



Cairns Area Plan of Management Amendment 2008 (No. 1)¹

Great Barrier Reef Marine Park Act 1975

The GREAT BARRIER REEF MARINE PARK AUTHORITY has prepared this amendment of the *Cairns Area Plan of Management 1998* under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*.

Dated 27 March 2008

RUSSELL REICHELT

Chairperson

FAY BARKER

Member

Member

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1 Name of amendment

This amendment is the *Cairns Area Plan of Management Amendment 2008 (No. 1)*.

2 Commencement

This amendment commences as follows:

- (a) on the day after it is registered — sections 1, 2 and 3;
- (b) on the day as from which regulations made under paragraph 66 (2) (ba) of the *Great Barrier Reef Marine Park Act 1975* declare that the enforcement provisions in Schedule 2 take effect — Schedules 1 and 2.

Note See subsection 39ZF (2) of the *Great Barrier Reef Marine Park Act 1975*, and subsection 56 (1) of the *Legislative Instruments Act 2003*.

3 Amendment of *Cairns Area Plan of Management 1998*

Schedules 1 and 2 amend the *Cairns Area Plan of Management 1998*.

Schedule 1 Amendments commencing upon the commencement of Schedule 2 to this amendment

(section 3)

[1] Foreword

substitute

Foreword

The Great Barrier Reef Marine Park Authority has prepared the *Cairns Area Plan of Management 1998* (the **Plan**) to protect and conserve the values of a particular area of the Great Barrier Reef Marine Park associated with the area near Cairns, while allowing for a range of use opportunities. The area is referred to as the Planning Area, and geographical details about the area are contained in the Plan. The Planning Area comprises many places, biological communities and species of high nature conservation, scientific and cultural values. The Plan identifies values that require protection now, the main issues that relate to them and the strategies to address these issues.

The area to which this Plan applies represents 6% of the total area of the Marine Park and is part of the Cairns/Cooktown Management Area. The area also includes 2 Commonwealth islands, namely Low Island and Russell Island.

The uses of the Planning Area are diverse, and include tourism and other recreational activities, cultural activities, shipping, research, commercial and recreational fishing and collecting. The Planning Area contains some of the most intensively used reefs, cays and waters in the Marine Park and supports the highest level of marine tourism in the Marine Park. The Planning Area will be managed for a high level of use, including tourism use. Managing the impacts of use on the values of the Planning Area is a major element of this Plan.

A Queensland marine park (the Great Barrier Reef Coast Marine Park) and Queensland national park islands are adjacent to the Planning Area. The Authority recognises the need for complementary management of adjoining islands, cays, reefs and waters. Management of the Planning Area is done through partnerships with stakeholder groups and joint management arrangements with Queensland Government agencies, in particular the Queensland Environmental Protection Agency which includes the Queensland Parks and Wildlife Service. Day-to-day management of the Planning Area is conducted primarily through joint management arrangements with the Queensland Parks and Wildlife Service.

The *Great Barrier Reef Marine Park Act 1975*, the *Great Barrier Reef Marine Park Regulations 1983*, the *Great Barrier Reef Marine Park Zoning Plan 2003* and this Plan provide the statutory and regulatory foundation for managing use of the Planning Area. The Plan regulates some activities also mentioned in the Zoning Plan, but does not otherwise affect the Zoning Plan.

The Authority believes that this Plan must be complemented by other actions to ensure use can occur without threatening the values of the Planning Area. To this end, the Authority encourages the joint day-to-day management arrangements, widespread use of best environmental practices and cooperative working arrangements among the management agencies and Marine Park stakeholder groups.

In the future it may be necessary to modify the Plan in response to new information obtained through the programs that are in place to monitor protected species (eg whales, marine turtles, seabirds), fringing reefs (eg anchor damage and recovery), site visitation and changing community attitudes.

Under section 54 of the Act, the Authority will prepare a *Great Barrier Reef Outlook Report* every 5 years, with the first report due to be given to the Minister by 30 June 2009. The report will include analysis of the effectiveness of the management of the Marine Park, including the effectiveness of plans of management, and will provide a basis for review of the Plan. The Authority will make amendments to the Plan as required, subject to a period of public comment. To date the Plan has been amended in 1999, 2002, 2004 and 2005.

Part 1 of the Plan outlines the values, issues and management strategies. Part 2 deals with enforcement provisions.

[2] Map after foreword

omit

[3] 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 area of the Marine Park inside the Planning Area.

Note **Planning Area** is defined in Schedule 9.

1.3 Intent of this Plan

- (1) The intent of this Plan, in conjunction with other management mechanisms, is 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 following objects of plans of management:
 - (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 management for the recovery and continued protection and conservation of species and ecological communities that are, or may become:
 - (i) extinct; or
 - (ii) extinct in the wild; or
 - (iii) critically endangered; or
 - (iv) endangered; or
 - (v) vulnerable; or
 - (vi) conservation dependent;
 - (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;
 - (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 wide range of recreational activities.

- (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 Subsection 39Z (2) 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:

‘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.’.

- (4) The Authority does not intend that this Plan will impair or extinguish any native title rights in the Planning Area.

1.4 Interpretation

- (1) Unless the contrary intention appears, a term defined in Schedule 9 has the meaning given by that schedule.
- (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 depicted and numbered in any of the following:
- (a) the map entitled *MPZ5 – Cooktown* published by the Authority in April 2006;
 - (b) the map entitled *MPZ6 – Cairns* published by the Authority in April 2006;
 - (c) the map entitled *MPZ7 – Innisfail* published by the Authority in April 2006.
- (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 notional line every point on 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) In this Plan, all geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994 (GDA94), published in *Gazette* No. GN 35 of 6 September 1995.

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

Note 2 The land and intertidal areas of most islands and cays are managed by the Queensland Environment Protection Agency.

Note 3 Low Island (16-028) and Russell Island (17-013), and their intertidal areas, are managed by the Authority.

Division 2 Nature conservation

Subdivision 1 General

1.5 Overview

- (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 the following:
 - (a) corals and associated biota;
 - (b) marine animals, plants and habitat, particularly dugong, whales and fish spawning sites;
 - (c) birds nesting or roosting in, or adjacent to, the Planning Area.

Note 1 Regulations to control discharge of waste from vessels and to set out tertiary treatment standards for the direct discharge of waste have been implemented in the Marine Park. The Authority is working with Queensland agencies and stakeholders to manage diffuse, land-based sources of pollution.

Note 2 The Authority encourages the best environmental practices for major activities (such as anchoring and mooring, fishing, diving and snorkelling) in the Planning Area.

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 educational programs and materials.

Subdivision 2 Coral and associated biota conservation

1.6 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 reason for protection of the Marine Park and for its World Heritage listing.
- (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).

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- (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.

1.7 Issues

- (1) 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.
- (2) Widespread or recurrent damage to coral will alter the quality, cover, composition and topography of coral over time.
- (3) 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.
- (4) Coral is most susceptible to damage in places where use is high.
- (5) User behaviour can substantially raise, or lower, the risk of individual point damage.

1.8 Strategies

- (1) Zoning protects various habitats for various purposes. The taking of coral, including damage to coral, is prohibited under the Zoning Plan without a relevant permission, unless the taking is in accordance with an accredited coral harvest fishery. However, more explicit and enforceable regulation is required.
- (2) The Authority expects that people will anchor with due care to avoid damage to coral, including by:
 - (a) anchoring in sand, away from coral, if available; and
 - (b) using a reef pick appropriate to the size of the vessel; and
 - (c) when hauling in, motoring toward the anchor.

Note 1 See subclause 2.4 (1A) for when large vessels that are seeking protection from northerly winds may anchor in a Location.

Note 2 See information about best environmental practices on the Authority's website at <http://www.gbrmpa.gov.au>.

- (3) The Authority's additional strategies to reduce or eliminate the threats to coral and associated biota in the Planning Area are:
 - (a) making it an offence to knowingly, recklessly or negligently damage or anchor on coral in the Planning Area (see clause 2.14); and

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- (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 (see clauses 2.4 and 2.5); and
 - (d) managing the maximum daily levels of tourism 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
 - (ii) encouraging growth of new tourism operations that use moorings and pontoons.

Note 1 Taking coral includes damaging or collecting coral: see definition of **taking** in the Zoning Plan.

Note 2 Large vessels can access a Location if operating to a permitted mooring, pontoon or jetty.

Note 3 Reef protection markers may be installed in areas where coral damage is observed, subject to public comment.

1.9 Anchoring strategy for large vessels

- (1) When assessing a permission for a large vessel, the Authority may require the applicant for the permission to prepare an anchoring strategy for approval by the Authority. The purpose of the anchoring strategy is to minimise potential coral damage. The strategy is to be developed for sites where the applicant proposes to anchor the large vessel.
- (2) An approved anchoring strategy must contain:
 - (a) a statement by the applicant setting out how coral damage from anchoring of the vessel will be minimised, including how ‘best environmental practices’ will be applied when anchoring; and
 - (b) a list of the proposed anchoring sites which the applicant seeks to be included under an approved anchoring strategy for the vessel; and
 - (c) a description (by diagram or otherwise) of the amount of coral cover at the anchoring sites nominated in accordance with paragraph (b); and
 - (d) any other information reasonably required by the Authority.
- (3) When considering an anchoring strategy, the Authority must consider whether the potential environmental impact from anchoring is acceptable.

Note 1 See subclause 2.4 (1A) for further information.

Note 2 Schedule 6C lists the Locations where an anchoring strategy may be considered.

Subdivision 3 Dugongs and marine turtles

1.10 Values

- (1) Dugongs and marine turtles are an integral part of the Marine Park and the Great Barrier Reef World Heritage Area.
- (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 1 of only 4 species in the order Sirenia.
- (5) Dugongs are listed as vulnerable to extinction by the International Union for the Conservation of Nature and Natural Resources.
- (6) Dugongs are generally found in coastal and inshore areas, feeding primarily on seagrasses. Seagrass beds occur in many areas and support a rich and diverse fauna and flora. The seagrass beds provide sheltered, nutrient-rich habitat and grazing areas for dugongs and marine turtles, and important nurseries for a variety of marine life.
- (7) 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.

1.11 Issues

- (1) The following are protected species:
 - (a) dugong (*Dugong dugon*);
 - (b) flatback turtle (*Natator depressus*);
 - (c) green turtle (*Chelonia mydas*);
 - (d) hawksbill turtle (*Eretmochelys imbricata*);
 - (e) loggerhead turtle (*Caretta caretta*).

Note See the Regulations for provisions declaring protected species.
- (2) Dugong populations are under pressure in the Planning Area and have suffered a serious decline in parts of the Marine Park south of Cooktown.
- (3) 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.
- (4) Threats to dugongs and marine turtles include fishing and shark nets, collisions with vessels, habitat degradation and loss, and illegal netting and hunting. Indigenous hunting may also be a threat, if the species are not ecologically secure in that part of the Marine Park.

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- (5) High levels of vessel or aircraft use in areas with possibly significant dugong and marine turtle populations may create unacceptable disturbance.
 - (6) Dugongs and marine turtles feed on seagrasses which may suffer damage from human use.
 - (7) Marine turtles are highly susceptible to human interference at nesting sites.

1.12 Strategies

- (1) To reduce or eliminate the threats to dugongs and marine turtles in the Planning Area, the taking of protected species is prohibited other than in accordance with section 5.3 of the Zoning Plan.
- (2) The Authority's strategies in managing activities to protect significant dugong habitats and to limit pressure on dugong populations are:
 - (a) limiting the number of people on vessels or aircraft operating in Locations in the Planning Area that may have significant dugong populations (see clause 2.11); and
 - (b) limiting the number of moorings and pontoons that may be installed in Locations in the Planning Area that may have significant dugong populations (see Subdivision 4, Division 5).

Note 1 Traditional use of marine resource agreements are currently being developed by Traditional Owner groups whose sea country includes the Planning Area.

Note 2 As part of its Marine Park-wide protected species conservation programs, the Authority will continue to monitor and develop measures for dugong conservation within the Planning Area.

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

taking an animal, plant or marine product includes:

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

Note 4 The document published by the Authority and entitled *Great Barrier Reef Marine Park Authority Position Statement on conservation of dugongs in the Great Barrier Reef Marine Park* can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 5 The document published by the Authority and entitled *Marine Turtles in the Great Barrier Reef World Heritage Area: A compendium of information and basis for the development of policies and strategies for the conservation of marine turtles* can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Subdivision 4 Whales and dolphins

1.13 Values

- (1) Whales and dolphins are an integral part of the Marine Park and the Great Barrier Reef World Heritage Area.

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- (2) The Marine Park is an important breeding and feeding ground for several species of whales, all of which are protected species.
 - (3) Migratory species of whales breed in the tropical waters of the Great Barrier Reef from May to September.
 - (4) Several species of dolphin inhabit the area.

1.14 Issues

- (1) The following are protected species:
 - (a) humpback whale (*Megaptera novaeangliae*);
 - (b) dwarf minke whale (*Balaenoptera acutorostrata*);
 - (c) Australian snubfin dolphin (*Orcaella heinsohni*);
 - (d) Indo-Pacific hump-backed dolphin (*Sousa chinensis*).

Note See the Regulations for provisions declaring protected species.
- (2) Whales in the Planning Area may be disturbed by human activities.
- (3) Human impacts may result in interruption of mating or calving, noise induced effects, separation of calves and mothers, collisions, displacement from areas, or behavioural change.
- (4) Further information is needed about species such as the humpback whale and the dwarf minke whale to further understand their distribution, abundance and key habitats, and also about the effects of human activities on the animals.
- (5) Dolphins and whales are occasionally injured by vessels.

1.15 Strategies

- (1) As part of its management of activities in the Planning Area, the Authority continues to monitor marine animals, plants and habitat and to develop conservation measures that address the interaction of vessels, aircraft and people with whales and dolphins.

Note 1 The document published by the Authority and entitled *Operational Policy on Whale and Dolphin Conservation in the Great Barrier Reef Marine Park* can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 2 Best environmental practices for whale and dolphin watching activities are encouraged by the Authority.

- (2) The Authority will take a precautionary approach to minimise disturbance to whales, by limiting the number of relevant permissions for conducting swimming-with-whales activities in the Planning Area (see the Regulations).

