

Marine Parks Regulation 1999

See also:

Statute Law (Miscellaneous Provisions) Bill (No 2) 2007

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Marine Parks Regulation 1999*.

2 Commencement

This Regulation commences on 1 March 1999.

3 Definitions

(1) In this Regulation: "**aquaculture**" has the same meaning as in section 142 of the *Fisheries Management Act 1994*. "**bait**" means any animal or plant, or part of any animal or plant, rigged on a fishing hook but does not include an artificial lure or artificial fly. "**clean**" a fish includes to remove or discard part of a fish. "**commercial fisher**" has the same meaning as in the *Fisheries Management Act 1994*. "**commercial fishing**" means taking, or attempting to take, fish for sale. "**domesticated animal**" includes a pet. "**exotic animal**", in relation to a marine park, means any living animal that is not indigenous to the marine park. "**exotic plant**", in relation to a marine park, means any plant (whether or not living) that is not indigenous to the marine park, but does not include food for human consumption. "**fish**" has the same meaning as in section 5 of the *Fisheries Management Act 1994*. Under the *Fisheries Management Act 1994*, "**fish**" means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead), including oysters and other aquatic molluscs, crustaceans, echinoderms, beachworms and other aquatic polychaetes. "**general use zone**" means an area in a marine park that is classified by the zoning plan for the marine park as a general use zone. "**habitat**" means any area occupied, or periodically or occasionally occupied, by animals or plants (or both), and includes any biotic or abiotic component. "**habitat protection zone**" means an area in a marine park that is classified by the zoning plan for the marine park as a habitat protection zone. "**harm**" means:

- (a) in the case of any animal--take, interfere with, injure or otherwise harm the animal, or
- (b) in the case of a plant--gather, cut, pull up, destroy, poison, dig up, remove, injure or otherwise harm the plant (or any part of it).

"**moor**" a vessel includes attach the vessel to a mooring by any means. "**mooring**" means any post, stake, pile, float, pontoon or any other object (other than a vessel's anchor that is retrieved by the vessel when not in use) secured by any direct or indirect means to the waters' bed for the purpose of attaching a vessel to the bed. "**permit**" means a permit under Part 3A. "**personal watercraft**" means a power-driven vessel that:

- (a) has a fully enclosed hull, and
- (b) does not retain water taken on if it capsizes, and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on the vessel but not seated within the vessel.

"**recreational fishing**" means taking, or attempting to take, fish otherwise than for sale. "**sanctuary zone**" means an area in a marine park that is classified by the zoning plan for the marine park as a sanctuary zone. "**set line**" has the same meaning as it has in the *Fisheries Management (General) Regulation 2002*. "**special purpose zone**" means an

area in a marine park that is classified by the zoning plan for the marine park as a special purpose zone. **"take"** an animal includes:

- (a) catch, capture or kill an animal, or
- (b) gather or collect an animal, or
- (c) remove an animal from any rock or other matter.

"the Act" means the *Marine Parks Act 1997*. **"traditional use"** means a use that satisfies personal, domestic or non-commercial communal needs of Aboriginal people. **"vessel"** has the same meaning as it has in the *Marine Safety Act 1998*. **"zoning plan"** means a zoning plan for a marine park, as set out in Schedule 1. Certain words and terms used in this Regulation are defined in the Act and accordingly have the same meaning as in the Act. These include the following: **"animal"** means any animal-life (other than human), whether vertebrate or invertebrate and in any stage of biological development, and includes a dead animal. **"plant"** means any plant-life, whether vascular or non-vascular and in any stage of biological development, and includes fungi, lichens and dead plants.

(2) For the purposes of Schedule 1, a zone of a marine park does not adjoin another zone of the marine park if the zone only has a single corner point on its boundary that is common to the boundary of the other zone.

3A Regulation applies subject to other legislation

(1) This Regulation has effect subject to section 22 of the Act. Section 22 of the Act provides that any requirements made by or under Part 3 of the Act are in addition to any requirement in any other Act or statutory instrument, such as requirements under the *Fisheries Management Act 1994* and the *National Parks and Wildlife Act 1974*.

(2) Nothing in this Regulation is to be construed as authorising the harming of any particular species of plant or fish, or the harming of any plants or fish by a particular method, in contravention of the *Fisheries Management Act 1994*, the *National Parks and Wildlife Act 1974* or statutory instruments made under those Acts.

(3) In addition, nothing in this Regulation is to be construed as authorising the carrying out of any activity in contravention of a marine park closure under section 20A of the Act.

3B Reference to relevant Ministers

(1) In this Regulation, a reference to **"the relevant Ministers"** is a reference to the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Fisheries Management Act 1994*.

(2) If a provision of this Regulation requires or authorises the relevant Ministers to take any action or decide any matter, the provision is taken only to require or authorise the relevant Ministers to take the action jointly or decide the matter jointly.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 – Marine park zones

In addition to the provisions set out in this Regulation, Division 2 of Part 3 of the Act also provides for the regulation of development and activities in a marine park. Those provisions apply in respect of development or activities that are subject to Part 4 or 5 of the *Environmental Planning and Assessment Act 1979*. The provisions require the objects and permissible uses of a zone to be taken into consideration before any development application for the carrying out of development in a marine park is determined under Part 4 of that Act or any activity under Part 5 of that Act is carried out or approved. They also require consultation with or the concurrence of the relevant Ministers.

Division 1 – Zones in marine parks

5 Zoning plans

- (1) Schedule 1 sets out the zoning plan for each marine park specified in that Schedule.
- (2) A zoning plan for a marine park may include any number of sanctuary, habitat

protection, general use and special purpose zones.

Section 16 of the Act provides that the regulations may make provision for or with respect to classifying areas within a marine park for different uses by means of zoning plans set out in the regulations. At the commencement of this Regulation, Schedule 1 will not contain any zoning plans.

Division 2 – Sanctuary zone

6 Objects of sanctuary zone

The objects of the sanctuary zone are:

- (a) to provide the highest level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and
- (b) where consistent with paragraph (a), to provide opportunities for the following activities in the zone:
 - (i) recreational, educational and other activities that do not involve harming any animal or plant or causing any damage to or interference with natural or cultural features or any habitat,
 - (ii) scientific research.

7 Protection of animals, plants and habitat in sanctuary zone

- (1) A person must not, while in the sanctuary zone of a marine park:
 - (a) harm, or attempt to harm, any animal, or
 - (b) harm, or attempt to harm, any plant, or
 - (c) damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone), or
 - (d) clean any fish or fishing gear,except with the consent of the relevant Ministers.
- (2) Consent is only to be given under subclause (1) for research, environmental protection, public health, traditional use or public safety purposes.
- (3) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.

8 Aquaculture not permitted in sanctuary zone

Aquaculture is not permissible in the sanctuary zone of a marine park.

Section 12 (2) of the Act provides that an aquaculture lease applying to any area within a marine park must not be extended or renewed (except as provided for by section 12 (3) of the Act), unless the regulations provide that aquaculture is permissible in the relevant area.

8A Dredging and beach replenishment activities not permitted in sanctuary zone

- (1) A person must not carry out any dredging activity or beach replenishment activity in the sanctuary zone of a marine park. Maximum penalty: 100 penalty units.
- (2) A person does not commit an offence against this clause if the dredging activity or beach replenishment activity is carried out with the consent of the relevant Ministers.
- (3) Consent is not to be given to the carrying out of a dredging activity or beach replenishment activity in the sanctuary zone of a marine park unless the relevant Ministers are satisfied that the activity is necessary to prevent a serious risk of injury to a person, damage to property or harm to the environment.
- (4) Subclause (3) does not prevent the relevant Ministers from consenting to any dredging activity being carried out as part of an organised research activity.
- (5) In this clause: "**beach replenishment activity**" means the excavation of or extraction of sand or other material for the purpose of replenishing a beach. "**dredging activity**" means any activity that involves the excavation of land submerged (whether permanently or intermittently) by water.

9 Vessels to be anchored or moored only at designated sites

(1) A person must not, while in the sanctuary zone of a marine park, anchor or moor a vessel except in an area, or at a mooring, (if any) designated for that purpose by the relevant Ministers or by the relevant zoning plan. Maximum penalty: 100 penalty units.

(2) Despite subclause (1), a person may anchor or moor a vessel in an area or at a mooring that has not been designated by the relevant Ministers for that purpose in an emergency, where the action is necessary to protect life or property.

9A Fishing not permitted from moorings

A person must not take, or attempt to take, fish from a mooring, or a vessel attached to a mooring, in the sanctuary zone of a marine park.

Maximum penalty: 100 penalty units.

Division 3 – Habitat protection zone

10 Objects of habitat protection zone

The objects of the habitat protection zone are:

(a) to provide a high level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and

(b) where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities, so long as they are ecologically sustainable, do not have a significant impact on fish populations within the zone and have a negligible impact on other animals, plants and habitat.

11 Protection of animals, plants and habitat in habitat protection zone

(1) A person must not, while in the habitat protection zone of a marine park:

(a) harm, or attempt to harm, any animal (other than fish), or

(b) harm, or attempt to harm, any plant, or

(c) damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone),

except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) Consent is only to be given under subclause (1):

(a) for research, environmental protection, public health, traditional use or public safety purposes, or

(b) for the purposes of an ecologically sustainable use that does not have a significant impact on fish populations within the zone and has a negligible impact on other animals, plants and habitat.

12 Limited fishing activities in habitat protection zone

(1) Each of the following fishing activities is permitted in the habitat protection zone of a marine park:

(a) the taking of fish by use of a hook and hand held line,

(b) the taking of fish by hand,

(c) the taking of fish by use of a scoop net or landing net,

(d) the taking of fish by use of a spear or spear gun,

(e) the taking of fish by any other method permitted by the zoning plan for the marine park.

(2) A person must not, while in the habitat protection zone of a marine park:

(a) take or attempt to take any fish unless the person is engaging in a permitted fishing activity (as referred to in subclause (1)), or

(b) take or attempt to take any fish in contravention of the zoning plan for the

marine park.

Maximum penalty: 100 penalty units.

(3) A person does not commit an offence against this clause for anything done with the consent of the relevant Ministers.

(3AA) Consent is only to be given under subclause (3) for research, environmental protection, public health or public safety purposes.

(3A) This clause does not apply to aquaculture.

(4) In this clause: "**hand held line**" means a hand line or rod and line. "**landing net**" has the same meaning as in the *Fisheries Management (General) Regulation 1995*. "**scoop net**" means a net referred to as a dip or scoop net (prawns) in the *Fisheries Management (General) Regulation 1995*.

The *Fisheries Management Act 1994* and the regulations under that Act also set out specific requirements relating to the methods of fishing referred to in subclause (1).

13 Aquaculture

(1) Aquaculture is permissible in the habitat protection zone of a marine park, but only with the consent of the relevant Ministers.

(2) This clause is subject to the provisions of the zoning plan for a marine park.

The *Fisheries Management Act 1994* regulates the conduct of aquaculture. In particular, it prohibits a person from undertaking aquaculture except under the authority of a permit issued under that Act and in accordance with the conditions of that permit.

Division 4 – General use zone

14 Objects of general use zone

The objects of the general use zone are:

- (a) to provide protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and
- (b) where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities so long as they are ecologically sustainable.

15 Protection of animals, plants and habitat in general use zone

(1) A person must not, while in the general use zone of a marine park:

- (a) harm, or attempt to harm, any animal (other than fish), or
- (b) harm, or attempt to harm, any plant, or
- (c) damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone),

except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) Consent is only to be given under subclause (1):

- (a) for research, environmental protection, public health, traditional use or public safety purposes, or
- (b) for the purposes of an ecologically sustainable use.

16 Limited fishing activities in general use zone

(1) Fishing is permitted in the general use zone of a marine park, but only in accordance with the zoning plan for the marine park.

(2) A person must not, while in the general use zone of a marine park, take, or attempt to take, any fish in contravention of the zoning plan for the marine park. Maximum penalty: 100 penalty units.

(3) A person does not commit an offence against this clause for anything done with the consent of the relevant Ministers.

(4) Consent is only to be given under subclause (3) for research, environmental protection, public health, traditional use or public safety purposes.

17 Aquaculture

Aquaculture is permissible in the general use zone of a marine park.

The *Fisheries Management Act 1994* regulates the conduct of aquaculture. In particular, it prohibits a person from undertaking aquaculture except under the authority of a permit issued under that Act and in accordance with the conditions of that permit.

Division 5 – Special purpose zone

18 Objects of special purpose zone

The objects of the special purpose zone are:

- (a) to provide for the management of biological diversity, habitat, ecological processes and natural and cultural features in the zone, where phenomena, sites or items in the zone warrant special management, or
- (b) to cater for special facilities and features in the zone such as slipways, breakwaters, berthing facilities and shipwrecks, or
- (c) such objects as may be set out in the zoning plan for a marine park.

At the commencement of this Regulation, this Part does not contain special provisions relating to activities that may be carried out in a special purpose zone. This may be provided for in the zoning plan concerned.

18A Protection of animals, plants and habitat in special purpose zone

(1) A person must not, while in the special purpose zone of a marine park:

- (a) harm, or attempt to harm, any animal (other than fish), or
- (b) harm, or attempt to harm, any plant, or
- (c) damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone),

except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) Consent is only to be given under subclause (1):

- (a) for research, environmental protection, public health, traditional use or public safety purposes, or
- (b) for the purposes of an ecologically sustainable use.

(3) (Repealed)

18B Limited fishing activities

(1) A person must not, while in the special purpose zone of a marine park, take or attempt to take any fish in contravention of the zoning plan for the marine park. Maximum penalty: 100 penalty units.

(2) A person does not commit an offence against this clause for anything done with the consent of the relevant Ministers.

(3) Consent is only to be given under subclause (2) for research, environmental protection, public health, traditional use or public safety purposes.

(4) (Repealed)

18C Aquaculture

Aquaculture is permissible in the special purpose zone of a marine park, but only with the consent of the relevant Ministers.

The *Fisheries Management Act 1994* regulates the conduct of aquaculture. In particular, it prohibits a person from undertaking aquaculture except under the authority of a permit issued under that Act and in accordance with the conditions of that permit.

Part 3 – Regulation of activities in marine parks

Division 1 – General prohibitions

19 Possession of animals or plants or of equipment used to take animals or plants

- (1) A person who is in possession of any animal or plant that has been taken in contravention of a provision of this Regulation is guilty of an offence. Maximum penalty: 100 penalty units.
- (1A) A person who is in possession of an animal or plant in a part of a marine park in which the possession of the animal or plant is prohibited by the zoning plan for the marine park is guilty of an offence. Maximum penalty: 100 penalty units.
- (2) A person who, while in any part of a marine park, is in possession of any equipment (including fishing gear) that is used, or is designed to be used, for the purposes of taking an animal or plant is guilty of an offence if the taking of the animal or plant in that part of the park, at that time, is prohibited by law. Maximum penalty: 100 penalty units.
- (2A) A person who, while in any part of a marine park, is in possession of any equipment (including fishing gear) that is used, or designed to be used, for the purpose of taking an animal or plant is guilty of an offence if the use by that person of that equipment for taking an animal or plant from that part of the park, at that time, is prohibited by law. Maximum penalty: 100 penalty units.
- (2B) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any equipment (including fishing gear) found in the boat and any plant or animal found in the boat.
- (2C) It is a defence to a prosecution for an offence under subclause (1) if the person charged satisfies the court that the person could not reasonably have known that the animal or plant had been taken in contravention of a provision of this Regulation.
- (2D) It is a defence to a prosecution for an offence under subclause (1A) in respect of an animal or plant found in a boat if the person charged satisfies the court that the person could not reasonably have known that the animal or plant was on board the boat concerned.
- (3) It is a defence to a prosecution for an offence under subclause (2) or (2A) if the person charged satisfies the court:
- (a) if the equipment concerned was fishing gear--that the fishing gear was being transported to or from any place where the person could lawfully use the equipment to take fish and was in the authorised state, or
 - (b) if the equipment concerned was not fishing gear--that the equipment was being transported to or from any place where the person could lawfully use the equipment to take animals or plants, and was in a state in which it could not have been used to take animals or plants, or
 - (b1) if the equipment concerned was a fishing line--that the fishing line was on board a vessel within a sanctuary zone, the vessel was anchored, moored or aground and the fishing line was in the unrigged state, or
 - (c) that the person could not reasonably have known that the equipment was on board the boat concerned, or
 - (d) that the equipment was in the person's possession for a purpose that was lawful in the part of the marine park that the person was in.
- (4) For the purposes of subclause (3) (a), the "**authorised state**" is:
- (a) in the case of a fishing line--no part of the line was immersed in the waters of the marine park and no hook was baited, or
 - (b) in the case of a fishing net--no part of the net was immersed in the waters of the marine park, or
 - (c) in the case of fishing gear not referred to in paragraph (a) or (b)--the gear was stowed away.
- (5) For the purposes of subclause (3) (b1), the "**unrigged state**", in relation to a fishing line, means no part of the fishing line is attached to any hook, artificial lure, artificial fly, swivel or other piece of fishing tackle (other than any reel the fishing line was spooled on).

20 Protection of marine park moorings, buoys, signs and facilities

- (1) A person must not, except with the consent of the relevant Ministers:
- (a) remove, move, damage or interfere with a mooring in a marine park (being a mooring that is provided by or on behalf of the Authority), or
 - (b) remove, move, damage or interfere with a zone or boundary marker or sign owned or erected by the Authority in or adjacent to a marine park, or
 - (c) place any mooring, buoy or sign in a marine park (unless the placement is authorised by an occupation licence or other authorisation issued under the *Maritime Services Act 1935*), or
 - (d) damage, deface or interfere with any property or facility in a marine park (being any property or facility that is owned, managed or operated by the Authority), or
 - (e) attach a vessel to any marker buoy in a marine park that is owned or managed by the Authority.
- (2) A person must not contravene the conditions of use displayed on a mooring in a marine park that is provided by or on behalf of the Authority.
- (3) A person must not attach a vessel to another vessel that is attached to a mooring in a marine park that is provided by or on behalf of the Authority. See also clause 28 (1) (b).
- (4) It is not an offence against subclause (3) to attach a vessel to the vessel's tender.

Maximum penalty: 100 penalty units.

20A Heavily fouled hulls

- (1) A marine park ranger may direct the master of a vessel to remove the vessel from the marine park if the ranger reasonably believes that the vessel's hull or machinery is so heavily fouled by marine organisms as to pose a significant risk of the introduction of exotic animals or plants into the marine park.
- (2) A master of a vessel must comply with a direction made under this clause. Maximum penalty: 100 penalty units.

20B Discharge from vessels

A person must not discharge ballast water, drawn from waters outside a marine park, within the marine park.

Maximum penalty: 100 penalty units.

21 Exotic animals and plants

- (1) A person must not:
- (a) bring any exotic animal or exotic plant into a marine park, or
 - (b) cause or allow any exotic animal to be released into a marine park, or
 - (c) cause or allow any exotic plant to be introduced into a marine park.

Maximum penalty: 100 penalty units.

- (2) A person does not commit an offence under subclause (1) (a) by bringing a domesticated animal into a marine park.

22 Domesticated animals

- (1) A person must not:
- (a) bring any domesticated animal into a marine park except with the consent of the relevant Ministers, or
 - (b) leave a domesticated animal unattended in a marine park.

Maximum penalty: 100 penalty units. Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.

- (1A) A person who brings a domesticated animal into a marine park must collect any faeces deposited by that animal and remove the faeces from the marine park. Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, a domesticated animal is "**unattended**" whenever it is not under the control of a responsible person.

(3) This clause does not apply to a dog being used by a police officer on official duty.

22A Protected species

(1) A person must not in a marine park:

(a) take, or attempt to take, any species of fish or plant identified as a protected species in the zoning plan for the marine park, or

(b) harm, or attempt to harm, any species of fish or plant identified as a protected species in the zoning plan for the marine park,

except with the consent of the relevant Ministers.

(2) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.

23 Organised research activities

(1) A person must not carry out any organised research activity in a marine park except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) For the purposes of this clause, an "**organised research activity**" is any research activity that is organised or conducted for purposes other than for the personal interest or enjoyment of the individual who is carrying out the activity.

24 Commercial activities

(1) A person must not in a marine park:

(a) sell or hire, attempt to sell or hire, expose for sale, hire or profit or solicit for sale, hire or profit any article, thing or service to any person, or

(b) conduct, or assist in the conduct of, any amusement, entertainment, instruction, performance or activity for money or other consideration of any kind,

(c) (Repealed)

except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) A person does not commit an offence under this clause by taking fish in a marine park for the purposes of sale or by assisting in the conduct of that activity.

(3) A person does not commit an offence against this clause if the person carries out an activity described in subclause (1) (a) or (b) in a marine park without the consent of the relevant Ministers within 12 months after the declaration of the marine park.

(4) A person does not commit an offence against subclause (1) (b) if the person carries out an activity described in that paragraph in a marine park without the consent of the relevant Ministers if the activity only involves a commercial vessel passing through a marine park to a destination outside the marine park by the most direct and expeditious route and:

(a) the person does not undertake any commercial activities within the marine park other than those required to safely navigate and operate the vessel through the marine park, and

(b) the person does not specifically advertise passing through the marine park as part of the person's commercial activity, and

(c) the passage through the marine park does not include anchoring, mooring or docking within the marine park except where required for safety reasons, and

(d) the passage through the marine park does not include onboard commercial activities relating to the provision of any information concerning the marine park and its values, including scenic tours and environmental interpretation activities, and

(e) the passage through the marine park does not involve the use of hovercraft vessels, personal watercraft or aircraft.

Although this clause does not prohibit commercial fishing activities, such activities must be carried out in accordance with the *Fisheries Management Act 1994* and the regulations under that Act.

24A Filming activities

A person must not take any photograph, or film any video, movie or television film, in a marine park, if the photographing or filming:

- (a) requires the use of structures (other than portable tripods), film sets or machinery, or
 - (b) involves actors or professional models, or
 - (c) has the potential to impact on marine biodiversity or habitat, or
 - (d) has the potential to exclude an area of the marine park from use by other users,
- except with the consent of the relevant Ministers.

Maximum penalty: 100 penalty units.

25 Provision of information to Authority regarding commercial fishing operations

(1) The Authority may, by notice in writing, require any person who carries out any commercial fishing operation in a marine park to provide the Authority, within such reasonable time as may be specified in the notice, with such information in relation to those commercial fishing operations as may be specified in the notice.

(2) A person must not:

- (a) fail to comply with the requirements of a notice served on the person under this clause, or
- (b) provide any information required by a notice under this clause that the person knows is false or misleading in a material particular.

Maximum penalty: 100 penalty units.

(3) In this clause: "**commercial fishing operation**" means any activity involving the taking of any fish for purposes of sale.

26 Organised sporting, educational and recreational activities

(1) A person must not:

- (a) organise or conduct any sporting competition or tournament in a marine park (such as a fishing competition or tournament), or
- (b) organise or conduct any concert, public meeting, function, event, demonstration or similar gathering in a marine park, or
- (c) organise or conduct any training manoeuvre or similar activity or event in a marine park, or
- (d) organise or conduct any educational program involving the taking of animals or plants from a marine park,

except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.

(2) A person does not commit an offence against this clause if the person carries out an activity described in subclause (1) (a), (b), (c) or (d) in a marine park without the consent of the relevant Ministers within 12 months after the declaration of the marine park.

27 Use, mooring or anchoring of vessels, motorised vehicles and motorised equipment

(1) The use, mooring and anchoring of vessels, motorised vehicles and motorised equipment is permitted in a marine park, but only in accordance with the zoning plan for the marine park.

(2) A person must not, except with the consent of the relevant Ministers, use, moor or anchor any vessel, motorised vehicle or motorised equipment in a marine park in contravention of the zoning plan for the marine park. Maximum penalty: 50 penalty units.

(3) In this clause: "**motorised**" means powered by a motor, whether or not the motor is in use at the time.

27A Fish feeding

(1) A person must not feed fish in any part of a marine park, except with the consent of the relevant Ministers or as permitted by the relevant zoning plan. Maximum penalty: 100 penalty units.

- (2) Consent is not to be given to the following:
- (a) commercial shark feeding in any part of a marine park,
 - (b) fish feeding in the sanctuary zone of a marine park.
- (3) A person does not commit an offence against this clause in respect of berleying in the course of fishing activities permitted by or under the Act in the part of the marine park concerned.

27B Cleaning of fish or fishing gear

A person must not clean a fish or any fishing gear in any part of a marine park in contravention of the zoning plan for the marine park.

Maximum penalty: 50 penalty units.

Clause 7 (d) of this Regulation prohibits the cleaning of fish or fishing gear in the sanctuary zone of a marine park without the consent of the relevant Ministers.

28 Camping or residing in marine park

- (1) A person must not:
- (a) camp in any part of a marine park other than in an area set aside by the Authority for camping, or
 - (b) attach a vessel, for a period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority, or
 - (c) reside permanently in a marine park,
- except with the consent of the relevant Ministers. Maximum penalty: 100 penalty units.
- (2) In this clause: "**camp**" means reside temporarily (whether or not in a tent, caravan, cabin, vehicle, trailer or other structure). "**vessel**" includes a houseboat or any other structure that is capable of floating.

29 Fish attracting devices

A person must not leave any floating device or floating structure unattended in a marine park except with the consent of the relevant Ministers.

Maximum penalty: 50 penalty units.

30 Lighting fires

- (1) A person must not light any fire on any beach, reef or other emergent land within a marine park except with the consent of the relevant Ministers or as permitted by the relevant zoning plan. Maximum penalty: 100 penalty units.
- (2) Subclause (1) does not apply to the lighting of fires:
- (a) on board any vessel, or
 - (b) within any barbecue area established by the public or local authority having the care, control and management of the land concerned.

Division 2 – (Repealed)

Part 3A – Consent of relevant Ministers

Various provisions of this Regulation prohibit a person from carrying out certain activities in a marine park except with the consent of the relevant Ministers. This Part sets out the process for applying for consent (which is given in the form of a permit) and makes provision regarding the granting, variation, suspension, cancellation and surrender of permits.

31 Principal assessment criteria

For the purposes of this Part, the following matters are the "**principal assessment criteria**" in relation to any proposed activity:

- (a) the objects of the Act (as specified in section 3 of the Act),
- (b) the objects of the zone in which the activity is proposed to be carried out (as specified

- in the relevant zoning plan),
- (c) the activities that are permissible in the zone in which the activity is proposed to be carried out (as specified in the relevant zoning plan),
 - (d) any operational plan for the marine park adopted by the relevant Ministers pursuant to section 25 (7) of the Act,
 - (e) any threatened species or other protected flora or fauna under the *Fisheries Management Act 1994*, the *National Parks and Wildlife Act 1974* or the *Threatened Species Conservation Act 1995* that may be affected by the proposed activity,
 - (f) any cultural aspects of the marine park, either Aboriginal or non-Aboriginal,
 - (g) the natural resources of the marine park,
 - (h) the form of transport to be used to gain access to the zone in which the activity is proposed to be carried out or on or from which the activity is proposed to be carried out, having regard to the adequacy of facilities for parking, mooring and landing vehicles, vessels and aircraft, and for loading and unloading them,
 - (i) the type of equipment to be used in connection with the proposed activity,
 - (j) the arrangements that have been made for the making good of any damage to the marine park that arises from the proposed activity,
 - (k) the requirements of any other law with respect to the carrying out of the proposed activity,
 - (l) such other requirements as the relevant Ministers consider appropriate to the proposed activity.

32 Restriction of number of permits that may be issued

- (1) The relevant Ministers may from time to time determine, in relation to a marine park or a zone within a marine park:
 - (a) the maximum number of permits that may be in force at any one time in relation to the marine park or zone, either generally or in relation to specified activities or classes of activities, and
 - (b) for each activity in respect of which a maximum number has been determined, the priority to be given to different classes of applicant in the consideration of any application for a permit.
- (2) In making a determination under this clause, the relevant Ministers must have regard to the following:
 - (a) any existing use within the marine park or zone as at the time the marine park or zone came into existence,
 - (b) the environmental, cultural or social impact of any such use,
 - (c) whether or not any such use is consistent with the principal assessment criteria.

32A Applications for permits

An application for the consent of the relevant Ministers to the carrying out of an activity in a marine park must be made in the form approved by the relevant Ministers.

Section 307A of the *Crimes Act 1900* makes it an offence to make a false or misleading statement in, or a misleading omission from, an application for a permit.

32B Relevant Ministers may ask for further information

- (1) The relevant Ministers may make a written request to any person who has made an application for consent to carry out any activity, asking for further information to assist the Ministers in considering the application.
- (2) The relevant Ministers do not have to consider an application if any request for further information is not complied with within the time specified by the relevant Ministers in the request.

32C Relevant Ministers must take into account principal assessment criteria

(1) The relevant Ministers must have regard to the principal assessment criteria in deciding whether or not to give consent to the carrying out of any activity in a marine park.

(2) This clause does not apply to applications for consent to carry out activities that the relevant Ministers consider will have minimal impact on the biodiversity, enjoyment or use of the marine park.

(3) This clause does not limit the factors that the relevant Ministers may have regard to when considering an application for consent to carry out an activity.

32D Relevant Ministers must refuse consent in certain circumstances

(1) The relevant Ministers must not give consent to the carrying out of any activity in a marine park that, in the opinion of the relevant Ministers, is inconsistent with the objects of the Act.

(2) Except in emergencies, the relevant Ministers must not give consent to the carrying out of any activity in a zone of a marine park that, in the opinion of the relevant Ministers, is inconsistent with the objects of the zone.

(3) The relevant Ministers must not give consent to the carrying out of any activity contrary to the provisions of any determination in force under clause 32.

32E Relevant Ministers may refuse consent in certain other circumstances

(1) The relevant Ministers may refuse to give consent to the carrying out of any activity in a marine park if:

(a) the application for consent was not made in the approved form, or

(b) the applicant has failed to respond to a request for further information made under clause 32B or has responded in a way that the relevant Ministers consider is unsatisfactory, or

(c) the applicant has been convicted of an offence under the Act or this Regulation, or under similar legislation of another jurisdiction, in the 12 months before the application was made, or

(d) the applicant has been issued with 2 or more penalty notices for offences under the Act or this Regulation in the 12 months before the application was made, being penalty notices that were not later dismissed by a court, or

(e) the proposed activity is inconsistent with the principal assessment criteria (to the extent that those criteria are applicable to the application).

(2) This clause does not limit the factors that the relevant Ministers may take into account when considering an application for consent under this Part.

32F Consent to be given in form of permit

The consent of the relevant Ministers to the carrying out of an activity in a marine park is to be given in the form of a written permit.

32G Permit may be granted subject to conditions

(1) A permit is subject to any conditions that are specified in the permit.

(2) The holder of a permit who contravenes any condition of the permit is guilty of an offence. Maximum penalty: 100 penalty units.

32H Permit may authorise others

(1) A permit may authorise specified persons or a specified class of persons in addition to the person to whom the permit is granted to carry out the activities to which the permit relates.

(2) In any such case, the specified persons, or class of persons, are taken to be holders of the permit for the purposes of this Regulation.

32I Term of permit

Unless sooner suspended or cancelled, a permit remains in force for such period as is specified in the permit.

32J Variation of permit

The relevant Ministers may, by written notice to the holder of a permit, vary the conditions of the permit, or add conditions to a permit granted without conditions, for any of the following reasons:

- (a) the holder has not complied with a condition of the permit,
- (b) the holder has made a statement or an omission in, or in connection with, the holder's application for the permit that was, in the opinion of the relevant Ministers, false or misleading,
- (c) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, the activity has resulted in damage, degradation or disruption to the physical environment, or the living resources of the marine park,
- (d) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, there is a likely or imminent threat that the activity will result in damage, degradation or disruption to the physical environment, to the living resources of the marine park or to the appreciation, understanding and enjoyment of the marine park by other persons,
- (e) the carrying out of activities in accordance with the permit would be inconsistent with the objects of the Act.

32K Suspension of permit

(1) A permit granted under this Part may be suspended by the relevant Ministers for any of the following reasons:

- (a) the holder has not complied with a condition of the permit,
- (b) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, the activity to which the permit relates has resulted in damage, degradation or disruption to the physical environment, or the living resources of the marine park,
- (c) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, there is a likely or imminent threat that the activity will result in damage, degradation or disruption to the physical environment, to the living resources of the marine park or to the appreciation, understanding and enjoyment of the marine park by other persons,
- (d) any other reason that the relevant Ministers consider appropriate having regard to the objects of the Act.

(2) The relevant Ministers may include in the notice suspending a permit a warning that the permit will be cancelled if the action specified in the notice is not taken within the time specified in the notice.

(3) The suspension of a permit takes effect on the date specified in the notice of the suspension (being a date occurring on or after the date on which the notice is given).

(4) While a suspension is in force, the holder of the permit is taken not to have the consent of the relevant Ministers to carry out the activity to which the permit relates.

(5) The relevant Ministers may, at any time, remove a suspension of a permit.

32L Cancellation of permit

(1) A permit under this Part may be cancelled by the relevant Ministers for any of the following reasons:

- (a) the holder has not complied with a condition of the permit,
- (b) the holder has been convicted of an offence under the Act or this Regulation,
- (c) the holder has made a statement or an omission in, or in connection with, the holder's application for the permit that was, in the opinion of the relevant Ministers, false or misleading,
- (d) the relevant Ministers have included in a notice suspending a permit a warning that the permit will be cancelled if the action specified in the notice is not taken

within the time specified in the notice and that action has not been taken within that time,

(e) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, the activity to which the permit relates has resulted in damage, degradation or disruption to the physical environment or to the living resources of the marine park,

(f) due to circumstances that were not foreseen, and were not reasonably foreseeable at the time the permit was granted, there is a likely or imminent threat that the activity to which the permit relates will result in damage, degradation or disruption to the physical environment, to the living resources of the marine park or to the appreciation, understanding and enjoyment of the marine park by other persons,

(f1) the carrying out of the activity to which the permit relates did not commence within the period of 120 days dating from the date of the grant of the permit,

(g) any other reason that the relevant Ministers consider appropriate having regard to the objects of the Act.

(2) The cancellation of a permit takes effect on the date specified in the notice of the cancellation (being a date occurring on or after the date on which the notice is given).

32M Surrender of permit

A permit under this Part may be surrendered at any time by the holder of the permit giving written notice to the relevant Ministers.

32N Consent by relevant Ministers not required for certain activities

(1) A provision of this Regulation (other than clause 7, 8A, 11, 12, 15, 16, 18A or 18B) does not require the consent of the relevant Ministers to the carrying out of any activity if planning approval has been given with respect to that activity in accordance with section 19 of the Act.

(2) In this clause, "**planning approval**" means:

(a) development consent under the *Environmental Planning and Assessment Act 1979*, or

(b) approval of a determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*, or

(c) approval to the carrying out of a project under Part 3A of the *Environmental Planning and Assessment Act 1979*.

Section 19 of the Act makes specific provision in relation to the application of the *Environmental Planning and Assessment Act 1979* to development within marine parks.

Part 4 – Miscellaneous

33 Removal of persons from marine park

(1) A marine park ranger may direct a person to leave a marine park or any part of a marine park if, in the opinion of the marine park ranger, the person:

(a) is causing annoyance or inconvenience to any other person in the marine park,
or

(b) has committed an offence under the Act or this Regulation or is likely to commit such an offence.

(2) A person must not fail to comply with such a direction. Maximum penalty: 100 penalty units.

