



Australian Government

Great Barrier Reef  
Marine Park Authority

# ***Cairns Area Plan of Management***

(Reprinted as in force November 2005 includes Amendment No. 1 2005)



*our great barrier reef  
let's keep it great*







**Australian Government**

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Marine Park Authority**

# **Cairns Area Plan of Management**

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# Cairns Area Plan of Management 1998

as amended

made under section 39ZG of the

*Great Barrier Reef Marine Park Act 1975*

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THE GREAT BARRIER REEF MARINE PARK AUTHORITY, having regard to the protection of world heritage values of the Great Barrier Reef Marine Park and the precautionary principle mentioned in section 3.5.1 of the Intergovernmental Agreement on the Environment (a copy of which is set out in the Schedule to the *National Environment Protection Council Act 1994*), has prepared the following plan of management under part VB of the *Great Barrier Reef Marine Park Act 1975*.

This compilation was prepared on 16 November 2005 taking into account amendments up to *Cairns Area Plan of Management Amendment 2005 (No. 1)*

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra



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# Foreword

The Great Barrier Reef Marine Park Authority has prepared the Cairns Area Plan of Management to protect and conserve the values of the Area, while allowing for a range of use opportunities. The Area comprises many places, biological communities and species of high nature conservation, scientific and cultural value. 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 the Plan applies represents 6% of the total area of the Great Barrier Reef Marine Park and is part of the Cairns/Cooktown Management Area. Use of the Area is very diverse, and includes tourism and recreational activities, cultural activities, research, commercial and recreational fishing and collecting. The Area contains some of the most intensively used reefs, cays and waters of the Great Barrier Reef Marine Park and supports the highest level of marine tourism use in the Marine Park. The Area will be managed for a high level of use, including tourism use. Managing the impacts of use on the values of the Area is a major element of this Plan.

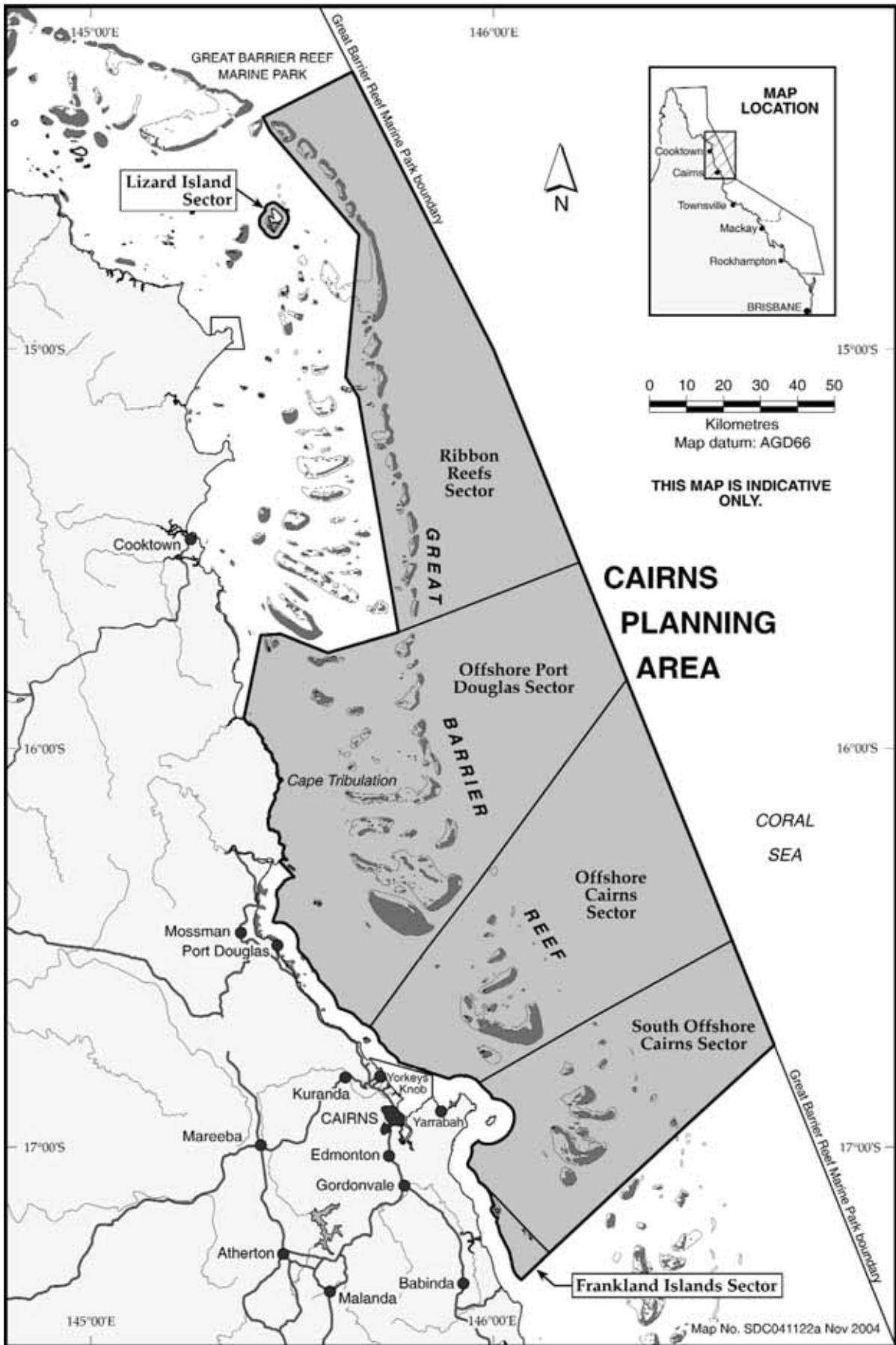
Adjacent to the Area are a Queensland Marine Park and Queensland National Park islands. The Authority recognises the need for complementary management of adjoining and adjacent islands, cays, reefs and waters. Management of the Area is through partnerships with stakeholder groups and joint management arrangements with Queensland Government agencies. Day-to-day management of the Area is conducted primarily through joint management arrangements with the Queensland Parks and Wildlife Service.

The *Great Barrier Reef Marine Park Act 1975* and the Regulations, the *Great Barrier Reef Marine Park Zoning Plan 2003* and this Plan of Management provide the statutory and regulatory foundation for managing use of the Cairns Area. The Plan of Management restricts some activities that may occur under the Zoning Plan, but does not otherwise affect any requirement of the Zoning Plan.

The Authority believes that regulations made under this Plan must be complemented by other actions to ensure use can occur without threatening the values of the 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 threatened species (e.g. whales, turtles, seabirds), fringing reefs (e.g. anchor damage and recovery), site visitation and changing community attitudes. The Authority will make amendments to the Plan as required, subject to a period of public comment.

In reading this Plan, please note that the Divisions of Part 1 deal with broad issues first and detail is developed progressively through the Plan. References following text therefore refer to later sections in the Plan. Part 2 deals solely with enforcement provisions.





		Page
<hr/>		
<b>Contents</b>		
<b>Foreword</b>		iii
<b>Part 1</b>	<b>Management of the Cairns Planning Area</b>	
<b>Division 1</b>	<b>Preliminary</b>	
	1.1 Name of this Plan [see Note 1]	1
	1.2 Application of this Plan	1
	1.3 General intent	1
	1.4 Interpretation	2
<b>Division 2</b>	<b>Nature conservation: values, issues and strategies</b>	
<b>Subdivision 1</b>	<b>General</b>	
	1.5 Nature conservation — general	3
<b>Subdivision 2</b>	<b>Coral</b>	
	1.6 Corals and associated biota conservation: values, issues and strategies addressed in this Plan	3
<b>Subdivision 3</b>	<b>Marine animals, plants and habitat conservation</b>	
	1.7 Dugong: values, issues and strategies addressed in this Plan	6
	1.8 Whales: values, issues and strategies addressed in this Plan	8
	1.9 Fish spawning: values, issues and strategies addressed in this Plan	9
	1.10 Bird conservation: values, issues and strategies addressed in this Plan	10
<b>Division 3</b>	<b>Cultural and heritage values, issues and strategies</b>	
	1.11 Cultural and heritage values, issues and strategies addressed in this Plan	11
<b>Division 4</b>	<b>Scientific values, issues and strategies</b>	
	1.12 Scientific values, issues and strategies addressed in this Plan	13
<b>Division 5</b>	<b>Use of the Planning Area, issues and strategies</b>	
	1.13 Use of the Planning Area, issues and strategies addressed in this Plan	14
	1.14 Limits on use levels	16
	1.15 Sensitive Locations	18
	1.16 Limitation on the number of moorings, pontoons and installation of other structures	20
	1.17 Reef Anchorages	22
	1.18 Limitation on noisy activities	22
	1.19 Management of tourist programs	23
<b>Division 6</b>	<b>Implementation</b>	
	1.20 Implementation of this Plan	31
	1.21 Permitted moorings and pontoons	32
	1.22 Tourism management generally	32
	1.23 Types of tourism operations subject to eligibility requirements	34

		Page
1.24	Exceptions available to tourism operations	36
1.25	Evidentiary requirements to establish eligibility	39
1.26	Multiple permission replication issues	40
<b>Part 2</b>	<b>Enforcement provisions</b>	
<b>Division 1</b>	<b>Preliminary</b>	
2.1	How many people on a vessel or aircraft	41
2.2	Length of a vessel or aircraft	41
2.3	When this Part does not apply	41
<b>Division 2</b>	<b>Limits on anchoring and mooring vessels and aircraft</b>	
2.4	Where large vessels may anchor	42
2.4A	Anchoring strategy for large vessels	42
2.5	Where ships may anchor	43
2.6	Anchoring in mooring sites and pontoon sites	43
2.7	Anchoring in Lizard Island Locality 1	43
2.8	Anchoring within Cod Hole Locality	43
2.8A	Permitted moorings and pontoons	43
<b>Division 3</b>	<b>Restrictions on use of vessels and aircraft</b>	
2.9	Restrictions on access by tourist programs to the Planning Area, other than Sensitive Locations	44
2.10	Restrictions on access to Sensitive Locations for tourist programs	45
2.11	Vessels and aircraft that must not be taken into certain Locations	46
2.12	Restrictions on access to Ribbon Reefs Sector	47
2.12A	Support service operations	47
2.12B	Ships' tenders	48
<b>Division 4</b>	<b>Restrictions on activities in the Planning Area</b>	
2.14	Damaging coral	48
2.15	Hovercraft and motorised water sports	48
2.16	Restrictions on fishing or collecting in Lizard Island Locality 1	49
2.17	Restrictions on activities in Low Island Locality	49
2.18	Restrictions on activities in Michaelmas Cay Locality	49
<b>Division 5</b>	<b>Limit on Authority's power to grant permissions</b>	
2.19	Permissions must be consistent with this Plan	49
2.20	Limit on granting or transferring permissions	50
2.21	Limit on converting permissions	50
2.22	Limit on the number of moorings in the Planning Area	50
2.23	Limit on the number of pontoons in the Planning Area	51
2.24	Limit on granting relevant permissions for whale watching activities	51
2.25	Restrictions on granting relevant permissions for swimming-with-whales activities	52
2.26	Granting relevant permissions for long range roving operations	52
2.27	Granting new permissions for regional tour operations	52

---

		Page
<b>Schedule 1</b>	<b>Cairns Area Description</b>	54
<b>Schedule 2</b>	<b>Sector Descriptions</b>	56
<b>Schedule 3</b>	<b>Locality Descriptions</b>	59
<b>Schedule 4</b>	<b>Level of use at Locations</b>	65
<b>Schedule 5</b>	<b>Sensitive Locations</b>	68
<b>Schedule 6</b>	<b>Permanently moored facilities – permitted moorings</b>	69
<b>Schedule 6A</b>	<b>Moorings for vessels (high group size limits)</b>	72
<b>Schedule 6B</b>	<b>Increased group size limit reef anchorages</b>	73
<b>Schedule 6C</b>	<b>Bad weather anchorages for large vessels</b>	74
<b>Schedule 7</b>	<b>Permanently moored facilities – pontoons</b>	75
<b>Schedule 8</b>	<b>Reef Anchorages</b>	76
<b>Schedule 9</b>	<b>Definitions</b>	85
<b>Table 1</b>	<b>Bird nesting and roosting sites</b>	10
<b>Table 2</b>	<b>Locations of cultural and heritage significance and importance for cultural activities</b>	12
<b>Table 3</b>	<b>Areas of concentrated recreational use</b>	15
<b>Table 4</b>	<b>Limits on use levels</b>	17
<b>Table 5</b>	<b>Sensitive Locations</b>	18
<b>Table 6</b>	<b>Sensitive Locations – specific requirements</b>	19
<b>Table 7</b>	<b>Types of tourism operations consistent with this Plan</b>	25
<b>Table 8</b>	<b>Locations requiring site plans</b>	32
<b>Map 1</b>	<b>The Cairns Planning Area</b>	iv
<b>Notes</b>		93



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## **Part 1                    Management of the Cairns Planning Area**

### **Division 1            Preliminary**

#### **1.1        Name of this Plan** [see Note 1]

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

#### **1.2        Application of this Plan**

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

#### **1.3        General intent**

- (1) The general intent of this Plan, in conjunction with other management mechanisms, is to protect and conserve identified values of the Cairns Area, while allowing for reasonable opportunities to access and use the Planning Area.
- (2) Section 39Y of the *Great Barrier Reef Marine Park Act 1975* sets out the objects of plans of management. Those objects are:
  - (a) to ensure, for particular areas of the Marine Park in which the Authority considers that nature conservation values, cultural and heritage values, or scientific values, are, or may be, threatened, that appropriate proposals are developed to reduce or eliminate the threats;
  - (b) to ensure 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 range of recreational activities.

## Clause 1.4

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- (3) Subsection 39Z (1) of the *Great Barrier Reef Marine Park Act 1975* states that ‘The Authority in preparing management plans must have regard to:
- (a) the protection of world heritage values of the Marine Park;
  - (b) the precautionary principle.’

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

The principle is as follows:

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

### 1.4 Interpretation

- (1) In this Plan, a term defined in Schedule 9 has the meaning given in that Schedule unless the context indicates otherwise.
- (2) A reference in this Plan to a reef or other place, followed by an identification number in brackets (for example, ‘Escape Reef (15-094)’), is a reference to the reef or place so named and identified in the Amalgamated Great Barrier Reef Section and the Cairns/Cooktown Management Area map (MPZ30), published by the Authority in April 2004.
- (3) If 2 Locations described in this Plan overlap, the boundary between them, in the area of overlap, is taken to be the median line between their boundaries as described.
- (4) If for this Plan an area has as its seaward boundary a line every point of which is a particular distance seaward from a reef or coastline (for example, the coastal 1 500-metre line) but the area does not extend all the way around the reef or coastline, the lateral boundaries of the area are the lines that are perpendicular to the reef or coastline at each end of the area.
- (5) The origin of geographical coordinates used in this Plan is the Australian Geodetic Datum 1966 (AGD66).

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

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

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## **Division 2            Nature conservation: values, issues and strategies**

### **Subdivision 1        General**

#### **1.5            Nature conservation — general**

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

### **Subdivision 2        Coral**

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

##### *Corals and associated biota conservation values*

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

**Clause 1.6**

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

*Corals and associated biota conservation issues*

- (6) There is a high and increasing risk of widespread coral damage from anchoring and other direct human activities due to the increasing level of use at Locations in the Planning Area.
- (7) Widespread or recurrent damage to coral will alter the quality, cover, composition and topography of coral over time.
- (8) The extent and long-term effects of damage to corals from direct human use of the Marine Park have not been quantified. However, extensive damage from human impact has been demonstrated in other coral reef systems and in localised parts of the Marine Park.
- (9) Coral is most susceptible to damage in places where use is high.
- (10) User behaviour can substantially raise or lower the risk of individual point damage.
- (11) Zoning protects various habitats for various purposes. The taking of coral, including damage to coral, is prohibited 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.

*Corals and associated biota conservation strategies*

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



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

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

#### *Anchoring for large vessels and ships*

- (14) The Authority:
  - (a) recognises that the risk of damage to coral by anchoring equipment is higher for large vessels and ships than for vessels with an overall length less than 35 metres; and
  - (b) proposes that a person must not anchor a large vessel or a ship in a Location except as permitted under subclauses (15) to (19).

*Note* **Large vessel** is defined as a vessel of more than 35 and no more than 70 metres in overall length, and **ship** is defined as a vessel of more than 70 metres in overall length — see Schedule 9.

#### *Anchoring for large vessels*

- (15) For paragraph (14) (b), a person may only anchor a large vessel in a Location:
  - (a) at a Reef Anchorage; or
  - (b) that is a Location mentioned in subclause (16) if, on the day of anchoring:
    - (i) the person is operating the vessel other than as part of a tourist program; or
    - (ii) the person is operating the vessel as part of a tourist program and has a booking for the Location.
- (16) For paragraph (15) (b), the Locations are the following:
  - (a) Lizard Island Locality 2;
  - (b) Lizard Island Locality 3;
  - (c) Ribbon Reef No. 2 (15-075) Location;
  - (d) Ribbon Reef No. 5 (15-038) Location.
- (17) However if a large vessel is anchored in Lizard Island Locality 2 or 3, a person must not anchor another large vessel in the other of those Localities.

**Clause 1.7**

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- (17A) For paragraph 14 (b), a person may anchor a large vessel, for protection against a wind blowing generally from the north, in a Location (but outside any Reef Anchorage in the Location) listed in Schedule 6C, only if:
- (a) the Authority has approved an anchoring strategy for that vessel at that Location; and
  - (b) the anchoring is carried out in accordance with the approved anchoring strategy.
- (17B) An anchoring strategy is to consist of a written document setting out how coral damage from anchoring will be minimised by addressing such issues as nomination of alternate sites, taking account of the amount of coral cover at the relevant sites and how ‘best environmental practices’ will be applied when anchoring.

*Anchoring for ships*

- (18) For paragraph (14) (b), a person may only anchor a ship in one of the following Locations, and only on a day when the person has a booking for that day:
- (a) Lizard Island Locality 2;
  - (b) Lizard Island Locality 3;
  - (c) Ribbon Reef No. 2 (15-075) Location;
  - (d) Ribbon Reef No. 5 (15-038) Location.
- (19) However:
- (a) no more than 1 ship at a time may anchor at a Location mentioned in subclause (18); and
  - (b) if a ship is anchored in Lizard Island Locality 2 or 3, a person must not anchor another ship in the other of those Localities.