Note **Swimming-with-whales activity** is defined in the Regulations.

Subdivision 5 Fish spawning aggregation sites

1.16 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.
- (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.

1.17 Issues

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

1.18 Strategy

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.

Subdivision 6 Bird conservation

1.19 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.
- (4) Some species of birds that roost or nest on islands and cays are important to the health of the nearby Wet Tropics of Queensland World Heritage Area.
- (5) Column 3 of Table 1 lists the islands and cays that are sites which support important bird nesting and roosting grounds. Column 2 lists the sectors (described in Schedule 2) in which the sites are located.

Table 1 Bird nesting and roosting grounds

Item	Sector	Site
1	Lizard Island	Seabird Islet
2	Offshore Port Douglas	West Hope and Woody Islands, Mackay and Undine Cays
3	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 Planning Area)
4	South Offshore Cairns	Sudbury Cay

1.20 Issues

- (1) In or adjacent to the Planning Area, there are only a few cays and islands suitable for bird breeding and roosting.
- (2) Bird breeding and roosting populations are susceptible to noisy or intrusive activities, inappropriate visitor behaviour and visitation.
- (3) 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.
- (4) A number of species of birds have exhibited declining breeding success rates in the Planning Area.

1.21 Strategies

The Authority's strategies in minimising disturbance to birds roosting and nesting in or adjacent to the Planning Area are as follows:

- (a) limiting the number of people on vessels and aircraft operating adjacent to significant bird roosting or nesting islands or cays (see subclauses 2.11 (1) and (3));
- (b) managing activities that may be undertaken within the Michaelmas Cay Locality including each of the following:
 - (i) restricting aircraft (see subclause 2.10 (2A));
 - (ii) limiting the speed of vessels and aircraft (see subclauses 2.18 (1) and (2));
 - (iii) limiting the use by vessels of horns, loudspeakers or sirens (see subclause 2.18 (3));
- (c) limiting the speed of vessels and aircraft within the Low Island Locality (see subclause 2.17 (1));
- (d) precluding the use of hovercraft in a Location other than Lizard Island Locality 2 (see subclause 2.15 (1));
- (e) precluding the conduct of motorised water sports in a Location (see subclause 2.15 (2));
- (f) limiting the level of tourism 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 protected species conservation programs.

Division 3 Culture and heritage

1.22 Values

- (1) Traditional owner 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; and
 - (b) the conduct of traditional activities, including subsistence activities, in the Planning Area by traditional owners.
- (3) Nature conservation values form the basis of many of the cultural values of traditional owner groups.
- (4) On the advice of a number of local traditional owner groups, the Authority has identified Locations that have particular cultural and heritage significance. These Locations are listed in column 3 of Table 2. Column 2 lists the sectors (described in Schedule 2) in which the Locations occur.

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

Item	Sector	Location
1	Lizard Island	Locality 1 and Locality 4
2	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
3	Offshore Cairns	Hastings Reef Locality 2, Michaelmas Reef, Arlington Reef and Green Island Reef
4	South Offshore Cairns	Moore Reef Locality 2, Sudbury and Scott Reefs
5	Frankland Islands	Islands within the Frankland Islands Sector

- (5) The Low Islets Lightstation was built in 1878 and is significant as a substantially intact example of a lightstation complex in Queensland. The Lightstation is an example of long-term European habitation on a Marine Park cay, and an important element in the establishment of navigational aids along the Queensland coast to provide for safer passage of ships though the Great Barrier Reef.

Note 1 The Low Islets Lightstation is on the Register of the National Estate under the *Australian Heritage Council Act 2003* for its historical significance.

Note 2 The Authority maintains a management presence at Low Island.

1.23 Issues

- (1) Increased use of the Planning Area has put pressure on cultural and heritage sites and may displace some cultural activities.
- (2) A decrease in the nature conservation values of the Planning Area may diminish the successful maintenance of cultural and heritage values and uses.
- (3) 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 owners.
- (4) Inappropriate use may compromise cultural and heritage values for traditional owners at certain places.

1.24 Strategies

- (1) The Authority's strategy is to take a precautionary approach to generally prevent further growth in the use of reefs that are of particular value to traditional owners, while allowing for the continuation of established uses, by:
 - (a) managing the intensity of tourism use in 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 owners from restrictions on the number of people on a vessel or aircraft that can access Locations if undertaking activities, not involving the taking of plants, animals or marine product, for the purposes of Aboriginal or Torres Strait Islander custom or tradition (see subclause 2.11 (4) (c)).
- (2) Regular consultation with traditional owners will continue to ensure that cultural and heritage values are identified and appropriately managed.
- (3) The Authority is working with traditional owner groups to develop traditional use of marine resources agreements.

Note See the Regulations for further information on traditional use of marine resources agreements.

- (4) The Authority has developed a heritage strategy under the requirements of the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Note The document published by the Authority and entitled *Great Barrier Reef Marine Park Heritage Strategy* can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Division 4 Scientific research

1.25 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.
- (2) Basic, strategic and applied research is undertaken in the Marine Park.
- (3) Research stations are located at Green Island, Lizard Island and Low Island.

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- (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. Low Isles is one of the few coral reefs in the world for which a long series of data exists and Low Isles therefore 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. Waters adjacent to Lizard Island, as well as three smaller islands nearby (Palfrey, South and Bird), support high levels of research. Lizard Island Locality 1 possibly has unique solitary coral communities.
 - (6) Green Island has a long history of research activities and is easily accessed from Cairns.

1.26 Issues

- (1) Appropriate research is necessary to improve understanding of the Planning Area and guide effective long-term management.
- (2) Deployment of scientific equipment and access to moorings is necessary to undertake research in some locations.
- (3) 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.
- (4) Commercial and recreational use often occurs in the Planning Area in the vicinity of places where on-going research projects are conducted, and where conflict of use issues may arise. Environmental management plans, site plans or conditions on permissions may be used to resolve any conflict.

1.27 Strategies

To conserve the scientific values of the Planning Area the Authority's strategies are to ensure that 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) as far as possible, including areas of highest priority for researchers within Scientific Research Zones or other highly protected zoning; and
- (b) providing a general exemption from the enforcement provisions contained in Part 2 for permitted research (see subclause 2.3 (2)); and
- (c) providing a general exemption from limitations on the placement and number of moorings and other permanently moored facilities, for the purpose of research (see Subdivision 4, Division 5); and

Note Research permissions will remain subject to all other requirements relating to permissions under the Regulations being met, suitability of installation sites and Reef Anchorage needs.

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- (d) limiting the activities that may affect the values of Low Island Locality as a long-term research site, including by:
 - (i) managing activities that may otherwise result in increased nutrients or water pollution (see subclauses 2.17 (3) and (4)); and
 - (ii) limiting extractive research to research which is likely to:
 - (A) complement research conducted by the 1928–1929 Great Barrier Reef Expedition; or
 - (B) directly assist the management of the Low Island Locality; or
 - (C) contribute to understanding of nutrient levels in the Marine Park, and cannot reasonably be conducted elsewhere; and
 - (e) limiting the impacts that may affect scientific values at Lizard Island Locality 1, by:
 - (i) managing anchoring by vessels that have an overall length of more than 7 metres (see clause 2.7); and
 - (ii) managing fishing and collecting in part of the Locality to protect specific scientific research sites through the creation of zones and the declaration of the Natural Resources Conservation (Mermaid Cove, Lizard Island) Special Management Area in the Regulations.

Note **Zone** is defined in subsection 3 (1) of the Act.

Division 5 Use of the Planning Area

Subdivision 1 Overview

1.28 Values

- (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. There is a wide diversity of use in the Planning Area, for example:
 - (a) research is conducted throughout the Planning Area and research stations are located at Green Island, Lizard Island and Low Island; and
 - (b) commercial reef line fishing, trawling, collecting, aquaculture and harvest fishing 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; and
 - (d) shipping and port activities rely on access to and use of the Planning Area; and

- (e) hunting, fishing and collecting are undertaken by traditional owners in Locations in the Planning Area, particularly in inshore reef areas (Locations that have been identified by traditional owner groups as significant for cultural purposes are described in Table 2); and
- (f) recreational activities including yachting, boating of other kinds and fishing in the Planning Area tend to be concentrated in inshore areas near population centres and around the inner reefs, particularly in the Locations mentioned in column 3 of Table 3. Column 2 of the table lists the sectors (described in Schedule 2) in which the Locations occur.

Table 3 Areas of concentrated recreational use

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

- (2) The Planning Area's natural scenic values form part of the values of the Great Barrier Reef World Heritage Area 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 of Queensland World Heritage Area. 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.

1.29 Issues

- (1) Growth in use may erode current and potential values (including opportunities for use) of the Planning Area.
- (2) Increasing use is displacing existing uses at some Locations.
- (3) The number of permitted moorings and pontoons installed in the Planning Area limits access by other users.
- (4) Large, permanently moored facilities have the potential to compromise the Planning Area's natural scenic values.

- (5) Noisy or intrusive water sports may impair the values of the Planning Area, including use and presentation values.

1.30 Strategies

- (1) The category of use level for each Location takes into consideration:
- (a) known values; and
 - (b) existing use; and
 - (c) zoning and implications of use allowed under the Zoning Plan; and
 - (d) characteristics including the size of the reef, coral cover and anchoring opportunities.
- (2) Management of the number of vessels and aircraft for tourism use in the Planning Area is necessary to:
- (a) preserve a range of opportunities for use; and
 - (b) maximise the flexibility of choice for visitors to the Planning Area while maintaining use at sustainable levels; and
 - (c) manage growth in use to reduce the incident of conflict in use; and
 - (d) provide for current and future opportunities for a range of uses which are consistent with nature conservation, scientific, cultural and world heritage values.

Note Some Locations may require more detailed management, which will occur through the development of site plans for those Locations.

- (3) The Authority's strategies for managing use in the Planning Area are set out in detail in Subdivisions 2 to 6.

Subdivision 2 Levels of use at Locations

1.31 Levels of use

- (1) The number of people per vessel or aircraft who access each Location is limited under clause 2.11. (Table 4 describes the general limitations that apply).

Note Schedule 4 lists each Location and the category of use for that Location.

- (2) Clause 2.11 also sets out some exemptions from the general limitations mentioned in Table 4.

Table 4 Limits on use levels for all users

Item	Category of Use	Use levels
1	Low	Maximum number of people per vessel or aircraft (including crew) is 15
2	Moderate	Maximum number of people per vessel or aircraft (including crew) is 60

Item	Category of Use	Use levels
3	Intensive	Limit of use is set by environmental sustainability

Subdivision 3 Sensitive Locations

1.32 General

Locations that possess high nature conservation values, cultural and heritage values, scientific values or use opportunities have been identified as Sensitive Locations (see Schedule 5).

1.33 Special requirements

Many Sensitive Locations have special requirements for the conduct of particular activities in order to manage the effects of particular activities. The Locations, and references to the special requirements provided for in Part 2 of this Plan or in the Regulations, are set out in Table 5.

Table 5 Sensitive Locations — special requirements on conduct of activities

Item	Location	Special requirements on conduct of activities
1	Low Island Locality	The following are restricted: <ul style="list-style-type: none"> (a) the speed of a vessel or aircraft (see subclause 2.17 (1)); (b) public access to Low Island (see subclause 2.17 (2)); (c) discharge of waste (see subclauses 2.17 (3) and (4)); (d) hull scraping, cleaning and painting (see subclause 2.17 (4))
2	Michaelmas Cay Locality	The following are restricted: <ul style="list-style-type: none"> (a) the speed of a vessel or aircraft (see subclauses 2.18 (1) and (2)); (b) use of horns, loudspeakers and sirens (see subclause 2.18 (3))
3	Cod Hole Locality	Anchoring by vessels or aircraft is restricted (see clause 2.8)

Item	Location	Special requirements on conduct of activities
4	Lizard Island Locality 1	The following are restricted: (a) anchoring by vessels or aircraft (see clause 2.7); (b) fishing and collecting in the Natural Resources Conservation (Mermaid Cove, Lizard Island) Special Management Area, in accordance with the Regulations

1.34 Management of use at Sensitive Locations

- (1) The intensity of tourism use will be managed at Sensitive Locations by limiting the number of vessels or aircraft that are engaged in the operation of tourist programs and that can visit the Location on any one day.
- (2) Generally, tourist programs operating in the majority of Sensitive Locations are required to make a booking, and there is a limit on the number of bookings per day for each Sensitive Location. (Sensitive Location access limitations are dealt with in clause 2.10 and Schedule 5).
- (3) Neither bookings nor limits to the number of permissions are considered necessary for Lizard Island Locality 1 or Cod Hole Locality.
- (4) Aircraft are not permitted to access a Group A Sensitive Location (see subclause 2.10 (2A)).

Subdivision 4 Moorings, pontoons and permanently moored facilities

1.35 Policy overview

- (1) The Authority's strategy of limiting the number of moorings, pontoons and other structures that can be installed in the Planning Area is to provide for a balanced combination of private and public access opportunities in the Planning Area and at each Location and, as far as possible, provide these opportunities in a way that is consistent with the values of the Plan (including protection of natural scenic values).
- (2) Public moorings are not limited by this Plan.
- (3) Corals at permitted mooring and pontoon sites will be protected by generally not allowing anchoring at those sites (see clause 2.6).
- (4) Only 1 primary mooring per mooring site will be allowed.
- (5) The Authority intends that the flexibility which is inherent in allowing the growth of tourist programs associated with permitted moorings and pontoons will provide opportunity and incentives for diversity of tourism operations in the Planning Area.

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- (6) The Authority encourages permitted mooring and pontoon owners to develop agreements with other Marine Park users for use of those facilities.

Note Details of permitted moorings can be accessed by using the Moorings Register available on the Authority's website at <http://www.gbrmpa.gov.au>.

- (7) The installation of any mooring, pontoon or tourist facility is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a mooring, pontoon or tourist facility or operate a tourist program. The processes under the Regulations include an assessment of the suitability of the proposed installation site for a mooring, pontoon or tourist facility.
- (8) The numbers of moorings and pontoons which are permissible at a Location will continue to be determined through site planning involving consultation with users, consideration of Reef Anchorages, access opportunities, and available information on coral cover, fish spawning aggregation sites and coral diversity.