(3) A marine park ranger may remove from a marine park, or any part of a marine park, any person who fails to comply with a direction under this clause and any vehicle, vessel, animal or other property in the possession of the person.

33A Removal of property from marine park

(1) A marine park ranger may direct the owner of any property (such as any vehicle, vessel or mooring) to remove the property from a marine park or any part of a marine park if, in the opinion of the marine park ranger, the property:

- (a) is causing annoyance or inconvenience to any other person in the marine park, or
- (b) is causing a significant impact on species or habitats, or
- (c) is likely to create an environmental hazard.

(2) A person must not fail to comply with such a direction. Maximum penalty: 100 penalty units.

(3) A marine park ranger may remove from a marine park, or any part of a marine park, any property that is not removed by its owner in accordance with a direction under this clause.

34 Penalty notice offences

For the purposes of section 38 of the Act:

- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 2 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 2.

35 (Repealed)

36 Delegation

The Authority may delegate the exercise of any of its functions under this Regulation (other than this power of delegation) to any of the following persons:

- (a) a member of the Authority,
- (b) a marine park ranger,
- (c) a public servant,
- (d) a person of a class approved by the relevant Ministers.

37-37A (Repealed)

38 General defences

A person does not commit an offence under this Regulation for anything done:

- (a) by a marine park ranger in the exercise of his or her functions as a marine park ranger, or
- (b) under the direction of the Authority.

38A Defences relating to harm to animals, plants or habitat

(1) It is a defence to a prosecution for an offence under this Regulation relating to the taking of fish in a habitat protection zone, general use zone or special purpose zone of a marine park if the person charged satisfies the court that:

- (a) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
- (b) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.

(2) It is a defence to a prosecution for an offence under this Regulation relating to the harm of any animal or plant, or damaging, taking or interfering with any habitat, in a marine park if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity (unless it is an activity of a kind the zoning plan for the marine park concerned declares is not a routine activity for the purposes of this clause).

38B Offences under Fisheries Management Act 1994

A person cannot be convicted of both an offence under this Regulation and an offence under the *Fisheries Management Act 1994* (or the regulations under that Act) in respect of the same act or

omission.

39 Exemption for Defence Force activities

(1) This Regulation does not apply to or in respect of any activity carried out by or under the direction of the Commonwealth Department of Defence (including any arm of the Defence Force of Australia).

(2) This clause does not prevent the Authority from entering into an arrangement with the Commonwealth with respect to the activities of the Defence Force of Australia in marine parks.

40 Marine Parks Advisory Council members (marine conservation interests)

(1) For the purposes of section 32 (2) (b) of the Act, the Nature Conservation Council (the "NCC") is the peak group or body to represent the interests of marine conservation.

(2) If a vacancy arises in the office of the member of the Marine Parks Advisory Council appointed on the nomination of the NCC (the "NCC member"), the relevant Ministers must call on the NCC to nominate (within such period as the relevant Ministers may specify) at least 2 candidates from whom a new NCC member is to be appointed.

(3) The relevant Ministers are to appoint, as the new NCC member, whichever of the candidates nominated by the NCC the relevant Ministers consider most suitable for appointment as the NCC member.

(4) If the NCC:

(a) fails to nominate candidates when called on to do so by the relevant Ministers, or

(b) fails to nominate a candidate who the relevant Ministers consider suitable for appointment as the NCC member,

the relevant Ministers may call on some other group or body to nominate candidates (an "**alternative peak group**") and, in that event, the alternative peak group is taken to be the peak group or body to represent the interests of marine conservation for the purposes of section 32 (2) (b) of the Act.

(5) Subclauses (3) and (4) apply in relation to an alternative peak group in the same way as they apply in relation to the NCC.

(6) The amendments to section 32 of the Act made by the *Marine Parks Amendment Act 2000* do not affect the positions held by the members of the Marine Parks Advisory Council immediately before that commencement, and those members continue to hold office (subject to the other provisions of the Act) until the end of the terms for which they were appointed.

Schedule 1 Zoning plans for marine parks

(Clause 5)

Part 1 – Solitary Islands Marine Park Zoning Plan

The GPS coordinates used to describe the boundaries of the Solitary Islands Marine Park in Part 2 of Schedule 4 to the Act are in datum AGD 66. The GPS coordinates used to describe the boundaries of the zones of the marine park in this Part are in datum WGS 84, which is the datum more commonly used by marine park users.

Division 1 – Preliminary

1 Definitions

(1) In this Part: "**map**" means a map set out in Division 10. "**marine park**" means the Solitary Islands Marine Park, as described in Part 2 of Schedule 4 to the Act. Map 1 provides an overview of the zoning plan for the marine park. "**net**" --see subclause (2). "**table**" means a table set out in Division 9. "**trap**" --see subclause (2).

(2) In this Part, a reference to a net or trap is a reference to that net or trap as described in

the *Fisheries Management (General) Regulation 1995*. The *Fisheries Management (General) Regulation 1995* contains descriptions of the following nets and traps (which are referred to in this Part):

- (a) nets--spanner crab net, scoop net (prawns), landing net, push or scissors net (prawns), hoop or lift net, submersible lift net (bait), purse seine net,
- (b) traps--fish trap, crab trap, bait trap.

Division 2 – Sanctuary zone

2 Description of sanctuary zone

The sanctuary zone of the marine park is comprised of the following areas:

The whole of the tidal waters and tidal lands of Tumbaal Creek, including all its creeks, bays and tributaries upstream of point 2A at 29° 40' 09.08" S, 153° 19' 00.08" E and a line drawn generally east of that point to the eastern bank, to the mean high water mark, as shown on map 2. The whole of the tidal waters and tidal lands of the Sandon River arm of the Sandon River, including all its creeks, bays and tributaries upstream of point 2B at 29° 41' 08.29" S, 153° 18' 08.52" E and a line drawn generally north east of that point to the eastern bank, being the junction of the Sandon River and Candole Creek, to the mean high water mark, as shown on map 2. The whole of the tidal waters and tidal lands incorporating the island/mudflat area in the main section of the Sandon River, to the mean high water mark, east of a line drawn between point 2C at 29° 40' 37.69" S, 153° 18' 55.90" E and point 2D at 29° 40' 43.49" S, 153° 18' 52.62" E, then following the western side of the estuarine islands to point 2E at 29° 40' 48.91" S, 153° 18' 46.05" E, then from a line between point 2E and 2F at 29° 40' 56.25" S, 153° 18' 46.64" E, as shown on map 2.

From point 3A at 29° 42' 55.50" S, 153° 18' 55.15" E, approximately 1 kilometre (0.5 nautical miles) seaward of Sandon Beach, due east approximately 6 kilometres (3 nautical miles) to the marine park boundary at point 3B at 29° 42' 55.50" S, 153° 22' 36.19" E, then generally south approximately 5 kilometres (2.6 nautical miles) following the boundary of the marine park to point 3C, in line with Rocky Point, at 29° 45' 39.44" S, 153° 21' 35.32" E then due west approximately 4 kilometres (2.1 nautical miles) to point 3D at 29° 45' 39.44" S, 153° 18' 55.15" E approximately 1.7 kilometres (0.9 nautical miles) east of Rocky Point, then due north to point 3A, as described above and shown on map 3. From the mean high water mark at point 3E on Minnie Water Back Beach (approximately 480m south of the northern tip of the beach) at 29° 47' 09.17" S, 153° 17' 37.06" E, due east approximately 6 kilometres (3 nautical miles) to the boundary of the marine park to point 3F at 29° 47' 09.17" S, 153° 21' 36.14" E, then generally south approximately 2 kilometres (1.2 nautical miles) following the boundary of the marine park to point 3G at 29° 48' 22.95" S, 153° 21' 06.56" E, then due west approximately 6 kilometres (3 nautical miles) to the southern tip of Minnie Water Back Beach at point 3H (29° 48' 22.95" S, 153° 17' 12.65" E), then returning north to point 3E, along the mean high water mark, as shown on map 3.

The whole of the tidal waters and tidal lands of the northern arm of the Wooli Wooli River and central basin, including all its creeks, bays and tributaries upstream from a line drawn between point 4A at 29° 50' 22.95" S, 153° 13' 58.57" E and point 4B at 29° 50' 26.99" S, 153° 13' 56.09" E, at the forks, to the mean high water mark, as shown on map 4.

The whole of the tidal waters and tidal lands of Station Creek including all its creeks, bays and tributaries upstream from a line drawn between point 5A at 29° 56' 51.86" S, 153° 14' 45.89" E and point 5B at 29° 56' 52.70" S, 153° 14' 47.25" E, approximately 1.2 kilometres upstream of the mouth of the creek, to the mean high water mark, as shown on map 5.

The whole of the tidal waters and tidal lands of the Corindi River (lower reaches), north of the main channel from a line drawn between point 6A on the northern bank of the mouth of the river at $29^{\circ} 58' 43.81''$ S, $153^{\circ} 13' 57.29''$ E to point 6B at the south eastern point of the main island at $29^{\circ} 58' 50.25''$ S, $153^{\circ} 13' 39.15''$ E, then following the southern and western part of the island to the northern point at 6C at $29^{\circ} 58' 38.11''$ S, $153^{\circ} 13' 38.45''$ E, then generally north to the eastern point of the small island at 6D at $29^{\circ} 58' 30.41''$ S, $153^{\circ} 13' 36.01''$ E, then following the southern bank of the small island to the western side of the small island to point 6E at $29^{\circ} 58' 29.50''$ S, $153^{\circ} 13' 32.70''$ E, then due west upstream to point 6F on the northern bank of the river at $29^{\circ} 58' 28.85''$ S, $153^{\circ} 13' 29.87''$ E, then following the northern bank of the river to point 6G at $29^{\circ} 58' 27.26''$ S, $153^{\circ} 13' 16.53''$ E, then upstream to point 6H on a second small island at $29^{\circ} 58' 35.06''$ S, $153^{\circ} 13' 14.08''$ E, and continues upstream to point 6I at the junction of the Corindi River and Mullet Creek at 6I at $29^{\circ} 58' 40.30''$ S, $153^{\circ} 13' 16.47''$ E, and includes the whole of the tidal waters and tidal lands of Saltwater Creek, Mullet Creek and other creeks, bays and tributaries north of the area described above, to the mean high water mark, as shown on map 6.

The north western part extends from the mean high water mark at point 7A at $29^{\circ} 54' 31.36''$ S, $153^{\circ} 16' 19.27''$ E, approximately 1.5 kilometres (0.8 nautical miles) south of Jones Point, due east approximately 1.5 kilometres (0.8 nautical miles) to point 7B at $29^{\circ} 54' 31.36''$ S, $153^{\circ} 17' 13.41''$ E, then due south approximately 3.6 kilometres (1.9 nautical miles) to point 7C at $29^{\circ} 56' 26.88''$ S, $153^{\circ} 17' 13.41''$ E, then due west approximately 2 kilometres (1 nautical mile) to point 7D at $29^{\circ} 56' 26.88''$ S, $153^{\circ} 16' 01.14''$ E (500 metres east of Pebbly Beach northern headland) then generally north for 1 kilometre (0.5 nautical miles) at 500 metres from the mean high water mark to point 7E at $29^{\circ} 55' 52.15''$ S, $153^{\circ} 15' 57.90''$ E, then due west 500 metres to point 7F at $29^{\circ} 55' 52.15''$ S, $153^{\circ} 15' 39.25''$ E at the mean high water mark at the southern tip of Freshwater Beach, then due north along the mean high water mark to point 7A described above, as shown on map 7. The south eastern part extends from point 7C at $29^{\circ} 56' 26.88''$ S, $153^{\circ} 17' 13.41''$ E, approximately 2.5 kilometres (1.3 nautical miles) due east of Pebbly Beach northern headland, and extends due east approximately 2.7 kilometres (1.4 nautical miles) to point 7G at $29^{\circ} 56' 26.88''$ S, $153^{\circ} 19' 01.99''$ E, then due south approximately 3.5 kilometres (1.9 nautical miles) to point 7H at $29^{\circ} 58' 23.07''$ S, $153^{\circ} 19' 01.99''$ E, then due west approximately 2.7 kilometres (1.4 nautical miles), in line with the northern tip of North Rock, to point 7I at $29^{\circ} 58' 23.07''$ S, $153^{\circ} 17' 13.41''$ E, then due north approximately 3.5 kilometres (1.9 nautical miles) to point 7C, as described above, as shown on map 7.

From the mean high water mark at the eastern tip of the southern breakwall, generally south to point 7J at $29^{\circ} 53' 24.16''$ S, $153^{\circ} 16' 19.50''$ E, approximately 200 metres from the mean high water mark, then at 200 metres from the mean high water mark along Jones Beach and Jones Point to point 7K on the southern side of Jones Point at $29^{\circ} 53' 38.09''$ S, $153^{\circ} 16' 27.46''$ E, at a bearing of 107° , as shown on map 7.

From point 8E, at $30^{\circ} 07' 39.67''$ S, $153^{\circ} 12' 21.40''$ E then following Flat Top Point from the mean high water mark to 200 metres around Flat Top Point to point 8F at $30^{\circ} 07' 57.37''$ S, $153^{\circ} 12' 21.40''$ E, then returning due north to point 8E, as shown on map 8.

From the mean high water mark at the eastern tip of Bare Bluff at point 9A, at $30^{\circ} 09' 23.28''$ S, $153^{\circ} 12' 24.16''$ E, then generally east approximately 1.3 kilometres (0.7 nautical miles) in a line of sight with the northern most point of South West Solitary Island to point 9B at 500 metres from the mean high water mark of South

West Solitary Island at 30° 09' 29.78"S, 153° 13' 12.62"E, and encompasses South West Solitary Island from the mean high water mark to 500 metres, then due south from point 9C at 30° 09' 58.66"S, 153° 13' 43.56"E, in line with the eastern most point of South West Solitary Island, approximately 5.3 kilometres (2.8 nautical miles) to point 9D at 30° 12' 51.62"S, 153° 13' 43.56"E, then due west approximately 5.6 kilometres (3 nautical miles), in line with Green Bluff to point 9E at 30° 12' 51.61"S, 153° 10' 12.47"E, at approximately 500 metres from the mean high water mark, then follows the mean high water mark at approximately 500 metres north around Green Bluff to point 9F at 30° 12' 24.32"S, 153° 09' 52.84"E, then extends generally north following the mean high water mark at 200 metres along Moonee Beach to point 9G at 30° 11' 53.57"S, 153° 10' 08.68"E, then due west to point 9H at 30° 11' 53.57"S, 153° 10' 01.20"E, at the mean high water mark, approximately 1.5 kilometres north of the northern side of Moonee Creek. The sanctuary zone then extends from point 9H at 30° 11' 53.57"S, 153° 10' 01.20"E, generally north approximately 2.5 kilometres along the mean high water mark on Moonee Beach to point 9I at 30° 10' 48.96"S, 153° 10' 53.98"E, approximately 500 metres south of the northern tip of Moonee Beach, then follows Look at Me Now Headland at approximately 500 metres from the mean high water mark north to point 9J at 30° 10' 19.77"S, 153° 11' 38.96"E, at 200 metres from the mean high water mark at Dammerels Headland, then follows the shoreline north at 200 metres from the mean high water mark to point 9K at 30° 09' 53.33"S, 153° 11' 48.13"E at 200 metres from the mean high water mark at the northern tip of Fiddamans Beach, then due west to the northern tip of Fiddamans Beach to point 9L at the mean high water mark at 30° 09' 53.33"S, 153° 11' 41.56"E, then follows the mean high water mark north along Diggers Point, Back Sandy Beach and southern side of Bare Bluff to return to point 9A, as shown on map 9. From the mean high water mark at point 11A at 29° 55' 23.45"S, 153° 23' 20.51"E, on the eastern side of Anemone Bay, due north approximately 50 metres to point 11B at 29° 55' 21.82"S, 153° 23' 20.51"E, then due west approximately 500 metres to point 11C at 29° 55' 21.82"S, 153° 22' 59.64"E, then in a direct line south east approximately 1.3 kilometres to point 11D at 29° 55' 58.70"S, 153° 23' 23.44"E, then due east approximately 200 metres to the most south westerly point of North Solitary Island at point 11E at 29° 55' 58.70"S, 153° 23' 31.76"E, then returning along the mean high water mark on the western side of the island to point 11A, as shown on map 11.

From the mean high water mark to 100 metres seaward around North West Rock, as shown on map 11.

From the mean high water mark at point 12A at 30° 00' 58.05"S, 153° 16' 17.76"E, on the most northerly point of North West Solitary Island, generally north west approximately 500 metres to point 12B at 30° 00' 45.48"S, 153° 16' 05.59"E, then in a direct line generally south approximately 1 kilometre to point 12C at 30° 01' 19.37"S, 153° 16' 02.90"E, and then generally north east approximately 370 metres to the mean high water mark at the southern end of North West Solitary Island at point 12D at 30° 01' 10.29"S, 153° 16' 14.88"E, and returning along the mean high water mark on the western side of the island to point 12A, as shown on map 12.

From the mean high water mark to 500 metres seaward around South West Solitary Island (Groper Islet), as shown on map 13.

From the mean high water mark at point 14A at 30° 12' 26.71"S, 153° 15' 59.59"E, on the most south westerly point of the main island, due west approximately 200 metres to point 14B at 30° 12' 26.71"S, 153° 15' 52.11"E, then in a direct line generally north west 500 metres to point 14C at 30° 12' 13.13"S, 153°

15° 48.81'E, 200 metres from the most south westerly point of "Birdie", then due east to point 14D at 30° 12' 13.13"S, 153° 15' 52.55"E, 100 metres from the mean high water mark at "Birdie", then follows "Birdie" at 100 metres from the mean high water mark, around "Birdie" to point 14E at 30° 12' 15.61"S, 153° 16' 02.60"E, and returning along the mean high water mark on the northern and western sides of the island to point 14A, as shown on map 14.

From the mean high water mark at point 15A at 30° 14' 23.71"S, 153° 10' 47.76"E, to 200 metres seaward to point 15B at 30° 14' 18.07"S, 153° 10' 43.81"E, then follows Split Solitary Island at 200 metres from the mean high water mark south west of the split through the island to point 15C at 30° 14' 33.61"S, 153° 10' 55.43"E, at 200 metres seaward of the mean high water mark, then to point 15D at the mean high water mark at 30° 14' 28.11"S, 153° 10' 51.45"E, and returning along the mean high water mark on the southern and western sides of the island to point 15A, as shown on maps 10 and 15.

3 Fish cleaning

(1) A person must not clean any fish or any fishing gear while in the sanctuary zone of the marine park except at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.

(2) This clause does not prohibit the cleaning of fish or fishing gear while on a vessel with the consent of the relevant Ministers.

Division 3 – Habitat protection zone

4 Description of habitat protection zone

The habitat protection zone of the marine park is comprised of the following area:

From the mean high water mark at the most easterly point of Plover Island at point 1A at 29° 40' 17.70"S, 153° 19' 50.71"E, due east approximately 6 kilometres (3 nautical miles) to the marine park boundary at point 1B at 29° 40' 17.70"S, 153° 23' 28.61"E, then generally south along the marine park boundary to point 1C at 29° 48' 55.76"S, 153° 21' 07.72"E, generally in line with Diggers Camp Rock Platform, then due west to point 1D at 29° 48' 55.76"S, 153° 18' 54.42"E, then due south to point 1E at 29° 53' 18.28"S, 153° 18' 54.42"E, then due east to point 1F at 29° 53' 18.28"S, 153° 23' 55.84"E, then due south to point 1G at 29° 56' 26.88"S, 153° 23' 55.84"E, then due west to point 1H at 29° 56' 26.88"S, 153° 20' 02.11"E, then in a north westerly direction, following the boundary of the marine park to point 1I at 29° 56' 10.51"S, 153° 19' 57.37"E, then in a south westerly direction to point 1J at 29° 56' 26.88"S, 153° 19' 50.47"E, then due west to point 1K at 29° 56' 26.88"S, 153° 19' 01.99"E, then due south to point 1L at 30° 01' 49.87"S, 153° 19' 01.99"E, then due west to point 1M at 30° 01' 49.87"S, 153° 14' 36.70"E, then due south to point 1N at 30° 09' 22.29"S, 153° 14' 36.70"E, then due east to point 1O at 30° 09' 22.29"S, 153° 15' 37.60"E, then south east to point 1P at 30° 10' 17.42"S, 153° 16' 37.99"E, then due south to point 1Q at 30° 13' 34.74"S, 153° 16' 37.99"E, then south west to point 1R at 30° 14' 27.51"S, 153° 15' 37.60"E, then due west to point 1S at 30° 14' 27.51"S, 153° 11' 37.16"E, then due south to point 1T at 30° 18' 18.29"S, 153° 11' 37.16"E, at the southern boundary of the marine park, then due west to point 1U at 30° 18' 18.29"S, 153° 09' 16.29"E, at the mean high water mark at the eastern point of Muttonbird Island, then along the coast at the mean high water mark to point 1A, described above, including all rivers, estuaries, bays and lagoons and inlets upstream to their tidal limits and tidal lands, except those waters and tidal lands zoned as either sanctuary zone (as specified in Division 2) or special purpose zone (as specified in Division 5), as shown on map 16.

5 Taking of certain plants permitted

- (1) A person may take living plants of a species listed in table A in the habitat protection zone of the marine park.
- (2) A person may take seaweed from a beach in the habitat protection zone of the marine park.
- (3) This clause does not apply in respect of:
 - (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30" S, 153° 17' 25.64" E and point 4D at 29° 49' 07.78" S, 153° 17' 28.38" E, as shown on map 4, and
 - (b) Moonee Beach.
- (4) This clause applies despite clause 11 (Protection of animals, plants and habitat in habitat protection zone) of this Regulation. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.

6 Permitted fishing activities

Clause 12 (1) of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that subclause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park.

- (1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part. Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene a provision of this Part. For example, clause 7 of this Part lists the species of fish that may be taken in the habitat protection zone, and Division 6 sets out general restrictions on fishing in the marine park that extend to the habitat protection zone.
- (2) For the purposes of clause 12 (1) (e) of this Regulation, the following fishing activities are permitted in the habitat protection zone of the marine park (in addition to those set out in clause 12 (1)):
 - (a) the taking of fish by use of a submersible lift net (bait), but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
 - (b) the taking of fish by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
 - (c) the taking of fish of a kind that may lawfully be taken in the habitat protection zone by the method known as beach hauling, but only at the following beaches:
 - (i) Arrawarra Beach,
 - (ii) Park Beach,
 - (iii) Sandy Beach,
 - (iv) Station Creek Beach (south of the access track to Station Creek Beach from Station Creek Road, approximately 1.8km from the southern end of the beach),
 - (v) Woolgoolga Front Beach,

See also clause 23 of this Part.

 - (d) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:
 - (i) push or scissors net (prawns),
 - (ii) hoop or lift net,
 - (iii) spanner crab net,
 - (e) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a trap, if use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*. Table B lists the kinds of fish that may lawfully be taken in a habitat protection zone.
- (3) Subclause (2) is also subject to the other provisions of this Part. Accordingly, that

subclause is not to be construed as authorising any fishing activity that would contravene another provision of this Part.

7 Species protection

- (1) A person must not take or attempt to take any fish in the habitat protection zone of the marine park except:
 - (a) fish of a species listed in table B, or
 - (b) fish taken for use as bait by any method that is otherwise permitted under this Regulation.
- (2) Nothing in this clause permits a person to take or attempt to take a fish of a species:
 - (a) the taking of which is prohibited under the *Fisheries Management Act 1994*, or
 - (b) listed in table C.
- (3) This clause does not apply in respect of:
 - (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30"S, 153° 17' 25.64"E and point 4D at 29° 49' 07.78"S, 153° 17' 28.38"E, as shown on map 4, and
 - (b) Moonee Beach.

8 Species protection--Diggers Camp and Moonee Beach

- (1) A person must not take or attempt to take any fish in the area to which this clause applies except fish of the following species:
 - (a) finfish (Class Osteichthyes)--all species,
 - (b) sharks and rays (Class Chondrichthyes)--all species,
 - (c) eastern rock lobster (*Jasus verreauxi*),
 - (d) slipper lobster (*Scyllarus* spp.),
 - (e) painted rock lobster (*Panulirus* spp.).
- (2) This clause applies to the following area:
 - (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30"S, 153° 17' 25.64"E and point 4D at 29° 49' 07.78"S, 153° 17' 28.38"E, as shown on map 4, and
 - (b) Moonee Beach.
- (3) Nothing in this clause permits a person to take or attempt to take a fish of a species:
 - (a) the taking of which is prohibited under the *Fisheries Management Act 1994*, or
 - (b) listed in table C.

9 Fish trapping prohibited in certain areas

A person must not, while in the following parts of the habitat protection zone of the marine park, take or attempt to take fish by use of a fish trap:

- (a) the area bound by the coordinates 29° 41' 37.83"S, 153° 20' 28.18"E and 29° 41' 37.83"S, 153° 22' 09.37"E and 29° 42' 55.50"S, 153° 22' 09.37"E and 29° 42' 55.50"S, 153° 20' 28.18"E, being the area that encompasses Sandon Shoals, as shown on map 1,
- (b) the area bound by the coordinates 29° 59' 54.30"S, 153° 14' 48.71"E and 29° 59' 54.30"S, 153° 16' 37.18"E and 30° 01' 29.44"S, 153° 16' 37.18"E and 30° 01' 29.44"S, 153° 14' 48.71"E, being the area that encompasses Chopper Rock, Surgeons Reef and North West Solitary Island, as shown on map 1,
- (c) within 500 metres of the mean high water mark of North Solitary Island, North West Rock, North West Solitary Island, South West Solitary Island, South Solitary Island or Split Solitary Island.

10 Crab trapping prohibited in Wooli Wooli River crab protection area

- (1) A person must not, while in the Wooli Wooli River crab protection area, take or attempt to take crabs by use of a trap.
- (2) In this clause: "**Wooli Wooli River crab protection area**" means that part of the

habitat protection zone starting from one kilometre downstream of "the forks", from point 4E at 29° 50' 24.24"S, 153° 14' 36.40"E, then upstream to include the entire upper reaches of the Wooli Wooli River to the tidal limit, as shown on map 4.

11 Fish cleaning at Minnie Water Lagoon

(1) A person must not clean any fish or any fishing gear while in Minnie Water Lagoon except at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.

(2) This clause does not prohibit:

- (a) the cleaning of fish while on a vessel if the fish (including any parts that are removed or discarded) are retained on the vessel, or
- (b) the cleaning of fishing gear while on a vessel.

(3) In this clause: "**Minnie Water Lagoon**" means the tidal waters and tidal lands between 29° 46' 20.61"S, 153° 17' 55.57"E and 29° 46' 37.36"S, 153° 18' 07.60"E, extending seawards to include the exposed rocky reef.

12 Aquaculture

Despite clause 13 (Aquaculture) of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park.

Division 4 – General use zone

13 Description of general use zone

The general use zone of the marine park is comprised of all parts of the marine park that are not included in the sanctuary zone, the habitat protection zone or the special purpose zone.

14 Taking of seaweed permitted

(1) A person may take seaweed from a beach (if any) in the general use zone of the marine park.

(2) This clause applies despite clause 15 ((Protection of animals, plants and habitat in general use zone) of this Regulation. Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

15 Fishing permitted

(1) A person may take fish in the general use zone of the marine park if the taking of the fish, and the method used to take the fish, is lawful under the *Fisheries Management Act 1994*.

(2) This clause is subject to the other provisions of this Part. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Part.

Division 6 sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

Division 5 – Special purpose zone

16 Description of special purpose zones

The special purpose zones of the marine park are comprised of the following areas:

Special purpose zone 1 (Sandon River Oyster Aquaculture) is comprised of all oyster leases located in the Sandon River as identified in the NSW Fisheries aquaculture database at the commencement of this Part, as shown on map 2.

Special purpose zone 2 (Wooli Wooli River Oyster Aquaculture) is comprised of all oyster leases located in the Wooli Wooli River as identified in the NSW Fisheries aquaculture database at the commencement of this Part, as shown on map 4.

Special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) comprises the whole of the tidal waters from the mouth of Pipe Clay Lake, upstream, including all of its creeks, bays and tributaries, as shown on map 6.

Special purpose zone 4 (Arrawarra Headland) is comprised of the area from the mean high water mark at the northern side of Arrawarra Headland at point 8A at 30° 03' 34.14"S, 153° 12' 06.66"E, seaward to point 8B at 30° 03' 29.03"S, 153° 12' 02.05"E, approximately 200 metres from the mean high water mark, then follows Arrawarra Headland at 200 metres from the mean high water to point 8C at 30° 03' 40.30"S, 153° 12' 14.85"E on the southern side of Arrawarra Headland, then to point 8D at the mean high water mark at Arrawarra Headland at 30° 03' 34.38"S, 153° 12' 11.81"E, as shown on map 8.

17 Zone objects

(1) The object of special purpose zone 1 (Sandon River Oyster Aquaculture) and special purpose zone 2 (Wooli Wooli River Oyster Aquaculture) is to provide for the management of aquaculture.

(2) The object of special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) is to provide for rehabilitation, traditional use and research.

(3) The object of special purpose zone 4 (Arrawarra Headland) is to provide for traditional use and research.

18 Fishing in special purpose zones 1 and 2

A person must not, while in special purpose zone 1 (Sandon River Oyster Aquaculture) or special purpose zone 2 (Wooli Wooli River Oyster Aquaculture):

(a) take or attempt to take any fish by any method that cannot lawfully be used to take fish in the habitat protection zone of the marine park, or

(b) take or attempt to take any fish that cannot lawfully be taken in the habitat protection zone of the marine park.

For the relevant restrictions, see clause 12 of this Regulation, clauses 6 and 7 of this Part and table B.

19 Fishing in special purpose zones 3 and 4

A person must not, while in special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) or special purpose zone 4 (Arrawarra Headland), take or attempt to take any fish except with the consent of the relevant Ministers.

20 Aquaculture

Despite clause 18C (Aquaculture) of this Regulation, aquaculture is not permissible in special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) or special purpose zone 4 (Arrawarra Headland).

Division 6 – General prohibitions--fishing

21 Identification of protected species

The following species of fish are identified as protected species for the purposes of clause 22A of this Regulation:

(a) species listed in table C,

(b) species the harming of which is prohibited under the *Fisheries Management Act 1994*.

Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

22 Setlining, purse seine netting and drift-lining

A person must not, while in any part of the marine park, take or attempt to take fish, as follows:

(a) by use of a set line,

(b) by use of a purse seine net,

(c) by use of a drift line.

23 Beach hauling prohibited at certain times

(1) A person must not, while in any part of the marine park, take or attempt to take fish by the method known as beach hauling:

- (a) at night, or
- (b) on a Saturday, Sunday or public holiday.

(2) Despite subclause (1), a shot may be held on a Sunday night, but the net must not be cast during the night.

(3) In this clause: "**night**" means the period between sunset and sunrise.

24 Fish trapping

A commercial fisher must not set more than 10 fish traps within the boundaries of the marine park at any one time.

25 Spearfishing not permitted in estuaries

(1) A person must not take or attempt to take fish from an estuary in the marine park by use of a spear or spear gun.

(2) In this clause: "**estuary**" means the waters of any lake, river, creek or lagoon that are ordinarily subject to tidal influence.

26 Wire traces not permitted near South Solitary Island and North Solitary Island

(1) A person must not, while in any part of the marine park that is within 500 metres of the mean high water mark of South Solitary Island or North Solitary Island, take or attempt to take fish, while demersal fishing, using any fishing gear that has attached to it a wire trace.

(2) This clause does not apply in respect of the use of a wire trace for trolling purposes from a vessel that is underway.

The purpose of this clause is to protect the grey nurse shark. The use of a wire trace makes it easier to catch and land sharks, and difficult to release them without injury.

27 Taking fish for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish for aquarium collection purposes.

- (2) A person does not commit an offence in respect of a contravention of subclause (1) if:
- (a) the fish the subject of the charge were taken while in the habitat protection zone or general use zone, and
 - (b) the activity was not carried out for a commercial purpose, and
 - (c) the activity was carried out with the consent of the relevant Ministers.

Division 7 – Domesticated animals

28 Areas in which domesticated animals prohibited

(1) A person may bring a domesticated animal into the marine park, except as provided by subclause (2).

(2) A person must not bring a domesticated animal into the following areas:

- (a) Sandon Beach,
- (b) Minnie Water Back Beach,
- (c) North Wooli Beach (adjacent to Yuraygir National Park),
- (d) Jones Beach,
- (e) Freshwater Beach,
- (f) Pebbly Beach,
- (g) Station Creek Beach,
- (h) Woolgoolga Beach--south of Woolgoolga Lake,
- (i) Sandy Beach,
- (j) Back Sandy Beach (Fiddamans Beach),
- (k) Emerald Beach--south of Fiddamans Creek,
- (l) Shelly Beach (Serenity Beach),

- (m) Diggers Beach,
- (n) Park Beach--north of Coffs Creek.

(3) Despite subclause (2), a person may bring a domesticated animal into any part of the marine park:

- (a) (Repealed)
- (b) if the animal remains confined to a vessel, or
- (c) with the consent of the relevant Ministers.

(4) This clause applies despite clause 22 (Domesticated animals) of this Regulation.

Clause 22 of this Regulation makes it an offence to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

(5) This clause is subject to the following:

- (a) the provisions of the *Companion Animals Act 1998*,
- (b) any notice relating to the use of animals erected by a council under section 632 of the *Local Government Act 1993*.

Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.

Section 632 of the *Local Government Act 1993* gives a council power to prohibit the bringing of domestic animals into public areas. The council is required to erect notices in the area concerned indicating that domestic animals are prohibited in the area.

Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.

Division 8 – Use of vessels and vehicles

29 Use of personal watercraft in estuaries prohibited

(1) A person must not use a motorised vessel that is a personal watercraft in any estuary in the marine park.

(2) Despite subclause (1), a person may use a personal watercraft in an estuary if the use is solely for the purpose of travelling, at a speed not exceeding 4 knots, between the ocean and the lowest boat ramp on the Sandon River, Woolli Woolli River or Corindi River.

(3) For the purposes of this clause, a boat ramp is the lowest boat ramp on a river if it is the farthest downstream of all boat ramps on the river.

Clause 27 of this Regulation makes it an offence to use any vessel in a marine park in contravention of the zoning plan for the marine park.

30 Areas in which use of vehicles prohibited

(1) A person must not use a motorised vehicle on any of the following beaches in such a manner as to exceed a speed of 25 kilometres per hour, when within 100 metres of pedestrians, or 50 kilometres per hour at other times:

- (a) Sandon Beach
- (b) Minnie Water Beach,
- (c) Woolli Beach,
- (d) Station Creek Beach,
- (e) Woolgoolga Back Beach,
- (f) Hearn Lake Beach,
- (g) Charlesworth Bay.

(2) A person must not use a motorised vehicle on the following beaches, except for the purpose of launching a boat:

- (a) Diggers Camp Beach,
- (b) Pebbly Beach (within 200 metres from Station Creek Headland),
- (c) Arrawarra Beach,
- (d) Woolgoolga Beach,
- (e) Sandy Beach,
- (f) Emerald Beach.

(3) This clause does not apply in respect of an authorised vehicle, a police vehicle or an emergency vehicle.

(4) This clause is subject to any notice relating to the use of vehicles erected by:

(a) a park authority under clause 4 of the *National Parks and Wildlife (Land Management) Regulation 1995*, or

(b) a council under section 632 of the *Local Government Act 1993*.