**Subdivision 3 Marine animals, plants and habitat conservation**

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

*Dugong conservation values*

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

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

*Dugong conservation issues*

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

*Dugong conservation strategies*

- (16) The Authority's strategies are to manage activities to protect significant dugong habitats and to limit pressure on dugong populations, by:
  - (a) prohibiting the taking of dugong within the Planning Area except in accordance with section 5.3 of the Zoning Plan; and
  - (b) limiting the number of people on vessels or aircraft operating in some Locations in the Planning Area with possibly significant dugong populations; and
  - (c) limiting the number of moorings and pontoons that may be installed in Locations in the Planning Area with possibly significant dugong populations.

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

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

*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:

**Clause 1.8**

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- (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).

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

*Whale conservation values*

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

*Whale conservation issues*

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

*Whale conservation strategy*

- (7) During development of long-term strategies, the Authority has taken a precautionary approach to minimise disturbance to whales, by limiting the grant of relevant permissions for conducting whale watching activities and swimming-with-whales activities in the Planning Area.

*Relevant permissions for whale watching activities*

- (8) The Authority will grant a relevant permission for a tourist program that includes whale watching activities in the Planning Area only if granting the permission does not result in the number of such permissions in force at that time being greater than the number of permissions in force for whale watching activities in the Planning Area on 22 June 1998.

*Relevant permission for swimming-with-whales activities*

- (9) The Authority has completed an allocation process for the granting of new permissions for tourist programs that include swimming-with-whales activities in the Planning Area and nine permissions were allocated. As part of the allocation process, applicants were required to meet criteria that included being able to demonstrate experience with in-water interactions between people and dwarf minke whales and that those interactions had been managed in an environmentally sustainable manner.

- (10) The Authority will not grant any more new permissions for a tourist program that includes swimming-with-whales activities in the Planning Area.

*Note Dwarf minke whale* is the common name for the species *Balaenoptera acutorostrata*.

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

### *Fish spawning aggregation site values*

- (1) Aggregation sites in the Planning Area are essential for the reproduction cycles of many reef fish species.
- (2) Many species of coral reef fish aggregate to spawn at sites with specific attributes.
- (3) Attributes of fish spawning aggregation sites include clean water, high coral cover, complex coral forms and protection from prevailing winds.
- (4) Spawning aggregations are a principal reproductive need for some species.
- (5) There is evidence that some species of fish require specific coral topography as part of the spawning event.

### *Fish spawning aggregation site issues*

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

### *Fish spawning aggregation site strategy*

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

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

**Clause 1.10**

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

*Bird conservation values*

- (1) Birds are an important part of the nature conservation values of the Marine Park and form an integral part of the ecosystem.
- (2) Seabirds are an integral component of marine ecosystems.
- (3) Seabirds and other birds are essential components of the ecology of islands and cays.
- (4) Some species of birds that roost or nest on islands and cays are important to the health of the nearby Wet Tropics World Heritage Area.
- (5) Table 1 lists the islands and cays that support important bird roosting and nesting grounds.

**Table 1 Bird nesting and roosting sites**

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

*Bird conservation issues*

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

*Bird conservation strategies*

- (11) The Authority's strategies are to minimise disturbance to birds roosting and nesting in the Planning Area, by:
- (a) limiting the number of people on vessels or aircraft operating adjacent to significant bird roosting or nesting islands or cays; and
  - (b) requiring that within the Michaelmas Cay Locality a person must not operate:
    - (i) an aircraft; or
    - (ii) a vessel or aircraft under power at a speed greater than 6 knots; or
    - (iii) a horn, loudspeaker or siren; and
  - (c) requiring that a person must not operate a vessel or aircraft under power at a speed greater than 6 knots within the Low Island Locality; and
  - (d) requiring that a person must not operate a hovercraft in a Location other than Lizard Island Locality 2; and
  - (da) requiring that a person must not operate a vessel for motorised water sport in a Location; and
  - (e) limiting the growth 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 threatened species conservation programs.

## **Division 3                      Cultural and heritage values, issues and strategies**

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

*Cultural and heritage values*

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

**Clause 1.11**

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

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

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

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

*Cultural and heritage issues*

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

*Cultural and heritage strategy*

- (10) The Authority's strategy is to take a precautionary approach to generally prevent further growth in use of the reefs of value to indigenous people, while allowing for continuation of established uses, by:
- (a) managing the intensity of tourism use to the Planning Area; and
  - (b) generally allocating low use categories to Locations with significant cultural values; and
  - (c) generally limiting the number of moorings and pontoons that will be permitted at Locations with significant cultural values; and



- (d) designating some Locations as Sensitive Locations with additional or special protection; and
- (e) providing exemption for traditional inhabitants from restrictions on the number of people on a vessel or aircraft that can access Locations if undertaking activities, not involving the take of plants, animals or marine products, for the purposes of Aboriginal or Torres Strait Islander custom or tradition.

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

## **Division 4            Scientific values, issues and strategies**

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

#### *Scientific values*

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

#### *Scientific issues*

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

#### *Scientific strategies*

- (9) The Authority's strategies to conserve the scientific values of the Planning Area are to ensure Areas of high scientific research values are protected,

**Clause 1.13**

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and access for permitted research that is consistent with the values of the Planning Area is not inhibited, by:

- (a) providing a general exemption for permitted research from the enforcement provisions contained in Part 2 (however, research permit assessment must consider the provisions of this Plan to ensure consistency with the intent of this Plan); and
- (b) providing a general exemption for the purpose of research from limitations on the placement and number of moorings and other permanently moored facilities (however, research permissions will remain subject to meeting all other requirements, including permission application, assessment and decision processes under the Regulations, suitability of installation sites and Reef Anchorage needs); and
- (c) limiting the impacts that may affect the values of Low Island Locality as a long-term research site, particularly in relation to nutrient levels in the Marine Park, by:
  - (i) prohibiting discharge of sewage, greywater, fresh fish or parts of fresh fish within the Low Island Locality; and
  - (ii) prohibiting hull scraping or painting within the Low Island Locality; and
  - (iii) limiting extractive research to that:
    - (A) likely to complement research conducted by the 1928-1929 Great Barrier Reef Expedition; or
    - (B) likely to directly assist the management of the Low Island Locality; or
    - (C) likely to contribute to understanding of nutrient levels in the Marine Park, and cannot reasonably be conducted elsewhere; and
- (d) limiting the impacts that may affect scientific values at Lizard Island Locality 1, by prohibiting:
  - (i) anchoring by vessels more than 7 metres in overall length; and
  - (ii) fishing or collecting (except trolling or bait netting for pelagic species in the Conservation Park Zone) in part of the Locality to protect specific scientific research sites; and
- (e) allowing relevant permissions for the purpose of research to be granted for whale watching in the Planning Area.

**Division 5                      Use of the Planning Area, issues and strategies**

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

*Use of the Planning Area*

- (1) The Planning Area includes some of the most intensively used reefs and waters in the Marine Park and has the Marine Park's highest level of marine

tourism use, and there is a wide diversity of use in the Planning Area — for example:

- (a) research is conducted throughout the Planning Area — research stations are located at 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) hunting, fishing and collecting are undertaken by indigenous people in Locations in the Planning Area (particularly in inshore reef areas — locations that have been identified by local indigenous groups as significant for cultural purposes are described in Table 2 in clause 1.11; and
- (e) recreational activities include yachting, boating of other kinds and fishing in the Planning Area and tends to be concentrated in inshore areas near population centres and around the inner reefs, particularly in areas described in Table 3.

**Table 3 Areas of concentrated recreational use**

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

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

*Use issues*

- (4) Growth in use may erode current and potential values (including opportunities for use) of the Planning Area.
- (5) Increasing use is displacing other uses at some Locations.

**Clause 1.14**

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

*Use strategies*

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

*Note* These strategies are described in sections 1.14 to 1.19.

**1.14 Limits on use levels**

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

**Table 4 Limits on use levels**

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

- (2) Schedule 4 lists each Location and the category of use for that Location.
- (3) However, the limits on use levels mentioned in Table 4 and Schedule 4 will not apply to a person who:
- (a) takes a vessel into waters in Blue Lagoon at Lizard Island Locality 4, if the person does so for protection against a wind generally from the north; or
  - (b) takes a large vessel into waters (outside a Reef Anchorage) at Lizard Island Locality 4, Ribbon Reef No 3 (15-050), Ribbon Reef No 9 (14-154), Thetford Reef (16-068), Moore Reef Locality 2 or unnamed reef (14-153), if:
    - (i) the person does so for protection against a wind generally from the north; and
    - (ii) the conditions in subclause (3A) are satisfied; and
    - (iii) the Authority has approved an anchoring strategy for the vessel at that Location; and
    - (iv) the person anchors in accordance with the approved anchoring strategy; or
  - (c) takes a vessel into waters at a Location mentioned in Schedule 6A to moor the vessel at a mooring, if the conditions in subclause (3A) are satisfied; or
  - (d) takes a vessel into waters at Hastings Reef Locality 2 to moor the vessel at a mooring if the condition in paragraph (3A) (a) is satisfied; or
  - (e) takes a vessel into a Reef Anchorage in a Location mentioned in Schedule 6B if the conditions in subclause (3A) are satisfied.
- (3A) For paragraphs (3) (b), (c), (d) and (e), the conditions are that:
- (a) the person is operating the vessel as part of a tourist program; and
  - (b) the vessel is carrying no more than 100 people.
- (4) This Plan is intended to minimise the need to manage intensively the number of vessels or aircraft at a Location at any one time (except at Sensitive Locations). The Authority's aim is to maximise the flexibility of choice for visitors to the Planning Area (while maintaining use at sustainable levels) considering current known levels of use, the likely growth in use and the availability of alternatives. Changing patterns of use, major increases in use or impacts on values may require more detailed management of some Locations in the future.

**Clause 1.15**

- (5) All Marine Park users must operate within these limits. The main impact of these provisions will be on tourism operations.
- (5A) A tourist program may be exempted from the group size limits if the program:
  - (a) operates to:
    - (i) a pontoon; or
    - (ii) a mooring in a pontoon site; or
  - (b) relates to a tourism operation to which an exception under clause 1.24 applies.
- (6) The Authority considers management of the number of vessels or aircraft for tourism use across the Planning Area is necessary to preserve a range of opportunities because of the high current level of tourism use of the Planning Area, the past pattern of rapid growth and likely future growth.
- (7) The category of use level for each Location was determined by considering:
  - (a) known values;
  - (b) existing use;
  - (c) zoning and implications of use allowed under the Zoning Plan; and
  - (d) characteristics including size of reef, coral cover and anchoring opportunities.

**1.15 Sensitive Locations**

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

**Table 5 Sensitive Locations**

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

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

**Table 6 Sensitive Locations — specific requirements**

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

- (4) The intentions of the specific requirements are as follows:
- (a) the six knot speed limits at Low Island and Michaelmas Cay Localities is intended to reduce likely disturbance to birds nesting and roosting on adjacent cays;
  - (b) the prohibition on public access to Low Island between sunset and sunrise is intended to reduce the risk of damage to vegetation and the lightstation and to provide privacy for residents;
  - (c) the prohibitions on aircraft entry, to the use of horns, loudspeakers or sirens in Michaelmas Cay Locality are intended to minimise risks of disturbing seabirds nesting or roosting on Michaelmas Cay;
  - (d) the prohibition on anchoring in the Cod Hole Locality is intended to prevent anchor damage to corals in this heavily used Location;
  - (e) the prohibition on anchoring by vessels or aircraft more than 7 metres in overall length in Lizard Island Locality 1 is intended to protect a rare field of solitary corals;
  - (f) the prohibition on fishing or collecting (except trolling or bait netting for pelagic species in the Conservation Park Zone) in Lizard Island Locality 1 is intended to protect specific research sites.
- (5) The Authority intends to maintain in principle a general opportunity to access and use Locations consistent with Zoning Plan requirements, but subject to requirements to protect values.
- (6) Tourism operations using aircraft must not operate in a Sensitive Location, other than Cod Hole Locality and Lizard Island Locality 1. Tourism operations using aircraft that meet eligibility criteria may be exempted from this provision.
- (7) The intensity of tourism use will be managed at Sensitive Locations by limiting the number of vessels or aircraft operating tourism programs that can visit the Location on any one day. Tourist programs operating to the majority of Sensitive Locations are required to make a booking, with a limit on the number of bookings per day for each Sensitive Location. These limits are listed in Schedule 5. However, neither bookings nor limits to the number of permits are considered necessary for Lizard Island Locality 1 or Cod Hole Locality.

**Clause 1.16**

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- (8) Tourism operations that meet eligibility criteria may be exempted from booking requirements and limits on the number of days the Sensitive Location may be entered, providing that the number of days allowed does not exceed that permitted under an existing permission.
- (9) Tourism operations that meet eligibility criteria may be exempted from limits on the maximum number of people per vessel or aircraft entering the Sensitive Location, providing that the number allowed does not exceed that permitted under an existing permission.

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

- (1) The intent of this strategy is to provide for a balanced combination of private and public access opportunities across the Planning Area and, as far as possible consistent with values, at each Location and to protect natural scenery values.
- (2) The maximum numbers of permitted moorings and pontoons allowed at each Location are listed in Schedules 6 and 7 respectively. The numbers of moorings and pontoons permissible has been determined through consultation with users, consideration of Reef Anchorages and access opportunities, and compared to available information on coral cover, fish spawning aggregation sites and coral diversity.
- (2A) However, the Authority may grant to an existing permission holder, who had more than 50 days anchoring access to a Location during 1996, a relevant permission to install a mooring at a Location in excess of that maximum number if special circumstances warrant its doing so.
- (3) Also, the Authority intends that the limits mentioned in subclause (2) for the number of moorings for a Location will not include or apply to the following kinds of moorings in the Planning Area:
  - (a) a mooring within a mooring site or pontoon site;
  - (b) a mooring installed for the purpose of research;
  - (c) an ancillary mooring;
  - (d) a mooring temporarily relocated under subclause 1.16 (9).

*Note 1* Even though a limit will not apply to a mooring mentioned in subclause (3), the installation of the mooring will continue to be subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a mooring. The processes under the Regulations include an assessment of the suitability of the proposed installation site.

*Note 2* Under subclause 1.16 (10), no permitted tourist facility (which includes a mooring mentioned in paragraph (3) (d)) will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared.

- (4) Public moorings are not limited by this Plan.
- (5) Relevant permissions will not be granted for the installation in a Location of a permanently moored facility other than moorings or pontoons, unless the facility is:



- (a) to be installed or operated within a mooring or pontoon site by the person holding the relevant permission for the mooring or pontoon at that site; or
  - (b) for the purposes of research or navigation aides and associated structures; or
  - (c) the subject of an existing permission; or
  - (d) an ancillary mooring.
- (6) Permitted moorings and pontoon sites will be protected from anchoring damage. Vessels or aircraft will not be allowed to anchor within a mooring or a pontoon site, other than at Lizard Island Locality 2, Lizard Island Locality 3, Cape Tribulation Bay Locality 1, East Hope Island Reef (15-065), Low Island Locality and Green Island Reef Locality 1.

*Note* Under reef wide regulations all permitted moorings will have to be marked by standard buoyage for public recognition.

- (7) Only 1 primary mooring per mooring site will be allowed.
- (8) The Authority has made provision for a pontoon at Hastings Reef Locality 1, but does not intend to grant 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.
- (9) If a place (*original place*) in the Planning Area is severely damaged by a severe environmental incident, the Authority may:
- (a) if a permitted tourist facility was, before the incident, installed at the original place — allow the facility to be temporarily relocated to a different place in the Planning Area; or
  - (b) if a permitted tourist facility was, before the incident, installed at the original place and the facility was destroyed by the incident — allow the operator of the facility to temporarily install a new facility in a different place in the Planning Area; or
  - (c) if a permitted tourist program normally operates at the original place — allow the program to operate temporarily at a different place in the Planning Area.

#### *Marine Tourism Contingency Plan*

- (10) No permitted tourist facility or permitted tourist program will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.
- (11) A Marine Tourism Contingency Plan is required to specify:
- (a) the circumstances in which the Authority will allow a permitted tourist facility or permitted tourist program to temporarily relocate to a different place in the Planning Area; and
  - (b) the places to which a permitted tourist facility or permitted tourist program can relocate.

### Clause 1.17

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- (12) For subclauses (8) and (9), a severe environmental incident may be, for example, an oil spill or a cyclone.
- (13) For subclause (9), a permitted tourist facility is a tourist facility the operation of which is authorised by a relevant permission.

*Note* The installation of a tourist facility mentioned in paragraphs (9) (a) and (b), or the operation of a tourist program mentioned in paragraph (9) (c), is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a tourist facility or to operate a tourist program. The processes under the Regulations include an assessment of the suitability of the proposed installation site for a tourist facility.

### 1.17 Reef Anchorages

- (1) Reef Anchorages are intended to:
  - (a) provide for some places where reasonable access will not be inhibited by moorings; and
  - (b) encourage the use of places that are least likely to cause damage to coral.
- (2) Reef Anchorages are listed in Schedule 8.
- (3) The Authority will not grant a relevant permission allowing the installation of new permitted moorings or pontoons in a Reef Anchorage, but may allow replacement of existing structures.
- (4) Reef Anchorages have been identified through consultation with users and compared to available information on coral cover, fish spawning aggregation sites and coral diversity.

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

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

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

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

### 1.18 Limitation on noisy activities

- (1) The Authority intends that a person must not operate a hovercraft (except at Lizard Island Locality 2) or conduct a motorised water sport in a Location because the Authority aims to:
  - (a) protect nature conservation values, including roosting and nesting birds where applicable; and
  - (b) encourage use of reefs for nature-based use and appreciation; and
  - (c) reduce disturbance to nature-based uses and other reasonable use.
- (2) This Plan limits the number of operations regularly using aircraft, and the Authority intends to not allow the conversion of tourist program

permissions involving the use of a vessel to use involving an aircraft. Generally, the Authority is less concerned with the mechanism of entry than the level and purposes of entry to the Planning Area, but studies have indicated that aircraft have impacts requiring special management.

