in Table 5; and
 - (c) limiting the number of permitted moorings and pontoons that may be installed in each Location, and limit the installation of other structures; and
 - (d) providing for Reef Anchorages where new permitted moorings and pontoons may not be installed; and
 - (e) limiting noisy activities that may impair values of the Planning Area, including use and presentation values; and
 - (f) limiting the maximum number of vessels or aircraft operating tourist programs in the Planning Area per day, except those operating to permitted moorings or pontoons.

Note These strategies are described in sections 1.14 to 1.19.

1.14 Limits on use levels

- (1) The limits on use levels as described in Table 4 will provide for a range of use opportunities across the Planning Area, according to the size of groups aboard individual vessels or aircraft.
- (2) Schedule 4 lists each Location and the category of use for that Location.

Table 4 Limits on use levels

Category of Use	Use levels
low	maximum number of people per vessel or aircraft (including crew) — 15
moderate	maximum number of people per vessel or aircraft (including crew) — 60
intensive	limit of use set by environmental sustainability

- (3) The group size limits described in Table 4 will not apply to a person operating a vessel in waters adjacent to and in Blue Lagoon at Lizard Island Locality 4 for protection against a wind generally from the north.
- (4) This Plan is intended to minimise the need to manage intensively the number of vessels or aircraft at a Location at any one time (except at Sensitive Locations). The Authority's aim is to maximise the flexibility of choice for visitors to the Planning Area (while maintaining use at sustainable levels) considering current known levels of use, the likely growth in use and the availability of alternatives. Changing patterns of use, major increases in use or impacts on values may require more detailed management of some Locations in the future.
- (5) All Marine Park users must operate within these limits. The main impact of these provisions will be on tourism operations. Tourism operations that operate to a pontoon or a mooring in a pontoon site that meet eligibility criteria may be exempted from numbers limits.
- (6) The Authority considers management of the number of vessels or aircraft for tourism use across the Planning Area is necessary to preserve a range of opportunities because of the high current level of tourism use of the Planning Area, the past pattern of rapid growth and likely future growth.
- (7) The category of use level for each Location was determined by considering:
 - (a) known values;
 - (b) existing use;
 - (c) zoning and implications of use allowed under the Zoning Plan; and
 - (d) characteristics including size of reef, coral cover and anchoring opportunities.

1.15 Sensitive Locations

- (1) Sensitive Locations as listed in Table 5 have been identified for their high nature conservation, cultural and heritage values, scientific values or use opportunities.

Table 5 Sensitive Locations

Sector	Location
Lizard Island	Lizard Island Locality 1
Ribbon Reefs	Cod Hole Locality
Offshore Port Douglas	Low Island Locality, East Hope Island Reef, West Hope Island Reef, Cape Tribulation Bay Locality 1, Snapper Island Reef
Cairns	Michaelmas Cay Locality, Green Island Reef
South Offshore Cairns	Sudbury Cay Locality
Frankland Islands	Frankland Islands Sector

- (2) Sensitive Locations have either a low or moderate category of use, depending on the values that require protection, and the current use opportunities of the Sensitive Location.
- (3) Many Sensitive Locations have special requirements on particular activities to manage effects as listed in Table 6.

Table 6 Sensitive Locations — specific requirements

Location	Proposed special requirements on activities
Low Island Locality	vessel or aircraft speed limit 6 knots; no public access to Low Island between sunset and sunrise; no discharge of wastes
Michaelmas Cay Locality	vessel or aircraft speed limit of 6 knots; horns, loudspeakers or sirens not to be used
Cod Hole Locality	no anchoring
Lizard Island Locality 1	no anchoring by vessels or aircraft more than 7 metres in overall length; no fishing (except trolling or bait netting for pelagic species) within 250 metres off the coast

- (4) The intentions of the specific requirements are as follows:
- the six knot speed limits at Low Island and Michaelmas Cay Localities is intended to reduce likely disturbance to birds nesting and roosting on adjacent cays;
 - the prohibition on public access to Low Island between sunset and sunrise are intended to reduce the risk of damage to vegetation and the lightstation and to provide privacy for residents;
 - the prohibitions on aircraft entry, to the use of horns, loudspeakers or sirens in Michaelmas Cay Locality are intended to minimise risks of disturbing seabirds nesting or roosting on Michaelmas Cay;
 - the prohibition on anchoring in the Cod Hole Locality is intended to prevent anchor damage to corals in this heavily used Location;

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- (e) the prohibition on anchoring by vessels or aircraft more than 7 metres in overall length in Lizard Island Locality 1 is intended to protect a rare field of solitary corals;
 - (f) the prohibition on fishing in Lizard Island Locality 1 is intended to protect specific research sites.
- (5) The Authority intends to maintain in principle a general opportunity to access and use Locations consistent with Zoning Plan requirements, but subject to requirements to protect values.
 - (6) Tourism operations using aircraft must not operate in a Sensitive Location, other than Cod Hole Locality and Lizard Island Locality 1. Tourism operations using aircraft that meet eligibility criteria may be exempted from this provision.
 - (7) The intensity of tourism use will be managed at Sensitive Locations by limiting the number of vessels or aircraft operating tourism programs that can visit the Location on any one day. Tourist programs operating to the majority of Sensitive Locations are required to make a booking, with a limit on the number of bookings per day for each Sensitive Location. These limits are listed in Schedule 5. However, neither bookings nor limits to the number of permits are considered necessary for Lizard Island Locality 1 or Cod Hole Locality.
 - (8) Tourism operations that meet eligibility criteria may be exempted from booking requirements and limits on the number of days the Sensitive Location may be entered, providing that the number of days allowed does not exceed that permitted under an existing permission.
 - (9) Tourism operations that meet eligibility criteria may be exempted from limits on the maximum number of people per vessel or aircraft entering the Sensitive Location, providing that the number allowed does not exceed that permitted under an existing permission.

