



Australian Government
Great Barrier Reef
Marine Park Authority

Whitsundays Plan of Management

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



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





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Australian Government

**Great Barrier Reef
Marine Park Authority**

2-68 Flinders Street
PO Box 1379
TOWNSVILLE QLD 4810
Phone: (07) 4750 0700
Fax: (07) 4772 6093
Email: info@gbbrmpa.gov.au

www.gbbrmpa.gov.au



Whitsundays Plan of Management 1998

as amended

made under Part VB of the

Great Barrier Reef Marine Park Act 1975

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 referred to 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*), prepares 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 *Whitsundays Plan of Management
Amendment 2005 (No. 1)*

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

Foreword

The Great Barrier Reef Marine Park Authority has developed the Whitsundays Plan of Management to protect and conserve the values of the Whitsundays area of the Great Barrier Reef Marine Park, while allowing for a range of use opportunities.

The Great Barrier Reef, one of the world's last healthy reef systems, is also one of Australia's most popular natural tourist attractions. Each year, over half a million people visit the Whitsunday region of the Great Barrier Reef Marine Park.

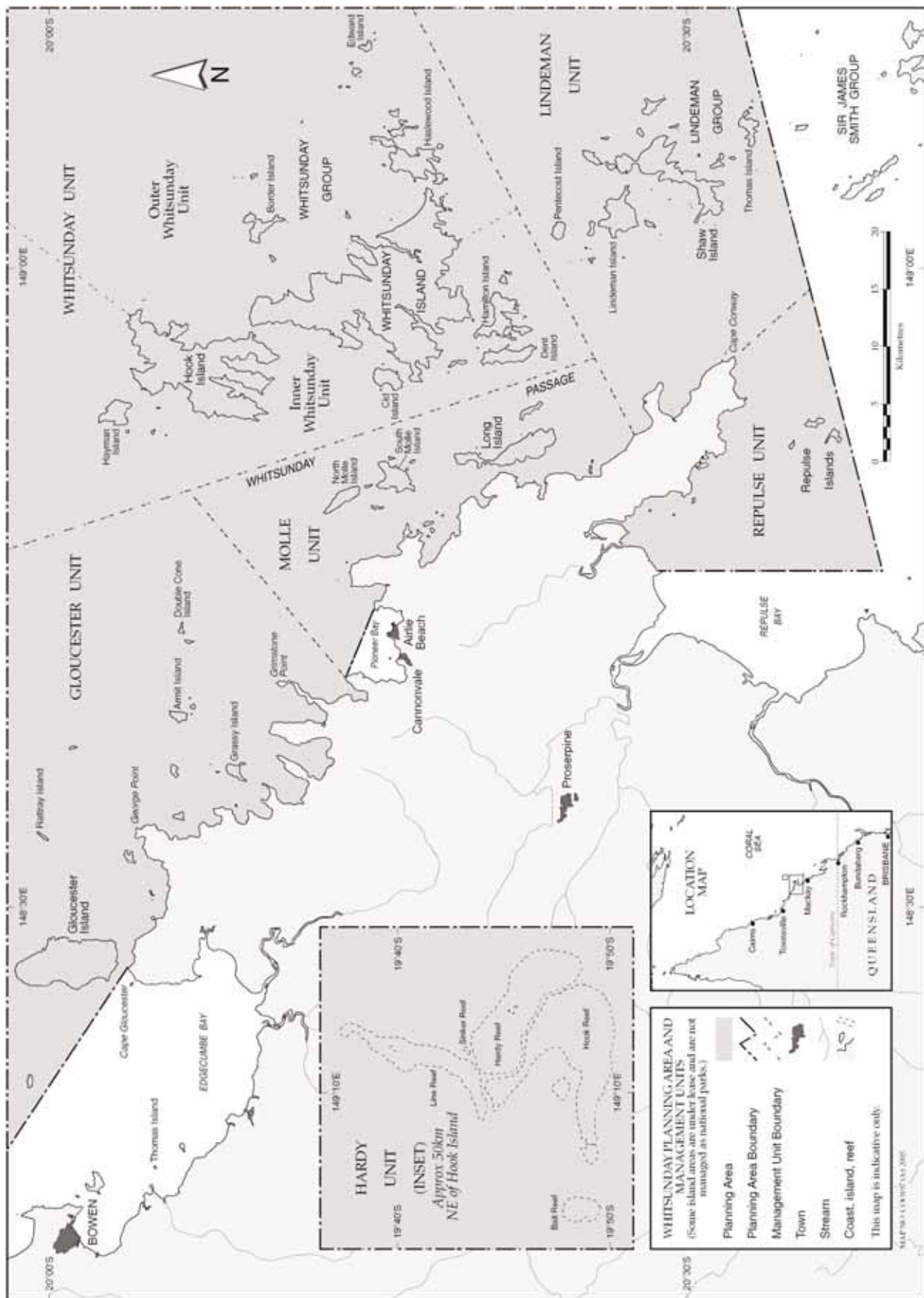
Visitors to the Whitsundays are attracted by the spectacular scenery of the numerous islands (mostly national parks), the fringing reefs and the offshore reefs. The reefs and islands support a huge range of animal and plant life, including threatened species such as humpback whales, dugong, loggerhead turtles, beach stone-curlews and Proserpine rock-wallabies. Scattered throughout the islands are special Aboriginal cultural sites including unique rock art paintings at Nara Inlet, and sites of European history.

Tourism and recreation are the major uses of the Whitsundays. The Whitsundays is therefore an important area for educating and informing visitors from around Australia and the world about World Heritage values. In addition to tourism and recreation, the Whitsundays is also used for commercial fishing and collecting, research and education, traditional hunting, and shipping.

The *Great Barrier Reef Marine Park Act 1975* and *Great Barrier Reef Marine Park Regulations 1983*, the *Great Barrier Reef Marine Park Zoning Plan 2003* and this Plan provide the statutory and regulatory foundation for managing use of the Whitsundays. Day-to-day management of the Whitsundays is conducted primarily through joint management arrangements with the Environmental Protection Agency, Queensland Parks and Wildlife Service. The Plan 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 this statutory basis must be complemented by other actions to ensure use can occur without endangering the values of the Whitsundays. To this end, the Authority encourages widespread use of best environmental practices and cooperative working arrangements between the management agencies and Great Barrier Reef Marine Park stakeholder groups.

The Plan identifies significant values of the Whitsundays that require protection now through the Plan, the issues associated with protecting those values and management measures used to address them. It is intended that the Plan will be in force indefinitely, but, 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. humpback whales, dugongs and seabirds), fringing reefs (e.g. anchor damage and recovery), site visitation and changing community attitudes. The Authority may make amendments to the Plan as required, subject to a period of public comment.



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Part 1 Management of the Whitsunday Planning Area

Division 1 Preliminary

1.1 Name of this Plan [see Note 1]

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

1.2 Application of this Plan

This Plan applies to the part of the Great Barrier Reef Marine Park within the Whitsunday Planning Area (that is, the areas described in Schedule 1) on 22 June 1998.

Note This Plan in its original form (except Part 2) commenced on 22 June 1998 — see subsection 39ZF (1) of the *Great Barrier Reef Marine Park Act 1975*. The *Whitsundays Plan of Management Amendment 1999 (No. 1)* (except Part 2) commenced on 12 October 1999. Part 2 of the Plan was given effect by the *Great Barrier Reef Marine Park Regulations 1983* on 27 October 1999.

1.3 General intent of this Plan

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

Clause 1.4

- (d) to provide a basis for managing the uses of a particular area of the Marine Park that may conflict with other uses of the area or with the values of the area; and
 - (e) to provide for the management of areas of the Marine Park in conjunction with community groups in circumstances where those groups have a special interest in the areas concerned; and
 - (f) to enable people using the Marine Park to participate in a wide range of recreational activities.
- (3) Subsection 39Z (1) of the Act states that the Authority in preparing management plans must have regard to:
- (a) the protection of world heritage values of the Marine Park; and
 - (b) the precautionary principle.

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

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

1.4 Interpretation

- (1) In this Plan, a term defined in Schedule 9 has the meaning given in that schedule, unless the context requires otherwise.
- (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 unless otherwise stated.
- (5) If part of the boundary of a Location extends beyond the Planning Area, the Location boundary is taken to be the boundary of the Planning Area.
- (6) The origin of geographical coordinates used in this Plan is the Australian Geodetic Datum 1966 (AGD66) unless otherwise stated.
- (7) If a specific reef Location is mentioned in this Plan, the reference includes the area within the 500 metre line of the reef unless the context indicates otherwise.

Note 1 The intertidal areas and most of the islands are managed by the Queensland Environmental Protection Agency.

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

Division 2 Nature conservation: values, issues and strategies

1.5 Nature conservation — general

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

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

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

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

Clause 1.6

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

Corals and associated biota conservation values

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

Corals and associated biota conservation issues

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

Corals and associated biota conservation strategies

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

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

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

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

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

Marine animals, plants and habitat conservation values

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

Clause 1.7

Marine animals, plants and habitat conservation issues

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

Marine animals, plants and habitat conservation strategies

- (3) The Authority has developed the following strategies to reduce or eliminate the threats to marine animals, plants and habitat in the Planning Area:
- (a) taking of dugongs and loggerhead turtles will not be allowed in the Planning Area except in accordance with section 5.3 of the Zoning Plan;

Note 1 This strategy is supported by the Giru Dala Aboriginal Council of Elders.

Note 2 For this Plan, **taking**, for an animal, plant or marine product, includes:

- (a) removing, gathering, catching, capturing, killing, destroying, dredging for, raising, carrying away, bringing ashore, interfering with and obtaining (by any other means) the animal, plant or marine product; and
 - (b) attempting to do anything mentioned in paragraph (a).
- (b) vessels will not be allowed to approach within 300 metres of a whale in the Whale Protection Area — outside this area the limit will be 100 metres;
 - (c) fixed wing aircraft will not be allowed, below 1 000 feet (above ground or water), to approach within 300 metres of a whale in the Planning Area;
 - (d) helicopters will not be allowed, below 2 000 feet (above ground or water), to approach within 1 000 metres of a whale in the Planning Area;
 - (e) whale spotting with a helicopter as part of a tourist program will not be allowed in the Planning Area;
 - (f) whale watching activities and swimming-with-whales activities, conducted using a vessel as part of a tourist program, will not be allowed in the Whale Protection Area;

- (g) the number of relevant permissions for tourist programs that include whale watching activities in the Planning Area will be capped;
- (h) relevant permissions will not be granted to conduct swimming-with-whales activities as part of a tourist program in the Planning Area.

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

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

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

Bird conservation values

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

Table 1 Significant bird sites with restriction periods

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

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

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

Clause 1.8

Bird conservation issues

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

Bird conservation strategies

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

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

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

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

Division 3 Cultural and heritage: values, issues and strategies

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

Cultural and heritage values

- (1) The Authority considers that the following cultural and heritage values are, or may be, threatened in the Planning Area:
 - (a) the relationship of traditional inhabitants with the marine environment, as demonstrated by the existence of sites of spiritual significance to traditional inhabitants, and the conduct of traditional subsistence activities in the Planning Area (for example, traditional hunting);
 - (b) evidence of Aboriginal occupation of the islands, including a quarry of international significance, a nationally significant rock art site, other rock art sites, middens and stone fish traps;

Note Four of these sites are specifically referred to in the Register of the National Estate kept under the *Australian Heritage Council Act 2003*.

- (c) Relics of European occupation of the islands, associated with early exploration and industry, particularly timber felling and milling, mining, grazing and tourism, including shipwrecks, tramways, fencelines, sheds and tools representing former grazing activities, timber extraction and indications of early resort development;
 - (d) the Dent Island lighthouse and light station.

Note The Dent Island lighthouse and light station were built in 1879. The lighthouse and light station are significant as intact representatives of the building style of that time. The Authority maintains a management presence at Dent Island. This site is specifically referred to in the Commonwealth Heritage List kept under the *Environment Protection and Biodiversity Conservation Act 1999*.

Cultural and heritage issues

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

Clause 1.10

Cultural and heritage strategy

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

Division 4 Use of the Planning Area, issues and strategies

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

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

Use of the Planning Area

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

Use issues

- (3) The Authority has identified the following issues to be resolved in managing use in the Planning Area:
- (a) ensuring that all activities in the Planning Area are ecologically sustainable and undertaken in accordance with best environmental practices;
 - (b) ensuring that cultural and recreational use is not inappropriately displaced by growth in commercial use;
 - (c) minimising disturbance to users of the Planning Area caused by noisy and intrusive activities;
 - (d) ensuring that the remote qualities of some sites are not inadvertently lost through unplanned increases in use;
 - (e) ensuring that irregular use by most users is not inappropriately compromised by regular use by a few users;
 - (f) ensuring that operation in popular anchorages is not constrained by the installation of tourist facilities;
 - (g) managing intensive use to ensure it does not devalue visitor experience at popular destinations;

- (h) managing the spatial distribution of tourist programs throughout the Planning Area;
- (i) preventing the scenic integrity of the Planning Area from being compromised by coastal development and the inappropriate installation of facilities in the Planning Area;
- (j) managing the impact of harvest fishing and aquaculture on other users of the Planning Area for the following reasons:
 - (i) aquaculture operations may require exclusive use of large areas over a long term, can affect water quality and amenity and may conflict with other use of the Planning Area;
 - (ii) collecting is seen by many people as incompatible with other tourism and recreational use and has the capacity to degrade reef communities and structure;
 - (iii) harvest fishing has the potential to over-exploit the resource at a local level, particularly the inshore endemic species — although a wide variety of species are harvested, uncommon species are more valuable and are therefore targeted by fishers in the harvest fisheries;
 - (iv) these impacts are accentuated by the cumulative effects of high, overall use of the Planning Area;
- (k) managing the impact of tourism on other users of the Planning Area for the following reasons:
 - (i) actual tourism use of the Planning Area is much less than the potential level of use permitted under current Marine Park relevant permissions for tourist programs;
 - (ii) the current management system has proved effective at managing impacts from larger, site-specific operations, but has been less effective in addressing the cumulative impacts of the many smaller operations and the increasing recreational use of the Planning Area;
 - (iii) impacts reported at many sites suggest that levels of use are already approaching the environmentally sustainable limits;
 - (iv) in the absence of a more detailed planning framework, Marine Park relevant permissions have historically been developed specifically for each individual tourist program, and in many cases this has resulted in over-complex permit conditions.

Use strategies

- (4) The Authority has developed the following strategies to manage use in the Planning Area:
 - (a) focus of use — ensuring that the limited resources available for management are used most effectively by generally focussing highest levels of use on the Hardy, Molle and Inner Whitsunday units referred to in Map 1;

Clause 1.10

- (b) restrictions on the operation of vessels and aircraft in setting areas (described in Table 2) — consequently:
 - (i) the Authority may limit use of setting 5 areas and some setting 4 areas as a result of detailed site planning, to be undertaken in consultation with key stakeholders; and
 - (ii) until this detailed site planning is completed, the number of relevant permissions for tourist programs that involve a setting 5 area will be capped; and
 - (iii) a vessel more than 35 metres in overall length, or carrying more than 15 people, will not be allowed to operate in a setting 4 area; and
 - (iv) a vessel more than 35 metres in overall length, or carrying more than 40 people, will not be allowed to operate in a setting 3 area; and
 - (v) a vessel more than 35 metres in overall length will not be allowed to operate in a setting 2 area; and
 - (vi) a ship will not be allowed to operate in a setting area.

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

- (5) The vessel length and group size limits will not apply to:
 - (a) a ship anchored at a cruise ship anchorage, but only if it has a booking, and only for the duration of the booking; or
 - (b) a large vessel anchored at a cruise ship anchorage; or
 - (c) a vessel transferring passengers at a cruise ship anchorage, but only while it is doing so; or
 - (d) a vessel transiting a setting area, but only while it is doing so; or
 - (e) a long range roving operation, except an operation to which subclause 1.10 (19AB) applies.
- (6) Tourism operations that meet the required eligibility criteria set by this Plan will be excepted from some of the group size limits.
- (7) An aircraft will not be allowed to operate in a Location more than twice per week unless landing at, or taking off from an official airstrip or airport, or a regular aircraft landing area for a Location mentioned in Schedule 7.
- (7A) No more than 1 ship at a time will be allowed to anchor at a cruise ship anchorage, except at the Turtle Bay cruise ship anchorage.

