

FISHERIES MANAGEMENT (AQUATIC RESERVES) REGULATION 1995
under the
FISHERIES MANAGEMENT ACT 1994

UPDATED 1 MARCH 1999

INCLUDES AMENDMENTS (SINCE GAZETTAL OF 13.1.1995) BY:

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NOTE: For diagrams to Schedules 1–7 and for map and diagrams to Schedule 8 see Gazette No. 3 of 13.1.1995, pp. 222–238.

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FISHERIES MANAGEMENT (AQUATIC RESERVES) REGULATION 1995

under the

FISHERIES MANAGEMENT ACT 1994

**[Reprinted as at - not reprinted]
UPDATED 1 MARCH 1999**

NEW SOUTH WALES

[STATE ARMS]

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1995—13

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NEW SOUTH WALES

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Fisheries Management (Aquatic Reserves) Regulation 1995.

Commencement

2. This Regulation commences on the commencement of the Fisheries Management Act 1994.

Definitions

3. In this Regulation:

“**marine vegetation**” includes mangroves, seagrasses, algae and saltmarsh plants;

“**the Act**” means the Fisheries Management Act 1994.

Director's consent

4. The Director may grant a consent to a person under this Regulation by means of a written notice given to the person and may, in the same manner, vary or revoke a consent so granted.

Relationship of Regulation to other instruments under the Act

5. Nothing in this Regulation affects any other restriction or prohibition imposed by or under the Act.

Savings

6. Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a regulation relating to an aquatic reserve under the Fisheries and Oyster Farms Act 1935 is taken to have effect under this Regulation.

PART 2—LONG REEF

The Reserve

7. In this Part:

“**Reserve**” means the Long Reef Aquatic Reserve declared by notification published in Gazette No. 80 of 30 May 1980, at page 2787, being the land described in Schedule 1 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

8. (1) A person must not:

(a) take, or attempt to take, fish from the Reserve; or

(b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

(a) wilfully disturb, injure or interfere with fish in the Reserve; or

(b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

9. A person:

(a) may, by means of a spear or a hook and line, take, or attempt to take, fish that have fins; and

- (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 8 (1) or (2).

PART 3—SHIPROCK

The Reserve

10. In this Part:

``Reserve'' means the Shiprock Aquatic Reserve declared by notification published in Gazette No. 46 of 26 March 1982, at page 1336, being the land described in Schedule 2 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

11. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

12. A person may, in accordance with the written consent of the Director, do anything prohibited by clause 11 (1) or (2).

PART 4—JULIAN ROCKS

The Reserve

13. In this Part:

``Reserve'' means the Julian Rocks Aquatic Reserve declared by notification published in Gazette No. 46 of 26 March 1982, at page 1336, being the land described in Schedule 3 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

14. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

15. A person:

- (a) may, by means of a hook and line, take, or attempt to take, fish that have fins; and
- (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 14 (1) or (2).

PART 5—NORTH HARBOUR

The Reserve

16. In this Part:

``Reserve'' means the North Harbour Aquatic Reserve declared by notification published in Gazette No. 46 of 26 March 1982, at page 1336, being the land described in Schedule 4 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

17. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

18. A person:

- (a) may, by means of a hook and line, take, or attempt to take, fish that have fins; and
- (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 17 (1) or (2).

Exemption for commercial fishers

19. A commercial fisher:

- (a) may take, or attempt to take, a rock lobster by means of a pot manufactured or adapted for the purpose of taking rock lobsters; and
- (b) may, on a weekday, take, or attempt to take, fish by means of a hauling net, but only from the part of the Reserve north of Cannae Point and east of a line drawn from Cannae Point to Manly Point.

PART 6—BUSHRANGER'S BAY

The Reserve

20. In this Part:

``Reserve'' means the Bushranger's Bay Aquatic Reserve declared by notification published in Gazette No. 65 of 14 May 1982, at page 2104, being the land described in Schedule 5 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

21. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

22. A person may, in accordance with the written consent of the Director, do anything prohibited by clause 21 (1) or (2).

PART 7—FLY POINT-HALIFAX PARK

The Reserve

23. In this Part:

``Reserve'' means the Fly Point-Halifax Park Aquatic Reserve declared by notification published in Gazette No. 16 of 28 January 1983, at page 446, being the land described in Schedule 6 together with the waters within the Reserve.