Section 632 of the *Local Government Act 1993* gives a council power to prohibit the use of vehicles in public places. The council is required to erect notices in the area concerned indicating that the use of vehicles in the area is prohibited.

(5) In this clause: "**authorised vehicle**" means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

(a) the Authority,

(b) the National Parks and Wildlife Service,

(c) NSW Fisheries,

(d) Pristine Waters Council,

(e) Coffs Harbour City Council,

(f) any other government agency,

(g) a surf life saving club.

"**emergency vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*. "**police vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

Division 9 – Tables

Table A--Plants that may be taken in habitat protection zone

Common name	Class/Family	Species
Sea lettuce		Ulva lactuca
Bait weed		Enteromorpha intestinalis

Table B--Fish that may be taken in habitat protection zone

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species
Sharks and rays	Class Chondrichthyes	All species
Eastern rock lobster		Jasus verreauxi
Slipper lobster		Scyllarus spp.
Painted rock lobster		Panulirus spp.
Prawns	Family Penaeidae	All species
Squid	Family Sepiidae	All species
Pipis	Family Donacidae	All species
Beach worms	Family Onuphidae	All species
Eels	Family Anguillidae	All species
Mangrove worms		Teredo spp.
Mud crabs		Scylla serrata
Blue swimmer crabs		Portunus pelagicus
Spanner crabs		Ranina ranina
Marine yabbies (nippers)		Callinassa spp.
Oysters		Saccostrea spp. and Crassostera spp.

Turban shell (Googoombull)	Family Turbinadae	Turbo spp.
Abalone		Haliotis rubra
Periwinkles		Austrocochlea spp.

Table C--Protected fish

Common name	Class/Family/Order	Species
Corals	Class Anthozoa	
Soft corals and gorgonians	Subclass Octocorallia	
Hard corals	Order Scleractinia	
Black corals	Order Antipatharia	
Sea anemones	Order Actinaria	
Zoanthids	Order Zoanthidea	
Corallimorphs	Order Corallimorpharia	
All pipefishes and seahorses	Family Syngnathidae	
Giant clam	Family Tridacnidae	
Broad-banded anemone fish		Amphiprion latezonatus

Division 10 – Maps

Division 11 – Miscellaneous

31 Transitional

- (1) Despite any other provision of this Regulation, the relevant Ministers may, for the purpose of assisting in the transition consequent on the commencement of the provisions of this Part, consent to any person or class of persons carrying out any activity in the marine park.
- (2) Clause 37A of this Regulation (relating to permits) applies in respect of the consent of the relevant Ministers, subject to subclause (3).
- (3) A permit granted pursuant to a consent given by the relevant Ministers under this clause is to specify the period in which it remains in force. The period is not to exceed 12 months after the commencement of this Part.
- (4) For avoidance of doubt, subclause (3) does not apply in respect of a permit granted pursuant to a consent given by the relevant Ministers under another provision of this Regulation.
- (5) It is a defence to a prosecution for an offence against this Regulation if the person charged proves that the act or omission constituting the offence was authorised by, and was done or omitted in accordance with, a permit granted pursuant to a consent given by the relevant Ministers under this clause.

Part 2 – Jervis Bay Marine Park Zoning Plan

The GPS coordinates used to describe the boundaries of the Jervis Bay Marine Park in Part 1 of Schedule 4 to the Act are in datum AGD 66. The GPS coordinates used to describe the boundaries of the zones of the marine park in this Part are in datum WGS 84, which is the datum more commonly used by marine park users.

Division 1 – Preliminary

1 Definitions

- (1) In this Part: "**extensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**intensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**map**"

means a map set out in Division 11. "**marine park**" means the Jervis Bay Marine Park, as described in Part 1 of Schedule 4 to the Act. "**table**" means a table set out in Division 10.

(2) In this Part, a reference to a net or trap is a reference to that net or trap as described under the *Fisheries Management Act 1994*.

Division 2 – Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

From point 2A at $34^{\circ} 58' 34''$ S, $150^{\circ} 47' 09''$ E 500 metres due east of the southern side of Bulls Waterhole, then generally south following the shoreline at 500 metres from the mean high water mark to point 2B at $34^{\circ} 59' 18''$ S, $150^{\circ} 47' 29''$ E, then due east approximately 0.9 km to point 2C at $34^{\circ} 59' 18''$ S, $150^{\circ} 48' 03''$ E, then due south approximately 1.2 kilometres to point 2D at $34^{\circ} 59' 59''$ S, $150^{\circ} 48' 03''$ E then due west to point 2E at the intersection of $34^{\circ} 59' 59''$ S latitude and the mean high water mark, then generally north following the mean high water mark to point 2F intersecting $34^{\circ} 58' 34''$ S latitude, returning to point 2A, as shown on map 2.

The whole of the tidal waters and tidal lands of Blacks Cave Creek, including all its creeks, bays and tributaries upstream of the intersection of $35^{\circ} 01' 10''$ S latitude and the mean high water mark on the western bank at point 3A and the eastern bank at point 3B, as shown on map 3.

From the mean high water mark to 50 metres seaward around Drum and Drum Sticks, as shown on map 4.

From point 5A at the intersection of $35^{\circ} 04' 35''$ S latitude and the marine park boundary, approximately 1.5 kilometres east of the mean high water mark of the south-eastern extremity of Crocodile Head, then generally south-west approximately 3 kilometres to point 5B at the intersection of $35^{\circ} 05' 41''$ S latitude and the marine park boundary, then due west to the southern extremity of Point Perpendicular to point 5C at the intersection of $35^{\circ} 05' 41''$ S latitude and the mean high water mark, then generally north-east following the mean high water mark to point 5D intersecting $35^{\circ} 04' 35''$ S latitude, returning to point 5A, as shown on map 5.

From point 6A at $35^{\circ} 04' 59''$ S, $150^{\circ} 47' 45''$ E, then generally north-west on a bearing of 312° to the intersection of the mean high water mark at point 6B (on the southern extremity of the headland, approximately 400 metres west of Bream Creek - Boat Harbour), then generally south-east following the mean high water mark to point 6C (on the northern side of Gardeners Gully), at the intersection of a bearing of 132° from point 6A, including all creeks, bays and tributaries to the mean high water mark and the tidal limits then, returning generally north-west to point 6A, as shown on map 6.

From point 7A at $35^{\circ} 03' 34''$ S, $150^{\circ} 46' 21''$ E, then due east 300 metres to point 7B intersecting $35^{\circ} 03' 34''$ S latitude and the mean high water mark (approximately 200 metres south of Honeymoon Bay), then generally south following the shoreline at the mean high water mark to the southern-most part of Dart Point to point 7C intersecting $35^{\circ} 04' 43''$ S latitude, then 300 metres due west to point 7D at $35^{\circ} 04' 44''$ S, $150^{\circ} 46' 15''$ E then generally north at a distance of 300 metres from the mean high water mark returning to point 7A, as shown on map 7.

From point 8A at $35^{\circ} 01' 42''$ S, $150^{\circ} 44' 57''$ E (approximately 3.3 kilometres west of "the Ladders"), then approximately 4.1 kilometres due north to the mean high water mark at Red Point at point 8B intersecting $150^{\circ} 44' 57''$ E longitude, then following the mean high water mark generally south-east, including all creeks, bays and tributaries of Carama Inlet to the mean high water mark and to the tidal limits, to point 8C intersecting $35^{\circ} 01' 42''$ S latitude at "the Ladders", approximately 250 metres

south of Montagu Point, then due west returning to point 8A, as shown on map 8. From the mean high water mark on the western bank of Wowly Gully at point 9A at $34^{\circ} 59' 43''$ S, $150^{\circ} 43' 42''$ E then generally north-east to the mean high water mark on the eastern bank to point 9B at $34^{\circ} 59' 42''$ S, $150^{\circ} 43' 45''$ E including all creeks, bays and tributaries to the mean high water mark and tidal limits, as shown on map 9.

The whole of the tidal waters and tidal lands to the mean high water mark of Upper Currumbene Creek, including all its creeks, bays and tributaries upstream of the intersection of $150^{\circ} 38' 37''$ E longitude and the mean high water mark on the northern bank at point 10A and the southern bank at point 10B, as shown on map 10. From a port navigation marker at point 11A at $35^{\circ} 01' 33''$ S, $150^{\circ} 40' 05''$ E in Currumbene Creek, then generally south east to a port navigation marker at point 11B at $35^{\circ} 01' 34''$ S, $150^{\circ} 40' 09''$ E, then continuing south east to a port navigation marker at point 11C at $35^{\circ} 01' 36''$ S, $150^{\circ} 40' 16''$ E, then generally south to a port navigation marker at point 11D at $35^{\circ} 01' 41''$ S, $150^{\circ} 40' 21''$ E, then generally south to a port navigation mark at point 11E at $35^{\circ} 01' 49''$ S, $150^{\circ} 40' 19''$ E, then generally south to a port navigation maker at point 11F at $35^{\circ} 01' 52''$ S, $150^{\circ} 40' 17''$ E, then generally south to point 11G at $35^{\circ} 02' 01''$ S, $150^{\circ} 40' 13''$ E, then due west to intersect $35^{\circ} 02' 01''$ S latitude and the mean high water mark at point 11H (in line with the channel draining the Fish Reserve at the Lady Denman Heritage Complex), then generally north following the mean high water mark to point 11I (approximately 100 metres downstream of the Woollamia Regional Boat Ramp) intersecting with a line bearing 230° from point 11A, then returning generally north east to point 11A, as shown on map 11.

From point 11J at $35^{\circ} 01' 46''$ S, $150^{\circ} 40' 52''$ E (approximately 1.1 kilometres north east of the southern bank of the entrance to Currumbene Creek), then due east approximately 1 km to point 11K at $35^{\circ} 01' 46''$ S, $150^{\circ} 41' 32''$ E, then due south approximately 1.3 kilometres to point 11L at $35^{\circ} 02' 28''$ S, $150^{\circ} 41' 32''$ E, then generally south-west approximately 1.3 km to point 11M at $35^{\circ} 02' 44''$ S, $150^{\circ} 40' 43''$ E, then generally north-west to point 11N at the intersection of a bearing of 325° from point 11M to the mean high water mark, then following the mean high water mark to the southern bank of the entrance to Currumbene Creek to point 11O at the intersection of a bearing of 220° from point 11J and the mean high water mark, then returning generally north-east to point 11J, described above, as shown on map 11.

The whole of the tidal lands and tidal waters to mean high water mark, including all creeks, bays and tributaries of Moona Moona Creek upstream of a line from point 12A $35^{\circ} 03' 05''$ S, $150^{\circ} 40' 27''$ E (approximately 50 metres upstream of the western side of the road bridge) generally north-west on a bearing of 330° to the intersection of the mean high water mark on the northern bank of Moona Moona Creek at point 12B, then generally south-east on a bearing of 150° to the intersection of the mean high water mark on the southern bank to point 12C, as shown on map 12.

From a navigation marker approximately 1 kilometre east of Plantation Point at point 13A at $35^{\circ} 04' 22''$ S, $150^{\circ} 42' 24''$ E. then due east approximately 2 kilometres to point 13B at $35^{\circ} 04' 22''$ S, $150^{\circ} 43' 44''$ E, then due south to the intersection of $150^{\circ} 43' 44''$ E longitude and the Commonwealth waters boundary at point 13C, then generally south-west along the Commonwealth boundary to the intersection of HMAS Creswell special purpose zone at point 13D, described below, then following the boundary of the special purpose zone to point 13E, described below, at the intersection of the Commonwealth waters boundary, then generally northwards following the shoreline at a distance of 100 metres from the mean high water mark along Sailors Beach, Hyams Beach and Chinamans Beach to point 13F at an intersection with 35°

05° 34' S latitude, then due west 100 metres to point 13G at the intersection of 35° 05' 34" S latitude and the mean high water mark, then generally north following the mean high water mark to point 13H at the intersection of a bearing of 240° from point 13A and the mean high water mark, then returning to point 13A, described above, as shown on map 13.

From point 14A, 100 metres due east of the mean high water mark at "the Tumbledown" on latitude 35° 07' 10" S, then generally south-west at a distance of 100 metres from the mean high water mark then the Commonwealth waters boundary to point 14B at the intersection with the mean high water mark on Governor Head, then generally north following the shoreline at the mean high water mark to point 14C at the intersection of the mean high water mark and the Commonwealth waters boundary, then following the Commonwealth boundary generally north-east and at the mean high water mark on Bowen Island to point 14D at the intersection of the mean high water mark and 35° 07' 10" S latitude, then returning to point 14A, described above, as shown on map 14. From point 15A due south of the eastern extremity of Steamers Head at the intersection of 150° 44' 18" longitude and the marine park boundary, then generally south-west following the marine park boundary to point 15B at 35° 12' 48.3" S, 150° 41' 46.2" E, then due north to St Georges Head to point 15C at the intersection of 150° 41' 46.2" E longitude and the mean high water mark, then following the mean high water mark generally north-east to the eastern extremity of Brooks Rock to point 15D at the intersection of 35° 10' 44" S latitude and the mean high water mark, then on a bearing of 89° to the western extremity of Steamers Head to intersect with mean high water mark at point 15E, then following the shoreline at the mean high water mark to the eastern extremity of Steamers Head to point 15F at the intersection of 150° 44' 18" E longitude and the mean high water mark, then returning to point 15A, described above, as shown on map 15.

Division 3 – Habitat protection zone

3 Description of habitat protection zones

The habitat protection zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, general use zone or special purpose zone.

4 Taking of certain plants permitted

Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers or in accordance with the zoning plan for the marine park. This clause makes it clear that taking of sea lettuce, baitweed and seaweed is permitted in the habitat protection zone.

- (1) A person may take plants of a species listed in table A in the habitat protection zone of the marine park.
- (2) A person may take seaweed from a beach in the habitat protection zone of the marine park.
- (3) This clause applies despite clause 11 (Protection of animals, plants and habitat in habitat protection zone) of this Regulation.

The taking of plants in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act.

5 Permitted fishing activities

Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

- (1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part.

Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene a provision of this Part.

(2) Subject to clause 6 of this Part, the following fishing activities are permitted in the habitat protection zone of the marine park:

(a) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

- (i) push or scissors net (prawns),
- (ii) hoop or lift net,
- (iii) spanner crab net.

(b) The taking of fish by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale).

(c) The taking of fish by the use of a fish trap.

(d) The taking of eels by use of an eel trap.

(e) The taking of lobsters by use of a trap.

(f) The taking of mud crabs and blue swimmer crabs by use of a trap.

The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act.

6 Prohibited fishing activities

1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in the habitat protection zone unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.

2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

(1) A person must not, while in the habitat protection zone, take or attempt to take:

- (a) any fish the harming of which is prohibited under the *Fisheries Management Act 1994*, or
- (b) any fish of a species not listed in table B.

(2) A person must not, while in the habitat protection zone, take or attempt to take a fish by the use of any hauling net unless:

(a) the person is the holder of:

- (i) a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits commercial hauling at a location that is in the habitat protection zone and the person was first issued with a permit of that kind within 12 months after 1 October 2002, and
- (ii) a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, or

(a1) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a), or

(b) the person is taking or attempting to take fish at one of the following beaches:

- (i) Currarong Beach (outside the sanctuary zone),
- (ii) Long Beach (outside the sanctuary zone),
- (iii) North Western Hare Bay Beach (between Wowly Gully and Red Point),
- (iv) Callala Beach (but not within 300 metres of Currambene Creek),
- (v) Whiting Beach,
- (vi) Mary Beach,
- (vii) Bherwerre Beach (but not within 300 metres of the north-eastern end of the beach).

(3) A person must not, in the habitat protection zone, take or attempt to take fish by the

method known as gar fish net (hauling) or bull ringing unless:

(a) the person is the holder of:

(i) a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits gar fishing at a location that is in the habitat protection zone and the person was first issued with a permit of that kind within 12 months after 1 October 2002, and

(ii) a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, or

(a1) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a), or

(b) the person is taking gar fish only in one of the following areas:

(i) Longnose Point to the western edge of The Docks sanctuary zone,

(ii) between Currarong Creek and Gum Getters Inlet.

(4) A person must not, in the habitat protection zone, take or attempt to take fish by use of a submersible lift net (bait) unless:

(a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits the taking of fish by use of a submersible lift net (bait) at a location that is in a habitat protection zone in the marine park and the person was first issued with a permit of that kind within 12 months after the commencement of this subclause, and

(b) the person takes the fish for use as bait by the fisher (and not for the purposes of sale), and

(c) the person is taking or attempting to take the fish in a designated area described in table E.

(5) A person must not, in the habitat protection zone, take or attempt to take fish by use of a purse seine net unless:

(a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits the taking of fish by use of a purse seine net at a location that is in a habitat protection zone in the marine park, and

(b) the fish are taken for use as bait by the fisher (and not for the purposes of sale), and

(c) the person takes or attempts to take fish in a designated area described in table E.

(6) A person must not, in the Hyams Beach habitat protection zone, take or attempt to take fish by spearfishing.

7 Aquaculture

Despite clause 13 (Aquaculture) of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park, except extensive aquaculture of shellfish on long-lines.

The *Jervis Bay Marine Park Operational Plan* made under Part 4 of the Act provides for operational matters in relation to the carrying out of aquaculture activities in the marine park.

Division 4 – General use zone

8 Description of general use zones

The general use zones of the marine park comprise the following areas:

From point 16A at 34° 57' 48" S, 150° 47' 16" E, at the boundary of the marine park, then generally south-east, following the boundary of the marine park, to point 16B at 34° 59' 30" S, 150° 50' 34" E, then due south to point 16C at 34° 59' 58" S, 150° 50' 34" E, then generally west and north following the

shoreline at a distance of 500 metres from the mean high water mark, then following the eastern boundary of Hammer Head sanctuary zone, as described above, then generally north following the shoreline at a distance of 500 metres from the mean high water mark returning to point 16A, as described above, as shown on map 16.

From point 16D at the intersection of 150° 39' 56" E longitude and the southern boundary of the marine park, then generally north and west following the shoreline at a distance of 2.5 kilometres from the mean high water mark from the southern extremity of St Georges Head around Kittys Point, Blacks Harbour, Shelleys Point, Summercloud Bay, Mary Bay, Cave Beach, Bherwerre Beach and Sussex Inlet to the intersection of 150° 37' 30" E longitude and the boundary of the marine park at point 16E, then returning generally south-east to point 16D, described above, as shown on map 16.

9 Fishing permitted

(1) A person must not take fish in the general use zone of the marine park if the taking of the fish, and the method used to take the fish, is unlawful under the *Fisheries Management Act 1994*.

(2) This clause is subject to the other provisions of this Part. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Part.

Division 5 – Special purpose zone

10 Description of special purpose zones

The special purpose zones of the marine park comprise the following areas:

From point 11H described above, then generally south following the shoreline at the mean high water mark to the entrance of Currambene Creek to point 11O described above, then on a bearing of 337° intersecting the mean high water mark of the northern bank of Currambene Creek at point 11P, then generally north following the mean high water mark on the eastern bank of Currambene Creek to point 11Q, at the intersection of 35° 02' 01" S latitude and the mean high water mark, then returning due west to point 11H, as described above, as shown on map 11.

From point 13I 35° 07' 19" S, 150° 42' 20" E (HMAS Creswell boat harbour) on the Commonwealth boundary, then generally north-east 500 metres following the boundary of Commonwealth waters to point 13D 35° 07' 17" S, 150° 42' 36" E, then generally north then west at approximately 500 metres radius around the HMAS Creswell boat harbour, to point 13E 35° 07' 22" S, 150° 42' 04" E at the intersection of the boundary of Commonwealth waters and Hyams Beach sanctuary zone, then following the boundary of Commonwealth waters generally north-east returning to point 13I, described above, as shown on map 13.

11 Zone objects

(1) The object of the Huskinson Wharf special purpose zone is to provide for the management of boating and wharf related requirements.

(2) The object of the HMAS Creswell special purpose zone is to provide for the safe operations and maintenance of naval infrastructure.

12 Permitted fishing activities

(1) A person must not, while in a special purpose zone in the marine park, take, or attempt to take, any fish unless the person is engaging in a permitted fishing activity (as referred to in subclause (2)).

(2) The fishing activities that are permitted in a special purpose zone of the marine park are the fishing activities that are permitted in a habitat protection zone of the marine park, subject to clauses 13 and 15 of this Part.

13 Anchoring vessels prohibited in HMAS Creswell special purpose zone

A person must not anchor a vessel in HMAS Creswell special purpose zone.

14 Aquaculture

Clause 18C of this Regulation permits aquaculture in a special purpose zone of a marine park, but only with the consent of the relevant Ministers.

Aquaculture is not permitted in the Huskisson Wharf special purpose zone or HMAS Creswell special purpose zone.

Division 6 – General prohibitions

15 Drift-lining, estuary mesh netting and scallop dredging

A person must not, while in any part of the marine park, take or attempt to fish, as follows:

- (a) by use of a drift line,
- (b) by use of an estuary mesh net,
- (c) by dredging for scallops.

16 Beach hauling prohibited at certain times

(1) A person must not, while in any part of the marine park, take or attempt to take fish by the method known as beach hauling:

- (a) at night, or
- (b) on a Saturday, Sunday or public holiday.

(2) Despite subclause (1), a shot may be held on a Sunday night, but the net must not be cast during the night.

(3) In this clause: "**night**" means the period between sunset and sunrise.

17 Fish trapping

A commercial fisher must not set more than 10 fish traps within the boundaries of the marine park at any one time.

18 Spearfishing not permitted in lakes, rivers, creeks or lagoons

A person must not take or attempt to take fish from a lake, river, creek or lagoon in the marine park by use of a spear or spear gun.

19 Shell, shell grit and fossil collecting restricted

(1) A person may collect shell or shell grit for recreational purposes while in the marine park, other than in the sanctuary zone.

(2) A person may collect fossils only for research purposes while in the marine park.

(3) Subclause (1) is subject to the *Fisheries Management Act 1994*.

Pursuant to clause 23 (Organised research activities) of this Regulation a person requires the consent of the Minister before carrying out research referred to in subclause (2) if the research is for any purpose other than the person's personal interest or enjoyment.

20 Taking fish for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish for aquarium collection purposes.

(2) A person does not commit an offence against subclause (1) if:

- (a) the fish were taken while in the habitat protection zone or general use zone, and
- (b) the activity was not carried out for a commercial purpose, and
- (c) the activity was carried out with the consent of the relevant Ministers.

Division 7 – Species protection

21 Identification of protected species

The following species of fish are identified as protected species for the purposes of clause 22A of this Regulation:

- (a) species listed in table C,

(b) species the harming of which is prohibited under the *Fisheries Management Act 1994*. Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

Division 8 – Domesticated animals

22 Areas in which domesticated animals prohibited

- (1) A person may bring a domesticated animal into the marine park, except as provided by subclause (2).
- (2) A person must not bring a domesticated animal into the following areas:
 - (a) the rock platform at Green Point,
 - (b) the Currumbene Creek Mudflats sanctuary zone,
 - (c) the sand spit at the southern end of Callala Beach.
- (3) Despite subclause (2), a person may bring a domesticated animal into any part of the marine park:
 - (a) (Repealed)
 - (b) if the animal remains confined to a vessel, or
 - (c) with the consent of the relevant Ministers.
- (4) This clause applies despite clause 22 (Domesticated animals) of this Regulation. Clause 22 of this Regulation makes it an offence to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.
- (5) This clause is subject to the following:
 - (a) the provisions of the *Companion Animals Act 1998*,
 - (b) any notice relating to the use of animals erected by a council under section 632 of the *Local Government Act 1993*.

1 Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.
2 Section 632 of the *Local Government Act 1993* gives a council power to prohibit the bringing of domestic animals into public areas. The council is required to erect notices in the area concerned indicating that domestic animals are prohibited in the area.
3 Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.

Division 9 – Use of vessels and vehicles

23 Areas in which personal watercraft are prohibited

Clause 27 of this Regulation makes it an offence to use any vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a personal watercraft in a sanctuary zone in the marine park unless:

- (a) the personal watercraft is transiting directly to or from the location where it was launched, and
- (b) the personal watercraft is being used in such a manner as not to exceed a speed of 10 knots per hour.

24 Cruise ships

Clause 27 of this Regulation makes it an offence to use any vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a cruise ship in the marine park, except with the consent of the relevant Ministers.

25 Hovercraft

Clause 27 of this Regulation makes it an offence to use any vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a hovercraft in the marine park, except with the consent of the relevant Ministers.

26 Areas in which use of vehicles prohibited

Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

- (1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching and retrieving vessels from designated boat-launching facilities.
- (2) This clause does not apply to or in respect of:
 - (a) an authorised vehicle, a police vehicle or an emergency vehicle, or
 - (b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) who may lawfully use a vehicle on a beach in connection with his or her fishing activities.
- (3) In this clause: "**authorised vehicle**" means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:
 - (a) the Authority,
 - (b) the National Parks and Wildlife Service,
 - (c) NSW Fisheries,
 - (d) Shoalhaven City Council,
 - (e) the Department of Land and Water Conservation,
 - (f) the Commonwealth Department of Defence.

"**designated boat-launching facility**" means a facility in the marine park designated by the Authority or another relevant government agency as appropriate for boat-launching. "**emergency vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*. "**police vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

27 Anchoring and mooring

- (1) A person must not anchor a vessel within a sanctuary zone in the marine park, except in a designated anchoring area described in table D.
- (2) A person is permitted to moor a vessel in a sanctuary zone at a mooring provided by the Authority or the Waterways Authority for that purpose.
- (3) A person must not moor a vessel at a mooring owned by the Authority for more than 24 hours. Subclause (3) applies despite clause 28 (1) (b) of this Regulation which provides that a person must not attach a vessel, for a period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority.

28 Vessels not to be anchored at certain sites

- (1) A person must not anchor a vessel within The Tubes Seasonal Anchoring Area from 1 November to 30 April in any year (both dates inclusive).
- (2) In this clause, "**The Tubes Seasonal Anchoring Area**" is comprised of an area from point 6A described above generally south-east to point 6C described above, then generally south following the mean high water mark to the intersection of 35° 05' 23" S latitude and the mean high water mark at point 6D, then due west to point 6E at 35° 05' 23" S, 150° 47' 45" E, then due north returning to point 6A, described above, as shown on map 6.

Division 10 – Tables

Table A--Plants that may be taken in habitat protection zone

Common name	Class/family	Species
Sea lettuce		<i>Ulva lactuca</i>
Baitweed		<i>Enteromorpha</i>

	intestinalis
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Table B--Fish that may be taken in habitat protection zone

Common name	Class/family	Species
Finfish	Class Osteichthyes	
Sharks and rays	Class Chondrichthyes	
Beach worms	Family Eunicidae	All species
Eastern rock lobsters, Southern rock lobsters	Family Palinuridae	Jasus verreauxi Jasus edwardsii
Mud crabs, Blue swimmer crabs	Family Portunidae	Scylla serrata Portunus pelagicus
Red crabs	Family Grapsidae	Plagusia chabrus
Prawns	Family Penaeidae	All species
Ghost shrimp, marine yabbies, nippers	Family Callinassidae	All species
Arrow squid, Southern calamari	Family Loliginidae	Nototodarus gouldi Sepioteuthis australis
Abalone	Family Haliotidae	All species
Turban shell	Family Turbinadae	All species
Pipis	Family Donacidae	Donax deltoides
Commercial scallops, Doughboy scallops	Family Pectinidae	Pecten fumatus Chlamys asperrimus
Blue mussels	Family Mytilidae	Mytilus planulatus
Sydney cockles	Family Arcidae	Anadara trapezia
Mud oysters	Family Ostreidae	Ostrea angasi
Sea urchins	Class Echinoidea	Centrostephanus rodgersii Heliocidaris erythrogramma
Spanner crab	Family Raninidae	Ranina ranina

Table C--Protected fish

Common name	Class/Family/Order	Species
Corals	Class Anthozoa	
Soft corals and gorgonians	Subclass Octocorallia	
Hard corals	Order Scleractinia	
Black corals	Order Antipatharia	
Sea anemones	Order Actinaria	
Zoanthids	Order Zoanthidea	
Corallimorphs	Order Corallimorpharia	
All seahorses and	Family Syngnathidae	

pipefishes		
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Table D--Designated anchoring areas within sanctuary zone

Sanctuary zone name	Designated area
Hammer Head	Entire zone
Drum and Drum Sticks	Entire zone
Point Perpendicular-Crocodile Head	Entire zone
The Docks	Entire zone
Groper Coast	Entire zone
Hare Bay	The areas described below as Hare Bay designated anchoring area and Red Point designated anchoring area
Huskisson	The area described below as Shark Net Beach designated anchoring area
Hyams Beach	Areas outside the prohibited anchoring area as designated on Chart AUS 193
Bowen Island	Entire zone
St Georges-Steamers Head	Entire zone

Hare Bay designated anchoring area From point 16F at 35° 00' 48" S, 150° 45' 49" E, due east to the intersection of 35° 00' 48" S latitude and the mean high water mark at point 16G, then generally south-east following the shoreline at the mean high water mark to point 16H described above, then due west to point 16I at 35° 01' 42" S, 150° 45' 49" E, then returning due north to point 16F, as shown on map 16.

Red Point designated anchoring area The area from the mean high water mark at the most eastern extremity of Red Point at point 16J at the intersection of 150° 45' 02" E longitude and the mean high water mark, then generally north-east 200 metres to the intersection of 150° 45' 04" E longitude and the mean high water mark at point 16K, then generally south then west in a radius of 200 metres from point 16J to the intersection of the boundary of Hare Bay sanctuary zone at point 16L, 34° 59' 36" S, 150° 44' 57" E then due north to the intersection of 150° 44' 57" E longitude and the mean high water mark at point 16M, then returning generally east to point 16J, described above, as shown on map 16.

Shark Net Beach designated anchoring area The area adjacent to Shark Net Beach from the mean high water mark at point 16N at 35° 02' 24" S, 150° 40' 25" E, then generally north following the mean high water mark to point 16O which is 200 metres from point 16N, then generally east then south in a radius of 200 metres from point 16N to the intersection of the mean high water mark at point 16P, then returning generally north following the mean high water mark to point 16N, described above, as shown on map 16.

Table E--Designated areas for purse seining and lift netting in habitat protection zone

- (a) From point 16Q 35° 03' 23" S, 150° 44' 12" E, then generally south-west to point 16R 35° 04' 09" S, 150° 42' 32" E, then generally north to point 16S 35° 02' 59" S, 150° 42' 35" E, then generally north-east to point 16T 35° 01' 42" S, 150° 44' 00" E, then back to point 16Q as shown on map 16.
- (b) From point 16U 35° 06' 23" S, 150° 45' 53" E, then due

south to point 16V at the intersection of $150^{\circ} 45' 53''$ E longitude and the boundary of Commonwealth waters, then generally south-west to point 16W at the intersection of $150^{\circ} 44' 50''$ E longitude and the boundary of Commonwealth waters, then due north to point 16X $35^{\circ} 06' 23''$ S $150^{\circ} 44' 50''$ E, then back to point 16U, as shown on map 16.

Division 11 – Maps

Division 12 – Miscellaneous

29 Transitional arrangements for aquaculture

A person who immediately before the commencement of this Part carried out aquaculture in the marine park under a permit issued under the *Fisheries Management Act 1994* may continue to carry out the activity in the marine park for a period ending 18 months after that commencement.

Part 3 – Lord Howe Island Marine Park Zoning Plan

The GPS co-ordinates used in this Part to describe the boundaries of the zones of the Lord Howe Island Marine Park and other areas are given in degrees and decimal minutes using the GDA94 datum.

Map 1 of the maps set out in Division 10 provides an overview of the zoning plan for the Lord Howe Island Marine Park.

Maps 2-6 provide more detail.

Division 1 – Preliminary

1 Definitions

In this Part:

"Lord Howe Island Lagoon" means that part of the marine park that is bounded by the mean high water mark on the western coast of Lord Howe Island and the line of partially emergent reefs that lie between North Head and Little Island.

"marine park" means the Lord Howe Island Marine Park, as described in Part 3 of Schedule 4 to the Act.

Division 2 – Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

An area bounded as follows:

- (a) commencing at a point near the centre of the emergent rock known as the Bombora ($31^{\circ} 31.431''$ S, $159^{\circ} 02.419''$ E),
- (b) then generally north west to a point at the mean high water mark at North Head ($31^{\circ} 31.365''$ S, $159^{\circ} 02.370''$ E),
- (c) then generally east, north east and south east following the mean high water mark along the coast of Lord Howe Island to a point at the navigation marker for North Passage ($31^{\circ} 31.339''$ S, $159^{\circ} 03.023''$ E),
- (d) then generally west to the point of commencement described in paragraph (a),

but excluding an area bounded by a line encircling the wreck of the "Favourite" at a radius of 50 metres from that wreck at $31^{\circ} 31.311''$ S, $159^{\circ} 02.733''$ E.

The area contained within a circle with a radius of 50 metres centred on a point at $31^{\circ} 31.240''$ S, $159^{\circ} 03.279''$ E near the middle of Sylphs Hole.

An area bounded as follows:

- (a) commencing at a point at the mean high water mark on the coast of Lord

Howe Island approximately 120 metres east of Curio Point at $31^{\circ} 30.752^{\circ}\text{S}$, $159^{\circ} 02.712^{\circ}\text{E}$,

(b) then generally north east to a point at the mean high water mark on the coast of Roach Island at the westernmost part of that island ($31^{\circ} 29.846^{\circ}\text{S}$, $159^{\circ} 03.933^{\circ}\text{E}$),

(c) then generally south east along the coast of Roach Island at the mean high water mark to a point at the southernmost part of Roach Island at the mean high water mark ($31^{\circ} 30.132^{\circ}\text{S}$, $159^{\circ} 04.206^{\circ}\text{E}$),

(d) then generally south to a point at the mean high water mark on the coast of Lord Howe Island at Searles Point ($31^{\circ} 31.086^{\circ}\text{S}$, $159^{\circ} 04.358^{\circ}\text{E}$),

(e) then following the mean high water mark along the coast of Lord Howe Island to the point of commencement described in paragraph (a),

but excluding that area which is seaward of the mean high water mark, contained within a circle of radius 50 metres centred on a point at the northernmost corner of the Neds Beach picnic shelter at $31^{\circ} 31.129^{\circ}\text{S}$, $159^{\circ} 04.018^{\circ}\text{E}$.

An area bounded as follows:

(a) commencing at a point 50 metres west of the mean high water mark on the coast of Lord Howe Island at the rock-concrete interface at the western end of the airport ($31^{\circ} 32.173^{\circ}\text{S}$, $159^{\circ} 04.227^{\circ}\text{E}$),

(b) then generally north west to a position between North Head and South Head at $31^{\circ} 32.055^{\circ}\text{S}$, $159^{\circ} 02.604^{\circ}\text{E}$,

(c) then generally south east along the alignment of North and South Heads to a position at $31^{\circ} 33.534^{\circ}\text{S}$, $159^{\circ} 03.205^{\circ}\text{E}$,

(d) then generally north east to a position 50 metres south west of a point at the mean high water mark on the coast of Lord Howe Island near the navigational marker trees for Erscotts Passage ($31^{\circ} 32.894^{\circ}\text{S}$, $159^{\circ} 04.447^{\circ}\text{E}$),

(e) then generally north, offset 50 metres seaward of the mean high water mark along the coast of Lord Howe Island to the point of commencement described in paragraph (a),

but excluding the area that is bounded by a circle of radius 50 metres centred on a position within Erscotts Hole at $31^{\circ} 32.794^{\circ}\text{S}$, $159^{\circ} 03.668^{\circ}\text{E}$.