1.36 Limits on moorings and pontoons

- (1) The maximum number of permitted moorings and pontoons that the Authority will allow at each Location is listed in Schedules 6 and 7 respectively.
- (2) The Authority will not grant a new permission for a mooring or pontoon to be installed at a Location not mentioned in Schedule 6 or 7.
- (3) The Authority intends that the limits mentioned in subclauses (1) and (2) will not include or apply to the following kinds of moorings in the Planning Area:
- (a) moorings within a pontoon site;
 - (b) moorings installed for the purpose of research;
 - (c) an ancillary mooring;
 - (d) moorings provided for under subclause 1.37 (1);
 - (e) moorings temporarily relocated under subclause 1.39 (4);
 - (f) additional moorings provided for under subclause 1.38 (1).

Note 1 No permitted tourist facility (which includes a mooring mentioned in paragraph 1.36 (3) (e)) will be allowed to temporarily relocate to a different place in the Planning Area unless in accordance with clause 1.39 (4).

Note 2 The Regulations require that mooring reference numbers be displayed for permitted moorings.

- (4) Subclause (1) does not apply to the grant of a relevant permission for the installation of a pontoon as part of a temporary relocation or replacement under subclause 1.39 (4).

1.37 New moorings and pontoons

- (1) Despite subclauses 1.36 (1) and (2), the Authority may grant up to 20 new permissions for moorings to be installed subject to site plans being prepared or if special circumstances apply.

Note 1 Other than in the case of special circumstances, the Authority will seek expressions of interest from members of the public for the allocation of any new moorings in accordance with the Regulations. In considering any expression of interest received, the fundamental consideration for the Authority will be to ensure the best possible outcome for the Marine Park.

Note 2 Site plans will be available on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 3 *New permission* is defined in Schedule 9.

- (2) In addition to the 20 new permissions mentioned in subclause (1), the Authority may grant 1 new permission for a heli-pontoon to be installed in the Ribbon Reefs Sector.
- (3) In this clause:
heli-pontoon means a non-motorised permanently moored facility that is used solely as a landing area for helicopters.

Site plans for proposed moorings

- (4) The Authority may only grant a new permission if:
- (a) a site plan has been prepared for the site of the proposed mooring; or
 - (b) the Authority is satisfied that special circumstances, put forward by the applicant in writing, apply in relation to the application for the permission.

1.38 Additional moorings for weather

- (1) The Authority may grant a new permission to a person to install a mooring in a Location, if:
- (a) the person has a relevant permission to operate a mooring and conduct a tourist program at that Location (the *existing mooring*); and
 - (b) the proposed mooring (the *additional mooring*) is in the same Location on the same reef as the existing mooring or is on an immediately adjacent reef; and
 - (c) the Authority is satisfied that the person has a demonstrated need to use an additional mooring for operating the tourist program mentioned in paragraph (a), when the wind is from a generally northerly direction.
- (2) The Authority will require a person who applies for a new permission under subclause (1) to advertise that application as provided for under the Regulations.

1.39 Permanently moored facilities

- (1) In order to retain some Locations in a natural state, largely unaltered by human works, the Authority will not permit permanently moored facilities in some Locations.

Note See the document published by the Authority and entitled *Permits Information Bulletin No Structures Sub-zones*. The document may be accessed on the Authority's website at <http://www.gbrmpa.gov.au>.

- (2) The Authority will not grant a new permission for the installation in a Location of a permanently moored facility, other than a mooring or pontoon, 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 aids and associated structures; or
 - (c) the subject of a relevant permission; or
 - (d) an ancillary mooring.

Marine tourism contingency

- (3) The Authority has made provision for a pontoon at Hastings Reef Locality 1, but does not intend granting a relevant 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 a severe environmental incident.

Note 1 Examples of severe environmental incidents include oil spills or cyclones.

Note 2 A permitted tourist facility is a tourist facility the operation of which is authorised by a relevant permission.

- (4) If a permitted tourist program or facility is located in a place in the Planning Area and the place is severely damaged by a severe environmental incident, the Authority may permit the program or the facility to be temporarily relocated.

Note The document published by the Authority and entitled *Marine Tourism Contingency Plan for the Great Barrier Reef Marine Park*, and the Temporary Relocation Application Form, can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Reef Anchorages — limit on moorings and pontoons

- (5) Reef Anchorages are intended to:
- (a) provide reasonable access to places, uninhibited by moorings; and
 - (b) encourage the use of places in the Planning Area which will result in the least amount of damage to coral.

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- (6) Reef Anchorages are listed in Schedule 8. Further Reef Anchorages may be identified through the development of site plans.
 - (7) The Authority will not grant a new permission for the installation of moorings or pontoons in a Reef Anchorage, but may allow replacement of existing structures.
 - (8) Reef Anchorages have been identified through consultation with users and using 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 relevant permission expires.

Subdivision 5 Limits on noisy activities

1.40 General

The Authority's strategy is to limit noisy activities that may impair values of the Planning Area, including:

- (a) nature conservation values, in particular in relation to roosting and nesting birds; and
- (b) nature-based use and appreciation values in relation to reefs and other Locations.

1.41 Limits — motorised water sports

A person must not operate a hovercraft (except at Lizard Island Locality 2) or conduct a motorised water sport in a Location (see clause 2.15)).

1.42 Limits — operations involving aircraft

Studies have indicated that the use of aircraft may have impacts requiring special management. Therefore, this Plan limits the number of operations regularly using aircraft, and the Authority will not allow the conversion of tourist program permissions involving the use of a vessel to use involving an aircraft (see clause 1.50).

Subdivision 6 Management of tourist programs

1.43 General

- (1) In order to protect the nature conservation, scientific, and cultural and heritage values of the Planning Area it has been necessary to manage the number of tourist programs accessing the Planning Area.
- (2) A large number of different types of tourism operations are permitted to operate in the Planning Area. The Plan lists the types of tourism operations for which relevant permissions are granted. This approach requires clear definition of particular types of tourism operations (see clause 1.44), and has been adopted because tourism operations are more numerous, and cumulative in effect, than other uses in the Planning Area.
- (3) Generally, tourism operations involving aircraft or vessels are either standard tour operations or regional tour operations depending on the approved level of access to the Planning Area (see clause 1.44).
- (4) Increased levels of access are available if operating to a permitted mooring or pontoon in a Location, except where a pontoon or mooring is in a Group A Sensitive Location (see subclause 2.9 (3)).

Note Group A Sensitive Locations are listed in Schedule 5.

- (5) Certain tourism operations have met specific criteria and are permitted to have access above the limits set out in Part 2. The level of access was determined by taking into account the levels of use of the Planning Area prior to the commencement of the Plan in 1998, and permission for the access was given on the basis of the specified criteria (which can be viewed in earlier versions of the Plan) being met.

Note Earlier versions of this Plan can be found on the ComLaw website at <http://www.comlaw.gov.au>.

- (6) The level of access provided by a relevant permission is subject to assessment and the decision of the Authority in accordance with the Regulations.

1.44 Types of tourism operations — access rights and operational requirements

Interpretation

- (1) This clause is subject to a contrary intention in the Plan.
- (2) The limits on the access rights for a person conducting a tourism operation are set out in Part 2. However, the person's relevant permission may increase or decrease those limits (see, for example, subclauses 2.9 (5), 2.10 (3) and 2.11 (6)).

Categories of tourism operations

- (3) The categories of tourism operations are as follows:
- (a) a craftless operation;
 - (b) a cruise ship operation;
 - (c) a hire operation;
 - (d) a long range roving operation;
 - (e) a non-motorised craft operation;
 - (f) a regional tour operation (vessel and aircraft);
 - (g) a standard tour operation (vessel and aircraft);
 - (h) a support service operation.

Note The categories of tourism operation are defined in Schedule 9.

Craftless operation — access rights

- (4) The access rights of a craftless operation are the following, in accordance with the terms of a relevant permission:
- (a) up to daily access to the Planning Area without a booking, subject to the same access and activity conditions as the permitted vessel or aircraft that is being used;
 - (b) up to 50 days access to a Sensitive Location each year without a booking (see subclause 2.10 (1)).

Cruise ship operation — access rights

- (5) The access rights of a cruise ship operation are either:
- (a) both of the following, in accordance with the terms of a relevant permission:
 - (i) up to 50 days access each year to the Planning Area with a booking (see subclauses 2.9 (1A) and (2));
 - (ii) access to cruise ship anchorages with a booking (see paragraphs 2.5 (a) and (b)); or
 - (b) as otherwise provided for through an allocation process:
 - (i) that occurred before the commencement of this clause; and
 - (ii) that allocated the rights set out in the operator's relevant permission.

Note A ship's tender may only be operated in certain Locations subject to certain restrictions (see clause 2.12B).

Hire operations — access rights

- (6) The access rights of a hire operation are the following, in accordance with the terms of a relevant permission:
- (a) up to daily access to the Planning Area without a booking;

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- (b) up to 50 days access to a Sensitive Location each year without a booking (see subclause 2.10 (1)).

Long range roving operation — access rights and requirements

- (7) The access rights and operational requirements of a long range roving operation are the following, in accordance with the terms of a relevant permission:
- (a) if operating to a permitted mooring or pontoon — up to daily access to the Planning Area without a booking unless the mooring or pontoon is located in a Group A Sensitive Location (see subclause 2.9 (3));
 - (b) if not operating to a permitted mooring or pontoon, the following access rights:
 - (i) up to 100 days access each year (the *period*) to the Planning Area without a booking, and is limited to 50 days access in the period to each Location;
 - (ii) not more than 2 visits per Location in any 7-day period, with the visit or visits together being no longer than 48 hours in duration;
 - (c) the vessel carries:
 - (i) not more than 30 passengers (excluding crew); or
 - (ii) if the Authority has been notified in writing before the operation is conducted that the vessel will be carrying more than 30 passengers — more than 30 passengers (excluding crew) for up to 10 days a year, subject to group size limits.

Note 1 **Permitted mooring** is defined in the Regulations.

Note 2 For group size limits, see subclauses 2.11 (1) and (3).

Note 3 The number of permissions that allow long range roving operations access to the Planning Area has been capped: see clause 1.47.

Non-motorised craft operation — access rights

- (8) The access rights of a non-motorised craft operation are the following, in accordance with the terms of a relevant permission:
- (a) up to daily access to the Planning Area without a booking;
 - (b) up to 50 days access to a Sensitive Location each year without a booking (see subclause 2.10 (1)).

Regional tour operations that use vessels — access rights

- (9) The access rights of a regional tour operation that uses a vessel are either:
- (a) all of the following, in accordance with the terms of a relevant permission:
 - (i) if operating to a permitted mooring or pontoon — up to daily access to the Planning Area without a booking unless the

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- mooring or pontoon is located in a Group A Sensitive Location (see subclause 2.9 (3));
- (ii) if not operating to a permitted mooring or pontoon:
 - (A) up to daily access to the Planning Area without a booking; and
 - (B) if accessing a Location — up to 50 days access to each Location without a booking; and
 - (C) if operating to a Group A Sensitive Location — up to 50 days access to the Sensitive Location each year with a booking (see subclauses 2.10 (1) and (2)); and
 - (D) despite subparagraphs (B) and (C), if the access is for the sole purpose of allowing a passenger to disembark at an island in accordance with a camping permit issued to the passenger by the Queensland Parks and Wildlife Service or by the Authority — up to daily access to the Location, or the Sensitive Location, without a booking;
 - (iii) despite subparagraph (ii) (B), if the operation conducts single day fishing charters — up to daily access to a Location without a booking in the following zones:
 - (A) the General Use Zone;
 - (B) the Habitat Protection Zone;
 - (C) the Conservation Park Zone, other than that part of the Conservation Park Zone that is included in a Public Appreciation Special Management Area; or
 - (b) as otherwise provided for through an allocation process:
 - (i) that occurred before the commencement of this clause; and
 - (ii) that allocated the rights set out in the operator's relevant permission.

Note 1 Anchoring restrictions apply at Lizard Island Locality 1 and Cod Hole Locality: see clauses 2.7 and 2.8.

Note 2 Information about obtaining camping permits can be found on the Queensland Environment Protection Agency website at <http://www.epa.qld.gov.au>.

Note 3 **Zone** is defined in subsection 3 (1) of the Act (see the Zoning Plan for provisions about zones).

Note 4 The number of permissions that allow regional tour operations access to the Planning Area has been capped: see clause 1.47

Regional tour operations that use aircraft — access rights

- (10) The access rights of a regional tour operation that uses an aircraft are either:
 - (a) all of the following, in accordance with the terms of a relevant permission:
 - (i) if operating to a permitted mooring or pontoon — up to daily access to the Planning Area without a booking unless the

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- mooring or pontoon is located in a Group A Sensitive Location (see subclause 2.9 (3));
 - (ii) if not operating to a permitted mooring or pontoon:
 - (A) up to daily access to the Planning Area without a booking; and
 - (B) if accessing a Location — up to 50 days access to each Location without a booking;
 - (iii) no access to a Group A Sensitive Location (see Schedule 5 for the airspace requirements for a particular Location) (see subclauses 2.10 (2A); or
- (b) as otherwise provided for through an allocation process:
- (i) that occurred before the commencement of this clause; and
 - (ii) that allocated the rights set out in the operator's relevant permission.

Standard tour operations that use vessels — access rights

- (11) The access rights of a standard tour operation using a vessel are either:
- (a) all of the following, in accordance with the terms of a relevant permission:
 - (i) if operating to a permitted mooring or pontoon — up to daily access to the Planning Area without a booking unless the mooring or pontoon is located in a Group A Sensitive Location (see subclause 2.9 (3));
 - (ii) if not operating to a permitted mooring or pontoon — up to 50 days access each year to the Planning Area with a booking (see subclauses 2.9 (1A) and (2));
 - (iii) if operating primarily for the purposes of gamefishing:
 - (A) access to the Planning Area in September, October, November and December each year (the *period*) without a booking; and
 - (B) up to 50 days access in the period to each Location;
 - (iv) if operating to a Group A Sensitive Location — up to 50 days access each year with a booking (see subclauses 2.10 (1) and (2));
 - (v) despite subparagraphs (ii) and (iv), if the access is for the sole purpose of allowing a passenger to disembark at an island in accordance with a camping permit issued to the passenger by the Queensland Parks and Wildlife Service or by the Authority — up to daily access to the Location, or the Sensitive Location, without a booking; or
 - (b) as otherwise provided for through an allocation process:
 - (i) that occurred before the commencement of this clause; and

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- (ii) that allocated the rights set out in the operator's relevant permission.

