



# Whitsundays Plan of Management Amendment 2002 (No. 1)

---

The Great Barrier Reef Marine Park Authority has prepared this amendment of a plan of management under section 39ZG of the *Great Barrier Reef Marine Park Act 1975*.

Dated 30 April 2002

---

## 1 Name of amendment

This amendment is the *Whitsundays Plan of Management Amendment 2002 (No. 1)*.

## 2 Commencement

This amendment comes into force when the Authority gives notice of it under subsection 39ZE (4) of the *Great Barrier Reef Marine Park Act 1975*.

*Note* However, amendments of the enforcement provisions of the *Whitsundays Plan of Management 1998* included in this amendment do not come into force until a day declared by regulations — see the *Great Barrier Reef Marine Park Act 1975*, subsection 39ZF (2).

## 3 Amendment of *Whitsundays Plan of Management 1998*

Schedule 1 amends the *Whitsundays Plan of Management 1998*.

## Schedule 1 Amendments

(section 3)

**[1] Clause 1.2**

*omit*

Schedule 1).

*insert*

Schedule 1) on 22 June 1998.

**[2] Clause 1.2, at the foot**

*insert*

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

**[3] Paragraph 1.3 (2) (b)**

*substitute*

(b) to ensure management for the recovery and continued protection and conservation of species and ecological communities that are, or may become:

- (i) extinct; or
- (ii) extinct in the wild; or
- (iii) critically endangered; or
- (iv) endangered; or
- (v) vulnerable; or
- (vi) conservation dependent; and

**[4] Subclause 1.4 (2)**

*omit*

**[5] Subclause 1.4 (4)**

*omit*

end of the area.

*insert*

end of the area unless otherwise stated.

---

**[6] Subclause 1.6 (3)**

*omit*

permission.

*insert*

relevant permission.

**[7] Paragraphs 1.7 (3) (f) and (g), except the notes**

*substitute*

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

**[8] Subclause 1.7 (3), note 1**

*omit*

whale watching

*insert*

whale watching activities are conducted

**[9] Paragraph 1.9 (1) (d), at the foot**

*insert*

*Note* The Dent Island lighthouse and light station were built in 1879. The lighthouse and light station are significant as intact representatives of the building style of that time. The Authority maintains a management presence at Dent Island. This site is specifically referred to in the Register of the National Estate kept under the *Australian Heritage Commission Act 1975*.

**[10] Paragraph 1.10 (5) (e)**

*omit*

operation.

*insert*

operation, except an operation to which subclause 1.10 (19AB) applies.

---

**[11] Subclause 1.10 (7A)**

*substitute*

- (7A) No more than 1 ship at a time will be allowed to anchor at a cruise ship anchorage, except at the Turtle Bay cruise ship anchorage.

**[12] Subclause 1.10 (13)**

*after*

moorings

*insert*

(other than public moorings)

**[13] After subclause 1.10 (13)**

*insert*

- (13A) If a place (the ***original place***) in the Planning Area is severely damaged by a severe environmental incident, the Authority may:
- (a) if a permitted tourist facility was, before the incident, installed at the original place — allow the facility to be temporarily relocated to a different place in the Planning Area; or
  - (b) if a permitted tourist facility was, before the incident, installed at the original place and the facility was destroyed by the incident — allow the operator of the facility to temporarily install a new facility in a different place in the Planning Area; or
  - (c) if a permitted tourist program normally operates at the original place — allow the program to operate temporarily at a different place in the Planning Area.

***Marine Tourism Contingency Plan***

- (13B) No permitted tourist facility or permitted tourist program will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.
- (13C) A Marine Tourism Contingency Plan is required to specify:
- (a) the circumstances in which the Authority will allow a permitted tourist facility or permitted tourist program to temporarily relocate to a different place in the Planning Area; and
  - (b) the places to which a permitted tourist facility or permitted tourist program can relocate.
- (13D) For subclause (13A), a severe environmental incident may be, for example, an oil spill or a cyclone.
- (13E) For subclause (13A), a permitted tourist facility is a tourist facility the operation of which is authorised by a relevant permission.

