

Queensland



Marine Parks Act 1982

MARINE PARKS (CAIRNS) ORDER 1992

**Reprinted as in force on 20 September 1993
(order not amended up to this date)**

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This order is reprinted as at 20 September 1993.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use expressions consistent with current drafting practice (s 29)
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- use aspects of format and printing style consistent with current drafting practice (s 35).

See endnotes for information about when provisions commenced.

Queensland



MARINE PARKS (CAIRNS) ORDER 1992

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MARINE PARKS (CAIRNS) ORDER 1992

[reprinted as in force on 20 September 1993]

1 Short title

This order in council may be cited as the *Marine Parks (Cairns) Order 1992*.

2 Definitions

In this order in council—

“highest astronomical tide” means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;

“high water” means the mean height of the higher tide at spring tides;

“reef” includes bommie fields, reef slopes, moats and ramparts;

“reef edge” means the seaward edge of a reef;

“the 1 km line” means the line every point of which is 1 km seaward from the nearest point of the reef edge of the reef to which it applies;

“the 2 km line” has a corresponding meaning to “the 1 km line”;

“the 5 km line” means the line every point of which is 5 km seaward from the nearest point of the coastline of the mainland at low water;

“the 500 m line” has a corresponding meaning to “the 1 km line”;

“the coastal 1 km line” means the line every point of which is 1 km seaward from—

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

“the coastal 5 km line” has a corresponding meaning to “the coastal 1 km line”;

“**the coastal 100 m line**” has a corresponding meaning to “the coastal 1 km line”;

“**the coastal 500 m line**” has a corresponding meaning to “the coastal 1 km line”.

3 Establishment of marine park

The areas of tidal waters and tidal land described in the Schedule are set apart and declared as a marine park.

4 Constituents of marine park

Under section 15 of the Act—

- (a) the subsoil beneath tidal land in the area, to a depth of 1000 m below the surface; and
- (b) the airspace above the area, to a height of 915 m above the surface;

are taken to be in the marine park and, for the purposes of the Act, part of the area.

5 Amalgamation of marine parks

The Cairns Marine Park set apart and declared by order in council published in the Gazette on 18 February 1989 at page 1270, is amalgamated with the marine park set apart and declared under section 3.

6 Naming of marine park

The name ‘Cairns Marine Park’ is assigned to the marine park amalgamated under section 5.

SCHEDULE

section 3

The areas consist of—

- (a) the coastline area from Lookout Point to north of Cape Flattery, the boundary of which—
 - (i) commences at the northernmost point of the intersection of the meridian of longitude that passes through the northernmost point of Lookout Point at low water by the coastline of the mainland at Lookout Point at highest astronomical tide; and
 - (ii) runs generally easterly, southerly and south-easterly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its intersection by the geodesic that passes through the point of intersection of the meridian of longitude 145°17.5' east with the coastline of the mainland at low water and the northernmost point of intersection of the geodesic between the easternmost point of Lookout Point at low water and the point of latitude 14°54' south, longitude 145°20' east, by an arc of a circle having a radius of 5 km and its centre on the northernmost point of Cape Flattery at low water; and
 - (iii) then north-easterly along the geodesic that passes through the northernmost point of intersection of the geodesic between the easternmost point of Lookout Point at low water and the point of latitude 14°54' south, longitude 145°20' east, by an arc of a circle having a radius of 5 km and its centre on the northernmost point of Cape Flattery at low water, to its northernmost intersection by the coastline of the mainland at high water; and
 - (iv) then generally north-westerly, northerly and westerly along that coastline at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend line of the coast at high water) to its intersection by the meridian of longitude that passes through the northernmost point of Lookout Point at low water; and

SCHEDULE (continued)