Note 1 Anchoring restrictions apply at Lizard Island Locality 1 and Cod Hole Locality (see clauses 2.7 and 2.8).

Note 2 Cairns Professional Game Fishing Association members operating to the Association's mooring at Michaelmas Cay Locality will not be required to book to access that Location (see subclause 2.10 (4)).

Note 3 Information about obtaining camping permits can be found on the Queensland Environment Protection Agency website at <http://www.epa.qld.gov.au>.

Standard tour operations that use aircraft — access rights

- (12) The access rights of a standard tour operation that uses an aircraft are either:
 - (a) all of the following, in accordance with the terms of a relevant permission:
 - (i) if operating to a permitted mooring or pontoon — up to daily access to the Planning Area without a booking unless the mooring or pontoon is located in a Group A Sensitive Location (see subclause 2.9 (3));
 - (ii) if not operating to a permitted mooring or pontoon — up to 50 days access each year to the Planning Area with a booking (see subclauses 2.9 (1A) and (2));
 - (iii) for scenic flights above 500 feet — up to a daily access to the Planning Area without a booking;
 - (iv) if operating primarily for the purposes of gamefishing:
 - (A) access to the Planning Area in September, October, November and December each year (the *period*) without a booking; and
 - (B) up to 50 days access in the period to each Location;
 - (v) no access to a Group A Sensitive Location (see Schedule 5 for the airspace requirements for a particular Location) (see subclauses 2.10 (2A)); or
 - (b) as otherwise provided for through an allocation process:
 - (i) that occurred before the commencement of this clause; and
 - (ii) that allocated the rights set out in the operator's relevant permission.

Note 1 There is no cap placed on bookings for aircraft to access the Planning Area, as at the date of the commencement of this clause.

Note 2 Anchoring restrictions apply at Lizard Island Locality 1 and Cod Hole Locality (see clauses 2.7 and 2.8).

Support service operation — access rights

- (13) The access rights of a support service operation are the following, in accordance with a relevant permission:
- (a) up to daily access to the Planning Area without a booking;
 - (b) up to daily access to a Sensitive Location without a booking.

1.45 Bookings

- (1) This Plan sets out when access to the Planning Area or a part of the Planning Area is not permitted without a booking.
- (2) The Authority will not accept more than 40 standard tour operation bookings for vessels per day, in relation to the Planning Area.
- (3) The Authority will not accept a booking for a vessel to enter a Sensitive Location on a particular day if accepting the booking would result in the number of bookings for the Location on the day being more than the limit mentioned for that Location in column 4 of an item in the table in Schedule 5.

Note 1 Information on how to make a booking can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 2 As at the date of the commencement of Schedule 1 to the *Cairns Area Plan of Management 2008 (No. 1)*, there is no cap placed on bookings for aircraft to access the Planning Area.

1.46 Gamefishing

- (1) This Plan provides for standard tour operations to be permitted additional access to the Planning Area if the operation is operating during that period primarily for the purpose of gamefishing.

Note Subsubparagraphs 1.44 (11) (a) (iii) and 1.44 (12) (a) (iv) describe access rights for standard tourism operations in relation to gamefishing.

- (2) A relevant permission to conduct gamefishing in the Planning Area will not preclude the conduct by the holder of the permission of other permitted tourism activities in the Planning Area.
- (3) If the Authority suspects that the permissions mentioned in subclause (2) are being abused (for example, operations entering the Planning Area with little or no association with gamefishing activities), it may:
 - (a) take administrative action to limit access to the Planning Area by permission holders; or
 - (b) amend this Plan to manage gamefishing in more detail.

1.47 Tourism permissions that are capped

- (1) The Authority will not grant a new permission for a person to conduct a regional tourism operation, other than under clause 1.48.

-
- (2) The Authority will not grant a new permission for a person to conduct a long range roving operation.

Note 1 The Regulations provide for when a relevant permission ceases to be in force for the purposes of applications for further permissions.

Note 2 See the definition of *new permission* in Schedule 9.

1.48 Granting new permissions for regional tour operations

- (1) The Authority will grant up to 20 new permissions for persons to conduct regional tour operations.
- (2) A permission mentioned in subclause (1) may permit a regional tour operation to have daily access to the Planning Area without a booking.
- (3) An operation under a permission mentioned in subclause (1) must comply with, and is not eligible for exemption from, the booking requirements and limits that apply to Sensitive Locations.

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

- (4) Five of the permissions mentioned in subclause (1) may only be granted to persons who are traditional owners in respect of any site or area located in the Planning Area. This will provide opportunities for traditional owners to be involved in tourism in the Planning Area.
- (5) Five of the permissions mentioned in subclause (1) are reserved for tourism operations that operate predominantly from the Cooktown/Bloomfield area, and the Authority intends that the following matters will apply in relation to their allocation:
- (a) the permissions will initially be issued with a 1 year expiry date (the *first permission*);
 - (b) the holder of a first permission who applies under the Regulations for a further permission of the same kind in relation to the carrying on of the same activity in the same area (to replace the first permission) will be assessed as to:
 - (i) whether the holder has established the permitted tourism operation; and
 - (ii) whether the holder has operated the tourism operation on a regular basis;
 - (c) the assessment criteria in subparagraphs (b) (i) and (ii) are in addition to the assessment criteria in the Regulations for applications for relevant permissions;
 - (d) additional conditions, or other restrictions, may be placed on any further permission that is granted to replace a permission mentioned in this subclause.

-
- (6) The Authority will seek community and industry input when determining the timing of the release of new permissions mentioned in subclause (1). The new permissions or any relevant permissions for regional tour operations that become available (because they expire, are revoked or are surrendered), may be allocated under the Regulations using a process of inviting expressions of interest.

Note Information about the way tourism permissions are managed can be found in the document published by the Authority and entitled *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (Including Allocation, Latency and Tenure)*. The document can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

1.49 Permission replication and splitting

- (1) The effective management of the impact of tourism operations in the Planning Area, particularly those that involve anchoring or alighting, relies fundamentally on the limits set by this Plan. Consequently, any attempts to circumvent the limits set by the Plan by, for example, conducting 1 tourism operation using multiple permissions, will undermine the Plan.
- (2) The Authority will manage permissions and bookings to ensure permission replication or permit splitting does not circumvent the intention of the Plan. The actions needed to address this issue include, but are not limited to:
- (a) requiring, when granting a permission for a tourism operation, that all relevant permissions for that tourism operation in the Planning Area are surrendered, have been revoked or have expired; and
 - (b) requiring that a person will not hold more than 1 relevant permission for a tourism operation in the Planning Area; and
 - (c) requiring that more than 1 person may be granted a relevant permission for a single tourism operation only if each permission for that operation has been assessed as meeting eligibility criteria referred to in earlier versions of this Plan.

Note Earlier versions of this Plan can be found on the ComLaw website at <http://www.comlaw.gov.au>.

- (3) Certain tourism operations will not be allowed to operate in the Planning Area on more than 50 days per year.
- (4) The Authority will identify an individual tourism operation on the basis of the primary vessel or aircraft that is used for the operation. The operation of a vessel or aircraft across multiple permissions is not a legitimate basis for exceeding the limit (eg a limit of 50 days access to the Planning Area per year) that is intended to apply to the tourism operation. The Authority will manage the permit and booking systems to ensure that the intended limits are not undermined.

1.50 Conversion between tourism operations

The Authority must not convert a relevant permission that has been granted for the purposes of any of the following tourism operations to a permission for any other type of operation (whether or not specified in the following list), and must not convert a permission for any other type of operation to a permission for an operation that is listed:

- (a) long range roving operations;
- (b) non-motorised craft operations;
- (c) hire operations;
- (d) craftless operations;
- (e) support service operations;
- (f) regional tour operations operating predominantly from the Cooktown/Bloomfield area.

1.51 Further permissions

The Authority intends that if:

- (a) a relevant permission (the *original permission*) was granted giving access rights for a tourist program; and
- (b) the access rights were different to the access right restrictions set out in Part 2;

then, when a further permission is granted in respect of the original permission, the access rights may remain the same.

Note 1 Information about the way tourism permissions are managed can be found in the document published by the Authority and entitled *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (Including Allocation, Latency and Tenure)*. The document may be accessed on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 2 The Regulations provide for:

- (a) when a relevant permission ceases to be in force for the purposes of applications for further permissions; and
- (b) transfers of permissions.

[4] Schedule 9, item 1

omit

1 In this Plan,

insert

In this Plan,

[5] **Schedule 9, item 1, before definition of *accredited coral harvest fishery***

insert

1 kilometre line, in relation to the coastline of the mainland or an island, means the notional line every point on which is 1 kilometre seaward from the nearest point of the mainland or island at low water.

5 kilometre line, in relation to the coastline of the mainland or an island, means the notional line every point on which is 5 kilometres seaward from the nearest point of the mainland or island at low water.

100 metre line, in relation to a reef, means the notional line every point on which is 100 metres seaward from the nearest point of the reef crest.

500 metre line:

- (a) in relation to a reef — means the notional line every point on which is 500 metres seaward from the nearest point of the reef edge of the reef to which it applies; and
- (b) in relation to a geological formation (other than a reef) mentioned in Schedule 4 — means the notional line every point on which is 500 metres seaward from the nearest point of the formation.

[6] **Schedule 9, item 1, definition of *aircraft***

substitute

aircraft has the meaning given by subsection 3 (1) of the Act.

[7] **Schedule 9, item 1, definition of *Amalgamated Great Barrier Reef Section***

omit

[8] **Schedule 9, item 1, definitions of *authorisation* and *Authority***

substitute

Authority has the meaning given by subsection 3 (1) of the Act.

[9] **Schedule 9, item 1, after definition of *Authority***

insert

Cairns Planning Area means the area:

- (a) circumscribed by the geographical coordinates in Part 1 of Schedule 1; and
- (b) depicted generally in the map in Part 2 of Schedule 1.

[10] **Schedule 9, item 1, before definition of *Cod Hole Locality***

insert

coastal 250 metre line, in relation to the coastline of the mainland or an island, means the notional line every point on which is 250 metres seaward from:

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

coastal 500 metre line, in relation to the coastline of the mainland or an island, means the notional line every point on which is 500 metres seaward from:

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

coastal 1 500 metre line, in relation to the coastline of the mainland or an island, means the notional line every point on which is 1 500 metres seaward from:

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

[11] **Schedule 9, item 1, definition of *craftless operation***

substitute

craftless operation means an operation that:

- (a) is part of a tourist program;
- (b) comprises activities permitted under one relevant permission; and
- (c) does not use a vessel or aircraft; and
- (d) may use, as part of the conduct of the operation, vessels or aircraft of other operations.

Note For example, a craftless operation may operate from a beach or by using another vessel in ‘piggy back’ fashion to go to the reef. A dive school is an example of this type of operation.

[12] **Schedule 9, item 1, definition of *cruise ship operation***

substitute

cruise ship operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and

- (c) at any one time, uses only 1 ship.

Note A vessel identification number (a *VIN*) may be attached to a relevant permission allowing an operator to use the particular vessel or aircraft that displays the *VIN* in the Planning Area. Information about *VIN*s can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

daily access means access for each day in a year.

Note This Schedule defines *year*.

[13] Schedule 9, item 1, definition of *hire craft*

substitute

hire craft means a motorised vessel:

- (a) that has an overall length that is not more than 6 metres; and
- (b) that is made available for timeshare, hire or charter without a master or crew.

Note Examples of the types of vessels that might come within the definition of ***hire craft*** include dinghies, half-cabin boats or personal watercraft.

[14] Schedule 9, item 1, definition of *hire operation*

substitute

hire operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) uses hire craft or hire equipment.

Note See the definitions of ***hire craft*** and ***hire equipment*** in this Schedule.

[15] Schedule 9, item 1, definition of *long range roving operation*

substitute

long range roving operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) uses a vessel that:
 - (i) has an overall length of not more than 35 metres; and
 - (ii) has been surveyed for overnight use with provision for 8 or more sleeping berths; and
 - (iii) has a master and crew; and
- (d) is limited to providing a whole of vessel charter to a single client, without taking bookings from individual passengers or agents; and
- (e) is not advertised or promoted as having, regular destinations, routes or timetables; and

(f) at any one time, uses only 1 primary vessel.

Note A vessel identification number (a *VIN*) may be attached to a relevant permission allowing an operator to use the particular vessel or aircraft that displays the *VIN* in the Planning Area. Information about *VIN*s can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

[16] Schedule 9, item 1, after definition of *Marine Park*

insert

Marine Park boundary means the notional line bounding the area described in Schedule 1 of the *Great Barrier Reef (Declaration of Amalgamated Marine Park Area) Proclamation 2004*.

Note The *Great Barrier Reef (Declaration of Amalgamated Marine Park Area) Proclamation 2004* was published in *Gazette* No. S119 of 21 April 2004.

[17] Schedule 9, item 1, definition of *motorised water sport*

substitute

motorised water sport has the same meaning as in the Regulations.

[18] Schedule 9, item 1, definition of *new permission*

substitute

new permission means a relevant permission that does not arise out of a permission that was in existence before the commencement of Schedule 1 to the *Cairns Area Plan of Management Amendment 2008 (No. 1)*.

[19] Schedule 9, item 1, definition of *non-motorised craft operation*

substitute

non-motorised craft operation means an operation that:

- (a) is part of a tourism program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) uses non-motorised craft; and
- (d) uses a guide as part of the operation.

[20] Schedule 9, item 1, definition of *overall length of a vessel*

substitute

overall length has the meaning given by subsections 3 (7) and 3 (8) of the Act.

[21] **Schedule 9, item 1, definition of *permitted mooring***

substitute

permitted mooring has the same meaning as in the Regulations.

[22] **Schedule 9, item 1, definitions of *permitted tourist program*, *personal watercraft*, *Planning Area***

substitute

personal watercraft has the same meaning as in the Regulations.

Planning Area means the Cairns Planning Area.