Table 2 Setting descriptions

Setting 1 Developed

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

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

Setting 2 High use

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

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

Setting 3 Moderate use

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

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

Setting 4 Natural

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

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

Setting 5 Protected

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

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

Clause 1.10

Restrictions on use of sensitive sites

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

Table 3 Setting 5 areas and their significant values

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

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

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

Restrictions on installing certain facilities in the Planning Area

- (12) Numerous moorings and tourist facilities exist in the Planning Area, particularly in setting 1 areas, but also at Hardy Reef and several other popular destinations in the Planning Area. A number of public moorings and reef protection markers have also been installed in the Planning Area, to protect the fragile reefs while providing continued access to popular destinations.
- (13) Recognising that the installation of moorings (other than public moorings) and tourist facilities at popular destinations may lead to exclusivity and displacement of other users, the number of such facilities permitted in the Planning Area will be capped, except:
- (a) in a setting 1 area; and
 - (b) in the Hardy Reef Location.
- (13A) If a place (the **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

- (13B) 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.
- (13C) 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.
- (13D) For subclause (13A), a severe environmental incident may be, for example, an oil spill or a cyclone.
- (13E) For subclause (13A), 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 subclauses (12), (13) and (13A), or the operation of a tourist program mentioned in paragraph (13A) (c), is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a tourist facility or operate a tourist program. The processes under the

Clause 1.10

Regulations include an assessment of the suitability of the proposed installation site for a tourist facility.

Restrictions on harvest fishing and aquaculture in the Planning Area

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

Restrictions on cruise ship operations in the Planning Area

- (15) Ships used for cruise ship operations will not be permitted in the Planning Area outside the General Use Zone and Shipping Areas, except when anchored at (or transiting to or from) a cruise ship anchorage.
- (16) Ships used for cruise ship operations will not be allowed to operate their tenders in the Planning Area, except to transfer passengers (by the most direct reasonable route) between the ship and:
- (a) a place outside the Planning Area; or
 - (b) a tourist facility within, or partly within, the Planning Area.

Restrictions on aircraft operations in the Planning Area

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

Restrictions on bareboat operations in the Planning Area

- (19) Because the Authority is concerned at the number of bareboats permitted to operate in the Planning Area and recognises that it is more environmentally sensitive to have accredited bareboat operations or guided bareboats rather than unguided bareboats, the Authority will:
- (a) cap the number of bareboats permitted to operate in the Planning Area; and
 - (b) permit the conversion of bareboat operations to crewed vessel operations (but not vice versa); and
 - (c) not reallocate (up to the cap) relevant permissions for bareboat operations, as a result of conversions to crewed vessel operations; and
 - (d) allow bareboat operations to provide sail guides as required; and

- (e) develop an accreditation and training program which, once implemented, may require compliance by all bareboat operations in the Planning Area.

Restrictions on long range roving operations in the Planning Area

- (19A) Long range roving operations will not be allowed to:
 - (a) operate a vessel longer than 35 metres overall; or
 - (b) operate a vessel that is not surveyed for overnight operation; or
 - (ba) operate a vessel that does not have 8 or more sleeping berths; or
 - (c) operate without crew; or
 - (d) operate a vessel carrying more than 30 passengers (not including crew), except in accordance with subclause (19AB); or
 - (e) visit a particular Location on more than 2 days in any 7-day period; or
 - (f) operate to a fixed schedule, or advertise or promote a regular destination, route or timetable; or
 - (g) operate except by way of a whole vessel charter to a single client, without taking bookings from individual passengers or agents.
- (19AB) For paragraph (19A) (d), a long range roving operation may operate a vessel carrying more than 30 passengers (in addition to crew), on no more than 10 days per year, subject to:
 - (a) compliance with group size setting limits; and
 - (b) the operator notifying the Authority, in writing, about such an operation before conducting the operation.
- (19B) Because long range roving operations have a unique style of operation and impact, the Authority will not permit conversion of permissions between long range roving operations and other tourism operations in the Planning Area.
- (19BA) The Authority will consider granting permission for a long range roving operation only if the Authority received the application for the permission no later than 3 months after the commencing day.

Restrictions on Bowen operations in the Planning Area

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

Restrictions on other operations in the Planning Area

- (20) Recognising that retail and hire operations, and operations involving the selling of services, can attract a number of other craft and people, increasing the potential for conflict at more remote or low use sites, these operations will not be allowed in the Planning Area, except in a setting 1 area.

Clause 1.10

- (21) Recognising that hire and craftless operations are generally focused near resorts and coastal settlements, and crewed vessel, aircraft and bareboat operations are generally dissipated throughout the Planning Area, the Authority will not permit conversion of permissions of hire or craftless operations to other tourism operations in the Planning Area.

Restrictions on certain activities in the Planning Area

- (22) Motorised water sports and aerobatics will not be allowed in a setting area, except a setting 1 area.
- (24) The operation of high-speed vessels as part of a tourist program will not be allowed in a setting area, except a setting 1 area.

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

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

Limits on tourist programs in the Planning Area

- (27) Subject to subclauses (28), (28A) and (29), there will be a maximum of 20 bookings available per day for crewed vessel operations and aircraft operations and, unless such an operation (except an operation converted from a bareboat operation) meets the required eligibility criteria set out in this Plan, the operation will be:
- (a) limited to 50 days operation in the Planning Area per year; and
 - (b) required to have a booking to access the Planning Area.
- (28) Cruise ship operations will be limited to 50 days' operation in the Planning Area per year, and will be required to be the subject of a booking to the Planning Area. There will be a maximum of 3 bookings (for cruise ship operations) available per day.
- (28A) Long range roving operations will be limited to 100 days' operation in the Planning Area per year, and will not be required to be the subject of a booking to the Planning Area.
- (29) The following tourism operations will not be limited to 50 days operation per year in the Planning Area, and will not be required to have a booking to access the Planning Area:
- (a) Bowen operations;
 - (b) hire operations;
 - (c) craftless operations;
 - (d) non-motorised operations;
 - (e) support service operations;
 - (f) passenger transport operations;

- (g) bareboat operations.

Regional tour operations

- (29A) The Authority intends to grant up to 15 new permissions for regional tour operations.
- (29B) A new permission mentioned in subclause (29A) may permit a regional tour operation to have all-year access to the Planning Area without a booking.
- (29C) However, a new permission mentioned in subclause (29A) will not be granted until:
- (a) the Authority has prepared a new system for allocating permissions for regional tour operations; and
 - (b) an application for the new permission has been assessed in accordance with the Regulations.
- (29D) It is the intention of the Authority that 5 of the permissions mentioned in subclause (29A) 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 who have traditional affiliations.

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

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

Table 4 Tourism operations permitted under this Plan

Operations	Conditions of operations	Eligibility requirements
Standard tour operation (aircraft or crewed vessel only) Up to 50 days' operation in the Planning Area per year with a booking requirement	Aircraft operation Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days, except for designated landing areas No scenic flights below 1 000 feet	Nil
	Crewed vessel operation Maximum vessel length 70m	Nil
Excepted from the 50-day limit and the booking requirement	Non-motorised operation Limited to using a non-motorised craft	Nil
	Passenger transport operation Limited to setting 1 areas, except when transiting the Planning Area	

Clause 1.10

Operations	Conditions of operations	Eligibility requirements
<p>Regional tour operation (aircraft or crewed vessel only) All year operation in the Planning Area without a booking requirement</p>	<p>Aircraft operation Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days, except for designated landing areas No scenic flights below 1 000 feet</p> <p>Crewed vessel operation Maximum vessel length 70m</p>	<ul style="list-style-type: none"> • Permission for the operation must have been current on 22 June 1998 • The permission must have permitted the operation to access the Planning Area on more than 50 days per year <p>The operation satisfies either:</p> <p>(a) both of the following requirements:</p> <ul style="list-style-type: none"> • the operation has been assessed by the Authority as meeting the eligibility requirements; • a new permission or authorisation has been granted; or <p>(b) all of the following requirements:</p> <ul style="list-style-type: none"> • the operation had not applied for assessment of the eligibility requirements before the commencement of <i>Whitsundays Plan of Management Amendment 2002 (No. 1)</i>; • the relevant permission for the operation must have been in force on 22 June 1998; • the relevant permission must have permitted the operation to access the Planning Area on more than 50 days per year; • 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
<p>Excepted from the group size limit of a setting on up to 50 days per year</p>	<p>Group size capped, or at the setting limit if greater</p>	<p><i>Note 1</i> The eligibility requirements are set out in subclause 1.12 (4). <i>Note 2</i> These requirements do not apply to a crewed vessel operation that was converted from a bareboat operation — see subclauses 1.12 (2) and 2.5 (3).</p> <p>The operation satisfies either:</p> <p>(a) both of the following requirements:</p> <ul style="list-style-type: none"> • the operation has been assessed by the Authority as meeting the eligibility requirements; • a new permission or authorisation has been granted; or

Clause 1.10

Operations	Conditions of operations	Eligibility requirements
<p>Excepted from the group size limit of a setting on more than 50 days per year</p>	<p>Group size capped, or at the setting limit if greater</p>	<p>(b) all of the following requirements:</p> <ul style="list-style-type: none"> • the operation had not applied for assessment of the eligibility requirements before the commencement of <i>Whitsundays Plan of Management Amendment 2002 (No. 1)</i>; • the relevant permission for operation in that setting above the group size limit must have been in force on 22 June 1998; • the relevant permission must have permitted the operation to access that setting above the group size limit; • the operation must have accessed that setting above the group size limit on at least 1 day between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances <p><i>Note</i> The eligibility requirements are set out in subclause 1.13 (3).</p> <p>The operation satisfies either:</p> <p>(a) both of the following requirements:</p> <ul style="list-style-type: none"> • the operation has been assessed by the Authority as meeting the eligibility requirements; • a new permission or authorisation has been granted; or <p>(b) all of the following requirements:</p> <ul style="list-style-type: none"> • the operation had not applied for assessment of the eligibility requirements before the commencement of <i>Whitsundays Plan of Management Amendment 2002 (No. 1)</i>; • the relevant permission for operation in that setting above the group size limit must have been in force on 22 June 1998; • the relevant permission must have permitted the operation to access that setting above the group size limit;

Clause 1.10

Operations	Conditions of operations	Eligibility requirements
<p>Bowen operation (crewed vessel only) All year operation in the Planning Area without a booking requirement</p>	<p>Maximum vessel length 70 metres Limited to operating from Bowen, and not permitted to embark new passengers other than at Bowen</p>	<ul style="list-style-type: none"> • the operation must have accessed that setting above the group size limit on at least 50 days between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances <p><i>Note</i> The eligibility requirements are set out in subclause 1.13 (4B).</p>
<p>Long range roving operation (crewed vessel only) Up to 100 days' operation in the Planning Area per year without a booking requirement Excepted from the group size limit of a setting</p>	<p>Maximum vessel length 35m Vessel must be surveyed for overnight operation and have 8 or more sleeping berths Limited to 30 passengers (not including crew), except on no more than 10 days per year subject to:</p> <ul style="list-style-type: none"> • group size setting limits; and • the operator telling the Authority, in writing, about such an operation before conducting the operation <p>Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days Must not operate to a fixed schedule, or advertise or promote a regular destination, route or timetable Must only operate as a whole vessel charter with a single client, without bookings from individual passengers or agents</p>	<p>Nil</p> <p><i>Note 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 the commencing day — see subclause 1.10 (19BA).</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>Cruise ship operation (ship only) Up to 50 days' operation in the Planning Area per year with a booking requirement</p>	<p>Limited to the General Use Zone, Shipping Areas and designated anchorages Limited to 1 cruise ship per anchorage at any time, except at Turtle Bay Anchoring in setting areas limited to designated anchorages Ships' tenders limited to transferring passengers</p>	<p>Nil</p>
<p>Bareboat operation (bareboat only) All-year operation in the Planning Area without a booking requirement</p>	<p>Nil</p>	<p>Existing permission for more than 50 days' operation in the Planning Area per year</p>
<p><i>Note</i> For the definitions of <i>bareboat</i> and <i>bareboat operation</i>, see Schedule 9.</p>		

Operations	Conditions of operations	Eligibility requirements
<p>Support Service Operation All-year operation in the Planning Area without a booking requirement</p>	<p>A vessel or aircraft used for a support service operation must not:</p> <ul style="list-style-type: none"> • be operated in continuous association with the vessel or aircraft being serviced as part of the support service operation; or • remain associated with the vessel or aircraft being serviced for longer than is necessary to provide the service; or • 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 the vessel or aircraft being serviced; or • be used to transport a person for the purpose of tourism 	Nil
<p>Hire operation (hire craft and hire equipment only) All year operation in the Planning Area without a booking requirement</p>	Limited to setting 1 areas	Nil
<p>Craftless operation (without vessel or aircraft) All year operation in the Planning Area without a booking requirement</p>	Nil	Nil

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

Division 5 Transition

1.11 Tourism management — general

- (1) This Plan sets out:
 - (a) relevant permissions that may be granted for tourism operations; and
 - (b) exceptions to the requirements of this Plan that will be provided for tourism operations that meet the required eligibility criteria set by this Plan.
- (2) This approach requires clear definition of particular types of tourism operations in the Planning Area, referred to in Table 4, and has been adopted because tourism operations are more numerous, and cumulative in effect, than other uses in the Planning Area.
- (3) This Plan limits certain conversions and activities while allowing for growth in tourist visitation to the Planning Area, and greater flexibility for most tourist programs.

Clause 1.12

- (4) The Authority intends that the only relevant permissions for tourism operations that may be granted in the Planning Area are those consistent with the provisions of this Plan. If a proposal is of the nature of a tourist program requiring the written permission of the Authority or its delegate under the Zoning Plan and is not provided for in this Plan, then it may lead to a proposal to amend this Plan in accordance with section 39ZG of the Act.
- (5) Requirements and procedures for application, assessment, decisions and review of decisions concerning relevant permissions are otherwise as provided for in the Act, Zoning Plan and Regulations.

1.12 Eligibility requirements for certain tourism operations

- (1) The Authority recognises the following issues for the Planning Area:
 - (a) a large number of tourism operations are permitted to operate each day in the Area;
 - (b) to protect the nature conservation and cultural and heritage values of the Area, these operations must be limited, particularly operations that involve:
 - (i) anchoring of a vessel or aircraft in the Area; or
 - (ii) passengers alighting from a vessel or aircraft in the Area.
- (2) To address these issues, the Authority intends that an operation that is either an aircraft operation or a crewed vessel operation (other than a crewed vessel operation converted from a bareboat operation) will be limited to 50 days operation in the Planning Area per year and will be required to have a booking to access the Planning Area, unless the operation meets the requirements of subclause (3), (4) or (5).
- (3) An operation meets the requirements of this subclause if it is an aircraft operation that was, on 22 June 1998, permitted to operate in the Planning Area on more than 50 days per year.
- (4) An operation meets the requirements of this subclause if it is a crewed vessel operation:
 - (a) that has been assessed by the Authority as having met the following requirements:
 - (i) the relevant permission for the operation must have been in force on 22 June 1998;
 - (ii) the relevant permission must have permitted the operation to access the Planning Area on more than 50 days per year;
 - (iii) the operation must have accessed the Planning Area on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive); and
 - (b) for which a new permission or authorisation was granted.
- (5) An operation meets the requirements of this subclause if it is a crewed vessel operation:

- (a) for which an application for assessment against the requirements in paragraph (4) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
 - (b) that has been assessed by the Authority as meeting those requirements.
- (6) However, for subclause (5), if special circumstances warrant an exception to the requirement in subparagraph (4) (a) (iii), the Authority will consider allowing the exception.

Note The types of tourism operations that will be permitted to operate daily in the Planning Area include crewed vessel, aircraft, bareboat, hire, Bowen, non-motorised, passenger transport, support service and craftless operations — see subclauses 1.10 (27) and (29). Cruise ship operations and long range roving operations will not be permitted to operate daily in the Planning Area — see subclauses 1.10 (28) and (28A).