- (v) then south along that meridian of longitude to the point of commencement; and
- (b) the area south of Cape Flattery, the boundary of which—
 - (i) commences at the easternmost point of intersection of the parallel of latitude 15° south by the coastline of the mainland at highest astronomical tide; and
 - (ii) runs generally south-westerly, southerly, south-easterly and easterly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its northernmost intersection by the meridian of longitude 145°20.28' east; and
 - (iii) then north along that meridian of longitude to its intersection by the coastline of the mainland at high water; and
 - (iv) then generally westerly, north-westerly, northerly and north-easterly along the coastline of the mainland at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend line of the coast at high water) to its intersection by the parallel of latitude 15°05' south; and
 - (v) then east along that parallel of latitude to its intersection by the 5 km line; and
 - (vi) then generally north-easterly along the 5 km line to its intersection by the parallel of latitude 15° south; and
 - (vii) then west along that parallel of latitude to the point of commencement; and
- (c) the area near North Direction Island, the boundary of which—
 - (i) commences at the northernmost point of the 500 m line around Kedge Rock; and
 - (ii) runs northerly along the geodesic to the easternmost point of the coastal 1 km line around North Direction Island; and
 - (iii) then generally north-westerly and westerly along that coastal 1 km line to its northernmost point; and

SCHEDULE (continued)

- (iv) then north-westerly along the geodesic to the easternmost point of the coastal 500 m line around Lizard Island; and
 - (v) then south-easterly along the geodesic to the easternmost point of the coastal 500 m line around North Direction Island; and
 - (vi) then generally easterly and south-easterly along that coastal 500 m line to its easternmost point; and
 - (vii) then southerly along the geodesic to the point of commencement; and
- (d) the coastal area the boundary of which—
- (i) commences at the northernmost point of intersection of the coastline of the mainland at highest astronomical tide with the meridian of longitude 145°20.28' east; and
 - (ii) runs generally south-easterly, south-westerly, south-easterly, southerly, south-westerly, south-easterly, south-westerly and southerly along the coastline at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to the southernmost point of Point Saunders; and
 - (iii) then along an imaginary line drawn across the mouth of the Endeavour River from Point Saunders (St Patrick Point) at a bearing of 265° true; and
 - (iv) then generally south-westerly and easterly along the boundary of National Park N.P. 206 to its easternmost point on the south bank of the Endeavour River; and
 - (v) then generally easterly along the vegetation line of the south bank of the Endeavour River to the easternmost point of the vegetation line of the western bank of the mouth of Racecourse Creek; and
 - (vi) then generally southerly along the vegetation line of the western bank of Racecourse Creek to its intersection by the riverwards boundary of the old railway line route along the south bank of the Endeavour River; and
 - (vii) then generally easterly, north-easterly and northerly along that riverwards boundary of the old railway line route along

SCHEDULE (continued)

the south bank of the Endeavour River to its intersection by an imaginary line drawn to extend the southerly boundary of Furneaux Street, Cooktown; and

- (viii) then northerly along the geodesic to the easternmost point of the vegetation line of the eastern bank of the middle mouth of Chinaman Creek; and
- (ix) then northerly along the geodesic to the navigation aid marked QY.4M on Navigation Chart Aus 831 published by the Hydrographic Service RAN, 20 March 1979, 10 December 1984 Edition with small corrections 1991, 59, 142, 235 and 236, located at, or about, the point of latitude 15°27.81' south, longitude 145°14.418' east; and
- (x) then east along the parallel of latitude that passes through that navigation aid to its westernmost intersection by the coastal 100 m line of the southern bank of the Endeavour River; and
- (xi) then generally northerly, north-easterly and easterly along that coastal 100 m line to its intersection by the meridian of longitude that passes through the point where the northernmost boundary of Saunders Street, Cooktown, meets the southern boundary of the Esplanade, Cooktown; and
- (xii) then south along that meridian of longitude to its northernmost intersection by the coastline of the mainland at highest astronomical tide; and
- (xiii) then generally easterly, south-easterly and south-westerly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its easternmost point on the north bank of the Annan River; and
- (xiv) then south-easterly along the geodesic to the point of intersection of the parallel of latitude 15°33.3' south by the geodesic that passes through the northernmost point of the 500 m line around Gubbins Reef (reef 15-063) and the westernmost point of the 500 m line around Egret Reef (reef 15-013); and

SCHEDULE (continued)