An area bounded as follows:

(a) commencing at a point at the mean high water mark on the coast of Lord Howe Island 290 metres generally north west of East Point ($31^{\circ} 33.689^{\circ}\text{S}$, $159^{\circ} 06.240^{\circ}\text{E}$),

(b) then generally north east to a position on the outer boundary of the marine park at $31^{\circ} 30.667^{\circ}\text{S}$, $159^{\circ} 09.459^{\circ}\text{E}$,

(c) then following the outer boundary of the marine park generally south east, south and south west to a position on the boundary at $31^{\circ} 35.833^{\circ}\text{S}$, $159^{\circ} 09.509^{\circ}\text{E}$,

(d) then due west to a point at the mean high water mark on the coast of Lord Howe Island near King Point at $31^{\circ} 35.833^{\circ}\text{S}$, $159^{\circ} 04.455^{\circ}\text{E}$,

(e) then following the mean high water mark along the coast of Lord Howe Island to the point of commencement described in paragraph (a).

All parts of the marine park south of the latitude $31^{\circ} 46.833^{\circ}\text{S}$.

All parts of the marine park within a line surrounding Observatory Rock at a distance of 50 metres seaward of the mean high water mark along the coast of Observatory Rock (such that Observatory Rock includes two rocks separated by a narrow channel).

3 Fish cleaning

(1) A person must not clean any fish or any fishing gear in a sanctuary zone except at such fish cleaning facilities (if any) as are designated by the relevant Ministers for that purpose.

(2) This clause does not prohibit the cleaning of fish or fishing gear while on a vessel and with the consent of the relevant Ministers.

4 Anchoring

Vessels that are less than 10 metres long may anchor in the following parts of the sanctuary zone:

- (a) anywhere within 100 metres of the eastern end of the beach at North Bay,
- (b) anywhere within the Admiralty Islands and Neds Beach sanctuary zone,
- (c) anywhere within the East Coast and Shelf sanctuary zone,
- (d) anywhere within 250 metres of a point at the mean high water mark on the coast of Lord Howe Island near the navigational marker trees for Erscotts Passage at 31°32.882'S, 159°04.476'E.

Division 3 – Habitat protection zone

5 Description of habitat protection zone

The habitat protection zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone or a special purpose zone.

6 Permitted fishing activities

(1) The following fishing activities are permitted in the habitat protection zone of the marine park:

- (a) recreational fishing, including recreational charter fishing, for any species of fish listed in table A, subject to bag limits described in table B, and using only one or more of the permitted methods,
- (b) commercial fishing for any species of fish listed in table C, but excluding those listed in table D, and using only one or more of the permitted methods,
- (c) the collection of dead shells and dead coral (in quantities not exceeding 1 kilogram per person per day) other than any shell or coral that is occupied by an animal or attached to a plant.

(2) In this clause: "**permitted methods**" means such of the following methods as are permitted by the regulations under the *Fisheries Management Act 1994*:

- (a) set lines and hand held lines, provided they are not left unattended,
- (b) bait traps,
- (c) landing nets,
- (d) dip or scoop nets, but only for taking prawns,
- (e) by hand, but only for taking rock lobster,
- (f) by hand, knife, spade, fork or pump, but only for taking yabbies, squirt worms, blood worms, beachworms, pipis or other intertidal invertebrates.

The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act which, among other things, set bag and size limits.

7 Aquaculture

Despite clause 13 of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park.

Division 4 – Special purpose zones

8 Description of special purpose zones

The special purpose zones of the marine park comprise the following areas:

All parts of the marine park encompassed by a circle of 50 metres radius centred on a point near the wreck of the "Favourite" in North Bay at 31° 31.311'S, 159° 02.733'E.

All parts of the marine park encompassed by a circle of 50 metres radius centred on a

point within Erscotts Hole at 31° 32.794'S, 159° 03.668'E.

All parts of the marine park encompassed by a circle of 50 metres radius centred on a point near the north western corner of the picnic shelter at Neds Beach at 31° 31.129'S, 159° 04.018'E.

9 Zone object of special purpose zones

The object of the special purpose zones of the marine park is to allow for fish feeding without the need for the consent of the relevant Ministers.

10 Fish feeding

- (1) A person may feed fish in a special purpose zone.
- (2) This clause does not permit a person to use more than 300 grams of fish feed per day for the purpose of feeding fish.

Division 5 – General prohibitions

11 Prohibited fishing activities

- (1) A person must not engage in commercial fishing in the marine park for any species of fish listed in table D.
- (2) A person must not engage in commercial fishing in the marine park for any species of fish for use anywhere other than:
 - (a) on Lord Howe Island, or
 - (b) within 12 nautical miles of the mean high water mark on the coast of Lord Howe Island.

12 Aquarium collecting

- (1) A person must not engage in commercial fishing in the marine park for any species of fish for aquarium purposes.
- (2) A person must not engage in recreational fishing in the marine park for any species of fish for aquarium purposes except with the consent of the relevant Ministers.

13 Spears and spearguns

A person must not in the marine park take or attempt to take fish by means of a spear, speargun or similar device.

14 Cleaning of fish in Lord Howe Island Lagoon

- (1) A person must not:
 - (a) clean any fish, or
 - (b) discard the wastes and offal from fish cleaning,in any part of the Lord Howe Island Lagoon other than the area between Dawsons Point and North Passage.
- (2) This clause does not apply to fish taken from Lord Howe Island Lagoon for recreational purposes, other than fish taken in the course of recreational fishing from charter vessels.

Division 6 – Species protection

15 Identification of protected species

The following species of fish are identified as protected species for the purposes of clause 22A of this Regulation:

- (a) any species not listed in table A,
- (b) species the harming of which is prohibited under the *Fisheries Management Act 1994*.

Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

Division 7 – Domesticated animals

16 Prohibition on domesticated animals

- (1) A person must not bring a domesticated animal into the emergent lands exposed to

lowest astronomical tide that are below mean high water mark of the marine park other than the following foreshores:

- (a) between Little Island at 31° 34.109'S, 159° 04.519'E, generally north along the coast to the slipway at 31° 31.539'S, 159° 03.745'E,
- (b) between Signal Point at 31° 31.498'S, 159° 03.612'E, generally north along the coast to the western end of Old Settlement Beach at 31° 31.155'S, 159° 03.222'E,
- (c) between the east end of Neds Beach at 31° 31.074'S, 159° 04.110'E, generally south along the coast to the southern end of Blinkey Beach at 31° 32.608'S, 159° 05.078'E.

(2) A person must not bring a domesticated animal into any other part of the marine park unless:

- (a) (Repealed)
- (b) the animal remains confined to a vessel, or
- (c) the person has the consent of the relevant Ministers.

(3) This clause applies despite clause 22 of this Regulation. Clause 22 of this Regulation makes it an offence to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

(4) This clause is subject to the following:

- (a) the provisions of the *Companion Animals Act 1998*,
- (b) any notice relating to the use of animals erected by the Lord Howe Island Board.

Sections 14 and 30 of the *Companion Animals Act 1998* prohibit dogs and cats in certain public places.

Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.

Division 8 – Use, mooring and anchoring of vessels, vehicles and aircraft

Clause 27 of this Regulation makes it an offence to use, moor or anchor any vessel or motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

17 Personal watercraft, hovercraft and aircraft

- (1) A person must not use a personal watercraft or a hovercraft in any part of the marine park except for the purpose of exercising the functions of a public or local authority.
- (2) A person must not use an aircraft on the waters of the marine park except with the consent of the relevant Ministers.

18 Anchoring at Lord Howe Island Lagoon

(1) Subject to clause 4, a person must not anchor a vessel that is longer than 5 metres within Lord Howe Island Lagoon except with the consent of the relevant Ministers. Clause 4 permits the anchoring of vessels that are less than 10 metres long anywhere within 100 metres of the eastern end of the beach at North Bay.

(2) This clause does not prohibit a person from anchoring a vessel that is less than 10 metres long at the following locations:

- (a) within the North Passage or South Passage, provided that the vessel is anchored at a location where the water depth exceeds 3 metres at low tide height,
- (b) within 50 metres of the mean high water mark along the northern coast of Blackburn Island between the westernmost extent of that island at 31° 32.089'S, 159° 03.490'E and the easternmost extent of that island at 31° 32.089'S, 159° 03.661'E,
- (c) within 50 metres of the mean high water mark at a point on the coast of Lord Howe Island at the boat launching ramp at 31° 31.356'S, 159° 03.468'E,
- (d) within 250 metres of a point at the mean high water mark on the coast of Lord Howe Island near the navigational marker trees for Erscotts Passage at

31°32.882'S, 159°04.476'E.

19 Vessels not to be anchored except at certain sites

- (1) A person must not anchor a vessel that is longer than 25 metres within the marine park except with the consent of the relevant Ministers.
- (2) Subclause (1) does not apply to the anchoring of a vessel at the following locations:
 - (a) anywhere within 200 metres of a position at 31° 31.650'S, 159° 02.430'E marked as LH1 on Chart AUS 610,
 - (b) anywhere within 200 metres of a position at 31° 30.660'S, 159° 02.960'E marked as LH2 on Chart AUS 610,
 - (c) anywhere within 200 metres of a position at 31° 30.780'S, 159° 04.240'E marked as LH3 on Chart AUS 610,
 - (d) anywhere within 200 metres of a position at 31° 31.450'S, 159° 04.660'E marked as LH4 on Chart AUS 610,
 - (e) anywhere within 200 metres of a position at 31° 33.350'S, 159° 03.390'E marked as LH5 on Chart AUS 610,
 - (f) anywhere within 200 metres of a position at 31° 32.450'S, 159° 02.790'E marked as LH6 on Chart AUS 610.
- (3) In this clause, "**Chart AUS 610**" means the charts published under that title by the Australian Hydrographic Service on 10 November 2000.

20 Moorings

A person must not occupy or use a mooring in the marine park that is provided by the Authority except with the consent of the relevant Ministers.

This clause applies despite clause 28 (1) (b) of this Regulation which provides that a person must not attach a vessel, for a period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority.

21 (Repealed)

22 Motorised wheeled vehicles

- (1) A person must not use a motorised wheeled vehicle in any part of the marine park, otherwise than at a location designated by the Lord Howe Island Board as a jetty or vessel launching facility, except with the consent of the relevant Ministers.
- (2) This clause does not apply to police vehicles or emergency vehicles.

Division 9 – Tables

Table A--Fish that may be taken from habitat protection zone for recreational purposes

Common name	Class/family	Species
Finfish (fish with fins and scales)	Class Osteichthyes	All species except those prohibited from taking by the <i>Fisheries Management (General) Regulation 2002</i>
Worms	Class Polychaeta	All species
Crabs	Order Brachyura	All species
Lobster, crayfish	Family Palinuridae	All species
Ghost shrimp, marine yabbies, nippers	Family Callinassidae	All species
Snapping shrimp	Family Alpheidae	All species
Slipper lobster, shovel nosed lobster or bug	Family Scyllaridae	All species
Prawns	Family	All species

	Penaeidae	
Squid and octopus	Class Cephalopoda	All species
Turban shell	Family Turbinadae	All species
Black snail	Family Neritidae	Nerita atramentosa
Sea urchins	Class Echinoidea	Centrostephanus rogersii Heliocidaris tuberculata
Sharks and rays	Class Chondrichthyes	All species except those prohibited from taking by the <i>Fisheries Management (General) Regulation 2002</i>

Table B--Bag limits for species that may be taken from habitat protection zone for recreational purposes only

Common name	Species	Maximum number allowed to be taken per person per day
Double Header	Coris bulbifrons	1
Bluefish	Girella cyanea	5
Spangled Emperor	Lethrinus nebulosus	2
Scorpionfish, red rock cod, bucket head	Scorpaena cookii Scorpaena cardinalis	2 in total comprised of one species or a combination of both

Table C--Species that may be taken for sale from the habitat protection zone

Common name	Class/family/order	Species
Finfish (fish with fins and scales)	Class Osteichthyes	All species except those listed in Table D, and those prohibited from taking by the <i>Fisheries Management (General) Regulation 2002</i>
Sharks and rays	Class Chondrichthyes	All species except those prohibited by the <i>Fisheries Management (General) Regulation 2002</i>

Table D--Species prohibited from taking for sale

Common name	Class/family/order	Species
Double Header	Family Labridae	Coris bulbifrons
Bluefish	Family Girellidae	Girella cyanea

Division 10 – Maps

Part 4 – Cape Byron Marine Park Zoning Plan

The GPS coordinates used in this Part to describe the boundaries of the zones of the Cape Byron Marine Park are given in degrees and decimal minutes using the Geocentric Datum of Australia 1994 (GDA 94).

Division 1 – Preliminary

1 Definitions

In this Part:

"extensive aquaculture" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

"hand held line" has the same meaning as it has in clause 12 of this Regulation.

"intensive aquaculture" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

"landing net" has the same meaning as it has in clause 12 of this Regulation.

"map" means a map set out in Division 10.

"marine park" means the Cape Byron Marine Park as described in Part 2 of the Proclamation made under sections 6 and 7 of the Act and published in Gazette No 189 on 25 October 2002 at page 9060.

"regulatory authority" means each of the following:

- (a) the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park,
- (b) the Department of Primary Industries,
- (c) the Department of Environment and Conservation,
- (d) the Department of Planning,
- (e) the NSW Police Force,
- (f) the Waterways Authority,
- (g) the Department of Lands.

"scoop net" has the same meaning as it has in clause 12 of this Regulation.

"spear gun" includes a spear, bow and arrow or other similar device.

"table" means a table set out in Division 11.

"tidal lands" means any area of land that is covered from time to time by tidal waters, and that is above the lowest astronomical tide level.

"tidal waters" means any area of waters of the sea or subject to tidal influence.

Division 2 – Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

From point 1A on Tyagarah Beach, approximately 2 kilometres south of the Brunswick River southern training wall at the intersection of the mean high water mark and 28°33.376'S latitude, then due east approximately 100 metres to point 1B at 28°33.376'S, 153°33.601'E, then following the coastline generally north at 100 metres seaward from the mean high water mark to the northern boundary of the marine park at point 1C at 28°32.251'S, 153°33.538'E, then following the northern boundary of the marine park due east approximately 825 metres to point 1D at 28°32.251'S, 153°34.045'E, then generally in a south-easterly direction in a direct line of sight with the Cape Byron Lighthouse approximately 8.8 kilometres to point 1E at 28°36.337'S, 153°36.833'E, then due east approximately 7.1 kilometres to point 1F at 28°36.337'S, 153°41.207'E at the eastern boundary of the marine

park, then following the marine park boundary generally south approximately 4.7 kilometres to point 1G at $28^{\circ}38.780'S$, $153^{\circ}41.690'E$, then due west approximately 1.7 kilometres to point 1J at $28^{\circ}38.780'S$, $153^{\circ}40.683'E$, then due north approximately 885 metres to point 1K at $28^{\circ}38.313'S$, $153^{\circ}40.683'E$, then due west approximately 3.9 kilometres to point 1L at Cape Byron, in line with the Cape Byron Lighthouse, at the intersection of the mean high water mark and $28^{\circ}38.313'S$ latitude, then following the mean high water mark generally north to point 1A, as shown on map 1, but not including the Cape Byron, Little Wategos Beach, Main Beach, Belongil Beach, Tyagarah Beach or Wilsons Reef and Bait Reef habitat protection zones as described in Division 3.

The whole of the tidal waters and tidal lands to the mean high water mark of Marshalls Creek, including all its creeks, bays and tributaries, upstream of a line (being the junction of the Brunswick River and Marshalls Creek) bearing 135° from point 2A (at the intersection of the mean high water mark on the north-western bank of Marshalls Creek and $153^{\circ}32.772'E$ longitude), to the intersection of the line with the mean high water mark on the south-eastern bank of Marshalls Creek, as shown on map 2, but not including the following:

- (i) the tidal waters and tidal lands to the mean high water mark of the stretch of Marshalls Creek that is both:
 - (A) upstream of a line bearing due west from point 2B, at the intersection of the mean high water mark on the eastern bank and $28^{\circ}30.665'S$ latitude, approximately 250 metres south of the New Brighton Post Office, to the intersection of the line with the mean high water mark on the western bank, and
 - (B) downstream of a line bearing 045° from point 2C, at the intersection of the mean high water mark and $28^{\circ}30.553'S$ latitude at the western end of Casons Lane, to the intersection of the line with the mean high water mark on the eastern bank,
- (ii) the tidal waters and tidal lands to the mean high water mark of Billinudgel Creek (Capricornia Canal) upstream of a line (being the line of the upstream edge of the North Ocean Shores bridge) bearing generally north-west from point 2D, at the intersection of the mean high water mark on the southern bank and $153^{\circ}32.503'E$ longitude, to point 2E, at the intersection of the mean high water mark on the northern bank and $153^{\circ}32.496'E$ longitude,
- (iii) special purpose zone 2 (Marshalls Creek Oyster Leases), as described in Division 4.

The whole of the tidal waters and tidal lands to the mean high water mark of Simpsons Creek, including all its creeks, bays and tributaries, upstream of a line bearing due east from point 2F, at the intersection of $28^{\circ}32.967'S$ latitude and the mean high water mark on the western bank, to the intersection of the line with the mean high water mark on the eastern bank, located near the Brunswick Heads Bowling Club, as shown on map 2.

From point 4A at the northern end of Kings Beach at the intersection of the mean high water mark and $28^{\circ}42.528'S$ latitude, then due east approximately 215 metres to point 4B at $28^{\circ}42.528'S$, $153^{\circ}37.184'E$, then due north approximately 640 metres to point 4C at $28^{\circ}42.181'S$, $153^{\circ}37.184'E$ (which is approximately 200 metres north of Cocked Hat Rocks), then due east approximately 1.2 kilometres to point 4D at $28^{\circ}42.181'S$, $153^{\circ}37.923'E$, then generally south south-west approximately 2.7 kilometres to point 4E at $28^{\circ}43.621'S$, $153^{\circ}37.578'E$, then due west approximately 945 metres to point 4F, located approximately 100 metres seaward from the mean high water mark at the south-eastern extremity of Jews Point, at $28^{\circ}43.621'S$, $153^{\circ}36.997'E$, then following the shoreline generally north at 100

metres seaward from the mean high water mark to point 4G at 28°43.315'S, 153°37.177'E, then due west approximately 100 metres to point 4H located approximately 100 metres north of the easternmost rock outcrop at Snapper Rock, at the intersection of the mean high water mark and 28°43.315'S latitude, then following the mean high water mark generally north to point 4A, as shown on map 4.

From point 5A on the southern side of the Lennox Head boat channel at the intersection of the mean high water mark and 28°47.962'S latitude, then following the southern side of the boat channel generally east approximately 160 metres to point 5B at 28°47.932'S, 153°35.847'E, then generally south south-east to point 5C at the intersection of the mean high water mark and 153°35.924'E longitude then generally north, following the shoreline at the mean high water mark to point 5A, as shown on map 5 but not including special purpose zone 5 (Lennox Head).

From point 5D at the intersection of the mean high water mark and 153°36.129'E longitude, then due north approximately 100 metres to point 5E at 28°48.264'S, 153°36.129'E, then following the shoreline for approximately 500 metres generally north-west at 100 metres seaward from the mean high water mark to point 5F at 28°48.116'S, 153°35.974'E, then generally north to point 5G at 28°47.931'S, 153°35.908'E, then generally north approximately 590 metres, to point 5H at 28°47.622'S, 153°35.830'E, approximately 235 metres seaward from the mean high water mark, then due east approximately 1.3 kilometres to point 5I at 28°47.622'S, 153°36.598'E, then generally south south-west approximately 1.8 kilometres to point 5J at the intersection of the mean high water mark and 28°48.571'S latitude (being the intersection of the mean high water mark and the southern boundary of the marine park), then generally north-west following the mean high water mark to point 5D, as shown on map 5.

3 Fish cleaning

- (1) A person must not clean any fish or any fishing gear while in a sanctuary zone of the marine park except at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.
- (2) This clause does not prohibit the cleaning of fish or fishing gear while on a vessel with the consent of the relevant Ministers.

4 Vessels not to be anchored at certain sites in sanctuary zone

- (1) This clause applies despite clause 9 of this Regulation.
- (2) A person may anchor a vessel in a sanctuary zone if:
 - (a) neither the anchor nor the vessel are within 700 metres of the trigonometrical station on Julian Rocks, and
 - (b) no part of the vessel (including the vessel's anchor and anchor line) is touching a reef, and
 - (c) anchoring the vessel in such a place would not contravene any provision of this Regulation other than clause 9.
- (3) A person may anchor a vessel in a sanctuary zone if such anchoring is permitted by a permit issued under Part 3A of this Regulation to authorise the carrying out of an activity referred to in clause 23, 24 or 26 (1) (d) of this Regulation.

5 Speed restrictions

- (1) A person must not operate a vessel within 200 metres of the trigonometrical station on Julian Rocks at a speed exceeding 4 knots.
- (2) It is a defence to a prosecution for an offence in respect of a contravention of subclause (1) if the person charged satisfies the court that the operation of the vessel at the speed the vessel was used at was in an emergency and was necessary to protect life or property.
- (3) This clause does not apply to an officer or employee of a regulatory authority operating a vessel in the course of the regulatory authority's business.

Division 3 – Habitat protection zones

6 Description of habitat protection zones

The habitat protection zones of the marine park are comprised of the following areas:

The whole of the tidal waters and tidal lands to the mean high water mark of the Brunswick River, including its creeks, bays and tributaries, as shown on map 2, but not including:

- (i) the Marshalls Creek or Simpsons Creek sanctuary zone, as described in Division 2, or
- (ii) special purpose zone 1 (Brunswick River Boat Harbour) or 2 (Marshalls Creek Oyster Leases), as described in Division 4.

From point 2G, approximately 925 metres from the easternmost point of the Brunswick River northern training wall, on the northern boundary of the marine park at $28^{\circ}32.251^{\circ}\text{S}$, $153^{\circ}34.045^{\circ}\text{E}$, then due east approximately 3.3 kilometres to point 2H at $28^{\circ}32.251^{\circ}\text{S}$, $153^{\circ}36.104^{\circ}\text{E}$, then due south approximately 5.6 kilometres to point 2I at $28^{\circ}35.269^{\circ}\text{S}$, $153^{\circ}36.104^{\circ}\text{E}$, then generally north-west approximately 6.5 kilometres to point 2G, as shown on map 2.

From point 2J on Tyagarah Beach, approximately 2 kilometres south of the Brunswick River southern training wall at the intersection of the mean high water mark and $28^{\circ}33.376^{\circ}\text{S}$ latitude, then due east approximately 100 metres to point 2K at $28^{\circ}33.376^{\circ}\text{S}$, $153^{\circ}33.601^{\circ}\text{E}$, then following the coastline generally north at 100 metres seaward from the mean high water mark to the northern boundary of the marine park to point 2L at $28^{\circ}32.251^{\circ}\text{S}$, $153^{\circ}33.538^{\circ}\text{E}$, then due west to the easternmost point of the Brunswick River northern training wall to point 2M at the intersection of the mean high water mark and $28^{\circ}32.251^{\circ}\text{S}$ latitude, then generally south, adjoining the Brunswick River habitat protection zone (as described in this Division), and following the mean high water mark to point 2J, as shown on map 2.

From point 2N, approximately 2 kilometres north of the Grays Lane access on Tyagarah Beach, at the intersection of the mean high water mark and $28^{\circ}35.277^{\circ}\text{S}$ latitude, due east approximately 100 metres to point 2O at $28^{\circ}35.277^{\circ}\text{S}$, $153^{\circ}34.126^{\circ}\text{E}$, then generally south approximately 4.1 kilometres at 100 metres seaward from the mean high water mark to point 2P at $28^{\circ}37.209^{\circ}\text{S}$, $153^{\circ}35.298^{\circ}\text{E}$, then due west approximately 100 metres to point 2Q at the intersection of the mean high water mark and $28^{\circ}37.209^{\circ}\text{S}$ latitude, then following the mean high water mark generally north to point 2N, as shown on map 2.

From point 3A, approximately 500 metres south of Belongil Creek at the intersection of the mean high water mark and $28^{\circ}37.776^{\circ}\text{S}$ latitude, due east approximately 100 metres to point 3B at $28^{\circ}37.776^{\circ}\text{S}$, $153^{\circ}35.792^{\circ}\text{E}$, then generally south-east approximately 3 kilometres at 100 metres seaward of the mean high water mark to point 3C at $28^{\circ}38.399^{\circ}\text{S}$, $153^{\circ}37.437^{\circ}\text{E}$, then due south approximately 100 metres to point 3D at the intersection of the mean high water mark and $153^{\circ}37.437^{\circ}\text{E}$ longitude, then following the mean high water mark generally north-west to point 3A, as shown on map 3.

From point 3E on the western rocky shore of Little Wategos Beach, at the intersection of the mean high water mark and $153^{\circ}38.180^{\circ}\text{E}$ longitude, then due north approximately 100 metres to point 3F at $28^{\circ}37.999^{\circ}\text{S}$, $153^{\circ}38.180^{\circ}\text{E}$, then generally east and then generally south around Cape Byron at 100 metres seaward from the mean high water mark for approximately 830 metres to point 3G at $28^{\circ}38.179^{\circ}\text{S}$, $153^{\circ}38.348^{\circ}\text{E}$, then due west approximately 100 metres to the easternmost point of Cape Byron to point 3H at the intersection of the mean high water mark and $28^{\circ}38.179^{\circ}\text{S}$ latitude, then generally north and then generally west along the mean high water mark to point 3E, as shown on map 3.

From point 3I at 28°37.516'S, 153°36.296'E, then due east approximately 1.3 kilometres to point 3J at 28°37.516'S, 153°37.093'E, then due south approximately 500 metres to point 3K at 28°37.783'S, 153°37.093'E, then due west approximately 1.3 kilometres to point 3L at 28°37.783'S, 153°36.296'E, then due north to point 3I, as shown on map 3.

From point 3M at 28°36.337'S, 153°36.833'E, then generally north-east for approximately 1.7 kilometres to point 3N at 28°35.900'S, 153°37.708'E, then generally south-east approximately 1.7 kilometres to point 3O at 28°36.337'S, 153°38.589'E, then due west approximately 2.9 kilometres to point 3M, as shown on map 3.

From point 1G at 28°38.780'S, 153°41.690'E, generally south approximately 1.5 kilometres following the boundary of the marine park to point 1H at 28°39.576'S, 153°41.466'E, then due west approximately 1.3 kilometres to point 1I at 28°39.576'S, 153°40.683'E, then due north approximately 1.5 kilometres to point 1J at 28°38.780'S, 153°40.683'E, then due east approximately 1.7 kilometres to point 1G, as shown on map 1.

From point 1L, in line with the Cape Byron Lighthouse, at the intersection of the mean high water mark and 28°38.313'S latitude, then due east approximately 1.1 kilometres to point 1M at 28°38.313'S, 153°38.877'E, then generally south south-west approximately 7.3 kilometres to point 1N at 28°42.181'S, 153°37.923'E, then due west approximately 1.2 kilometres to point 1O, approximately 540 metres seaward from the mean high water mark and approximately 200 metres north of Cocked Hat Rocks at 28°42.181'S, 153°37.184'E, then due south approximately 640 metres to point 1P at 28°42.528'S, 153°37.184'E then due west approximately 215 metres to the northern point of Kings Beach at point 1Q at the intersection of the mean high water mark and 28°42.528'S latitude, then following the mean high water mark generally north along Tallow Beach to point 1L, as shown on map 1.

From point 1R, approximately 100 metres north of the easternmost rock outcrop at Snapper Rock, at the intersection of the mean high water mark and 28°43.315'S latitude, then due east approximately 100 metres to point 1S at 28°43.315'S, 153°37.177'E, then following the shoreline generally south at 100 metres seaward from the mean high water mark to point 1T at 28°43.621'S, 153°36.997'E, then due east approximately 945 metres to point 1U at 28°43.621'S, 153°37.578'E, then generally south south-west approximately 7.6 kilometres to point 1V at 28°47.622'S, 153°36.598'E, then due west approximately 1.3 kilometres to point 1W at 28°47.622'S, 153°35.830'E, then generally south approximately 590 metres to point 1X at 28°47.931'S, 153°35.908'E, then generally west approximately 160 metres along the southern boundary of the Lennox Head boat channel to point 1Y at the intersection of the mean high water mark and 28°47.962'S latitude, then following the mean high water mark generally north along Seven Mile Beach to point 1R, as shown on map 1.

From point 5D at the intersection of the mean high water mark and 153°36.129'E longitude, then due north approximately 100 metres to point 5E at 28°48.264'S, 153°36.129'E, then following the shoreline for approximately 500 metres generally north-west at 100 metres seaward from the mean high water mark to point 5F at 28°48.116'S, 153°35.974'E, then generally north to point 5G at 28°47.931'S, 153°35.908'E, then due west approximately 100 metres to point 5B at 28°47.932'S, 153°35.847'E, then generally south approximately 390 metres along the eastern margin of the oceanic lagoon (the Moat) to point 5C at the intersection of the mean high water mark and 153°35.924'E longitude, then generally south-east along the mean high water mark to point 5D, as shown on map 5.

7 Taking of certain plants permitted

- (1) A person may take a plant of a species listed in table A, by hand or using a knife, a spade, a fork or a pump, for recreational purposes, in all habitat protection zones other than Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore.
- (2) A person may take a plant of a species listed in table A, by hand or using a knife, a spade, a fork or a pump, for commercial purposes, but only in the Grays Lane or Seven Mile Beach habitat protection zone.
- (3) This clause applies despite clause 11 of this Regulation. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.

8 Permitted fishing activities

Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

(1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part. Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene this clause.

(2) Subject to clause 9 of this Part, the following fishing activities are permitted in a habitat protection zone of the marine park:

(a) The taking, other than in the Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore habitat protection zone of the marine park, of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

- (i) push or scissors net (prawns),
- (ii) hoop or lift net,
- (iii) spanner crab net,
- (iv) submersible lift net (bait), but only if it is used to take fish for use as bait (and not for the purposes of sale).

(b) The taking, in the part of the Seven Mile Beach habitat protection zone between Byron Street at Lennox Head and Jews Point, of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

- (i) hauling net (general purpose),
- (ii) garfish net (hauling),
- (iii) pilchard, anchovy and bait net (hauling).

(c) The taking of fish by use of a fish trap or lobster trap in all habitat protection zones other than Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore.

(d) The taking of fish by use of an eel trap or crab trap in all habitat protection zones other than Mackerel Boulder, Wilsons Reef and Bait Reef, Lennox Head Boulder Foreshore or those parts of Marshalls Creek or Simpsons Creek that are part of the Brunswick River habitat protection zone.

(e) The taking of species listed in table B, by hand or using a knife, a spade, a fork or a pump, for recreational purposes, in all habitat protection zones other than Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore. The taking of species listed in table B, by hand or using a knife, a spade, a fork or a pump, for commercial purposes, but only in the Grays Lane or Seven Mile Beach habitat protection zone.

The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act. Part 3 of the *Fisheries Management (General) Regulation 2002* also sets out requirements in relation to the lawful use of fishing gear such as traps and nets.

9 Prohibited fishing activities

1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in the habitat protection zone unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.

2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

(1) A person must not, while in a habitat protection zone of the marine park, take or attempt to take:

(a) any fish the harming of which is prohibited under the *Fisheries Management Act 1994*, or

(b) any fish of a species not listed in table B.

(2) A person must not, while in a habitat protection zone of the marine park, take or attempt to take any species of shark or ray (Class Chondrichthyes).

(3) A person must not, while in the Wilsons Reef and Bait Reef habitat protection zone of the marine park, take or attempt to take any fish of a species not listed in table C.

(4) A person must not, while in the Mackerel Boulder habitat protection zone between 1 May and 31 December in any year (both dates inclusive), take or attempt to take fish.

(5) A person must not, while in the Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore habitat protection zone of the marine park take or attempt to take fish by the use of a net (other than by the use of a landing net and only if such use of the landing net is lawful under the *Fisheries Management Act 1994*).

(6) A person must not, while in the Mackerel Boulder, Wilsons Reef and Bait Reef or Lennox Head Boulder Foreshore habitat protection zone, take, or attempt to take, a fish by hand or using a knife, a spade, a fork or a pump.

(7) A person must not, while in any habitat protection zone in the marine park except the Grays Lane or Seven Mile Beach habitat protection zone, take, or attempt to take, a fish by hand or using a knife, a spade, a fork or a pump, for commercial purposes.

(8) A person must not, while in the Brunswick River, Tyagarah Beach (north), Belongil Beach, Main Beach and Clarkes Beach, or Lennox Head Boulder Foreshore habitat protection zone, take or attempt to take fish by use of a spear gun.

10 Aquaculture

Despite clause 13 of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park, except extensive aquaculture of shellfish.

Division 4 – Special purpose zones

11 Description of special purpose zones

The special purpose zones of the marine park are comprised of the following areas:

Lot 1, Deposited Plan 811063, being approximately 1 kilometre from the mouth of the Brunswick River, as shown on map 2.

All oyster leases within Marshalls Creek that:

(i) were the subject, immediately before the commencement of this Part, of an aquaculture permit issued under the *Fisheries Management Act 1994*, and

(ii) are bounded by the Marshall's Creek sanctuary zone,

as shown on map 2.

The whole of the tidal waters and tidal lands to the mean high water mark of Belongil Creek, including all its creeks, bays and tributaries, as shown on map 3.

The whole of the tidal waters and tidal lands to the mean high water mark of Tallow Creek, including all its creeks, bays and tributaries, as shown on map 3.

The area adjacent to and within 50 metres of the Lennox Head boardwalk, as shown on map 5, but not including The Moat/Bream Hole sanctuary zone.

12 Special purpose zones--objects

- (1) The object of special purpose zone 1 (Brunswick River Boat Harbour) is to provide for the management of port and harbour facilities and boating requirements.
- (2) The object of special purpose zone 2 (Marshalls Creek Oyster Leases) is to provide for the management of aquaculture.
- (3) The object of special purpose zones 3 (Belongil Creek) and 4 (Tallow Creek) is to provide for rehabilitation and traditional use.
- (4) The object of special purpose zone 5 (Lennox Head) is to provide for recreational fishing by disabled persons.

Clauses 18A and 18B of this Regulation create offences relating to the taking or harming of plants, animals, fish and other materials in a special purpose zone.

13 Special purpose zones--fishing

- (1) A person must not take or attempt to take fish in special purpose zone 1 (Brunswick River Boat Harbour) unless the taking of the fish, and the method used to take the fish, is permitted in the Brunswick River habitat protection zone.
- (2) A person must not take or attempt to take fish in special purpose zone 2 (Marshalls Creek Oyster Leases).
 - (2A) A person may carry out oyster aquaculture in special purpose zone 2 (Marshalls Creek Oyster Leases) in accordance with a permit issued under the *Fisheries Management Act 1994*.
- (3) A person must not take or attempt to take fish in special purpose zone 3 (Belongil Creek) or 4 (Tallow Creek).
- (4) A person must not take or attempt to take fish in special purpose zone 5 (Lennox Head) unless the person does so with the consent of the relevant Ministers and is, or is accompanying:
 - (a) a disabled person for whose use a mobility parking scheme authority has been issued under Division 2 of Part 6 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, or
 - (b) a disabled person conveyed to the zone by an organisation for whose use a mobility parking scheme authority has been issued under Division 2 of Part 6 of that Regulation, or
 - (c) any other person who is a disabled person within the meaning of that Regulation.