[23] **Schedule 9, item 1 definition of *pontoon***

omit

aircraft

substitute

helicopters

[24] **Schedule 9, item 1, definition of *regional tour operation***

substitute

regional tour operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) at any one time, uses only 1 primary vessel or aircraft; and
- (d) if using a vessel — uses a vessel that has an overall length of not more than 70 metres.

Note 1 A vessel identification number (a *VIN*) may be attached to a relevant permission allowing an operator to use the particular vessel or aircraft that displays the VIN in the Planning Area. Information about VINs can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

Note 2 Regional Tour Operations are permitted to have daily access to the Planning Area: see subclause 1.43 (5) of this Plan.

[25] **Schedule 9, item 1, definition of *ship***

substitute

ship means a vessel that has an overall length of more than 70 metres.

[26] **Schedule 9, item 1, definition of *standard tour operation***

substitute

standard tour operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) at any one time, uses only 1 primary vessel or aircraft; and
- (d) if using a vessel — uses a vessel that has an overall length of not more than 70 metres.

Note A vessel identification number (a *VIN*) may be attached to a relevant permission allowing an operator to use the particular vessel or aircraft that displays the *VIN* in the Planning Area. Information about *VIN*s can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

[27] **Schedule 9, item 1, definition of *support service operation***

substitute

support service operation means an operation that:

- (a) is part of a tourist program; and
- (b) comprises activities permitted under one relevant permission; and
- (c) uses a vessel or aircraft to service another vessel or aircraft (the ***supported vessel or aircraft***) to enable the supported vessel or aircraft to continue operating safely and effectively; and
- (d) does not operate in continuous association with a vessel or aircraft that is being serviced as part of the support service operation; and
- (e) does not remain associated with the vessel or aircraft being serviced for longer than is necessary to provide the support service; and
- (f) at any one time, uses only 1 primary vessel or aircraft.

Note 1 The following are examples of the types of services that a support service operation may offer:

- (a) delivering spare parts or equipment;
- (b) landing torn sails for repair;
- (c) medivac support;
- (d) assisting in pollution control.

Note 2 A vessel identification number (a *VIN*) may be attached to a relevant permission allowing an operator to use the particular vessel or aircraft that displays the *VIN* in the Planning Area. Information about *VIN*s can be found on the Authority's website at <http://www.gbrmpa.gov.au>.

[28] **Schedule 9, item 1, definition of *swimming-with-whales activity***

omit

[29] Schedule 9, item 1, definition of *tourist program*

substitute

tourist program has the same meaning as in subsection 3A (3) of the Act, modified so that the reference to a zoning plan in that subsection is a reference to a plan of management.

[30] Schedule 9, item 1, definitions of *traditional affiliation* and *traditional inhabitant*

substitute

traditional owner has the same meaning as in regulation 33 of the Regulations, modified so that the reference to the Zoning Plan in that regulation is a reference to this Plan of Management.

traditional owner group has the same meaning as in regulation 33 of the Regulations, modified so that the reference to the Zoning Plan in that regulation is a reference to this Plan of Management.

[31] Schedule 9, item 1, definition of *vessel*

substitute

vessel has the same meaning as in subsection 3 (1) of the Act.

[32] Schedule 9, item 1, definition of *whale watching activity*

omit

[33] Schedule 9, item 2

omit

Schedule 2 Amendments commencing on a day declared by regulations

(section 3)

[1] Clause 2.1

substitute

2.1 How many people on a vessel

A calculation of the number of people that a vessel is carrying for the purposes of a provision in this Part must include each person on board the vessel who is aged 4 years or older.

Note The following persons must be included in the calculation if they are on board a vessel:

- (a) officers and members of the vessel's crew; and
- (b) any person on board the vessel who is to help with an activity associated with the use of the vessel (for example, a tour guide or diving instructor).

[2] Clause 2.2

omit

[3] Subclause 2.3 (1), note

substitute

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

[4] After clause 2.3

insert

2.3A Permissions must be consistent with this Plan

The Authority must not grant a relevant permission to use or enter the Planning Area that is inconsistent with this Plan.

[5] Clause 2.4A

omit

[6] Clause 2.5

substitute

2.5 Where ships may anchor

A person must not anchor a ship in a Location unless:

- (a) the ship is anchored at a cruise ship anchorage mentioned in the Regulations; and
- (b) the person has a booking which permits anchoring of the ship at the anchorage on the day the ship is being anchored.

Note **Ship** is defined as a vessel that has an overall length of more than 70 metres (see Schedule 9).

[7] Clause 2.7

omit

more than 7 metres long

insert

that has an overall length of more than 7 metres

[8] Clause 2.8A

omit

[9] Subclause 2.9 (3)

omit

Group A Sensitive Location or in East Hope Island Reef (15-065) Location.

insert

Group A Sensitive Location.

[10] Subclause 2.9 (4)

substitute

- (4) In subclause (3), a vessel that is operating as part of a tourism operation is ***operating to a permitted mooring or permitted pontoon*** if the vessel:
 - (a) remains attached to the mooring or pontoon during the operation; or
 - (b) if it is not attached as mentioned in paragraph (a) — is not attached to the mooring or pontoon during the operation because it is transiting the Marine Park to or from the mooring or pontoon by the most direct reasonable route.

[11] Subclauses 2.9 (5) to (7)

substitute

- (5) If a relevant permission granted on or after 27 October 1999 allows a person access to the Planning Area to conduct a tourism operation, and the access given in the permission is either:
- (a) different to subclause (1A); or
 - (b) does not comply under subclause (2);
- then, despite subclause (1A) or (2), the permission prevails.
- (6) Subclause (2) does not apply to a person operating a vessel for the purposes of conducting a cruise ship operation if the person has been granted a relevant permission to conduct the operation in the Planning Area for 365 days in a year.

[12] Subclauses 2.10 (3) to (10)

substitute

- (3) If a relevant permission granted on or after 27 October 1999 allows a person access to the Planning Area to conduct a tourism operation, and the access given in the permission is either:
- (a) different to subclause (1); or
 - (b) does not comply under subclause (2) or (2A);
- then, despite subclause (1), (2) or (2A), the permission prevails.
- (4) Subclause (2) does not apply to a person operating a vessel to the Michaelmas Cay Locality if the person is a member of the Cairns Professional Game Fishing Association, and is operating to the Association's mooring in that Locality.

[13] Paragraph 2.11 (4) (c)

substitute

- (c) if it is being used by traditional owners for the purposes of any activity which is a traditional non-commercial Aboriginal or Torres Strait Islander activity that does not involve the taking of plants, animals or marine product.

[14] Subclauses 2.11 (6) to (8)

substitute

- (6) Subclauses (1) and (3) do not prohibit a person from operating a vessel or aircraft in accordance with a relevant permission granted after this Part takes effect.

Note The date of effect of this Part is set out in the Regulations.

[15] Clause 2.16

omit

[16] Subclause 2.17 (2)

substitute

- (2) A person must not be in an area above low water on Low Island after sunset and before sunrise on any day unless the person is in the area at the time:
- (a) in accordance with Part 5 of the Zoning Plan; or
 - (b) to conduct an educational program or to conduct research, in accordance with a relevant permission, or an accreditation.

[17] Subclause 2.17 (4)

substitute

- (4) A person in the Low Island Locality must not:
- (a) discharge greywater from a vessel; or
 - (b) carry out hull scraping, cleaning or painting.

[18] Subclause 2.17 (5)

omit

[19] Part 2, Division 5

omit

[20] Schedules 1 to 3

substitute

Schedule 1 Cairns Planning Area

(clause 2.3A and Schedule 9)

Part 1 Geographic description of area

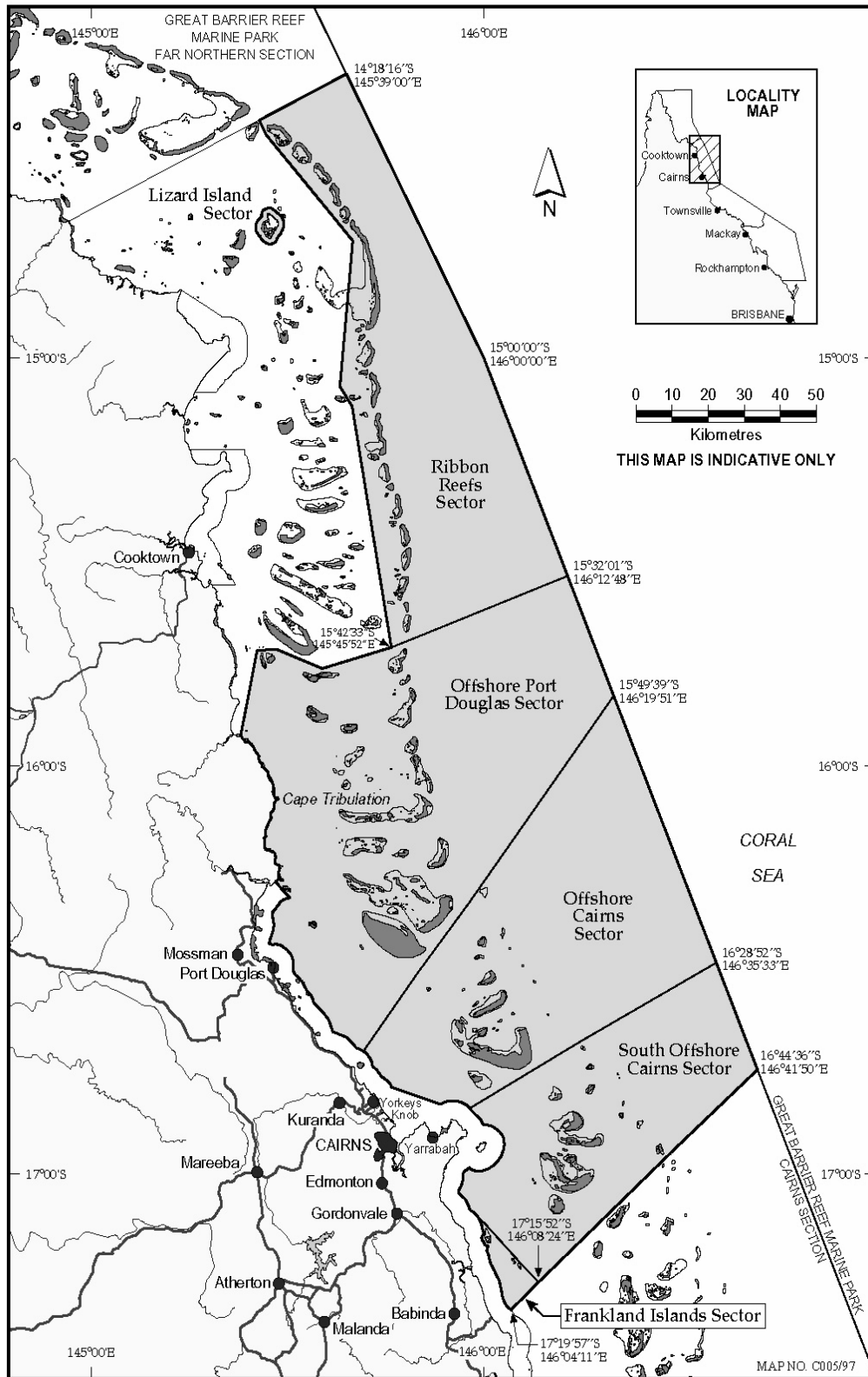
- (1) The Cairns Planning Area is described below and, at any point, extends vertically to 915 metres above the ground or water surface.
- (2) The Cairns Planning Area comprises:
 - (a) the area of the Great Barrier Reef Marine Park enclosed within the coastal 1 500 metre line around the island group comprising the

- 4 islands — Lizard Island (14-116a), Palfrey Island (14-116b), South (Newt) Island (14-116c) and Seabird Islet (14-116d); and
- (b) the area of the Great Barrier Reef Marine Park bounded by a line commencing at the intersection of the 5 kilometre line of the mainland coastline and the parallel 17°19.829' S (at or about 17°19.829' S, 146°04.247' E) then running progressively as described in the following table:

Item	Description
1	Northerly along the 5 kilometre line of the mainland coastline to the intersection of the 1 kilometre line of High Island (at or about 17°10.486' S, 146°00.727' E)
2	North-westerly along the 1 kilometre line of High Island to the intersection of the parallel 17°09.191' S (at or about 17°09.191' S, 145°59.719' E)
3	North-easterly along the 1 kilometre line of High Island to the intersection of the 5 kilometre line of the mainland coastline and the meridian 146°00.228' E (at or about 17°08.627' S, 146°00.228' E)
4	Northerly along the 5 kilometre line of the mainland coastline to the intersection of the 5 kilometre line of Fitzroy Island (at or about 16°58.952' S, 145°57.843' E)
5	Northerly along the 5 kilometre line of Fitzroy Island to the intersection of the 5 kilometre line of the mainland coastline (at or about 16°52.637' S, 146°00.023' E)
6	North-westerly along the 5 kilometre line of the mainland coastline to the intersection of the 5 kilometre line of the mainland coastline and the parallel 16°19.204' S (at or about 16°19.204' S, 145°30.307' E)
7	North-westerly along the geodesic to the intersection of the mainland coastline at mean low water and the parallel 16°16.917' S (at or about 16°16.917' S, 145°28.096' E)
8	Northerly along the mainland coastline at mean low water to the intersection of the mainland coastline at mean low water and the meridian 145°22.773' E (at or about 15°55.438' S, 145°22.773' E)
9	Northerly along the geodesic to 15°42.911' S, 145°25.395' E
10	Easterly along the geodesic to 15°42.761' S, 145°28.294' E
11	Easterly along the geodesic to 15°45.611' S, 145°35.364' E
12	Easterly along the geodesic to 15°42.460' S, 145°45.924' E
13	Northerly along the geodesic to 15°07.111' S, 145°39.924' E
14	North-westerly along the geodesic to 15°04.141' S, 145°38.044' E
15	Northerly along the geodesic to 14°42.710' S, 145°40.014' E
16	North-westerly along the geodesic to 14°27.171' S, 145°26.794' E
17	North-westerly along the geodesic to 14°24.961' S, 145°25.843' E

Item	Description
18	North-easterly along the geodesic to the intersection of the Marine Park boundary and the parallel 14°18.181' S (at or about 14°18.181' S, 145°39.064' E)
19	South-easterly along the Marine Park boundary to the intersection of the parallel 14°59.911' S (at or about 14°59.911' S, 146°00.064' E)
20	Southerly along the Marine Park boundary to the intersection of the parallel 16°44.629' S (at or about 16°44.629' S, 146°41.776' E)
21	South-westerly along the geodesic to the point of commencement

Part 2 Map of area



Schedule 2 Sector descriptions

(clause 2.12 and Schedule 9)

The sectors are described below and, at any point, extend vertically to 915 metres above the ground or water surface.