- (xv) then northerly along the geodesic to the westernmost point of the 500 m line around Egret Reef; and
- (xvi) then northerly along the geodesic to the easternmost point of the 5 km line east of the easternmost point of South Cape Bedford; and
- (xvii) then generally north-westerly along that 5 km line to the point of intersection by the parallel of latitude 15°13.5' south; and
- (xviii) then west along that parallel of latitude to its intersection by the meridian of longitude 145°20.28' east; and
- (xix) then south along that meridian of longitude to the point of commencement; and
- (e) the coastal areas and strip near Annan River, the boundary of which—
 - (i) commences at the easternmost point of the north bank of the Annan River at highest astronomical tide; and
 - (ii) runs generally southerly, south-easterly, southerly, south-easterly, southerly, south-easterly, and south-westerly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its intersection by the parallel of latitude 16°19' south; and
 - (iii) then east along that parallel of latitude to its intersection with the coastline of the mainland at high water; and
 - (iv) then generally north-easterly, north-westerly, northerly, north-westerly, northerly, north-westerly and northerly along the coastline of the mainland at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend of the coast at high water) to its easternmost point of the intersection by the parallel of latitude 15°31.8' on the south bank of the Annan River; and
 - (v) then south-easterly along the geodesic to the point of intersection of the meridian of longitude that passes through the northernmost point of the 500 m line around Gibbins reef by the parallel of latitude that passes through the

SCHEDULE (continued)

northernmost point of Grave Point on the mainland at high water; and

- (vi) then south along the meridian of longitude to the northernmost point of the 500 m line around Gibbins Reef; and
- (vii) then northerly along the geodesic that passes through the westernmost point of the 500 m line around Egret Reef (reef 15-013) to its intersection by the parallel latitude 15°33.3' south; and
- (viii) then north-westerly along the geodesic to the point of commencement;

but excludes tidal waters and tidal land of—

- (ix) the Annan River that are upstream from the downstream side of the bridge near Lung Island, on the Cooktown Development Road; and
- (x) the Esk River that are south of the parallel of latitude 15°34.4' south; and
- (xi) Fritz Creek that are west of the westernmost point of the boundary of National Park N.P.212, Parish of Monkhouse, County of Banks, on Fritz Creek; and
- (xii) the Gap, Russel, Hislop and Willie Creeks upstream of their intersection by the Bloomfield-Rossville Road; and
- (xiii) the Bloomfield River upstream from the parallel of latitude that passes through the southernmost point of Split Island at low water; and
- (xiv) the Daintree River and its tributaries upstream from its junction with Barratt Creek; and
- (f) the area near the Hope Islands, the boundary of which—
 - (i) commences at the point of latitude 16°15' south, longitude 145°35.5' east; and
 - (ii) runs north-westerly along the geodesic to the southernmost point of the 1 km line around West Hope Island reef (reef 15-064); and

SCHEDULE (continued)

- (iii) then north-easterly along the geodesic to the southernmost point of the 1 km line around East Hope Island reef (reef 15-065); and
- (iv) then generally north-easterly and north-westerly along that 1 km line to its northernmost point; and
- (v) then westerly along the geodesic to the northernmost point of the 1 km line around West Hope Island reef (reef 15-064); and
- (vi) then westerly along the geodesic to the easternmost of the 500 m line around Gubbins Reef (reef 15-063); and
- (vii) then south-easterly along the geodesic to the northernmost point of the 500 m line around West Hope Island Reef; and
- (viii) then easterly along the geodesic to the northernmost point of the 500 m line around East Hope Island Reef; and
- (ix) then generally south-easterly and south-westerly along that 500 m line to its southernmost point; and
- (x) then south-westerly along the geodesic to the southernmost point of the 500 m line around West Hope Island Reef; and
- (xi) then south-easterly along the geodesic to the point of commencement; and
- (g) the coastal areas, the boundary of which—
 - (i) commences at the easternmost point of the coastline of the mainland at White Cliffs at highest astronomical tide; and
 - (ii) runs generally northerly, north-westerly, westerly, southerly, south-westerly, northerly, north-easterly and northerly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to the easternmost point of the coastline of the mainland on the eastern bank of the mouth of Dicksons Inlet of the boundary of Recreation Reserve R159, Parish of Victory, County of Solander; and
 - (iii) then westerly along the geodesic to the north-westernmost point of Reserve for Local Government (Port and Harbours) purposes R171, Parish of Victory, County of Solander; and

SCHEDULE (continued)