1.13 Exceptions available to certain tourist programs

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

- (1) The Authority will consider an exception to the limits on group size set by a relevant setting limit only:
 - (a) for tourist programs that have operated in accordance with a relevant permission; and
 - (b) if there will be no increase in group size above the maximum permitted to that setting on 22 June 1998, or above the setting limit if greater.
- (2) The Authority will allow an exception for a regional tour operation that meets the requirements of subclause (3), (4), (4B) or (4C).
- (3) An operation meets the requirements of this subclause if it is a crewed vessel operation:
 - (a) that has been assessed by the Authority as having 50 days operation above the group size limit in a setting for which the operation is being assessed because it meets the following requirements:
 - (i) the relevant permission for the operation in that setting carrying more than the group size limit was in force on 22 June 1998;
 - (ii) the operation accessed that setting carrying more than the group size limit on at least 1 day during the period from 1 January 1996 to 30 June 1997 (inclusive); and
 - (b) for which a new permission or authorisation was granted.
- (4) An operation meets the requirements of this subclause if it is a crewed vessel operation:
 - (a) for which an application for assessment against the requirements in paragraph (3) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
 - (b) that has been assessed by the Authority as meeting those requirements.
- (4A) However, for subclause (4), if special circumstances warrant an exception to the requirement in subparagraph (3) (a) (iii), the Authority will consider allowing the exception.

Clause 1.14

- (4B) An operation meets the requirements of this subclause if it is a crewed vessel operation:
- (a) that has been assessed by the Authority as having 365 days operation above the group size limit in a setting for which the operation is being assessed because it meets the following requirements:
 - (i) the relevant permission for the operation in that setting carrying more than the group size limit was in force on 22 June 1998;
 - (ii) the operation accessed that setting carrying more than the group size limit on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive); and
 - (b) for which a new permission or authorisation was granted.
- (4C) An operation meets the requirements of this subclause if it is a crewed vessel operation:
- (a) for which an application for assessment against the requirements in paragraph (4B) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
 - (b) that has been assessed by the Authority as meeting those requirements.
- (4D) However, for subclause (4C), if special circumstances warrant an exception to the requirement in subparagraph (4B) (a) (iii), the Authority will consider allowing the exception.

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

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

1.14 Evidentiary requirements for tourist programs

- (1) When applying for a new permission or authorisation, proof of eligibility may be by:
- (a) reference to Environmental Management Charge returns held by the Authority before 5 December 1997; or
 - (b) reference to other official documents or records such as vessel or aircraft log books and passenger manifests or dive logs; or
 - (c) proof of special circumstances, which may include 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 before 5 December 1997 will be required to provide evidence of:
- (a) the number of days entry to the Planning Area or setting required for the eligibility criteria; and
 - (b) all tourist programs conducted in the Marine Park during the period in which it is claimed the eligibility criteria are met.

- (3) A person seeking to prove eligibility must make application to the Authority no later than 3 months after the commencing day, and provide all relevant supporting information available at the time.
- (4) However, for subclause (3), the Authority may consider an application received more than 3 months after the commencing day if special circumstances warrant its doing so.

1.15 Relevant permission replication issues for tourist programs

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

Clause How many people on a vessel

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

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

2.2 Length of a vessel

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

2.3 When this Part does not apply

- (1) Nothing in this Part prohibits or restricts anything being done:
 - (a) by a law-enforcement authority of the Commonwealth or Queensland for its work; or
 - (b) for observation or surveillance by, or on behalf of, an authority of the Commonwealth or Queensland; or
 - (c) in accordance with 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 to zones such as saving life or dealing with an emergency.

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

- (3) This Part does not apply to the installation or use of a navigation aid.

Division 2 General restrictions on the operation of vessels and aircraft

2.4 Vessels not to be operated in certain setting areas

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

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

- (2) A person must not operate, in a setting 3 area, a vessel that:
- (a) is more than 35 metres long; or
 - (b) is carrying more than 40 people.

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

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

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

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

Note Setting areas are set out in Schedule 2.

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

- (a) a ship that has a booking for a cruise ship anchorage anchoring at the anchorage even if the anchorage is in a setting area that the ship would not, except for this paragraph, be permitted to operate in; or
- (b) a large vessel anchoring at a cruise ship anchorage even if the anchorage is in a setting area that the vessel would not, except for this paragraph, be permitted to operate in; or
- (c) a vessel transferring passengers at a cruise ship anchorage; or
- (d) a vessel transiting a setting area that the vessel would not, except for this paragraph, be permitted to operate in; or
- (e) a vessel being operated in accordance with an authorisation.

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

- (5A) Also, if a new permission mentions that a person may do a thing despite subclause (1), (2), (3) or (4), those subclauses do not prevent the person doing that thing according to the permission.

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

2.5 Operation of tourism operations in the Planning Area

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

Clause 2.5A

- (2) A person must not conduct a tourism operation in the Planning Area without a booking if the operation involves the use of a vessel or aircraft.
- (3) Subclauses (1) and (2) do not apply to a person:
 - (a) conducting an operation in accordance with an authorisation; or
 - (b) operating a vessel or aircraft transiting the Planning Area; or
 - (c) operating a non-motorised craft; or
 - (d) operating a hire craft or hire equipment; or
 - (e) conducting a bareboat or aircraft operation in accordance with an existing permission that, on 22 June 1998, allowed the operation to operate on more than 50 days per year in the Planning Area; or
 - (f) conducting a crewed vessel operation converted from a bareboat operation; or
 - (g) conducting a passenger transport operation; or
 - (h) conducting a support service operation; or
 - (i) conducting a long range roving operation; or
 - (j) conducting a craftless operation.
- (4) Also, if a new permission mentions that a person may do a thing despite subclauses (1) and (2), those subclauses do not prevent the person doing that thing according to the permission.

2.5A Passenger transport operations

A person conducting a passenger transport operation must ensure that:

- (a) the operation is conducted using the most direct reasonable routes in transporting passengers on a vessel or aircraft throughout the Planning Area; and
- (b) on the route, the vessel or aircraft does not stop except:
 - (i) to pick up passengers; or
 - (ii) for passengers to disembark at their destination; or
 - (iii) in the case of an emergency.

2.5B Support service operations

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

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

2.6 Limited exception for activities under certain older permissions

- (1) This clause applies to a person who holds a relevant permission granted before the commencing day.
- (2) If clause 2.4 or 2.5 prohibits an activity permitted by the permission, or regulates such an activity in a way inconsistent with the permission, then, despite the clause, the person may continue the activity in accordance with the permission if, no later than 3 months after the commencing day:
 - (a) the person applies to the Authority, in accordance with the Regulations, to continue to carry on the activity in that way; and
 - (b) the Authority has not made a decision on the application.
- (3) For subclause (2), the Authority will consider an application received more than 3 months after the commencing day if special circumstances warrant its doing so.

2.7 Limits on operation of aircraft

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

2.8 Limits on use of certain kinds of vessel

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

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

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

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

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

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

Clause 2.10

Division 3 Wildlife protection

2.10 Protection of whales

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

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

Note 2 See also the *Environment Protection and Biodiversity Conservation Act 1999*.

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

Note The Authority must not grant a relevant permission to conduct swimming-with-whales activities as part of a tourist program in the Planning Area — see subclause 2.26 (1).

2.11 Activities near significant bird sites

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

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

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

2.12 Protecting coral

- (1) A person must not damage coral.
- (2) The conduct prohibited by subclause (1) does not include:

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

Note The no anchoring areas are set out in Schedule 5.

- (4) A person must not anchor a ship in a setting area, except at a cruise ship anchorage and with a booking.

Note Setting areas are set out in Schedule 2.

Division 4 Other activities

2.13 Fishing or collecting

A person must not fish or collect as part of a tourist program in the Langford/Black Islands Area.

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

2.14 Certain commercial activities

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

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

- (2) Except in a setting 1 area, a person must not carry on an operation involving the selling of services in the Planning Area.
- (3) Except in a setting 1 area, a person must not carry on a hire operation in the Planning Area.
- (4) However, subclauses (1), (2) and (3) do not prevent a person from conducting a support service operation in accordance with a relevant permission.

2.15 Aerobatics and motorised water sports

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

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

Note 2 A setting area includes airspace to a height of 915 metres.

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

Clause 2.16

- (3) However, a person may operate a vessel (including a high-speed vessel) to transit a setting area if the person is not, during the transiting, operating the vessel for motorised water sports.

Division 5 Limit on Authority's power to grant permissions

Subdivision 1 Moorings, tourist facilities and bookings

2.16 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 if granting the permission would result in the number of such permissions in force at that time being greater than the number of such permissions in force on 22 June 1998.
- (2) However, subclause (1) does not apply to the grant of a relevant permission for the installation of:
- (a) a public mooring; or
 - (b) a mooring in a setting 1 area; or
 - (c) a mooring in the Hardy Reef Location; or
 - (d) a mooring as part of its temporary relocation or replacement under subclause 1.10 (13A).

Note 1 Even though a limit under subclause (1) does not apply to a mooring mentioned in subclause (2), 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 1.10 (13B), no permitted tourist facility (which includes a mooring mentioned in paragraph (2) (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.

2.17 Limit on the number of tourist facilities in the Planning Area

- (1) The Authority must not grant a relevant permission for the installation of a tourist facility if granting the permission would result in the number of such permissions in force (other than permissions mentioned in subclause (2)) at that time being greater than the number of such permissions in force on 22 June 1998.
- (2) However, subclause (1) does not apply to the grant of a relevant permission for the installation of a tourist facility:
- (a) in a setting 1 area; or
 - (b) in the Hardy Reef Location; or
 - (c) to temporarily relocate or replace a tourist facility under subclause 1.10 (13A).

Note 1 Even though a limit under subclause (1) does not apply to a tourist facility mentioned in subclause (2), the installation of the tourist facility is subject to the application, assessment and decision-making processes under the Regulations for a relevant

permission to install a tourist facility. The processes under the Regulations include an assessment of the suitability of the proposed installation site.

Note 2 Under subclause 1.10 (13B), no permitted tourist facility 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.

2.18 Limits on bookings

- (1) A person must not accept a total of more than 20 bookings per day for crewed vessel operations and aircraft operations to operate in the Planning Area.
- (2) A person must not accept more than 3 bookings per day for cruise ship operations to operate in the Planning Area.

Subdivision 2 Permissions for tourism operations

2.19 Permissions must be consistent with this Plan

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

2.20 Limit on converting permissions

- (1) The Authority must not convert a relevant permission from or to any of the following permissions:
 - (a) a relevant permission for an aircraft operation;
 - (b) a relevant permission for a long range roving operation;
 - (c) a relevant permission for a Bowen operation;
 - (d) a relevant permission for a hire operation;
 - (e) a relevant permission for a craftless operation;
 - (f) a relevant permission for a support service operation;
 - (g) a relevant permission for a passenger transport operation.

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

- (2) The Authority must not convert a relevant permission, to use or enter the Planning Area, to a relevant permission for a bareboat operation in the Planning Area.
- (3) The Authority may only convert a relevant permission for a bareboat operation to a relevant permission for a crewed vessel operation.

2.21 Limit on number of bareboat operations in the Planning Area

- (1) The Authority must not grant a relevant permission to conduct a bareboat operation in the Planning Area if granting the permission would result in the number of such permissions in force at that time being greater than the number of permissions mentioned in subclause (2).

Clause 2.22

- (2) For subclause (1), the number of permissions is the number of relevant permissions in force on 22 June 1998 for bareboat operations, less the number of relevant permissions for bareboat operations that, after 22 June 1998, have been converted to relevant permissions for crewed vessel operations.

2.22 Limit on number of Bowen operations in the Planning Area

The Authority must not grant a relevant permission to conduct a Bowen operation in the Planning Area if granting the permission would result in more than 10 such permissions being in force.

2.23 Limit on number of tourist programs that involve fishing or collecting in the Planning Area

- (1) The Authority must not grant a relevant permission for the conduct of a tourist program that involves fishing or collecting in the Planning Area if granting the permission would result in the number of such permissions in force at that time (other than permissions mentioned in subclause (2)) being greater than the number of such permissions in force on 22 June 1998.
- (2) However, subclause (1) does not apply to the grant of a relevant permission for the conduct of a tourist program that involves fishing or collecting in the areas of the Planning Area that are in the General Use Zone or the Habitat Protection Zone.

2.24 Limit on permissions for aquaculture or harvest fishing in the Planning Area

The Authority may grant a relevant permission (the *new permission*) for aquaculture or harvest fishing in the Planning Area only if:

- (a) the permission is of the same kind in relation to the carrying on of the same activity 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 old permission ceases to be in force when the new permission is granted.

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

2.25 Limit on number of permissions for tourist programs that involve reef walking in the Planning Area

- (1) The Authority must not grant a relevant permission for the conduct of a tourist program that involves reef walking in the Planning Area if granting the permission would result in the number of such permissions in force at that time (other than permissions mentioned in subclause (2)) being greater than the number of such permissions in force on 22 June 1998.

- (2) However, subclause (1) does not apply to the grant of a relevant permission for the conduct of a tourist program that involves reef walking at Hardy Reef or at Black Island Reef.

2.26 Limit on number of permissions for swimming-with-whales activities and whale watching activities

- (1) The Authority must not grant a relevant permission to conduct swimming-with-whales activities as part of a tourist program in the Planning Area.
- (2) The Authority must not grant a relevant permission to conduct whale watching activities as part of a tourist program using a vessel in the Whale Protection Area.
- (3) The Authority must not grant a relevant permission to conduct a tourist program that involves whale watching activities in the Planning Area if granting the permission would 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.

2.27 Granting relevant permissions for long range roving operations

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 activity 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 old permission ceases to be in force when the new permission is granted.

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

2.28 Granting new permissions for regional tour operations

- (1) The Authority may grant up to 15 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.
- (3) However, a permission mentioned in subclause (1) must not be granted until:
 - (a) the Authority has prepared a new system for allocating permissions for regional tour operations; and
 - (b) an application for the new permission has been assessed in accordance with the Regulations.
- (4) Five of the permissions mentioned in subclause (1) will only be granted to persons who are traditional inhabitants and who have traditional affiliations.

Schedule 1 The Planning Area

(clause 1.2)

The Planning Area is areas 1 and 2 described below, and, at any point, extends vertically to 915 metres above the ground or water surface.

1. **Area 1 — Gloucester, Molle, Whitsunday, Repulse and Lindeman Units**

The area the boundary of which:

- (a) commences at the northernmost point of Cape Gloucester on the coastline of the mainland at low water, at or about the point of latitude 20°03'43" south, longitude 148°27'08" east;
- (b) runs thence north-westerly along the geodesic to the point of latitude 19°58'07" south, longitude 148°18'32" east;
- (c) thence easterly along the geodesic to the point of latitude 19°58'01" south, longitude 149°12'14" east;
- (d) thence southerly along the geodesic to the point of latitude 20°32'26" south, longitude 149°12'12" east;
- (e) thence south-westerly along the geodesic to the point of intersection of the mainland coastline at low water and the parallel of latitude 20°40'04" south, in the vicinity of Midge Point; and
- (f) thence generally northerly, easterly, south-easterly and north-westerly along the coastline of the mainland at low water to the point of commencement.

2. **Area 2 — Hardy Unit**

The area the boundary of which:

- (a) commences at the point of latitude 19°51'14" south, longitude 149°02'43" east;
- (b) runs thence northerly along the geodesic to the point of latitude 19°36'25" south, longitude 149°02'39" east;
- (c) thence easterly along the geodesic to the point of latitude 19°36'20" south, longitude 149°17'41" east;
- (d) thence southerly along the geodesic to the point of latitude 19°51'07" south, longitude 149°17'47" east; and
- (e) thence westerly along the geodesic to the point of commencement.

Schedule 2 Setting areas

(Table 2, clause 2.4, subclauses 2.8 (1), 2.12 (4) and clauses 2.14 and 2.15)

Setting areas are as follows and, at any point, extend vertically to 915 metres above the ground or water surface.