1. Lizard Island Sector

The Lizard Island Sector of the Planning Area is the area enclosed within the coastal 1 500 metre line around the island group comprising the 4 islands — Lizard Island (14-116a), Palfrey Island (14-116b), South (Newt) Island (14-116c) and Seabird Islet (14-116d).

2. Ribbon Reefs Sector

The Ribbon Reefs Sector of the Planning Area is the area bounded by a line commencing at 15°42.460' S, 145°45.924' E then running progressively as described in the following table:

Item	Description
1	Northerly along the geodesic to 15°07.111' S, 145°39.924' E
2	North-westerly along the geodesic to 15°04.141' S, 145°38.044' E
3	Northerly along the geodesic to 14°42.710' S, 145°40.014' E
4	North-westerly along the geodesic to 14°27.171' S, 145°26.794' E
5	North-westerly along the geodesic to 14°24.961' S, 145°25.843' E
6	North-easterly along the geodesic to the intersection of the Marine Park boundary and the parallel 14°18.181' S (at or about 14°18.181' S, 145°39.064' E)
7	South-easterly along the Marine Park boundary to the intersection of the parallel 14°59.911' S (at or about 14°59.911' S, 146°00.064' E)
8	Southerly along the Marine Park boundary to the intersection of the parallel 15°31.966' S (at or about 15°31.966' S, 146°12.750' E)
9	Westerly along the geodesic to the point of commencement

3. Offshore Port Douglas Sector

The Offshore Port Douglas Sector of the Planning Area is the area bounded by a line commencing at the intersection of the mainland coastline at mean low water and the meridian 145°22.773' E (at or about 15°55.438' S, 145°22.773' E) then running progressively as described in the following table:

Item	Description
1	Northerly along the geodesic to 15°42.911' S, 145°25.395' E

Item	Description
2	Easterly along the geodesic to 15°42.761' S, 145°28.294' E
3	Easterly along the geodesic to 15°45.611' S, 145°35.364' E
4	Easterly along the geodesic to 15°42.460' S, 145°45.924' E
5	Easterly along the geodesic to the intersection of the Marine Park boundary and the parallel 15°31.966' S (at or about 15°31.966' S, 146°12.750' E)
6	Southerly along the Marine Park boundary to the intersection of the parallel 15°49.719' S (at or about 15°49.719' S, 146°19.807' E)
7	South-westerly along the geodesic to the intersection of the 5 kilometre line of the mainland and the parallel 16°41.793' S (at or about 16°41.793' S, 145°41.482' E)
8	North-westerly along the 5 kilometre line of the mainland to the intersection of the 5 kilometre line of the mainland and the parallel 16°19.204' S (at or about 16°19.204' S, 145°30.307' E)
9	North-westerly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 145°28.181' E (at or about 16°16.917' S, 145°28.096' E)
10	Northerly along the mainland coastline at mean low water to the point of commencement

4. Offshore Cairns Sector

The Offshore Cairns Sector of the Planning Area is the area bounded by a line commencing at the intersection of the 5 kilometre line of the mainland and the meridian 145°41.482' E (at or about 16°41.793' S, 145°41.482' E) then running progressively as described in the following table:

Item	Description
1	North-easterly along the geodesic to the intersection of the Marine Park boundary and the parallel 15°49.719' S (at or about 15°49.719' S, 146°19.807' E)
2	Southerly along the Marine Park boundary to the intersection of the Marine Park boundary and the parallel 16°28.862' S (at or about 16°28.862' S, 146°35.445' E)
3	South-westerly along the geodesic to the intersection of the 5 kilometre line of the mainland and the parallel 16°50.228' S (at or about 16°50.228' S, 145°57.890' E)
4	North-westerly along the 5 kilometre line of the mainland to the point of commencement

5. South Offshore Cairns Sector

The South Offshore Cairns Sector of the Planning Area is the area bounded by a line commencing at the intersection of the 5 kilometre line of the mainland and the parallel 16°50.228' S (at or about 16°50.228' S, 145°57.890' E) then running progressively as described in the following table:

Item	Description
1	North-easterly along the geodesic to the intersection of the Marine Park boundary and the parallel 16°28.862' S (at or about 16°28.862' S, 146°35.445' E)
2	Southerly along the Marine Park boundary to the intersection of the parallel 16°44.629' S (at or about 16°44.629' S, 146°41.776' E)
3	South-westerly along the geodesic to 17°15.869' S, 146°08.465' E
4	North-westerly along the geodesic to the intersection of the 5 kilometre line of the mainland and the parallel 17°06.110' S (at or about 17°06.110' S, 145°59.137' E)
5	Northerly along the 5 kilometre line of the mainland to the intersection of the 5 kilometre line of Fitzroy Island (at or about 16°58.952' S, 145°57.843' E)
6	North-easterly along the 5 kilometre line of Fitzroy Island to the intersection of the 5 kilometre line of Fitzroy Island and the parallel 16°55.450' S (at or about 16°55.450' S, 146°03.116' E)
7	North-westerly along the 5 kilometre line of Fitzroy Island to the intersection of the 5 kilometre line of the mainland (at or about 16°52.637' S, 146°00.023' E)
8	North-westerly along the 5 kilometre line of the mainland to the point of commencement

6. Frankland Islands Sector

The Frankland Islands Sector of the Planning Area is the area bounded by a line commencing at the intersection of the 5 kilometre line of the mainland and the parallel 17°06.110' S (at or about 17°06.110' S, 145°59.137' E) then running progressively as described in the following table:

Item	Description
1	South-easterly along the geodesic to 17°15.869' S, 146°08.465' E
2	South-westerly along the geodesic to the intersection of the 5 kilometre line of the mainland and the parallel 17°19.829' S (at or about 17°19.829' S, 146°04.247' E)
3	Northerly along the 5 kilometre line of the mainland to the intersection of the 1 kilometre line of High Island and the meridian 146°00.727' E (at or about 17°10.486' S, 146°00.727' E)

Item	Description
4	North-westerly along the 1 kilometre line of High Island to the intersection of the parallel 17°09.191' S (at or about 17°09.191' S, 145°59.719' E)
5	North-easterly along the 1 kilometre line of High Island to the intersection of the 5 kilometre line of the mainland and the meridian 146°00.228' E (at or about 17°08.627' S, 146°00.228' E)
6	North-westerly along the 5 kilometre line of the mainland to the point of commencement

Schedule 3 Locality Descriptions

(Division 2 of Part 2, clauses 2.10, 2.11, 2.12B, 2.15, 2.16, 2.17, 2.18 and 2.18 and Schedule 9)

The Localities are described below and, at any point, extend vertically to 915 metres above the ground or water surface.

1. Lizard Island Locality 1

The area of the Lizard Island Sector bounded by a line commencing at the intersection of the Lizard Island coastline at mean low water and the parallel 14°39.185' S (at or about 14°39.185' S, 145°27.041' E) then running progressively as described in the following table:

Item	Description
1	South-westerly along the geodesic to 14°39.710' S, 145°26.264' E
2	North along the meridian to the intersection of the coastal 1 500 metre line of Lizard Island (at or about 14°38.289' S, 145°26.264' E)
3	North-easterly along the coastal 1 500 metre line of Lizard Island to the intersection of the meridian 145°27.272' E (at or about 14°37.830' S, 145°27.272' E)
4	South along the meridian to the intersection of the Lizard Island coastline at mean low water (at or about 14°38.770' S, 145°27.272' E)
5	South-westerly along the Lizard Island coastline at mean low water to the point of commencement

2. Lizard Island Locality 2

The area of the Lizard Island Sector bounded by a line commencing at the intersection of the Lizard Island coastline at mean low water and the parallel $14^{\circ}40.136' S$ (at or about $14^{\circ}40.136' S$, $145^{\circ}26.677' E$) then running progressively as described in the following table:

Item	Description
1	North-westerly along the geodesic to $14^{\circ}39.710' S$, $145^{\circ}26.264' E$
2	North-easterly along the geodesic to $14^{\circ}39.465' S$, $145^{\circ}26.627' E$
3	South-easterly along the geodesic to the intersection of the Lizard Island coastline at mean low water and the meridian $145^{\circ}26.940' E$ (at or about $14^{\circ}39.891' S$, $145^{\circ}26.940' E$)
4	South-westerly along the Lizard Island coastline at mean low water to the point of commencement

3. Lizard Island Locality 3

The area of the Lizard Island Sector bounded by a line commencing at the intersection of the Lizard Island coastline at mean low water and the meridian $145^{\circ}26.940' E$ (at or about $14^{\circ}39.891' S$, $145^{\circ}26.940' E$) then running progressively as described in the following table:

Item	Description
1	North-westerly along the geodesic to $14^{\circ}39.465' S$, $145^{\circ}26.627' E$
2	North-easterly along the geodesic to the intersection of the Lizard Island coastline at mean low water and the parallel $14^{\circ}39.185' S$ (at or about $14^{\circ}39.185' S$, $145^{\circ}27.041' E$)
3	Southerly along the Lizard Island coastline at mean low water to the point of commencement

4. Lizard Island Locality 4

The area of the Lizard Island Sector bounded by a line commencing at the intersection of the Lizard Island coastline at mean low water and the meridian $145^{\circ}27.272' E$ (at or about $14^{\circ}38.770' S$, $145^{\circ}27.272' E$) then running progressively as described in the following table:

Item	Description
1	North along the meridian to the intersection of the coastal 500 metre line of Lizard Island (at or about $14^{\circ}38.374' S$, $145^{\circ}27.272' E$)
2	South-easterly along the coastal 500 metre line of Lizard Island to the intersection of the parallel $14^{\circ}40.213' S$ (at or about $14^{\circ}40.213' S$, $145^{\circ}29.018' E$)

Item	Description
3	South-westerly along the coastal 500 metre line of Lizard Island to the intersection of the meridian 145°27.522' E (at or about 14°42.609' S, 145°27.522' E)
4	North-westerly along the coastal 500 metre line of Lizard Island to the intersection of the parallel 14°40.251' S (at or about 14°40.251' S, 145°25.751' E)
5	North-easterly along the geodesic to 14°39.710' S, 145°26.264' E
6	South-easterly along the geodesic to the intersection of the Lizard Island coastline at mean low water and the parallel 14°40.136' S (at or about 14°40.136' S, 145°26.677' E)
7	Easterly along the Lizard Island coastline at mean low water to the intersection of the Lizard Island coastline at mean low water and the parallel 14°40.704' S (at or about 14°40.704' S, 145°28.197' E)
8	North-westerly along the Lizard Island coastline at mean low water to the point of commencement

5. Cod Hole Locality

The area of the Ribbon Reefs Sector bounded by a line commencing at the intersection of the reef crest of Ribbon Reef No. 10 (at or about 14°40.161' S, 145°39.581' E) then running progressively as described in the following table:

Item	Description
1	West along the parallel to the intersection of the 100 metre line of Ribbon Reef No. 10 (at or about 14°40.161' S, 145°39.524' E)
2	North-easterly along the 100 metre line of Ribbon Reef No. 10 to the intersection of the 100 metre line of Ribbon Reef No. 10 and the meridian 145°40.010' E (at or about 14°39.663' S, 145°40.010' E)
3	South along the meridian to the intersection of the reef crest of Ribbon Reef No. 10 (at or about 14°39.717' S, 145°40.010' E)
4	South-westerly along the reef crest of Ribbon Reef No. 10 to the point of commencement

6. Cape Tribulation Bay Locality 1

The area of the Offshore Port Douglas Sector bounded by a line commencing at the intersection of the mainland coastline at mean low water and the parallel 16°02.909' S (at or about 16°02.909' S, 145°27.783' E) then running progressively as described in the following table:

Item	Description
1	East along the parallel to the intersection of the coastal 500 metre line of the mainland (at or about 16°02.909' S, 145°28.148' E)

Item	Description
2	Southerly along the coastal 500 metre line of the mainland to the intersection of the parallel 16°04.910' S (at or about 16°04.910' S, 145°28.797' E)
3	West along the parallel to the intersection of the mainland coastline at mean low water (at or about 16°04.910' S, 145°28.303' E)
4	Northerly along the mainland coastline at mean low water to the point of commencement

7. Cape Tribulation Bay Locality 2

The area of the Offshore Port Douglas Sector bounded by a line commencing at the intersection of the mainland coastline at mean low water and the parallel 16°02.909' S (at or about 16°02.909' S, 145°27.783' E) then running progressively as described in the following table:

Item	Description
1	East along the parallel to the intersection of the coastal 500 metre line of the mainland (at or about 16°02.909' S, 145°28.148' E)
2	North-westerly along the coastal 500 metre line of the mainland to the intersection of the Planning Area boundary (at or about 15°55.112' S, 145°22.841' E)
3	Southerly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 145°22.773' E (at or about 15°55.438' S, 145°22.773' E)
4	South-easterly along the mainland coastline at mean low water to the point of commencement

8. Alexandra Bay Locality

The area of the Offshore Port Douglas Sector bounded by a line commencing at the intersection of the mainland coastline at mean low water and the parallel 16°04.910' S (at or about 16°04.910' S, 145°28.303' E) then running progressively as described in the following table:

Item	Description
1	East along the parallel to the intersection of the coastal 500 metre line of the mainland (at or about 16°04.910' S, 145°28.797' E)
2	Southerly along the coastal 500 metre line of the mainland to the intersection of the parallel 16°13.350' S (at or about 16°13.350' S, 145°28.572' E)
3	West along the parallel to the intersection of the mainland coastline at mean low water (at or about 16°13.350' S, 145°28.243' E)
4	Northerly along the mainland coastline at mean low water to the point of commencement