---

*Note* The installation of a tourist facility mentioned in subclauses (12), (13) and (13A), or the operation of a tourist program mentioned in paragraph (13A) (c), is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a tourist facility or operate a tourist program. The processes under the Regulations include an assessment of the suitability of the proposed installation site for a tourist facility.

**[14] Subclause 1.10 (15)**

*substitute*

*Restrictions on cruise ship operations in the Planning Area*

- (15) Ships used for cruise ship operations will not be permitted in the Planning Area outside the General Use ‘A’ Zone and Shipping Areas, except when anchored at (or transiting to or from) a cruise ship anchorage.

**[15] Subclause 1.10 (16)**

*omit*

Cruise ships

*insert*

Ships used for cruise ship operations

**[16] Subclause 1.10 (16A)**

*omit*

**[17] Subclause 1.10 (18)**

*omit*

tourist programs

*insert*

tourism operations

**[18] Subclause 1.10 (19)**

*omit*

, and crewed

**[19] Subclause 1.10 (19)**

*omit*

uncrewed or

---

**[20] Paragraph 1.10 (19) (d)**

*omit*

crew and

**[21] Paragraph 1.10 (19A) (b)**

*substitute*

- (b) operate a vessel that is not surveyed for overnight operation; or
- (ba) operate a vessel that does not have 8 or more sleeping berths; or

**[22] Paragraph 1.10 (19A) (d)**

*substitute*

- (d) operate a vessel carrying more than 30 passengers (not including crew), except in accordance with subclause (19AB); or

**[23] After subclause 1.10 (19A)**

*insert*

- (19AB) For paragraph (19A) (d), a long range roving operation may operate a vessel carrying more than 30 passengers (in addition to crew), on no more than 10 days per year, subject to:
  - (a) compliance with group size setting limits; and
  - (b) the operator notifying the Authority, in writing, about such an operation before conducting the operation.

**[24] Subclause 1.10 (19B)**

*omit*

tourist programs

*insert*

tourism operations

**[25] After subclause 1.10 (19B)**

*insert*

- (19BA) The Authority will consider granting permission for a long range roving operation only if the Authority received the application for the permission no later than 3 months after the commencing day.

**[26] Subclause 1.10 (21)**

*omit*

tourist programs

---

*insert*

tourism operations

**[27] Subclause 1.10 (23)**

*after*

Fishing

*insert*

and collecting

**[28] Subclause 1.10 (27)**

*substitute*

- (27) Subject to subclauses (28), (28A) and (29), there will be a maximum of 20 bookings available per day for crewed vessel operations and aircraft operations and, unless such an operation (except an operation converted from a bareboat operation) meets the required eligibility criteria set out in this Plan, the operation will be:
- (a) limited to 50 days operation in the Planning Area per year; and
  - (b) required to have a booking to access the Planning Area.

**[29] Subclause 1.10 (29)**

*substitute*

- (29) The following tourism operations will not be limited to 50 days operation per year in the Planning Area, and will not be required to have a booking to access the Planning Area:
- (a) Bowen operations;
  - (b) hire operations;
  - (c) craftless operations;
  - (d) non-motorised operations;
  - (e) support service operations;
  - (f) passenger transport operations;
  - (g) bareboat operations.

*Regional tour operations*

- (29A) The Authority intends to grant up to 15 new permissions for regional tour operations.
- (29B) A new permission mentioned in subclause (29A) may permit a regional tour operation:
- (a) to have all-year access to the Planning Area without a booking; and
  - (b) to have up to 2 visits, totalling no more than 48 hours, to any 1 Location in any 7 consecutive days.

- (29C) However, a new permission mentioned in subclause (29A) will not be granted until:
- (a) the Authority has prepared a new system for allocating permissions for regional tour operations; and
  - (b) an application for the new permission has been assessed in accordance with the Regulations.
- (29D) It is the intention of the Authority that 5 of the permissions mentioned in subclause (29A) will provide opportunities for aboriginal involvement in tourism in the Planning Area and for that purpose will be made available to persons who are traditional inhabitants and who have traditional affiliations.