1.16 Limitation on the number of moorings, pontoons and installation of other structures

- (1) The intent of this strategy is to provide for a balanced combination of private and public access opportunities across the Planning Area and, as far as possible consistent with values, at each Location and to protect natural scenery values.
- (2) The maximum numbers of permitted moorings and pontoons allowed at each Location are listed in Schedules 6 and 7 respectively. The numbers of moorings and pontoons permissible has been determined through consultation with users, consideration of Reef Anchorages and access opportunities, and compared to available information on coral cover, fish spawning aggregation sites and coral diversity.
- (2A) However, the Authority may grant to an existing permission holder, who had more than 50 days anchoring access to a Location during

1996, a permission to install a mooring at a Location in excess of that maximum number if special circumstances warrant its doing so.

- (3) Moorings within a mooring or pontoon site and moorings for the purpose of research or navigation aides are not limited by this Plan. They remain subject to meeting all other requirements, including permission application, assessment and decision processes under the Regulations, suitability of installation sites and Reef Anchorage needs.
- (4) Public moorings are not limited by this Plan.
- (5) Permissions will not be granted for permanently moored facilities other than permitted moorings or pontoons, unless the facility is:
 - (a) to be installed or operated within a mooring or pontoon site by the person holding the relevant permission for the mooring or pontoon at that site; or
 - (b) for the purposes of research or navigation aides and associated structures; or
 - (c) the subject of an existing permission.
- (6) Permitted moorings and pontoon sites will be protected from anchoring damage. Vessels or aircraft will not be allowed to anchor within a mooring or a pontoon site, other than at Lizard Island Locality 2, Lizard Island Locality 3, Cape Tribulation Bay Locality 1, East Hope Island Reef (15-065), Low Island Locality and Green Island Reef Locality 1.

Note Under reef wide regulations all permitted moorings will have to be marked by standard buoyage for public recognition.
- (7) For the purposes of this Plan a fore and aft mooring is considered one mooring.
- (8) The Authority has made provision for a pontoon at Hastings Reef Locality 1, but does not intend to grant permission to install or operate a pontoon at this Location, unless in the opinion of the Authority and on the request of a pontoon permittee, it is necessary to relocate a pontoon to allow recovery of an existing pontoon site which has suffered damage due to an acute natural event.

1.17 Reef anchorages

- (1) Reef Anchorages are intended to:
 - (a) provide for some places where reasonable access will not be inhibited by moorings; and
 - (b) encourage the use of places that are least likely to cause damage to coral.
- (2) Reef Anchorages are listed in Schedule 8.

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- (3) The Authority will not grant a permission allowing the installation of new permitted moorings or pontoons in a Reef Anchorage, but may allow replacement of existing structures.
 - (4) Reef Anchorages have been identified through consultation with users and compared to available information on coral cover, fish spawning aggregation sites and coral diversity.

Note 1 Field studies may require proposals to amend this Plan if high coral values, fish spawning aggregation sites or other values are subsequently identified.

Note 2 Public moorings may be installed to complement or replace Reef Anchorages, depending on availability of resources, the needs and physical characteristics of sites and use patterns.

Note 3 Persons who are permitted, and who have installed a mooring in a Reef Anchorage may be requested to move that mooring to another place in the same Location, and may be required to move the mooring when a permission expires.

Note 4 Detailed Site Plans for Locations not listed in Schedule 8 may be prepared and may result in proposals to amend this Plan.

1.18 Limitation on noisy activities

- (1) The Authority intends that a person must not operate a hovercraft, or conduct motorised watersport, in a Location other than Lizard Island Locality 2, to:
 - (a) protect nature conservation values, including roosting and nesting birds where applicable; and
 - (b) encourage use of reefs for nature-based use and appreciation; and
 - (c) reduce disturbance to nature-based uses and other reasonable use.
- (2) This Plan limits the number of operations regularly using aircraft, and the Authority intends to not allow the conversion of tourist program permissions involving the use of a vessel to use involving an aircraft. Generally, the Authority is less concerned with the mechanism of entry than the level and purposes of entry to the Planning Area, but studies have indicated that aircraft have impacts requiring special management.

1.19 Management of tourist programs

- (1) The maximum number of vessels or aircraft operating tourist programs in the Planning Area per day will be limited, except those operating to permitted moorings or pontoons.
- (2) New tourism operations and operations that do not meet the eligibility criteria of this Plan may only operate in the Planning Area up to 50 days a year. These operations will generally have to book for the Planning Area, and bookings will be limited to allow no more than 40 vessels a day access to the Planning Area. Tourism operations that meet eligibility criteria set out in Table 7 may be

exempted from booking requirements. Neither bookings nor limits to the number of days' entry to the Planning Area are considered necessary for craftless operations, hire operations, scenic flights 500 feet above water or land, or non-motorised craft operations.

- (3) A limited number of tourism operations that meet eligibility criteria may have access to the Planning Area up to all year, but with a limit of 50 days a year on the number of times the operation can visit any specific Location. Tourism operations that meet eligibility criteria may be exempted from the 50 days a year limit to specific Locations up to the number of days' use now permitted.
- (4) New or existing operations to a permitted mooring or pontoon may operate all year, except to Sensitive Locations other than Cod Hole Locality or Lizard Island Locality 1.
- (5) The Authority intends that a tourism operation to a permitted mooring or pontoon must have a written agreement for use of that facility with the relevant owner of the mooring and must notify the Authority of the permitted moorings or pontoons to which they will operate. This information will be publicly available to prevent misrepresentation of operating arrangements.
- (6) The Authority may impose limits on use of specific permitted moorings or pontoons if necessary, irrespective of any agreements that may exist.
- (7) The Authority intends that permitted mooring and pontoon permission holders will exercise responsibility for managing use of permitted moorings and pontoons at levels and of a nature that maintains mooring and pontoon site values.
- (8) The Authority intends that permitted mooring and pontoon owners collectively will allow development of tourism growth potential.
- (9) The Authority intends that the flexibility inherent in allowing tourism operation growth associated with permitted moorings and pontoons will provide opportunity and incentives for diversity of tourism operations in the Planning Area.
- (10) The Authority encourages permitted mooring and pontoon owners to develop agreements for use of those facilities with other Marine Park users.
- (11) New operations, and existing operations unless authorised as an exception, will be required to have a booking to enter a Sensitive Location, and may not enter a specific Sensitive Location more than 50 days a year. Craftless operations, hire operations, non-motorised craft operations will not be required to have a booking. Also, Cairns Professional Game Fishing Association members operating to the Association's mooring at Michaelmas Cay Locality will not be required to book to access the Location.
- (12) Recognising that craftless operations, hire operations, and non-motorised craft operations are low impact operations, the Authority