### **1.19 Management of tourist programs**

- (1) The maximum number of vessels or aircraft operating tourist programs in the Planning Area per day will be limited, except those operating to permitted moorings or pontoons.
  - (2) New tourism operations and operations that do not meet the eligibility criteria of this Plan may only operate in the Planning Area up to 50 days a year. These operations will generally have to book for the Planning Area, and bookings will be limited to allow no more than 40 vessels a day access to the Planning Area. Tourism operations that meet eligibility criteria set out in Table 7 may be exempted from booking requirements. Neither bookings nor limits to the number of days' entry to the Planning Area are considered necessary for craftless operations, hire operations, scenic flights 500 feet above water or land, non-motorised craft operations or support service operations.
  - (3) A limited number of tourism operations that meet eligibility criteria may have access to the Planning Area up to all year, but with a limit of 50 days a year on the number of times the operation can visit any specific Location. Tourism operations that meet eligibility criteria may be exempted from the 50 days a year limit to specific Locations up to the number of days' use now permitted.
- (3A) Despite subclauses (2) and (3), the Authority intends to grant up to 20 new permissions for regional tour operations that permit the operations to have all-year access to the Planning Area without a booking.
- Note* In providing the new permissions mentioned in subclause (3A), the Authority prefers that new operations, where appropriate, use moorings. In future reviews of moorings in the Planning Area, the Authority will consider requirements for moorings for new operators.
- (3B) However, an operation under a permission mentioned in subclause (3A) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.
- Note* The booking limits for Sensitive Locations are set out in Schedule 5.
- (3C) A permission mentioned in subclause (3A) will not be granted until:
- (a) the Authority has prepared a system for allocating permissions for regional tour operations; and
  - (b) an application for the permission has been assessed in accordance with the Regulations.
- (3D) It is the intention of the Authority that 5 of the permissions mentioned in subclause (3A) will provide opportunities for aboriginal involvement in tourism in the Planning Area and, for that purpose, will be made available to persons who are traditional inhabitants and have traditional affiliations.

**Clause 1.19**

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- (3E) It is the intention of the Authority that 5 of the permissions mentioned in subclause (3A) will be reserved for persons undertaking tourism operations that operate predominantly from the Cooktown/Bloomfield area.
- (3F) The Authority intends that the permissions mentioned in subclause (3E) will be used for operations from the Cooktown/Bloomfield area. They will be issued for 1 year initially and their level of use will be reviewed at the end of that time. Upon application for continuation of the permission, the applicant, in addition to being assessed against the normal assessment criteria, will be required to demonstrate that the applicant has established the permitted tourism program into the Planning Area from the Cooktown/Bloomfield area on a regular basis. The Authority may place additional controls on any subsequent permission to ensure the permission is used in the manner intended.
- (4) New or existing operations to a permitted mooring or pontoon may operate all year, except to Sensitive Locations other than Cod Hole Locality or Lizard Island Locality 1.
- (6) The Authority may impose limits on use of specific permitted moorings or pontoons if necessary, irrespective of any agreements that may exist.
- (7) The Authority intends that permitted mooring and pontoon permission holders will exercise responsibility for managing use of permitted moorings and pontoons at levels and of a nature that maintains mooring and pontoon site values.
- (8) The Authority intends that permitted mooring and pontoon owners collectively will allow development of tourism growth potential.
- (9) The Authority intends that the flexibility inherent in allowing tourism operation growth associated with permitted moorings and pontoons will provide opportunity and incentives for diversity of tourism operations in the Planning Area.
- (10) The Authority encourages permitted mooring and pontoon owners to develop agreements for use of those facilities with other Marine Park users.
- (11) New operations, and existing operations unless authorised as an exception, will be required to have a booking to enter a Sensitive Location, and may not enter a specific Sensitive Location more than 50 days a year. Craftless operations, hire operations, non-motorised craft operations will not be required to have a booking. Also, Cairns Professional Game Fishing Association members operating to the Association's mooring at Michaelmas Cay Locality will not be required to book to access the Location.
- (12) Recognising that craftless operations, hire operations, and non-motorised craft operations are low impact operations, the Authority will not permit conversion between this kind of operation and other tourism operations.

*Long range roving operations*

- (12A) The Authority will grant a relevant permission for a long range roving operation only if the Authority received the application for the permission no later than 3 months after 27 October 1999.
- (12B) The Authority will not convert a relevant permission for a long range roving operation to a relevant permission for another kind of tourism operation.

*Support service operations*

- (12C) The Authority intends that a support service operation will have all-year access to the Planning Area without a booking.
- (12D) The Authority intends that a vessel or aircraft used to conduct a permitted support service operation should not:
- (a) be operated in continuous association with a vessel or aircraft being serviced as part of the support service operation; or
  - (b) remain associated with a vessel or aircraft being serviced for longer than is necessary to provide the service; or
  - (c) be used to offer services (including, for example, sale of food and drink) that are not essential to the continued safe and effective operation of a vessel or aircraft being serviced; or
  - (d) be used to transport a person for the purpose of tourism.
- (12E) The Authority will not convert a relevant permission for a support service operation to a relevant permission for another kind of tourism operation.

*Types of operations*

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

**Table 7      Types of tourism operations consistent with this Plan**

<b>Operation type</b>	<b>Permissions available</b>	<b>Eligibility requirements</b>
<b>Standard Tour Operation</b>	Permission for 50 days access per year to the Planning Area with a booking	Nil
(vessel or aircraft no more than 70 metres)	Permission may be endorsed to allow all-year access to the Planning Area without a booking if operating: <ul style="list-style-type: none"> <li>• to a pontoon or mooring</li> <li>• non-motorised craft, with a guide</li> <li>• scenic flights above 500 feet</li> </ul>	Nil
	Permission may be endorsed to allow more than 50 days access per year without a booking for activities in September, October, November or December that are primarily associated with gamefishing	Nil

**Clause 1.19**

Operation type	Permissions available	Eligibility requirements
<b>Long Range Roving Operation</b> (vessel no more than 35 metres)	Permission may be endorsed to allow the operation to be conducted above the group size limit to a specific Location, if currently permitted under existing permission	The permitted operation must have been conducted to that Location above the group size limit for at least 50 days in 1996, or there must be special circumstances
	Permission may be endorsed to allow more than 50 days access per year to Sensitive Locations without a booking, if currently permitted under existing permission	The permitted operation must have accessed that Location on at least 50 days in 1996, or there must be special circumstances
	For a non-motorised craft with a guide, permission may be endorsed to allow all-year access to the Planning Area without a booking, but no more than 50 days access per year to any Sensitive Location	Nil
	Permission for 100 days access per year to the Planning Area without a booking, but no more than 50 days access per year to any 1 Location, or permission for all-year access to the Planning Area without a booking if operating to a pontoon or mooring that is not in a Group A Sensitive Location or in East Hope Island Reef (15-065) Location, subject to: <ul style="list-style-type: none"> <li>• up to 2 visits, totalling no more than 48 hours, per Location in any 7 consecutive days</li> <li>• the operation must not have, or be advertised or promoted as having, regular destinations, routes or timetables</li> <li>• a vessel may be used for the operation only if the whole vessel has been chartered for the operation by a single client for 1 charter party, without bookings from individual passengers or agents</li> <li>• a vessel may be used for the operation only if it is surveyed for overnight use with provision for 8 or more sleeping berths</li> </ul>	Nil

Operation type	Permissions available	Eligibility requirements
<p><b>Regional Tour Operation</b> (vessel or aircraft no more than 70 metres)</p>	<ul style="list-style-type: none"> <li>• a vessel used for the operation must not carry more than 30 passengers (not including crew). However, the vessel may carry more than 30 passengers (not including crew) on no more than 10 days per year, subject to group size limits and the operator notifying the Authority, in writing, about such an operation before conducting the operation</li> <li>• a vessel used for the operation must have a master and crew</li> </ul> <p><i>Note 1</i> The Authority will consider granting a relevant permission for a long range roving operation only if the Authority received the application for the permission no later than 3 months after 27 October 1999 — see subclause 1.19 (12A).</p> <p><i>Note 2</i> It is intended that no further relevant permissions for long range roving operations in the Planning Area will be granted.</p> <p>Permission for all-year access to the Planning Area, but no more than 50 days access per year to any 1 Location, or permission for all-year access to the Planning Area without a booking if operating to a mooring or pontoon that is not in a Group A Sensitive Location or in East Hope Island Reef (15-065) Location</p>	<p>Either:</p> <p>(a) both of the following requirements:</p> <ul style="list-style-type: none"> <li>• the operation has been assessed as meeting the eligibility requirements;</li> <li>• a new permission or authorisation has been granted; or</li> </ul> <p>(b) all of the following requirements:</p> <ul style="list-style-type: none"> <li>• the operation had not applied for assessment against the eligibility criteria before the commencement of <i>Cairns Area Plan of Management Amendment 2002 (No. 1)</i>;</li> <li>• the relevant permission for the operation must have been in force on 22 June 1998;</li> </ul>

**Clause 1.19**

Operation type	Permissions available	Eligibility requirements
		<ul style="list-style-type: none"> <li>• the relevant permission must have permitted the operation to access the Planning Area on more than 50 days per year;</li> <li>• the relevant permission must not have limited the operation to being conducted while attached to a pontoon or permitted mooring;</li> <li>• the operation must have accessed the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances.</li> </ul>
	<p>Permission may be endorsed to allow a vessel to anchor on more than 50 days per year at a Location, other than a Sensitive Location, but only up to the frequency currently permitted under a permission that was in force on 22 June 1998</p>	<p><i>Note</i> The eligibility requirements are set out in subclause 1.23 (3).</p> <p>Under the permission, the operation must have been permitted to anchor a vessel in that Location on more than 50 days in 1996.</p>
	<p><i>Note</i> Operations which have been granted a permission for installation of a mooring at a Location under the mooring allocation will not be endorsed for more than 50 days anchoring access per year to that Location.</p>	
	<p>Permission may be endorsed to allow the operation to be conducted above the group size limit to a Location, other than a Sensitive Location, but only up to the group size currently permitted under an existing permission</p>	<p>Nil</p>
	<p>Permission may be endorsed to allow entry to a Group A Sensitive Location on more than 50 days per year without a booking, but only up to the frequency currently permitted under an existing permission</p>	<p>Either:</p> <p>(a) the operation must have accessed that Location on at least 50 days in 1996; or</p>



**Clause 1.19**

Operation type	Permissions available	Eligibility requirements
		<p>(b) all of the following requirements:</p> <ul style="list-style-type: none"><li>• the operation had not applied for assessment against the eligibility criteria before the commencement of <i>Cairns Area Plan of Management Amendment 2002 (No. 1)</i>;</li><li>• after the operation is assessed against the eligibility requirements, a new permission or authorisation is granted;</li><li>• the operation must have accessed that Location on at least 50 days during 1996, or there are special circumstances.</li></ul>
	Permission may be endorsed to allow entry to a Group B Sensitive Location on more than 50 days per year without a booking, up to the frequency currently permitted under an existing permission	<p><i>Note</i> The eligibility requirements are set out in subclause 1.23 (3).</p>
	Permission may be endorsed to allow the operation to be conducted above the group size limit to a Group A Sensitive Location, up to the number currently permitted under an existing permission	<p>Nil</p> <p>Either:</p> <p>(a) the operation must have accessed that Location at or above the group size limits on at least 50 days in 1996; or</p> <p>(b) all of the following requirements:</p> <ul style="list-style-type: none"><li>• the operation had not applied for assessment against the eligibility criteria before the commencement of <i>Cairns Area Plan of Management Amendment 2002 (No. 1)</i>;</li></ul>

**Clause 1.19**

Operation type	Permissions available	Eligibility requirements
		<ul style="list-style-type: none"> <li>• after the operation is assessed against the eligibility requirements, a new permission or authorisation is granted;</li> <li>• the operation must have accessed that Location at or above the group size limits on at least 50 days during 1996, or there are special circumstances.</li> </ul>
		<p><i>Note</i> The eligibility requirements are set out in subclause 1.23 (3).</p>
	<p>Permission may be endorsed to allow the operation to be conducted above the group size limit to a Group B Sensitive Location, up to the number currently permitted under an existing permission</p>	Nil
<p><b>Craftless Operation</b> (no vessel or aircraft)</p>	<p>All year access to the Planning Area (craftless operations that use a vessel or aircraft to enter the Planning Area will be limited to the same access and activities as permitted for that vessel or aircraft)</p>	Nil
<p><b>Hire Operation</b> (a vessel, available for timeshare, hire or charter without a master or crew, that is non-motorised or less than 6 metres in overall length)</p>	<p>Permission for all-year access to the Planning Area without a booking, but no more than 50 days access per year to any Sensitive Location</p>	Nil
<p><b>Support service Operation</b> (operation in which a vessel or aircraft is used to service another vessel to enable that vessel to continue operating safely and effectively)</p>	<p>Permission for all-year access to the Planning Area without a booking, subject to the following:</p> <ul style="list-style-type: none"> <li>• a vessel or aircraft used for the operation must not be operated in continuous association with a vessel or aircraft being serviced as part of the support service operation</li> <li>• a vessel or aircraft used for the operation must not remain associated with a vessel or aircraft being serviced for longer than is necessary to provide the service</li> </ul>	Nil

Operation type	Permissions available	Eligibility requirements
	<ul style="list-style-type: none"> <li>a vessel or aircraft used for the operation must not be used to offer services (including, for example, sale of food and drink) that are not essential to the continued safe and effective operation of a vessel or aircraft being serviced</li> <li>a vessel or aircraft used for the operation must not be used to transport a person for the purpose of tourism.</li> </ul>	
<b>Cruise Ship Operation</b> (vessel more than 70 metres)	<p>Permission for 50 days access per year to the Planning Area with a booking</p> <p>Permission may be endorsed to allow more than 50 days access per year to the Planning Area, if currently permitted under an existing permission</p> <p><i>Note 1</i> For conditions of ship anchoring, see clause 2.5.</p> <p><i>Note 2</i> A ship's tender may only be operated in certain Locations subject to certain restrictions — see clause 2.12B.</p>	<p>Nil</p> <p>The operation must have accessed the Planning Area on at least 50 days in 1996, or there must be special circumstances</p>

*Note* Table 7 summarises the types of tourism operations that are consistent with this Plan. For details about the operations, see clause 1.19. For provisions about transition and implementation, see Division 6.

## Division 6 Implementation

### 1.20 Implementation of this Plan

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

**Clause 1.21**

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**1.21 Permitted moorings and pontoons**

*Site plans*

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

**Table 8 Locations requiring site plans**

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

*Permitted moorings and pontoons*

- (3) The Authority intends the assessment of applications to install or operate permitted moorings and pontoons to remain subject to detailed impact assessment and decisions, which may include limits to use of specific moorings and pontoons as necessary.
- (4) The Authority may grant relevant permissions for moorings by inviting expressions of interest. In considering any expression of interest received, the fundamental consideration of the Authority will be to ensure the best possible outcome for the Marine Park.

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

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

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

**1.22 Tourism management generally**

- (1) As far as possible, the Authority intends to set requirements to protect values generically in relevant permissions or as general requirements by Location, rather than regulating individual operations.

- (2) This approach requires clear definition of categories of relevant permissions for tourism operations.

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

- (3) This Plan limits certain types of tourist programs whilst allowing for growth in tourist visitation to the Planning Area and greater flexibility for most tourism operations.
- (4) The Authority intends that for the purposes of this Plan, the only tourist program permissions that may be granted in the Planning Area are those consistent with the provisions of this Plan. The Authority intends that if a proposal is of the nature of a tourist program requiring a written permission under the Zoning Plan and is not provided for in this Plan, then it may lead to a proposal to alter this Plan in accordance with legislative requirements.
- (4A) Despite subclause (4), the Authority intends to grant up to 20 new permissions for regional tour operations that permit the operations to have all-year access to the Planning Area without a booking.
- (4B) However, an operation under a permission mentioned in subclause (4A) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.
- Note* The booking limits for Sensitive Locations are set out in Schedule 5.
- (4C) A permission mentioned in subclause (4A) will not be granted until:
- (a) the Authority has prepared a system for allocating permissions for regional tour operations; and
  - (b) an application for the permission has been assessed in accordance with the Regulations.
- (4D) It is the intention of the Authority that 5 of the permissions mentioned in subclause (4A) will provide opportunities for aboriginal involvement in tourism in the Planning Area and, for that purpose, will be made available to persons who are traditional inhabitants and have traditional affiliations.
- (4E) It is the intention of the Authority that 5 of the permissions mentioned in subclause (4A) will be reserved for persons undertaking tourism operations that operate predominantly from the Cooktown/Bloomfield area.
- (4F) The Authority intends that the permissions mentioned in subclause (4E) will be used for operations from the Cooktown/Bloomfield area. They will be issued for 1 year initially and their level of use will be reviewed at the end of that time. Upon application for continuation of the permission, the applicant, in addition to being assessed against the normal assessment criteria, will be required to demonstrate that the applicant has established the permitted tourism program into the Planning Area from the Cooktown/Bloomfield area on a regular basis. The Authority may place additional controls on any subsequent permission to ensure the permission is used in the manner intended.

**Clause 1.23**

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- (5) The essential requirements for categories of tourism operations in the Planning Area are as set out in this Plan.

**1.23 Types of tourism operations subject to eligibility requirements**

- (1) The Authority recognises Regional Tour Operations as a valid use of the Marine Park and of the Planning Area providing a range of experiences otherwise unavailable, but recognises that the number of such operations must be limited to protect the nature conservation, cultural and heritage, and scientific values and use opportunities of the Planning Area.
- (2) To protect the nature conservation, cultural and heritage, and scientific values, and use opportunities, of the Planning Area, a regional tour operation is permitted:
- (a) to operate in the Planning Area for up to 365 days per year; and
  - (b) to access a Location on no more than 50 days per year; and
  - (c) to access a Location on 365 days per year without a booking if operating to a mooring or pontoon that is not in a Group A Sensitive Location or in East Hope Island Reef (15-065) Location — if the operation meets the requirements of subclause (3) or (4).
- (3) A regional tour operation meets the requirements of this subclause if:
- (a) the operation has been assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access the Planning Area on more than 50 days per year;
    - (iii) the operation was not limited to operating while attached to a pontoon or permitted mooring;
    - (iv) the operation have accessed the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997 (inclusive); and
  - (b) a new permission or authorisation was granted following that assessment.
- (4) A regional tour operation meets the requirements of this subclause if:
- (a) an application, in relation to the operation, for assessment against the requirements in paragraph (3) (a), was not made before the commencement of *Cairns Area Plan of Management Amendment 2002 (No.1)*; and
  - (b) the operation has been assessed by the Authority as meeting those requirements.
- (5) However, for subclause (4), if special circumstances warrant an exception to the requirement in subparagraph (3) (a) (iv), the Authority will consider allowing the exception.
- (6) Despite paragraph (2) (b), a relevant permission for a regional tour operation may be endorsed to allow a vessel to anchor on more than 50 days per year (but no more than the number of days permitted under the relevant

permission before the commencement of this Plan) in a Location in the Planning Area if the applicant for the endorsement demonstrates that:

- (a) the relevant permission for the operation was in force on 22 June 1998; and
- (b) a vessel used to conduct the operation was permitted to anchor in the Location in the Planning Area on more than 50 days a year in 1996.