Clause 18B of this Regulation creates an offence of taking or attempting to take fish in contravention of the zoning plan for a marine park. However, a person may obtain the consent of the relevant Ministers to take or attempt to take fish for research, environmental protection, public health, traditional use or public safety purposes.

13A Aquaculture in Marshalls Creek Oyster Leases

Despite clause 18C of this Regulation, a person may carry out aquaculture in special purpose zone 2 (Marshalls Creek Oyster Leases) in accordance with a permit issued under the *Fisheries Management Act 1994*.

Division 5 – General use zone

14 Description of general use zones

The general use zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, a habitat protection zone or a special purpose zone.

15 Fishing permitted

- (1) A person must not take, or attempt to take, fish in the general use zone of the marine park unless the taking of the fish, and the method used to take the fish, is lawful under the

Fisheries Management Act 1994.

(2) This clause is subject to the other provisions of this Regulation. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Regulation.

Division 6 of this Part sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

Division 6 – General prohibitions

16 Aquaculture

Despite any other provision of this Regulation, intensive aquaculture is not permissible in the marine park.

17 Taking fish or plants for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish or plant for aquarium collection purposes.

(2) A person does not commit an offence in respect of a contravention of subclause (1) if:

- (a) the fish or plant the subject of the charge was taken while in the habitat protection zone or general use zone, and
- (b) the activity was not carried out for a commercial purpose, and
- (c) the activity was carried out with the consent of the relevant Ministers.

18 Setlining, droplining, drift lining, estuary mesh netting and purse seine netting

A person must not while in any part of the marine park take, or attempt to take, fish by the following activities:

- (a) use of a set line, dropline or drift line,
- (b) use of an estuary mesh net,
- (c) use of a purse seine net.

Division 7 – Species protection

19 Identification of protected species

For the purposes of clause 22A of this Regulation, any species of fish:

- (a) not listed in table B, or
 - (b) the harming of which is prohibited under the *Fisheries Management Act 1994*,
- is identified as a protected species for the purposes of the marine park.

Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

Division 8 – Domesticated animals

20 Prohibition on domesticated animals

(1) A person may bring a domesticated animal into the marine park except as provided by subclause (2).

(2) A person must not bring a domesticated animal into any tidal lands in the marine park if such lands are directly seaward of a nature reserve or national park dedicated or reserved under the *National Parks and Wildlife Act 1974*.

(3) Despite subclause (2), a person may bring a domesticated animal into any part of the marine park:

- (a) (Repealed)
- (b) if the animal remains confined to a vessel, or
- (c) if the animal is a horse and the horse is brought into the marine park with the consent of the relevant Ministers.

(4) This clause applies despite clause 22 of this Regulation. Clause 22 of this Regulation makes

it an offence to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

(5) This clause is subject to the provisions of the *Companion Animals Act 1998*. Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.

Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.

Division 9 – Use, mooring and anchoring of vessels and vehicles

Clause 27 of this Regulation makes it an offence to use, anchor or moor any vessel or motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

21 Anchoring large vessels

(1) A person must not anchor a vessel that is longer than 25 metres in the marine park between latitude 28°36.609'S (Julian Rocks) and latitude 28°38.594'S (Cape Byron), except with the consent of the relevant Ministers.

(2) It is a defence to a prosecution for an offence under clause 27 of this Regulation in respect of a contravention of subclause (1) if the person charged satisfies the court that the anchoring of the vessel was in an emergency and was necessary to protect life or property.

22 Personal watercraft and hovercraft

(1) A person must not use a personal watercraft or motorised vessel that is a hovercraft in any part of the marine park.

(2) Subclause (1) does not apply to:

(a) an officer or employee of a regulatory authority using the personal watercraft or hovercraft in the course of the regulatory authority's business, or

(b) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

(3) It is a defence to a prosecution for an offence under clause 27 of this Regulation in respect of a contravention of subclause (1) if the person charged satisfies the court that the person was in an emergency and the use of the personal watercraft or hovercraft was necessary to protect life or property.

23 Areas in which use of vehicles prohibited

(1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching and retrieving vessels from designated boat-launching facilities.

(2) This clause does not apply to or in respect of the following:

(a) an authorised vehicle, a police vehicle or an emergency vehicle,

(b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) lawfully using a vehicle on a beach in connection with his or her fishing activities,

(c) a vehicle being used in an area in the marine park in respect of which the use of such a vehicle has been authorised by a council (within the meaning of the *Local Government Act 1993*),

(d) a person using a vehicle in the marine park who has been authorised by a council (within the meaning of the *Local Government Act 1993*) to use such a vehicle within the marine park.

(3) In this clause: "**authorised vehicle**" means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

(a) a regulatory authority,

(b) any other government department or public or local authority,

(c) a surf life saving club.

"**designated boat-launching facility**" means a facility in the marine park designated by the Authority or another relevant government department or public or local authority as

appropriate for boat-launching. "**emergency vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*. "**police vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

Division 10 – Maps

Map 1 provides an overview of the zoning scheme for the Cape Byron Marine Park. Maps 2-5 provide additional detail.

Division 11 – Tables

Table A--Plants that may be taken in habitat protection zones

Common name	Class/Family	Species
Sea lettuce	Family Ulvaceae	Ulva lactuca
Bait weed	Family Ulvaceae	Enteromorpha intestinalis

Table B--Fish that may be taken in habitat protection zones

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Lobster, crayfish	Family Palinuridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Prawns	Family Penaeidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Squid	Family Sepiidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Pipis	Family Donacidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Rock and beach worms	Family Onuphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Marine yabbies (nippers)	Family Callianassidae	Callianassa spp.
Mud crabs	Family Grapsidae	Scylla serrata
Blue swimmer crabs	Family Portunidae	Portunus pelagicus
Rock crabs	Family Grapsidae	All species
Spanner crabs	Family Raninidae	Ranina ranina
Oysters	Family Ostreidae	Saccostrea spp. and Crassostrea spp.
Turban shell (Googoombull)	Family Turbinadae	Turbo spp.
Abalone	Family Haliotidae	Haliotis rubra
Periwinkles	Family Trochidae	Austrocochlea spp.

Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Table C--Fish that may be taken from Wilsons Reef and Bait Reef habitat protection zone

Common name	Family	Species
Mullet	Family Mugilidae	All species
Garfish	Family Hemiramphidae	All species
Sea pike, snook	Family Sphyraenidae	All species
Hardyheads	Family Atherinidae	All species
Mackerels, wahoo, tuna	Family Scombridae	All species
Trevallies, kingfish, scad, etc	Family Carangidae	All species
Pilchards, herring, sprats etc	Family Clupeidae	All species
Cobia	Family Rachycentridae	Rachycentron canadum
Dolphinfish	Family Coryphaenidae	Coryphaena hippurus
Tailor	Family Pomatomidae	Pomatomus saltatrix

Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Part 5 – Port Stephens-Great Lakes Marine Park

The GPS coordinates used in this Part to describe the boundaries of the zones of the Port Stephens-Great Lakes Marine Park are given in degrees and decimal minutes using the Geocentric Datum of Australia 1994 (GDA 94).

Division 1 – Preliminary

1 Definitions

- (1) In this Part: "**Chart AUS 362**" means the charts published under that title by the Australian Hydrographic Service on 4 February 1992. "**extensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**hand held line**" has the same meaning as it has in clause 12 of this Regulation. "**intensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**map**" means a map set out in Division 8. "**marine park**" means the Port Stephens-Great Lakes Marine Park described in Part 2 of the Proclamation made under sections 6 and 7 of the Act and published in Gazette No 147 on 1 December 2005 at page 9851 (as varied by the Proclamation made under section 9 of the Act and published in Gazette No 63 on 12 May 2006 at page 3016). "**oyster depuration**" means the extraction of seawater from the waters of the marine park, the discharge of seawater into the waters of the marine park and the conveyance of seawater across tidal waters or tidal lands of the marine park by way of depuration lines for the purposes of depuration of oysters. "**regulatory authority**" means each of the following:
- (a) the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park,
 - (b) the Department of Primary Industries,
 - (c) the Department of Environment and Conservation,
 - (d) the Department of Planning,
 - (e) the NSW Police Force,
 - (f) the Maritime Authority of NSW,

(g) the Department of Lands.

"**spear gun**" includes a spear, bow and arrow or other similar device. "**table**" means a table set out in Division 9. "**tidal lands**" means any area of land that is covered from time to time by tidal waters, and that is above the lowest astronomical tide level. "**tidal waters**" means any area of waters of the sea or subject to tidal influence.

(2) In this Part, a reference to a net, line or trap that is also referred to in the *Fisheries Management (General) Regulation 2002* is a reference to that net, line or trap within the meaning of that Regulation.

2 General defence of emergency

It is a defence to a prosecution for an offence in respect of a contravention of this Part if the person charged satisfies the court that the conduct constituting the offence was carried out in an emergency and was necessary to protect life or property.

Division 2 – Sanctuary zones

3 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

An area bounded as follows:

- (a) commencing on Cape Hawke at the point (point 2a) on the mean high water mark nearest to $32^{\circ}12.991^{\circ}\text{S}$, $152^{\circ}34.257^{\circ}\text{E}$,
- (b) then due east approximately 500 metres to $32^{\circ}12.991^{\circ}\text{S}$, $152^{\circ}34.533^{\circ}\text{E}$ (point 2b),
- (c) then generally north-west to $32^{\circ}12.516^{\circ}\text{S}$, $152^{\circ}34.280^{\circ}\text{E}$ (point 2c),
- (d) then due east to the intersection of latitude $32^{\circ}12.516^{\circ}\text{S}$ with the eastern boundary of the marine park (point 2d), at or about $32^{\circ}12.516^{\circ}\text{S}$, $152^{\circ}37.763^{\circ}\text{E}$,
- (e) then generally south, along the boundary of the marine park, to $32^{\circ}15.180^{\circ}\text{S}$, $152^{\circ}37.116^{\circ}\text{E}$ (point 2e),
- (f) then generally north-west to Cape Hawke at the point (point 2f) on the mean high water mark nearest to $32^{\circ}13.742^{\circ}\text{S}$, $152^{\circ}34.005^{\circ}\text{E}$,
- (g) then generally north along the mean high water mark to the point of commencement,

as shown on map 2.

An area bounded as follows:

- (a) commencing at the western entrance to Tarbuck Bay at the point (point 3a) on the mean high water mark nearest to $32^{\circ}22.399^{\circ}\text{S}$, $152^{\circ}28.508^{\circ}\text{E}$,
- (b) then due east to Little Island at the point (point 3b) on the mean high water mark nearest to $32^{\circ}22.399^{\circ}\text{S}$, $152^{\circ}28.813^{\circ}\text{E}$,
- (c) then generally south and south-east, along the mean high water mark of the south-western shore of Little Island, to the southern tip of Little Island at the point (point 3c) on the mean high water mark nearest to $32^{\circ}22.672^{\circ}\text{S}$, $152^{\circ}29.035^{\circ}\text{E}$,
- (d) then generally south-west to Horse Point at the point (point 3d) on the mean high water mark nearest to $32^{\circ}23.643^{\circ}\text{S}$, $152^{\circ}28.750^{\circ}\text{E}$,
- (e) then generally south-west to the point on the mean high water mark nearest to $32^{\circ}23.975^{\circ}\text{S}$, $152^{\circ}28.453^{\circ}\text{E}$ (point 3e),
- (f) then generally west, north and east, along the mean high water mark, to the point of commencement,

as shown on map 3.

An area bounded as follows:

- (a) commencing on the coast south of Sandbar at the point (point 4a) on the mean high water mark nearest to $32^{\circ}24.124^{\circ}\text{S}$, $152^{\circ}31.163^{\circ}\text{E}$,

- (b) then due east to $32^{\circ}24.124'S$, $152^{\circ}31.422'E$ (point 4b),
- (c) then due south to $32^{\circ}25.343'S$, $152^{\circ}31.422'E$ (point 4c),
- (d) then due west to the point (point 4d) on the mean high water mark nearest to $32^{\circ}25.343'S$, $152^{\circ}31.107'E$,
- (e) then generally north along the mean high water mark to the point of commencement,

as shown on map 4.

An area bounded as follows:

- (a) commencing approximately 500 metres due east of Sugarloaf Point, at $32^{\circ}26.477'S$, $152^{\circ}32.696'E$ (point 5a),
- (b) then due east to the point (point 5b) on the marine park boundary nearest to $32^{\circ}26.477'S$, $152^{\circ}36.419'E$,
- (c) then generally south and south-west, along the marine park boundary, to the intersection of longitude $152^{\circ}31.239'E$ with the eastern boundary of the marine park (point 5c), at or about $32^{\circ}31.155'S$, $152^{\circ}31.239'E$,
- (d) then due north to $32^{\circ}27.566'S$, $152^{\circ}31.239'E$ (point 5d), approximately 500 metres south of Treachery Head,
- (e) then generally north-east to $32^{\circ}26.923'S$, $152^{\circ}32.696'E$ (point 5e), approximately 200 metres generally south-east of Seagull Island,
- (f) then due north to the point of commencement,

as shown on map 5.

An area bounded as follows:

- (a) commencing on Fiona Beach at the point (point 6a) on the mean high water mark nearest to $32^{\circ}27.492'S$, $152^{\circ}29.415'E$,
- (b) then due south to $32^{\circ}27.773'S$, $152^{\circ}29.415'E$ (point 6b),
- (c) then generally south-west to $32^{\circ}29.488'S$, $152^{\circ}24.721'E$ (point 6c),
- (d) then generally north-west to the point (point 6d) on the mean low water mark nearest to $32^{\circ}29.292'S$, $152^{\circ}24.563'E$,
- (e) then generally north-east along the mean low water mark to the point (point 6e) on the mean low water mark nearest to $32^{\circ}27.753'S$, $152^{\circ}28.501'E$,
- (f) then due north to the point (point 6f) on the mean high water mark nearest to $32^{\circ}27.739'S$, $152^{\circ}28.501'E$,
- (g) then along the mean high water mark to the point of commencement,

as shown on map 6.

An area bounded as follows:

- (a) commencing on the eastern side of Corrigans Bay at the point (point 7a) on the mean high water mark nearest to $32^{\circ}24.111'S$, $152^{\circ}26.799'E$,
- (b) then generally west to the eastern side of Corrigans Head at the point (point 7b) on the mean high water mark nearest to $32^{\circ}24.235'S$, $152^{\circ}25.285'E$,
- (c) then generally north-west, east and south-east along the mean high water mark to the point of commencement,

as shown on map 7.

An area bounded as follows:

- (a) commencing at Reedy Point at the point (point 7c) on the mean high water mark nearest to $32^{\circ}25.723'S$, $152^{\circ}26.770'E$,
- (b) then generally south-west and north-west along the mean high water mark of Kataway Bay to the point (point 7d) on the mean high water mark nearest to $32^{\circ}26.162'S$, $152^{\circ}24.792'E$,
- (c) then generally north-east to the point of commencement,

as shown on map 7.

An area bounded as follows:

- (a) commencing on Boulders Point at the point (point 7e) on the mean high water

mark nearest to $32^{\circ}24.722^{\circ}\text{S}$, $152^{\circ}22.778^{\circ}\text{E}$,

(b) then generally south-west to, adjacent to McGraths Bay, the point (point 7f) on the mean high water mark nearest to $32^{\circ}25.879^{\circ}\text{S}$, $152^{\circ}20.317^{\circ}\text{E}$,

(c) then generally north, east and south along the mean high water mark to the point of commencement,

as shown on map 7.

An area bounded as follows:

(a) commencing adjacent to Violet Hill Campground at the point (point 8a) on the mean high water mark nearest to $32^{\circ}28.335^{\circ}\text{S}$, $152^{\circ}19.353^{\circ}\text{E}$,

(b) then generally south-east, across Violet Hill Passage, to the point (point 8b) on the mean high water mark nearest to $32^{\circ}28.492^{\circ}\text{S}$, $152^{\circ}19.623^{\circ}\text{E}$ on the opposite shore,

(c) then along the mean high water mark of the southern shore of Boolambayte Lake to the point (point 8c) on the mean high water mark nearest to $32^{\circ}26.586^{\circ}\text{S}$, $152^{\circ}17.427^{\circ}\text{E}$,

(d) then due west to, adjacent to the northern side of Korsemans Landing jetty, the point (point 8d) on the mean high water mark nearest to $32^{\circ}28.586^{\circ}\text{S}$, $152^{\circ}17.164^{\circ}\text{E}$,

(e) then generally north and east along the mean high water mark of Boolambayte Lake, including the tidal waters and tidal lands to the mean high water mark of Boolambayte Creek and its creeks, bays and tributaries, to the point of commencement,

as shown on map 8.

An area bounded as follows:

(a) commencing on the western shore of Bombah Point at the point (point 9a) on the mean high water mark nearest to $32^{\circ}30.487^{\circ}\text{S}$, $152^{\circ}18.302^{\circ}\text{E}$,

(b) then due east to port navigation marker No 431 (point 9b) at or about $32^{\circ}30.487^{\circ}\text{S}$, $152^{\circ}18.447^{\circ}\text{E}$,

(c) then generally south-west to the port navigation marker No 428 (point 9c) at or about $32^{\circ}31.189^{\circ}\text{S}$, $152^{\circ}18.015^{\circ}\text{E}$,

(d) then generally south-west to port navigation marker No 426 (point 9d) at or about $32^{\circ}31.608^{\circ}\text{S}$, $152^{\circ}17.686^{\circ}\text{E}$,

(e) then generally south-west to port navigation marker No 422 (point 9e) at or about $32^{\circ}31.962^{\circ}\text{S}$, $152^{\circ}17.406^{\circ}\text{E}$,

(f) then generally west to port navigation marker No 420 (point 9f) at or about $32^{\circ}32.081^{\circ}\text{S}$, $152^{\circ}16.937^{\circ}\text{E}$,

(g) then generally west to isolated danger mark No 419 (point 9g) at or about $32^{\circ}32.102^{\circ}\text{S}$, $152^{\circ}16.812^{\circ}\text{E}$,

(h) then generally west to starboard navigation marker No 418 (point 9h) at or about $32^{\circ}32.106^{\circ}\text{S}$, $152^{\circ}16.706^{\circ}\text{E}$,

(i) then generally west to starboard navigation marker No 417 (point 9i) at or about $32^{\circ}32.062^{\circ}\text{S}$, $152^{\circ}16.431^{\circ}\text{E}$,

(j) then generally west to starboard navigation marker No 416 (point 9j) at or about $32^{\circ}31.912^{\circ}\text{S}$, $152^{\circ}16.054^{\circ}\text{E}$,

(k) then generally west to starboard navigation marker No 457 (point 9k) at or about $32^{\circ}31.735^{\circ}\text{S}$, $152^{\circ}15.350^{\circ}\text{E}$,

(l) then generally north-west to the southern end of Bulahdelah Point at the point (point 9l) on the mean high water mark nearest to $32^{\circ}31.473^{\circ}\text{S}$, $152^{\circ}15.207^{\circ}\text{E}$,

(m) then generally east along the mean high water mark to the point of commencement,

as shown on map 9.

An area bounded as follows:

- (a) commencing on the northern shore of Broughton Island at the point (point 10a) on the mean high water mark nearest to $32^{\circ}36.909'S$, $152^{\circ}19.421'E$,
- (b) then generally north-east to $32^{\circ}36.045'S$, $152^{\circ}20.292'E$ (point 10b),
- (c) then generally east to $32^{\circ}36.000'S$, $152^{\circ}20.962'E$ (point 10c),
- (d) then due south to $32^{\circ}37.502'S$, $152^{\circ}20.962'E$ (point 10d),
- (e) then generally south to $32^{\circ}37.800'S$, $152^{\circ}20.917'E$ (point 10e),
- (f) then generally south-west to $32^{\circ}38.148'S$, $152^{\circ}20.614'E$ (point 10f),
- (g) then generally south-west to $32^{\circ}38.500'S$, $152^{\circ}19.896'E$ (point 10g),
- (h) then generally north-west to $32^{\circ}37.854'S$, $152^{\circ}18.847'E$ (point 10h),
- (i) then due north to Broughton Island at the point (point 10i) on the mean high water mark nearest to $32^{\circ}37.453'S$, $152^{\circ}18.847'E$,
- (j) then generally east, north, east and south-east along the mean high water mark of Broughton Island to $32^{\circ}37.677'S$, $152^{\circ}19.151'E$ (point 10j),
- (k) then generally north-east to $32^{\circ}37.525'S$, $152^{\circ}20.151'E$ (point 10k), off Little Broughton Island,
- (l) then generally north-west to Little Broughton Island at the point on the mean high water mark nearest to $32^{\circ}37.490'S$, $152^{\circ}20.131'E$ (point 10l),
- (m) then generally east, north and west, along the mean high water mark of the eastern side of Little Broughton Island, to the point on the mean high water mark nearest to $32^{\circ}37.138'S$, $152^{\circ}19.846'E$ (point 10m),
- (n) then generally north-west to Broughton Island at the point (point 10n) on the mean high water mark nearest to $32^{\circ}37.047'S$, $152^{\circ}19.718'E$,
- (o) then generally north-west, along the mean high water mark of Broughton Island, to the point of commencement,

as shown on map 10.

An area bounded as follows:

- (a) commencing on the northern end of Cabbage Tree Island at the point on the mean high water mark (point 11a) nearest to $32^{\circ}41.036'S$, $152^{\circ}13.404'E$,
- (b) then due north approximately 500 metres to $32^{\circ}40.761'S$, $152^{\circ}13.404'E$ (point 11b),
- (c) then due east approximately 1 kilometre to $32^{\circ}40.761'S$, $152^{\circ}14.031'E$ (point 11c),
- (d) then due south to $32^{\circ}42.082'S$, $152^{\circ}14.031'E$ (point 11d),
- (e) then due east to Yacaaba Head at the point (point 11e) on the mean high water mark nearest to $32^{\circ}42.082'S$, $152^{\circ}12.295'E$,
- (f) then generally north-east and north-west, along the mean high water mark of Yacaaba Head, to the point (point 11f) on the mean high water mark nearest to $32^{\circ}41.646'S$, $152^{\circ}12.233'E$,
- (g) then due north approximately 200 metres to $32^{\circ}41.543'S$, $152^{\circ}12.233'E$ (point 11g),
- (h) then due east to the southern end of Cabbage Tree Island at the point (point 11h) on the mean high water mark nearest to $32^{\circ}41.543'S$, $152^{\circ}13.455'E$,
- (i) then generally east, north and north-west, along the mean high water mark of the eastern side of Cabbage Tree Island, to the point of commencement,

as shown on map 11.

An area bounded as follows:

- (a) commencing on Zenith Beach at the point (point 12a) on the mean high water mark nearest to $32^{\circ}43.121'S$, $152^{\circ}11.129'E$,
- (b) then generally south-east to $32^{\circ}43.192'S$, $152^{\circ}11.296'E$ (point 12b),
- (c) then generally south-west to the southern headland of Wreck Beach at the point (point 12c) on the mean high water mark nearest to $32^{\circ}43.636'S$,

152°11.075'E,

(d) then generally north along the mean high water mark to the point of commencement,

as shown on map 12.

An area bounded as follows:

(a) commencing on Fingal Island at the point (point 13a) on the mean high water mark nearest to 32°44.932'S, 152°12.122'E,

(b) then due south to the point (point 13b) on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to 32°45.666'S, 152°12.122'E,

(c) then generally south-west, along the 40 metre depth contour line, to the point on the 40 metre depth contour line nearest to 32°46.087'S, 152°11.097'E (point 13c),

(d) then due north to Fingal Island at the point on the mean high water mark nearest to 32°44.977'S, 152°11.097'E (point 13d),

(e) then generally east and north-east along the mean high water mark of Fingal Island to the point of commencement,

as shown on map 13.

An area bounded as follows:

(a) commencing at 32°40.810'S, 152°09.919'E (point 14a),

(b) then due south to 32°41.130'S, 152°09.919'E (point 14b),

(c) then due west to 32°41.130'S, 152°09.554'E (point 14c),

(d) then due north to 32°40.915'S, 152°09.554'E (point 14d),

(e) then generally north-east to the point of commencement,

as shown on map 14.

An area bounded as follows:

(a) commencing on the western side of Fly Point at the point (point 15a) on the mean high water mark nearest to 32°42.892'S, 152°09.052'E,

(b) then generally north-west to starboard navigation marker No 007 (point 15b) at or about 32°42.652'S, 152°08.719'E,

(c) then generally north-west to starboard navigation marker No 008 (point 15c) at or about 32°42.516'S, 152°08.351'E,

(d) then generally north-west to starboard navigation marker No 014 (point 15d) at or about 32°42.377'S, 152°07.963'E,

(e) then generally north-west to starboard navigation marker No 015 (point 15e) at or about 32°42.273'S, 152°07.556'E,

(f) then generally north to starboard navigation marker No 064 (point 15f) at or about 32°41.736'S, 152°07.374'E,

(g) then generally north to starboard navigation marker No 062 (point 15g) at or about 32°41.143'S, 152°07.203'E,

(h) then generally north to starboard navigation marker No 063 (point 15h) at or about 32°40.530'S, 152°07.430'E,

(i) then generally north-east to starboard navigation marker No 065 (point 15i) at or about 32°40.346'S, 152°07.859'E,

(j) then generally east to starboard navigation marker No 69 (point 15j) at or about 32°40.259'S, 152°08.102'E,

(k) then generally east to starboard navigation marker No 201 (point 15k) at or about 32°40.237'S, 152°08.318'E,

(l) then generally east to starboard navigation marker No 202 (point 15l) at or about 32°40.224'S, 152°08.429'E,

(m) then generally east to starboard navigation marker No 203 (point 15m) at or about 32°40.243'S, 152°08.535'E,

(n) then generally south-east to starboard navigation marker No 204 (point 15n) at

or about $32^{\circ}40.287^{\circ}\text{S}$, $152^{\circ}08.760^{\circ}\text{E}$,

(o) then generally south-east to starboard navigation marker No 205 (point 15o) at or about $32^{\circ}40.319^{\circ}\text{S}$, $152^{\circ}08.893^{\circ}\text{E}$,

(p) then due south to the north-eastern end of Corrie Island at the point (point 15p) on the mean high water mark nearest to $32^{\circ}40.326^{\circ}\text{S}$, $152^{\circ}08.893^{\circ}\text{E}$,

(q) then generally south-east and south, along the mean high water mark of the eastern shore of Corrie Island, to the point (point 15q) on the mean high water mark nearest to $32^{\circ}40.570^{\circ}\text{S}$, $152^{\circ}08.719^{\circ}\text{E}$,

(r) then generally south-west to $32^{\circ}40.625^{\circ}\text{S}$, $152^{\circ}08.644^{\circ}\text{E}$ (point 15r),

(s) then generally south-west to $32^{\circ}40.953^{\circ}\text{S}$, $152^{\circ}08.406^{\circ}\text{E}$ (point 15s),

(t) then generally south-west to $32^{\circ}41.082^{\circ}\text{S}$, $152^{\circ}08.297^{\circ}\text{E}$ (point 15t),

(u) then generally south-east to cardinal mark No 005 (point 15u) at or about $32^{\circ}42.199^{\circ}\text{S}$, $152^{\circ}09.454^{\circ}\text{E}$,

(v) then generally south-east to Nelson Head at the point (point 15v) on the mean high water mark nearest to $32^{\circ}42.582^{\circ}\text{S}$, $152^{\circ}09.702^{\circ}\text{E}$,

(w) then generally south-west, along the mean high water mark, to the point of commencement,

as shown on map 15, but not including the Little Beach habitat protection zone, the Fly Point Cove special purpose zone or the Little Beach special purpose zone as described in Division 3 or 4.

An area bounded as follows:

(a) commencing on Salamander Bay at the point (point 16a) on the mean high water mark nearest to $32^{\circ}43.635^{\circ}\text{S}$, $152^{\circ}06.092^{\circ}\text{E}$,

(b) then generally west, along the mean high water mark, to the point (point 16b) on the mean high water mark nearest to $32^{\circ}43.654^{\circ}\text{S}$, $152^{\circ}05.338^{\circ}\text{E}$,

(c) then generally north-east to $32^{\circ}43.547^{\circ}\text{S}$, $152^{\circ}05.655^{\circ}\text{E}$ (point 16c),

(d) then due east to $32^{\circ}43.547^{\circ}\text{S}$, $152^{\circ}05.955^{\circ}\text{E}$ (point 16d),

(e) then generally south-east to the point of commencement,

as shown on map 16.

An area bounded as follows:

(a) commencing on the northernmost tip of Mud Point at the point (point 17a) on the mean high water mark nearest to $32^{\circ}42.969^{\circ}\text{S}$, $152^{\circ}03.528^{\circ}\text{E}$,

(b) then due east to the eastern bank of Cromartys Bay at the point on the mean high water mark nearest to $32^{\circ}42.969^{\circ}\text{S}$, $152^{\circ}03.913^{\circ}\text{E}$ (point 17b),

(c) then generally south, west and north, along the mean high water mark of Cromartys Bay, to the point of commencement (including along the mean high water mark of all intervening creeks, bays and tributaries),

as shown on map 17.

An area bounded as follows:

the tidal waters and tidal lands to the mean high water mark of Wallis Creek and its creeks, bays and tributaries and Fenninghams Island Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point (point 18a) on the mean high water mark nearest to $32^{\circ}44.457^{\circ}\text{S}$, $152^{\circ}03.458^{\circ}\text{E}$ on Taylors Beach, and

(b) the point (point 18b) on the mean high water mark nearest to $32^{\circ}44.600^{\circ}\text{S}$, $152^{\circ}03.133^{\circ}\text{E}$ on the northern end of Fenninghams Island,

as shown on map 18, but not including the Port Stephens Fisheries Centre special purpose zone as described in Division 4.

An area bounded as follows:

(a) commencing west of Mallabula Point at the point (point 19a) on the mean high water mark nearest to $32^{\circ}43.289^{\circ}\text{S}$, $152^{\circ}01.013^{\circ}\text{E}$,

- (b) then generally north-east to the navigation marker (also used as a sailing turn buoy) at or about $32^{\circ}43.059'S$, $152^{\circ}01.120'E$ (point 19b),
- (c) then due east to $32^{\circ}43.059'S$, $152^{\circ}01.766'E$ (point 19c),
- (d) then due south to the point (point 19d) on the mean high water mark nearest to $32^{\circ}43.391'S$, $152^{\circ}01.766'E$,
- (e) then generally west along the mean high water mark to the point of commencement,

as shown on map 19.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Twelve Mile Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point (point 20a) on the mean high water mark nearest to $32^{\circ}44.218'S$, $151^{\circ}56.337'E$ on the eastern shoreline, and
- (b) the point (point 20b) on the mean high water mark nearest to $32^{\circ}44.205'S$, $151^{\circ}56.220'E$ on the western shoreline,

as shown on map 20 but not including the area removed from the marine park by the Proclamation made under section 9 of the Act and published in Gazette No 63 on 12 May 2006 at page 3016.

An area bounded as follows:

- (a) commencing on the western shore of the Karuah River, north of Swan Island, at the point (point 21a) on the mean high water mark nearest to $32^{\circ}40.049'S$, $151^{\circ}57.981'E$,
- (b) then due east to the northern end of Swan Island at the point (point 21b) on the mean high water mark nearest to $32^{\circ}40.049'S$, $151^{\circ}58.196'E$,
- (c) then generally south-west, along the mean high water mark of the western shore of Swan Island, to the southern end of Swan Island at the point (point 21c) on the mean high water mark nearest to $32^{\circ}40.815'S$, $151^{\circ}58.489'E$,
- (d) then generally south-east to port navigation marker No 038 (point 21d) at or about $32^{\circ}41.416'S$, $152^{\circ}59.383'E$,
- (e) then generally south-east to the northern end of Snapper Island at the point (point 21e) on the mean high water mark nearest to $32^{\circ}42.000'S$, $151^{\circ}59.855'E$,
- (f) then generally south and south-east, along the mean high water mark along the western shore of Snapper Island, to the southern end of Snapper Island at the point on the mean high water mark nearest to $32^{\circ}42.345'S$, $152^{\circ}00.202'E$ (point 21f),
- (g) then generally south to starboard navigation marker No 121 (point 21g) at or about $32^{\circ}42.488'S$, $152^{\circ}00.179'E$,
- (h) then generally west to starboard navigation marker No 151 (point 21h) at or about $32^{\circ}42.552'S$, $151^{\circ}59.705'E$,
- (i) then generally west to the southern tip of Orobillah Island at the point (point 21i) on the mean high water mark nearest to $32^{\circ}42.530'S$, $151^{\circ}58.862'E$,
- (j) then generally south-west to Cockle Shell Point at the point (point 21j) on the mean high water mark nearest to $32^{\circ}41.888'S$, $151^{\circ}58.156'E$,
- (k) then generally north, east, north, west, north and north-east, along the mean high water mark, to the point of commencement (including along the mean high water mark of all intervening creeks, bays and tributaries),

but not including the Evens Point habitat protection zone as described in Division 3. The Evens Point habitat protection zone is not shown on map 21.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the

Karuah River and its creeks, bays and tributaries upstream of the line between:

- (a) the point (point 22a) on the mean high water mark nearest to $32^{\circ}31.804^{\circ}\text{S}$, $151^{\circ}58.257^{\circ}\text{E}$ on the eastern bank, and
- (b) the point (point 22b) on the mean high water mark nearest to $32^{\circ}31.804^{\circ}\text{S}$, $151^{\circ}58.127^{\circ}\text{E}$ on the western bank,

as shown on map 22.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Little Branch Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point (point 23a) on the mean high water mark nearest to $32^{\circ}34.850^{\circ}\text{S}$, $151^{\circ}59.723^{\circ}\text{E}$ on the northern bank, and
- (b) the point (point 23b) on the mean high water mark nearest to $32^{\circ}34.881^{\circ}\text{S}$, $151^{\circ}59.673^{\circ}\text{E}$ on the southern bank,

as shown on map 23.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Yalimbah Creek (also known as Number One Cove) and its creeks, bays and tributaries, upstream of the line between:

- (a) the point (point 24a) on the mean high water mark nearest to $32^{\circ}39.828^{\circ}\text{S}$, $151^{\circ}59.403^{\circ}\text{E}$ on the eastern bank, and
- (b) the point (point 24b) on the mean high water mark nearest to $32^{\circ}39.767^{\circ}\text{S}$, $151^{\circ}59.169^{\circ}\text{E}$ on the western bank,

as shown on map 24.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of North Arm Cove and its creeks, bays and tributaries, upstream of the line between:

- (a) the point (point 25a) on the mean high water mark nearest to $32^{\circ}39.555^{\circ}\text{S}$, $152^{\circ}03.617^{\circ}\text{E}$ on the eastern bank, and
- (b) the point (point 25b) on the mean high water mark nearest to $32^{\circ}39.216^{\circ}\text{S}$, $152^{\circ}03.002^{\circ}\text{E}$ on the western bank,

as shown on map 25.