will not permit conversion between this kind of operation and other tourism operations.

(12A) The Authority will also not permit conversion between a long range roving operation and another kind of tourist operation.

(13) Table 7 lists the types of tourist program operations that are consistent with this Plan. The transition processes for tourism operations and implementation of this Plan are detailed in Division 6.

Table 7 Types of tourism operations consistent with this Plan

Operation type	Permissions available	Eligibility requirements
Standard Tour Operation (vessel or aircraft no more than 70 metres)	50 days access to the Planning Area subject to a booking, or all-year access to the Planning Area without a booking if shown to operate: - to a pontoon or mooring; - non-motorised craft, with guide; - scenic flights operating above 500 feet May be endorsed to operate above limits on maximum numbers on a vessel or aircraft to specific Locations, if currently permitted under existing permission May be endorsed to enter Sensitive Locations more than 50 days a year without a booking, if currently permitted under existing permission Non-motorised craft with guide may be endorsed to enter a Sensitive Location without a booking	Nil — notification of intention to use specific permitted moorings or pontoons is required Existing operations must prove operation to that Location at above number limits for at least 50 days in 1996, or special circumstances Existing operations must prove operation to that Location at least 50 days in 1996, or special circumstances Nil

Operation type	Permissions available	Eligibility requirements
<p>Long Range Roving Operation (vessel no more than 35 metres)</p>	<p>Access to the Planning Area is restricted to 100 days per year and 50 days to any one Location subject to:</p> <ul style="list-style-type: none"> - no more than 2 in 7 days to a Location; and - must not advertise or operate to a fixed schedule, that is, advertise or promote a regular destination, route or timetable; and - whole vessel charter only (that is, with a single client and not accepting bookings from individual passengers or their agent); and - must be surveyed for overnight operation, with provision for more than 8 sleeping berths; - limited to 30 passengers (not including crew); and - crewed vessels only; <p><i>Note: Applications for Long Range Roving Operation must be received within 3 months of the commencement of the enforcement provisions of this Plan.</i></p>	<p>Nil</p>
<p>Regional Tour Operation (vessel or aircraft no more than 70 metres)</p>	<p>All year access to the Planning Area — 50 days to any one Location</p> <p>May be endorsed to operate more than 50 days to specific Locations, if currently permitted under existing permission</p> <p>May be endorsed to operate above limits on maximum numbers on a vessel or aircraft to specific Locations, if currently permitted under existing permission</p> <p>May be endorsed to enter Sensitive Locations more than 50 days a year and without a booking, if currently permitted under existing permission</p>	<p>Existing operations with proof of operation in the Planning Area at least 50 days between 1 January 1996 and 30 June 1997, or special circumstances</p> <p>Existing operations must prove operation to that Location at least 50 days in 1996, or special circumstances</p> <p>Existing operations must prove operation to that Location at above number limits at least 50 days in 1996, or special circumstances</p> <p>Existing operations must prove operation to that Location at least 50 days in 1996, or special circumstances</p>

Operation type	Permissions available	Eligibility requirements
Craftless Operation (no vessel or aircraft)	All year access to the Planning Area (craftless operations that use a vessel or aircraft to enter the Planning Area will be limited to the same access and activities as permitted for that vessel or aircraft)	Nil
Hire Operation (a vessel, available for timeshare, hire or charter without a master or crew, that is non-motorised or less than 6 metres in overall length)	All year access to the Planning Area	Nil
Cruise Ship Operation (vessel more than 70 metres)	50 days access to the Planning Area	Nil
	May be endorsed to operate more than 50 days in the Area, if currently permitted under existing permission	Existing operations must prove operation to the Area at least 50 days in 1996, or special circumstances
	Anchoring access to Locations limited to: Lizard Island Locality 2 Lizard Island Locality 3 Ribbon Reef No 5 Ribbon Reef No2	
	Only 1 cruise ship to be at a Location or anchorage at a time	
	For the purposes of this provision, Lizard Island Locality 2 and Lizard Island Locality 3 are considered to be 1 Location	
	Ships' tenders must not be operated at Low Island Locality and Green Island Reef Localities other than to transfer passengers (by the most direct reasonable route) between the ship and a place outside the Planning area, or a tourist facility or vessel within or partly within the Planning Area	
	<i>Note</i> Although Ribbon Reef No2 is a permitted anchorage until it has been completely surveyed by AMSA it is not considered to be entirely safe.	

1.20 Implementation of this Plan

- (1) This Plan provides for:
 - (a) development of further proposals associated with:
 - (i) Reef Anchorages; and
 - (ii) the management of permitted moorings and pontoons; and
 - (iii) the allocation of new moorings to the limits specified in Schedule 6; and
 - (b) permissions that may be granted for tourism operations after this Plan commences; and
 - (c) exceptions to the requirements of this Plan that may be authorised for existing tourist programs that meet the required eligibility criteria set by this Plan; and
 - (d) requirements and procedures for application, assessment and decisions concerning relevant permissions are otherwise as provided for in the Act, Regulations and Zoning Plan.