1. Setting 1 areas

Setting 1 areas are the following areas:

- (a) Hayman Island Resort — the area the boundary of which:
 - (i) commences on the coastline of Hayman Island at low water at its southernmost point, in the vicinity of Groper Point;
 - (ii) runs thence south-westerly along the geodesic to its intersection by the coastline of Langford Island at low water at its easternmost point;
 - (iii) thence north-westerly along the coastline of Langford Island at low water to its northernmost point;
 - (iv) thence north-easterly along the geodesic to the point of intersection of the coastline of Hayman Island at low water by the parallel of latitude 20°03'35" south; and
 - (v) thence easterly along the coastline of Hayman Island at low water to the point of commencement;
- (b) Dingo Beach Settlement — the area the boundary of which:
 - (i) commences on the mainland coastline at low water at its intersection by the meridian of longitude 148°28'59" east;
 - (ii) runs thence north-easterly along the geodesic to the intersection of the coastal 500 metre line of the mainland by the meridian of longitude 148°29'23" east;
 - (iii) thence generally south-easterly along that coastal 500 metre line to its intersection by the meridian of longitude 148°30'01" east;
 - (iv) thence south-westerly along the geodesic to the intersection of the mainland coastline at low water by the meridian of longitude 148°29'46" east; and
 - (v) thence generally north-westerly along the mainland coastline at low water to the point of commencement;
- (c) Earlando's Resort — the area the boundary of which:
 - (i) commences on the mainland coastline at low water at its intersection by the meridian of longitude 148°34'32" east at or about latitude 20°08'37" south;
 - (ii) runs thence southerly along the geodesic to the easternmost point of the unnamed point on the mainland coastline at low water at or about latitude 20°09'21" south, longitude 148°34'33" east; and
 - (iii) thence generally northerly along the mainland coastline at low water to the point of commencement;

- (d) Hook Island Observatory and Resort — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at its easternmost intersection by the parallel of latitude 20°10'01" south;
 - (ii) runs thence south-easterly along the geodesic to the intersection of the coastal 500 metre line of Hook Island by the parallel of latitude 20°10'08" south;
 - (iii) thence north-easterly along the geodesic to the easternmost intersection of the coastline of Hook Island at low water by the parallel of latitude 20°09'29" south; and
 - (iv) thence generally south-westerly along the coastline of Hook Island at low water to the point of commencement;
- (e) Daydream and South Molle Island Resorts — the area the boundary of which:
- (i) commences on the coastline of Daydream Island at its northernmost point;
 - (ii) runs thence north along the meridian of longitude that passes through that point to its intersection by the coastal 500 metre line of Daydream Island;
 - (iii) thence easterly along the geodesic to its intersection by the northernmost point of the coastline of Mid Molle Island at low water;
 - (iv) thence easterly along the geodesic to the point of intersection of the coastal 1 500 metre line of North Molle Island and the coastal 1 500 metre line of South Molle Island;
 - (v) thence south-easterly along the geodesic to its intersection by the northernmost point of Deedes Point on the coastline of South Molle Island at low water;
 - (vi) thence generally south-westerly, north-westerly and southerly along the coastline of South Molle Island at low water to its westernmost point, in the vicinity of Ker Point;
 - (vii) thence north-westerly along the geodesic to its intersection by the coastal 500 metre line of Daydream Island at its southernmost point;
 - (viii) thence north-westerly and northerly along the coastal 500 metre line of Daydream Island to its intersection by the parallel which passes through the westernmost point of the coastline of Daydream Island at low water;
 - (ix) thence east along that parallel its intersection by the coastline of Daydream Island at low water; and
 - (x) thence generally north-easterly along the coastline of Daydream Island at low water to the point of commencement;

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- (f) Happy and Palm Bay Resorts, Long Island — the area the boundary of which:
- (i) commences on the coastline of Long Island at low water at its westernmost intersection by the parallel of latitude 20°20'47" south;
 - (ii) runs thence westerly along that parallel to its intersection by the coastal 500 metre line of Long Island;
 - (iii) thence generally northerly along the coastal 500 metre line of Long Island to its intersection by the parallel of latitude 20°19'12" south;
 - (iv) thence easterly along that parallel to its easternmost intersection by the coastline of Long Island at low water; and
 - (v) thence generally southerly along the coastline of Long Island at low water to the point of commencement;
- (g) Hamilton Island and Dent Passage — the area the boundary of which:
- (i) commences on the coastline of Dent Island at low water at its northernmost point;
 - (ii) runs thence north-easterly along the geodesic to its intersection by the coastal 500 metre line of Hamilton Island at its northernmost point;
 - (iii) thence generally south-easterly and south-westerly along the coastal 500 metre line of Hamilton Island to its intersection by the coastal 500 metre line of unnamed island 20-059;
 - (iv) thence generally southerly and westerly along the coastal 500 metre line of unnamed island 20-059 to its intersection by the coastal 500 metre line of Hamilton Island;
 - (v) thence generally south-westerly along the coastal 500 metre line of Hamilton Island to its southernmost point;
 - (vi) thence westerly along the geodesic to its intersection by the coastline of Dent Island at low water at its southernmost point; and
 - (vii) thence northerly along the western coastline of Dent Island at low water to the point of commencement;
- (h) Paradise Bay Resort, Long Island — the area the boundary of which:
- (i) commences on the coastline of Long Island at low water at its westernmost intersection by the parallel of latitude 20°23'39" south;
 - (ii) runs thence south-westerly along the geodesic to the westernmost intersection of the coastal 500 metre line of Long Island and the parallel of latitude 20°23'56" south;
 - (iii) thence generally north-westerly along the coastal 500 metre line of Long Island to its westernmost intersection by the parallel of latitude 20°23'29" south;
 - (iv) thence north-easterly along the geodesic to the westernmost intersection of the coastline of Long Island at low water and the parallel of latitude 20°23'18" south; and

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- (v) thence generally south-easterly along the coastline of Long Island at low water to the point of commencement;
 - (i) Lindeman Island Resort — the area the boundary of which:
 - (i) commences on the coastline of Lindeman Island at low water at its southernmost point, in the vicinity of Picaninny Point;
 - (ii) runs thence south along the meridian which passes through that point to its intersection by the coastal 500 metre line of Lindeman Island;
 - (iii) thence generally easterly along that coastal 500 metre line to its intersection by the coastline of Seaforth Island at low water;
 - (iv) thence generally easterly along the coastline of Seaforth Island at low water to its intersection by the coastal 500 metre line of Lindeman Island;
 - (v) thence generally easterly along the coastal 500 metre line of Lindeman Island to its southernmost intersection by the meridian of longitude 149°02'54" east;
 - (vi) thence northerly along the geodesic to the southernmost intersection of the coastline of Lindeman Island at low water by the meridian of longitude 149°02'48" east; and
 - (vii) thence generally westerly along the coastline of Lindeman Island at low water to the point of commencement.

2. Setting 2 areas

Setting 2 areas are the following areas, to the extent that an area described in this item is not included in an area described in item 1:

- (a) Hardy, Hook and Line Reefs — the area the boundary of which:
 - (i) commences at the easternmost intersection of the parallel of latitude 19°43'28" south with the 1 500 metre line of Hardy Reef;
 - (ii) runs thence generally south-easterly southerly and south-westerly along the 1 500 metre line of Hardy Reef to its intersection by the 1 500 metre line of Hook Reef;
 - (iii) thence north-westerly along the geodesic to the easternmost intersection of the reef edge of Hook Reef by the parallel of latitude 19°48'37" south;
 - (iv) thence generally north-westerly along the reef edge of Hook Reef to its northernmost intersection by the meridian of longitude 149°11'28" east;
 - (v) thence west along the parallel that passes through that point to its westernmost intersection by the 1 500 metre line of Hook Reef;
 - (vi) thence generally north-westerly along the 1 500 metre line of Hook Reef to its westernmost intersection by the 1 500 metre line of Line Reef;
 - (vii) thence north-westerly and north-easterly along the 1 500 metre line of Line Reef to its intersection by the parallel of latitude 19°43'28" south; and
 - (viii) thence east along that parallel to the point of commencement;

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- (b) Black Island — the area enclosed within the coastal 100 metre line of Black Island;
- (c) Cid Harbour, Whitsunday Island — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its westernmost intersection by the parallel of latitude 20°16'19" south;
 - (ii) runs thence north-westerly along the geodesic to the easternmost intersection of the coastline of Cid Island at low water by the parallel of latitude 20°16'01" south;
 - (iii) thence generally northerly and westerly along the coastline of Cid Island at low water to its northernmost intersection by the meridian of longitude 148°54'43" east;
 - (iv) thence north along that meridian to its intersection by the coastal 1 500 metre line of Cid Island;
 - (v) thence generally easterly along the coastal 1 500 metre line of Cid Island to its westernmost intersection by the coastal 1 500 metre line of Whitsunday Island;
 - (vi) thence generally northerly along the coastal 1 500 metre line of Whitsunday Island to its westernmost intersection by the parallel latitude 20°14'22" south;
 - (vii) thence east along that parallel to its westernmost intersection by the coastline of Whitsunday Island at low water;
 - (viii) thence generally south-easterly along the coastline of Whitsunday Island at low water to its intersection by the meridian of longitude 148°56'26" east, at or about latitude 20°14'43.4" south;
 - (ix) thence south-easterly along the geodesic to the westernmost intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°15'01.7" south; and
 - (x) thence generally south-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
- (d) Whitehaven Beach, Whitsunday Island — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its northernmost intersection by the meridian of longitude 149°03'31" east;
 - (ii) runs thence north along that meridian to its intersection by the coastal 500 metre line of Whitsunday Island;
 - (iii) thence generally north-westerly along the coastal 500 metre line of Whitsunday Island to its northernmost intersection by the meridian of longitude 149°02'45" east;
 - (iv) thence south-westerly along the geodesic to the easternmost intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°17'17" south; and
 - (v) thence generally south-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
- (e) Southern Whitsunday Island — the area the boundary of which:

- (i) commences on the coastline of Whitsunday Island at low water at its southernmost point;
- (ii) runs thence south-westerly along the geodesic which passes through the westernmost point of the coastline of Fitzalan Island at low water to its northernmost intersection by the coastline of Fitzalan Island at low water;
- (iii) thence generally south-easterly, south-westerly and westerly along the eastern and southern coastline of Fitzalan Island at low water to its intersection by the geodesic which passes through the southernmost point of the coastline of Whitsunday Island at low water and westernmost point of the coastline of Fitzalan Island at low water;
- (iv) thence south-westerly along that geodesic to its easternmost intersection by the coastal 500 metre line of Hamilton Island;
- (v) thence generally easterly along the coastal 500 metre line of Hamilton Island to its easternmost intersection by the coastal 1 500 metre line of Whitsunday Island;
- (vi) thence generally easterly along the coastal 1 500 metre line of Whitsunday Island to its southernmost intersection by the meridian of longitude 149°02'49" east;
- (vii) thence north along that meridian to its southernmost intersection by the coastline of Whitsunday Island at low water; and
- (viii) thence generally westerly along the coastline of Whitsunday Island at low water to the point of commencement.

3. Setting 3 areas

Setting 3 areas are the following areas, to the extent that an area described in this item is not included in an area described in item 1 or 2:

- (a) Hardy Reef Complex — the area enclosed within the 1 500 metre line of the following reefs.
 - (i) Line Reef (19-128);
 - (ii) Sinker Reef (19-133);
 - (iii) Hook Reef (19-136);
 - (iv) Barb Reef (19-136b);
 - (v) unnamed reef 19-136c;
 - (vi) Bait Reef (19-137);
- (b) Langford/Black Islands Complex — the area the boundary of which:
 - (i) commences at the northernmost point of Dolphin Point on the coastline of Hayman Island at low water;
 - (ii) runs thence north-westerly along the geodesic to the northernmost intersection of the coastal 1 500 metre line of Hayman Island by the meridian of longitude 148°52'21" east;
 - (iii) thence generally southerly along the coastal 1 500 metre line of Hayman Island to its northernmost intersection by the coastal 1 500 metre line of Arkhurst Island;

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- (iv) thence generally southerly along the coastal 1 500 metre line of Arkhurst Island to its northernmost intersection by the coastal 1 500 metre line of Langford Island;
 - (v) thence generally southerly along the coastal 1 500 metre line of Langford Island to its northernmost intersection by the coastal 1 500 metre line of Bird Island;
 - (vi) thence generally southerly and south-easterly along the coastal 1 500 metre line of Bird Island to its westernmost intersection by the coastal 1 500 metre line of Hook Island;
 - (vii) thence generally southerly along the coastal 1 500 metre line of Hook Island to its westernmost intersection by the parallel of latitude 20°07'29" south;
 - (viii) thence east along that parallel to its westernmost intersection by the coastline of Hook Island at low water;
 - (ix) thence generally north-easterly and northerly along the coastline of Hook Island at low water to its westernmost intersection by the parallel of latitude 20°04'20" south;
 - (x) thence north-westerly along the geodesic to the southernmost point of Groper Point on the coastline of Hayman Island at low water; and
 - (xi) thence generally westerly and northerly along the southern and western coastline of Hayman Island at low water to the point of commencement;
- (c) North Hook Island — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at its northernmost intersection by the meridian of longitude 148°55'17" east;
 - (ii) runs thence north along that meridian to its northernmost intersection by the coastal 1 500 metre line of Hook Island;
 - (iii) thence generally easterly along the coastal 1 500 metre line of Hook Island to its northernmost intersection by the meridian of longitude which passes through the easternmost point of Pinnacle Point on the coastline of Hook Island at low water;
 - (iv) thence south along that meridian to its intersection by the easternmost point of Pinnacle Point on the coastline of Hook Island at low water; and
 - (v) thence generally westerly along the coastline of Hook Island at low water to the point of commencement;
- (d) Saba Bay — the area the boundary of which:
- (i) commences at the southernmost point of the unnamed point at or about latitude 20°06'32" south, longitude 148°57'21" east, on the coastline of Hook Island at low water;
 - (ii) runs thence south-westerly along the geodesic to the easternmost point of intersection of the coastline of Hook Island at low water by the parallel of latitude 20°06'57" south; and
 - (iii) thence generally northerly and south-easterly along the coastline of Hook Island at low water to the point of commencement;

- (e) Clarke's Cove — the area the boundary of which:
- (i) commences at the easternmost point of the unnamed point on the mainland coastline at low water at or about latitude 20°09'21" south, longitude 148°34'33" east;
 - (ii) runs thence south-easterly along the geodesic to the northernmost point of the unnamed point on the mainland coastline at low water at or about latitude 20°09'59" south, longitude 148°35'02" east; and
 - (iii) thence generally south-westerly and northerly along the mainland coastline at low water to the point of commencement;
- (f) South Hook Island — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at its southernmost point;
 - (ii) runs thence south along the meridian which passes through the southernmost point of the coastline of Hook Island at low water to its southernmost intersection by the coastal 1 500 metre line of Hook Island;
 - (iii) thence generally westerly along the coastal 1 500 metre line of Hook Island to its westernmost intersection by the parallel of latitude 20°10'32" south;
 - (iv) thence north-easterly along the geodesic to the southernmost point of the unnamed point on the coastline of Hook Island at low water at or about latitude 20°09'52" south, longitude 148°52'52" east; and
 - (v) thence generally easterly along the coastline of Hook Island at low water to the point of commencement;
- (g) CATERAN BAY, BORDER ISLAND — the area the boundary of which:
- (i) commences on the coastline of Border Island at low water at its northernmost intersection by the meridian of longitude 149°01'19" east;
 - (ii) runs thence north-easterly along the geodesic to its intersection by the coastline of Border Island at low water at its northernmost point; and
 - (iii) thence generally southerly and westerly along the coastline of Border Island at low water to the point of commencement;
- (h) Woodward Bay, Mainland — the area the boundary of which:
- (i) commences on the mainland coastline at low water at its intersection by the parallel of latitude 20°10'30" south at or about longitude 148°38'40.6" east;
 - (ii) runs thence south-easterly along the geodesic to its intersection by the mainland coastline at low water at its intersection by the parallel of latitude 20°11'40" south at or about longitude 148°40'02.1" east; and
 - (iii) thence south-westerly and northerly along the mainland coastline at low water to the point of commencement;
- (i) Molle Channel — the area the boundary of which:

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- (i) commences at the easternmost intersection of the coastline of the mainland at low water by the parallel of latitude 20°13'04" south;
 - (ii) runs thence east along that parallel to its intersection by the coastal 1 500 metre line of the mainland;
 - (iii) thence generally south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Pigeon Island;
 - (iv) thence generally easterly along that coastal 1 500 metre line to its easternmost intersection by the coastal 1 500 metre line of the mainland;
 - (v) thence generally north-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Pioneer Rocks;
 - (vi) thence generally north-easterly and south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Almora Islet;
 - (vii) thence generally south-easterly along that coastal 1 500 metre line to its easternmost intersection by the coastal 1 500 metre line of the mainland;
 - (viii) thence generally south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Daydream Island;
 - (ix) thence generally north-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of North Molle Island;
 - (x) thence generally north-westerly and north-easterly along that coastal 1 500 metre line to its northernmost intersection by the meridian of longitude 148°48'07" east;
 - (xi) thence south-easterly along the geodesic to the northernmost point of the coastline of North Molle Island at low water;
 - (xii) thence generally south-westerly and south-easterly along the western coastline of North Molle Island at low water to its southernmost point;
 - (xiii) thence south-easterly along the geodesic to the northernmost point of the coastline of Mid Molle Island at low water;
 - (xiv) thence westerly along the geodesic to the northernmost point of intersection of the coastal 500 metre line of Daydream Island and the meridian of longitude that passes through the northernmost point of the coastline of Daydream Island at low water;
 - (xv) thence south along that meridian to its intersection by the coastline of Daydream Island at low water;
 - (xvi) thence generally south-westerly along the coastline of Daydream Island at low water to its westernmost point;
 - (xvii) thence westerly along the parallel of latitude which passes through the westernmost point of Daydream Island at low water to its westernmost intersection with the coastal 500 metre line of Daydream Island;

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- (xviii) thence generally southerly and south-easterly along the coastal 500 metre line of Daydream Island to its southernmost point;
 - (xix) thence easterly along the geodesic to the westernmost point of the coastline of South Molle Island at low water;
 - (xx) thence generally southerly and easterly along the coastline of South Molle Island at low water to its southernmost intersection by the meridian of longitude 148°49'59" east;
 - (xxi) thence south-easterly along the geodesic to the westernmost intersection of the coastal 1 500 metre line of Denman Island by the coastal 1 500 metre line of South Molle Island;
 - (xxii) thence generally westerly along the coastal 1 500 metre line of South Molle Island to its easternmost intersection by the coastal 1 500 metre line of Schute Island;
 - (xxiii) thence generally southerly along that coastal 1 500 metre line to its northernmost intersection by the coastal 1 500 metre line of White Rock;
 - (xxiv) thence generally south-easterly along that coastal 1 500 metre line to its intersection by the coastal 1 500 metre line of the mainland;
 - (xxv) thence south-westerly along the geodesic to the northernmost intersection of the coastline of the mainland at low water by the meridian of longitude 148°48'56" east, in the vicinity of Stripe Point; and
 - (xxvi) thence generally north-westerly along the coastline of the mainland at low water to the point of commencement;
 - (j) South Whitsunday Island — the area the boundary of which:
 - (i) commences on the coastline of Cid Island at low water at its easternmost intersection by the parallel of latitude 20°16'01" south;
 - (ii) runs thence south-easterly along the geodesic to the westernmost intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°16'19" south;
 - (iii) thence generally south-westerly and south-easterly along the coastline of Whitsunday Island at low water to the southernmost point of the unnamed point at or about latitude 20°18'31" south, longitude 148°56'09" east;
 - (iv) thence easterly along the geodesic to the southernmost point of the unnamed point on the coastline of Whitsunday Island at low water at or about latitude 20°18'34" south, longitude 148°57'02" east;
 - (v) thence generally south-easterly along the coastline of Whitsunday Island at low water to its southernmost point;
 - (vi) thence south-westerly along the geodesic which passes through the westernmost point of the coastline of Fitzalan Island at low water to its northernmost intersection by the coastline of Fitzalan Island at low water;

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- (vii) thence generally south-westerly along the western coastline of Fitzalan Island at low water to its intersection by the geodesic which passes through the southernmost point of the coastline of Whitsunday Island at low water and westernmost point of the coastline of Fitzalan Island at low water;
 - (viii) thence south-westerly along that geodesic to its easternmost intersection by the coastal 500 metre line of Hamilton Island;
 - (ix) thence generally north-westerly along the coastal 500 metre line of Hamilton Island to its northernmost point;
 - (x) thence south-westerly along the geodesic to its intersection by the coastline of Dent Island at low water at its northernmost point;
 - (xi) thence generally southerly along the western coastline of Dent Island at low water to its southernmost point;
 - (xii) thence easterly along the geodesic to its intersection by the coastal 500 metre line of Hamilton Island at its southernmost point;
 - (xiii) thence generally north-easterly along the coastal 500 metre line of Hamilton Island to its westernmost intersection by the coastal 500 metre line of unnamed island 20-059;
 - (xiv) thence generally south-easterly and north-easterly along the coastal 500 metre line of unnamed island 20-059 to its easternmost intersection by the coastal 500 metre line of Hamilton Island;
 - (xv) thence generally easterly north-easterly and north-westerly along the coastal 500 metre line of Hamilton Island to its easternmost intersection by the coastal 1 500 metre line of Whitsunday Island;
 - (xvi) thence generally north-easterly along the coastal 1 500 metre line of Whitsunday Island to its easternmost intersection by the coastal 1 500 metre line of Hamilton Island;
 - (xvii) thence generally south-easterly along the coastal 1 500 metre line of Hamilton Island to its northernmost intersection by the coastal 1 500 metre line of Perseverance Island;
 - (xviii) thence generally south-easterly along the coastal 1 500 metre line of Perseverance Island to its northernmost intersection by the coastal 1 500 metre line of Dungurra Island;
 - (xix) thence generally south-easterly along the coastal 1 500 metre line of Dungurra Island to its northernmost intersection by the coastal 1 500 metre line of Surprise Rock;
 - (xx) thence generally north-easterly, south-easterly, south-westerly and north-westerly along the coastal 1 500 metre line of Surprise Rock to its southernmost intersection by the coastal 1 500 metre line of Dungurra Island;
 - (xxi) thence generally south-westerly and westerly along the coastal 1 500 metre line of Dungurra Island to its southernmost intersection by the coastal 1 500 metre line of Hamilton Island;
 - (xxii) thence generally south-westerly along the coastal 1 500 metre line of Hamilton Island to its easternmost intersection by the coastal 1 500 metre line of unnamed island 20-059;

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- (xxiii) thence generally south-westerly along the coastal 1 500 metre line of unnamed island 20-059 to its westernmost intersection by the coastal 1 500 metre line of Hamilton Island;
 - (xxiv) thence generally south-westerly along the coastal 1 500 metre line of Hamilton Island to its southernmost intersection by the coastal 1 500 metre line of Dent Island;
 - (xxv) thence generally westerly and northerly along the coastal 1 500 metre line of Dent Island to its westernmost intersection by the coastal 1 500 metre line of Henning Island;
 - (xxvi) thence generally northerly along the coastal 1 500 metre line of Henning Island to its westernmost intersection by the coastal 1 500 metre line of Whitsunday Island;
 - (xxvii) thence generally north-westerly along the coastal 1 500 metre line of Whitsunday Island to its southernmost intersection by the coastal 1 500 metre line of Cid Island;
 - (xxviii) thence generally northerly along the coastal 1 500 metre line of Cid Island to its southernmost intersection by the coastal 1 500 metre line of Hill Rock;
 - (xxix) thence generally north-easterly along the coastal 1 500 metre line of Hill Rock to its northernmost intersection by the coastal 1 500 metre line of Cid Island;
 - (xxx) thence generally north-easterly along the coastal 1 500 metre line of Cid Island to its northernmost intersection by meridian of longitude 148°54'43" east;
 - (xxxi) thence south along that meridian to its northernmost intersection by the coastline of Cid Island at low water; and
 - (xxxii) thence generally south-westerly and north-easterly along the western and southern coastline of Cid Island at low water to the point of commencement;
- (k) South-eastern Whitsunday Island — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its southernmost intersection by the meridian of longitude 149°02'49" east;
 - (ii) runs thence south along that meridian to its southernmost intersection by the coastal 1 500 metre line of Whitsunday Island;
 - (iii) thence generally north-easterly along the coastal 1 500 metre line of Whitsunday Island to its southernmost intersection by the coastal 1 500 metre line of Teague Island;
 - (iv) thence north-easterly along the geodesic to the coastline of Teague Island at low water at its southernmost point;
 - (v) thence generally northerly along the western coastline of Teague Island at low water to its northernmost point;
 - (vi) thence north-easterly along the geodesic to the southernmost intersection of the coastline of Haslewood Island at low water by the meridian of longitude 149°04'13" east;

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- (vii) thence generally northerly along the western coastline of Haslewood Island to its westernmost intersection by the parallel of latitude 20°16'22" south;
 - (viii) thence west along that parallel to its westernmost intersection by the coastal 1 500 metre line of Haslewood Island;
 - (ix) thence generally southerly along the coastal 1 500 metre line of Haslewood Island to its northernmost intersection by the coastal 1 500 metre line of Martin Islet;
 - (x) thence south-westerly along the coastal 1 500 metre line of Martin Islet to its northernmost intersection by the coastal 1 500 metre line of Whitsunday Island;
 - (xi) thence generally north-westerly along the coastal 1 500 metre line of Whitsunday Island to its southernmost intersection by the coastal 1 500 metre line of Lagoon Rock;
 - (xii) thence generally northerly along the coastal 1 500 metre line of Lagoon Rock to its easternmost intersection by the parallel of latitude 20°16'22" south;
 - (xiii) thence west along that parallel to its intersection by the meridian of longitude 149°02'47" east;
 - (xiv) thence south-westerly along the geodesic to the easternmost intersection of the parallel of latitude 20°16'51" south by the coastline of Whitsunday Island at low water; and
 - (xv) thence generally south-easterly and south-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
- (l) Tongue Bay — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its intersection by the parallel of latitude 20°14'10" south at or about longitude 149°00'41" east;
 - (ii) runs thence easterly along the geodesic to the point of intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°14'17" south, on the western side of Tongue Point; and
 - (iii) thence generally south-westerly and north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
- (m) Pandanus Bay — the area the boundary of which:
- (i) commences on the coastline of Long Island at low water at its easternmost intersection by the parallel of latitude 20°20'10" south;
 - (ii) runs thence south-easterly along the geodesic to the westernmost point of the coastline of Pelican Island at low water;
 - (iii) thence generally southerly and south-easterly along that coastline at low water to its southernmost point;
 - (iv) thence east along the parallel that passes through that point to its intersection by the coastal 500 metre line of Long Island;

- (v) thence southerly along the geodesic to the easternmost point of intersection of the coastal 500 metre line of Long Island and the parallel of latitude 20°20'58" south;
- (vi) thence south-westerly along the geodesic to the coastline of Long Island at low water at its easternmost intersection by the parallel of latitude 20°21'15" south; and
- (vii) thence generally northerly along the coastline of Long Island at low water to the point of commencement;
- (n) Kennedy Sound — the area the boundary of which:
 - (i) commences at the easternmost point of Dalwood Point on the coastline of Lindeman Island at low water;
 - (ii) runs thence easterly along the geodesic to the westernmost intersection of the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20°27'09" south;
 - (iii) thence generally southerly along the coastline of Shaw Island at low water to its westernmost intersection by the parallel of latitude 20°28'41" south;
 - (iv) thence south-westerly along the geodesic to the northernmost point of Burning Point on the coastline of Shaw Island at low water;
 - (v) thence northerly along the geodesic to the coastline of Seaforth Island at low water at its southernmost point;
 - (vi) thence north-easterly along the eastern coastline of Seaforth Island at low water to its easternmost intersection by the coastal 500 metre line of Lindeman Island;
 - (vii) thence generally easterly along the coastal 500 metre line of Lindeman Island to its southernmost intersection by the meridian of longitude 149°02'54" east;
 - (viii) thence northerly along the geodesic to the southernmost intersection of the coastline of Lindeman Island at low water by the meridian of longitude 149°02'48" east; and
 - (ix) thence generally easterly along the coastline of Lindeman Island at low water to the point of commencement;
- (o) Mackerel Bay — the area the boundary of which:
 - (i) commences on the coastline of Hook Island at low water at its southernmost intersection by the meridian of longitude 148°58'00" east;
 - (ii) runs thence south-westerly along the geodesic to the coastline of Hook Island at low water at its easternmost intersection by the parallel of latitude 20°05'45" south; and
 - (iii) thence generally westerly and north-easterly along the coastline of Hook Island at low water to the point of commencement;
- (p) Roberta Bay — the area the boundary of which:
 - (i) commences on the southernmost point of the unnamed point on the coastline of Shaw Island at low water at or about the point latitude 20°29'30" south, longitude 149°05'52" east;

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- (ii) runs thence south-westerly along the geodesic to the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20°30'21" south; and
 - (iii) thence generally north-easterly along the coastline of Shaw Island at low water to the point of commencement;
- (q) Eastern Border Island — the area the boundary of which:
- (i) commences on the coastline of Border Island at low water at its easternmost point;
 - (ii) runs thence southerly along the geodesic to the easternmost point of the unnamed point on the coastline of Border Island at low water at or about latitude 20°10'45" south, longitude 149°02'32" east; and
 - (iii) thence generally northerly along the eastern coastline of Border Island at low water to the point of commencement.

4. **Setting 4 areas**

Setting 4 areas are within the coastal 1 500 metre line of any island, islet rock or stretch of coastline, to the extent that such an area is not included in an area described in another item.

5. **Setting 5 areas**

Setting 5 areas are the following areas:

- (a) Eshelby Islands — the area enclosed within the coastal 500 metre line of the following:
 - (i) Eshelby Island;
 - (ii) Little Eshelby Island;
- (b) Deloraine Island — the area enclosed within the coastal 500 metre line of Deloraine Island;
- (c) Double Bay East — the area the boundary of which:
 - (i) commences on the mainland coastline at low water at its southernmost intersection by the meridian of longitude 148°37'03" east;
 - (ii) runs thence north-easterly along the geodesic to the point of intersection of the mainland coastline at low water by the parallel of latitude 20°11'43" south on the eastern side of Double Bay; and
 - (iii) thence generally southerly and westerly along the mainland coastline at low water to the point of commencement;
- (d) Hill Inlet — the area the boundary of which:
 - (i) commences at the easternmost intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°14'25" south;
 - (ii) runs thence east along that parallel to its easternmost intersection by the coastal 500 metre line of Whitsunday Island;

- (iii) thence generally southerly along the coastal 500 metre line of Whitsunday Island to its easternmost intersection by the parallel of latitude 20°15'55" south;
 - (iv) thence west along that parallel to its easternmost intersection by the coastline of Whitsunday Island at low water; and
 - (v) thence generally north-westerly, south-westerly and north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
- (e) Haslewood and Lupton Islands — the area the boundary of which:
- (i) commences at the northernmost point of the coastline of Haslewood Island at low water;
 - (ii) runs thence north along the meridian of longitude that passes through that point to its northernmost intersection by the coastal 100 metre line of the Haslewood Island and Lupton Islands reef complex;
 - (iii) thence generally south-easterly and south-westerly along the coastal 100 metre line around that complex to its southernmost point;
 - (iv) thence north along the meridian of longitude which passes through that point to its southernmost intersection by the coastline of Haslewood Island at low water; and
 - (v) thence generally northerly along the eastern coastline of Haslewood Island at low water to the point of commencement;
- (f) Cow and Calf Islands — the area, excluding the mainland, enclosed within the coastal 500 metre line of the following:
- (i) Cow Island;
 - (ii) Calf Island.