**[30] Clause 1.10, table 4, heading**

*substitute*

**Table 4 Tourism operations permitted under this Plan**

**[31] Clause 1.10, table 4, entry for *Standard tour operation*, second column**

*omit*

Limited to 2 visits per Location per week, except designated landing areas

*insert*

Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days, except for designated landing areas

**[32] Clause 1.10, table 4, entry for *Standard tour operation*, second column**

*omit*

**Non-motorised operation**

Limited to using a non-motorised craft

*insert*

**Non-motorised operation**

Limited to using a non-motorised craft

**Passenger transport operation**

Limited to setting 1 areas, except when transiting the Planning Area



**[33] Clause 1.10, table 4, entry for *Regional tour operation*, second column**

*omit*

Limited to 2 visits per Location per week, except designated landing areas

*insert*

Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days, except for designated landing areas

**[34] Clause 1.10, table 4, entry for *Regional tour operation*, third column**

*omit*

Existing permission for more than 50 days' operation in the Planning Area per year, or special circumstances

*insert*

- Permission for the operation must have been current on 22 June 1998
- The permission must have permitted the operation to access the Planning Area on more than 50 days per year

**[35] Clause 1.10, table 4, entry for *Regional tour operation*, third column**

*omit*

Existing permission for more than 50 days' operation in the Planning Area per year, and, proof of operation in the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997, or special circumstances

*insert*

The operation satisfies either:

- (a) both of the following requirements:
  - the operation has been assessed by the Authority as meeting the eligibility requirements;
  - a new permission or authorisation has been granted; or
- (b) all of the following requirements:
  - the operation had not applied for assessment of the eligibility requirements before the commencement of *Whitsundays Plan of Management Amendment 2002 (No. 1)*;
  - the relevant permission for the operation must have been in force on 22 June 1998;
  - the relevant permission must have permitted the operation to access the Planning Area on more than 50 days per year;
  - the operation must have accessed the Planning Area on at least 50 days between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances

*Note 1* The eligibility requirements are set out in subclause 1.12 (4).

*Note 2* These requirements do not apply to a crewed vessel operation that was

---

converted from a bareboat operation — see subclauses 1.12 (2) and 2.5 (3).

**[36] Clause 1.10, table 4, entry for *Regional tour operation*, third column**

*omit*

Existing permission for operation in that setting above the group size limit, and proof of operation in that setting above the group size limit on at least 1 day between 1 January 1996 and 30 June 1997, or special circumstances

*insert*

The operation satisfies either:

(a) both of the following requirements:

- the operation has been assessed by the Authority as meeting the eligibility requirements;
- a new permission or authorisation has been granted; or

(b) all of the following requirements:

- the operation had not applied for assessment of the eligibility requirements before the commencement of *Whitsundays Plan of Management Amendment 2002 (No. 1)*;
- the relevant permission for operation in that setting above the group size limit must have been in force on 22 June 1998;
- the relevant permission must have permitted the operation to access that setting above the group size limit;
- the operation must have accessed that setting above the group size limit on at least 1 day between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances

*Note* The eligibility requirements are set out in subclause 1.13 (3).

**[37] Clause 1.10, table 4, entry for *Regional tour operation*, third column**

*omit*

Existing permission for operation in that setting above the group size limit, and proof of operation in that setting above the group size limit on at least 50 days between 1 January 1996 and 30 June 1997, or special circumstances

*insert*

The operation satisfies either:

(a) both of the following requirements:

- the operation has been assessed by the Authority as meeting the eligibility requirements;
- a new permission or authorisation has been granted; or

(b) all of the following requirements:

- the operation had not applied for assessment of the eligibility requirements before the commencement of *Whitsundays Plan of Management Amendment 2002 (No. 1)*;
- the relevant permission for operation in that setting above the group size limit must have been in force on 22 June 1998;
- the relevant permission must have permitted the operation to access that setting above the group size limit;
- the operation must have accessed that setting above the group size limit on at least 50 days between 1 January 1996 and 30 June 1997 (inclusive), or there are special circumstances

*Note* The eligibility requirements are set out in subclause 1.13 (4B).