1.21 Permitted moorings and pontoons*Site plans*

- (1) Site plans are required to determine the appropriate balance of private and public access opportunities, which may include future proposals to designate Reef Anchorages, at the Locations listed in Table 8.
- (2) No new moorings or pontoons will be permitted at these Locations (if allowed under this Plan) until site plans have been prepared and any resultant proposals for amendments to this Plan have been fully considered.

Table 8 Locations requiring site plans

Sector	Locations
Lizard Island	Lizard Island Localities 2 and 3
Offshore Port Douglas	Opal Reef (16-025), Tongue Reef (16-026), Agincourt Reefs
Offshore Cairns	Norman Reef, Michaelmas Cay Locality, Upolu Cay Reef, Green Island Reef Locality 1, Hastings Reef Locality 1, Briggs Reef
South Offshore Cairns	Flynn Reef, Milln Reef, Moore Reef Locality 2
Frankland Islands	Normanby Island Reefs, Russell and Round Islands Reefs

Permitted moorings and pontoons

- (3) The Authority intends the assessment of applications to install or operate permitted moorings and pontoons to remain subject to detailed impact assessment and decisions, which may include limits to use of specific moorings and pontoons as necessary.
- (4) The Authority, in deciding to grant a relevant permission to install a new mooring, will give first preference to a person who is eligible for a relevant permission or an authorisation to access a Sensitive Location without booking, if:
 - (a) that person relinquishes the relevant permission or authorisation to operate to the Sensitive Location without a booking; and
 - (b) if that person is the holder of a relevant permission to operate a mooring in a Sensitive Location that permission is also relinquished.
- (5) The Authority, in deciding to grant a permission to install a new mooring, will give second preference to operations, and in particular to groups of operations, that, if not granted a relevant permission to install a mooring, would otherwise be permitted to operate to the Location more than 50 days a year by anchoring.
- (6) This system of preferential allocation is intended to provide alternatives to use of Locations by anchoring for tourism operations eligible for more than 50 days use a year by anchoring. A relevant permission or authorisation allowing more than 50 days entry to the Location by anchoring must be surrendered if that permittee is granted permission to install a permitted mooring at that Location.

Note 1 The Authority will, if necessary, allocate relevant permissions to install a new mooring by ballot.

Note 2 Installation of permitted moorings and pontoons remains subject to supervision.

Note 3 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.

1.22 Tourism management generally

- (1) As far as possible, the Authority intends to set requirements to protect values generically in permissions or as general requirements by Location, rather than regulating individual operations.
- (2) This approach requires clear definition of categories of permissions for tourist operations.

Note In this Plan this approach is adopted only in relation to relevant permissions for tourism operations because these operations are more numerous and cumulatively affect the values of the Planning Area. A similar approach may be adopted for other types of permissions in future if necessary.

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- (3) This Plan limits certain types of tourist programs whilst allowing for growth in tourist visitation to the Planning Area and greater flexibility for most tourism operations.
 - (4) The Authority intends that for the purposes of this Plan, the only tourist program permissions that may be granted in the Planning Area are those consistent with the provisions of this Plan. The Authority intends that if a proposal is of the nature of a tourist program requiring a written permission under the Zoning Plan and is not provided for in this Plan, then it may lead to a proposal to alter this Plan in accordance with legislative requirements.
 - (5) The essential requirements for categories of tourism operations in the Planning Area are as set out in this Plan.

1.23 Types of tourism operations subject to eligibility requirements

- (1) The Authority recognises Regional Tour Operations as a valid use of the Marine Park and of the Planning Area providing a range of experiences otherwise unavailable, but recognises that the number of such operations must be limited to protect the nature conservation, cultural and heritage, and scientific values and use opportunities of the Planning Area.
- (2) A relevant permission or an authorisation for a Regional Tour Operation may be granted only if the applicant demonstrates:
 - (a) that:
 - (i) the permission for the operation was current when this Plan commenced; and
 - (ii) the operation was previously permitted to operate in the Planning Area more than 50 days a year; and
 - (iii) the operation was not previously limited to operating while attached to a pontoon or permitted mooring; and
 - (iv) the operation operated for at least 50 days between 1 January 1996 and 30 June 1997; or
 - (b) that there are special circumstances that warrant the grant of the exception or permission.
- (3) However, Regional Tour Operations may also be authorised or permitted to operate more than 50 days a year to one or more specific Locations if the applicant demonstrates, in respect of each Location:
 - (a) that:
 - (i) the permission for the operation was current when this Plan commenced; and
 - (ii) the operation was previously permitted to operate to the Location in the Planning Area more than 50 days a year and did so at least 50 days in 1996; or

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- (b) there are special circumstances that warrant the grant of the exception or permission.

Note Non-motorised craft operations, long range roving operations, craftless operations, hire operations and scenic flights operating above 500 feet to the Planning Area are not subject to eligibility to access the Planning Area.

1.24 Exceptions available to tourism operations

- (1) This Plan provides for possible exceptions for some tourism operations in relation to some general requirements and tourism operations limits.

Exceptions to limits of people per vessel or aircraft allowed access to each Location

- (2) The Authority has made provision for exceptions to the limits of people per vessel or aircraft for tourism operations to a Location considering:
 - (a) permittees eligible for an exemption have been operating validly; and
 - (b) there will be no increase in numbers over that currently permitted above the numbers limit.
- (3) This Plan provides for some exceptions to the limits of people per vessel or aircraft at a Location for tourism operations, if the permittee demonstrates:
 - (a) the operation is to a permitted pontoon or mooring in a pontoon site; or
 - (b) the permission for the operation was current when this Plan commenced, and the operation was previously permitted to operate there more than 50 days a year and did so carrying more than the limit now set for that Location at least 50 days in 1996; or
 - (c) there are special circumstances that warrant the grant of the exception.
- (4) The Authority's intent is that a permitted exception to a number limit would not be a reason for reduction in the number of persons that may be carried on a vessel or aircraft to a Location.