Schedule 3 Locations

(clause 1.4, subclause 1.10 (7), paragraphs 1.10 (13) (b) and 1.10 (19A) (e), Table 4, subclauses 2.7 (1) and 2.16 (2) and paragraph 2.17 (2) (b))

Locations are as follows, and, at any point, extend vertically to 500 metres above the ground or water surface:

Column 1 Reef, islands islet, rock, embayment or unnamed stretch of coastline	Column 2 Description of unnamed coastline
Almora Islet (20-045)	–
Anchorage Bay (20-102d)	The stretch of coastline between Burning Point and unnamed point
Andersons/Woodcutter Bays (20-062)	The stretch of coastline between Spit Point and unnamed point
Ann Islets (20-087)	–
Apostle Bay (20-041b/c)	The stretch of coastline between Peter Head and unnamed point
Armit Island (20-022)	–
Bait Reef (19-137)	–
Bauer Bay (20-042a)	The stretch of coastline between The Causeway and Deeded Point
Baynham Island (20-091)	–
Beach 25 (20-041i)	The stretch of coastline between Fitzalan Point and unnamed point
Billbob Bay (20-102j)	The stretch of coastline between southern point and south-western point of Shaw Island
Bird Island (20-019b)	–
Black Island (20-017)	–
Blue Pearl Bay (20-014c)	The stretch of coastline between Castle Rock and Dolphin Point
Bluff Bay (20-703e)	The stretch of coastline between Grimston Point and Bluff Point
Boat Port (20-090a)	The stretch of coastline between Thumb Point and Thora Point
Border Island (20-067)	–
Brush Island (20-098)	–
Butterfly Bay/Maureen's Cove (20-028g)	The stretch of coastline between Alcyonaria Point and unnamed point
Calf Island (20-065)	–
Cane Cocky's Cove (20-046)	The stretch of coastline between The Beak

Column 1 Reef, islands islet, rock, embayment or unnamed stretch of coastline	Column 2 Description of unnamed coastline
	and Coral Point
Cape Rock (20-207)	–
Catseye Bay (20-057a)	The stretch of coastline between north-western and north-eastern point of Hamilton Island
Chance Bay (20-041g)	The stretch of coastline between unnamed point and Craig Point
Chrome Rock (20-094)	–
Cid Harbour (20-708b)	–
Coconut Bay (20-090b)	The stretch of coastline between Picaninny Point and Thumb Point
Cole Island (20-086)	–
Comston Island (20-093)	–
Cow Island (20-064)	–
Daydream Island (20-035)	–
Defiance Island (20-203)	–
Defiance Reefs (20-204)	–
Deloraine Island (20-089)	–
Denman Island (20-044)	–
Dent Island West (20-058b)	The stretch of coastline between southern and northern point of Dent Island
Dent Passage (20-057d, 20-058a)	The stretch of coastline between southern and northern point of Hamilton Island and the stretch of coastline between northern and southern point of Dent Island
Double Bay East (20-703c)	The stretch of coastline between unnamed point and unnamed point
Double Bay West (20-703b)	The stretch of coastline between unnamed point and unnamed point
Double Cone Island (20-024)	–
Double Rocks (20-018)	–
Driftwood Bay (20-057b)	The stretch of coastline between south-eastern and south-western point of Hamilton Island
Dugong Inlet (20-041o)	The stretch of coastline between Jones Point and Daniell Point
Dumbell Island (20-068)	–
Earlando Coast (20-702b)	The stretch of coastline between unnamed point and unnamed point

Column 1 Reef, islands islet, rock, embayment or unnamed stretch of coastline	Column 2 Description of unnamed coastline
East Neck Bay (20-102h)	The stretch of coastline between unnamed point and eastern point of Shaw Island
East Repulse Island (20-209)	–
East Rock (20-054)	–
Edward Island (20-075)	–
Edwin Rock (20-026)	–
Eshelby Island (20-012)	–
Esk Island (20-070)	–
Fairlight Rock (20-235)	–
Fish/Palm Bays (20-060b)	The stretch of coastline between Fire Point and Humpy Point
Funnel Bay (20-703g)	The stretch of coastline between Mandalay Point and Pioneer Point
Gap Beach (20-090d)	The stretch of coastline between Thora Point and Cape Lachlan
Genesta Bay (20-713d)	The stretch of coastline between Round Head and Cape Conway
Gloucester Island (20-003)	–
Grassy Island (20-030)	–
Gulnare Inlet (20-041j)	The stretch of coastline between unnamed point and unnamed point
Gumbrell Island (20-020)	–
Hamilton Island East (20-057c)	The stretch of coastline between north-eastern and south-eastern point of Hamilton Island
Happy Bay (20-060a)	The stretch of coastline between Humpy Point and South Head
Hardy Reef (19-135)	–
Harold Island (20-074)	–
Hayman Island East (20-014b)	The stretch of coastline between Dolphin Point and Groper Point
Hayman Island Resort (20-014a)	The stretch of coastline between Groper Point and Castle Rock
Henning Island (20-053)	–
Hill Inlet (20-041r)	The stretch of coastline between Tongue Point and the northern point of Whitehaven Beach
Homestead Bay (20-039, 20-040b)	The stretch of coastline between Gilling Point and north-eastern point of Cid Island

Column 1 Reef, islands islet, rock, embayment or unnamed stretch of coastline	Column 2 Description of unnamed coastline
Hook Reef (19-136)	–
Hunt Channel (20-037, 20-040a, 20-041m)	The stretch of coastline between Loriard Point and Hughes Point and the stretch of coastline between north-eastern point of Cid Island and Gilling Point
Ireby Island (20-071)	–
Jester Rock (20-088)	–
Keyser Island (20-232)	–
Lagoon Rock (20-076)	–
Langford Island/Spit (20-019a)	–
Lindeman Island East (20-090e)	The stretch of coastline between Cape Lachlan and Dalwood Point
Line Reef (19-128)	–
Little Armit Island (20-023)	–
Little Eshelby Island (20-013)	–
Little Grassy Island (20-027)	–
Little Lindeman Island (20-099)	–
Long Rock (20-233)	–
Low Island (20-029)	–
Low Rock (20-047)	–
Luncheon, Manta Ray and Pinnacle Bays (20-028h)	The stretch of coastline between an unnamed point and Pinnacle Point
Lupton Island East (20-078f/g)	The stretch of coastline between Pallion Point and southern point of Lupton Island
Mackerel Bay (20-028i)	The stretch of coastline between Pinnacle Point and unnamed point
Macona Inlet (20-028c)	The stretch of coastline between southern point of Hook Island and Turtle Head Rock
Maher Island East (20-102a)	The stretch of coastline between Jesuit Point and unnamed point
Maher Island West (20-102a)	The stretch of coastline between unnamed point and Jesuit Point
Mansell Island (20-096)	–
May's Bay (20-041p)	The stretch of coastline between Daniell Point and unnamed point
Mid Molle Island (20-034)	–
Middle Island (19-106)	–
Moon Island (20-041f)	–

Column 1	Column 2
Reef, islands islet, rock, embayment or unnamed stretch of coastline	Description of unnamed coastline
Nara Inlet (20-028j)	The stretch of coastline between Turtle Head Rock and unnamed point
Neck Bay (20-103b/c)	The stretch of coastline between unnamed point and unnamed point
Nellie Bay (20-016)	The stretch of coastline between unnamed point and George Point
Nicolson Island (20-081)	–
North Molle Island (20-033)	–
North Repulse Island (20-208)	–
Olden Island (20-021)	–
Pandanus Bay (20-060g)	The stretch of coastline between South Head and unnamed point
Paradise Bay (20-060e)	The stretch of coastline between south-eastern point of Long Island and unnamed point
Pentecost Island (20-085)	–
Peter Bay (20-041a)	The stretch of coastline between unnamed point and Peter Head
Petrel Islet (20-069)	–
Pig Bay (20-078c/d)	The stretch of coastline between southern point of Haslewood Island and Solway Passage
Pine Island (20-061)	–
Pioneer Bay (20-703f)	The stretch of coastline between Bluff Point and Mandalay Point
Pioneer Rocks (20-032)	–
Plantation Bay (20-090c)	The stretch of coastline between Dalwood Point and Picaninny Point
Planton Island (20-043)	–
Perseverance Island (20-055)	–
Puritan Bay (20-713c)	The stretch of coastline between unnamed point and Round Head
Queen Margrethe Bay (20-102g)	The stretch of coastline between eastern point of Shaw Island and unnamed point
Rattray Island (19-110)	–
Repair Island (20-049a)	–
Repulse Bay East (20-715b)	The stretch of coastline between Cape Conway and Rocky Point

Column 1	Column 2
Reef, islands islet, rock, embayment or unnamed stretch of coastline	Description of unnamed coastline
Repulse Bay West (20-715c)	The stretch of coastline between Rocky Point and Midge Point
Ripple Rocks (20-206)	–
Roberta Bay (20-102f)	The stretch of coastline between unnamed point and unnamed point
Rooper Inlet (20-052)	The stretch of coastline between unnamed point and Stripe Point
Saba Bay (20-028a)	The stretch of coastline between unnamed point and Hook Passage
Saddleback Island (20-015)	–
Sandy Bay (20-060c/d)	The stretch of coastline between unnamed point and Fire Point
Sawmill Bay (20-041n)	The stretch of coastline between Hughes Point and Jones Point
Seaforth Island (20-095)	–
Shoal Bay (20-010)	The stretch of coastline between Cape Gloucester and unnamed point
Shute Harbour (20-710b)	The stretch of coastline between Coral Point and unnamed point
Shute Island (20-048)	–
Sidney Island (20-092)	–
Sillago Island (20-072)	–
Sinker Reef (19-133)	–
South Molle Island East (20-042c)	The stretch of coastline between Deeded Point and Roma Point
South Molle Island West (20-042b)	The stretch of coastline between Roma Point and The Causeway
South Repulse Island (20-210)	–
Spitfire Rock (20-097)	–
St. Helen Rock (20-236)	–
Steen's Beach (20-028f)	The stretch of coastline between Cockatoo Point and Alcyonaria Point
Stockyard Beach (20-078b)	The stretch of coastline between Solway Passage and unnamed point
Stonehaven Anchorage (20-028e)	The stretch of coastline between Baird Point and Cockatoo Point
Surprise Rock (20-083)	–
Swamp Bay (20-707b)	The stretch of coastline between Green Point and The Beak

Column 1	Column 2
Reef, islands islet, rock, embayment or unnamed stretch of coastline	Description of unnamed coastline
Tancred Island (20-049b)	–
Teague Island (20-082)	–
Thomas Island (20-234)	–
Tongue Bay (20-041d)	The stretch of coastline between unnamed point and Tongue Point
Trammel Bay (20-710c)	The stretch of coastline between Stripe Point and Spit Point
Triangle Island (20-100)	–
Turtle Bay (20-041h)	The stretch of coastline between Craig Point and unnamed point
Turtle Island (20-059)	–
unnamed (20-025)	The stretch of coastline between George Point and unnamed point
unnamed (20-028b)	The stretch of coastline between Hook Passage and southern point of Hook Island
unnamed (20-028d)	The stretch of coastline between unnamed point and Baird Point
unnamed (20-041a)	The stretch of coastline between Hook Passage and unnamed point
unnamed (20-041e)	The stretch of coastline between Solway Passage and unnamed point
unnamed (20-041h)	The stretch of coastline between unnamed point and Fitzalan Point
unnamed (20-041q)	The stretch of coastline between unnamed point and Hook Passage
unnamed (20-060f)	The stretch of coastline between unnamed point and southern point of Long Island
unnamed (20-084)	–
unnamed (20-102e)	The stretch of coastline between unnamed point and southern point of Shaw Island
unnamed (20-102i)	The stretch of coastline between south-western point of Shaw Island and Burning Point
unnamed (20-707b)	The stretch of coastline between Pioneer Point and Green Point
unnamed (20-713b)	The stretch of coastline between unnamed point and unnamed point
Volskow Island (20-231)	–

Column 1	Column 2
Reef, islands islet, rock, embayment or unnamed stretch of coastline	Description of unnamed coastline
Waite Bay (20-078e)	The stretch of coastline between southern point of Lupton Island and southern point of Haslewood Island
White Rock (20-051)	–
Whitehaven Beach (20-041t)	The stretch of coastline between the northern point of Whitehaven Beach and Solway Passage
Windy Bay (20-078a)	The stretch of coastline between unnamed point and Pallion Point
Wirrainbeia Island (20-073)	–
Woodwark Bay (20-703d)	The stretch of coastline between unnamed point and Grimston Point
Workington Island (20-079)	–
Yellow Rock (20-101)	–
Young Island (20-056)	–
Yvonne's Coves (20-041k/l)	The stretch of coastline between unnamed point and Loriard Point

Schedule 4 Whale Protection Area

(subclause 2.10 (1))

1. Nautical Mile Line

In this Schedule, the *1 nautical mile line* means the line every point of which is at a distance of 1 nautical mile seaward from the nearest point of the coastline at high water.

2. Whale Protection Area

The Whale Protection Area is the area the boundary of which:

- (a) commences at the northernmost point of Cape Gloucester at low water at or about latitude 20°04'02" south, longitude 148°27'27" east;
- (b) runs thence north-westerly along the geodesic to the point of latitude 19°58'07" south, longitude 148°18'32" east;
- (c) thence east along the parallel of latitude 19°58'07" south to its intersection by the meridian of longitude 148°52'44" east;
- (d) thence southerly along that meridian to its northernmost intersection by the 1 nautical mile line of Hayman Island;
- (e) thence generally south-easterly along the 1 nautical mile line of Hayman Island to its northernmost intersection by the 1 nautical mile line of Hook Island;
- (f) thence generally easterly along the 1 nautical mile line of Hook Island to its northernmost intersection by the 1 nautical mile line of Double Rock;
- (g) thence generally southerly along the 1 nautical mile line of Double Rock to its southernmost intersection by the 1 nautical mile line of Hook Island;
- (h) thence generally southerly along the 1 nautical mile line of Hook Island to its northernmost intersection by the 1 nautical mile line of Whitsunday Island;
- (i) thence generally south-easterly along the 1 nautical mile line of Whitsunday Island to its northernmost intersection by the 1 nautical mile line of Dumbell Islet;
- (j) thence generally north-easterly along the 1 nautical mile line of Dumbell Islet to its northernmost intersection by the 1 nautical mile line of Border Island;
- (k) thence generally north-easterly along the 1 nautical mile line of Border Island to its northernmost intersection by the 1 nautical mile line of Jester Rock;
- (l) thence generally north-easterly and south-easterly along the 1 nautical mile line of Jester Rock to its easternmost intersection by the 1 nautical mile line of Minstrel Rocks;

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- (m) thence generally southerly along the 1 nautical mile line of Minstrel Rocks to its intersection by the 1 nautical mile line of Deloraine Island;
 - (n) thence generally southerly, westerly and north-westerly along the 1 nautical mile line of Deloraine Island to its southernmost intersection by the 1 nautical mile line of Border Island;
 - (na) thence generally south-westerly along the 1 nautical mile line of Border Island to its southernmost intersection by the geodesic that passes through the southernmost point of Border Island and the northernmost point of Esk Island at low water;
 - (nb) thence southerly along that geodesic to its northernmost intersection by the 1 nautical mile line of Esk Island;
 - (nc) thence generally easterly and southerly along the 1 nautical mile line of Esk Island to its easternmost intersection by the geodesic that passes through the easternmost point of Esk Island and the northernmost point of unnamed island 20-077;
 - (p) thence south-easterly along the geodesic to its intersection by the 1 nautical mile line of unnamed island 20-077;
 - (pa) thence generally easterly along the 1 nautical mile line of unnamed island 20-077 to its easternmost intersection by the 1 nautical mile line of Haslewood Island;
 - (pb) thence generally easterly along the 1 nautical mile line of Haslewood Island to its easternmost intersection by the geodesic that passes through the northernmost point of Haslewood Island at low water and the northernmost point of Ireby Island;
 - (q) thence north-easterly along that geodesic to its westernmost intersection by the 1 nautical mile line of Ireby Island;
 - (r) thence generally northerly and south-easterly along the 1 nautical mile line of Ireby Island to its northernmost intersection by the 1 nautical mile line of Sillago Island;
 - (s) thence generally south-easterly along the 1 nautical mile line of Sillago Island to its northernmost intersection by the 1 nautical mile line of Edward Island;
 - (t) thence generally south-easterly along the 1 nautical mile line of Edward Island to its northernmost intersection by the 1 nautical mile line of Yiundalla Island;
 - (u) thence generally south-easterly and south-westerly along the 1 nautical mile line of Yiundalla Island to its southernmost intersection by the 1 nautical mile line of Buddibuddi Island;
 - (v) thence generally north-westerly along the 1 nautical mile line of Buddibuddi Island to its southernmost intersection by the 1 nautical mile line of Edward Island;
 - (w) thence generally north-westerly along the 1 nautical mile line of Edward Island to its southernmost intersection by the 1 nautical mile line of Harold Island;
 - (x) thence generally westerly along the 1 nautical mile line of Harold Island to its westernmost intersection by the geodesic, which passes through the westernmost point of the coastline of Edward Island at low