*Note 1* Non-motorised craft operations, long range roving operations, craftless operations, support service operations, hire operations and scenic flights operating above 500 feet to the Planning Area are not subject to eligibility to access the Planning Area — see Table 7 and subclauses 1.19 (2) and 2.9 (4).

*Note 2* Operations which have been granted a permission for installation of a mooring at a Location under the mooring allocation will not be endorsed for more than 50 days anchoring access per year to that Location.

- (7) Despite subclauses (2), (3), (4) and (6), the Authority intends to grant up to 20 new permissions for regional tour operations.
- (8) A permission mentioned in subclause (7) may permit a regional tour operation to have all-year access to the Planning Area without a booking.
- (8A) However, an operation under a permission mentioned in subclause (7) will be required to comply with, and will not be eligible for an exemption from, the booking requirements and limits that apply to Sensitive Locations.

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

- (9) A permission mentioned in subclause (7) will not be granted until:
  - (a) the Authority has prepared a system for allocating permissions for regional tour operations; and
  - (b) an application for the permission has been assessed in accordance with the Regulations.
- (10) It is the intention of the Authority that 5 of the permissions mentioned in subclause (7) will provide opportunities for aboriginal involvement in tourism in the Planning Area and, for that purpose, will be made available to persons who are traditional inhabitants and have traditional affiliations.
- (11) It is the intention of the Authority that 5 of the permissions mentioned in subclause (7) will be reserved for persons undertaking tourism operations that operate predominantly from the Cooktown/Bloomfield area.
- (12) The Authority intends that the permissions mentioned in subclause (11) will be used for operations from the Cooktown/Bloomfield area. They will be issued for 1 year initially and their level of use will be reviewed at the end of that time. Upon application for continuation of the permission, the applicant, in addition to being assessed against the normal assessment criteria, will be required to demonstrate that the applicant has established the permitted tourism program into the Planning Area from the Cooktown/Bloomfield area on a regular basis. The Authority may place additional controls on any subsequent permission to ensure the permission is used in the manner intended.

**Clause 1.24**

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**1.24 Exceptions available to tourism operations**

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

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

- (2) The Authority has made provision for exceptions to the limits of people per vessel or aircraft for tourism operations to a Location considering:
- (a) permittees eligible for an exemption have been operating validly; and
  - (b) there will be no increase in numbers over that currently permitted above the numbers limit.
- (3) This Plan provides for some exceptions to the limits of people per vessel or aircraft at a Location for tourism operations, if the permittee demonstrates:
- (a) the operation is to a permitted pontoon or mooring in a pontoon site; or
  - (b) the permission for the operation was in force on 22 June 1998 and, before that day, the operation was permitted to access the Planning Area on more than 50 days per year and did access the Planning Area on at least 50 days in the period from 1 January 1996 to 30 June 1997 inclusive; or
  - (c) the operation was permitted to be conducted to that Location carrying more than the group size limit for that Location for at least 50 days in 1996.
- (4) The Authority's intent is that a permitted exception to a number limit would not be a reason for reduction in the number of persons that may be carried on a vessel or aircraft to a Location.

*Exceptions to group size limits at Sensitive Locations*

- (5) This subclause provides for exceptions to the limits of the number of people per vessel or aircraft at a Sensitive Location for a tourism operation, if:
- (a) a new permission or authorisation was granted in relation to the operation because the operation was assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access the Sensitive Location more than 50 days per year;
    - (iii) the operation accessed the Sensitive Location on at least 50 days in 1996 carrying more people than the limit now set for that Location; or
  - (b) an application, in relation to the operation, for assessment against the eligibility requirements in paragraph (a), was not made before the commencement of the *Cairns Area Plan of Management Amendment 2002 (No. 1)* and the operation has been assessed by the Authority as meeting the following eligibility requirements:



- (i) the relevant permission for the operation was in force on 22 June 1998;
  - (ii) the operation was permitted to access the Sensitive Location more than 50 days per year;
  - (iii) the operation accessed the Sensitive Location on at least 50 days in 1996 carrying more people than the limit now set for that Location, or special circumstances warrant the grant of an exception to this requirement; or
- (c) the relevant permission for the operation was in force on 22 June 1998 and, in 1996, the operation was permitted to access a Group B Sensitive Location carrying more people than the limit now set for Group B Sensitive Locations.

*Exceptions to booking requirements — Group A Sensitive Locations*

- (6) This subclause provides for exceptions to the booking requirement for tourism operations to access a Group A Sensitive Location, if the operator demonstrates that:
- (a) a new permission was granted in relation to the operation because the operation was assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access a Group A Sensitive Location for at least 50 days in 1996;
    - (iii) the operation accessed a Group A Sensitive Location on at least 50 days in 1996; or
  - (b) an application, in relation to the operation, for assessment against the eligibility requirements in paragraph (a), was not made before the commencement of the *Cairns Area Plan of Management Amendment 2002 (No. 1)* and the operation has been assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access a Group A Sensitive Location for at least 50 days in 1996;
    - (iii) the operation accessed a Group A Sensitive Location on at least 50 days in 1996, or special circumstances warrant the granting of an exception to this requirement.

*Exceptions to booking requirements — Group B Sensitive Locations*

- (6A) This subclause provides for exceptions to the booking requirement for tourism operations to access a Group B Sensitive Location, if the operator demonstrates that:
- (a) a new permission was granted in relation to the operation because the operation was assessed by the Authority as meeting the following eligibility requirements:

**Clause 1.24**

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- (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access the Planning Area for at least 50 days per year during the period from 1 January 1996 to 30 June 1997 (inclusive);
    - (iii) the operation accessed the Planning Area on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive); or
  - (b) an application, in relation to the operation, for assessment against the eligibility requirements in paragraph (a), was not made before the commencement of the *Cairns Area Plan of Management Amendment 2002 (No. 1)* and the operation has been assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to access the Planning Area for at least 50 days per year during the period from 1 January 1996 to 30 June 1997 (inclusive);
    - (iii) the operation accessed the Planning Area on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive), or special circumstances warrant the granting of an exception to this requirement.
- (7) The Authority has made provision for these exceptions at Sensitive Locations for tourism operations considering:
- (a) applicants eligible for an exception have been operating validly under a relevant permission for which there has been detailed assessment of impacts at that Location; and
  - (b) there will be no increase in numbers over that now permitted above the numbers limit; and
  - (c) there will be no increase in the number of visits permitted to these Locations.
- (8) It is the Authority's intent to maintain values of these Locations, and while continued growth in use is likely to impair these values, current levels of use, combined with special provisions as necessary for management of activities at the Location, are unlikely to impair values.
- (9) The Authority's intent is that a permitted exception to the limits of people per vessel or aircraft for a tourism operation at a Sensitive Location alone would not be a reason for reduction in the number of persons that may be carried on a vessel or aircraft to a Location.
- (10) Detailed impact assessment at these Locations will continue as necessary.
- (11) Tourism operations using aircraft will only be eligible to access a Sensitive Location, if eligible to be endorsed for more than 50 days per year access and no booking is required. Tourism operations using aircraft not eligible for these endorsements will not be able to access a Sensitive Location. This

provision does not apply to Lizard Island Locality 1 and the Cod Hole Locality.

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

- (12) This subclause provides for exceptions to the limit of 50 days entry to the Planning Area by a cruise ship operation if the operator demonstrates that:
- (a) a new permission was granted in relation to the operation because the operation was assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to operate in the Planning Area on more than 50 days per year;
    - (iii) the operation accessed the Planning Area on at least 50 days in 1996; or
  - (b) an application, in relation to the operation, for assessment against the eligibility requirements in paragraph (a), was not made before the commencement of the *Cairns Area Plan of Management Amendment 2002 (No. 1)* and the operation has been assessed by the Authority as meeting the following eligibility requirements:
    - (i) the relevant permission for the operation was in force on 22 June 1998;
    - (ii) the operation was permitted to operate in the Planning Area on more than 50 days per year;
    - (iii) the operation accessed the Planning Area on at least 50 days in 1996, or special circumstances warrant the grant of an exception to this requirement.

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

- (13) This Plan provides for some exceptions to Standard Tour Operations that may be permitted or authorised to enter the Planning Area for more than 50 days without a booking if operating primarily for the purposes of gamefishing from September to December.
- (15) A relevant permission or authorisation to conduct operations primarily for the purpose of gamefishing in the Planning Area will not preclude other permitted tourism activities in the Planning Area. The Authority intends, that should suspected abuses of such permissions or authorisations occur (for example, operations gaining entry to the Planning Area with little or no association with gamefishing activities), proposals may be made to amend this Plan to manage gamefishing in more detail.

**1.25 Evidentiary requirements to establish eligibility**

- (1) Proof of eligibility for a relevant permission or authorisation for an exception to a tourism operation, may be by:

**Clause 1.26**

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- (a) reference to Environmental Management Charge returns held by the Authority before 6 August 1997; or
  - (b) reference to other official documents or records such as:
    - (i) vessel or aircraft log books; and
    - (ii) passenger manifests or dive logs; or
  - (c) proof of special circumstances, which may include personal illness or circumstances that prevented operations that would otherwise have enabled the permission holder to have met the eligibility criteria.
- (2) A person seeking to prove eligibility by reference to documents or records not held by the Authority on 6 August 1997 will be required to provide evidence not only of the number of days entry to the Planning Area or Location required for the eligibility criteria, but also of all tourism operations conducted in the Marine Park in the year or years during which it is claimed the eligibility criteria are met.
- (3) A person seeking the grant of a relevant permission or an authorisation for an exception for a Regional Tour Operation, a Standard Tour Operation or Cruise Ship Operation must apply for the relevant permission or authorisation and provide information in support of their application.

**1.26 Multiple permission replication issues**

- (1) It will not be possible to manage tourism use successfully if a person can hold several relevant permissions for the same purpose using the same vessels or aircraft.

*Note* For example, the 50-day access and booking requirement is intended to allow seasonal game fishing and visiting roving tourist operations to access the Planning Area on a seasonal and otherwise occasional basis. It is not intended to provide for the establishment of new daily operations in the Area.

- (2) The Authority will not grant a relevant permission or authorisation to a person to use a vessel or aircraft to conduct a tourist program, or approve the transfer of such a permission to a person, if doing so would result in the person holding more than 1 relevant permission or authorisation that authorises the use of the vessel or aircraft for the tourist program in the Planning Area.
- (3) A person who holds a relevant permission or authorisation for a Regional Tour Operation for a vessel with an authority allowing more than 50 days entry to a Sensitive Location without a requirement to make a booking will not be able to make a booking for that vessel to enter the Sensitive Location.

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## **Part 2                      Enforcement provisions**

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

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

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

### **Division 1                      Preliminary**

#### **2.1                      How many people on a vessel or aircraft**

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

#### **2.2                      Length of a vessel or aircraft**

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

#### **2.3                      When this Part does not apply**

- (1) Nothing in this Part prohibits or restricts anything being done:
  - (a) by a law-enforcement authority of the Commonwealth or Queensland for its work; or
  - (b) for observation or surveillance by, or on behalf of, an authority of the Commonwealth or Queensland; or
  - (c) in accordance with Part 5 of the Zoning Plan; or
  - (d) in accordance with a relevant permission, granted under the Regulations, authorising the carrying on of an activity not mentioned in, or considered by the Authority in the preparation of, this Plan.

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

**Clause 2.4**

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

## **Division 2 Limits on anchoring and mooring vessels and aircraft**

### **2.4 Where large vessels may anchor**

- (1) Subject to subclause (1A), a person must not anchor a large vessel in a Location except:
- (a) in a Reef Anchorage; or
  - (b) in a Location mentioned in subclause (2) on a day if, on that day:
    - (i) the person is operating the vessel other than as part of a tourist program; or
    - (ii) the person is operating the vessel as part of a tourist program and has a booking for the Location.
- (1A) If a large vessel is seeking protection from a wind blowing generally from the north, a person may anchor the large vessel in a Location (but outside any Reef Anchorage in the Location) listed in Schedule 6C, but only if the Authority has approved an anchoring strategy for the vessel at that Location and the anchoring is carried out in accordance with the strategy.

*Note* **Large vessel** is defined as a vessel of more than 35 and no more than 70 metres in overall length — see Schedule 9.

- (2) For paragraph (1) (b), the Locations are the following:
- (a) Lizard Island Locality 2;
  - (b) Lizard Island Locality 3;
  - (c) Ribbon Reef No. 2 (15-075) Location;
  - (d) Ribbon Reef No. 5 (15-038) Location.
- (4) If a large vessel is anchored in Lizard Island Locality 2 or 3, a person must not anchor a large vessel in the other of those Localities.

### **2.4A Anchoring strategy for large vessels**

- (1) The Authority may approve, on application by a person operating a large vessel, an anchoring strategy for the vessel for a Location.
- (2) An application for 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 nomination by the applicant of sites for anchoring under the proposed anchoring strategy; and
  - (c) a description (by diagram or otherwise) of the amount of coral cover at the nominated anchoring sites; and
  - (d) any other information reasonably required by the Authority.

- (3) When considering an application for an approved anchoring strategy, the Authority is to take into account the objects of plans of management set out in section 39Y of the Act.

## **2.5 Where ships may anchor**

- (1) A person must not anchor a ship in a Location except in one of the following Locations, and only on a day when the person has a booking for the Location on that day:
  - (a) Lizard Island Locality 2;
  - (b) Lizard Island Locality 3;
  - (c) Ribbon Reef No. 2 (15-075) Location;
  - (d) Ribbon Reef No. 5 (15-038) Location.

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

- (2) If a ship is anchored in a Location mentioned in subclause (1), a person must not anchor another ship in that Location.
- (3) Also, if a ship is anchored in Lizard Island Locality 2 or 3, a person must not anchor another ship in the other of those Localities.

## **2.6 Anchoring in mooring sites and pontoon sites**

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

- (a) Lizard Island Locality 2;
- (b) Lizard Island Locality 3;
- (c) Cape Tribulation Bay Locality 1;
- (d) East Hope Island Reef (15-065);
- (e) Low Island Locality; or
- (f) Green Island Reef Locality 1.

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

## **2.7 Anchoring in Lizard Island Locality 1**

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

## **2.8 Anchoring within Cod Hole Locality**

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

## **2.8A Permitted moorings and pontoons**

- (1) The maximum numbers of moorings and pontoons that the Authority may allow at each Location are listed in Schedules 6 and 7 respectively.
- (2) The Authority must not allow any moorings or pontoons to be installed at a Location not mentioned in Schedule 6 or 7.

**Clause 2.9**

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**Division 3 Restrictions on use of vessels and aircraft**

**2.9 Restrictions on access by tourist programs to the Planning Area, other than Sensitive Locations**

- (1) This clause applies to the Planning Area, other than Sensitive Locations.
- (1A) A person must not conduct a tourism operation in the Planning Area on more than 50 days per year if the operation involves the use of a vessel or aircraft.
- (2) A person must not conduct a tourism operation on a day in the Planning Area unless the person has a booking for the operation on the day for the Planning Area.
- (3) However, subclauses (1A) and (2) do not apply to a person conducting a tourism operation that involves operating to a permitted mooring or permitted pontoon if the mooring or pontoon is not in a Group A Sensitive Location or in East Hope Island Reef (15-065) Location.
- (4) In subclause (3), *operating to a permitted mooring or permitted pontoon* means operating a vessel, as part of a tourism operation, that remains attached to the mooring or pontoon during the operation except when transiting the Marine Park to or from the mooring or pontoon by the most direct reasonable route.
- (5) Also, subclauses (1A) and (2) do not apply to a person:
  - (a) conducting a craftless operation; or
  - (b) operating a non-motorised craft with a guide; or
  - (c) operating an aircraft to conduct a scenic flight, if the aircraft does not descend below 500 feet above ground or water while in the Planning Area; or
  - (d) conducting a hire operation; or
  - (e) operating a vessel or aircraft in September, October, November or December primarily for the purpose of gamefishing; or
  - (f) conducting a long range roving operation; or
  - (g) conducting a support service operation.
- (5A) Also, subclauses (1A) and (2) do not apply to a person operating a vessel or aircraft in accordance with an authorisation granted on or after 27 October 1999.
- (5B) If a relevant permission granted on or after 27 October 1999 mentions that a person may do a thing despite subclause (1A) or (2), that subclause does not prevent the person doing that thing in accordance with the relevant permission.
- (6) Also, subclauses (1A) and (2) do not apply to a person operating a vessel or aircraft if the person who does so applied to the Authority before 1 July 1999 for an authorisation for the operation, and the Authority has not made a decision on the application.



- (7) For subclause (6), the Authority may treat an application received on or after 1 July 1999 as if it had been received before 1 July 1999 if special circumstances warrant its doing so.

## **2.10 Restrictions on access to Sensitive Locations for tourist programs**

- (1) A person must not conduct a tourism operation in a Sensitive Location on more than 50 days per year if the operation involves the use of a vessel or aircraft.

*Note* The Sensitive Locations are set out in Schedule 5.