9. Low Island Locality

The area of the Offshore Port Douglas Sector bounded by a line commencing at 16°22.850' S, 145°33.500' E then running progressively as described in the following table:

Item	Description
1	East along the parallel to 16°22.850' S, 145°34.000' E
2	South along the meridian to 16°23.200' S, 145°34.000' E
3	West along the parallel to 16°23.200' S, 145°33.500' E
4	North along the meridian to the point of commencement

10. Hastings Reef Locality 1

The area of the Offshore Cairns Sector bounded by a line commencing at the 500 metre line of Hastings Reef and the parallel 16°30.910' S (at or about 16°30.910' S, 145°59.379' E) then running progressively as described in the following table:

Item	Description
1	Southerly along the 500 metre line of Hastings Reef to the intersection of the 500 metre line of Hastings Reef and the meridian 145°59.108' E (at or about 16°32.647' S, 145°59.108' E)
2	North-easterly along the 500 metre line of Hastings Reef to the intersection of the 500 metre line of Hastings Reef and the parallel 16°30.910' S (at or about 16°30.910' S, 146°02.149' E)
3	West along the parallel to the point of commencement

11. Hastings Reef Locality 2

The area of the Offshore Cairns Sector bounded by a line commencing at the 500 metre line of Hastings Reef and the parallel 16°30.910' S (at or about 16°30.910' S, 145°59.379' E) then running progressively as described in the following table:

Item	Description
1	North-easterly along the 500 metre line of Hastings Reef to the intersection of the 500 metre line of Hastings Reef and the meridian 146°00.804' E (at or about 16°29.317' S, 146°00.804' E)
2	South-easterly along the 500 metre line of Hastings Reef to the intersection of the 500 metre line of Hastings Reef and the parallel 16°30.910' S (at or about 16°30.910' S, 146°02.149' E)
3	West along the parallel to the point of commencement

12. Michaelmas Cay Locality

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

13. Euston Reef Locality

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

14. Green Island Reef Locality 1

The area of the Offshore Cairns Sector bounded by a line commencing at the intersection of the Green Island coastline at mean low water and the parallel 16°45.600' S (at or about 16°45.600' S, 145°58.269' E) then running progressively as described in the following table:

Item	Description
1	Westerly along the geodesic to the intersection of the 500 metre line of the Green Island coastline at mean low water (at or about 16°45.705' S, 145°57.996' E)
2	North-easterly along the 500 metre line of the Green Island coastline at mean low water to the intersection of the 500 metre line of the Green Island coastline at mean low water and the meridian 145°58.355' E (at or about 16°45.165' S, 145°58.355' E)
3	South-easterly along the 500 metre line of the Green Island coastline at mean low water to the intersection of the 500 metre line of the Green Island coastline at mean low water and the meridian 145°58.806' E (at or about 16°45.393' S, 145°58.806' E)
4	Westerly along the geodesic to the intersection of the Green Island coastline at mean low water and the parallel 16°45.513' S (at or about 16°45.513' S, 145°58.495' E)
5	Westerly along the Green Island coastline at mean low water to the point of commencement

15. Green Island Reef Locality 2

The area of the Offshore Cairns Sector bounded by a line commencing at the 500 metre line of Green Island Reef and the parallel 16°45.823' S (at or about 16°45.823' S, 145°57.692' E) then running progressively as described in the following table:

Item	Description
1	Northerly along the 500 metre line of Green Island Reef to the intersection of the 500 metre line of Green Island Reef and the meridian 145°58.015' E (at or about 16°43.437' S, 145°58.015' E)

Item	Description
2	Easterly along the 500 metre line of Green Island Reef to the intersection of the 500 metre line of Green Island Reef and the meridian 146°01.055' E (at or about 16°44.528' S, 146°01.055' E)
3	Westerly along the geodesic to the intersection of the 500 metre line of the Green Island coastline at mean low water (at or about 16°45.393' S, 145°58.806' E)
4	North-westerly along the 500 metre line of the Green Island coastline at mean low water to the intersection of the 500 metre line of the Green Island coastline at mean low water and the meridian 145°58.355' E (at or about 16°45.165' S, 145°58.355' E)
5	South-westerly along the 500 metre line of the Green Island coastline at mean low water to the intersection of the 500 metre line of the Green Island coastline at mean low water and the parallel 16°45.705' S (at or about 16°45.705' S, 145°57.996' E)
6	Westerly along the geodesic to the point of commencement

16. Green Island Reef Locality 3

The area of the Offshore Cairns Sector bounded by a line commencing at the 500 metre line of Green Island Reef and the parallel 16°44.528' S (at or about 16°44.528' S, 146°01.055' E) then running progressively as described in the following table:

Item	Description
1	Southerly along the 500 metre line of Green Island Reef to the intersection of the 500 metre line of Green Island Reef and the meridian 146°00.855' E (at or about 16°48.222' S, 146°00.855' E)
2	North-westerly along the 500 metre line of Green Island Reef to the intersection of the 500 metre line of Green Island Reef and the parallel 16°45.823' S (at or about 16°45.823' S, 145°57.692' E)
3	Easterly along the geodesic to the intersection of the 500 metre line of the Green Island coastline at mean low water and the parallel 16°45.705' S (at or about 16°45.705' S, 145°57.996' E)
4	Easterly along the geodesic to the intersection of the Green Island coastline at mean low water and the parallel 16°45.600' S (at or about 16°45.600' S, 145°58.269' E)
5	Easterly along the Green Island coastline at mean low water to the intersection of the Green Island coastline at mean low water and the meridian 145°58.558' E (at or about 16°45.639' S, 145°58.558' E)
6	Northerly along the Green Island coastline at mean low water to the intersection of the Green Island coastline at mean low water and the parallel 16°45.513' S (at or about 16°45.513' S, 145°58.495' E)

Item	Description
7	Easterly along the geodesic to the intersection of the 500 metre line of the Green Island coastline at mean low water and the parallel 16°45.393' S (at or about 16°45.393' S, 145°58.806' E)
8	Easterly along the geodesic to the point of commencement

17. Moore Reef Locality 1

The area of the South Offshore Cairns Sector bounded by a line commencing at the intersection of the 500 metre line of Moore Reef and the meridian 146°12.532' E (at or about 16°50.527' S, 146°12.532' E) then running progressively as described in the following table:

Item	Description
1	Easterly along the 500 metre line of Moore Reef to the intersection of the 500 metre line of Moore Reef and the parallel 16°51.268' S (at or about 16°51.268' S, 146°15.194' E)
2	Southerly along the 500 metre line of Moore Reef to the intersection of the 500 metre line of Moore Reef and the parallel 16°53.187' S (at or about 16°53.187' S, 146°15.338' E)
3	North-westerly along the geodesic to the point of commencement

18. Moore Reef Locality 2

The area of the South Offshore Cairns Sector bounded by a line commencing at the intersection of the 500 metre line of Moore Reef and the meridian 146°12.532' E (at or about 16°50.527' S, 146°12.532' E) then running progressively as described in the following table:

Item	Description
1	South-easterly along the geodesic to the intersection of the 500 metre line of Moore Reef and the parallel 16°53.187' E (at or about 16°53.187' S, 146°15.338' E)
2	South-westerly along the 500 metre line of Moore Reef to the intersection of the 500 metre line of Moore Reef and the parallel 16°53.848' S (at or about 16°53.848' S, 146°14.460' E)
3	West along the parallel to the intersection of the 500 metre line of Moore Reef (at or about 16°53.848' S, 146°09.606' E)
4	North-easterly along the 500 metre line of Moore Reef to the point of commencement

19. Sudbury Cay Locality

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

[21] Schedule 4, heading*substitute***Schedule 4 Level of use at Locations**

(clauses 2.11 and 2.15)

[22] Schedule 4, clause 3, column 2*omit*

Pratt Rock (16-021)

insert

Pratt Rock (16-021)

Chinaman Reef (16-024)

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

(subclauses 1.34 (1), clause 1.44, Subclause 1.45 (3), clause 2.10 and Schedule 9)

[24] Schedule 5, table, after item 8*insert*

8A	East Hope Island Reef (15-065) Location	1 500	2 vessels per day
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[25] Schedule 5, table, item 11*omit***[26] Schedule 6, heading***substitute***Schedule 6 Permitted moorings at Locations**

(subclauses 1.36 (1) and (2) and (3) and clause 2.9)

[27] Schedule 6, clauses 1, 2, 4, 5 and 6, column 2, heading*omit***Allowed private moorings***insert***Allowed permitted moorings****[28] Schedule 6A, heading***substitute***Schedule 6A Accessing a mooring in moderate use
Location (group size limit of 100)**

(subclause 2.11 (3A))

[29] Schedule 6A, after item 4*insert*

4A. Flynn Reef (16-065)

[30] Schedule 6A, after item 7*insert*

7A. Pellowe Reef (16-070)

[31] Schedule 6B, heading*substitute***Schedule 6B Accessing a reef anchorage in
moderate use Location (group size
limit of 100)**

(subclause 2.11 (3A))

[32] Schedule 6C, heading*substitute***Schedule 6C Bad weather anchorages for large vessels**

(clause 2.4 (1A))

[33] Schedule 7, heading*substitute***Schedule 7 Permanently moored facilities — pontoons**

(subclauses 1.36 (1) and (2) and clause 2.9)

[34] Schedule 8*substitute***Schedule 8 Reef Anchorages**

(paragraph 1.8 (3) (b), subclause 1.39 (6), clauses 2.4 and 2.14 and Schedule 9)

1. Lizard Island Sector

Item	Location	Reef anchorage
1	Lizard Island Locality 3	The area bounded by a line commencing at 14°39.762' S, 145°27.072' E (at or about 14°39.762' S, 145°27.072' E) then running progressively: <ol style="list-style-type: none"> (a) northerly along the geodesic to 14°39.443' S, 145°26.940' E; (b) northerly along the geodesic to 14°39.353' S, 145°26.958' E; (c) south-easterly along the geodesic to 14°39.688' S, 145°27.222' E; (d) south-westerly along the geodesic to 14°39.849' S, 145°27.078' E; (e) northerly along the geodesic to the point of commencement
2	Lizard Island Locality 4	The area enclosed within 500 metres of a line from the point 14°41.109' S, 145°27.794' E to the point 14°41.429' S, 145°27.444' E

2. Ribbon Reefs Sector

Item	Location	Reef anchorage
1	No Name Reef (14-139)	The area enclosed within 500 metres of a line from the point 14°38.809' S, 145°38.734' E to the point 14°39.089' S, 145°38.714' E
2	No Name Reef (14-139)	The area enclosed within 250 metres of the point 14°38.339' S, 145°38.734' E
3	Ribbon Reef No. 10 (14-146)	The area enclosed within 250 metres of a line from the point 14°49.749' S, 145°43.424' E to the point 14°51.699' S, 145°43.264' E
4	Ribbon Reef No. 10 (14-146)	The area enclosed within 500 metres of the point 14°54.099' S, 145°42.644' E
5	Ribbon Reef No. 9 (14-154)	The area enclosed within 500 metres of the point 14°58.979' S, 145°42.544' E
6	Ribbon Reef No. 8 (15-021)	The area enclosed within 250 metres of a line from the point 15°05.919' S, 145°43.014' E to the point 15°06.119' S, 145°42.964' E
7	Ribbon Reef No. 8 (15-021)	The area enclosed within 250 metres of a line from the point 15°03.939' S, 145°43.274' E to the point 15°04.609' S, 145°43.274' E
8	Ribbon Reef No. 8 (15-021)	The area enclosed within 250 metres of the point 15°02.509' S, 145°42.514' E
9	Ribbon Reef No. 7 (15-026)	The area enclosed within 500 metres of a line from the point 15°12.559' S, 145°44.474' E to the point 15°12.949' S, 145°44.394' E
10	Ribbon Reef No. 7 (15-026)	The area enclosed within 500 metres of a line from the point 15°09.589' S, 145°43.454' E to the point 15°10.199' S, 145°43.604' E
11	Harrier Reef (15-025)	The area enclosed within 100 metres of a line from the point 15°08.139' S, 145°41.354' E to the point 15°08.159' S, 145°41.234' E
12	Ribbon Reef No. 5 (15-038)	The area enclosed within 500 metres of a line from the point 15°22.329' S, 145°46.714' E to the point 15°22.589' S, 145°46.714' E
13	Ribbon Reef No. 5 (15-038)	The area enclosed within 500 metres of the point 15°20.889' S, 145°46.584' E
14	Ribbon Reef No. 4 (15-046)	The area enclosed within 100 metres of a line from the point 15°24.979' S, 145°47.464' E to the point 15°25.169' S, 145°47.694' E
15	Ribbon Reef No. 3 (15-050)	The area enclosed within 500 metres of a line from the point 15°29.219' S, 145°48.054' E to the point 15°30.209' S, 145°47.954' E

Item	Location	Reef anchorage
16	Ribbon Reef No. 3 (15-050)	The area enclosed within 250 metres of a line from the point 15°27.689' S, 145°48.524' E to the point 15°28.029' S, 145°47.934' E
17	Ribbon Reef No. 2 (15-075)	The area enclosed within 250 metres of a line from the point 15°34.149' S, 145°47.804' E to the point 15°34.619' S, 145°47.225' E
18	Ribbon Reef No. 2 (15-075)	The area enclosed within 500 metres of a line from the point 15°32.589' S, 145°47.764' E to the point 15°32.859' S, 145°47.684' E
19	Ribbon Reef No. 1 (15-080)	The area enclosed within 250 metres of a line from the point 15°36.499' S, 145°47.975' E to the point 15°37.039' S, 145°48.055' E