An area bounded as follows:

- (a) commencing on the western end of Piggys Beach at the point (point 26a) on the mean high water mark nearest to $32^{\circ}41.348^{\circ}\text{S}$, $152^{\circ}04.327^{\circ}\text{E}$,
- (b) then generally east, along the mean high water mark, to the point (point 26b) on the mean high water mark nearest to $32^{\circ}41.252^{\circ}\text{S}$, $152^{\circ}04.970^{\circ}\text{E}$,
- (c) then due south to starboard navigation marker No 129 (point 26c) at or about $32^{\circ}41.421^{\circ}\text{S}$, $152^{\circ}04.970^{\circ}\text{E}$,
- (d) then due south to $32^{\circ}41.682^{\circ}\text{S}$, $152^{\circ}04.970^{\circ}\text{E}$ (point 26d),
- (e) then due west to $32^{\circ}41.682^{\circ}\text{S}$, $152^{\circ}04.327^{\circ}\text{E}$ (point 26e),
- (f) then due north to the point of commencement,

as shown on map 26.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of that much of Fame Cove and its creeks, bays and tributaries (including Nanabah Creek) upstream of the line between:

- (a) the point (point 27a) on the mean high water mark nearest to $32^{\circ}41.033^{\circ}\text{S}$, $152^{\circ}03.967^{\circ}\text{E}$ on the eastern shore of Fame Cove, and
- (b) port navigation marker No 054 (point 27b) at or about $32^{\circ}41.033^{\circ}\text{S}$, $152^{\circ}03.833^{\circ}\text{E}$, and
- (c) the point (point 27c) on the mean high water mark nearest to

32°40.980'S, 152°03.787'E on the western shore of Fame Cove, as shown on map 27.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Myall River and its creeks, bays and tributaries, that are both:

(a) downstream of the line between:

(i) the point (point 28a) on the mean high water mark nearest to 32°37.050'S, 152°11.777'E on the southern bank, and

(ii) the point (point 28b) on the mean high water mark nearest to 32°37.014'S, 152°11.777'E on the northern bank, and

(b) upstream of the line between:

(i) the point (point 28c) on the mean high water mark nearest to 32°38.221'S, 152°10.217'E on the southern bank, and

(ii) the point (point 28d) on the mean high water mark nearest to 32°38.179'S, 152°10.217'E on the northern bank,

as shown on map 28 but not including the Myall River Camp habitat protection zone described in Division 3.

4 Oyster depuration

(1) Despite clause 7 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a sanctuary zone of the marine park if the oyster depuration is carried out in a designated area and in accordance with the *Food Act 2003*.

(2) For the purposes of this clause, a "**designated area**" means any tidal waters and tidal lands of a sanctuary zone of the marine park on which, immediately before the commencement of this Part, depuration lines were being used for oyster depuration by the holder of a licence under the *Food Act 2003* that authorised the operation of a depuration plant.

5 Fish cleaning

(1) Despite clauses 7 and 19 of this Regulation, a person may clean fish or fishing gear while in a sanctuary zone of the marine park at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.

(2) Despite clauses 7 and 19 of this Regulation, a person may clean a fishing net in a sanctuary zone of the marine park while:

(a) the net is being transported to or from any place where the net could lawfully be used for commercial fishing, and

(b) the cod-end of the net is open, and

(c) none of the otter boards of the net are in the water.

6 Sanctuary zone speed restrictions

(1) A person must not operate a vessel within a speed restricted area at a speed exceeding 4 knots.

(2) For the purposes of this clause, each of the following areas is a "**speed restricted area**":

(a) the Jimmys Beach sanctuary zone,

(b) the area within the Fly Point--Corrie Island sanctuary zone bounded as follows:

(i) commencing at starboard navigation marker No 064 (point 15f as shown on map 15) at or about 32°41.736'S, 152°07.374'E,

(ii) then due east to the point on the eastern boundary of the sanctuary zone nearest to 32°41.736'S, 152°08.978'E,

(iii) then generally south-east to cardinal mark No 005 (point 15u as shown on map 15) at or about 32°42.199'S, 152°09.454'E,

(iv) then generally west to starboard navigation marker No 015 (point 15e

as shown on map 15) at or about $32^{\circ}42.273'S$, $152^{\circ}07.556'E$,

(v) then generally north to the point of commencement.

(3) This clause does not apply to an officer or employee of a regulatory authority operating a vessel in the course of the regulatory authority's business.

7 Permissible uses

(1) Without limiting clause 6 of this Regulation, a further object of a sanctuary zone in the marine park is, where consistent with clause 6 (a) of this Regulation, to allow any activity to be carried out in the zone if it is a permissible use with respect to the sanctuary zone.

(2) For the purposes of this clause, each of the following activities is a "**permissible use**" with respect to each of the sanctuary zones in the marine park:

(a) an activity that is necessary for the purposes of replacing a work used before the commencement of this Part with a work that has the same or less environmental impact and that is capable of safe and ecologically sustainable use,

(b) an activity that is necessary for the purposes of maintaining a work used before the commencement of this Part in a state that enables safe and ecologically sustainable use of the work.

(3) Despite clause 7 of this Regulation, the consent of the relevant Ministers may be given for an activity that would otherwise contravene that clause if that activity is a permissible use with respect to the sanctuary zone.

(4) In this clause: "**work**" includes a jetty, wharf, pontoon, groyne, retaining wall, boat ramp, mooring, aquaculture facility, boardwalk, navigation marker, regulatory authority sign and stormwater drain.

Division 3 – Habitat protection zones

8 Description of habitat protection zones

The habitat protection zones of the marine park are comprised of the following areas:

An area bounded as follows:

(a) commencing at the southern end of One Mile Beach at the intersection of the coastal mean high water mark and the segment of the marine park boundary that follows latitude $32^{\circ}11.793'S$,

(b) then due east, along the northern boundary of the marine park, to the intersection of the northern boundary with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to the point on the marine park boundary nearest to $32^{\circ}15.830'S$, $152^{\circ}36.574'E$,

(d) then generally north-west to the point on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to $32^{\circ}14.772'S$, $152^{\circ}34.300'E$,

(e) then generally south-west, along the 40 metre depth contour line, as shown on Chart AUS 362, to, due south of the northern end of Stockton Beach, the intersection of the contour line with the boundary of the marine park,

(f) then due north, along the segment of the marine park boundary that follows longitude $152^{\circ}04.417'E$, to the northern end of Stockton Beach at the intersection of that segment of the boundary with the coastal mean high water mark,

(g) then generally east and north-east along the coastal mean high water mark to the point on the mean high water mark of Tomaree Head nearest to $32^{\circ}42.669'S$, $152^{\circ}11.151'E$,

(h) then generally north-east to the point on the mean high water mark of Yacaaba Head nearest to $32^{\circ}41.995'S$, $152^{\circ}11.435'E$,

(i) then generally north-east along the coastal mean high water mark to the point of commencement,

as shown on map 1, but not including any sanctuary zone or special purpose zone of the marine park as described in Division 2 or 4 and not including the Smiths Lake, Sawtooth, Edith Breakers, Fiona Beach, Broughton Island, Open Ocean or Cabbage Tree Island habitat protection zone as described in this Division.

An area bounded as follows:

- (a) commencing at the western entrance to Tarbuck Bay at the point on the mean high water mark nearest to $32^{\circ}22.399^{\circ}\text{S}$, $152^{\circ}28.508^{\circ}\text{E}$,
- (b) then generally north, east and south, along the mean high water mark of Tarbuck Bay, to the point on the mean high water mark nearest to $32^{\circ}22.414^{\circ}\text{S}$, $152^{\circ}29.027^{\circ}\text{E}$,
- (c) then due west to Little Island at the point on the mean high water mark nearest to $32^{\circ}22.414^{\circ}\text{S}$, $152^{\circ}28.942^{\circ}\text{E}$,
- (d) then generally west, along the mean high water mark, to the point on the mean high water mark nearest to $32^{\circ}22.399^{\circ}\text{S}$, $152^{\circ}28.813^{\circ}\text{E}$,
- (e) then due west to the point of commencement.

An area bounded as follows:

- (a) commencing on the southern shore of Smiths Lake at the point on the mean high water mark nearest to $32^{\circ}23.755^{\circ}\text{S}$, $152^{\circ}30.338^{\circ}\text{E}$,
- (b) then generally north to the northern shore of Smiths Lake at the point on the mean high water mark nearest to $32^{\circ}23.407^{\circ}\text{S}$, $152^{\circ}30.370^{\circ}\text{E}$,
- (c) then generally north, east, south and west, along the mean high water mark of the closed lake, to the point of commencement.

An area bounded as follows:

- (a) commencing on Sugarloaf Point at the point on the mean high water mark nearest to $32^{\circ}26.477^{\circ}\text{S}$, $152^{\circ}32.381^{\circ}\text{E}$,
- (b) then due east, approximately 500 metres, to $32^{\circ}26.477^{\circ}\text{S}$, $152^{\circ}32.696^{\circ}\text{E}$,
- (c) then due south to $32^{\circ}26.923^{\circ}\text{S}$, $152^{\circ}32.696^{\circ}\text{E}$, approximately 200 metres generally south-east of Seagull Island,
- (d) then generally south-west to $32^{\circ}27.117^{\circ}\text{S}$, $152^{\circ}32.258^{\circ}\text{E}$,
- (e) then due north to Sugar Loaf Point (Lighthouse Beach) at the point on the mean high water nearest to $32^{\circ}26.537^{\circ}\text{S}$, $152^{\circ}32.258^{\circ}\text{E}$,
- (f) then generally east and north, along the mean high water mark, to the point of commencement.

An area bounded as follows:

- (a) commencing at $32^{\circ}27.566^{\circ}\text{S}$, $152^{\circ}31.239^{\circ}\text{E}$, approximately 500 metres south of Treachery Head,
- (b) then due south to the point on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to $32^{\circ}29.255^{\circ}\text{S}$, $152^{\circ}31.239^{\circ}\text{E}$,
- (c) then generally west along the contour line to the point on the line nearest to $32^{\circ}29.549^{\circ}\text{S}$, $152^{\circ}29.414^{\circ}\text{E}$,
- (d) then due north to $32^{\circ}27.773^{\circ}\text{S}$, $152^{\circ}29.414^{\circ}\text{E}$,
- (e) then generally east, along a line parallel to, but 500 metres seaward of, the coastal mean high water mark to the point of commencement.

An area bounded as follows:

- (a) commencing on Fiona Beach at the point on the mean high water mark nearest to $32^{\circ}27.739^{\circ}\text{S}$, $152^{\circ}28.501^{\circ}\text{E}$,
- (b) then due south to the point on the mean low water mark nearest to $32^{\circ}27.753^{\circ}\text{S}$, $152^{\circ}28.501^{\circ}\text{E}$,
- (c) then generally south-west along the mean low water mark to the point on the mean low water mark nearest to $32^{\circ}29.292^{\circ}\text{S}$, $152^{\circ}24.563^{\circ}\text{E}$,
- (d) then generally north-west to the point on the mean high water mark nearest to

32°29.278'S, 152°24.552'E,

(e) then generally north-east along the mean high water mark to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Nerong Creek and its creeks, bays and tributaries, upstream of the line between:

(a) the point on the mean high water mark nearest to 32°31.300'S, 152°14.476'E on the eastern shoreline of the entrance of Nerong Creek, and

(b) the point on the mean high water mark nearest to 32°31.335'S, 152°14.413'E on the western shoreline of the entrance of Nerong Creek,

but not including the Nerong Harbour special purpose zone as described in Division 4.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Myall River and its creeks, bays and tributaries, upstream of the line between:

(a) the point on the mean high water mark nearest to 32°31.213'S, 152°14.835'E on the western shoreline of the Myall River, and

(b) the point on the mean high water mark nearest to 32°31.236'S, 152°14.935'E on the eastern shoreline of the Myall River.

An area bounded as follows:

(a) commencing on Broughton Island at 32°37.677'S, 152°19.151'E,

(b) then generally north, along the mean high water mark, to the point on the mean high water mark nearest to 32°37.422'S, 152°19.067'E,

(c) then generally north-east across Esmeralda Cove to the north-eastern shoreline of Esmeralda Cove at the point on the mean high water mark nearest to 32°37.313'S, 152°19.222'E,

(d) then generally east and north, along the mean high water mark of Broughton Island, to the point on the mean high water mark nearest to 32°37.047'S, 152°19.718'E,

(e) then generally south-east to Little Broughton Island at the point on the mean high water mark nearest to 32°37.138'S, 152°19.846'E,

(f) then generally south-east, along the mean high water mark of the western side of Little Broughton Island, to the point on the mean high water mark nearest to 32°37.490'S, 152°20.131'E,

(g) then generally south-east to 32°37.525'S, 152°20.151'E, off Little Broughton Island,

(h) then generally west to the point of commencement.

An area bounded as follows:

(a) commencing at 32°36.568'S, 152°20.962'E,

(b) then generally east to the point on the eastern boundary of the marine park boundary nearest to 32°36.770'S, 152°23.724'E,

(c) then generally south along the eastern boundary of the marine park to the point on the boundary nearest to 32°39.945'S, 152°22.251'E,

(d) then generally north-west to 32°38.500'S, 152°19.896'E,

(e) then generally east to 32°38.148'S, 152°20.614'E,

(f) then generally north-east to 32°37.800'S, 152°20.917'E,

(g) then generally north to 32°37.502'S, 152°20.962'E,

(h) then due north to the point of commencement.

An area bounded as follows:

(a) commencing on the northern end of Cabbage Tree Island at the point on the

- mean high water mark nearest to $32^{\circ}41.036'S$, $152^{\circ}13.404'E$,
- (b) then generally south, along the mean high water mark of the western side of Cabbage Tree Island, to the southern end of Cabbage Tree Island at the point on the mean high water mark nearest to $32^{\circ}41.543'S$, $152^{\circ}13.455'E$,
- (c) then due west approximately 1,000 metres to $32^{\circ}41.543'S$, $152^{\circ}12.814'E$,
- (d) then due north to $32^{\circ}40.761'S$, $152^{\circ}12.814'E$,
- (e) then due east to $32^{\circ}40.761'S$, $152^{\circ}13.404'E$,
- (f) then due south to the point of commencement.

An area bounded as follows:

- (a) commencing on Little Beach, adjacent to the disabled access jetty, at the point on the mean high water mark nearest to $32^{\circ}42.816'S$, $152^{\circ}09.443'E$ (point 29a),
- (b) then due north approximately 15 metres to the marine pile (point 29b), adjacent to the northern end of the disabled access jetty, at or about $32^{\circ}42.808'S$, $152^{\circ}09.443'E$,
- (c) then generally north-east to the marine pile (point 29c) at or about $32^{\circ}42.790'S$, $152^{\circ}09.449'E$,
- (d) then generally north-east to $32^{\circ}42.675'S$, $152^{\circ}09.491'E$ (point 29d),
- (e) then due east to Little Beach at the point (point 29e) on the mean high water mark nearest to $32^{\circ}42.675'S$, $152^{\circ}09.526'E$,
- (f) then generally south-west, along the mean high water mark of Little Beach, to the point of commencement,

as shown on map 29.

An area bounded as follows:

- (a) commencing on the western side of Fly Point at the point on the mean high water mark nearest to $32^{\circ}42.892'S$, $152^{\circ}09.052'E$,
- (b) then generally south-west and west, along the mean high water mark, to, adjacent to the western side of Redpatch Point, the point on the mean high water mark nearest to $32^{\circ}43.207'S$, $152^{\circ}07.786'E$,
- (c) then generally north to starboard navigation marker No 015 at or about $32^{\circ}42.273'S$, $152^{\circ}07.556'E$,
- (d) then generally south-east to starboard navigation marker No 014 at or about $32^{\circ}42.377'S$, $152^{\circ}07.963'E$,
- (e) then generally south-east to starboard navigation marker No 008 at or about $32^{\circ}42.516'S$, $152^{\circ}08.351'E$,
- (f) then generally south-east to starboard navigation marker No 007 at or about $32^{\circ}42.652'S$, $152^{\circ}08.719'E$,
- (g) then generally south-east to the point of commencement,

but not including the Nelson Bay Marina special purpose zone as described in Division 4.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Tilligerry Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $32^{\circ}44.600'S$, $152^{\circ}03.133'E$ on the northern end of Fenninghams Island, and
- (b) the point on the mean high water mark nearest to $32^{\circ}34.305'S$, $152^{\circ}02.455'E$ on the southern entrance to Lemon Tree Passage.

An area bounded as follows:

- (a) commencing on the shore of Swan Bay south of Carcair Point at the point on the mean high water mark nearest to $32^{\circ}41.887'S$, $151^{\circ}58.706'E$,
- (b) then to the point 100m due east of the point described in paragraph (a),
- (c) then generally south parallel to the shoreline 100 metres seaward of the mean

high water to the point 100 metres due east of the point on the mean high water mark nearest to $32^{\circ}42.356'S$, $151^{\circ}58.681'E$ on Evens Point,
(d) then due west to the point on the mean high water mark nearest to $32^{\circ}42.356'S$, $151^{\circ}58.681'E$ on Evens Point,
(e) then generally north following the mean high water mark to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Karuah River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to $32^{\circ}37.323'S$, $151^{\circ}57.485'E$ on the western bank, and

(b) the point on the mean high water mark nearest to $32^{\circ}37.274'S$, $151^{\circ}57.723'E$ on the eastern bank,

but not including the Karuah River or Little Branch Creek sanctuary zone as described in Division 2.

An area bounded as follows:

(a) commencing at the eastern entrance to Fame Cove at the point on the mean high water mark nearest to $32^{\circ}41.156'S$, $152^{\circ}03.508'E$,

(b) then generally east, along the mean high water mark, to the western end of Piggys Beach at the point on the mean high water mark nearest to $32^{\circ}41.348'S$, $152^{\circ}04.327'E$,

(c) then due south to Kangaroo Point at the point on the mean high water mark nearest to $32^{\circ}42.423'S$, $152^{\circ}04.327'E$,

(d) then generally west and north, along the mean high water mark of Soldiers Point, to the point on the mean high water mark nearest to $32^{\circ}41.913'S$, $152^{\circ}03.800'E$,

(e) then due west to $32^{\circ}41.913'S$, $152^{\circ}03.508'E$,

(f) then due north to the point of commencement.

An area bounded as follows:

(a) commencing on the western shoreline of the Myall River at the point on the mean high water mark nearest to $32^{\circ}39.521'S$, $152^{\circ}09.561'E$,

(b) then generally south-east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to $32^{\circ}39.624'S$, $152^{\circ}09.889'E$,

(c) then generally south-west and south-east along the mean high water mark to the point on the mean high water mark nearest to $32^{\circ}40.073'S$, $152^{\circ}10.126'E$,

(d) then generally south-west to $32^{\circ}40.146'S$, $152^{\circ}10.003'E$,

(e) then generally north-west, along a line parallel to, but 40 metres east of, the mean high water mark of the western bank of the Myall River to the point on that line nearest to $32^{\circ}39.616'S$, $152^{\circ}09.473'E$,

(f) then due west to the point on the mean high water mark of the western bank of the Myall River nearest to $32^{\circ}39.616'S$, $152^{\circ}09.473'E$,

(g) then generally north, along the mean high water mark, to the point of commencement.

An area bounded as follows:

(a) commencing at the point on the mean high water mark nearest to $32^{\circ}38.105'S$, $152^{\circ}10.753'E$,

(b) then due east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to $32^{\circ}38.105'S$, $152^{\circ}10.850'E$,

(c) then generally south, along the mean high water mark of the eastern shoreline of the Myall River, to the point on the mean high water mark nearest to

32°38.425'S, 152°10.495'E,

(d) then due north to the point on the mean high water mark nearest to

32°38.385'S, 152°10.495'E,

(e) then generally east and north-east along the mean high water mark to the point of commencement.

9 Taking of certain plants permitted in habitat protection zones

(1) Despite clause 11 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in a habitat protection zone of the marine park.

(2) Despite clause 11 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in a habitat protection zone of the marine park. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.

(3) Despite subclauses (1) and (2), a person must not, while in the Little Beach or the Fiona Beach habitat protection zone, take or attempt to take any plant.

10 Habitat protection zone permitted fishing activities

Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

(1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to a habitat protection zone of the marine park subject to the provisions of this Part.

Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene this clause.

(2) Subject to clause 11 of this Part, the following fishing activities are permitted in a habitat protection zone of the marine park:

(a) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

(i) push or scissors net (prawns),

(ii) hoop or lift net.

(b) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a submersible lift net (bait) or a purse seine net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in the following locations within a habitat protection zone of the marine park:

(i) that part of the Coastal habitat protection zone that is within 1 kilometre of the mean high water mark around Broughton Island,

(ii) the Cabbage Tree Island habitat protection zone,

(iii) within 1 kilometre of the mean high water mark of Elizabeth Beach,

(iv) coastal waters, lying between 32°42.669'S and 32°43.121'S (near Tomaree Head) that are not more than 500 metres seaward of the coastal mean high water mark,

(v) within 2 kilometres of 32°44.900'S, 152°12.066'E (Point Stephens).

(c) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a prawn net (set pocket), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in the following habitat protection zones:

(i) the Smiths Lake habitat protection zone,

(ii) the Myall River Camp habitat protection zone.

(d) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hauling net (general purpose) or a pilchard, anchovy and bait net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from the following beaches:

- (i) Boat Harbour Beach,
- (ii) One Mile Beach,
- (iii) Samurai Beach,
- (iv) Fingal Beach,
- (v) Fingal Spit,
- (vi) Bennetts Beach,
- (vii) Mungo Beach,
- (viii) Boat Beach,
- (ix) Number One Beach,
- (x) Shelly Beach,
- (xi) Elizabeth Beach,
- (xii) Seven Mile Beach,
- (xiii) Lighthouse Beach.

(e) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a garfish net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in habitat protection zone waters that are not estuarine waters.

(f) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a fish trap or lobster trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(g) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of an eel trap or crab trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(h) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by hand picking (within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*), if the use of that method to take that fish is lawful under the *Fisheries Management Act 1994*.

The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act. Part 3 of the *Fisheries Management (General) Regulation 2002* also sets out requirements in relation to the lawful use of fishing gear such as traps and nets.

11 Prohibited activities relating to fishing

1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in the habitat protection zone unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.

2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

(1) A person must not, while in a habitat protection zone of the marine park, take or attempt to take any fish of a species not listed in table B.

(2) A person must not, while in the Cabbage Tree Island habitat protection zone, take or attempt to take any fish of a species not listed in table C.

(3) A person must not, while in the Edith Breakers habitat protection zone, take or attempt to take fish other than by way of artificial lure, artificial fly, fish trap, lobster trap, hand picking or spear gun.

(4) A person must not, while in the Sawtooth or Broughton Island habitat protection zone, take or attempt to take fish other than by way of artificial lure, artificial fly, fish trap, lobster trap, hand picking or spear gun.

(5) A person must not, while in the Sawtooth or Broughton Island habitat protection zone,

take or attempt to take fish if the person is using a vessel in connection with the taking, or the attempt to take, fish and the vessel is anchored or moored in the Sawtooth or Broughton Island habitat protection zone.

(6) A person must not, while in the Fiona Beach habitat protection zone, take or attempt to take any fish other than by way of hand picking for commercial purposes.

(7) A person must not, while in the Dutchmans Beach habitat protection zone, take or attempt to take any invertebrate fish by hand picking.

(8) A person must not, while in the Little Beach habitat protection zone:

(a) take or attempt to take any invertebrate fish by hand picking, or

(b) take or attempt to take fish other than by use of a hook and hand held line used while the person is on either of the 2 public jetties on Little Beach or on tidal lands between the jetties, or

(c) berley the waters of the zone.

(9) A person must not, while in the Open Ocean habitat protection zone, take or attempt to take fish unless the person does so by trolling while engaged in recreational fishing.

(10) A person must not, while in the Open Ocean habitat protection zone, take or attempt to take fish by any method between 1 May and 30 November (inclusive) in any year.

(11) In this clause: "**hand picking**" has the same meaning as it has in the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*. "**trolling**" means the method of taking fish by trailing a hand held line behind an underway vessel.

12 Cabbage Tree Island habitat protection zone fish possession prohibition

Clause 19 (1A) of this Regulation makes it an offence to be in possession of an animal in a part of the marine park in which the possession of the animal is prohibited. This clause imposes such a prohibition.

(1) A person must not, while in the Cabbage Tree Island habitat protection zone, be in possession of any fish of a species not listed in table C unless the person is engaged in commercial fishing.

(2) It is a defence to a prosecution for an offence in respect of a contravention of subclause (1) if the person charged satisfies the court that the person brought the fish into the zone as packaged bait.

13 Aquaculture

Intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture) Regulation 2002*, are not permissible in the estuarine waters of a habitat protection zone of the marine park.

14 Oyster depuration

Despite clause 11 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a habitat protection zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

15 Use of lights in Cabbage Tree Island habitat protection zone

(1) A person must not, within the Cabbage Tree Island habitat protection zone, use a light or lights for longer than 5 minutes in any 60 minute period between sunset and sunrise.

(2) The use of the following lights does not contravene subclause (1):

(a) a light required to be used under the *Navigation Act 1901* or the *Marine Safety Act 1998*,

(b) a permitted light.

(3) For the purposes of this clause, a "**permitted light**" is a light that is situated no higher than 5 metres above sea-level and shrouded or otherwise designed so that the beam of light it projects is:

(a) projected downwards, and

(b) no greater than 20 metres wide at its widest point.

Division 4 – Special purpose zones

16 Area descriptions

The special purpose zones of the marine park are comprised of the zones and groups of zones set out in this Division.

Group 1 (Aquaculture)

Class 1 lease special purpose zone An area comprised of the following areas:

- (a) the leased area of any class 1 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part that is bounded by a sanctuary zone of the marine park,
- (b) any priority oyster aquaculture area, within the meaning of the *NSW Oyster Industry Sustainable Aquaculture Strategy* as adopted by *State Environmental Planning Policy No 62--Sustainable Aquaculture*, that is bounded by a sanctuary zone of the marine park.

Class 3 lease special purpose zone An area comprised of the leased area of any class 3 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part.

Group 2 (Fish feeding)

Fly Point Cove special purpose zone An area bounded as follows:

- (a) commencing in the vicinity of Fly Point at the point on the mean high water mark nearest to $32^{\circ}42.839^{\circ}\text{S}$, $152^{\circ}09.184^{\circ}\text{E}$,
- (b) then generally south-west along the mean high water mark to the point on the mean high water mark nearest to $32^{\circ}42.864^{\circ}\text{S}$, $152^{\circ}09.088^{\circ}\text{E}$,
- (c) then generally north-east to the point of commencement.

Group 3 (Vessel related facilities)

Little Beach special purpose zone An area bounded as follows:

- (a) commencing on the coast of Little Beach adjacent to the Little Beach disabled access jetty at the point on the mean high water mark nearest to $32^{\circ}42.822^{\circ}\text{S}$, $152^{\circ}09.418^{\circ}\text{E}$,
- (b) then generally west along the mean high water mark to, adjacent to the western side of the Little Beach Marina, the point on the mean high water mark nearest to $32^{\circ}42.818^{\circ}\text{S}$, $152^{\circ}09.382^{\circ}\text{E}$,
- (c) then due north to $32^{\circ}42.791^{\circ}\text{S}$, $152^{\circ}09.382^{\circ}\text{E}$,
- (d) then due east to $32^{\circ}42.791^{\circ}\text{S}$, $152^{\circ}09.418^{\circ}\text{E}$,
- (e) then due south to the point of commencement.

Nelson Bay Marina special purpose zone An area bounded as follows:

- (a) commencing immediately outside the eastern wall of the D'Albora marina at the point on the mean high water mark nearest to $32^{\circ}43.077^{\circ}\text{S}$, $152^{\circ}08.923^{\circ}\text{E}$,
- (b) then generally west, along the mean high water mark, to, immediately outside the western wall of the marina, the point on the mean high water mark nearest to $32^{\circ}43.083^{\circ}\text{S}$, $152^{\circ}08.460^{\circ}\text{E}$,
- (c) then due north to $32^{\circ}43.013^{\circ}\text{S}$, $152^{\circ}08.460^{\circ}\text{E}$,

(d) then due east to $32^{\circ}43.013'S$, $152^{\circ}08.923'E$,

(e) then due south to the point of commencement.

Anchorage Marina special purpose zone An area bounded as follows:

(a) commencing immediately outside the eastern wall of Anchorage Marina Port Stephens at the point on the mean high water mark nearest to $32^{\circ}43.074'S$, $152^{\circ}06.387'E$,

(b) then generally west along the mean high water mark to, immediately outside the western wall of the marina, the point on the mean high water mark nearest to $32^{\circ}43.041'S$,

$152^{\circ}06.182'E$,

(c) then due north to $32^{\circ}42.964'S$, $152^{\circ}06.182'E$,

(d) then due east to $32^{\circ}42.964'S$, $152^{\circ}06.387'E$,

(e) then due south to the point of commencement.

Soldiers Point special purpose zone An area bounded as follows:

(a) commencing on Soldiers Point at the point on the mean high water mark nearest to $32^{\circ}41.913'S$, $152^{\circ}03.800'E$,

(b) then generally south-west and south along the mean high water mark to immediately south of 'The Moorings' jetty at the point on the mean high water mark nearest to $32^{\circ}42.330'S$,

$152^{\circ}03.774'E$,

(c) then due west to $32^{\circ}42.330'S$, $152^{\circ}03.506'E$,

(d) then generally north-east to $32^{\circ}42.125'S$,

$152^{\circ}03.577'E$,

(e) then generally north-west to $32^{\circ}41.913'S$,

$152^{\circ}03.508'E$,

(f) then due east to the point of commencement.

Lemon Tree Passage special purpose zone An area bounded as follows:

(a) commencing at the point on the mean high water mark nearest to $32^{\circ}43.701'S$, $152^{\circ}02.378'E$,

(b) then due east to $32^{\circ}43.701'S$, $152^{\circ}02.564'E$,

(c) then generally south along the western edge of the mangrove trees of Bulls Island to $32^{\circ}44.120'S$, $152^{\circ}02.640'E$,

(d) then due west to the point on the mean high water mark nearest to $32^{\circ}44.120'S$, $152^{\circ}02.513'E$,

(e) then generally north along the mean high water mark to the point of commencement.

Oyster Cove special purpose zone An area bounded as follows:

(a) commencing at the point on the mean high water mark nearest to $32^{\circ}44.004'S$, $151^{\circ}57.147'E$,

(b) then generally south-west, along the mean high water mark, to the point on the mean high water mark nearest to $32^{\circ}44.298'S$, $151^{\circ}56.847'E$,

(c) then generally north-west to $32^{\circ}44.218'S$, $151^{\circ}56.790'E$,

(d) then generally north-east to the starboard navigation marker at or about $32^{\circ}44.169'S$, $151^{\circ}56.889'E$,

(e) then generally north-east to the starboard navigation marker at or about $32^{\circ}44.116'S$, $151^{\circ}56.970'E$,

(f) then generally north-east to the starboard navigation marker at or about $32^{\circ}43.963'S$, $151^{\circ}57.110'E$,

(g) then generally south-east to the point of commencement.

Group 4 (Commercial and residential precincts)

Tea Gardens special purpose zone An area bounded as follows:

- (a) commencing on the western bank of the Myall River at the point on the mean high water mark nearest to $32^{\circ}39.616'S$, $152^{\circ}09.473'E$,
- (b) then due east to the point 40 metres due east of the point of commencement,
- (c) then generally south-east, along a line parallel to, but 40 metres east of, the mean high water mark of the western bank of the Myall River to the point on that line nearest to $32^{\circ}40.146'S$, $152^{\circ}10.003'E$,
- (d) then generally north-east to the eastern bank of the Myall River at the point on the mean high water mark nearest to $32^{\circ}40.073'S$, $152^{\circ}10.126'E$,
- (e) then generally south-east along the mean high water mark of the eastern bank of the Myall River to the point on the mean high water mark nearest to $32^{\circ}40.116'S$, $152^{\circ}10.166'E$,
- (f) then generally south-west to the western bank of the Myall River at the point on the mean high water mark nearest to $32^{\circ}40.216'S$, $152^{\circ}09.995'E$,
- (g) then generally north, north-east and north-west along the mean high water mark of the western bank of the Myall River to the point of commencement.

Nerong Harbour special purpose zone An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Nerong Harbour and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $32^{\circ}30.566'S$, $152^{\circ}12.976'E$ on the eastern bank, and
- (b) the point on the mean high water mark nearest to $32^{\circ}30.583'S$, $152^{\circ}12.921'E$ on the western bank.

Group 5 (Fisheries and aquaculture research)

Port Stephens Fisheries Centre special purpose zone An area bounded as follows:

- (a) commencing at the point on the mean high water mark nearest to $32^{\circ}44.816'S$, $152^{\circ}03.329'E$,
- (b) then to the point 50 metres due west of the point of commencement,
- (c) then generally north, east and south, along a line parallel to, but 50 metres seaward of, the coastal mean high water mark to $32^{\circ}44.676'S$, $152^{\circ}03.559'E$,
- (d) then generally east to the point on the mean high water mark nearest to $32^{\circ}44.683'S$, $152^{\circ}03.628'E$,
- (e) then generally south-east, south, north-west and south along the mean high water mark to the point of commencement.

Group 6 (Education)

Smiths Lake special purpose zone An area bounded as follows:

- (a) commencing on Horse Point at the point on the mean high water mark nearest to $32^{\circ}23.643'S$, $152^{\circ}28.750'E$,
- (b) then generally south and south-west, along the mean high water mark, to the point on the mean high water mark nearest to $32^{\circ}23.975'S$, $152^{\circ}28.453'E$,

(c) then generally north-east to the point of commencement.

17 Special purpose zones--objects

(1) The object of the special purpose zones that comprise group 1, as referred to in clause 16, is to provide for the management of the kinds of aquaculture in respect of which a class 1, 2, or 3 lease may be granted under the *Fisheries Management (Aquaculture) Regulation 2002*.

(2) The object of the special purpose zone that comprises group 2, as referred to in clause 16, is to provide for fish feeding.

(3) The object of the special purpose zones that comprise group 3, as referred to in clause 16, is to provide for marinas and other maritime facilities and for the management of the kinds of aquaculture in respect of which a class 1 or 2 lease may be granted under the *Fisheries Management (Aquaculture) Regulation 2002*.

(4) The object of the special purpose zone that comprises group 4, as referred to in clause 16, is to provide for commercial and residential facilities of the type and scale provided, in the relevant zone, immediately before the commencement of this Part.

(5) The object of the special purpose zone that comprises group 5, as referred to in clause 16, is to provide for fisheries and aquaculture research.

(6) The object of the special purpose zone that comprises group 6, as referred to in clause 16, is to provide for educational activities.

18 Oyster depuration

Despite clause 18A of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a special purpose zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

19 Special purpose zones--plants

Despite clause 18A of this Regulation, a person may take a plant by a particular method while in a special purpose zone of the marine park if the person is permitted under this Part to take that species of plant by that method in a zone that adjoins the special purpose zone concerned.

Clause 18A of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a special purpose zone except with the consent of the relevant Ministers.

20 Special purpose zones--fishing

For the purposes of clause 18B of this Regulation, a person must not take or attempt to take fish in a special purpose zone unless the taking of that species of fish by the method used is permitted in a zone that adjoins the special purpose zone concerned.

Clause 18B of this Regulation creates an offence of taking or attempting to take fish in a special purpose zone in contravention of the zoning plan for a marine park. However, a person may obtain the consent of the relevant Ministers to take or attempt to take fish.

21 Intensive aquaculture and fish ranching not permissible in estuarine waters in special purpose zones

Despite clause 18C of this Regulation, intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture) Regulation 2002*, are not permissible in the estuarine waters of a special purpose zone of the marine park.