**[38] Clause 1.10, table 4, entry for *Bowen operation*, third column, notes 1 and 2**

*omit*

**[39] Clause 1.10, table 4, entry for *Long range roving operation*, second column**

*omit*

Must be surveyed for overnight operation, with provision for more than 8 sleeping berths

Limited to 30 passengers (not including crew)

Limited to two visits per Location per week

*insert*

Vessel must be surveyed for overnight operation and have 8 or more sleeping berths

Limited to 30 passengers (not including crew), except on no more than 10 days per year subject to:

- group size setting limits; and
- the operator telling the Authority, in writing, about such an operation before conducting the operation

Limited to 2 visits totalling no more than 48 hours per Location in any 7 consecutive days

**[40] Clause 1.10, table 4, entry for *Long range roving operation*, third column, note**

*substitute*

*Note 1* The Authority will consider granting a relevant permission for a long range roving operation only if the Authority received the application for the permission no later than 3 months after the commencing day — see subclause 1.10 (19BA).

*Note 2* It is intended that no further relevant permissions for long range roving operations in the Planning Area will be granted.

**[41] Clause 1.10, table 4, entry for *Cruise ship operation*, second column***omit*

Must carry a pilot

**[42] Clause 1.10, table 4, entry for *Bareboat operation*, first column***substitute***Bareboat operation (bareboat only)**

All-year operation in the Planning Area without a booking requirement

*Note* For the definitions of *bareboat* and *bareboat operation*, see Schedule 9.**[43] Clause 1.10, table 4, after entry for *Bareboat operation****insert*

<b>Support Service Operation</b>	A vessel or aircraft used for a support service operation must not:	Nil
All-year access to the Planning Area without a booking requirement	<ul style="list-style-type: none"> <li>be operated in continuous association with the vessel or aircraft being serviced as part of the support service operation; or</li> <li>remain associated with the vessel or aircraft being serviced for longer than is necessary to provide the service; or</li> <li>be used to offer services (including, for example, sale of food and drink) that are not essential to the continued safe and effective operation of the vessel or aircraft being serviced; or</li> <li>be used to transport a person for the purpose of tourism</li> </ul>	

**[44] Clause 1.10, table 4, entry for *Craftless operation****substitute*

<b>Craftless operation (without vessel or aircraft)</b>	Nil	Nil
All year operation in the Planning Area without a booking requirement		

---

**[45] Clause 1.10, table 4, note at end of table**

*omit*

tourist programs

*insert*

tourism operations

**[46] Paragraphs 1.11 (1) (a) and (b)**

*omit*

tourist programs

*insert*

tourism operations

**[47] Subclause 1.11 (2)**

*omit each mention of*

tourist programs

*insert*

tourism operations

**[48] Subclause 1.11 (4)**

*omit*

tourist programs

*insert*

tourism operations

**[49] Clause 1.12**

*substitute*

**1.12 Eligibility requirements for certain tourism operations**

- (1) The Authority recognises the following issues for the Planning Area:
  - (a) a large number of tourism operations are permitted to operate each day in the Area;
  - (b) to protect the nature conservation and cultural and heritage values of the Area, these operations must be limited, particularly operations that involve:
    - (i) anchoring of a vessel or aircraft in the Area; or
    - (ii) passengers alighting from a vessel or aircraft in the Area.
- (2) To address these issues, the Authority intends that an operation that is either an aircraft operation or a crewed vessel operation (other than a crewed

vessel operation converted from a bareboat operation) will be limited to 50 days operation in the Planning Area per year and will be required to have a booking to access the Planning Area, unless the operation meets the requirements of subclause (3), (4) or (5).