- (2) A person must not conduct a tourism operation in a Sensitive Location unless the person has a booking for the operation in that Location for the day on which the operation is conducted.
- (2A) A person must not operate an aircraft to conduct a tourist program in a Sensitive Location.
- (3) However, subclauses (1), (2) and (2A) do not apply to a person operating a vessel or aircraft to conduct a support service operation.
- (4) Also, subclauses (1), (2) and (2A) do not apply to a person operating a vessel or aircraft in Cod Hole Locality or Lizard Island Locality 1.
- (5) Also, subclauses (1), (2) and (2A) do not apply to a person operating a vessel or aircraft according to an authorisation granted on or after 27 October 1999.
- (6) Also, subclause (2) does not apply to a person:
- (a) conducting a craftless operation; or
  - (b) operating a non-motorised craft with a guide; or
  - (c) operating a vessel to conduct a hire operation.
- (6A) Also, if a relevant permission granted on or after 27 October 1999 mentions that a person may do a thing despite subclause (1), (2) or (2A), that subclause does not prevent the person doing that thing according to the relevant permission.
- (7) Also, subclauses (1), (2) and (2A) do not apply to a person operating a vessel or aircraft if the person who does so applied to the Authority before 1 July 1999 for an authorisation for the operation, and the Authority has not made a decision on the application.
- (8) Also, subclause (2) does not 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.
- (10) For subclause (7), the Authority may treat an application received on or after 1 July 1999 as if it had been received before 1 July 1999 if special circumstances warrant its doing so.

**Clause 2.11**

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- (11) A person must not accept a booking for a vessel to enter a Sensitive Location on a day if accepting the booking would result in the number of bookings for that Location for that day being greater than the number mentioned in column 4 of the entry for that Location in Schedule 5.

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

- (1) A person must not take a vessel or aircraft that is carrying more than 15 people into a low use Location.

*Note* The *low use Locations* are set out in Schedule 4.

- (3) A person must not take a vessel or aircraft that is carrying more than 60 people into a moderate use Location.

*Note* The *moderate use Locations* are set out in Schedule 4.

- (3A) However, subclauses (1) and (3) do not apply to a person who:

- (a) takes a vessel into waters in Blue Lagoon at Lizard Island Locality 4, if the person does so for protection against a wind generally from the north; or
- (b) takes a large vessel into waters (outside a Reef Anchorage) at Lizard Island Locality 4, Ribbon Reef No 3 (15-050), Ribbon Reef No 9 (14-154), Thetford Reef (16-068), Moore Reef Locality 2, unnamed reef (14-153), if:
- (i) the person does so for protection against a wind generally from the north; and
  - (ii) the conditions in subclause (3B) are satisfied; and
  - (iii) the Authority has approved an anchoring strategy for the vessel at that Location; and
  - (iv) the anchoring is carried out in accordance with the anchoring strategy; or
- (c) takes a vessel into waters at a Location mentioned in Schedule 6A to moor the vessel at a mooring, if the conditions in subclause (3B) are satisfied; or
- (d) takes a vessel into waters at Hastings Reef Locality 2 to moor the vessel at a mooring if the condition in paragraph (3B) (a) is satisfied; or
- (e) takes a vessel into a Reef Anchorage in a Location mentioned in Schedule 6B if the conditions in subclause (3B) are satisfied.

- (3B) For paragraphs (3A) (b), (c), (d) and (e) the conditions are that:

- (a) the person is operating the vessel as part of a tourist program; and
- (b) the vessel is carrying no more than 100 people.

- (4) However, subclauses (1) and (3) do not prohibit a person from taking a vessel or aircraft into a Location:

- (a) in transit; or
- (b) if it is operating to a pontoon, or mooring in a pontoon site (except a pontoon or site in the Low Island Locality); or

**Clause 2.12**

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- (c) if it is being used by traditional inhabitants for aboriginal or islander traditional non-commercial purposes that do not involve taking plants, animals or marine product.
- (5) For paragraph (4) (a), a vessel or aircraft is *in transit* through a Location if it is being taken, by the shortest and most direct practicable route, through the Location to somewhere else.
- (6) Also, subclauses (1) and (3) do not prohibit a person from operating a vessel or aircraft:
  - (a) under, and in the way permitted by, an authorisation from the Authority; or
  - (b) in accordance with a relevant permission granted after this Part commences.

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

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

**2.12 Restrictions on access to Ribbon Reefs Sector**

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

**2.12A Support service operations**

A person conducting a support service operation must ensure that the vessel or aircraft used to conduct the operation:

- (a) is not operated in continuous association with a vessel or aircraft being serviced as part of the support service operation; and
- (b) does not remain associated with a vessel or aircraft being serviced for longer than is necessary to provide the service; and
- (c) is used only to offer services (not including, for example, sale of food and drink) that are essential to the continued safe and effective operation of a vessel or aircraft being serviced; and
- (d) is not used to transport a person for the purpose of tourism.

**Clause 2.12B**

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**2.12B Ships' tenders**

- (1) A person may operate a ship's tender at Low Island Locality or Green Island Reef Locality 1, 2 or 3 only to transfer passengers by the most direct reasonable route between the ship and:
  - (a) a place outside the Planning Area; or
  - (b) a tourist facility or a vessel within, or partly within, the Planning Area.
- (2) The person must ensure that, on the route, the ship's tender does not stop except:
  - (a) to pick up passengers; or
  - (b) for passengers to disembark at their destination; or
  - (c) in the case of an emergency.

**Division 4 Restrictions on activities in the Planning Area**

**2.14 Damaging coral**

- (1) A person must not damage coral.
- (2) However, subclause (1) does not apply to a person who:
  - (a) takes coral in accordance with a relevant permission that the person holds; or
  - (ab) is acting in accordance with an accredited coral harvest fishery; or
  - (b) damages coral while anchoring, if the person:
    - (i) takes reasonable care to avoid damaging the coral; and
    - (ii) uses an anchor of the kind called a reef pick; and
    - (iii) is anchoring in a Reef Anchorage; or
  - (c) in the case of a person responsible for anchoring a large vessel, damages coral by anchoring but:
    - (i) takes reasonable care to avoid damaging the coral; and
    - (ii) anchors in accordance with the approved anchoring strategy of that vessel for that Location.

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

**2.15 Hovercraft and motorised water sports**

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

## 2.16 Restrictions on fishing or collecting in Lizard Island Locality 1

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

## 2.17 Restrictions on activities in Low Island Locality

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

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

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

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

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

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

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

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

## 2.18 Restrictions on activities in Michaelmas Cay Locality

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

## Division 5 Limit on Authority's power to grant permissions

### 2.19 Permissions must be consistent with this Plan

The Authority must not grant a relevant permission that is inconsistent with a provision of this Plan.

**Clause 2.20**

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**2.20 Limit on granting or transferring permissions**

The Authority must not grant a relevant permission or authorisation to a person to use a vessel or aircraft to conduct a tourist program, or approve the transfer of such a permission to a person, if doing so would result in the person holding more than 1 relevant permission or authorisation that authorises the use of the vessel or aircraft for the tourist program in the Planning Area.

**2.21 Limit on converting permissions**

The Authority must not convert a relevant permission from or to any of the following permissions:

- (a) a relevant permission for a long range roving operation;
- (b) a relevant permission for a non-motorised craft operation;
- (c) a relevant permission for a hire operation;
- (d) a relevant permission for a craftless operation;
- (e) a relevant permission for a support service operation;
- (f) a relevant permission for a regional tour operation that operates predominantly from the Cooktown/Bloomfield area.

*Note* Regulation 77 of the Regulations deals with the grant of relevant permissions.

**2.22 Limit on the number of moorings in the Planning Area**

- (1) The Authority must not grant a relevant permission for the installation of a mooring in a Reef Anchorage.
- (2) However, subclause (1) does not apply to the grant of a relevant permission for the installation of a mooring to replace an existing mooring.
- (3) The Authority must not grant a relevant permission for the installation of a mooring in a Location mentioned in Table 8 unless a site plan under that clause has been prepared for the Location.

*Note* Table 8 sets out the Locations for which site plans are required.

- (4) The Authority must not grant a relevant permission for the installation of a mooring if granting the permission would result in relevant permissions, other than a relevant permission mentioned in subclause (5) or (6), being in force that authorise installation in a Location mentioned in Schedule 6 of a total of more than the number of moorings mentioned in the Schedule for that Location.
- (5) However, subclause (4) does not apply to the grant of a relevant permission to a person for the installation of a mooring in a Location mentioned in Schedule 6 if:
  - (a) the person:
    - (i) holds an existing permission that authorised the person to anchor a vessel or aircraft in the Location on more than 50 days in 1996; and

- (ii) gives the Authority information showing that the person anchored a vessel or aircraft in the Location on more than 50 days in 1996; and
  - (b) there are special circumstances for granting the relevant permission to the person.
- (6) Also, subclause (4) does not apply to the grant of a relevant permission for the installation of:
  - (a) a mooring within a mooring site or pontoon site; or
  - (b) a mooring for use in research; or
  - (c) an ancillary mooring; or
  - (d) a mooring as part of its temporary relocation or replacement under subclause 1.16 (9).

*Note 1* Even though a limit under subclause (4) does not apply to a mooring mentioned in subclause (6), the installation of the mooring is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a mooring. The processes under the Regulations include an assessment of the suitability of the proposed installation site.

*Note 2* Under subclause 1.16 (10), no permitted tourist facility (which includes a mooring mentioned in paragraph (6) (d)) will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.

## **2.23 Limit on the number of pontoons in the Planning Area**

- (1) The Authority must not grant a relevant permission for the installation of a pontoon if granting the permission would result in relevant permissions being in force that authorise installation in a Location mentioned in Schedule 7 of a total of more than the number of pontoons mentioned in the Schedule for that Location.
- (2) The Authority must not grant a relevant permission for the installation of a pontoon in a Location mentioned in Table 8 in clause 1.21 unless a site plan under that clause has been prepared for the Location.

*Note* Table 8 sets out the Locations for which site plans are required.

- (3) Subclauses (1) and (2) do 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 1.16 (9).

*Note* Under subclause 1.16 (10), no permitted tourist facility (which includes a pontoon mentioned in subclause (3)) will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.

## **2.24 Limit on granting relevant permissions for whale watching activities**

The Authority must not grant a relevant permission for a tourist program that includes whale watching activities in the Planning Area if granting the permission would result in the number of such permissions in force at that

**Clause 2.25**

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time being greater than the number of permissions in force for whale watching activities in the Planning Area on 22 June 1998.

**2.25 Restrictions on granting relevant permissions for swimming-with-whales activities**

- (1) The Authority must not grant a relevant permission to conduct swimming-with-whales activities in the Planning Area if granting the permission would result in more than nine such permissions being in force.
- (2) The Authority may grant a relevant permission (the *new permission*) for swimming-with-whales activities in the Planning Area only if:
  - (a) the permission is of the same kind in relation to the carrying on of the same activities in the same zone or area as a relevant permission (the *old permission*) that was in force immediately before the new permission is granted; and
  - (b) the new permission replaces the old permission.

*Note* Subregulation 77 (4) and regulation 105 of the Regulations provide for when a relevant permission ceases to be in force.

**2.26 Granting relevant permissions for long range roving operations**

- (1) The Authority may grant a relevant permission (the *new permission*) for a long range roving operation only if:
  - (a) the permission is of the same kind in relation to the carrying on of the same activities in the same zone or area as a relevant permission (the *old permission*) that was in force immediately before the new permission is granted; and
  - (b) the new permission replaces the old permission.

*Note* Subregulation 77 (4) and regulation 105 of the Regulations provide for when a relevant permission ceases to be in force.

**2.27 Granting new permissions for regional tour operations**

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

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

- (3) Five of the permissions mentioned in subclause (1) may be granted to persons who are traditional inhabitants and have traditional affiliations.
- (3A) Five of the permissions mentioned in subclause (1) may be reserved for tour operations that operate predominantly from the Cooktown/Bloomfield area.



- (4) However, a permission mentioned in subclause (1) must not be granted until:
- (a) the Authority has prepared a system for allocating permissions for regional tour operations; and
  - (b) an application for the permission has been assessed in accordance with the Regulations.

## Schedule 1 Cairns Area Description

The Cairns Area comprises:

- (a) the area of the Great Barrier Reef Marine Park the boundary of which is defined by the coastal 1500 metre line around the island group comprising the 4 islands — Lizard Island (14-116a), Palfrey Island (14-116b), South Island (14-116c) and Seabird Islet (14-116d); and
- (b) the area of the Great Barrier Reef Marine Park the boundary of which:
  - (i) commences at the easternmost intersection of the parallel of latitude 17°19.95' south by the 5 kilometre line, at or about latitude 17°19.95' south, longitude 146°04.14' east;
  - (ii) runs then generally northerly along that 5 kilometre line to its intersection by the 1 kilometre line around High Island, at or about latitude 17°10.55' south, longitude 146°00.66' east;
  - (iii) then generally north-westerly, northerly and north-easterly along that 1 kilometre line to its intersection by the 5 kilometre line, at or about latitude 17°08.76' south, longitude 146°00.20' east;
  - (iv) then generally north-westerly and northerly along the 5 kilometre line to its southernmost intersection by the 5 kilometre line around Fitzroy Island;
  - (v) then generally easterly, north-easterly, northerly, north-westerly and westerly along that 5 kilometre line to its intersection by the 5 kilometre line;
  - (vi) then generally north-westerly and westerly along the 5 kilometre line to its intersection by the geodesic between the point of latitude 16°49.70' south, longitude 145°53.40' east and the intersection of the parallel of latitude 16°47.20' south by the 5 kilometre line and then along this geodesic to its intersection with the 5 kilometre line;
  - (vii) then north-westerly, northerly and north-easterly along the 5 kilometre line to its intersection with the geodesic between the point of latitude 16°19.00' south, longitude 145°30.00' east and the intersection of the parallel of latitude 16°17.00' south with the coastline at low water;
  - (viii) then north-westerly along that geodesic to the intersection of the parallel of latitude 16°17.00' south with the coastline at low water;
  - (ix) then generally northerly and north-westerly along that coastline at low water to its intersection by the meridian of longitude 145°22.71' east;
  - (x) then north-easterly along the geodesic to the point of latitude 15°43.00' south, longitude 145°25.33' east;
  - (xi) then easterly along the geodesic to the point of latitude 15°42.85' south, longitude 145°28.23' east;
  - (xii) then south-easterly along the geodesic to the point of latitude 15°45.70' south, longitude 145°35.30' east;

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

## Schedule 2      Sector Descriptions

### 1.      **Lizard Island Sector**

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

### 2.      **Ribbon Reefs Sector**

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

- (a) commences at the point of latitude 15°42.55' south, longitude 145°45.86' east;
- (b) runs then northerly along the geodesic to the point of latitude 15°07.20' south, longitude 145°39.86' east;
- (c) then north-westerly along the geodesic to the point of latitude 15°04.23' south, longitude 145°37.98' east;
- (d) then northerly along the geodesic to the point of latitude 14°42.80' south, longitude 145°39.95' east;
- (e) then north-westerly along the geodesic to the point of latitude 14°27.26' south, longitude 145°26.73' east;
- (f) then north-westerly along the geodesic to the point of latitude 14°25.05' south, longitude 145°25.78' east;
- (g) then north-easterly along that geodesic to the point of latitude 14°18.27' south, longitude 145°39.00' east;
- (h) then south-easterly along the geodesic to the point of latitude 15°00.00' south, longitude 146°00.00' east;
- (i) then south-easterly along the geodesic that passes through the point of latitude 17°30.00' south, longitude 147°00.00' east to its intersection by the parallel of latitude 15°32.01' south; and
- (j) then south-westerly along the geodesic to the point of commencement.

### 3.      **Offshore Port Douglas Sector**

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

- (a) commences at the easternmost intersection of the parallel of latitude 16°41.90' south by the 5 kilometre line, at or about latitude 16°41.90' south, longitude 145°41.46' east;
- (b) runs then generally north-westerly, northerly and north-easterly along the 5 kilometre line to its intersection with the geodesic between the point of latitude 16°19.00' south, longitude 145°30.00' east and the

intersection of the parallel of latitude 16°17.00' south with the coastline at low water;

- (c) then north-westerly along that geodesic to the intersection of the parallel of latitude 16°17.00' south with the coastline at low water;
- (d) then generally northerly and north-westerly along that coastline at low water to its intersection by the meridian of longitude 145°22.71' east;
- (e) then north-easterly along the geodesic to the point of latitude 15°43.00' south, longitude 145°25.33' east;
- (f) then easterly along the geodesic to the point of latitude 15°42.85' south, longitude 145°28.23' east;
- (g) then south-easterly along the geodesic to the point of latitude 15°45.70' south, longitude 145°35.30' east;
- (h) then north-easterly along the geodesic to the point of latitude 15°42.55' south, longitude 145°45.86' east;
- (i) then north-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 15°32.01' south;
- (j) then south-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude 15°00.00' south, longitude 146°00.00' east and the point of latitude 17°30.00' south, longitude 147°00.00' east by the parallel of latitude 15°49.65' south; and
- (k) then south-westerly along the geodesic to the point of commencement.

#### 4. Offshore Cairns Sector

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

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

- (f) then south-westerly along the geodesic to the point of commencement.

## **5. South Offshore Cairns Sector**

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

- (a) commences at the point of latitude  $17^{\circ}15.86'$  south, longitude  $146^{\circ}08.40'$  east;
- (b) runs then north-westerly along the geodesic to the easternmost intersection of the parallel of latitude  $17^{\circ}06.18'$  south by the 5 kilometre line, at or about latitude  $17^{\circ}06.18'$  south, longitude  $145^{\circ}59.03'$  east;
- (c) then generally north-westerly and northerly along the 5 kilometre line to its southernmost intersection by the 5 kilometre line around Fitzroy Island;
- (d) then generally easterly, north-easterly, northerly, north-westerly and westerly along that 5 kilometre line to its intersection by the 5 kilometre line;
- (e) then generally north-westerly along that 5 kilometre line to its easternmost intersection by the parallel of latitude  $16^{\circ}50.30'$  south;
- (f) then north-easterly along the geodesic to the point of intersection of the geodesic between the point of latitude  $15^{\circ}00.00'$  south, longitude  $146^{\circ}00.00'$  east and the point of latitude  $17^{\circ}30.00'$  south, longitude  $147^{\circ}00.00'$  east by the parallel of latitude  $16^{\circ}28.86'$  south;
- (g) then south-easterly along the geodesic that passes through the point of latitude  $17^{\circ}30.00'$  south, longitude  $147^{\circ}00.00'$  east to its intersection by the parallel of latitude  $16^{\circ}44.60'$  south; and
- (h) then south-westerly along the geodesic to the point of commencement.