Exceptions to limits and booking requirements at Sensitive Locations

- (5) This Plan provides for some exceptions to the limits of people per vessel or aircraft at a Sensitive Location for tourism operations, if the applicant demonstrates:
 - (a) the relevant permission for the operation was current when this Plan commenced, and the operation was previously permitted to operate there more than 50 days a year, and did so carrying more than the limit now set for that Location at least 50 days in 1996; or

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- (b) there are special circumstances that warrant the grant of the exception.
- (6) This Plan provides for some exceptions to the booking requirement for tourism operations to a Sensitive Location, if the applicant demonstrates:
 - (a) the relevant permission for the operation was current when this Plan commenced, and the operation was previously permitted to operate there more than 50 days a year and did so to that Location at least 50 days in 1996; or
 - (b) there are special circumstances that warrant the grant of the exception.
 - (7) The Authority has made provision for these exceptions at Sensitive Locations for tourism operations considering:
 - (a) applicants eligible for an exception have been operating validly under a relevant permission for which there has been detailed assessment of impacts at that Location; and
 - (b) there will be no increase in numbers over that now permitted above the numbers limit; and
 - (c) there will be no increase in the number of visits permitted to these Locations.
 - (8) It is the Authority's intent to maintain values of these Locations, and while continued growth in use is likely to impair these values, current levels of use, combined with special provisions as necessary for management of activities at the Location, are unlikely to impair values.
 - (9) The Authority's intent is that a permitted exception to the limits of people per vessel or aircraft for a tourism operation at a Sensitive Location alone would not be a reason for reduction in the number of persons that may be carried on a vessel or aircraft to a Location.
 - (10) Detailed impact assessment at these Locations will continue as necessary.
 - (11) Tourist programs using aircraft will only be eligible to access a Sensitive Location, if eligible to be endorsed for more than 50 days per year access and no booking is required. Tourist programs using aircraft not eligible for these endorsements will not be able to access a Sensitive Location. This provision does not apply to Lizard Island Locality 1 and the Cod Hole Locality.

Exceptions to limits of 50 days to the Planning Area — Cruise Ship Operations

- (12) This Plan provides for some exceptions to the limit of 50 days entry to the Planning Area by Cruise Ship Operations if the applicant demonstrates:
 - (a) the relevant permission for the operation was current when this Plan commenced, and the operation was previously permitted

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- to operate to the Planning Area more than 50 days a year, and did so at least 50 days in 1996; or
- (b) there are special circumstances that warrant the grant of the exception.

Exceptions to limits of 50 days to the Planning Area with a booking — Gamefishing

- (13) This Plan provides for some exceptions to Standard Tour Operations that may be permitted or authorised to enter the Planning Area for more than 50 days without a booking if primarily for the purposes of gamefishing from September to December.
- (14) A relevant permission or authorisation to conduct operations primarily associated with gamefishing in the Planning Area may be granted without a requirement to meet eligibility criteria. Such a permission or authorisation will allow an operation to enter the Planning Area primarily for the purpose of gamefishing in the months of September, October, November and December without a booking and without a limit of 50 days on entry to the Planning Area. Limits of not more than 50 days to any Location and not more than 30 days in any 60 days to any Location within the Ribbon Reefs Sector apply, as do requirements to meet limits on the number of persons per vessel or aircraft to Locations unless separately endorsed otherwise.
- (15) A relevant permission or authorisation to conduct operations primarily for the purpose of gamefishing in the Planning Area will not preclude other permitted tourism activities in the Planning Area. The Authority intends, that should suspected abuses of such permissions or authorisations occur (for example, operations gaining entry to the Planning Area with little or no association with gamefishing activities), proposals may be made to amend this Plan to manage gamefishing in more detail.

1.25 Evidentiary requirements to establish eligibility

- (1) Proof of eligibility for a relevant permission or authorisation for an exception to a tourist program operation, may be by:
- (a) reference to Environmental Management Charge returns held by the Authority before 6 August 1997; or
- (b) reference to other official documents or records such as:
- (i) vessel or aircraft log books; and
- (ii) 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.

- (2) A person seeking to prove eligibility by reference to documents or records not held by the Authority on 6 August 1997 will be required to provide evidence not only of the number of days entry to the Planning Area or Location required for the eligibility criteria, but also of all tourism operations conducted in the Marine Park in the year or years during which it is claimed the eligibility criteria are met.
- (3) A person seeking the grant of a relevant permission or an authorisation for an exception for a Regional Tour Operation, a Standard Tour Operation or Cruise Ship Operation must apply for the relevant permission or authorisation and provide information in support of their application.

1.26 Multiple permission replication issues

- (1) It will not be possible to manage tourism use successfully if a person can hold several permissions for the same purpose using the same vessels or aircraft.
- (2) A person who holds a relevant permission or authorisation for a Regional Tour Operation and a relevant permission or authorisation for a Standard Tour Operation for the same vessel or aircraft will not be able to make a booking for entry to the Planning Area for that vessel or aircraft.
- (3) A person who holds a relevant permission or authorisation for a Regional Tour Operation for a vessel with an authority allowing more than 50 days entry to a Sensitive Location without a requirement to make a booking will not be able to make a booking for that vessel to enter the Sensitive Location.
- (4) Standard Tour Operations: bookings for access to the Planning Area or to Sensitive Locations will be made in relation to a vessel or aircraft as applicable, irrespective of the number of permissions on which that vessel or aircraft may appear. For example, if two Standard Tour Operations have been granted allowing for the use of a specific vessel or aircraft, that vessel or aircraft will only be booked to allow 50 days to the Planning Area, not 100 days.