3. Offshore Port Douglas Sector

Item	Location	Reef anchorage
1	Ruby Reef (15-088)	The area enclosed within 250 metres of a line from the point 15°43.979' S, 145°47.424' E to the point 15°44.069' S, 145°47.285' E
2	Ruby Reef (15-088)	The area enclosed within 500 metres of the point 15°44.189' S, 145°46.815' E
3	Endeavour Reef (15-089)	The area enclosed within 500 metres of a line from the point 15°45.919' S, 145°32.924' E to the point 15°46.409' S, 145°34.315' E
4	Andersen Reef (15-090)	The area enclosed within 250 metres of a line from the point 15°47.109' S, 145°48.124' E to the point 15°47.349' S, 145°47.835' E
5	Andersen Reef (15-090)	The area enclosed within 250 metres of a line from the point 15°47.559' S, 145°48.035' E to the point 15°47.739' S, 145°47.894' E
6	Pickersgill Reef (15-093)	The area enclosed within 500 metres of the point 15°50.959' S, 145°33.854' E
7	Pickersgill Reef (15-093)	The area enclosed within 500 metres of the point 15°51.969' S, 145°35.515' E
8	Escape Reef (15-094)	The area enclosed within 500 metres of a line from the point 15°53.349' S, 145°46.785' E to the point 15°53.639' S, 145°47.104' E
9	Escape Reef (15-094)	The area enclosed within 500 metres of a line from the point 15°53.299' S, 145°48.065' E to the point 15°52.759' S, 145°48.255' E
10	Escape Reef (15-094)	The area enclosed within 250 metres of a line from the point 15°51.309' S, 145°48.295' E to the point 15°51.639' S, 145°48.114' E

Item	Location	Reef anchorage
11	Escape Reef (15-094)	The area enclosed within 500 metres of the point 15°52.639' S, 145°46.654' E
12	Escape Reef (15-094)	The area enclosed within 250 metres of the point 15°52.879' S, 145°45.945' E
13	Evening Reef (15-095)	The area enclosed within 250 metres of a line from the point 15°53.939' S, 145°38.445' E to the point 15°54.399' S, 145°38.295' E
14	Evening Reef (15-095)	The area enclosed within 250 metres of the point 15°53.679' S, 145°40.035' E
15	Agincourt No. 4 Reef (15-096)	The area enclosed within 500 metres of the point 15°55.689' S, 145°49.085' E
16	Agincourt No. 4 Reef (15-096)	The area bounded by a line commencing at the point 15°57.930' S, 145°48.304' E then running progressively as follows: <ul style="list-style-type: none"> (a) northerly along the geodesic to the point 15°57.660' S, 145°48.404' E (b) easterly along the geodesic to the point 15°57.750' S, 145°48.684' E (c) southerly along the geodesic to the point 15°58.031' S, 145°48.574' E (d) westerly along the geodesic to the point of commencement
17	Morning Reef (15-098)	The area enclosed within 500 metres of the point 15°57.169' S, 145°41.285' E
18	Morning Reef (15-098)	The area enclosed within 500 metres of the point 15°58.939' S, 145°39.445' E
19	Agincourt No. 3 Reef (15-099a)	The area bounded by a line commencing at the point 15°59.501' S, 145°49.384' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 15°59.450' S, 145°49.474' E (b) south-easterly along the geodesic to the point 15°59.820' S, 145°49.724' E (c) south-westerly along the geodesic to the point 15°59.870' S, 145°49.634' E (d) north-westerly along the geodesic to the point of commencement

Item	Location	Reef anchorage
20	Agincourt No. 1 Reef (15-099c)	The area bounded by a line commencing at the point 16°02.750' S, 145°51.884' E then running progressively as follows: <ul style="list-style-type: none"> (a) easterly along the geodesic to the point 16°02.741' S, 145°51.934' E (b) southerly along the geodesic to the point 16°03.090' S, 145°52.024' E (c) westerly along the geodesic to the point 16°03.100' S, 145°51.974' E (d) northerly along the geodesic to the point of commencement
21	Agincourt No. 1 Reef (15-099c)	The area bounded by a line commencing at the point 16°03.650' S, 145°51.814' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°03.430' S, 145°51.974' E (b) south-easterly along the geodesic to the point 16°03.450' S, 145°52.004' E (c) south-westerly along the geodesic to the point 16°03.670' S, 145°51.854' E (d) north-westerly along the geodesic to the point of commencement
22	Mackay Reef (16-015)	The area enclosed within 250 metres of a line from the point 16°02.449' S, 145°38.765' E to the point 16°02.479' S, 145°38.715' E
23	St Crispin Reef (16-019)	The area enclosed within 500 metres of a line from the point 16°04.979' S, 145°50.525' E to the point 16°05.469' S, 145°50.715' E
24	St Crispin Reef (16-019)	The area enclosed within 500 metres of the point 16°06.689' S, 145°48.705' E
25	St Crispin Reef (16-019)	The area enclosed within 500 metres of the point 16°06.999' S, 145°49.725' E
26	Undine Reef (16-020)	The area enclosed within 500 metres of a line from the point 16°06.569' S, 145°45.844' E to the point 16°06.679' S, 145°45.235' E
27	Undine Reef (16-020)	The area enclosed within 500 metres of a line from the point 16°06.859' S, 145°43.535' E to the point 16°06.979' S, 145°42.654' E
28	Undine Reef (16-020)	The area enclosed within 500 metres of a line from the point 16°06.789' S, 145°39.305' E to the point 16°06.939' S, 145°39.535' E
29	Rudder Reef (16-023)	The area enclosed within 500 metres of a line from the point 16°10.019' S, 145°39.795' E to the point 16°10.049' S, 145°40.505' E

Item	Location	Reef anchorage
30	Rudder Reef (16-023)	The area enclosed within 500 metres of a line from the point 16°10.219' S, 145°43.695' E to the point 16°10.289' S, 145°44.735' E
31	Rudder Reef (16-023)	The area enclosed within 500 metres of the point 16°12.189' S, 145°39.705' E
32	Chinaman Reef (16-024)	The area enclosed within 250 metres of a line from the point 16°13.099' S, 145°46.835' E to the point 16°13.129' S, 145°46.975' E
33	Chinaman Reef (16-024)	The area enclosed within 500 metres of the point 16°12.409' S, 145°47.565' E
34	Opal Reef (16-025)	The area bounded by a line commencing at the point 16°10.960' S, 145°53.284' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°10.930' S, 145°53.334' E (b) south-easterly along the geodesic to the point 16°11.320' S, 145°53.594' E (c) south-westerly along the geodesic to the point 16°11.350' S, 145°53.554' E (d) north-westerly along the geodesic to the point of commencement
35	Opal Reef (16-025)	The area bounded by a line commencing at the point 16°12.960' S, 145°53.544' E then running progressively as follows: <ul style="list-style-type: none"> (a) northerly along the geodesic to the point 16°12.610' S, 145°53.674' E (b) easterly along the geodesic to the point 16°12.640' S, 145°53.774' E (c) southerly along the geodesic to the point 16°13.000' S, 145°53.654' E (d) westerly along the geodesic to the point of commencement
36	Opal Reef (16-025)	The area bounded by a line commencing at the point 16°14.150' S, 145°52.214' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°14.020' S, 145°52.364' E (b) south-easterly along the geodesic to the point 16°14.090' S, 145°52.434' E (c) south-westerly along the geodesic to the point 16°14.220' S, 145°52.294' E (d) north-westerly along the geodesic to the point of commencement

Item	Location	Reef anchorage
37	Tongue Reef (16-026)	The area enclosed within 500 metres of a line from the point 16°20.769' S, 145°47.215' E to the point 16°22.799' S, 145°49.344' E
38	Tongue Reef (16-026)	The area bounded by a line commencing at the point 16°16.040' S, 145°46.434' E then running progressively as follows: <ul style="list-style-type: none"> (a) easterly along the geodesic to the point 16°16.040' S, 145°47.044' E (b) southerly along the geodesic to the point 16°16.250' S, 145°47.044' E (c) westerly along the geodesic to the point 16°16.250' S, 145°46.434' E (d) northerly along the geodesic to the point of commencement
39	Tongue Reef (16-026)	The area bounded by a line commencing at the point 16°16.530' S, 145°41.164' E then running progressively as follows: <ul style="list-style-type: none"> (a) south-westerly along the geodesic to the point 16°16.751' S, 145°40.995' E (b) north-westerly along the geodesic to the point 16°15.761' S, 145°39.594' E (c) north-easterly along the geodesic to the point 16°15.530' S, 145°39.765' E (d) south-easterly along the geodesic to the point of commencement

4. Offshore Cairns

Item	Location	Reef anchorage
1	Saxon Reef (16-032)	The area enclosed within 100 metres of the point 16°27.698' S, 145°59.134' E
2	Saxon Reef (16-032)	The area enclosed within 100 metres of the point 16°27.809' S, 145°59.005' E
3	Saxon Reef (16-032)	The area enclosed within 100 metres of the point 16°28.039' S, 145°58.775' E

Item	Location	Reef anchorage
4	Hastings Reef Locality 1 (16-057)	The area bounded by a line commencing at the point 16°31.260' S, 146°00.084' E then running progressively as follows: <ol style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°31.140' S, 146°00.194' E (b) south-easterly along the geodesic to the point 16°31.170' S, 146°00.244' E (c) south-westerly along the geodesic to the point 16°31.310' S, 146°00.124' E (d) north-westerly along the geodesic to the point of commencement
5	Hastings Reef Locality 2 (16-057)	The area bounded by a line commencing at the point 16°31.040' S, 146°00.314' E then running progressively as follows: <ol style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°30.820' S, 146°00.464' E (b) south-easterly along the geodesic to the point 16°30.850' S, 146°00.524' E (c) south-westerly along the geodesic to the point 16°31.070' S, 146°00.374' E (d) north-westerly along the geodesic to the point of commencement
6	Jorgies Patches Reef (16-041)	The area enclosed within 100 metres of a line from the point 16°32.599' S, 145°56.985' E to the point 16°32.629' S, 145°56.904' E
7	Jorgies Patches Reef (16-041)	The area enclosed within 100 metres of the point 16°32.708' S, 145°56.825' E
8	Michaelmas Reef (16-060)	The area enclosed within 500 metres of the point 16°33.988' S, 146°02.085' E
9	Michaelmas Reef (16-060)	The area enclosed within 500 metres of the point 16°35.129' S, 146°00.354' E
10	Michaelmas Cay Locality	The area bounded by a line commencing at the point 16°36.180' S, 145°58.704' E then running progressively as follows: <ol style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°36.150' S, 145°58.764' E (b) south-easterly along the geodesic to the point 16°36.190' S, 145°58.784' E (c) south-westerly along the geodesic to the point 16°36.220' S, 145°58.724' E (d) north-westerly along the geodesic to the point of commencement
11	Breaking Patches Reef (16-042)	The area enclosed within 250 metres of the point 16°34.888' S, 145°58.874' E

Item	Location	Reef anchorage
12	Oyster Reef (16-043)	The area enclosed within 100 metres of a line from the point 16°37.369' S, 145°56.184' E to the point 16°37.579' S, 145°56.445' E
13	Vlasoff Reef (16-044b)	The area enclosed within 250 metres of the point 16°39.148' S, 145°59.124' E
14	Arlington Reef (16-064)	The area enclosed within 500 metres of a line from the point 16°41.059' S, 145°59.604' E to the point 16°40.539' S, 145°58.664' E
15	Arlington Reef (16-064)	The area enclosed within 500 metres of a line from the point 16°42.198' S, 146°02.104' E to the point 16°42.238' S, 146°02.475' E
16	Arlington Reef (16-064)	The area enclosed within 500 metres of a line from the point 16°39.688' S, 146°05.414' E to the point 16°40.218' S, 146°05.525' E
17	Upolu Cay Locality (16-046)	The area bounded by a line commencing at the point 16°40.210' S, 145°55.614' E then running progressively as follows: <ol style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°40.130' S, 145°55.714' E (b) south-easterly along the geodesic to the point 16°40.190' S, 145°55.764' E (c) south-westerly along the geodesic to the point 16°40.270' S, 145°55.654' E (d) north-westerly along the geodesic to the point of commencement

5. South Offshore Cairns

Item	Location	Reef anchorage
1	Milln Reef (16-065)	The area bounded by a line commencing at the point 16°46.860' S, 146°16.394' E then running progressively as follows: <ol style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°46.790' S, 146°16.464' E (b) south-easterly along the geodesic to the point 16°46.820' S, 146°16.484' E (c) south-westerly along the geodesic to the point 16°46.880' S, 146°16.424' E (d) north-westerly along the geodesic to the point of commencement
2	Thetford Reef (16-068)	The area enclosed within 250 metres of a line from the point 16°48.028' S, 146°11.065' E to the point 16°48.339' S, 146°11.154' E

Item	Location	Reef anchorage
3	Thetford Reef (16-068)	The area enclosed within 250 metres of the point 16°47.809' S, 146°11.305' E
4	Moore Reef Locality 2	The area bounded by a line commencing at the point 16°51.490' S, 146°13.154' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°51.460' S, 146°13.214' E (b) south-easterly along the geodesic to the point 16°51.620' S, 146°13.414' E (c) south-westerly along the geodesic to the point 16°51.690' S, 146°13.304' E (d) north-westerly along the geodesic to the point of commencement
5	Moore Reef Locality 2	The area bounded by a line commencing at the point 16°52.280' S, 146°12.104' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°52.070' S, 146°12.284' E (b) south-easterly along the geodesic to the point 16°52.120' S, 146°12.344' E (c) south-westerly along the geodesic to the point 16°52.330' S, 146°12.154' E (d) north-westerly along the geodesic to the point of commencement
6	Moore Reef Locality 2	The area bounded by a line commencing at the point 16°52.570' S, 146°11.894' E then running progressively as follows: <ul style="list-style-type: none"> (a) north-easterly along the geodesic to the point 16°52.470' S, 146°11.954' E (b) south-easterly along the geodesic to the point 16°52.500' S, 146°12.014' E (c) south-westerly along the geodesic to the point 16°52.600' S, 146°11.954' E (d) north-westerly along the geodesic to the point of commencement
7	Elford Reef (16-073)	The area enclosed within 500 metres of a line from the point 16°55.038' S, 146°15.445' E to the point 16°55.358' S, 146°15.225' E
8	Elford Reef (16-073)	The area enclosed within 500 metres of the point 16°54.359' S, 146°12.844' E
9	Channel Reef (16-075)	The area enclosed within 250 metres of a line from the point 16°56.298' S, 146°26.754' E to the point 16°56.418' S, 146°26.754' E

Item	Location	Reef anchorage
10	Sudbury Reef (17-001)	The area enclosed within 500 metres of a line from the point 16°59.968' S, 146°12.335' E to the point 17°00.198' S, 146°12.614' E

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.