Taking of fish or marine vegetation prohibited

24. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

25. A person:

- (a) may, by means of a hook and line, take, or attempt to take, fish that have fins, but only from the jetties in the Reserve or the beach between those jetties; and
- (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 24 (1) or (2).

PART 8—TOWRA POINT

The Reserve

26. In this Part:

``refuge zone'' means the area shown lightly dotted in the diagram in Schedule 7;

``Reserve'' means the Towra Point Aquatic Reserve declared by notification published in Gazette No. 49 of 12 April 1990, at page 3070, being the land described in Schedule 7 together with the waters within the Reserve;

``sanctuary zone'' means the area (generally referred to as Stinkpot Bay, Quibray Bay and Weeny Bay) shown hatched in the diagram in Schedule 7.

Taking of fish or marine vegetation prohibited

27. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve; or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

General exemption

28. (1) A person:

- (a) may take, or attempt to take, fish from the refuge zone by means of:
 - (i) a hook and line; or

- (ii) a net that may lawfully be used otherwise than by a commercial fisher; and
 - (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 27 (1) or (2).
- (2) The exemption under subclause (1) (a) does not authorise a person to take, or attempt to take, fish from the sanctuary zone.

Exemption for commercial fishers

29. (1) A commercial fisher may take, or attempt to take, fish from the refuge zone by means of:
- (a) lawful hauling nets or garfish nets (bullringing); or
 - (b) lawful meshing nets, but only when used by the method known as splashing (that is, shooting the net, splashing the water in the vicinity and fully retrieving the net from the water without delay); or
 - (c) lawful fish traps.
- (2) The exemption under subclause (1) does not authorise a person to take, or attempt to take, fish from the sanctuary zone.

PART 9—SOLITARY ISLANDS

Note. The area of Solitary Islands has been declared as a marine park under the Marine Parks Act 1997 and activities in the marine park are regulated under that Act and the Marine Parks Regulation 1999. However, the provisions of this Regulation continue to have effect in respect of the marine park under clause 2 of Schedule 3 to that Act. This note does not form part of this Regulation.

Definitions

30. In this Part:

- “**commercial tourist activity**” means the undertaking of any activity associated with tourism for commercial gain, including dive charters, diver certification training, snorkelling tours, whale watching tours, fishing charters, boat tours and natural history excursions, but excluding any licensed commercial fishing activity;
- “**general use zone**” means the areas described in Part 2 of Schedule 8;
- “**recreation zone**” means the areas described in Part 3 of Schedule 8;
- “**recreational fishing competition**” means a fishing competition between members of a group of persons engaged in spear or line fishing for the purpose of recreation;
- “**refuge zone**” means the areas described in Part 4 of Schedule 8;
- “**Reserve**” means the Solitary Islands Aquatic Reserve declared by notification published in Gazette No. 62 of 26 April 1991, at page 3193, being the land described in Part 1 of Schedule 8 together with the waters within the Reserve, and includes the general use zone, the recreation zone, the refuge zone and the sanctuary zone;
- “**sanctuary zone**” means the areas described in Part 5 of Schedule 8;
- “**spearfishing**” means taking or attempting to take fish by means of a spear, speargun or similar device or by means of a bow and arrow.

31. * * * * *

Prohibited activity in general use zone

32. (1) A person must not:

- (a) take, or attempt to take, fish, or marine vegetation, for sale from the general use zone; or
- (b) gather, or attempt to gather, or wilfully damage, destroy or interfere with, marine vegetation, except green sea lettuce (*Ulva lactuca*) or blackfish weed (*Enteromorpha intestinalis*), in the general use zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

Prohibited activity in recreation zone

33. (1) A person must not:

- (a) take, or attempt to take, fish, or marine vegetation, for sale from the recreation zone; or

- (b) take, or attempt to take, fish (except abalone, beach worms, crabs, rock lobsters, cunjevoi, fin fish, oysters, pippies, sea urchins or yabbies) from the recreation zone; or
- (c) take, or attempt to take, fish (except rock lobsters and crabs) by means of a trap from the recreation zone; or
- (d) take, or attempt to take, fish by a net that may only be lawfully used by a commercial fisher from the recreation zone; or
- (e) gather, or attempt to gather, or wilfully damage, destroy or interfere with marine vegetation, except green sea lettuce (*Ulva lactuca*) or blackfish weed (*Enteromorpha intestinalis*), in the recreation zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

Prohibited activity in refuge zone

34. (1) A person must not:

- (a) take, or attempt to take, fish from the refuge zone, except:
 - (i) fin fish by means of a hook and line; or
 - (ii) rock lobsters by means of a lawful trap in those parts of the refuge zone which are situated beneath or adjacent to headlands on the mainland; or
 - (iii) fish specified in the Table to this clause by means of spearfishing; or
- (b) take, or attempt to take, fish for a private aquarium from the refuge zone; or
- (c) gather, or attempt to gather, marine vegetation from the refuge zone; or
- (d) wilfully damage, destroy or interfere with marine vegetation in the refuge zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

TABLE

Allowed species for spearfishing in refuge zone

Amberjack (*Seriola dumerilii*)
 Bream, yellowfin (*Acanthopagrus australis*)
 Cobia (*Rachycentron canadus*)
 Flathead, dusky (*Platycephalus fuscus*)
 Kingfish, yellowtail (*Seriola lalandi*)
 Leatherjacket, chinaman (*Nelusetta ayraudi*)
 Luderick, blackfish (*Girella tricuspidata*)
 Mackerel, spanish (*Scomberomorus commersoni*)
 Morwong, red (*Cheilodactylus fuscus*)
 Mulloway, jewfish (*Argyrosomus hololepidotus*)
 Rainbow runner (*Elagatis bipinnulatus*)
 Samson fish (*Seriola hippos*)
 Surgeon sawtail (*Prionurus microlepidotus*)
 Sweetlip (*Plectorhinchus flavomaculatus*)
 Tailor (*Pomatomus saltatrix*)
 Tarwhine (*Rhabdosargus sarba*)
 Trevally, diamond (*Alectis indica*)
 Trevally, golden (*Gnathandodon speciosus*)
 Wahoo (*Acanthocybium solandri*)

Prohibited activity in sanctuary zone

35. (1) A person must not:

- (a) take, or attempt to take, fish from the sanctuary zone; or
- (b) gather, or attempt to gather, marine vegetation from the sanctuary zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the sanctuary zone; or
- (b) wilfully damage, destroy or interfere with marine vegetation in the sanctuary zone.
- (3) A person must not use an anchor in the sanctuary zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(4) In this clause, ``**anchor**'' means any device attached to a boat by a cable, chain or rope dropped overboard so as to grip the seabed for the purpose of restricting the movement of the boat.

(5) This clause is subject to the other provisions of this Part.

36. * * * * *

SCHEDULE 1—LONG REEF AQUATIC RESERVE

(Cl. 7)

The Long Reef Aquatic Reserve comprises the area in the general vicinity of Dee Why shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 222 for Diagram.

SCHEDULE 2—SHIPROCK AQUATIC RESERVE

(Cl. 10)

The Shiprock Aquatic Reserve comprises the area in the general vicinity of Port Hacking shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 223 for Diagram.

SCHEDULE 3—JULIAN ROCKS AQUATIC RESERVE

(Cl. 13)

The Julian Rocks Aquatic Reserve comprises the area in the general vicinity of Byron Bay shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 224 for Diagram.

SCHEDULE 4—NORTH HARBOUR AQUATIC RESERVE

(Cl. 16)

The North Harbour Aquatic Reserve comprises the area in the general vicinity of Manly shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 225 for Diagram.

SCHEDULE 5—BUSHRANGER'S BAY AQUATIC RESERVE

(Cl. 20)

The Bushranger's Bay Aquatic Reserve comprises the area in the general vicinity of Shellharbour shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 226 for Diagram.

SCHEDULE 6—FLY POINT-HALIFAX PARK AQUATIC RESERVE

(Cl. 23)

The Fly Point-Halifax Park Aquatic Reserve comprises the area in the general vicinity of Port Stephens shown hatched on the following diagram:

Diagram

Missing data: see Gazette No 3 of 13.1.1995, p 227 for Diagram.

SCHEDULE 7—TOWRA POINT AQUATIC RESERVE

(Cl. 26)

The Towra Point Aquatic Reserve comprises the area in the general vicinity of Botany Bay described by the following metes and bounds description and indicated by the hatching and dots on the following diagram:

Metes and bounds description

Commencing at the northeastern extremity of Shell Point; then generally easterly along the mean high-water line around Woollooware, Stinkpot, Weeney and Quibray Bays to the point of intersection with a line drawn from the survey obelisk situated at Bonna Point to the port-hand channel marker situated approximately 1130 metres north of Towra Point; then by that line to the said port-hand channel marker; then generally southwesterly to the port-hand channel marker situated approximately 750 metres north of Pelican Point; then by a line generally southwesterly to the point of commencement.