[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 or aircraft

When deciding how many people a vessel or aircraft 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 or aircraft

For this Part, the length of a vessel or aircraft 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 19 of the Zoning Plan.

Note Clause 19 of the 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 20 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 20 of the Zoning Plan is about research and monitoring.

2.5 Where large vessels and ships can anchor

- (1) A person must not anchor a large vessel in a Location except at:
- (a) the following Locations:
 - (i) Lizard Island Locality 2;
 - (ii) Lizard Island Locality 3;
 - (iii) Ribbon Reef No 5 (15-038);
 - (iv) Ribbon Reef No 2 (15-075); or
 - (b) a Reef Anchorage at another Location.

Note 1 **Large vessel** means a vessel more than 35 metres, but not more than 70 metres, long — see Schedule 9.

Note 2 The Reef Anchorages are set out in Schedule 8.

- (2) However, subclause (1) does not prohibit a person from taking a large vessel into waters adjacent to, or within, Blue Lagoon in Lizard Island Locality 4 for protection against a wind blowing generally from the north.
- (3) A person must not anchor a ship in a Location except at the following Locations:
- (a) Lizard Island Locality 2;
 - (b) Lizard Island Locality 3;
 - (c) Ribbon Reef No 5 (15-038);
 - (d) Ribbon Reef No 2 (15-075)

Note 1 **Ship** means a vessel more than 70 metres long — see Schedule 9.

Note 2 Although Ribbon Reef No 2 (15-075) is a permitted anchorage until it has been completely surveyed by AMSA it is not considered to be entirely safe.

- (4) No more than 1 ship may anchor at a time in the Ribbon Reef No 5 (15-038) Location or at Ribbon Reef No 2 (15-075) Location.
- (5) If a ship is anchored in Lizard Island Locality 2 or 3, a person must not:
- (a) anchor another ship in that place; or
 - (b) anchor a ship in the other of those places.

2.6 Anchoring in mooring sites and pontoon sites

A person must not anchor a vessel or aircraft in a mooring site or pontoon site in the Planning Area except at the following Locations:

- (a) Lizard Island Locality 2;
- (b) Lizard Island Locality 3;
- (c) Cape Tribulation Bay Locality 1;
- (d) East Hope Island Reef (15-065);

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- (e) Low Island Locality; or
 - (f) Green Island Reef Locality 1.

Note For *mooring site* and *pontoon site*, see Schedule 9.

2.7 Anchoring in Lizard Island Locality 1

A person must not anchor a vessel or aircraft more than 7 metres long in Lizard Island Locality 1.

2.8 Anchoring within Cod Hole Locality

A person must not anchor a vessel or aircraft in the Cod Hole Locality.

Division 3 Restrictions on use of vessels and aircraft

2.9 Restrictions on access to Area for tourist programs

- (1) A person must not operate a tourist program on more than 50 days in a year, if the operation involves the use of a vessel or aircraft.
- (2) A person must not operate a tourist program in the Planning Area without a booking, if the operation involves the use of:
 - (a) a vessel other than a cruise ship (that is, a ship more than 70 metres long); or
 - (b) an aircraft.
- (3) However, subclauses (1) and (2) do not prohibit a person from operating a vessel or aircraft in the Planning Area to conduct a tourist program to a permitted mooring or pontoon if:
 - (a) the owner of the pontoon or mooring has given permission for the operation; and
 - (b) the mooring or pontoon is not in a Sensitive Location (other than Cod Hole Locality or Lizard Island Locality 1).
- (4) Also, subclauses (1) and (2) do not prohibit a person from:
 - (a) operating a non-motorised craft with a guide; or
 - (b) operating an aircraft to conduct a scenic flight, if the aircraft does not descend below 500 feet above ground or water while in the Planning Area; or
 - (c) operating a vessel to carry on a hire operation (that is, an operation of the kind described under that name in Table 7); or
 - (d) operating a vessel or craft in September, October, November or December to conduct operations primarily associated with gamefishing; or
 - (e) operating a long range roving operation (that is, an operation of the kind described under that name in Table 7).

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- (5) Also, subclauses (1) and (2) do not prohibit a person from operating a vessel or aircraft:
- (a) under, and in the way permitted by, an authorisation from the Authority; or
 - (b) in accordance with a relevant permission granted after this Part commences.

Note The date of commencement of this Part is as specified in the Regulations.

- (6) Also, subclauses (1) and (2) do not prohibit a person from operating a vessel or aircraft if the person who does so applied to the Authority before 1 July 1999 for an authorisation for the operation, and the Authority has not made a decision on the application.
- (7) For subclause (6), the Authority may treat an application received on or after 1 July 1999 as if it had been received before 1 July 1999 if special circumstances warrant its doing so.

2.10 Restrictions on access to Sensitive Locations for tourist programs

- (1) A person must not operate a tourist program in a Sensitive Location on more than 50 days a year if the program involves the use of a vessel.

Note The Sensitive Locations are set out in Schedule 5.

- (2) A person must not operate a tourist program in a Sensitive Location without a booking if the program involves the use of a vessel.
- (3) A person must not operate an aircraft to conduct a tourist program in a Sensitive Location.
- (4) However, subclauses (1), (2) and (3) do not prohibit a person from:
- (a) operating a non-motorised craft with a guide; or
 - (b) operating a vessel to carry on a hire operation (that is, an operation of the kind described under that name in Table 7).
- (5) Also, subclauses (1), (2) and (3) do not prohibit a person from operating a vessel or aircraft in Cod Hole Locality or Lizard Island Locality 1.
- (6) Also, subclauses (1), (2) and (3) do not prohibit a person from operating a vessel or aircraft:
- (a) under, and in the way permitted by, an authorisation from the Authority; or
 - (b) in accordance with a relevant permission granted after this Part commences.

Note The date of commencement of this Part is as specified in the Regulations.