## **6. Frankland Islands Sector**

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

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

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## Schedule 3      Locality Descriptions

### 1.      Lizard Island Locality 1

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

- (a) commences at the southern end of Turtle Beach at low water;
- (b) runs then generally south-westerly along the geodesic on a bearing of  $235^{\circ}$  for a distance of approximately 1850 metres to the point of latitude  $14^{\circ}39.80'$  south, longitude  $145^{\circ}26.20'$  east;
- (c) then northerly along the geodesic for a distance of approximately 2200 metres to its intersection with the coastal 1500 metre line;
- (d) then generally north-easterly and easterly along the coastal 1500 metre line to its intersection with the meridian of longitude  $145^{\circ}27.21'$  east;
- (e) then southerly along that meridian to its intersection with the coastline of Lizard Island at low water, which is the northern extremity of North Point; and
- (f) then generally south-easterly along the coastline of Lizard Island at low water to the point of commencement.

### 2.      Lizard Island Locality 2

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

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

### 3.      Lizard Island Locality 3

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

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

#### **4. Lizard Island Locality 4**

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

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

#### **5. Cod Hole Locality**

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

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



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**6. Cape Tribulation Bay Locality 1**

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

- (a) commences at the intersection of the parallel of latitude 16°05.00' south by the coastline of the mainland at low water, south of Cape Tribulation;
- (b) runs then generally northerly and north-westerly along that coastline at low water to its intersection by the parallel of latitude 16°03.00' south;
- (c) then east along that parallel to its intersection by the coastal 500 metre line of the mainland;
- (d) then generally south-easterly and southerly along the coastal 500 metre line to its intersection by the parallel of latitude 16°05.00' south; and
- (e) then west along that parallel to the point of commencement.

**7. Cape Tribulation Bay Locality 2**

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

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

**8. Alexandra Bay Locality**

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

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

**9. Low Island Locality**

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

- (a) the meridians of longitude  $145^{\circ}33.43'$  east and  $145^{\circ}33.94'$  east; and
- (b) the parallels of latitude  $16^{\circ}22.94'$  south and  $16^{\circ}23.29'$  south.

**10. Hastings Reef Locality 1**

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

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

**11. Hastings Reef Locality 2**

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

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

**12. Michaelmas Cay Locality**

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

**13. Euston Reef Locality**

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

**14. Green Island Reef Locality 1**

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

- (a) commences at the intersection of the geodesic between the point of latitude  $16^{\circ}46.00'$  south, longitude  $145^{\circ}57.40'$  east and the point of latitude  $16^{\circ}44.61'$  south, longitude  $146^{\circ}01.00'$  east by the coastline of Green Island at low water on the southern side;

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

### 15. Green Island Reef Locality 2

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

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

### 16. Green Island Reef Locality 3

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

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

south, longitude 145°57.40' east and the point of latitude 16°44.61' south, longitude 146°01.00' east;

- (d) then north-easterly along that geodesic to its intersection by the 500 metre line of Green Island Reef; and
- (e) then generally south-easterly, south-westerly and north-westerly, along the 500 metre line to the point of commencement.

#### **17. Moore Reef Locality 1**

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

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

#### **18. Moore Reef Locality 2**

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

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

#### **19. Sudbury Cay Locality**

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

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## Schedule 4      Level of use at Locations

### 1.      LIZARD ISLAND SECTOR

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
Lizard Island Locality 2		Lizard Island Locality 1
Lizard Island Locality 3		Lizard Island Locality 4

### 2.      RIBBON REEFS SECTOR

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
Ribbon Reef No. 5 (15-038)	Hicks Reef (14-086)	
Ribbon Reef No. 2 (15-075)	Day Reef (14-089)	
	Yonge Reef (14-138)	
	No Name Reef (14-139)	
	unnamed reef (14-140)	
	Ribbon Reef No. 10 (14-146) (except the part described in item 5 of Schedule 3)	
	Cod Hole Locality	
	unnamed reef (14-151)	
	unnamed reef (14-152)	
	unnamed reef (14-153)	
	Ribbon Reef No. 9 (14-154)	
	unnamed reef (15-017)	
	Ribbon Reef No. 8 (15-021)	
	unnamed reef (15-023)	
	Harrier Reef (15-025)	
	Ribbon Reef No. 7 (15-026)	
	unnamed reef (15-034)	
	unnamed reef (15-037)	
	unnamed reef (15-040)	
	unnamed reef (15-041)	
	unnamed reef (15-042)	
	Ribbon Reef No. 4 (15-046)	
	Ribbon Reef No. 3 (15-050)	
	unnamed reef (15-072)	
	unnamed reef (15-073)	
	unnamed reef (15-079)	
	Ribbon Reef No. 1 (15-080)	
	Lena Reef (15-085)	

**3. OFFSHORE PORT DOUGLAS SECTOR**

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
Rachel Carson Reef (15-092)	Andersen Reef (15-090)	West Hope Island Reef (15-064)
Agincourt Reefs (15-099)	unnamed reef (15-091a)	East Hope Island Reef (15-065)
Agincourt No. 4 Reef (15-096)	unnamed reef (15-091b)	Pearl Reef (15-087)
Agincourt No. 3a Reef (15-099a)	Escape Reef (15-094)	Lake Reef (15-068)
Agincourt No. 2b Reef (15-099b)	Cape Tribulation Bay Locality 1	Ruby Reef (15-088)
Agincourt No. 2 Reef (no reef identification number)	Morning Reef (15-098)	Endeavour Reef (15-089)
Agincourt No. 2d Reef (15-099d)	Bonner Rock (15-097)	Pickersgill Reef (15-093)
Agincourt No. 1c Reef (15-099c)	Spitfire Reef (16-012a)	Evening Reef (15-095)
unnamed reef (16-013a)	Spitfire Reef (16-012b)	Cape Tribulation Bay Locality 2
unnamed reef (16-013b)	unnamed reef (16-011)	Alexandra Bay Locality
unnamed reef (16-013c)	unnamed reef (16-014a)	Black Rock (16-005)
St Crispin Reef (16-019)	unnamed reef (16-014b)	unnamed reef (16-022a)
	Mackay Reef (16-015)	unnamed reef (16-022b)
	unnamed reef (16-016)	Rudder Reef (16-023)
	unnamed reef (16-017)	Tongue Reef (16-026)
	unnamed reef (16-018a)	Snapper Island Reef (16-006)
	unnamed reef (16-018b)	unnamed reef (16-027)
	Undine Reef (16-020)	Low Isles Reef (16-028)
	Pratt Rock (16-021)	(except the part described in item 9 of Schedule 3)
	Chinaman Reef (16-024)	Low Island Locality
	Opal Reef (16-025)	Batt Reef (16-029)
		Satellite Reef (16-031)
		Egmont Reef (16-038)

**4. OFFSHORE CAIRNS SECTOR**

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
Norman Reef (16-030)	Saxon Reef (16-032)	Linden Bank (16-033)
Hastings Reef Locality 1	Hastings Reef Locality 2	Spur Reef (16-034)
	Jorgies Patches Reef (16-041)	Onyx Reef (16-035)
	Breaking Patches Reef (16-042)	Nicholas Reef (16-036)
	Oyster Reef (16-043)	Hope Reef (16-058)
	Pretty Patches (16-062a)	Pixie Reef (16-040)
	Pretty Patches (16-062b)	Michaelmas Reef (16-060)
	Pretty Patches (16-062c)	(except the part described in item 12 of Schedule 3)
	Upolu Cay Reef (16-046)	Michaelmas Cay Locality
	Green Island Reef Locality 1	unnamed reef (16-059)
		Fin Reef (16-061)

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<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
	Green Island Reef Locality 2	unnamed reef (16-044a) Vlasoff Reef (16-044b) Arlington Reef (16-064) Green Island Reef Locality 3

#### 5. SOUTH OFFSHORE CAIRNS SECTOR

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
Moore Reef Locality 1	Flynn Reef (16-065) Jenny Louise Shoal (16-066a) Jenny Louise Shoal (16-066b) Milln Reef (16-067) Thetford Reef (16-068) Baines Patches (16-069) Moore Reef Locality 2 Pellowe Reef (16-070) Channel Reef (16-075)	Euston Reef Locality Elford Reef (16-073) Briggs Reef (16-074) Sudbury Reef (17-001a) Sudbury Reef (17-001b) (except the part described in item 19 of Schedule 3) Sudbury Cay Locality Stagg Patches (17-002a) Stagg Patches (17-002b) Scott Reef (17-004)

#### 6. FRANKLAND ISLANDS SECTOR

<b>Intensive use Location</b>	<b>Moderate use Location</b>	<b>Low use Location</b>
		High Island Reef (17-009) Normanby Island Reefs (17-012a) Jones Patch (17-012b) Russell and Round Islands Reefs (17-013)

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## Schedule 5 Sensitive Locations

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

Column 1 Item	Column 2 Location	Column 3 Airspace height (feet)	Column 4 Bookings limit
<b>Part 1</b>	<b>Group A Sensitive Locations</b>		
1	Cape Tribulation Bay Locality 1	1 500	1 vessel per day
2	West Hope Island Reef Location	1 500	1 vessel per day
3	Snapper Island Reef Location	1 500	1 vessel per day
4	Low Island Locality	1 500	2 vessels per day
5	Michaelmas Cay Locality	3 000	1 vessel per day
6	Green Island Reef (16-049) Location	1 500	4 vessels per day
7	Sudbury Cay Locality	1 500	1 vessel per day
8	Franklands Islands Sector	1 500	1 vessel per day
<b>Part 2</b>	<b>Group B Sensitive Locations</b>		
9	Lizard Island Locality 1	500	no set limit
10	Cod Hole Locality	500	no set limit
11	East Hope Island Reef (15-065) Location	1 500	2 vessels per day

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## Schedule 6 Permanently moored facilities – permitted moorings

(clause 2.9)

### 1. LIZARD ISLAND SECTOR

Location	Allowed permitted moorings
Lizard Island Locality 1	1
Lizard Island Locality 2	7
Lizard Island Locality 3	6

### 2. RIBBON REEFS SECTOR

Location	Allowed permitted moorings
No Name Reef (14-139)	2
unnamed reef (14-140)	2
Ribbon Reef No. 10 (14-146) (except the part described in item 5 of Schedule 3)	2
Cod Hole Locality	2
unnamed reef (14-151)	2
unnamed reef (14-152)	2
unnamed reef (14-153)	1
Ribbon Reef No. 9 (14-154)	1
unnamed reef (15-017)	1
unnamed reef (15-023)	1
Harrier Reef (15-025)	2
unnamed reef (15-034)	1
unnamed reef (15-037)	2
Ribbon Reef No. 5 (15-038)	2
unnamed reef (15-040)	1
unnamed reef (15-041)	1
unnamed reef (15-042)	1
Ribbon Reef No. 3 (15-050)	2
unnamed reef (15-072)	1
unnamed reef (15-073)	1
Ribbon Reef No. 2 (15-075)	3
Ribbon Reef No. 1 (15-080)	2

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### 3. OFFSHORE PORT DOUGLAS SECTOR

<b>Location</b>	<b>Allowed permitted moorings</b>
East Hope Island Reef (15-065)	1
Pickersgill Reef (15-093)	1
Andersen Reef (15-090)	4
Rachel Carson Reef (15-092)	2
Cape Tribulation Bay Locality 1	4
Alexandra Bay Locality	2
Escape Reef (15-094)	4
Agincourt No. 4 Reef (15-096)	5
Morning Reef (15-098)	1
Agincourt No. 3a Reef (15-099a)	7 moorings above the number permitted on 22 June 1998
Agincourt No. 2b Reef (15-099b)	4
Agincourt No. 2 Reef (no identification number)	2
Agincourt No. 2d Reef (15-099d)	8
Agincourt No. 1c Reef (15-099c)	2
unnamed reef (16-011)	2
unnamed reef (16-013)	4
Mackay Reef (16-015)	5
unnamed reef (16-016)	1
unnamed reef (16-017)	1
unnamed reef (16-018)	2
St Crispin Reef (16-019)	4
Undine Reef (16-020)	3
Rudder Reef (16-023)	1
Chinaman Reef (16-024)	3
Opal Reef (16-025)	12
Tongue Reef (16-026)	8
Low Isles Reef (16-028) (except the part described in item 9 of Schedule 3)	4
Low Island Locality	5

### 4. OFFSHORE CAIRNS SECTOR

<b>Location</b>	<b>Allowed permitted moorings</b>
Norman Reef (16-030)	5 moorings above the number permitted on 22 June 1998, including 3 moorings on the southern side of the Reef, as determined in the site plan for the Reef under clause 1.21
Saxon Reef (16-032)	5

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<b>Location</b>	<b>Allowed permitted moorings</b>
Hastings Reef Locality 1	2 moorings above the number permitted on 22 June 1998, plus any additional moorings allowed on the southern side of the Reef for use in northerly winds (as determined through site assessment)
Hastings Reef Locality 2	3
Jorgies Patches Reef (16-041)	3
Michaelmas Reef (16-060) (except the part described in item 12 of Schedule 3)	2
Michaelmas Cay Locality	19
Breaking Patches Reef (16-042)	7
Oyster Reef (16-043)	2
Pretty Patches Reef (16-062)	4
Arlington Reef (16-064)	2
Upolu Cay Reef (16-046)	13
Green Island Reef Locality 1	No increase above the number permitted on 22 June 1998
Green Island Reef Locality 2	15

#### **5. SOUTH OFFSHORE CAIRNS SECTOR**

<b>Location</b>	<b>Allowed permitted moorings</b>
Flynn Reef (16-065)	7
Milln Reef (16-067)	11
Thetford Reef (16-068)	11
Moore Reef Locality 1	15
Moore Reef Locality 2	15
Pellowe Reef (16-070)	1
Elford Reef (16-073)	1
Channel Reef (16-075)	2
Briggs Reef (16-074)	3
Sudbury Reef (17-001) (except the part described in item 19 of Schedule 3)	2
Sudbury Cay Locality	1

#### **6. FRANKLAND ISLANDS SECTOR**

<b>Location</b>	<b>Allowed permitted moorings</b>
Normanby Island Reefs (17-012a)	2
Russell and Round Islands Reefs (17-013)	1

## **Schedule 6A Moorings for vessels (high group size limits)**

(subclauses 1.14 (3) and 2.11 (3A))

1. Andersen Reef (15-090)
2. Breaking Patches Reef (16-042)
3. Channel Reef (16-075)
4. Escape Reef (15-094)
5. Moore Reef Locality 2
6. Opal Reef (16-025)
7. Oyster Reef (16-043)
8. Ribbon Reef No. 9 (14-154)
9. Ribbon Reef No. 3 (15-050)
10. Saxon Reef (16-032)
11. Thetford Reef (16-068)
12. Unnamed reef (14-153)
13. Unnamed reef (16-011)
14. Unnamed reef (16-016)
15. Unnamed reef (16-018a)
16. Unnamed reef (16-018b)
17. Upolu Cay Reef (16-046)

## **Schedule 6B    Increased group size limit reef anchorages**

(subclauses 1.14 (3) and 2.11 (3A))

1.        Moore Reef Locality 2
2.        Ribbon Reef No. 3 (15-050)
3.        Ribbon Reef No. 9 (14-154)
4.        Thetford Reef (16-068)

## **Schedule 6C      Bad weather anchorages for large vessels**

(subclauses 1.6 (17A) and 2.4 (1A))

1.          Lizard Island Locality 4
2.          Moore Reef Locality 2
3.          Rachel Carson Reef (15-092)
4.          Ribbon Reef No. 3 (15-050)
5.          Ribbon Reef No. 9 (14-154)
6.          Thetford Reef (16-068)
7.          Unnamed reef (14-153)

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## **Schedule 7      Permanently moored facilities – pontoons**

(clause 2.9)

<b>Location</b>	<b>Allowed pontoons</b>
Agincourt No. 4 Reef (15-096)	1
Agincourt No. 3a Reef (15-099a)	1
Agincourt No. 2d Reef (15-099d)	1
Norman Reef (16-030)	1
Hastings Reef Locality 1	1
Arlington Reef (16-064)	2
Moore Reef Locality 1	2
Moore Reef Locality 2	1
Low Island Locality	1

## Schedule 8 Reef Anchorages

### 1. LIZARD ISLAND SECTOR

<b>Location</b>	<b>Reef Anchorage</b>
Lizard Island Locality 3	<p>The area bounded by a line beginning at latitude 14°39.938' south, longitude 145°27.014' east and running progressively:</p> <ul style="list-style-type: none"> <li>(a) north along the geodesic to latitude 14°39.851' south, longitude 145°27.008' east;</li> <li>(b) north-westerly along the geodesic to latitude 14°39.532' south, longitude 145°26.876' east;</li> <li>(c) north-easterly along the geodesic to latitude 14°39.442' south, longitude 145°26.894' east;</li> <li>(d) south-easterly along the geodesic to latitude 14°39.777' south, longitude 145°27.158' east; and</li> <li>(e) south-westerly along the geodesic to the point where the line began.</li> </ul>
Lizard Island Locality 4	<p>The area enclosed within 500 m of a line from latitude 14°41.2' south, longitude 145°27.73' east to latitude 14°41.52' south, longitude 145°27.38' east.</p>

### 2. RIBBON REEFS SECTOR

<b>Location</b>	<b>Reef Anchorage</b>
No Name Reef (14-139)	<p>The area enclosed within 500 m of a line from latitude 14°38.9' south, longitude 145°38.67' east to latitude 14°39.18' south, longitude 145°38.65' east.</p>
No Name Reef (14-139)	<p>The area enclosed within 250 m of a point located at latitude 14°38.43' south, longitude 145°38.67' east.</p>
Ribbon Reef No. 10 (14-146)	<p>The area enclosed within 250 m of a line from latitude 14°49.84' south, longitude 145°43.36' east to latitude 14°51.79' south, longitude 145°43.2' east.</p>
Ribbon Reef No. 10 (14-146)	<p>The area enclosed within 500 m of a point located at latitude 14°54.19' south, longitude 145°42.58' east.</p>