- (3) An operation meets the requirements of this subclause if it is an aircraft operation that was, on 22 June 1998, permitted to operate in the Planning Area on more than 50 days per year.
- (4) An operation meets the requirements of this subclause if it is a crewed vessel operation:
  - (a) that has been assessed by the Authority as having met the following requirements:
    - (i) the relevant permission for the operation must have been in force on 22 June 1998;
    - (ii) the relevant permission must have permitted the operation to access the Planning Area on more than 50 days per year;
    - (iii) the operation must have accessed the Planning Area on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive); and
  - (b) for which a new permission or authorisation was granted.
- (5) An operation meets the requirements of this subclause if it is a crewed vessel operation:
  - (a) for which an application for assessment against the requirements in paragraph (4) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
  - (b) that has been assessed by the Authority as meeting those requirements.
- (6) However, for subclause (5), if special circumstances warrant an exception to the requirement in subparagraph (4) (a) (iii), the Authority will consider allowing the exception.

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

## **[50] Subclauses 1.13 (2), (3) and (4)**

*substitute*

- (2) The Authority will allow an exception for a regional tour operation that meets the requirements of subclause (3), (4), (4B) or (4C).
- (3) An operation meets the requirements of this subclause if it is a crewed vessel operation:
  - (a) that has been assessed by the Authority as having 50 days operation above the group size limit in a setting for which the operation is being assessed because it meets the following requirements:

- 
- (i) the relevant permission for the operation in that setting carrying more than the group size limit was in force on 22 June 1998;
    - (ii) the operation accessed that setting carrying more than the group size limit on at least 1 day during the period from 1 January 1996 to 30 June 1997 (inclusive); and
  - (b) for which a new permission or authorisation was granted.
- (4) An operation meets the requirements of this subclause if it is a crewed vessel operation:
- (a) for which an application for assessment against the requirements in paragraph (3) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
  - (b) that has been assessed by the Authority as meeting those requirements.
- (4A) However, for subclause (4), if special circumstances warrant an exception to the requirement in subparagraph (3) (a) (iii), the Authority will consider allowing the exception.
- (4B) An operation meets the requirements of this subclause if it is a crewed vessel operation:
- (a) that has been assessed by the Authority as having 365 days operation above the group size limit in a setting for which the operation is being assessed because it meets the following requirements:
    - (i) the relevant permission for the operation in that setting carrying more than the group size limit was in force on 22 June 1998;
    - (ii) the operation accessed that setting carrying more than the group size limit on at least 50 days during the period from 1 January 1996 to 30 June 1997 (inclusive); and
  - (b) for which a new permission or authorisation was granted.
- (4C) An operation meets the requirements of this subclause if it is a crewed vessel operation:
- (a) for which an application for assessment against the requirements in paragraph (4B) (a) was not made before the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*; and
  - (b) that has been assessed by the Authority as meeting those requirements.
- (4D) However, for subclause (4C), if special circumstances warrant an exception to the requirement in subparagraph (4B) (a) (iii), the Authority will consider allowing the exception.

**[51] Subclause 1.13 (5)**

*omit*

tourist programs

*insert*

tourism operations

---

**[52] Paragraph 1.14 (1) (c)**

*substitute*

- (c) proof of special circumstances, which may include personal illness or circumstances that prevented operations that would otherwise have enabled the permission holder to have met the eligibility criteria.

**[53] Paragraph 2.3 (1) (c)**

*omit*

Plan.

*insert*

Plan; or

**[54] After paragraph 2.3 (1) (c)**

*insert*

- (d) in accordance with a relevant permission, granted under the Regulations, authorising the carrying on of an activity not mentioned in, or considered by the Authority in the preparation of, this Plan.

**[55] Subclause 2.3 (2), and the note**

*substitute*

- (2) If the Authority gives written permission to do something for the purpose of research, nothing in this Part prevents or restricts anything being done in accordance with the written permission.
- (3) This Part does not apply to the installation or use of a navigation aid.

**[56] Paragraphs 2.4 (5) (a) and (b)**

*substitute*

- (a) a ship that has a booking for a cruise ship anchorage anchoring at the anchorage even if the anchorage is in a setting area that the ship would not, except for this paragraph, be permitted to operate in; or
- (b) a large vessel anchoring at a cruise ship anchorage even if the anchorage is in a setting area that the vessel would not, except for this paragraph, be permitted to operate in; or

**[57] Paragraph 2.4 (5) (e)**

*omit*

a new permission or authorisation.