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- water and the southernmost point of the coastline of Workington Island at low water;
- (y) thence generally south-westerly along that geodesic to its easternmost intersection by the 1 nautical mile line of Workington Island;
 - (z) thence generally southerly along the 1 nautical mile line of Workington Island to its southernmost intersection by the 1 nautical mile line of Turrum Island;
 - (za) thence generally south-westerly along the 1 nautical mile line of Turrum Island to its southernmost intersection by the 1 nautical mile line of Lupton Island;
 - (zb) thence generally south-westerly along the 1 nautical mile line of Lupton Island to its easternmost intersection by the 1 nautical mile line of Nicolson Island;
 - (zc) thence generally south-westerly along the 1 nautical mile line of Nicolson Island to its southernmost intersection by the 1 nautical mile line of Haslewood Island;
 - (zd) thence generally westerly along the 1 nautical mile line of Haslewood Island to its easternmost intersection by the 1 nautical mile line of Nunga Island;
 - (ze) thence generally westerly along the 1 nautical mile line of Nunga Island to its southernmost intersection by the 1 nautical mile line of unnamed island 20-041f;
 - (zf) thence generally south-westerly along the 1 nautical mile line of unnamed island 20-041f to its easternmost intersection by the geodesic, which passes through the southernmost point of the coastline of Teague Island at low water and the easternmost point of Surprise Rock;
 - (zg) thence generally south-westerly along that geodesic to its northernmost intersection by the 1 nautical mile line of Surprise Rock;
 - (zh) thence generally south-easterly and south-westerly along the 1 nautical mile line of Surprise Rock to its southernmost intersection by the geodesic, which passes through the easternmost point of Surprise Rock at low water and the northernmost point of the coastline of Pentecost Island at low water;
 - (zi) thence southerly along that geodesic to its northernmost intersection by the 1 nautical mile line of Pentecost Island;
 - (zj) thence generally easterly and southerly along the 1 nautical mile line of Pentecost Island to its easternmost intersection by the geodesic, which passes through the easternmost point of the coastline of Pentecost Island at low water and Jesuit Point (northernmost point of Maher Island at low water);
 - (zk) thence south-easterly along that geodesic to its westernmost intersection by the 1 nautical mile line of Maher Island;
 - (zl) thence generally north-easterly, easterly and south-easterly along the 1 nautical mile line of Maher Island to its northernmost intersection by the 1 nautical mile line of Baynham Island;
 - (zm) thence generally southerly along the 1 nautical mile line of Baynham Island to its easternmost intersection by the 1 nautical mile line of Comston Island;

- (zn) thence generally south-easterly along the 1 nautical mile line of Comston Island to its northernmost intersection by the 1 nautical mile line of Mansell Island;
- (zo) thence generally easterly and southerly along the 1 nautical mile line of Mansell Island to its southernmost intersection by the geodesic, which passes through the southernmost point of the coastline of Mansell Island at low water and the easternmost point of Fairlight Rock;
- (zp) thence generally southerly along that geodesic to its northernmost intersection by the 1 nautical mile line of Thomas Island;
- (zq) thence generally south-easterly along the 1 nautical mile line of Thomas Island to its northernmost intersection by the 1 nautical mile line of Fairlight Rock;
- (zr) thence generally south-easterly along the 1 nautical mile line of Fairlight Rock to its easternmost intersection by the parallel of latitude 20°33'17" south;
- (zs) thence generally south-westerly along the geodesic which passes through that point and the point of latitude 20°39'49" south, longitude 148°42'59.5" east, to its intersection by the coastline of the mainland at low water, in the vicinity of Midge Point; and
- (zt) thence generally northerly, easterly, south-easterly and north-westerly along the coastline of the mainland at low water to the point of commencement.

Schedule 5 No anchoring areas

(subclause 2.12 (3))

No anchoring areas are as follows:

- (a) Bait Reef No Anchoring Area — the area the boundary of which:
- (i) commences at the northernmost point of the northernmost coral pinnacle (at or about latitude 19°48'34" south, longitude 149°03'42" east) in the series of flat-topped coral pinnacles known as 'the Stepping Stones';
 - (ii) runs thence generally easterly, south-easterly and southerly to the easternmost point on that coral pinnacle;
 - (iii) thence south-easterly along the geodesic to the southernmost point of intersection of the reef edge of Bait Reef by the meridian of longitude 149°04'37" east;
 - (iv) thence southerly along that meridian to the point 100 metres seawards at the reef edge;
 - (v) thence generally westerly, north-westerly and northerly along a line 100 metres seaward of the reef edge to its intersection with the parallel of latitude which passes through the northernmost point of the northernmost coral pinnacle which is located at or about latitude 19°48'34" south, longitude 149°03'42" east in the series of flat-topped coral pinnacles known as 'the Stepping Stones'; and
 - (vi) thence easterly along that parallel to the point of commencement;
- (b) Manta Ray Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°03'50.5" south, longitude 148°57'07" east;
 - (ii) runs thence northerly along the meridian that passes through that point to its intersection by the parallel of latitude 20°03'40" south;
 - (iii) thence easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°03'39.9" south, longitude 148°57'25.8" east, in the vicinity of The Woodpile; and
 - (iv) thence generally south-westerly along the coastline of Hook Island at low water to the point of commencement;
- Note* Item (c) was omitted by the *Whitsundays Plan of Management Amendment 1999 (No. 1)*.
- (d) Blue Pearl Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hayman Island at low water at the northernmost point of Castle Rock;
 - (ii) runs thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'56.7" south, longitude 148°52'38.2" east;

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- (iii) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°02'52.9" south, longitude 148°52'46" east;
 - (iv) thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'43.1" south, longitude 148°52'48.1" east;
 - (v) thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'34.5" south, longitude 148°52'48.5" east;
 - (vi) thence north-westerly along the geodesic to the reef protection marker at or about latitude 20°02'21.6" south, longitude 148°52'44.1" east;
 - (vii) thence northerly along the geodesic to the westernmost point of Dolphin Point on the coastline of Hayman Island at low water;
 - (viii) thence generally southerly along the western coastline of Hayman Island at low water to the northernmost point of the headland in the immediate vicinity of Castle Rock;
 - (ix) thence west along the parallel that passes through that point to its easternmost intersection by the coastline at low water of Castle Rock; and
 - (x) thence generally northerly and north-westerly along the eastern coastline of Castle Rock at low water to the point of commencement;
- (e) Langford Island No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Langford Island at low water at its northernmost point;
 - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°04'45.6" south, longitude 148°52'22.4" east;
 - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°04'52.9" south, longitude 148°52'34.2" east;
 - (iv) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°05'00.6" south, longitude 148°52'45.6" east;
 - (v) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°05'07.5" south, longitude 148°52'56.3" east;
 - (vi) thence south-westerly along the geodesic to its intersection by the coastline of the Langford Island spit (One Foot Island) at low water at its easternmost point; and
 - (vii) thence generally north-westerly along the coastline of Langford Island including the spit at low water to the point of commencement;

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- (f) Butterfly Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°04'25" south, longitude 148°55'07.8" east;
 - (ii) runs thence easterly along the geodesic to the reef protection marker at or about the point of latitude 20°04'26.7" south, longitude 148°55'22.3" east;
 - (iii) thence easterly along the geodesic to the reef protection marker at or about the point of latitude 20°04'27.3" south, longitude 148°55'28.5" east;
 - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°04'24.1" south, longitude 148°55'32.5" east;
 - (v) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°04'30.8" south, longitude 148°55'41.5" east;
 - (vi) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°04'23.3" south, longitude 148°55'48.6" east;
 - (vii) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°04'14.1" south, longitude 148°55'52.5" east;
 - (viii) thence north-easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°04'12.6" south, longitude 148°55'54.6" east; and
 - (ix) thence generally south-westerly along the coastline of Hook Island at low water to the point of commencement;
- (g) Maureen's Cove No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°04'11.8" south, longitude 148°55'56.9" east;
 - (ii) runs thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°04'10.4" south, longitude 148°55'58.9" east;
 - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°04'12.6" south, longitude 148°56'05.1" east;
 - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°04'10.5" south, longitude 148°56'17" east;
 - (v) thence northerly along the geodesic to the reef protection marker at or about latitude 20°04'00" south, longitude 148°56'18.5" east;
 - (vi) thence north-easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°03'57.1" south, longitude 148°56'22" east; and

- (vii) thence generally southerly and westerly along the coastline of Hook Island at low water to the point of commencement;
- (h) Luncheon Bay No Anchoring Area — the area the boundary of which:
 - (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°03'52.4" south, longitude 148°56'35.1" east;
 - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'52.8" south, longitude 148°56'39.1" east;
 - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°03'57.7" south, longitude 148°56'45.3" east;
 - (iv) thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'56.9" south, longitude 148°56'59.7" east;
 - (v) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°03'47.4" south, longitude 148°57'07.9" east;
 - (vi) thence south-easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°03'48" south, longitude 148°57'09.1" east; and
 - (vii) thence generally south-westerly along the coastline of Hook Island at low water to the point of commencement;
- (i) Pinnacle Bay No Anchoring Area — the area the boundary of which:
 - (i) commences on the coastline of Hook Island at low water at its northernmost point, in the vicinity of The Woodpile;
 - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'38.5" south, longitude 148°57'29.9" east;
 - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°03'42.8" south, longitude 148°57'36.1" east;
 - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°03'39.5" south, longitude 148°57'45.3" east;
 - (v) thence easterly along the geodesic to the northernmost point of Hook Island at low water at the northernmost point of The Pinnacles; and
 - (vi) thence generally westerly along the coastline of Hook Island at low water to the point of commencement;
- (j) CATERAN BAY No Anchoring Area — the area the boundary of which:
 - (i) commences on the coastline of Border Island at low water at or about the point of latitude 20°09'24.8" south, longitude 149°01'45.7" east;
 - (ii) runs thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'23.8" south, longitude 149°01'46.3" east;

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- (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°09'30.3" south, longitude 149°01'56.1" east;
 - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'24.5" south, longitude 149°02'01.2" east;
 - (v) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'13.7" south, longitude 149°02'05.5" east;
 - (vi) thence north-easterly along the geodesic to its intersection by the coastline of Border Island at low water at or about the point of latitude 20°09'13" south, longitude 149°02'06.7" east; and
 - (vii) thence generally southerly and westerly along the northern coastline of Border Island at low water to the point of commencement;
- (k) Sunlovers Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Daydream Island at low water at or about the point of latitude 20°15'15.9" south, longitude 148°48'41.6" east;
 - (ii) runs thence north-westerly along the geodesic to the reef protection marker at or about latitude 20°15'14.4" south, longitude 148°48'40.7" east;
 - (iii) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°15'08.8" south, longitude 148°48'44.1" east;
 - (iv) thence south-easterly along the geodesic to its intersection by the coastline of Daydream Island at low water at or about the point of latitude 20°15'09.2" south, longitude 148°48'44.7" east; and
 - (v) thence generally southerly along the western coastline of Daydream Island at low water to the point of commencement;
- (l) North Stonehaven Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°05'18.6" south, longitude 148°54'16.5" east;
 - (ii) runs thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'20.8" south, longitude 148°54'15.7" east;
 - (iii) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'26" south, longitude 148°54'20.6" east;
 - (iv) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'34.3" south, longitude 148°54'20.8" east;
 - (v) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'46.8" south, longitude 148°54'21.5" east;

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- (vi) thence south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°05'54.7" south, longitude 148°54'19" east, in the vicinity of Anchor Point; and
 - (vii) thence generally easterly and northerly along the coastline of Hook Island at low water to the point of commencement;
 - (m) South Stonehaven Bay No Anchoring Area — the area the boundary of which:
 - (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°05'54.7" south, longitude 148°54'19" east;
 - (ii) runs thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'59.8" south, longitude 148°54'19.7" east;
 - (iii) thence south-easterly along the geodesic to the reef protection marker at or about the point of latitude 20°06'07.7" south, longitude 148°54'25.6" east;
 - (iv) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'16.3" south, longitude 148°54'18" east;
 - (v) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'17.7" south, longitude 148°54'07.3" east;
 - (vi) thence westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'18.5" south, longitude 148°54'03.5" east;
 - (vii) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'23.8" south, longitude 148°53'57.1" east;
 - (viii) thence south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°06'27.4" south, longitude 148°53'54.4" east, in the vicinity of Ian Point; and
 - (ix) thence generally easterly and northerly along the coastline of Hook Island at low water to the point of commencement;
 - (n) False Nara No Anchoring Area — the area the boundary of which:
 - (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°10'17.5" south, longitude 148°53'13" east;
 - (ii) runs thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'08.7" south, longitude 148°53'09.7" east;
 - (iii) thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'04.3" south, longitude 148°53'07.3" east;
 - (iv) thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'02.3" south, longitude 148°52'59.7" east;

- (v) thence north-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°09'51.8" south, longitude 148°52'52.4" east; and
- (vi) thence generally north-easterly and south-easterly along the coastline of Hook Island at low water to the point of commencement.

Schedule 7 Regular aircraft landing areas

(subclause 1.10 (7) and paragraph 2.7 (1) (b))

Regular aircraft landing areas are as follows for the specified Locations. Locations extend vertically to 500 feet above the ground or water surface:

- (a) Hardy Reef Location
The area enclosed within the 500 metre line of Hardy Reef (19-135);
- (b) Bait Reef Location
The area enclosed within the 500 metre line of Bait Reef (19-137);
- (c) Hayman Island Resort, Langford Island/Spit and Black Island Locations — the area the boundary of which:
 - (i) commences on the southernmost point of the coastline of Hayman Island at low water, in the vicinity of Groper Point;
 - (ii) runs thence south-westerly along the geodesic to its intersection by the coastline of Langford Island at low water at its easternmost point;
 - (iii) thence generally north-westerly along the northern coastline of Langford Island at low water to its northernmost point;
 - (iv) thence northerly along the geodesic to its intersection by the coastline of Hayman Island at low water at the point of latitude 20°03'35" south, longitude 148°52'40" east; and
 - (v) thence south-easterly along the southern coastline of Hayman Island at low water to the point of commencement;
- (d) Daydream Island Location
The area enclosed within the coastal 500 metre line of Daydream Island;
- (e) Bauer Bay and Mid Molle Island Locations — the area the boundary of which:
 - (i) commences on the coastline of South Molle Island at low water at its northernmost point;
 - (ii) runs thence northerly along the geodesic to its intersection by the coastline of Mid Molle Island at low water at its southernmost point;
 - (iii) thence easterly along the parallel that passes through the southernmost point of the coastline of Mid Molle Island at low water to its intersection by the meridian of longitude 148°50'53" east;
 - (iv) thence southerly along that meridian to its intersection by the coastline of South Molle Island at low water, in the vicinity of Deedes Point; and
 - (v) thence generally westerly along the northern coastline of South Molle Island at low water to the point of commencement;
- (f) Cid Harbour, Sawmill Bay, Hunt Channel and Dugong Inlet Locations — the area the boundary of which:

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- (i) commences on the coastline of Whitsunday Island at low water at the point of latitude 20°16'19" south, longitude 148°55'46" east, at the southern point of Nari's Beach;
 - (ii) runs thence north-westerly along the geodesic to its intersection by the coastline of Cid Island at low water at the point of latitude 20°16'01" south, longitude 148°55'15" east;
 - (iii) thence generally northerly along the eastern coastline of Cid Island at low water to the point of latitude 20°15'16" south, longitude 148°55'08" east;
 - (iv) thence north-easterly along the geodesic to its intersection by the coastline of Whitsunday Island at low water, at the point of latitude 20°14'22" south, longitude 148°56'12" east;
 - (v) thence south-easterly along the coastline of Whitsunday Island at low water to the point of latitude 20°14'43" south, longitude 148°56'26" east;
 - (vi) thence south-easterly along the geodesic to its intersection by the coastline of Whitsunday Island at low water at the point of latitude 20°15'23" south, longitude 148°56'51" east, at the northern point of Sawmill Beach; and
 - (vii) thence generally south-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
 - (g) Whitehaven Beach Location — the area the boundary of which:
 - (i) commences on the coastline of Whitsunday Island at low water at its easternmost intersection by the parallel of latitude 20°16'24" south;
 - (ii) runs thence north-easterly along the geodesic to the northernmost intersection of the meridian of longitude 149°02'28" east by the coastal 1 000 metre line of Whitsunday Island;
 - (iii) thence generally south-easterly along the coastal 1 000 metre line of Whitsunday Island to its intersection by the parallel of latitude 20°16'53" south;
 - (iv) thence south-westerly along the geodesic to the northernmost intersection of the meridian of longitude 149°02'28" east by the coastline of Whitsunday Island at low water; and
 - (v) thence generally north-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
 - (h) Chance Bay and Moon Island Locations — the area the boundary of which:
 - (i) commences on the coastline of Whitsunday Island at low water at its southernmost intersection by the meridian of longitude 149°02'49" east;
 - (ii) runs thence southerly along the geodesic to its intersection by the coastline of unnamed island 20-041d at low water at its northernmost point;
 - (iii) thence southerly along the western coastline of unnamed island 20-041d at low water to its southernmost point;

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- (iv) thence south-westerly along the geodesic to the southernmost point of Craig Point on the coastline of Whitsunday Island at low water at or about the point of latitude 20°19'23" south, longitude 149°01'21" east; and
 - (v) thence generally north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
 - (i) Happy Bay and Fish/Palm Bays Locations — the area the boundary of which:
 - (i) commences at the westernmost intersection of the coastline of Long Island at low water by the parallel of latitude 20°20'47" south, at the southern point of Palm Bay;
 - (ii) runs thence westerly along that parallel to the point of latitude 20°20'47" south, longitude 148°50'28" east;
 - (iii) thence northerly along the geodesic to the point of latitude 20°20'11" south, longitude 148°50'19" east;
 - (iv) thence northerly along the geodesic to the point of latitude 20°19'12" south, longitude 148°50'30" east;
 - (v) thence easterly along the parallel of latitude 20°19'12" south to its intersection by the coastline of Long Island at low water, in the vicinity of Base Point (latitude 20°19'12" south, longitude 148°50'51" east); and
 - (vi) thence southerly along the western coastline of Long Island at low water to the point of commencement;
 - (j) Dent Passage Location — the area the boundary of which:
 - (i) commences on the northernmost point of the coastline of Dent Island at low water;
 - (ii) runs thence easterly along the geodesic to its intersection by the northernmost point of the coastline of Hamilton Island at low water;
 - (iii) thence generally southerly along the western coastline of Hamilton Island at low water to its southernmost point;
 - (iv) thence westerly along the geodesic to its intersection by the southernmost point of the coastline of Dent Island at low water; and
 - (v) thence generally northerly along the eastern coastline of Dent Island at low water to the point of commencement;
 - (k) Plantation Bay and Seaforth Island Locations — the area the boundary of which:
 - (i) commences on the coastline of Lindeman Island at low water at its southernmost intersection by the meridian of longitude 149°02'48" east;
 - (ii) runs thence southerly along the geodesic to the point of latitude 20°27'55" south, longitude 149°02'53" east;
 - (iii) thence westerly along the geodesic to the easternmost intersection of the coastline of Seaforth Island at low water by the parallel of latitude 20°28'02" south;

- (iv) thence generally westerly along the northern coastline of Seaforth Island at low water to its intersection by the meridian of longitude 149°02'04" east;
- (v) thence northerly along the geodesic to the southernmost point of the coastline of Lindeman Island at low water, in the vicinity of Picaninny Point; and
- (vi) thence north-easterly along the southern coastline of Lindeman Island at low water to the point of commencement.

Schedule 8 Langford/Black Islands Area

(subclause 1.4 (1) and Schedule 9)

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

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

Schedule 9 Definitions

Note Terms used in this Plan and also in the Act have the same meaning in the Plan as in the Act: see the *Legislative Instruments Act 2003*, subsection 13 (1). Terms used in this Plan that are defined in the Act are noted below and a cross reference given to the Act. See, for example, the definition of *aircraft* below.

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

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

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

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

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

aircraft operation means a tourist program that uses an aircraft.

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

Note ‘Aquaculture’ has a corresponding meaning to that of *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.

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

bareboat means a vessel that is:

- (a) a commercial ship registered under the *Transport Operations (Marine Safety) Regulation 2004* (Queensland) as a class 1F ship; and
- (b) more than 6 metres in length; and
- (c) when hired or otherwise made available under a commercial arrangement, made available:
 - (i) for a person’s recreational use; and
 - (ii) without a master or crew.

Examples of a bareboat ship

A cruiser, houseboat or yacht.

bareboat operation means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities:
 - (i) permitted under a relevant permission; and
 - (ii) all carried out using 1 particular bareboat.

Bowen operation means an operation:

- (a) described under that name in Table 4; and

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

coastal 100 metre line of an island, or the mainland, means the line every point of which is 100 metres seaward from:

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

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

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

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

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

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

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

commencing day means 12 October 1999.

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 that the first permission would have had if it had not been surrendered or revoked.

craftless operation means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities:
 - (i) permitted under a relevant permission; and
 - (ii) for which neither a vessel nor an aircraft is used.

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

cruise ship anchorage has the meaning given by regulation 179 of the Regulations.

cruise ship operation means an operation:

- (a) described under that name in Table 4; 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.

endorsement means an authorisation.

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

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

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

General Use Zone has the meaning it has in Division 2.2 of the Zoning Plan.

group size setting limits, in relation to a vessel or aircraft in a setting area, means the maximum number of people that, under Table 2, may be carried on the vessel or aircraft into the setting area.

Habitat Protection Zone has the meaning it has in Division 2.3 of the Zoning Plan.

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

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

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

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

hire operation means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities permitted under a relevant permission.

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

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

Location means the area within:

- (a) the 500 metre line of a reef referred to in column 1 of Schedule 3; or
- (b) the coastal 500 metre line of an island, islet or rock referred to in column 1 of Schedule 3; or

- (c) the coastal 500 metre line of an embayment or unnamed stretch of coastline referred to in column 1 of Schedule 3, as described in column 2 of that schedule.

Note A Location includes airspace above the area to 500 feet above ground or water.

long range roving operation means an operation:

- (a) described under that name in Table 4; and
 (b) comprising activities:
 (i) permitted under a relevant permission; and
 (ii) all carried out using 1 particular vessel.

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

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

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 transport by the most direct reasonable route (not including irregular driving) between 2 places in the Planning Area; or
 (ii) if that 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 the commencing day.

no anchoring area means an area described in Schedule 5.

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

non-motorised operation means an operation:

- (a) described under that name in Table 4; and
 (b) comprising activities permitted under a relevant permission.

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

passenger transport operation means an operation:

- (a) described under that name in Table 4; and
 (b) comprising activities:
 (i) in which passengers are transported between a Location and a place outside the Planning Area; and

- (ii) limited to setting 1 areas, except when transiting the Planning Area; and
- (iii) permitted under a relevant permission; and
- (iv) all carried out using 1 particular vessel or aircraft.

per week means in any period of 7 consecutive days.

per year means in any period of 365 consecutive days.

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

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

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

reef has the same meaning as in the Zoning Plan.

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

regional tour operation means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities:
 - (i) permitted under a relevant permission; and
 - (ii) all carried out using 1 particular vessel or aircraft.

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

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

relevant permission has the same meaning as in the Regulations.

Note See subregulation 3 (1).

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

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

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

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

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

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

setting area means an area described in Schedule 2.

ship means a vessel longer than 70 metres overall.

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

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

standard tour operation means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities:
 - (i) permitted under a relevant permission; and
 - (ii) all carried out using 1 particular vessel or aircraft.

support service operation means an operation:

- (a) described under that name in Table 4; 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 bareboat operation;
- (b) a Bowen operation;
- (c) a craftless operation;
- (d) a cruise ship operation;
- (e) a hire operation;
- (f) a long range roving operation;
- (g) a non-motorised operation;
- (h) a passenger transport operation;
- (i) a regional tour operation;

- (j) a standard tour operation;
- (k) a support service operation.

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

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

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.

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

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

Whale Protection Area means the area described in Schedule 4.

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.

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

Table of Instruments**Notes to the *Whitsundays Plan of Management 1998*****Note 1**

The *Whitsundays Plan of Management 1998* (in force under Part VB 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 Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
Whitsundays Plan of Management	22 June 1998 (see <i>Gazette</i> 1998, No. S292)	22 June 1998 (a)	
<i>Whitsundays Plan of Management Amendment 1999 (No. 1)</i>	12 Oct 1999 (see <i>Gazette</i> 1999, No. S481)	12 Oct 1999 (see c. 2)	—
<i>Whitsundays Plan of Management Amendment 2002 (No. 1)</i>	6 June 2002 (see <i>Gazette</i> 2002, No. S179)	6 June 2002 Part 2: 7 June 2002 (see c. 2 and (a) below)	—
<i>Whitsundays Plan of Management Amendment 2005 (No. 1)</i>	15 Nov 2005 (see F2005L03456)	16 Nov 2005	—

(a) This Plan in its original form (except Part 2 — Enforcement Provisions) commenced on 22 June 1998. Part 2 — Enforcement Provisions commenced on 7 June 2002 (see s. 39ZF (1) of the *Great Barrier Reef Marine Park Act 1975* and Part 11 (r. 177) of the *Great Barrier Reef Marine Park Regulations 1983*).

Table of Amendments**Table of Amendments**

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

Provision affected	How affected
Foreword.....	am. 2005 No. 1
Part 1	
Part 1	rs. 1999 No. 1
Division 1	
C. 1.1	rs. 1999 No. 1
C. 1.2	rs. 1999 No. 1 am. 2002 No. 1
Note to c. 1.2.....	ad. 2002 No. 1
C. 1.3	rs. 1999 No. 1 am. 2002 No. 1
C. 1.4	rs. 1999 No. 1 am. 2002 No. 1
Note 1 to c. 1.4.....	rs. 2005 No. 1
Division 2	
C. 1.5	rs. 1999 No. 1
Note 1 to c. 1.5 (4)	rs. 2005 No. 1
C. 1.6	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
C. 1.7	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Note 1 to c. 1.7 (3) (a).....	am. 2002 No. 1 rs. 2005 No. 1
Note 2 to c. 1.7 (3) (a).....	ad. 2005 No. 1
C. 1.8	rs. 1999 No. 1
Note 1 to Table in c. 1.8.....	rs. 2005 No. 1
Division 3	
C. 1.9	rs. 1999 No. 1
Note to c. 1.9 (1) (b).....	rs. 2002 No. 1
Note to c. 1.9 (1) (d).....	ad. 2002 No. 1 rs. 2005 No. 1
Division 4	
C. 1.10	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Division 5	
C. 1.11	rs. 1999 No. 1 am. 2002 No. 1
C. 1.12	rs. 1999 No. 1; 2002 No. 1
C. 1.13	rs. 1999 No. 1 am. 2002 No. 1
C. 1.14	rs. 1999 No. 1 am. 2002 No. 1
C. 1.15	rs. 1999 No. 1
Part 2	
Heading to Part 2.....	rs. 1999 No. 1
Part 2	rs. 1999 No. 1
Note 1 to Part 2	rs. 1999 No. 1
Note 2 to Part 2.....	rs. 1999 No. 1; 2005 No. 1

Table of Amendments

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

Provision affected	How affected
Division 1	
Heading to Div. 1 of Part 2..	ad. 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
Division 2	
Heading to Div. 2 of Part 2..	ad. 1999 No. 1
C. 2.4	rs. 1999 No. 1 am. 2002 No. 1
Note to c. 2.4 (5)	ad. 2002 No. 1
C. 2.5	rs. 1999 No. 1; 2002 No. 1
C. 2.5A.....	ad. 2002 No. 1
C. 2.5B.....	ad. 2002 No. 1
C. 2.6	rs. 1999 No. 1
C. 2.7	rs. 1999 No. 1
C. 2.8	rs. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Note to c. 2.8 (2)	rs. 2005 No. 1
Division 3	
Heading to Div. 3 of Part 2..	ad. 1999 No. 1
C. 2.9	rs. 1999 No. 1 rep. 2005 No. 1
C. 2.10	rs. 1999 No. 1 am. 2002 No. 1
Note 1 to c. 2.10 (1)	ad. 1999 No. 1
Note 2 to c. 2.10 (1)	ad. 1999 No. 1 am. 2002 No. 1
Note to c. 2.10 (4)	ad. 2002 No. 1
C. 2.11	ad. 1999 No. 1
C. 2.12	ad. 1999 No. 1 am. 2002 No. 1; 2005 No. 1
Note 1 to c. 2.12 (4)	ad. 1999 No. 1 rep. 2005 No. 1
Note to c. 2.12 (4)	ad. 2005 No. 1
Note 2 to c. 2.12 (4)	ad. 1999 No. 1 rep. 2002 No. 1
Division 4	
Div. 4 of Part 2	ad. 1999 No. 1
Heading to c. 2.13.....	rs. 2002 No. 1
C. 2.13	ad. 1999 No. 1 am. 2002 No. 1 rs. 2005 No. 1
C. 2.14	ad. 1999 No. 1 am. 2002 No. 1
C. 2.15	ad. 1999 No. 1 am. 2002 No. 1
Division 5	
Div. 5 of Part 2	ad. 2002 No. 1
Subdivision 1	
C. 2.16	ad. 2002 No. 1

Table of Amendments

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Provision affected	How affected
C. 2.17	ad. 2002 No. 1
C. 2.18	ad. 2002 No. 1
Subdivision 2	
C. 2.19	ad. 2002 No. 1
C. 2.20	ad. 2002 No. 1
Note to c. 2.20 (1)	rs. 2005 No. 1
C. 2.21	ad. 2002 No. 1
C. 2.22	ad. 2002 No. 1
Heading to c. 2.23.....	rs. 2005 No. 1
C. 2.23	ad. 2002 No. 1 am. 2005 No. 1
Heading to c. 2.24.....	rs. 2005 No. 1
C. 2.24	ad. 2002 No. 1 am. 2005 No. 1
Note to c. 2.24.....	rs. 2005 No. 1
C. 2.25	ad. 2002 No. 1
C. 2.26	ad. 2002 No. 1
C. 2.27	ad. 2002 No. 1
Note to c. 2.27.....	rs. 2005 No. 1
C. 2.28	ad. 2002 No. 1 am. 2005 No. 1
Schedule 1	
Heading to Schedule 1.....	rs. 1999 No. 1; 2002 No. 1; 2005 No. 1
Schedule 1	am. 1999 No. 1 rs. 2002 No. 1
Schedule 2	
Heading to Schedule 2.....	rs. 2005 No. 1
Schedule 2	am. 1999 No. 1 rs. 2002 No. 1
Schedule 3	
Heading to Schedule 3.....	rs. 2005 No. 1
Schedule 3.....	rs. 2002 No. 1 am. 2005 No. 1
Schedule 4	
Heading to Schedule 4.....	rs. 2005 No. 1
Schedule 4	am. 1999 No. 1 rs. 2002 No. 1
Schedule 5	
Heading to Schedule 5.....	rs. 2005 No. 1
Schedule 5.....	am. 1999 No. 1 rs. 2002 No. 1
Schedule 6	rs. 1999 No. 1 rep. 2002 No. 1
Schedule 7	
Heading to Schedule 7.....	rs. 2005 No. 1
Schedule 7	rs. 2002 No. 1
Schedule 8	
Schedule 8	rs. 1999 No. 1; 2002 No. 1

Table of Amendments

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

Provision affected

How affected

Schedule 9

Note to Schedule 9 rs. 2005 No. 1

Schedule 9 rs. 1999 No. 1
am. 2002 No. 1; 2005 No. 1



Australian Government

**Great Barrier Reef
Marine Park Authority**

2-68 Flinders Street
PO Box 1379
TOWNSVILLE QLD 4810
Phone: (07) 4750 0700
Fax: (07) 4772 6093
Email: info@gbrmpa.gov.au

www.gbrmpa.gov.au