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Location	Reef Anchorage
Ribbon Reef No. 9 (14-154)	The area enclosed within 500 m of a point located at latitude 14°59.07' south, longitude 145°42.48' east.
Ribbon Reef No. 8 (15-021)	The area enclosed within 250 m of a line from latitude 15°06.01' south, longitude 145°42.95' east to latitude 15°06.21' south, longitude 145°42.9' east.
Ribbon Reef No. 8 (15-021)	The area enclosed within 250 m of a line from latitude 15°04.03' south, longitude 145°43.21' east to latitude 15°04.7' south, longitude 145°43.21' east.
Ribbon Reef No. 8 (15-021)	The area enclosed within 250 m of a point located at latitude 15°02.6' south, longitude 145°42.45' east.
Ribbon Reef No. 7 (15-026)	The area enclosed within 500 m of a line from latitude 15°12.65' south, longitude 145°44.41' east to latitude 15°13.04' south, longitude 145°44.33' east.
Ribbon Reef No. 7 (15-026)	The area enclosed within 500 m of a line from latitude 15°09.68' south, longitude 145°43.39' east to latitude 15°10.29' south, longitude 145°43.54' east.
Harrier Reef (15-025)	The area enclosed within 100 m of a line from latitude 15°08.23' south, longitude 145°41.29' east to latitude 15°08.25' south, longitude 145°41.17' east.
Ribbon Reef No. 5 (15-038)	The area enclosed within 500 m of a line from latitude 15°22.42' south, longitude 145°46.65' east to latitude 15°22.68' south, longitude 145°46.65' east.
Ribbon Reef No. 5 (15-038)	The area enclosed within 500 m of a point located at latitude 15°20.98' south, longitude 145°46.52' east.
Ribbon Reef No. 4 (15-046)	The area enclosed within 100 m of a line from latitude 15°25.07' south, longitude 145°47.4' east to latitude 15°25.26' south, longitude 145°47.63' east.
Ribbon Reef No. 3 (15-050)	The area enclosed within 500 m of a line from latitude 15°29.31' south, longitude 145°47.99' east to latitude 15°30.3' south, longitude 145°47.89' east.
Ribbon Reef No. 3 (15-050)	The area enclosed within 250 m of a line from latitude 15°27.78' south, longitude 145°48.46' east to latitude 15°28.12' south, longitude 145°47.87' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Ribbon Reef No. 2 (15-075)	The area enclosed within 250 m of a line from latitude 15°34.24' south, longitude 145°47.74' east to latitude 15°34.71' south, longitude 145°47.16' east.
Ribbon Reef No. 2 (15-075)	The area enclosed within 500 m of a line from latitude 15°32.68' south, longitude 145°47.7' east to latitude 15°32.95' south, longitude 145°47.62' east.
Ribbon Reef No. 1 (15-080)	The area enclosed within 250 m of a line from latitude 15°36.59' south, longitude 145°47.91' east to latitude 15°37.13' south, longitude 145°47.99' east.

### 3. OFFSHORE PORT DOUGLAS SECTOR

<b>Location</b>	<b>Reef Anchorage</b>
Ruby Reef (15-088)	The area enclosed within 250 m of a line from latitude 15°44.07' south, longitude 145°47.36' east to latitude 15°44.16' south, longitude 145°47.22' east.
Ruby Reef (15-088)	The area enclosed within 500 m of a point located at latitude 15°44.28' south, longitude 145°46.75' east.
Endeavour Reef (15-089)	The area enclosed within 500 m of a line from latitude 15°46.01' south, longitude 145°32.86' east to latitude 15°46.5' south, longitude 145°34.25' east.
Andersen Reef (15-090)	The area enclosed within 250 m of a line from latitude 15°47.20' south, longitude 145°48.06' east to latitude 15°47.44' south, longitude 145°47.77' east.
Andersen Reef (15-090)	The area enclosed within 250 m of a line from latitude 15°47.65' south, longitude 145°47.97' east to latitude 15°47.83' south, longitude 145°47.83' east.
Pickersgill Reef (15-093)	The area enclosed within 500 m of a point located at latitude 15°51.05' south, longitude 145°33.79' east.
Pickersgill Reef (15-093)	The area enclosed within 500 m of a point located at latitude 15°52.06' south, longitude 145°35.45' east.
Escape Reef (15-094)	The area enclosed within 500 m of a line from latitude 15°53.44' south, longitude 145°46.72' east to latitude 15°53.73' south, longitude 145°47.04' east.

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Location	Reef Anchorage
Escape Reef (15-094)	The area enclosed within 500 m of a line from latitude 15°53.39' south, longitude 145°48.00' east to latitude 15°52.85' south, longitude 145°48.19' east.
Escape Reef (15-094)	The area enclosed within 250 m of a line from latitude 15°51.4' south, longitude 145°48.23' east to latitude 15°51.73' south, longitude 145°48.05' east.
Escape Reef (15-094)	The area enclosed within 500 m of a point located at latitude 15°52.73' south, longitude 145°46.59' east.
Escape Reef (15-094)	The area enclosed within 250 m of a point located at latitude 15°52.97' south, longitude 145°45.88' east.
Evening Reef (15-095)	The area enclosed within 250 m of a line from latitude 15°54.03' south, longitude 145°38.38' east to latitude 15°54.49' south, longitude 145°38.23' east.
Evening Reef (15-095)	The area enclosed within 250 m of a point located at latitude 15°53.77' south, longitude 145°39.97' east.
Agincourt No. 4 Reef (15-096)	The area enclosed within 500 m of a point located at latitude 15°55.78' south, longitude 145°49.02' east.
Agincourt No. 4 Reef (15-096)	The area enclosed within the four points of latitude 15°58.02' south, longitude 145°48.24' east; latitude 15°57.75' south, longitude 145°48.34' east; latitude 15°57.84' south, longitude 145°48.62' east; and latitude 15°58.12' south, longitude 145°48.51' east.
Morning Reef (15-098)	The area enclosed within 500 m of a point located at latitude 15°57.26' south, longitude 145°41.22' east.
Morning Reef (15-098)	The area enclosed within 500 m of a point located at latitude 15°59.03' south, longitude 145°39.38' east.
Agincourt No. 3 Reef (15-099a)	The area enclosed within the four points of latitude 15°59.59' south, longitude 145°49.32' east; latitude 15°59.54' south, longitude 145°49.41' east; latitude 15°59.91' south, longitude 145°49.66' east; and latitude 15°59.96' south, longitude 145°49.57' east.
Agincourt No. 1 Reef (15-099c)	The area enclosed within the four points of latitude 16°02.84' south, longitude 145°51.82' east; latitude 16°02.83' south, longitude 145°51.87' east; latitude 16°03.18' south, longitude 145°51.96' east; and latitude 16°03.19' south, longitude 145°51.91' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Agincourt No. 1 Reef (15-099c)	The area enclosed within the four points of latitude 16°03.74' south, longitude 145°51.75' east; latitude 16°03.52' south, longitude 145°51.91' east; latitude 16°03.54' south, longitude 145°51.94' east; and latitude 16°03.76' south, longitude 145°51.79' east.
Mackay Reef (16-015)	The area enclosed within 250 m of a line from latitude 16°02.54' south, longitude 145°38.7' east to latitude 16°02.57' south, longitude 145°38.65' east.
St Crispin Reef (16-019)	The area enclosed within 500 m of a line from latitude 16°05.07' south, longitude 145°50.46' east to latitude 16°05.56' south, longitude 145°50.65' east.
St Crispin Reef (16-019)	The area enclosed within 500 m of a point located at latitude 16°06.78' south, longitude 145°48.64' east.
St Crispin Reef (16-019)	The area enclosed within 500 m of a point located at latitude 16°07.09' south, longitude 145°49.66' east.
Undine Reef (16-020)	The area enclosed within 500 m of a line from latitude 16°06.66' south, longitude 145°45.78' east to latitude 16°06.77' south, longitude 145°45.17' east.
Undine Reef (16-020)	The area enclosed within 500 m of a line from latitude 16°06.95' south, longitude 145°43.47' east to latitude 16°07.07' south, longitude 145°42.59' east.
Undine Reef (16-020)	The area enclosed within 500 m of a line from latitude 16°06.88' south, longitude 145°39.24' east to latitude 16°07.03' south, longitude 145°39.47' east.
Rudder Reef (16-023)	The area enclosed within 500 m of a line from latitude 16°10.11' south, longitude 145°39.73' east to latitude 16°10.14' south, longitude 145°40.44' east.
Rudder Reef (16-023)	The area enclosed within 500 m of a line from latitude 16°10.31' south, longitude 145°43.63' east to latitude 16°10.38' south, longitude 145°44.67' east.
Rudder Reef (16-023)	The area enclosed within 500 m of a point located at latitude 16°12.28' south, longitude 145°39.64' east.
Chinaman Reef (16-024)	The area enclosed within 250 m of a line from latitude 16°13.19' south, longitude 145°46.77' east to latitude 16°13.22' south, longitude 145°46.91' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Chinaman Reef (16-024)	The area enclosed within 500 m of a point located at latitude 16°12.5' south, longitude 145°47.5' east.
Opal Reef (16-025)	The area enclosed within the four points of latitude 16°11.05' south, longitude 145°53.22' east; latitude 16°11.02' south, longitude 145°53.27' east; latitude 16°11.41' south, longitude 145°53.53' east; and latitude 16°11.44' south, longitude 145°53.49' east.
Opal Reef (16-025)	The area enclosed within the four points of latitude 16°13.05' south, longitude 145°53.48' east; latitude 16°12.70' south, longitude 145°53.61' east; latitude 16°12.73' south, longitude 145°53.71' east; and latitude 16°13.09' south, longitude 145°53.59' east.
Opal Reef (16-025)	The area enclosed within the four points of latitude 16°14.24' south, longitude 145°52.15' east; latitude 16°14.11' south, longitude 145°52.30' east; latitude 16°14.18' south, longitude 145°52.37' east; and latitude 16°14.31' south, longitude 145°52.23' east.
Tongue Reef (16-026)	The area enclosed within 500 m of a line from latitude 16°20.86' south, longitude 145°47.15' east to latitude 16°22.89' south, longitude 145°49.28' east.
Tongue Reef (16-026)	The area enclosed within the four points of latitude 16°16.13' south, longitude 145°46.37' east; latitude 16°16.13' south, longitude 145°46.98' east; latitude 16°16.34' south, longitude 145°46.98' east; and latitude 16°16.34' south, longitude 145°46.37' east.
Tongue Reef (16-026)	The area enclosed within the four points of latitude 16°16.62' south, longitude 145°41.10' east; latitude 16°16.84' south, longitude 145°40.93' east; latitude 16°15.85' south, longitude 145°39.53' east; and latitude 16°15.62' south, longitude 145°39.70' east.

#### 4. OFFSHORE CAIRNS SECTOR

<b>Location</b>	<b>Reef Anchorage</b>
Saxon Reef (16-032)	The area enclosed within 100 m of a point located at latitude 16°27.79' south, longitude 145°59.07' east.
Saxon Reef (16-032)	The area enclosed within 100 m of a point located at latitude 16°27.9' south, longitude 145°58.94' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Saxon Reef (16-032)	The area enclosed within 100 m of a point located at latitude 16°28.13' south, longitude 145°58.71' east.
Hastings Reef Locality 1 (16-057)	The area enclosed within the four points of latitude 16°31.35' south, longitude 146°00.02' east; latitude 16°31.23' south, longitude 146°00.13' east; latitude 16°31.26' south, longitude 146°00.18' east; and latitude 16°31.40' south, longitude 146°00.06' east.
Hastings Reef Locality 2 (16-057)	The area enclosed within the four points of latitude 16°31.13' south, longitude 146°00.25' east; latitude 16°30.91' south, longitude 146°00.40' east; latitude 16°30.94' south, longitude 146°00.46' east; and latitude 16°31.16' south, longitude 146°00.31' east.
Jorgies Patches Reef (16-041)	The area enclosed within 100 m of a line from latitude 16°32.69' south, longitude 145°56.92' east to latitude 16°32.72' south, longitude 145°56.84' east.
Jorgies Patches Reef (16-041)	The area enclosed within 100 m of a point located at latitude 16°32.8' south, longitude 145°56.76' east.
Michaelmas Reef (16-060) (except the part described in item 12 of Schedule 3)	The area enclosed within 500 m of a point located at latitude 16°34.08' south, longitude 146°02.02' east.
Michaelmas Reef (16-060) (except the part described in item 12 of Schedule 3)	The area enclosed within 500 m of a point located at latitude 16°35.22' south, longitude 146°00.29' east.
Michaelmas Cay Locality	The area enclosed within the four points of latitude 16°36.27' south, longitude 145°58.64' east; latitude 16°36.24' south, longitude 145°58.70' east; latitude 16°36.28' south, longitude 145°58.72' east; and latitude 16°36.31' south, longitude 145°58.66' east.
Breaking Patches Reef (16-042)	The area enclosed within 250 m of a point located at latitude 16°34.98' south, longitude 145°58.81' east.
Oyster Reef (16-043)	The area enclosed within 100 m of a line from latitude 16°37.46' south, longitude 145°56.12' east to latitude 16°37.67' south, longitude 145°56.38' east.
Vlasoff Reef (16-044b)	The area enclosed within 250 m of a point located at latitude 16°39.24' south, longitude 145°59.06' east.
Arlington Reef (16-064)	The area enclosed within 500 m of a line from latitude 16°41.15' south, longitude 145°59.54' east to latitude 16°40.63' south, longitude 145°58.6' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Arlington Reef (16-064)	The area enclosed within 500 m of a line from latitude 16°42.29' south, longitude 146°02.04' east to latitude 16°42.33' south, longitude 146°02.41' east.
Arlington Reef (16-064)	The area enclosed within 500 m of a line from latitude 16°39.78' south, longitude 146°05.35' east to latitude 16°40.31' south, longitude 146°05.46' east.
Upolu Cay Locality (16-046)	The area enclosed within the four points of latitude 16°40.30' south, longitude 145°55.55' east; latitude 16°40.22' south, longitude 145°55.65' east; latitude 16°40.28' south, longitude 145°55.70' east; and latitude 16°40.36' south, longitude 145°55.59' east.

#### 5. SOUTH OFFSHORE CAIRNS SECTOR

<b>Location</b>	<b>Reef Anchorage</b>
Milln Reef (16-065)	The area enclosed within the four points of latitude 16°46.95' south, longitude 146°16.33' east; latitude 16°46.88' south, longitude 146°16.40' east; latitude 16°46.91' south, longitude 146°16.42' east; and latitude 16°46.97' south, longitude 146°16.36' east.
Thetford Reef (16-068)	The area enclosed within 250 m of a line from latitude 16°48.12' south, longitude 146°11.00' east to latitude 16°48.43' south, longitude 146°11.09' east.
Thetford Reef (16-068)	The area enclosed within 250 m of a point located at latitude 16°47.9' south, longitude 146°11.24' east.
Moore Reef Locality 2	The area enclosed within the four points of latitude 16°51.58' south, longitude 146°13.09' east; latitude 16°51.55' south, longitude 146°13.15' east; latitude 16°51.71' south, longitude 146°13.35' east; and latitude 16°51.78' south, longitude 146°13.24' east.
Moore Reef Locality 2	The area enclosed within the four points of latitude 16°52.37' south, longitude 146°12.04' east; latitude 16°52.16' south, longitude 146°12.22' east; latitude 16°52.21' south, longitude 146°12.28' east; and latitude 16°52.42' south, longitude 146°12.09' east.

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<b>Location</b>	<b>Reef Anchorage</b>
Moore Reef Locality 2	The area enclosed within the four points of latitude 16°52.66' south, longitude 146°11.83' east; latitude 16°52.56' south, longitude 146°11.89' east; latitude 16°52.59' south, longitude 146°11.95' east; and latitude 16°52.69' south, longitude 146°11.89' east.
Elford Reef (16-073)	The area enclosed within 500 m of a line from latitude 16°55.13' south, longitude 146°15.38' east to latitude 16°55.45' south, longitude 146°15.16' east.
Elford Reef (16-073)	The area enclosed within 500 m of a point located at latitude 16°54.45' south, longitude 146°12.78' east.
Channel Reef (16-075)	The area enclosed within 250 m of a line from latitude 16°56.39' south, longitude 146°26.69' east to latitude 16°56.51' south, longitude 146°26.69' east.
Sudbury Reef (17-001) (except the part described in item 19 of Schedule 3)	The area enclosed within 500 m of a line from latitude 17°00.06' south, longitude 146°12.27' east to latitude 17°00.29' south, longitude 146°12.55' east.



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## Schedule 9 Definitions

1 In this Plan, unless the contrary intention appears:

**accredited coral harvest fishery** means an accredited harvest fishery that involves the taking of coral.

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

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

**aircraft** has the same meaning as in the Act.

**Alexandra Bay Locality** means that area described in item 8 of Schedule 3.

**Amalgamated Great Barrier Reef Section** has the same meaning as in the Regulations.

**anchor** includes anchor chains and attached tackle.

**anchoring** means the temporary attachment of a vessel or aircraft to the seabed by means of any device carried by the vessel or aircraft for that purpose.

**ancillary mooring** means a mooring that:

- (a) is associated with, and supports, the operation of a resort or tourist facility, the operation of which is authorised by a relevant permission; and
- (b) is not intended to be used by a primary vessel associated with the operation; and
- (c) is primarily associated with the use of small vessels such as dive tenders, glass bottom boats and hire craft.

**aquaculture operation** has the same meaning as in the Zoning Plan.

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

**authorisation** means an authorisation granted under Division 2.4 of Part 2 of the Regulations.

*Note* In some cases, an authorisation has also been called an endorsement.

**Authority** means the Great Barrier Reef Marine Park Authority.

**Cape Tribulation Bay Locality 1** means the area described in item 6 of Schedule 3.

**Cape Tribulation Bay Locality 2** means the area described in item 7 of Schedule 3.

**Cod Hole Locality** means the area described in item 5 of Schedule 3.

**conversion** from a relevant permission (the **first permission**) authorising conduct of a tourist program to a relevant permission (the **second permission**) authorising conduct of another tourist program, means the process of the Authority granting the second permission:

- 
- (a) to take effect immediately after the first permission is surrendered or revoked; and
  - (b) to remain in force for the remainder of the period for which the first permission would have remained in force if it had not been surrendered or revoked.