Commencing at a post marked "FD" over broad-arrow situated on the northwestern extremity of Pelican Point; then by a line generally easterly following the mean high-water line and across any breached entrances of Stinkpot Bay to a post marked "FD" over broad-arrow situated on the Elephant's Trunk; then by a line generally southwesterly to the northern corner of Oyster Farm Lease 84.40; then to the point of commencement.

Commencing at the point of intersection of the mean high-water mark with a line drawn from the survey obelisk at Bonna Point to the northeastern corner of Oyster Farm Lease 85.195; then generally southwesterly by that line; then continuing to the mean high-water mark; then along the mean high-water line around Weeney and Quibray Bays to the point of commencement.

Missing data: see Gazette No 3 of 13.1.1995, p 229 for Diagram.

SCHEDULE 8—SOLITARY ISLANDS AQUATIC RESERVE

(Cl. 30)

PART 1—RESERVE

The Solitary Islands Aquatic Reserve comprises the area in the general vicinity of Coffs Harbour indicated on the accompanying map of Solitary Islands Aquatic Reserve.

PART 2—GENERAL USE ZONE

See accompanying map of Solitary Islands Aquatic Reserve.

All that area within a 3 nautical mile limit from the High Water Mark of North Solitary Island, North West Solitary Island and South Solitary Island and all coastal waters from High Water Mark due easterly to a line 3 nautical miles from the territorial sea baselines (as described in the Commonwealth of Australia Gazette No. S29, 9 February 1983) including all rivers, estuaries, lagoons, bays and inlets upstream to the tidal limit and extending from the easternmost point (High Water Mark) of Plover Island in the north southerly to the easternmost point (High Water Mark) of Muttonbird Island in the south as shown on the map entitled "Solitary Islands Aquatic Reserve" accompanying Part 1 of this Schedule, but excluding the waters described as "recreation zone", "refuge zone" and "sanctuary zone" in Parts 3, 4 and 5 of this Schedule and any lands or islands within the Reserve above Mean High Water Mark.

PART 3—RECREATION ZONE

Sandon River, Sandon Headland and Plover Island

See diagram 1 accompanying this Schedule.

Wooli Wooli River

See diagram 5 accompanying this Schedule.

North Rock

See diagram 9 accompanying this Schedule.

Red Rock Headland and Corindi River

See diagram 10 accompanying this Schedule.

Arrawarra Creek

See diagram 12 accompanying this Schedule.

Woolgoolga Headland

See diagram 13 accompanying this Schedule.

Bare Bluff

See diagram 14 accompanying this Schedule.

Moonee Creek

See diagram 16 accompanying this Schedule.

PART 4—REFUGE ZONE

Sandon River

See diagram 1 accompanying this Schedule.

Pimpernel Rock

See diagram 2 accompanying this Schedule.

Minnie Water

See diagram 3 accompanying this Schedule.

Diggers Camp

See diagram 4 accompanying this Schedule.

North Solitary Island and North West Rock

See diagram 7 accompanying this Schedule.

Station Creek Headland

See diagram 8 accompanying this Schedule.

Corindi River

See diagram 10 accompanying this Schedule.
North West Solitary Island
See diagram 11 accompanying this Schedule.

PART 5—SANCTUARY ZONE

Wooli Wooli River
See diagram 5 accompanying this Schedule.
Jones Point
See diagram 6 accompanying this Schedule.
North Solitary Island and North West Rock
See diagram 7 accompanying this Schedule.
North West Solitary Island
See diagram 11 accompanying this Schedule.
Arwarra Headland
See diagram 12 accompanying this Schedule.
South West Solitary Island
See diagram 15 accompanying this Schedule.
South Solitary Island
See diagram 17 accompanying this Schedule.
Spit Solitary Island
See diagram 18 accompanying this Schedule.

SOLITARY ISLANDS AQUATIC RESERVE

Missing data: see Gazette No 3 of 13.1.1995, pp 232–238 for Map of Solitary Islands Aquatic Reserve and for Diagrams 1-19.

NOTES

Fisheries Management (Aquatic Reserves) Regulation 1995 published in Gazette of 13.1.1995 and amended in Gazette No. 25 of 26.2.1999, p. 1044.

Table of Amendments

Part 9, heading, note—Ins. 26.2.1999.
Cll. 31, 36—Rep. 26.2.1999.