- (7) Also, subclauses (1), (2) and (3) do not prohibit a person from operating a vessel or aircraft if the person who does so applied to the Authority before 1 July 1999 for an authorisation for the

operation, and the Authority has not made a decision on the application.

- (8) Also, subclause (2) does not prohibit a person from operating a vessel to the Michaelmas Cay Locality if the person:
- (a) is a member of the Cairns Professional Game Fishing Association, and is operating to the Association's mooring; and
 - (b) the person operates the vessel:
 - (i) under, and in the way permitted by, an authorisation from the Authority; or
 - (ii) in accordance with a relevant permission granted after this Part commences.

Note The date of commencement of this Part is as specified in the Regulations.

- (9) Also, subclause (2) does not prohibit a person from operating a vessel to the Michaelmas Cay Locality if the person:
- (a) is a member of the Cairns Professional Game Fishing Association, and is operating to the Association's mooring; and
 - (b) applied to the Authority before 1 July 1999 for an authorisation for the operation, and the Authority has not made a decision on the application.
- (10) For subclauses (7) and (9), the Authority may treat an application received on or after 1 July 1999 as if it had been received before 1 July 1999 if special circumstances warrant its doing so.

2.11 Vessels and aircraft that must not be taken into certain Locations

- (1) A person must not take a vessel or aircraft that is carrying more than 15 people into a low use Location.
- Note* The *low use Locations* are set out in Schedule 4.
- (2) However, subclause (1) does not prohibit a person from taking a vessel into waters adjacent to or within Blue Lagoon in Lizard Island Locality 4 for protection against a wind blowing generally from the north.
- (3) A person must not take a vessel or aircraft that is carrying more than 60 people into a moderate use Location.
- Note* The *moderate use Locations* are set out in Schedule 4.
- (4) However, subclauses (1) and (3) do not prohibit a person from taking a vessel or aircraft into a Location:
- (a) in transit; or
 - (b) if it is operating to a pontoon, or mooring in a pontoon site (except a pontoon or site in the Low Island Locality); or
 - (c) if it is being used by traditional inhabitants for aboriginal or islander traditional non-commercial purposes that do not involve taking plants, animals or marine product.

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- (5) For paragraph (4) (a), a vessel or aircraft is *in transit* through a Location if it is being taken, by the shortest and most direct practicable route, through the Location to somewhere else.
 - (6) Also, subclauses (1) and (3) do not prohibit a person from operating a vessel or aircraft:
 - (a) under, and in the way permitted by, an authorisation from the Authority; or
 - (b) in accordance with a relevant permission granted after this Part commences.

Note The date of commencement of this Part is as specified in the Regulations.

- (7) Also, subclauses (1) and (3) do not prohibit a person from operating a vessel or aircraft if the person who does so applied to the Authority before 1 July 1999 for an authorisation for the operation, and the Authority has not made a decision on the application.
- (8) For subclause (7), the Authority may treat an application received on or after 1 July 1999 as if it had been received before 1 July 1999 if special circumstances warrant its doing so.

2.12 Restrictions on access to Ribbon Reefs Sector

- (1) A person must not operate a vessel or aircraft (except in transit) in a Location in the Ribbon Reefs Sector if the person has already operated it in the Location on 30 days in the last 60 days.
- (2) For subclause (1), a vessel or aircraft is *in transit* through a Location if it is being taken, by the shortest and most direct practicable route, through the Location to somewhere else.

Division 4 Restrictions on activities in the Planning Area

2.13 Dugongs not to be taken or interfered with

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

Note Take, in relation to an animal, has the same meaning as in the Zoning Plan — see Schedule 9. In the Zoning Plan, *take*, in relation to an animal, 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) In subclause (1):
interfere with includes harass, chase, herd, tag, mark and brand.

2.14 Damaging coral

- (1) A person must not damage coral.

-
- (2) The conduct prohibited by subclause (1) does not include damaging coral by anchoring if the person who anchors takes reasonable care to avoid damaging the coral and:
- (a) an anchor of the kind commonly called a reef pick is used;
 - (b) the anchoring is in a Reef Anchorage; or
 - (c) the anchoring is during a northerly wind.

Note The Reef Anchorages are set out in Schedule 8.

2.15 Hovercraft and motorised water sports

- (1) A person must not operate a hovercraft in a Location mentioned in Schedule 4 (other than Lizard Island Locality 2).
- (2) A person must not operate or take part in a motorised water sport in a Location mentioned in Schedule 4 (other than Lizard Island Locality 2).

2.16 Restrictions on fishing in Lizard Island Locality 1

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

2.17 Restrictions on activities in Low Island Locality

- (1) A person must not operate a vessel or aircraft under power in the Low Island Locality at a speed greater than 6 knots.
- (2) A person must not be on Low Island above low water after sunset and before sunrise on any day.
- (3) In spite of subsection 38J (4) of the Act, a person must not discharge sewage, fresh fish or parts of fresh fish in the Low Island Locality.

Note **Discharge** has the same meaning as in s 38J (7) of the Act — see Schedule 9. The definition in that subsection is:

discharge means release, however the release is caused, and includes any escape, disposal, depositing, spilling, leaking, pumping, emitting or emptying.

- (4) A person must not discharge greywater in the Low Island Locality.

Note 1 **Greywater** means generally waste-water resulting from washing or cleaning — see the definition in Schedule 9.

Note 2 **Discharge** has the same meaning as in s 38J (7) of the Act — see Schedule 9. The definition is:

discharge means release, however the release is caused, and includes any escape, disposal, depositing, spilling, leaking, pumping, emitting or emptying.

- (5) A person must not undertake hull scraping or painting in that Locality.

2.18 Restrictions on activities in Michaelmas Cay Locality

- (1) A person must not operate a vessel under power in the Michaelmas Cay Locality at a speed greater than 6 knots.
- (2) A person must not taxi an aircraft in the Michaelmas Cay Locality at a speed greater than 6 knots.
- (3) Except when required to do so by another law, a person must not operate a horn, public address system or siren in the Michaelmas Cay Locality.