- (iv) then south-easterly along the geodesic to easternmost point of the vegetation line of Magazine Island; and
- (v) then generally southerly and south-westerly along that vegetation line to its southernmost point; and
- (vi) then southerly along the geodesic to the easternmost point of the vegetation line of Ferry Reserve R25, Parish of Victory, County of Solander; and
- (vii) then generally southerly, south-easterly and south-westerly along that vegetation line to its intersection by the southerly boundary line of Reserve for Local Government R177, Parish of Victory, County of Solander; and
- (viii) then south-easterly along that southerly boundary of that Reserve to its south-easternmost point; and
- (ix) then generally south-westerly, northerly, north-easterly and northerly along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its intersection by the parallel of latitude 16°26.3' south, in the vicinity of the southern bank of the mouth of the Mossman River; and
- (x) then east along that parallel of latitude to its intersection by coastline of the mainland at high water; and
- (xi) then generally southerly and south-easterly along that coastline at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend line of the coast at high water) to its westernmost intersection by the boundary of R.1245 (Reserve for Local Government (Refuse Disposal) Purposes); and
- (xii) then north-easterly and south-easterly along the boundaries of that Reserve to the easternmost point of that Reserve; and
- (xiii) then east along the parallel that passes through the easternmost point of that Reserve to its westernmost intersection by an imaginary line every point of which is a distance of 700 m from the nearest point of the centre-line of Packers Creek; and

SCHEDULE (continued)

- (xiv) then generally northerly along that line to its westernmost intersection by the parallel of latitude that passes through the northernmost point of Magazine Island; and
 - (xv) then northerly along the geodesic to the point of intersection of the coastal 500 m line by the meridian of longitude that passes through the westernmost point of Morey Reef; and
 - (xvi) then generally easterly and south-easterly along that coastal 500 m line to its intersection by the parallel of latitude 16°29.2' south; and
 - (xvii) then west along that parallel to its intersection by the coastline of the mainland at high water; and
 - (xviii) then generally southerly, south-easterly and easterly along the coastline of the mainland at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend of the coast at high water) to its point of intersection by the geodesic between the southernmost point of the 500 m line around Yule Reef and the easternmost point of White Cliffs at high water on the mainland; and
 - (xix) then north-easterly along the geodesic to the southernmost point of the 500 m line around Yule Reef; and
 - (xx) then south-westerly along the geodesic to the point of commencement;
- but excludes—
- (xxi) tidal waters and tidal land of Dicksons Inlet that are west of the easterly boundary of the Captain Cook Highway; and
 - (xxii) tidal waters and tidal land of the Mowbray River upstream from a point which is 100 m seawards of the bridge crossing on the Captain Cook Highway; and
 - (xxiii) tidal waters and tidal land of the reduced area of Special Lease 09/23884 over Lot 136 on Plan SR 550 detailed on Cairns Marine Park Plan No. 1 held at the Cairns office of the Department of Environment and Heritage; and
- (h) the coastal areas the boundary of which—

SCHEDULE (continued)

- (i) commences at the easternmost point of the coastline of the mainland of the south bank at the mouth of the Barron River at highest astronomical tide; and
- (ii) runs south-easterly along the geodesic to the northernmost point of the coastline of the mainland at False Cape at highest astronomical tide; and
- (iii) then generally south-easterly, easterly, north-easterly, south-easterly, south-westerly, south-easterly, southerly, south-easterly, southerly, along the coastline of the mainland at highest astronomical tide (including tidal waters and tidal land of all rivers, creeks and streams at highest astronomical tide) to its intersection by the parallel of latitude 17°52.9' south; and
- (iv) then east along that parallel of latitude to its intersection by the 5 km line; and
- (v) then generally northerly and north-westerly along the 5 km line to its intersection by the geodesic that passes through the point of latitude 17°49' south, longitude 146°09.7' east and the intersection of the coastline of the mainland at low water by the parallel of latitude 17°47.5' south; and
- (vi) then westerly along the geodesic to the point of intersection of the coastline of the mainland at high water by the parallel of latitude 17°49.2' south; and
- (vii) then generally northerly, north-westerly, northerly, north-westerly, north-easterly, north-westerly, south-westerly, westerly and north-westerly along the coastline of the mainland at high water (crossing the mouths of rivers, creeks and streams in accordance with the general trend line of the coast at high water) to the northernmost point of False Cape at high water on the mainland; and
- (viii) then north-easterly along the geodesic to the westernmost point of the 2 km line around Green Island Reef; and
- (ix) then south-westerly along the geodesic to the point of commencement;

but excludes tidal waters and tidal land—

SCHEDULE (continued)