Division 5 – General use zone

22 Description of general use zone

The general use zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, a habitat protection zone or a special purpose zone.

23 Oyster depuration

Despite clause 15 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a general use zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

24 Taking of certain plants permitted in general use zone

(1) Despite clause 15 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in the general use zone of the marine park.

(2) Despite clause 15 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in the general use zone of the marine park.

Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

25 Fishing permitted in general use zone

(1) A person must not take or attempt to take fish in the general use zone of the marine park unless the taking of the fish, and the method used to take the fish, is lawful under the *Fisheries Management Act 1994*.

(2) This clause is subject to the other provisions of this Regulation. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Regulation.

Division 6 of this Part sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

26 Seasonal closure to netting in Bombah Broadwater

A person must not take or attempt to take fish, in the course of commercial fishing, by way of any net between 1 May and 31 August (inclusive) in any year in the area within the general use zone bounded as follows:

- (a) commencing on the western shoreline of the entrance of Nerong Creek at the point on the mean high water mark nearest to $32^{\circ}31.335^{\circ}\text{S}$, $152^{\circ}14.413^{\circ}\text{E}$,
- (b) then generally east to the eastern shoreline of the entrance of Nerong Creek at the point on the mean high water mark nearest to $32^{\circ}31.300^{\circ}\text{S}$, $152^{\circ}14.476^{\circ}\text{E}$,
- (c) then generally north-east, along the mean high water mark, to the western shoreline of the Myall River at the point on the mean high water mark nearest to $32^{\circ}31.213^{\circ}\text{S}$, $152^{\circ}14.835^{\circ}\text{E}$,
- (d) then generally east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to $32^{\circ}31.236^{\circ}\text{S}$, $152^{\circ}14.935^{\circ}\text{E}$,
- (e) then generally south-east, along the mean high water mark, to the southern end of Bulahdelah Point at the point on the mean high water mark nearest to $32^{\circ}31.473^{\circ}\text{S}$, $152^{\circ}15.207^{\circ}\text{E}$,
- (f) then generally south-east to starboard navigation marker No 457 at or about $32^{\circ}31.735^{\circ}\text{S}$, $152^{\circ}15.350^{\circ}\text{E}$,
- (g) then generally west to the point on the mean high water mark nearest to $32^{\circ}31.744^{\circ}\text{S}$, $152^{\circ}15.403^{\circ}\text{E}$,
- (h) then generally north along the mean high water mark of Bombah Broadwater to the point of commencement.

27 Trawling prohibited in estuarine waters in general use zone

A person must not take or attempt to take fish in estuarine waters within the general use zone of the marine park by way of trawling.

28 Intensive aquaculture and fish ranching not permissible in estuarine waters in general

use zone

Despite clause 17 of this Regulation, intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture) Regulation 2002*, are not permissible in estuarine waters within the general use zone of the marine park.

Division 6 – General permissions and prohibitions

29 Permits not required for 12 months after commencement of zoning plan

A person does not commit an offence against clause 24 of this Regulation if the person carries out an activity described in clause 24 (1) (a) or (b) of this Regulation in the marine park without the consent of the relevant Ministers within 12 months after the commencement of this Part.

Clause 24 (1) of this Regulation makes it an offence to sell or hire any thing or service or conduct any activity for money in a marine park, except with the consent of the relevant Ministers. Clause 24 (2) excludes commercial fishing from the prohibition.

30 Taking fish or plants for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish or plant for aquarium collection purposes.

(2) A person does not commit an offence in respect of a contravention of subclause (1) if the activity was carried out with the consent of the relevant Ministers.

31 Shell collection for recreational purposes

(1) Despite any other provision of this Regulation, a person may collect shells (in quantities not exceeding 5 shells per species per person per day or as otherwise permitted under the *Fisheries Management Act 1994*) for recreational purposes while in the following zones:

(a) a habitat protection zone (other than the Cabbage Tree Island habitat protection zone),

(b) the general use zone,

(c) a special purpose zone that adjoins a habitat protection zone or the general use zone.

(2) This clause does not permit the taking of shells by hand picking (within the meaning of clause 11 of this Part) in the Dutchmans Beach or Little Beach habitat protection zones.

32 Set lining and droplining

A person must not, while in any part of the marine park, take or attempt to take fish by use of a set line or dropline.

33 Cultivation of Pacific oysters

The cultivation of Pacific oysters (*Crassostrea gigas*) that is carried out:

(a) in waters of the marine park in which such aquaculture is permitted by this Regulation, and

(b) in accordance with an aquaculture permit or other authority issued under the *Fisheries Management Act 1994*,

and any activity reasonably incidental to such cultivation is not a contravention of clause 21 of this Regulation.

34 Identification of protected species

For the purposes of clause 22A of this Regulation, any species of fish:

(a) not listed in table B, or

(b) the taking or harming of which is prohibited under section 19 or 220ZA of the *Fisheries Management Act 1994*,
is identified as a protected species for the purposes of the marine park.

Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

35 Prohibition on domesticated animals

Despite clause 22 (1) of this Regulation, a person may bring a domesticated animal into the following parts of the marine park:

- (a) tidal lands of the marine park that are not directly seaward from lands reserved under the *National Parks and Wildlife Act 1974*,
- (b) waters of the marine park that are not part of lands reserved under the *National Parks and Wildlife Act 1974*.

Division 7 – Use, mooring and anchoring of vessels and vehicles

Clause 27 of this Regulation makes it an offence to use, anchor or moor any vessel or motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

36 Anchoring within a sanctuary zone

- (1) Despite clause 9 (1) of this Regulation, a person may anchor a vessel within a sanctuary zone of the marine park.
- (2) A person who is anchoring, or has anchored, a vessel within a sanctuary zone must not cause or allow the anchor or any other part of the vessel or its gear to come into contact with a seagrass bed.
- (3) It is a defence to a prosecution for an offence in respect of a contravention of subclause (2) if the person charged satisfies the court that the person took all reasonable steps to satisfy himself or herself that no part of the vessel or its gear would come into contact with a seagrass bed.

37 Hovercraft and airboats

- (1) A person must not, except with the consent of the relevant Ministers, use a hovercraft or airboat in any part of the marine park.
- (2) Subclause (1) does not apply to:
 - (a) an officer or employee of a regulatory authority using the hovercraft or airboat in the course of the regulatory authority's business, or
 - (b) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

38 Sea-planes

- (1) A person must not, except with the consent of the relevant Ministers, use a sea-plane in any part of the marine park.
- (2) Subclause (1) does not apply to:
 - (a) a sea-plane that is airborne, or
 - (b) an officer or employee of a regulatory authority using the sea-plane in the course of the regulatory authority's business, or
 - (c) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

39 Motorised water-sport

- (1) A person must not engage in motorised water-sport in a sanctuary zone of the marine park.
- (2) Subclause (1) does not apply to:
 - (a) a person engaging in motorised water-sport in the Smiths Lake sanctuary zone or the Boolambayte Lake sanctuary zone, or

- (b) a person engaging in motorised water-sport with the consent of the relevant Ministers in that part of the Fly Point--Corrie Island sanctuary zone that is south of the speed restricted area, within the meaning of clause 6 of this Part, or
- (c) an officer or employee of a regulatory authority engaging in motorised water-sport in the course of the regulatory authority's business, or
- (d) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

(3) In this clause: "**aquaplaner**" means a person who is being conveyed on, in or above waters by maintaining himself or herself on flotation or aerial equipment, whether or not such person or equipment is at the time in contact with or directly over the waters. "**irregular driving**" means driving a motorised vessel otherwise than generally in a straight line, and includes:

- (a) driving in a circle or other pattern, and
- (b) weaving or diverting, and
- (c) surfing down, or jumping over or across, any swell, wave or wash,

but does not include making any necessary turn or diversion. "**motorised water-sport**" means the following:

- (a) irregular driving,
- (b) towing a water skier or aquaplaner with a motorised vessel.

"**water skier**" means a person who is engaged in maintaining himself in motion on, in, or above waters whether or not such person makes use of any flotation or aerial equipment and whether or not such person or equipment is at the relevant time in contact with or directly over the waters.

40 Personal watercraft prohibited in certain waters

(1) A person must not use a personal watercraft on the waters of the Dutchmans Beach habitat protection zone that are within 200 metres of the mean high water mark.

(2) Subclause (1) does not apply to:

- (a) a person using personal watercraft within the Nelson Bay Marina special purpose zone, or
- (b) an officer or employee of a regulatory authority using a personal watercraft in the course of the regulatory authority's business.

41 Areas in which use of vehicles prohibited

(1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching and retrieving vessels from a designated boat-launching facility.

(2) This clause does not apply to or in respect of the following:

- (a) an authorised vehicle, a police vehicle or an emergency vehicle,
- (b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) lawfully using a vehicle on a beach in connection with his or her fishing activities,
- (c) a person who has been issued with a permit by the Port Stephens Council or the Great Lakes Council authorising the use of a motorised vehicle and who is using the vehicle in accordance with that permit,
- (d) a person using a vehicle on a road, track, trail or area designated for vehicular use by the public in a nature reserve or national park dedicated or reserved under the *National Parks and Wildlife Act 1974*.

(3) In this clause: "**authorised vehicle**" means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

- (a) a regulatory authority,
- (b) any other government department or public or local authority,
- (c) a surf life saving club.

"**designated boat-launching facility**" means a facility in the marine park designated by the Authority or another relevant government department or public or local authority as

appropriate for boat-launching. "**emergency vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*. "**police vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

Division 8 – Maps

Map 1 provides an overview of the zoning scheme for the Port Stephens-Great Lakes Marine Park. Maps 2-29 provide additional detail.

This map does not show the Evens Point habitat description zone as described in Division 3.

Division 9 – Tables

Table A--Habitat protection zone permissible plant species

Common name	Class/Family	Species
Sea lettuce	Family Ulvaceae	Ulva lactuca
Bait weed	Family Ulvaceae	Enteromorpha intestinalis

Table B--Habitat protection zone permissible fish species

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Shark, ray	Class Chondrichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Lobster, crayfish	Family Palinuridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Slipper lobster	Family Scyllaridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Prawn	Family Penaeidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Squid	Family Sepiidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cuttlefish	Family Spirulidae, Sepiidae and Sepiadariidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Beach worm	Family Onuphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Ghost shrimp, marine yabby (nipper)	Family Callinassidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Mud crab	Family Portunidae	Scylla serrata
Blue swimmer crab	Family Portunidae	Portunus pelagicus
Rock crab	Family Grapsidae	All species
Oyster	Family Ostreidae	Saccostrea spp. and Crassostrea spp.
Akoya pearl oyster	Family Pteriidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Pipi	Family Donacidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cockle	Family Orcidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Clams	Family Veneridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)

Mussel	Family Mytilidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Scallop	Family Pectinidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Sea urchin	Family Strongylocentrotidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cunjevoi	Family Pyuridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Turban shell	Family Turbinadae	Turbo spp.
Abalone	Family Haliotidae	Haliotis rubra
Periwinkle	Family Trochidae	Austrocochlea spp.

Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Table C--Fish that may be taken from Cabbage Tree Island habitat protection zone

Common name	Family	Species
Yellowtail scad	Family Carangidae	Trachurus novaezelandiae
Slimy mackerel	Family Scombridae	Scomber australasicus
Garfish	Family Hemiramphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)

Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Part 6 – Batemans Marine Park Zoning Plan

The GPS coordinates used in this Part to describe the boundaries of the zones of the Batemans Marine Park are given in degrees and decimal minutes using the Geocentric Datum of Australia 1994 (GDA 94).

Division 1 – Preliminary

1 Definitions

(1) In this Part: "**Chart AUS 191**" means the charts published under that title by the Australian Hydrographic Service on 20 August 2004. "**estuary**" includes the waters of any lake, river, creek, lagoon or like body of water that is periodically or intermittently closed to the sea. "**extensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**intensive aquaculture**" has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*. "**marine park**" means the Batemans Marine Park as described in Part 2 of the Proclamation made under sections 6 and 7 of the Act and published in Gazette No 49 on 7 April 2006 at page 2021. "**oyster depuration**" means the extraction of seawater from the waters of the marine park, the discharge of seawater into the waters of the marine park and the conveyance of seawater across tidal waters or tidal lands of the marine park by way of depuration lines. "**regulatory authority**" means each of the following:

- (a) the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park,
- (b) the Department of Primary Industries,
- (c) the Department of Environment and Conservation,
- (d) the Department of Planning,
- (e) NSW Police,
- (f) the Maritime Authority of NSW,

(g) the Department of Lands.

"**spear gun**" includes a spear, bow and arrow or other similar device. "**table**" means a table set out in Division 10. "**tidal lands**" means any area of land that is covered from time to time by tidal waters, and that is above the lowest astronomical tide level. "**tidal waters**" means any area of waters of the sea or subject to tidal influence.

(2) In this Part, a reference to a line, net, trap or other method that is also referred to in the *Fisheries Management (General) Regulation 2002* is a reference to that line, net, trap or method within the meaning of that Regulation.

Division 2 – Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

An area bounded as follows:

- (a) commencing on the north-eastern extremity of Brush Island at the point on the mean high water mark nearest to $35^{\circ}31.593^{\circ}\text{S}$, $150^{\circ}25.055^{\circ}\text{E}$,
- (b) then due north to the intersection of longitude $150^{\circ}25.055^{\circ}\text{E}$ with the northern boundary of the marine park (at latitude $35^{\circ}31.086^{\circ}\text{S}$),
- (c) then due east to the intersection of the northern boundary of the marine park and the eastern boundary of the marine park,
- (d) then generally south along the eastern boundary of the marine park to the intersection of the boundary with latitude $35^{\circ}32.629^{\circ}\text{S}$ (at or about longitude $150^{\circ}28.866^{\circ}\text{E}$),
- (e) then due west for a distance of approximately 6.3 kilometres to $35^{\circ}32.629^{\circ}\text{S}$, $150^{\circ}24.687^{\circ}\text{E}$ (a point due south of the western-most extremity of Brush Island),
- (f) then due north for a distance of approximately 1.4 kilometres to the western-most extremity of Brush Island at the point on the mean high water mark nearest to $35^{\circ}31.833^{\circ}\text{S}$, $150^{\circ}24.687^{\circ}\text{E}$,
- (g) then generally east and north along the mean high water mark of the south-eastern coast of Brush Island to the point of commencement.

An area bounded as follows:

- (a) commencing at $35^{\circ}34.698^{\circ}\text{S}$, $150^{\circ}21.916^{\circ}\text{E}$ (off the south-eastern tip of O'Hara Island),
- (b) then due east to the intersection of latitude $35^{\circ}34.698^{\circ}\text{S}$ with the eastern boundary of the marine park,
- (c) then generally south-west along the eastern boundary of the marine park to the intersection of latitude $35^{\circ}36.543^{\circ}\text{S}$ and the eastern boundary of the marine park,
- (d) then due west to $35^{\circ}36.543^{\circ}\text{S}$, $150^{\circ}20.626^{\circ}\text{E}$,
- (e) then generally north-east to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}38.204^{\circ}\text{S}$, $150^{\circ}16.446^{\circ}\text{E}$, on the north-eastern bank of Durras Lake, and
- (b) the point on the mean high water mark nearest to $35^{\circ}38.513^{\circ}\text{S}$, $150^{\circ}16.326^{\circ}\text{E}$, on the southern bank of Durras Lake.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}38.234^{\circ}\text{S}$, $150^{\circ}17.076^{\circ}\text{E}$, on the western bank of Durras Lake, and

(b) the point on the mean high water mark nearest to $35^{\circ}38.234'S$, $150^{\circ}17.158'E$, on the eastern bank of Durras Lake.

An area bounded as follows:

- (a) commencing at the tip of Yellow Rock at the point on the mean high water mark nearest to $35^{\circ}43.413'S$, $150^{\circ}15.894'E$,
- (b) then due east for a distance of approximately 1.9 kilometres to $35^{\circ}43.413'S$, $150^{\circ}17.127'E$,
- (c) then due north for a distance of approximately 2.9 kilometres to the point on the mean high water mark nearest to $35^{\circ}42.117'S$, $150^{\circ}17.127'E$,
- (d) then generally south-west along the mean high water mark to the point of commencement.

An area bounded as follows:

- (a) commencing at $35^{\circ}44.282'S$, $150^{\circ}14.750'E$,
- (b) then due east to the intersection of latitude $35^{\circ}44.282'S$ and the eastern boundary of the marine park,
- (c) then generally south along the eastern boundary of the marine park to $35^{\circ}46.797'S$, $150^{\circ}18.734'E$ (a point on the boundary),
- (d) then due west for a distance of approximately 6 kilometres to $35^{\circ}46.797'S$, $150^{\circ}14.750'E$,
- (e) then due north to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Cullendulla Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}42.096'S$, $150^{\circ}12.506'E$, on the western bank of the entrance to Cullendulla Creek, and
- (b) the point on the mean high water mark nearest to $35^{\circ}42.277'S$, $150^{\circ}12.561'E$, on the eastern bank of the entrance to Cullendulla Creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Waterfall Creek and its creeks, bays and tributaries that are upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}42.675'S$, $150^{\circ}08.114'E$, on the western shore of Waterfall Creek, and
- (b) the point on the mean high water mark nearest to $35^{\circ}42.719'S$, $150^{\circ}08.287'E$, on the eastern shore of Waterfall Creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Buckenbowra River and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}41.494'S$, $150^{\circ}07.559'E$, on the northern bank of the Buckenbowra River, and
- (b) the point on the mean high water mark nearest to $35^{\circ}41.644'S$, $150^{\circ}07.651'E$, on the southern bank of the Buckenbowra River.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Pelican Inlet and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}42.003'S$, $150^{\circ}08.943'E$, on the western bank of the mouth of Pelican Inlet, and
- (b) the point on the mean high water mark nearest to $35^{\circ}41.969'S$,

150°09.715'E, on the eastern bank of the mouth of Pelican Inlet.

An area bounded as follows:

- (a) commencing at the southern end of Rosedale Beach at the point on the mean high water mark nearest to 35°49.030'S, 150°13.749'E,
- (b) then generally east for a distance of approximately 900 metres to 35°49.027'S, 150°14.341'E, (approximately 260 metres east of the north-eastern edge of Jimmies Island),
- (c) then due south to 35°50.246'S, 150°14.342'E (a point generally east of the southern-most extremity of Burrewarra Point),
- (d) then generally west along a line that is tangential to both the southern-most extremity of Burrewarra Point and the point, on Long Nose Point, on the mean high water mark nearest to 35°50.131'S, 150°12.613'E,
- (e) then generally north-east along the mean high water mark to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Candlagan Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 35°50.476'S, 150°10.749'E, on the northern bank of the entrance to Candlagan Creek, and
- (b) the point on the mean high water mark nearest to 35°50.513'S, 150°10.705'E, on the southern bank of the entrance to Candlagan Creek.

An area bounded as follows:

- (a) commencing in the proximity of the sand bar in Boat Harbour at the point on the mean high water mark nearest to 35°51.428'S, 150°11.115'E,
- (b) then due north for a distance of approximately 400 metres to 35°51.207'S, 150°11.115'E,
- (c) then due east for a distance of approximately 2.25 kilometres to 35°51.207'S, 150°12.611'E (a point due south of the southern-most extremity of Long Nose Point),
- (d) then due south for a distance of approximately 900 metres to 35°51.684'S, 150°12.611'E,
- (e) then due west for a distance of approximately 2.25 kilometres to 35°51.684'S, 150°11.115'E,
- (f) then due north to the southern coast of Broulee Island at the point on the mean high water mark nearest to 35°51.549'S, 150°11.115'E,
- (g) then generally east along the mean high water mark around Broulee Island to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Bengello Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 35°52.043'S, 150°09.762'E, on the northern bank of the entrance to Bengello Creek, and
- (b) the point on the mean high water mark nearest to 35°52.066'S, 150°09.741'E, on the southern bank of the entrance to Bengello Creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Malabar Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point the mean high water mark on the western bank of the entrance to Malabar Creek intersects latitude $35^{\circ}54.227^{\circ}\text{S}$ (at or about longitude $150^{\circ}06.492^{\circ}\text{E}$), and
- (b) the point the mean high water mark on the eastern bank of the entrance to Malabar Creek intersects latitude $35^{\circ}54.185^{\circ}\text{S}$ (at or about longitude $150^{\circ}06.549^{\circ}\text{E}$).

An area bounded as follows:

- (a) commencing on the southern shore of Congo Beach at the point the mean high water mark intersects latitude $35^{\circ}57.725^{\circ}\text{S}$,
- (b) then due east to the point the eastern boundary of the marine park intersects latitude $35^{\circ}57.725^{\circ}\text{S}$,
- (c) then generally south-west and then generally south-east, along the eastern boundary of the marine park to the point the boundary intersects latitude $36^{\circ}01.689^{\circ}\text{S}$,
- (d) then due west to the point the mean high water mark intersects latitude $36^{\circ}01.689^{\circ}\text{S}$,
- (e) then following the mean high water mark north to the point of commencement, but not including the Meringo-Mullimburra Point habitat protection zone as described in Division 3.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meringo Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point the mean high water mark on the northern shore of Meringo Lake intersects latitude $35^{\circ}58.658^{\circ}\text{S}$ (at or about longitude $150^{\circ}09.093^{\circ}\text{E}$), and
- (b) the point the mean high water mark on the southern shore of Meringo Lake intersects latitude $35^{\circ}58.715^{\circ}\text{S}$ (at or about longitude $150^{\circ}09.093^{\circ}\text{E}$).

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kellys Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point the mean high water mark on the northern shore of Kellys Lake intersects latitude $36^{\circ}00.394^{\circ}\text{S}$ (at or about longitude $150^{\circ}09.435^{\circ}\text{E}$), and
- (b) the point the mean high water mark on the southern shore of Kellys Lake intersects latitude $36^{\circ}00.419^{\circ}\text{S}$ (at or about longitude $150^{\circ}09.433^{\circ}\text{E}$).

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Coila Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $36^{\circ}00.986^{\circ}\text{S}$, $150^{\circ}06.952^{\circ}\text{E}$, on the south-western bank, and
- (b) the point on the mean high water mark nearest to $36^{\circ}00.497^{\circ}\text{S}$, $150^{\circ}06.903^{\circ}\text{E}$, on the north-eastern bank.

An area bounded as follows:

- (a) commencing on the mean high water mark on the eastern-most point of Jemisons Point at $36^{\circ}06.172^{\circ}\text{S}$, $150^{\circ}08.260^{\circ}\text{E}$,
- (b) then due east for a distance of approximately 300 metres to $36^{\circ}06.172^{\circ}\text{S}$, $150^{\circ}08.480^{\circ}\text{E}$ (a point due south of the eastern-most extremity of Potato Point),
- (c) then due south for a distance of approximately 2.5 kilometres to $36^{\circ}07.540^{\circ}\text{S}$, $150^{\circ}08.480^{\circ}\text{E}$,

(d) then due west for a distance of approximately 1.4 kilometres to Brou Breach at the point on the mean high water mark nearest to $36^{\circ}07.540^{\circ}\text{S}$, $150^{\circ}07.546^{\circ}\text{E}$,

(e) then generally north along the mean high water mark of Brou Beach and then Jemisons Point to the point of commencement,

and including the whole of the tidal waters and tidal lands to the mean high water mark of Lake Tarouga and its creeks, bays and tributaries.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Brou Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the north-western bank of Brou Lake intersects latitude $36^{\circ}07.151^{\circ}\text{S}$ (at or about longitude $150^{\circ}07.337^{\circ}\text{E}$), and

(b) the point the mean high water mark on the north-eastern bank of Brou Lake intersects latitude $36^{\circ}07.308^{\circ}\text{S}$ (at or about longitude $150^{\circ}07.441^{\circ}\text{E}$).

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Brou Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to $36^{\circ}07.960^{\circ}\text{S}$, $150^{\circ}06.714^{\circ}\text{E}$, on the western bank of Brou Lake, and

(b) the point on the mean high water mark nearest to $36^{\circ}07.969^{\circ}\text{S}$, $150^{\circ}06.775^{\circ}\text{E}$, on the eastern bank of Brou Lake.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kianga Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the northern bank of Kianga Lake at $36^{\circ}11.476^{\circ}\text{S}$, $150^{\circ}07.936^{\circ}\text{E}$, and

(b) the point on the southern bank of Kianga Lake at $36^{\circ}11.551^{\circ}\text{S}$, $150^{\circ}07.936^{\circ}\text{E}$.

An area bounded as follows:

(a) commencing on the northern shore of Clarks Bay at the point on the mean high water mark nearest to $36^{\circ}12.674^{\circ}\text{S}$, $150^{\circ}06.161^{\circ}\text{E}$,

(b) then due south to $36^{\circ}12.887^{\circ}\text{S}$, $150^{\circ}06.161^{\circ}\text{E}$,

(c) then generally south-west to $36^{\circ}13.455^{\circ}\text{S}$, $150^{\circ}05.530^{\circ}\text{E}$,

(d) then due west to the point on the mean high water mark nearest to $36^{\circ}13.455^{\circ}\text{S}$, $150^{\circ}05.278^{\circ}\text{E}$,

(e) then generally north-east along the mean high water mark to the point of commencement,

but not including the Black Bream Point habitat protection zone, the Clarks Bay habitat protection zone or the Freshwater Bay habitat protection zone as described in Division 3.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Punkalla Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to $36^{\circ}13.538^{\circ}\text{S}$, $150^{\circ}04.326^{\circ}\text{E}$, on the western bank of Punkalla Creek, and

(b) the point on the mean high water mark nearest to $36^{\circ}13.581^{\circ}\text{S}$, $150^{\circ}04.460^{\circ}\text{E}$, on the eastern bank of Punkalla Creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Forsters Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to $36^{\circ}13.578^{\circ}\text{S}$,

- 150°06.900'E, on the northern bank of Forsters Bay, and
(b) the point on the mean high water mark nearest to 36°13.761'S,
150°06.809'E, on the southern bank of Forsters Bay.

An area bounded as follows:

- (a) commencing south of Glasshouse Rocks at 36°14.300'S,
150°08.803'E,
(b) then due east for a distance of approximately 2.5 kilometres to
36°14.300'S, 150°10.620'E,
(c) then due south for a distance of approximately 5.8 kilometres to
36°17.222'S, 150°10.620'E,
(d) then due west to the northern side of the entrance to Corunna Lake at the point
on the mean high water mark nearest to 36°17.222'S, 150°07.894'E,
(e) then north along the mean high water mark to the point of commencement,
and including the whole of the tidal waters and tidal lands to the mean high water mark of
Nangudga Lake and Bullengella Lake and their creeks, bays and tributaries but not
including the Handkerchief Beach habitat protection zone as described in Division 3.

An area bounded as follows:

- (a) commencing on the eastern coast of Montague Island at the point on the mean
high water mark nearest to 36°14.678'S, 150°13.846'E,
(b) then due south for a distance of approximately 546 metres to the eastern-most
point of Montague Island at the point on the mean high water mark nearest to
36°14.973'S, 150°13.846'E,
(c) then generally north along the mean high water mark of the eastern coast of
Montague Island to the point of commencement.

An area bounded as follows:

- (a) commencing on the south-eastern coast of Montague Island at the point on the
mean high water mark nearest to 36°15.243'S, 150°13.793'E,
(b) then due east for a distance of approximately 1.6 kilometres to
36°15.243'S, 150°14.848'E,
(c) then due south for a distance of approximately 1.7 kilometres to
36°16.143'S, 150°14.848'E,
(d) then due west for a distance of approximately 1.9 kilometres to
36°16.143'S, 150°13.607'E (a point due south of the southern-most
extremity of Montague Island),
(e) then due north to the southern-most extremity of Montague Island at the point
on the mean high water mark nearest to 36°15.558'S, 150°13.607'E,
(f) then generally south-east then north along the mean high water mark of the
southern coast of Montague Island to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of
Couria Bay and its creeks, bays and tributaries upstream of the line between:

- (a) the point, on the north-eastern shore of Couria Bay, the mean high
water mark intersects latitude 36°21.084'S (at or about longitude
150°03.440'E), and
(b) the point, on the south-western shore of Couria Bay, the mean high
water mark intersects latitude 36°21.252'S (at or about longitude
150°03.440'E),

but not including the Couria Bay habitat protection zone as described in Division
3.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of
Dignams Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 36°21.211'S, 150°02.079'E, on the northern bank of Wallaga Lake, and
- (b) the point on the mean high water mark nearest to 36°21.345'S, 150°02.171'E, on the southern bank of Wallaga Lake at the mouth of Dignams Creek,

but not including the Snake Island special purpose zone as described in Division 4.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meads Bay and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 36°23.109'S, 150°02.813'E, on the western bank of Meads Bay, and
- (b) the point on the mean high water mark nearest to 36°22.921'S, 150°03.053'E, on the eastern bank of Meads Bay.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Narira Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 36°23.506'S, 150°02.673'E, on the western bank of Narira Creek, and
- (b) the point on the mean high water mark nearest to 36°23.506'S, 150°02.685'E, on the eastern bank of Narira Creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Merriwina Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to 36°21.613'S, 150°04.770'E, on the western bank of the entrance to Merriwina Creek, and
- (b) the point on the mean high water mark nearest to 36°21.622'S, 150°04.775'E, on the eastern bank of the entrance to Merriwina Creek.

3 Fish cleaning

Despite clause 7 of this Regulation, a person may clean fish or fishing gear while in a sanctuary zone of the marine park at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.

4 Oyster depuration

(1) Despite clause 7 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a sanctuary zone of the marine park if the oyster depuration is carried out in a designated area and in accordance with the *Food Act 2003*.

(2) For the purposes of this clause, a "**designated area**" means any tidal waters and tidal lands of a sanctuary zone of the marine park on which, immediately before the commencement of this Part, depuration lines were being used for oyster depuration by the holder of a licence under the *Food Act 2003* that authorised the operation of a depuration plant.

5 Permissible uses

(1) Without limiting clause 6 of this Regulation, a further object of a sanctuary zone in the marine park is, where consistent with clause 6 (a) of this Regulation, to allow any activity to be carried out in the zone if it is a permissible use with respect to the sanctuary zone.

(2) For the purposes of this clause, each of the following activities is a "**permissible use**"

with respect to each of the sanctuary zones in the marine park:

- (a) an activity that is necessary for the purposes of replacing a work used before the commencement of this Part with a work that has the same or less environmental impact and that is capable of safe and ecologically sustainable use,
 - (b) an activity that is necessary for the purposes of maintaining a work used before the commencement of this Part in a state that enables safe and ecologically sustainable use of the work.
- (3) Despite clause 7 of this Regulation, the consent of the relevant Ministers may be given for an activity that would otherwise contravene that clause if that activity is a permissible use with respect to the sanctuary zone.
- (4) In this clause: "**work**" includes a jetty, wharf, pontoon, groyne, retaining wall, boat ramp, mooring, aquaculture facility, boardwalk, navigation marker, regulatory authority sign and stormwater drain.

Division 3 – Habitat protection zones

6 Description of habitat protection zones

The habitat protection zones of the marine park are comprised of the following areas:

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kioloa Creek and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark on the northern shore of Kioloa Creek at $35^{\circ}33.084'S$, $150^{\circ}22.938'E$, and
- (b) the point on the mean high water mark on the southern shore of Kioloa Creek at $35^{\circ}33.137'S$, $150^{\circ}22.938'E$.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the unnamed creek, landward of Durras Beach, that runs between Skid Ridge Road and Old Coast Road, and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}39.460'S$, $150^{\circ}17.776'E$, on the western bank of the entrance to the creek, and
- (b) the point on the mean high water mark nearest to $35^{\circ}39.460'S$, $150^{\circ}17.785'E$, on the eastern bank of the entrance to the creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $35^{\circ}38.310'S$, $150^{\circ}18.450'E$, on the northern bank of the Durras Lake entrance, and
- (b) the point on the mean high water mark nearest to $35^{\circ}38.394'S$, $150^{\circ}18.369'E$, on the southern bank of the Durras Lake entrance.

but not including the Upper Durras Lake sanctuary zone or the North Durras Lake sanctuary zone as described in Division 2.

An area bounded as follows:

- (a) commencing at the southern end of South Durras Beach at the point on the mean high water mark nearest to $35^{\circ}40.095'S$, $150^{\circ}18.414'E$,
- (b) then due east to the intersection of latitude $35^{\circ}40.095'S$ with the eastern boundary of the marine park,
- (c) then generally south along the eastern boundary of the marine park to the intersection of latitude $35^{\circ}50.246'S$ with the boundary,
- (d) then due west to $35^{\circ}50.246'S$, $150^{\circ}14.342'E$ (a point generally east of the southern-most extremity of Burrewarra Point),
- (e) then due north, along the eastern boundary of the Burrewarra sanctuary zone,

to 35°49.027'S, 150°14.341'E, approximately 260 metres east of the north-eastern edge of Jimmies Island,

(f) then due west to the southern end of Rosedale Beach at the point on the mean high water mark nearest to 35°49.030'S, 150°13.749'E,

(g) then along the mean high water mark to 35°32.374'S, 150°11.991'E (a point on the mean high water mark on the northern bank of the Clyde River),

(h) then to 35°32.418'S, 150°11.991'E (a point on the mean high water mark on the southern bank of the Clyde River),

(i) then downstream along the mean high water mark to the point of commencement,

but not including the Pelican Inlet sanctuary zone, the Waterfall Creek sanctuary zone, the Buckenbowra River sanctuary zone, the Tollgate Islands sanctuary zone, the North Head sanctuary zone or the Cullendulla Creek sanctuary zone as described in Division 2 or the Batemans Bay special purpose zone as described in Division 4.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Clyde River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark on the northern bank of the Clyde River at 35°32.374'S, 150°11.991'E, and

(b) the point on the mean high water mark on the southern bank of the Clyde River at 35°32.418'S, 150°11.991'E.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Tomaga River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the northern shore of the mouth of the Tomaga River at 35°50.226'S, 150°11.070'E, and

(b) the point on the southern shore of the mouth of the Tomaga River at 35°50.305'S, 150°11.070'E.

An area bounded as follows:

(a) commencing at the eastern-most extremity of Toragy Point at the point on the mean high water mark nearest to 35°54.474'S, 150°09.610'E,

(b) then due east to the intersection of latitude 35°54.474'S with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to the point the eastern marine park boundary intersects latitude 35°57.725'S,

(d) then due west, along the northern boundary of the Mullimburra sanctuary zone, to the southern shore of Congo Beach, at the point the mean high water mark intersects latitude 35°57.725'S,

(e) then generally north along the mean high water mark to the point of commencement,

including the whole of the tidal waters and tidal lands to the mean high water mark of Congo Creek and its creeks, bays and tributaries.

An area bounded as follows:

(a) commencing at the eastern-most extremity of Mullimburra Point at the point on the mean high water mark nearest to 35°59.628'S, 150°09.850'E,

(b) then due east for a distance of approximately 200 metres to 35°59.628'S, 150°09.974'E,

(c) then generally north along a line parallel to, but 200 metres seaward of, the mean high water mark, to 35°58.715'S, 150°09.170'E,

(d) then due west to the southern side of the entrance to Meringo Lake at the point on the mean high water mark nearest to 35°58.715'S, 150°09.237'E,

(e) then generally south following the mean high water mark to the point of

commencement.