[4] Schedule 3, item 2, paragraph (b)

omit

310°

insert

305°

[6] Schedule 6

omit each occurrence of

No limit

insert

to be determined through site planning

[7] Schedule 6, item 3

substitute

3. Offshore Port Douglas Sector

Location	Allowed permitted moorings
East Hope Island Reef (15-065)	1
Pickersgill Reef (15-093)	1
Andersen Reef (15-090)	4
Rachel Carson Reef (15-092)	2
Cape Tribulation Bay Locality 1	4
Escape Reef (15-094)	4
Agincourt No. 4 Reef (15-096)	5

Morning Reef (15-098)	1
Agincourt No. 3a Reef (15-099a)	<i>To be determined through site planning</i>
Agincourt No. 2b Reef (15-099b)	4
Agincourt No. 2 Reef (no identification number)	2
Agincourt No. 2d Reef (15-099d)	5
Agincourt No. 1c Reef (15-099c)	2
unnamed reef (16-011)	2
unnamed reef (16-013)	4
Mackay Reef (16-015)	5
unnamed reef (16-016)	1
unnamed reef (16-017)	1
unnamed reef (16-018)	2
St Crispin Reef (16-019)	4
Undine Reef (16-020)	3
Rudder Reef (16-023)	1
Chinaman Reef (16-024)	3
Opal Reef (16-025)	12
Tongue Reef (16-026)	8
Low Isles Reef (16-028) (except the part described in item 9 of Schedule 3)	3
Low Island Locality	6

[8] Schedule 7

substitute

Schedule 7 Permanently moored facilities — pontoons

Location	Allowed pontoons
Agincourt No. 4 Reef (15-096)	1
Agincourt No. 3a Reef (15-099a)	<i>To be determined through site planning</i>
Agincourt No. 2d Reef (15-099d)	1

Norman Reef (16-030)	<i>To be determined through site planning</i>
Hastings Reef Locality 1	1
Arlington Reef (16-064)	2
Moore Reef Locality 1	2
Moore Reef Locality 2	1
Low Island Locality	1

[9] Schedule 8, item 1

omit

Lizard Island Locality 1

insert

Lizard Island Locality 4

[10] Schedule 8, item 3

omit

unnamed reef (16-024)

insert

Chinaman Reef (16-024)

[11] Schedule 9, clause 1

omit

1. In the Plan

insert

1 In this Plan

[12] Schedule 9, clause 1, definition of *commencement date*

omit

[13] Schedule 9, clause 1, definition of *existing permission*

substitute

existing permission means a relevant permission that was in force immediately before 1 July 1999.

[14] **Schedule 9, clause 1, after the definition of *Green Island Reef Locality 3***

insert

greywater means waste water (other than sewage) from a bathroom, kitchen, galley or laundry, or water used in cleaning;

[15] **Schedule 9, clause 1, definition of *Location***

substitute

Location means:

- (a) the part of the Planning Area that is within the 500 metre line of a reef mentioned in Schedule 4 (including the airspace above it to a height of 500 feet above ground or water); or
- (b) a Locality described in Schedule 3 (including the airspace above it to a height of 500 feet above ground or water);

[16] **Schedule 9, clause 1, definition of *new permission***

substitute

new permission means a relevant permission granted after 1 July 1999.

[17] **Schedule 9, clause 1, definition of *Plan***

omit

[18] **Schedule 9, clause 1, definitions of *private mooring* and *public mooring***

omit

[19] **Schedule 9, clause 1, definition of *Sensitive Location***

substitute

Sensitive Location means:

- (a) the Frankland Islands Sector (that is, the part of the Planning Area described in item 6 of Schedule 2), including the airspace above it to a height of 1 500 feet above ground or water; or
- (b) each of the following Locations (including the airspace above it to a height of 1 500 feet above ground or water):
 - (i) Cape Tribulation Bay Locality 1;
 - (ii) Low Island Locality;
 - (iii) Michaelmas Cay Locality;
 - (iv) Sudbury Cay Locality;

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- (v) East Hope Island Reef (15-065);
 - (vi) West Hope Island Reef (15-064);
 - (vii) Snapper Island Reef (16-006);
 - (viii) Green Island Reef (16-049);
 - (c) Cod Hole Locality (including the airspace above it to a height of 500 feet above ground or water); or
 - (d) Lizard Island Locality 1 (including the airspace above it to a height of 500 feet above ground or water);

[20] Schedule 9, clause 1, definition of waste

omit

[21] Schedule 9, after the definition of vessel

insert

year means a period of 365 consecutive days;

[22] Schedule 9, clause 2

substitute

2 In this Plan:

5 kilometre line means the line every point of which is at a distance of 5 kilometres seaward from the nearest point of the coastline of the mainland at low water.

Note This is the same definition of the term as in the Proclamation published in the Commonwealth *Gazette* on 13 September 1989.

100 metre line of a reef means the line every point of which is at a distance of 100 metres seaward from the nearest point of the reef crest;

500 metre line:

- (a) of a reef — has the same meaning as in the zoning plan; and
- (b) of a geological formation (other than a reef) mentioned in Schedule 4 — means the line every point of which is at a distance of 500 metres seaward from the nearest point of the formation;

coastal 150 metre line of a coastline means the line every point of which is, at low water, at a distance of 150 metres seaward from the nearest point of the coastline;

coastal 500 metre line has the same meaning as in the zoning plan;

coastal 1500 metre line of a coastline means the line every point of which is:

- (a) at low water, at a distance of 1500 metres seaward from the nearest point of the coastline; or

-
- (b) if there is a fringing reef wholly or partly along the coastline — at low water, at a distance of 1500 metres seaward from the nearest point of the reef edge of the fringing reef.
-