**Cooktown/Bloomfield area** means the part of the Queensland coastline north of Cape Tribulation.

**craftless operation** means an operation:

- (a) described under that name in Table 7; and
- (b) comprising activities:
  - (i) permitted under a relevant permission; and
  - (ii) in which neither an aircraft nor a vessel is used.

**cruise ship operation** means an operation:

- (a) described under that name in Table 7; and
- (b) comprising activities:
  - (i) permitted under a relevant permission; and
  - (ii) all carried out using 1 particular ship.

**day** means a period of 24 hours commencing at midnight.

**discharge** has the same meaning as in subsection 38J (7) of the Act.

**enforcement provision** means a provision in Part 2.

**Euston Reef Locality** means the area described in item 13 of Schedule 3.

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

**facility** has the same meaning as in subsection 3A(9) of the Act.

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

**Frankland Islands Sector** means the area described in item 6 of Schedule 2.

**gamefishing** means the taking of fish of the genus *Makaira* (commonly known as marlin).

**Green Island Reef Locality 1** means the area described in item 14 of Schedule 3.

**Green Island Reef Locality 2** means the area described in item 15 of Schedule 3.

**Green Island Reef Locality 3** means the area described in item 16 of Schedule 3.

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

**Group A Sensitive Location** means a Sensitive Location mentioned in an item in Part 1 of Schedule 5.

**Group B Sensitive Location** means a Sensitive Location mentioned in an item in Part 2 of Schedule 5.

**group size limit** in relation to a vessel or aircraft at a Location, means the maximum number of people that, under Table 4, may be carried on the vessel or aircraft into the Location.

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

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

**Hastings Reef Locality 1** means the area described in item 10 of Schedule 3.

**Hastings Reef Locality 2** means the area described in item 11 of Schedule 3.

**hire craft** means a motorised vessel, (for example, a dinghy, a half cabin, or a personal watercraft) that is less than 6 metres in overall length, and is available for time-sharing, hire or charter without a master or crew.

**hire equipment** means a non-motorised craft (for example, a kayak, a paddleboard, or a windsurfer) that is available for time-sharing, hire or charter without a master or crew.

**hire operation** means an operation:

- (a) described under that name in Table 7; and
- (b) comprising activities permitted under a relevant permission.

**intensive use Location** means a Location so listed in Schedule 4.

**large vessel** means any vessel with an overall length of more than 35 metres but not more than 70 metres.

**Lizard Island Locality 1** means the area described in item 1 of Schedule 3.

**Lizard Island Locality 2** means the area described in item 2 of Schedule 3.

**Lizard Island Locality 3** means the area described in item 3 of Schedule 3.

**Lizard Island Locality 4** means the area described in item 4 of Schedule 3.

**Lizard Island Sector** means the area described in item 1 of Schedule 2.

**Location** means:

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

**long range roving operation** means an operation:

- (a) described under that name in Table 7; and
- (b) comprising activities:
  - (i) permitted under a relevant permission; and
  - (ii) all carried out using 1 particular vessel.

**Low Island Locality** means the area described in item 9 of Schedule 3.

**low use Location** means a Location so listed in Schedule 4.

**Marine Park** has the same meaning as in the Act.

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**Michaelmas Cay Locality** means the area described in item 12 of Schedule 3.

**moderate use Location** means a Location so listed in Schedule 4.

**Moore Reef Locality 1** means the area described in item 17 of Schedule 3.

**Moore Reef Locality 2** means the area described in item 18 of Schedule 3.

**mooring** means a permanently located facility that is designed solely for mooring a vessel or aircraft, and includes the mooring buoy, tackle and the point of attachment to the seabed.

**mooring site** means the area within the line every point of which is 50 metres from the nearest point of:

- (a) the mooring buoy of a single-point mooring system; or
- (b) the primary mooring buoy of a fore-and-aft mooring system.

**mooring system** means:

- (a) a single-point mooring system; or
- (b) a fore-and-aft mooring system.

**motorised water sport** means any of the following:

- (a) irregular driving on a motorised vessel — that is, driving a motorised vessel other than in a straight line — and includes:
  - (i) driving in a circle or other pattern; and
  - (ii) weaving or diverting; and
  - (iii) surfing down, or jumping over or across, any swell, wave or wash;

but does not include making any necessary turn or diversion.

- (b) any activity in which a high speed vessel or motorised vessel tows a person on top of the water or in the air, for example, water skiing or para-sailing.
- (c) any activity in which a personal watercraft is used, except:
  - (i) for the purpose of transport by the most direct reasonable route (not including irregular driving) between 2 places in the Planning Area; or
  - (ii) if that a personal watercraft can only be operated when fully submerged under the water and for the primary purpose of viewing coral.

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

**non-motorised craft operation** means an operation:

- (a) carried out using non-motorised craft; and
- (b) comprising activities permitted under a relevant permission.

**Offshore Cairns Sector** means the area described in item 4 of Schedule 2.

**Offshore Port Douglas Sector** means the area described in item 3 of Schedule 2.

**overall length of a vessel** has the same meaning as in the Act.

**permanently moored facility:**

- (a) means a facility that is moored in 1 vicinity for more than:

- (i) 14 consecutive days; or
- (ii) 30 days in any period of 60 days; or
- (b) if it is defined in the Regulations — has the meaning given in the Regulations.

**permitted mooring** means a mooring for which a relevant permission has been granted.

**permitted pontoon** means a pontoon for which a relevant permission has been granted.

**permitted tourist program** means a tourist program for which a relevant permission has been granted.

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

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

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

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

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

**Planning Area** means the Cairns Planning Area described in Schedule 1.

**pontoon** means a non-motorised permanently moored facility that is used primarily for tourist or aquaculture activities (except solely as a landing area for aircraft).

**pontoon site** means the area within the line every point of which is 200 metres from the nearest point of a pontoon.

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

**Reef Anchorage** means an area described in Schedule 8.

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

**regional tour operation** means an operation:

- (a) described under that name in Table 7; and

(b) comprising activities:

- (i) permitted under a relevant permission; and
- (ii) all carried out using 1 particular vessel or aircraft.

**Regulations** means the *Great Barrier Reef Marine Park Regulations 1983*.

**relevant permission** has the same meaning as in the Regulations.

**Ribbon Reefs Sector** means the area described in item 2 of Schedule 2.

**Sensitive Location** means a Location mentioned in column 2 of an entry in Part 1 or 2 of Schedule 5 and includes the airspace above the ground or water of the Location to the height mentioned in column 3 of the entry for that Location.

**ship** means a vessel in excess of 70 metres in overall length.

**South Offshore Cairns Sector** means the area described in item 5 of Schedule 2.

**standard tour operation** means an operation:

(a) described under that name in Table 7; and

(b) comprising activities:

- (i) permitted under a relevant permission; and
- (ii) all carried out using 1 particular vessel or aircraft.

**Sudbury Cay Locality** means the area described in item 19 of Schedule 3.

**support service operation** means an operation:

(a) described under that name in Table 7; and

(b) comprising activities:

- (i) permitted under a relevant permission; and
- (ii) all carried out using 1 particular vessel or aircraft.

Examples

A support service operation may offer such services as:

- delivering spare parts or equipment
- landing torn sails for repair
- medivac support
- assisting in pollution control.

**swimming-with-whales activity** means an activity conducted for the purpose of enabling people to swim, snorkel or scuba dive with whales or dolphins, or to observe whales or dolphins while in the water with them, including:

- (a) using an aircraft to find whales or dolphins for that purpose; and
- (b) placing people in the water for that purpose.

**taking** has the same meaning as in the Zoning Plan.

**tourism operation** means any of the following:

- (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;
- (g) a standard tour operation;
- (h) a support service operation.

**tourist** has the same meaning as in subsection 3A (9) of the Act.

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

**tourist program** has the same meaning as in subsection 3A (3) of the Act.

**traditional affiliation** means that the person concerned has a connection with the Planning Area based on spiritual and other associations with, rights in relation to, and responsibilities for, that area under Aboriginal tradition.

**traditional inhabitant** means a person of Aboriginal or Torres Strait Islander descent, who is recognised in the community as an Aboriginal or Torres Strait Islander and who identifies as an Aboriginal or Torres Strait Islander.

**trolling** has the same meaning as in the Zoning Plan.

**vessel** has the same meaning as in the Act.

**whale watching activity** means an activity (other than a swimming-with-whales activity) conducted for the purpose of enabling people to observe whales or dolphins, including using a vessel or aircraft to find whales or dolphins for that purpose.

**year** means a period of 365 consecutive days.

**zone** means a zone mentioned in the Zoning Plan.

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

2 In this Plan:

**1 kilometre line** means the line every point of which is at a distance of 1 kilometre seaward from the nearest point of the coastline of the mainland, or island, as the case may be, at low water.

**5 kilometre line** means the line every point of which is at a distance of 5 kilometres seaward from the nearest point of the coastline of the mainland, or island, as the case may be, at low water.

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

**500 metre line:**

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

**coastal 250 metre line** of a coastline means the line every point of which is:

- (a) at low water, at a distance of 250 metres seaward from the nearest point of the coastline; or
- (b) if there is a fringing reef wholly or partly along the coastline — at low water, at a distance of 250 metres seaward from the nearest point of the reef edge of the fringing reef.

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

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

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

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



## Table of Instruments

## Notes to the Cairns Area Plan of Management 1998

### Note 1

The *Cairns Area Plan of Management 1998* (in force under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

### Table of Instruments

Title	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Cairns Area Plan of Management 1998</i>	22 June 1998 (see <i>Gazette</i> 1998, No. S292)	22 June 1998 (a)	
<i>Cairns Area Plan of Management Amendment 1999 (No. 1)</i>	12 Oct 1999 (see <i>Gazette</i> 1999, No. S481)	12 Oct 1999 (b)	—
<i>Cairns Area Plan of Management Amendment 2002 (No. 1)</i>	6 June 2002 (see <i>Gazette</i> 2002, No. S179)	6 June 2002 (b)	—
<i>Cairns Area Plan of Management Amendment 2004 (No. 1)</i>	2 Dec 2004 (see <i>Gazette</i> 2004, No. S496)	2 Dec 2004 (see r. 2)	—
<i>Cairns Area Plan of Management Amendment 2005 (No. 1)</i>	15 Nov 2005 (see F200503457)	16 Nov 2005	—

(a) This Plan in its original form (except Part 2) commenced on 22 June 1998 (see Act, subsection 39ZF (1)). See Part 10 (r. 173) of the Regulations regarding Part 2 and clause 2.25.

(b) See Part 10 (r. 173) of the Regulations and section 39ZF (2) of the Act.

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**Table of Amendments**


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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
Part 1 .....	rs. 1999 No. 1
<b>Division 1</b>	
Div. 1 of Part 1 .....	rs. 1999 No. 1
C. 1.1 .....	rs. 1999 No. 1
C. 1.2 .....	rs. 1999 No. 1
C. 1.3 .....	rs. 1999 No. 1 am. 2002 No. 1
C. 1.4 .....	rs. 1999 No. 1 am. 2005 No. 1
Note 2 to c. 1.4 (5) .....	am. 2005 No. 1
<b>Division 2</b>	
Div. 2 of Part 1 .....	rs. 1999 No. 1
C. 1.5 .....	rs. 1999 No. 1
C. 1.6 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1; 2005 No. 1
Notes 1 and 2 to c. 1.6 (18).	rep. 2005 No. 1
C. 1.7 .....	rs. 1999 No. 1 am. 2005 No. 1
Note 3 to c. 1.7 (16) .....	ad. 2005 No. 1
C. 1.8 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1
C. 1.9 .....	rs. 1999 No. 1
C. 1.10 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1; 2005 No. 1
<b>Division 3</b>	
Div. 3 of Part 1 .....	rs. 1999 No. 1
C. 1.11 .....	rs. 1999 No. 1
Note to c. 1.11 (5) .....	ad. 2002 No. 1 rs. 2005 No. 1
<b>Division 4</b>	
Div. 4 of Part 1 .....	rs. 1999 No. 1
C. 1.12 .....	rs. 1999 No. 1 am. 2005 No. 1
<b>Division 5</b>	
Div. 5 of Part 1 .....	rs. 1999 No. 1
C. 1.13 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
C. 1.14 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1
C. 1.15 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
C. 1.16 .....	rs. 1999 No. 1 am. 2002 No. 1
Heading to c. 1.17 .....	rs. 2002 No. 1
C. 1.17 .....	rs. 1999 No. 1 am. 2002 No. 1
Note 3 to c. 1.17 .....	am. 2002 No. 1

## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
Note 4 to c. 1.17.....	am. 2002 No. 1
C. 1.18 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1
C. 1.19 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1; 2005 No. 1
Note to c. 1.19 (3A).....	ad. 2004 No. 1
Note to c. 1.19 (at the foot) .	ad. 2002 No. 1
<b>Division 6</b>	
Heading to Div. 6 of Part 1 ..	rs. 2002 No. 1
Div. 6 of Part 1 .....	rs. 1999 No. 1
C. 1.20 .....	rs. 1999 No. 1; 2002 No. 1
C. 1.21 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Note 3 to c. 1.21.....	am. 2002 No. 1
C. 1.22 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
C. 1.23 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1; 2005 No. 1
C. 1.24 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
C. 1.25 .....	rs. 1999 No. 1 am. 2002 No. 1
C. 1.26 .....	rs. 1999 No. 1 am. 2002 No. 1
Note to c. 1.26 (1) .....	ad. 2004 No. 1
<b>Part 2</b>	
Note 2 to heading of Part 2 .	rs. 2005 No. 1
Part 2 .....	rs. 1999 No. 1
Note 1 .....	rs. 1999 No. 1
Note 2 .....	rs. 1999 No. 1
<b>Division 1</b>	
Div. 1 of Part 2 .....	rs. 1999 No. 1
C. 2.1 .....	rs. 1999 No. 1
C. 2.2 .....	rs. 1999 No. 1
C. 2.3 .....	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Note to c. 2.3 (1) .....	rs. 2005 No. 1
Note to c. 2.3 (2) .....	rep. 2005 No. 1
<b>Division 2</b>	
Div. 2 of Part 2 .....	rs. 1999 No. 1
C. 2.4 .....	ad. 2002 No. 1 am. 2004 No. 1
C. 2.4A.....	ad. 2002 No. 1 rs. 2004 No. 1
C. 2.5 .....	rs. 1999 No. 1; 2002 No. 1
Notes 1–3 of c. 2.5 (1).....	rep. 2005 No. 1
Note to c. 2.5 (1) .....	ad. 2005 No. 1
C. 2.6 .....	rs. 1999 No. 1
C. 2.7 .....	rs. 1999 No. 1
C. 2.8 .....	rs. 1999 No. 1
C. 2.8A.....	ad. 2004 No. 1

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Division 3</b>	
Div. 3 of Part 2 .....	rs. 1999 No. 1
Heading to c. 2.9.....	rs. 2002 No. 1
C. 2.9 .....	rs. 1999 No. 1 am. 2002 No. 1
C. 2.10 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1; 2005 No. 1
C. 2.11 .....	rs. 1999 No. 1 am. 2002 No. 1; 2004 No. 1
C. 2.12 .....	rs. 1999 No. 1
C. 2.12A.....	ad. 2002 No. 1
C. 2.12B.....	ad. 2002 No. 1
<b>Division 4</b>	
Div. 4 of Part 2 .....	rs. 1999 No. 1
C. 2.13 .....	rs. 1999 No. 1 rep. 2005 No. 1
C. 2.14 .....	rs. 1999 No. 1 am. 2004 No. 1; 2005 No. 1
C. 2.15 .....	rs. 1999 No. 1 am. 2002 No. 1
C. 2.16 .....	rs. 1999 No. 1; 2005 No. 1
C. 2.17 .....	rs. 1999 No. 1 am. 2004 No. 1; 2005 No. 1
C. 2.18 .....	rs. 1999 No. 1
<b>Division 5</b>	
Div. 5 of Part 2 .....	ad. 2002 No. 1
C. 2.19 .....	ad. 2002 No. 1
C. 2.20 .....	ad. 2002 No. 1
C. 2.21 .....	ad. 2002 No. 1 am. 2004 No. 1
Note to c. 2.21 (e) .....	rs. 2004 No. 1
C. 2.22 .....	ad. 2002 No. 1
C. 2.23 .....	ad. 2002 No. 1
C. 2.24 .....	ad. 2002 No. 1 am. 2004 No. 1
C. 2.25 .....	ad. 2002 No. 1 rs. 2004 No. 1
C. 2.26 .....	ad. 2002 No. 1 am. 2004 No. 1
Note to c. 2.26 (1) .....	rs. 2004 No. 1
C. 2.27 .....	ad. 2002 No. 1 am. 2004 No. 1; 2005 No. 1
<b>Schedule 1</b>	
Schedule 1 .....	am. 2002 No. 1 rs. 2005 No. 1
<b>Schedule 2</b>	
Schedule 2.....	am. 2002 No. 1 rs. 2005 No. 1
<b>Schedule 3</b>	
Schedule 3.....	am. 1999 No. 1; 2002 No. 1; 2004 No. 1 rs. 2005 No. 1

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**Table of Amendments**


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<b>Provision affected</b>	<b>How affected</b>
<b>Schedule 4</b>	
Schedule 4.....	am. 2005 No. 1
<b>Schedule 5</b>	
Heading to Schedule 5.....	rs. 2005 No. 1
Schedule 5.....	rs. 2002 No. 1 am. 2005 No. 1
<b>Schedule 6</b>	
Heading to Schedule 6.....	rs. 2004 No. 1
Schedule 6.....	am. 1999 No. 1; 2002 No. 1
<b>Schedule 6A</b>	
Schedule 6A.....	ad. 2002 No. 1 rs. 2004 No. 1
<b>Schedule 6B</b>	
Schedule 6B.....	ad. 2004 No. 1
<b>Schedule 6C</b>	
Schedule 6C .....	ad. 2004 No. 1
<b>Schedule 7</b>	
Heading to Schedule 7.....	rs. 2004 No. 1
Schedule 7.....	rs. 1999 No. 1 am. 2002 No. 1
<b>Schedule 8</b>	
Schedule 8.....	am. 1999 No. 1; 2002 No. 1
<b>Schedule 9</b>	
Schedule 9.....	am. 1999 No. 1; 2002 No. 1; 2004 No. 1; 2005 No. 1

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**Australian Government**

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