An area bounded as follows:

- (a) commencing on the northern bank of the entrance to Tuross Lake at the point on the mean high water mark nearest to $36^{\circ}03.966^{\circ}\text{S}$, $150^{\circ}08.097^{\circ}\text{E}$,
- (b) then generally north along the mean high water mark to the southern side of the entrance to Coila Lake at the point on the mean high water mark nearest to $36^{\circ}03.028^{\circ}\text{S}$, $150^{\circ}08.518^{\circ}\text{E}$,
- (c) then generally north to the northern side of the entrance to Coila Lake at the point on the mean high water mark nearest to $36^{\circ}02.889^{\circ}\text{S}$, $150^{\circ}08.535^{\circ}\text{E}$,
- (d) then generally north along the mean high water mark to the point the mean high water mark intersects latitude $36^{\circ}01.689^{\circ}\text{S}$,
- (e) then due east, along the southern boundary of the Mullimburra sanctuary zone, to the point the eastern boundary of the marine park intersects latitude $36^{\circ}01.689^{\circ}\text{S}$,
- (f) then generally south along the eastern boundary of the marine park to the intersection of the eastern boundary of the marine park and latitude $36^{\circ}03.966^{\circ}\text{S}$,
- (g) then due west to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Tuross Lake, the Tuross River system and their creeks, bays and tributaries upstream of the line between:

- (a) the point on the northern shore of the opening to Tuross Lake at $36^{\circ}03.967^{\circ}\text{S}$, $150^{\circ}08.097^{\circ}\text{E}$, and
- (b) the point on the southern shore of the opening to Tuross Lake at $36^{\circ}04.051^{\circ}\text{S}$, $150^{\circ}08.097^{\circ}\text{E}$.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Lake Brunderee and its creeks, bays and tributaries upstream of the line between:

- (a) the point the mean high water mark on the western shore of Lake Brunderee intersects latitude $36^{\circ}05.640^{\circ}\text{S}$ (at or about longitude $150^{\circ}08.218^{\circ}\text{E}$), and
- (b) the point the mean high water mark on the eastern shore of Lake Brunderee intersects latitude $36^{\circ}05.640^{\circ}\text{S}$ (at or about longitude $150^{\circ}08.236^{\circ}\text{E}$).

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the unnamed creek that is landward of Jemisons Beach and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the mean high water mark nearest to $36^{\circ}06.050^{\circ}\text{S}$, $150^{\circ}08.149^{\circ}\text{E}$, on the northern bank of the entrance to the creek, and
- (b) the point on the mean high water mark nearest to $36^{\circ}06.053^{\circ}\text{S}$, $150^{\circ}08.147^{\circ}\text{E}$, on the southern bank of the entrance to the creek.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Lake Dalmeny and its creeks, bays and tributaries upstream of the line between:

- (a) the point on the northern shore of the opening to Lake Dalmeny at $36^{\circ}09.720^{\circ}\text{S}$, $150^{\circ}07.550^{\circ}\text{E}$, and
- (b) the point on the southern shore of the opening to Lake Dalmeny at $36^{\circ}09.744^{\circ}\text{S}$, $150^{\circ}07.597^{\circ}\text{E}$.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Wagonga Inlet and its creeks, bays and tributaries that are upstream of the line between:

- (a) the point the mean high water mark on the western shore of Wagonga Inlet intersects latitude $36^{\circ}12.684'S$ (at or about longitude $150^{\circ}07.968'E$), and
- (b) the point the mean high water mark on the eastern shore of Wagonga Inlet intersects latitude $36^{\circ}12.684'S$ (at or about longitude $150^{\circ}08.037'E$),

but not including the Clarks Bay--Freshwater Bay sanctuary zone or the Forsters Bay sanctuary zone as described in Division 2, the Black Bream Point habitat protection zone as described in this Division, the Mill Bay Boat Ramp special purpose zone, the Forsters Bay special purpose zone or the Narooma Wharf special purpose zone as described in Division 4.

An area bounded as follows:

- (a) commencing on the western shore of Clarks Bay at the point on the mean high water mark nearest to $36^{\circ}12.861'S$, $150^{\circ}05.732'E$,
- (b) then due north to $36^{\circ}12.832'S$, $150^{\circ}05.732'E$,
- (c) then due east to $36^{\circ}12.832'S$, $150^{\circ}05.792'E$,
- (d) then due south to the western shore of Clarks Bay at the point on the mean high water mark nearest to $36^{\circ}12.858'S$, $150^{\circ}05.792'E$,
- (e) then generally west along the mean high water mark to the point of commencement.

An area bounded by the circle of 20 metres radius centred on $36^{\circ}12.784'S$, $150^{\circ}05.567'E$, a point near the mean high water mark on the shore of Wagonga Inlet.

An area bounded by the circle of 20 metres radius centred on $36^{\circ}13.158'S$, $150^{\circ}05.316'E$, a point near the mean high water mark on the shore of Wagonga Inlet.

An area bounded as follows:

- (a) commencing at the point the mean high water mark south of the entrance to Wagonga Inlet intersects latitude $36^{\circ}12.769'S$ (at or about longitude $150^{\circ}08.136'E$),
- (b) then due east to $36^{\circ}12.769'S$, $150^{\circ}08.234'E$,
- (c) then south-east to the point the mean high water mark intersects latitude $36^{\circ}12.945'S$ (at or about longitude $150^{\circ}08.371'E$),
- (d) then along the mean high water mark to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the lake named Little Lake that lies between Wagonga Inlet and Nangudga Lake, and its creeks, bays and tributaries upstream of the line between:

- (a) the point the mean high water mark on the northern shore of the lake intersects latitude $36^{\circ}13.423'S$ (at or about longitude $150^{\circ}08.453'E$), and
- (b) the point the mean high water mark on the southern shore of the lake intersects latitude $36^{\circ}13.443'S$ (at or about longitude $150^{\circ}08.456'E$).

An area bounded as follows:

- (a) commencing south of the entrance to Bullengella Lake at the point on the mean high water mark nearest to $36^{\circ}14.623'S$, $150^{\circ}08.659'E$,
- (b) then due east to $36^{\circ}14.623'S$, $150^{\circ}08.726'E$,
- (c) then generally south along a line parallel to, but 100 metres seaward of, the mean high water mark to $36^{\circ}15.206'S$, $150^{\circ}08.790'E$,
- (d) then due west to the point on the mean high water mark nearest to

36°15.206'S, 150°08.730'E,

(e) then along the mean high water mark to the southern side of the entrance to Nangudga Lake at the point on the mean high water mark nearest to

36°15.139'S, 150°08.673'E,

(f) then due west to the northern side of the entrance to Nangudga Lake at the point on the mean high water mark nearest to 36°15.139'S,

150°08.601'E,

(g) then generally north along the mean high water mark to the point of commencement.

An area bounded as follows:

(a) commencing south of the entrance to Kianga Lake at the point on the mean high water mark nearest to 36°11.536'S, 150°07.994'E,

(b) then due east to the intersection of latitude 36°11.536'S with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to 36°18.342'S, 150°12.099'E (a point east of Mystery Bay),

(d) then due west to the southern side of Mystery Bay at the point on the mean high water mark nearest to 36°18.342'S, 150°08.195'E,

(e) then generally north along the mean high water mark to the point of commencement,

but not including the Bullengella Lake--Corunna Lake sanctuary zone, the Montague Island East sanctuary zone or the Montague Island South sanctuary zone as described in Division 2, the Montague Island (Inner) habitat protection zone, the Wagonga Head habitat protection zone, the Handkerchief Beach habitat protection zone, the Wagonga Inlet habitat protection zone or the Little Lake (north) habitat protection zone as described in this Division.

An area bounded as follows:

(a) commencing at the point the mean high water mark on the west coast of Montague Island intersects latitude 36°14.636'S (at or about longitude 150°13.428'E),

(b) then generally north for approximately 350 metres to 36°14.448'S, 150°13.428'E,

(c) then due east for approximately 630 metres to 36°14.448'S, 150°13.846'E,

(d) then due south to the point the mean high water mark on the north-eastern extremity of Montague Island intersects latitude 36°14.609'S (at or about longitude 150°13.846'E),

(e) then west along the mean high water mark to the point of commencement.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the lake named Little Lake that lies between Tilba Tilba Lake and Wallaga Lake, and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°20.325'S, 150°06.107'E, on the northern entrance to the lake, and

(b) the point on the mean high water mark nearest to 36°20.352'S, 150°06.035'E, on the southern entrance to the lake.

An area bounded as follows:

(a) commencing on the northern bank of Wallaga Lake (near the eastern edge of Wallaga Lake Road) at the point on the mean high water mark nearest to 36°21.524'S, 150°04.572'E,

(b) then generally south-east along the mean high water mark of Wallaga Lake to the northern bank of the entrance to Wallaga Lake at the point nearest to

36°22.131'S, 150°04.781'E,

(c) then due south to the southern bank of Wallaga Lake at the point on the mean high water mark nearest to 36°22.189'S, 150°04.781'E,

(d) then generally west along the mean high water mark of the southern bank of Wallaga Lake to 36°21.549'S, 150°04.502'E (a point near the eastern edge of Wallaga Lake Road),

(e) then north along the mean high water mark, generally parallel to the eastern edge of Wallaga Lake Road, to the point of commencement,

but not including the Merriwonga Creek sanctuary zone as described in Division 2.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Couria Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°20.649'S, 150°03.187'E, on the eastern shore of Couria Bay, and

(b) the point on the mean high water mark nearest to 36°20.649'S, 150°03.100'E, on the western shore of Couria Bay.

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meads Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°22.642'S, 150°03.741'E, on the eastern bank of Meads Bay, and

(b) the point on the mean high water mark nearest to 36°22.921'S, 150°03.053'E, on the western bank of Meads Bay.

7 Taking of certain plants permitted in habitat protection zones

(1) Despite clause 11 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in a habitat protection zone of the marine park.

(2) Despite clause 11 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in a habitat protection zone of the marine park. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.

(3) Despite subclauses (1) and (2), a person must not, while in a habitat protection zone listed in table D, take or attempt to take any plant.

8 Permitted fishing activities

Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

(1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part.

Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene this clause.

(2) Subject to clause 9 of this Part, the following fishing activities are permitted in a habitat protection zone of the marine park:

(a) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

(i) push or scissors net (prawns),

(ii) hoop or lift net.

(b) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hauling net (general purpose) or a pilchard, anchovy

and bait net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from the beaches set out in table C.

(c) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a garfish net (bullringing), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from water not within an estuary.

(d) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hand-hauled prawn net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in the following habitat protection zones:

- (i) the Tomaga River habitat protection zone,
- (ii) the Tuross Lake and River habitat protection zone,
- (iii) the Lake Brunderee habitat protection zone,
- (iv) the Lake Dalmeny (Mummaga Lake) habitat protection zone,
- (v) the Little Lake (south) habitat protection zone.

(e) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a fish trap or lobster trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(f) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of an eel trap or crab trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(g) The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by hand picking (within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*), if the use of that method to take that fish is lawful under the *Fisheries Management Act 1994*.

The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act. Part 3 of the *Fisheries Management (General) Regulation 2002* also sets out requirements in relation to the lawful use of fishing gear such as traps and nets.

9 Prohibited fishing activities

1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in a habitat protection zone of the marine park unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.

2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

3 Clause 21 of this Part sets out various general fishing prohibitions.

(1) A person must not, while in a habitat protection zone of the marine park, take or attempt to take any fish of a species not listed in table B.

(2) A person must not, while in the Shallow Crossing habitat protection zone, take or attempt to take fish between 1 May and 30 November in any year (both dates inclusive).

(3) A person must not, while in the Handkerchief Beach habitat protection zone, take or attempt to take fish unless the person does so:

- (a) for recreational purposes only, and
- (b) while situated on the shore.

(4) A person must not, while in the Montague Island (Inner) habitat protection zone, take or attempt to take fish between 1 November and 30 April in any year (both dates inclusive) by use of the following methods:

- (a) a fishing line rigged with bait,
- (b) a wire trace line,
- (c) any net (other than a landing net),
- (d) any method carried out from a vessel at anchor.

(5) A person must not, while in a habitat protection zone set out in table D, take or

attempt to take invertebrate fish by hand picking (within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*).

10 Aquaculture

Despite clause 13 of this Regulation, aquaculture is not permissible in a habitat protection zone of the marine park, except within the leased area of any class 1 lease within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*.

11 Oyster depuration

Despite clause 11 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a habitat protection zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

Division 4 – Special purpose zones

12 Description of special purpose zones

The special purpose zones of the marine park are comprised of the following areas:

An area bounded as follows:

- (a) commencing on Island Beach at the point the mean high water mark intersects latitude $35^{\circ}34.698^{\circ}\text{S}$ (at or about longitude $150^{\circ}21.387^{\circ}\text{E}$),
- (b) then due east to $35^{\circ}34.698^{\circ}\text{S}$, $150^{\circ}21.916^{\circ}\text{E}$ (a point south of the southern-most extremity of O'Hara Island),
- (c) then generally south-west to $35^{\circ}36.543^{\circ}\text{S}$, $150^{\circ}20.626^{\circ}\text{E}$,
- (d) then due west to the point the mean high water mark intersects latitude $35^{\circ}36.543^{\circ}\text{S}$,
- (e) then generally north-east along the mean high water mark to the point of commencement.

An area bounded as follows:

- (a) commencing at the eastern side of the Batemans Bay bridge at the point on the mean high water mark nearest to $35^{\circ}42.188^{\circ}\text{S}$, $150^{\circ}10.632^{\circ}\text{E}$,
- (b) then generally north for a distance of 50 metres to $35^{\circ}42.175^{\circ}\text{S}$, $150^{\circ}10.658^{\circ}\text{E}$,
- (c) then along a line parallel to, but 60 metres seaward of, the mean high water mark generally south-east to $35^{\circ}43.131^{\circ}\text{S}$, $150^{\circ}12.002^{\circ}\text{E}$,
- (d) then generally south to $35^{\circ}43.205^{\circ}\text{S}$, $150^{\circ}11.976^{\circ}\text{E}$,
- (e) then generally west to the southern shore of Batemans Bay at the point on the mean high water mark nearest to $35^{\circ}43.158^{\circ}\text{S}$, $150^{\circ}11.849^{\circ}\text{E}$,
- (f) then generally north-west along the mean high water mark to the point of commencement.

An area bounded as follows:

- (a) commencing on the western shore of Mill Bay (on the north side of Wagonga Inlet) on the mean high water mark at $36^{\circ}12.451^{\circ}\text{S}$, $150^{\circ}07.484^{\circ}\text{E}$,
- (b) then due east to $36^{\circ}12.451^{\circ}\text{S}$, $150^{\circ}07.514^{\circ}\text{E}$,
- (c) then due south to $36^{\circ}12.544^{\circ}\text{S}$, $150^{\circ}07.514^{\circ}\text{E}$,
- (d) then due west to $36^{\circ}12.544^{\circ}\text{S}$, $150^{\circ}07.262^{\circ}\text{E}$,
- (e) then due north to the point on the mean high water mark nearest to $36^{\circ}12.513^{\circ}\text{S}$, $150^{\circ}07.262^{\circ}\text{E}$,
- (f) then generally north-east along the mean high water mark of the northern bank of Wagonga Inlet to the point of commencement.

An area bounded as follows:

- (a) commencing on the western edge of Narooma Town Wharf at $36^{\circ}12.897^{\circ}\text{S}$, $150^{\circ}07.835^{\circ}\text{E}$,

- (b) then generally north-east for a distance of approximately 30 metres to 36°12.885'S, 150°07.842'E,
- (c) then generally south-east to the point on the mean high water mark nearest to 36°12.951'S, 150°08.005'E,
- (d) then following the mean high water mark generally west to the point of commencement.

An area bounded as follows:

- (a) commencing on the southern bank of Wagonga Inlet (on the eastern bank of Forsters Bay) at the point on the mean high water mark nearest to 36°12.696'S, 150°07.357'E,
- (b) then generally south along the mean high water mark to the point on the mean high water mark nearest to 36°13.387'S, 150°07.326'E,
- (c) then due north to 36°13.326'S, 150°07.325'E (a point approximately 100 metres from the mean high water mark),
- (d) then generally north along a line parallel to, but 100 metres seaward of, the mean high water mark of the eastern bank of Forsters Bay, to 36°12.639'S, 150°07.331'E,
- (e) then generally east to the point of commencement.

An area bounded as follows:

- (a) commencing at the point the mean high water mark on the southern shore of Wallaga Lake intersects latitude 36°21.369'S (at or about longitude 150°02.139'E),
- (b) then generally south-west along the mean high water mark of the southern shore of Wallaga Lake to the point the mean high water mark on the southern shore of Wallaga Lake intersects latitude 36°21.620'S (at or about longitude 150°01.546'E),
- (c) then generally north-east to the western tip of Snake Island at the point the mean high water mark on the western tip of Snake Island intersects latitude 36°21.574'S (at or about longitude 150°01.604'E),
- (d) then generally east along the mean high water mark of the southern side of Snake Island to the point the mean high water mark on the eastern tip of Snake Island intersects latitude 36°21.381'S (at or about longitude 150°02.106'E),
- (e) then generally east to the point of commencement.

An area comprised of the following areas:

- (a) the leased area of any class 1 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part that is bounded by a sanctuary zone of the marine park, and
- (b) any priority oyster aquaculture area, within the meaning of the *NSW Oyster Industry Sustainable Aquaculture Strategy* as adopted by *State Environmental Planning Policy No 62--Sustainable Aquaculture*, that is bounded by a sanctuary zone of the marine park.

13 Special purpose zones--objects

- (1) The object of the Murramarang Coast special purpose zone is to provide a high level of biodiversity conservation whilst allowing for the sustainable commercial harvest of abalone in areas of critical importance to the abalone fishery in the marine park.
- (2) The object of the Batemans Bay, Mill Bay Boat Ramp, Narooma Wharf and Forsters Bay special purpose zones is to provide for foreshore and maritime facilities and infrastructure in Batemans Bay and Narooma.
- (3) The object of the Snake Island special purpose zone is to provide for traditional Aboriginal use.

(4) The object of the Class 1 special purpose zone is to provide for the management of the kinds of aquaculture in respect of which a Class 1 lease may be granted under the *Fisheries Management (Aquaculture) Regulation 2002*.

Clauses 18A and 18B of this Regulation create offences relating to the taking or harming of plants, animals, fish and other materials in a special purpose zone.

14 Special purpose zones--fishing

(1) A person must not, while in the Murramarang Coast special purpose zone, take or attempt to take fish.

(2) Despite subclause (1), the harvesting, in the course of commercial fishing, of abalone is permitted in the Murramarang Coast special purpose zone.

(3) A person must not, while in the Batemans Bay, Mill Bay Boat Ramp, Narooma Wharf or Forsters Bay special purpose zone, take or attempt to take fish unless the taking of that species of fish by the method used is permitted in a zone that adjoins the special purpose zone concerned.

(4) A person must not, while in the Snake Island special purpose zone, take or attempt to take fish.

(5) A person must not, while in any area within the Class 1 special purpose zone that is the subject of an aquaculture lease and adjoins a sanctuary zone, take or attempt to take fish.

15 Aquaculture in Class 1 special purpose zone

Despite clause 18C of this Regulation, a person may carry out aquaculture in the Class 1 special purpose zone in accordance with a permit issued under the *Fisheries Management Act 1994*.

16 Oyster depuration

Despite clause 18A of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a special purpose zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

Division 5 – General use zone

17 Description of general use zone

The general use zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, a habitat protection zone or a special purpose zone.

18 Oyster depuration

Despite clause 15 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in the general use zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

19 Taking of certain plants permitted in general use zone

(1) Despite clause 15 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in the general use zone of the marine park.

(2) Despite clause 15 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in the general use zone of the marine park.

Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

20 Fishing permitted in general use zone

(1) A person must not take, or attempt to take, fish in the general use zone of the marine park unless the taking of the fish, and the method used to take the fish, is lawful under the *Fisheries Management Act 1994*.

(2) This clause is subject to the other provisions of this Regulation. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Regulation.

Division 6 of this Part sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

Division 6 – General permissions and prohibitions

21 Fishing prohibitions

(1) A person must not, while in the marine park, take or attempt to take fish by trawling.

(2) A person must not, while in the marine park, take or attempt to take fish by use of a wire trace line unless the line is a hand held line.

(3) A person must not, while in the marine park, take or attempt to take fish by use of a line that has more than 6 hooks attached.

(4) A person must not, while in the marine park, take or attempt to take fish by use of a dredge or any device similar to a dredge (excluding any instrument used in the course of hand picking within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*).

(5) This clause has effect despite any other provision of this Regulation.

22 Taking fish or plants for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish or plant for aquarium collection purposes.

(2) A person does not commit an offence in respect of a contravention of subclause (1) if:

(a) the fish or plant the subject of the charge was taken while in a habitat protection zone or general use zone, and

(b) the activity was carried out with the consent of the relevant Ministers.

23 Collection of no more than 10 kg of shell and shell grit

(1) Despite any other provision of this Regulation, a person may collect no more than 10 kilograms of shell or shell grit for recreational purposes while in any of the following zones:

(a) a habitat protection zone,

(b) the general use zone,

(c) a special purpose zone that adjoins a habitat protection zone or the general use zone,

but only if any shell collected is not living and is not occupied by any living animal.

(2) Nothing in this clause permits a person to collect shell or shell grit in any part of a national park, national reserve or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974*.

24 Collection of seaweed

A person must not, while in the marine park, take seaweed from a beach that is, or is part of, a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974* except with the consent of the relevant Ministers.

25 Permits not required for 12 months after commencement of zoning plan

A person does not commit an offence against clause 24 of this Regulation if the person carries out an activity described in clause 24 (1) (a) or (b) in the marine park without the consent of the relevant Ministers within 12 months after the commencement of this Part.

Clause 24 (1) of this Regulation makes it an offence to sell or hire any thing or service or conduct any activity for money in a marine park, except with the consent of the relevant Ministers. Clause 24 (2) excludes commercial fishing from the prohibition.

Division 7 – Species protection

26 Identification of protected species

(1) For the purposes of clause 22A of this Regulation, any species offish:

(a) not listed in table B, or

(b) the taking or harming of which is prohibited under section 19 or 220ZA of the *Fisheries Management Act 1994*,

is identified as a protected species for the purposes of the marine park. Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

(2) Despite subclause (1), cunjevoi (*Pyura stolonifera*) is not a protected species.

Division 8 – Domesticated animals

27 Restrictions on domesticated animals

Despite clause 22 (1) of this Regulation, a person may bring a domesticated animal into the following parts of the marine park:

(a) tidal lands of the marine park if those tidal lands are not directly seaward of:

(i) a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974*, or

(ii) a place in which the animal is prohibited under the *Companion Animals Act 1998*,

(b) waters of the marine park that are not part of a nature reserve or national park dedicated or reserved under the *National Parks and Wildlife Act 1974* if the animal remains confined to a vessel,

(c) tidal lands of the marine park that are directly seaward of a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974* if permitted under a plan of management under that Act.

Clause 22 of this Regulation makes it an offence, subject to certain exceptions, to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

Division 9 – Use, mooring and anchoring of vessels and vehicles

Clause 27 of this Regulation makes it an offence to use, anchor or moor any vessel or motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

28 Anchoring within a sanctuary zone

(1) Despite clause 9 (1) of this Regulation, a person may anchor a vessel within a sanctuary zone of the marine park.

(2) A person who is anchoring, or has anchored, a vessel within a sanctuary zone must not cause or allow the anchor or any other part of the vessel or its gear to come into contact with a seagrass bed.

(3) It is a defence to a prosecution for an offence in respect of a contravention of subclause (2) if the person charged satisfies the court that the person took all reasonable steps to satisfy himself or herself that no part of the vessel or its gear would come into contact with a seagrass bed.

29 Areas in which use of vehicles prohibited

(1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching or retrieving a vessel from a designated boat-launching facility.

(2) This clause does not apply to or in respect of the following:

(a) an authorised vehicle, a police vehicle or an emergency vehicle,

(b) a person who has been issued with a permit by the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park, authorising the use of a motorised vehicle and who is using the vehicle in accordance with that permit,

(c) a commercial fisher using the vehicle in the course of commercial fishing.

(3) In this clause: "**authorised vehicle**" means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

- (a) a regulatory authority,
- (b) any other government department or public or local authority,
- (c) a surf life saving club.

"**designated boat-launching facility**" means a facility in the marine park designated by the Authority or another relevant government department or public or local authority as appropriate for boat-launching. "**emergency vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*. "**police vehicle**" has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

Division 10 – Tables

Table A--Plants that may be taken in habitat protection zones

Common name	Class/Family	Species
Sea lettuce	Family Ulvaceae	Ulva lactuca
Bait weed	Family Ulvaceae	Enteromorpha intestinalis

Table B--Fish that may be taken in habitat protection zones

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Gummy sharks, school sharks	Family Triakidae	Mustelus antarcticus, Galeorhinus galeus
Eastern rock lobsters, southern rock lobsters	Family Palinuridae	Jasus verreauxi, Jasus edwardsii
Prawns	Family Penaeidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Octopus	Family Octopodidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Squid, cuttlefish	Family Sepiidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Arrow squid, southern calamari	Family Loliginidae	Nototodarus gouldi, Sepioteuthis australis
Commercial scallops, doughboy scallops	Family Pectinidae	Pecten fumatus, Chlamys asperrimus
Blue mussels	Family Mytilidae	Mytilus planulatus
Sydney cockles	Family Arcidae	Anadara trapezia
Mud oysters	Family Osteridae	Ostrea angasi
Sea urchins	Class Echinoidea	Centrostephanus rogersii, Heliocidaris erythrogramma
Beach worms	Family Onuphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Ghost shrimp, marine yabbies (nippers)	Family Callianassida	Callianassa spp.

	e	
Mud crabs, blue swimmer crabs	Family Portunidae	Scylla serrata, Portunus pelagicus
Rock crabs	Family Grapsidae	All species
Oysters	Family Ostreidae	Saccostrea spp., Crassostrea spp.
Pipis	Family Donacidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Turban shell	Family Turbinadae	Turbo spp.
Abalone	Family Haliotidae	Haliotis rubra
Periwinkles	Family Trochidae	Austrocochlea spp.
Bloodworms	Family Opheliidae	Armandia spp.

Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Table C--Designated beaches in which hauling is permitted in habitat protection zones

Long Beach
Wimbie Beach
Rosedale Beach
Barlings Beach
All beaches along the coast that are between Mullimburra Point and the mouth of Meringo Lake
Shark Bay Beach between Broulee Island and Broulee Head
Maloneys Beach (east of Long Beach in Batemans Bay)
Tuross Beach

Table D--Habitat protection zones in which handpicking is prohibited

Meringo-Mullimburra Point habitat protection zone
Black Bream Point habitat protection zone
Clarks Bay habitat protection zone
Freshwater Bay habitat protection zone
Wagonga Head habitat protection zone
Handkerchief Beach habitat protection zone

Schedule 2 Penalty notice offences

(Clauses 34 and 35)

Column 1	Column 2
Offence	Penalty
	Offences created by a provision of the Act
Section 17A	\$500
Section 20G (1)	\$500
Section 20G (2)	\$500
Section 20H (2)	\$500
	Offences created by a provision of this

	Regulation
Clause 7 (1) (a)	\$500
Clause 7 (1) (b)	\$500
Clause 7 (1) (c)	\$500
Clause 7 (1) (d)	\$500
Clause 8A (1)	\$500
Clause 9 (1)	\$500
Clause 9A	\$500
Clause 11 (1) (a)	\$500
Clause 11 (1) (b)	\$500
Clause 11 (1) (c)	\$500
Clause 12 (2) (a)	\$500
Clause 12 (2) (b)	\$500
Clause 15 (1) (a)	\$500
Clause 15 (1) (b)	\$500
Clause 15 (1) (c)	\$500
Clause 16 (2)	\$500
Clause 18A (1) (a)	\$500
Clause 18A (1) (b)	\$500
Clause 18A (1) (c)	\$500
Clause 18B (1)	\$500
Clause 19 (1)	\$500
Clause 19 (2)	\$500
Clause 19 (2A)	\$500
Clause 20 (1) (a)	\$300
Clause 20 (1) (b)	\$300
Clause 20 (1) (c)	\$300
Clause 20 (1) (d)	\$300
Clause 20 (1) (e)	\$300
Clause 20 (2)	\$300
Clause 20 (3)	\$300
Clause 20A (2)	\$200
Clause 20B	\$200
Clause 21 (1) (a)	\$300
Clause 21 (1) (b)	\$500
Clause 21 (1) (c)	\$500
Clause 22 (1) (a)	\$200
Clause 22 (1) (b)	\$200
Clause 22 (1A)	\$220
Clause 22A (1) (a) and (b)	See matter above in relation to section 17A of the Act
Clause 23 (1)	\$300
Clause 24 (1) (a)	\$500
Clause 24 (1) (b)	\$500
Clause 24A (a)	\$300
Clause 24A (b)	\$300
Clause 24A (c)	\$300
Clause 24A (d)	\$300
Clause 25 (2) (a)	\$200
Clause 25 (2) (b)	\$300
Clause 26 (1) (a)	\$200

Clause 26 (1) (b)	\$200
Clause 26 (1) (c)	\$200
Clause 26 (1) (d)	\$200
Clause 27 (2)	\$500
Clause 27A (1)	\$500
Clause 27B	\$500
Clause 28 (1) (a)	\$200
Clause 28 (1) (b)	\$200
Clause 28 (1) (c)	\$500
Clause 29	\$500
Clause 30 (1)	\$200
Clause 32G (2)	\$500
Clause 33 (2)	\$200
Clause 33A (2)	\$500

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
ClI	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Marine Parks Regulation 1999* published in Gazette No 25 of 26.2.1999, p 1044 (see also erratum published on 5.3.1999) and amended as follows:*Marine Parks Amendment Regulation 2001* (GG No 46 of 2.3.2001, p 1084) (The regulation (statutory rule) appointed 1 March 2001 as the date of its commencement. Pursuant to section 39 (2A) of the *Interpretation Act 1987*, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the regulation is published in the Gazette, instead of from the earlier day.)*Marine Parks Amendment (Solitary Islands) Regulation 2002* (GG No 124 of 31.7.2002, p 5716)*Marine Parks Amendment (Jervis Bay) Regulation 2002* (GG No 160 of 1.10.2002, p 8501)*Statute Law (Miscellaneous Provisions) Act 2003 No 40*. Assented to 22.7.2003. Date of commencement of Sch 2.19, assent, sec 2 (2).*Marine Parks Amendment (Lord Howe Island and Other Amendments) Regulation 2004* (GG No 188 of 26.11.2004, p 8829)

2006	(215)	<i>Marine Parks Amendment (Cape Byron) Regulation 2006</i> . GG No 58 of 28.4.2006, p 2392. Date of commencement, 1.5.2006, cl 2.
2007	(118)	<i>Marine Parks Amendment (Port Stephens-Great Lakes) Regulation 2007</i> . GG No 36 of 2.3.2007, p 1334. Date of commencement, 21.4.2007, cl 2.
	(119)	<i>Marine Parks Amendment (Batemans) Regulation 2007</i> . GG No 36 of 2.3.2007, p 1418. Date of commencement, 30.6.2007, cl 2.

No 27	<i>Statute Law (Miscellaneous Provisions) Act 2007</i> . Assented to 4.7.2007. Date of commencement of Sch 4, assent, sec 2 (2).
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Table of amendments

Cl 3	Am 31.7.2002; 26.11.2004; 2006 (215), Sch 1 [1]; 2007 (118), Sch 1 [1] [2]; 2007 (119), Sch 1 [1].
Cll 3A, 3B	Ins 31.7.2002.
Part 2, note	Ins 31.7.2002.
Cl 7	Am 31.7.2002; 1.10.2002; 26.11.2004; 2006 (215), Sch 1 [2].
Cl 8A	Ins 31.7.2002. Am 1.10.2002.
Cl 9	Am 31.7.2002; 26.11.2004.
Cl 9A	Ins 26.11.2004. Subst 2006 (215), Sch 1 [3].
Cl 11	Am 31.7.2002; 1.10.2002; 2006 (215), Sch 1 [4]; 2007 (118), Sch 1 [3].
Cl 12	Am 31.7.2002; 1.10.2002.
Cl 13	Subst 31.7.2002.
Cl 15	Am 31.7.2002; 1.10.2002; 2006 (215), Sch 1 [5]; 2007 (118), Sch 1 [4].
Cl 16	Am 31.7.2002; 1.10.2002; 2006 (215), Sch 1 [6].
Cll 17, 18	Am 31.7.2002.
Cl 18A	Ins 31.7.2002. Am 1.10.2002; 2006 (215), Sch 1 [7] [8]; 2007 (118), Sch 1 [5].
Cl 18B	Ins 31.7.2002. Am 1.10.2002; 2006 (215), Sch 1 [9] [10].
Cl 18C	Ins 31.7.2002.
Cl 19	Am 31.7.2002; 1.10.2002; 2006 (215), Sch 1 [11] [12]; 2007 (118), Sch 1 [6]-[12].
Cl 20	Am 31.7.2002; 26.11.2004; 2006 (215), Sch 1 [13]; 2007 (119), Sch 1 [2].
Cl 20A	Ins 26.11.2004.
Cl 20B	Ins 2006 (215), Sch 1 [14].
Cl 22	Am 31.7.2002; 1.10.2002; 2007 (118), Sch 1 [13]; 2007 (119), Sch 1 [3].
Cl 22A	Ins 26.11.2004. Am 2007 (119), Sch 1 [4].
Cl 23	Am 31.7.2002.
Cl 24	Am 31.7.2002; 1.10.2002; 26.11.2004.
Cl 24A	Ins 26.11.2004.
Cl 26	Am 31.7.2002; 1.10.2002.
Cl 27	Am 31.7.2002; 26.11.2004; 2007 (118), Sch 1 [14] [15].
Cl 27A	Ins 31.7.2002. Am 26.11.2004.
Cl 27B	Ins 31.7.2002.
Cl 28	Am 31.7.2002.
Cll 29, 30	Rep 2.3.2001. Ins 26.11.2004.
Part 3, Div 2	Rep 2.3.2001.
Part 3A	Ins 26.11.2004.
Part 3A, note	Ins 26.11.2004.
Cll 31, 32	Rep 2.3.2001. Ins 26.11.2004.
Cll 32A-32K	Ins 26.11.2004.
Cl 32L	Ins 26.11.2004. Am 2006 (215), Sch 1 [15].

Cl 32M	Ins 26.11.2004.
Cl 32N	Ins 26.11.2004. Am 2007 (118), Sch 1 [16]; 2007 (119), Sch 1 [5].
Cl 33	Am 26.11.2004.
Cl 33A	Ins 26.11.2004.
Cl 34	Am 31.7.2002; 26.11.2004.
Cl 35	Rep 31.7.2002.
Cl 37	Subst 31.7.2002. Rep 26.11.2004.
Cl 37AA	Ins 1.10.2002. Rep 26.11.2004.
Cl 37A	Ins 31.7.2002. Rep 26.11.2004.
Cl 38A	Ins 31.7.2002. Am 1.10.2002.
Cl 38B	Ins 31.7.2002.
Cl 40	Subst 2.3.2001.
Sch 1	Am 31.7.2002; 1.10.2002; 2003 No 40, Sch 2.19; 26.11.2004; 2006 (215), Sch 1 [16]-[29]; 2007 (118), Sch 1 [17]-[28]; 2007 (119), Sch 1 [6]-[11]; 2007 No 27, Sch 4.17 [1][2].
Sch 2, heading	Am 31.7.2002.
Sch 2	Am 31.7.2002; 1.10.2002; 26.11.2004; 2006 (215), Sch 1 [30]-[59].