- (x) of Mulgrave River upstream of the northernmost point of Environment Park R.1548, Parish of Sophia, County of Nares on the south bank; and
- (xi) of Russell River upstream of a point that is 500 m downstream from its junction with Babinda Creek; and
- (xii) that are—
 - (A) upstream from the imaginary line that—
 - (AA) commences at the southernmost point of the coastline of the mainland at Goodman Point at highest astronomical tide; and
 - (AB) runs southerly along the geodesic to the southernmost point of the mainland at Goodman Point at high water; and
 - (AC) then southerly along the geodesic to the northernmost point of the coastline of the mainland of the southern bank of the entrance to Mourilyan Harbour, at high water; and
 - (AD) then southerly along the geodesic to the northernmost point of the coastline of the mainland of the southern bank of the entrance to Mourilyan Harbour at highest astronomical tide; and
 - (B) seawards of the imaginary line that—
 - (BA) commences at the point of latitude 17°36.1' south, longitude 146°6.1' east; and
 - (BB) runs south-easterly along the geodesic to the point of latitude 17°36.6' south, longitude 146°6.4' east; and
 - (BC) then south along the meridian of longitude 146°6.4' east to its intersection by the parallel of latitude 17°37' south; and
 - (BD) then easterly along the geodesic to the point of latitude 17°37.3' south, longitude 146°7.8' east; and

SCHEDULE (continued)

- (xiii) of Mourilyan Creek that are south of the parallel of latitude 17°41' south; and
- (xiv) of the Johnstone River upstream of an imaginary line drawn North-South across the river at the western end of Banana Island Scenic Reserve at low water; and
- (xv) of Ninds Creek, upstream of the road crossing at Coquette Point Road; and
- (xvi) of Liverpool Creek upstream of the northernmost boundary of National Park N.P. 1608, Parish of Hull, County of Nares; and
- (xvii) of North Maria Creek upstream of the westernmost point of National Park N.P. 1445, Parish of Hull, County of Nares on its southern bank; and
- (i) the area east of Fitzroy Island, the boundary of which—
 - (i) commences at the southernmost intersection of the coastal 5 km line around Fitzroy Island by the geodesic that passes through the easternmost point of the coastal 500 m line around Little Fitzroy Island and the northernmost point of the 1 km line around the reef around Normanby Island and Mabel Island (reef 17-012); and
 - (ii) runs generally northerly and north-easterly along that coastal 5 km line to its easternmost intersection of the coastal 5 km line around Little Fitzroy Island; and
 - (iii) then generally northerly and north-westerly along that coastal 5 km line to its northernmost intersection with the geodesic that passes through the northernmost point of the coastal 500 m line around Little Fitzroy Island and the easternmost point of the 2 km line around Green Island reef (reef 16-049); and
 - (iv) then northerly along the geodesic to the easternmost point of the 2 km line around Green Island reef; and
 - (v) then southerly along the geodesic to the northernmost point of the coastal 500 m line around Fitzroy Island and Little Fitzroy Island; and

SCHEDULE (continued)

- (vi) then generally south-easterly and southerly along that coastal 500 m line to its easternmost point; and
- (vii) then southerly along the geodesic to the point of commencement; and
- (j) the tidal waters and tidal land that surround the islands within the boundaries set out in—
 - (i) paragraphs (a) to (i); and
 - (ii) Schedule 1 of the zoning plan of the Cairns Marine Park approved by order in council published in the Gazette on 18 February 1989 at page 1270; and
- (k) tidal waters and tidal land that are not within the boundaries set out in paragraphs (a) to (i) if they surround islands that are within the boundaries;

but exclude—

- (l) national parks set apart and declared under the *National Parks and Wildlife Act 1975*; and
- (m) environmental parks reserved and set apart under the *Land Act 1962*; and
- (n) alienated tidal land.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Marine Parks (Cairns) Order 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Marine Parks (Cairns) Order 1992 SL No. 209
 notfd Gaz 3 July 1992 pp 2245–7
 commenced on date of notification