*insert*

an authorisation.



---

**[58] Subclause 2.4 (5), at the foot***insert**Note* In some cases, an authorisation has also been called an endorsement.**[59] After subclause 2.4 (5)***insert*

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

**[60] Subclause 2.4 (6)***substitute*

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

**[61] Clause 2.5***substitute***2.5 Operation of tourism operations in the Planning Area**

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

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

## **2.5A Passenger transport operations**

A person conducting a passenger transport operation must ensure that:

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

## **2.5B Support service operations**

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

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

### **[62] Paragraph 2.8 (2) (c)**

*substitute*

- (c) to anchor at, or transit to or from, a cruise ship anchorage.

### **[63] Subclause 2.10 (1), note 2**

*omit*

*Whale Protection Act 1980.*

*insert*

*Environment Protection and Biodiversity Conservation Act 1999.*

### **[64] Subclause 2.10 (2)**

*substitute*

- (2) A person must not operate a vessel to conduct whale watching activities or swimming-with-whales activities as part of a tourist program in the Whale Protection Area.

---

**[65] Subclause 2.10 (4), at the foot**

*insert*

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

**[66] Subclause 2.12 (4), note 2**

*omit*

**[67] Subclause 2.12 (5)**

*omit*

**[68] Clause 2.13, heading**

*substitute*

**2.13 Fishing and collecting**

**[69] Subclause 2.13 (1)**

*after*

fish

*insert*

or collect

**[70] After subclause 2.14 (3)**

*insert*

- (4) However, subclauses (1), (2) and (3) do not prevent a person from conducting a support service operation in accordance with a relevant permission.

**[71] Subclause 2.15 (2)**

*substitute*

- (2) A person must not operate a vessel (including a high-speed vessel) for a motorised water sport in a setting area, except in a setting 1 area.
- (3) However, a person may operate a vessel (including a high-speed vessel) to transit a setting area if the person is not, during the transiting, operating the vessel for motorised water sports.

---

**[72] Part 2, after Division 4***insert***Division 5 Limit on Authority's power to grant permissions****Subdivision 1 Moorings, tourist facilities and bookings****2.16 Limit on the number of moorings in the Planning Area**

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

*Note 1* Even though a limit under subclause (1) does not apply to a mooring mentioned in subclause (2), the installation of the mooring is subject to the application, assessment and decision-making processes under the Regulations for a relevant permission to install a mooring. The processes under the Regulations include an assessment of the suitability of the proposed installation site.

*Note 2* Under subclause 1.10 (13B), no permitted tourist facility (which includes a mooring mentioned in paragraph (2) (d)) will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.

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

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

*Note 1* Even though a limit under subclause (1) does not apply to a tourist facility mentioned in subclause (2), the installation of the tourist facility is subject to the

---

application, assessment and decision-making processes under the Regulations for a relevant permission to install a tourist facility. The processes under the Regulations include an assessment of the suitability of the proposed installation site.

*Note 2* Under subclause 1.10 (13B), no permitted tourist facility will be allowed to temporarily relocate to a different place in the Planning Area until a Marine Tourism Contingency Plan has been prepared and adopted by the Authority.

## **2.18 Limits on bookings**

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

## **Subdivision 2 Permissions for tourism operations**

### **2.19 Permissions must be consistent with this Plan**

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

### **2.20 Limit on converting permissions**

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

*Note* Regulation 22 of the Regulations deals with the grant of relevant permissions.

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

### **2.21 Limit on number of bareboat operations in the Planning Area**

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

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

**2.22 Limit on number of Bowen operations in the Planning Area**

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

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

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

**2.24 Limit on permissions for mariculture or for collecting for commercial purposes in the Planning Area**

The Authority may grant a relevant permission (the *new permission*) for mariculture or for collecting for commercial purposes in the Planning Area only if:

- (a) the permission is of the same kind in relation to the carrying on of the same activity in the same zone or area as a relevant permission (the *old permission*) that was in force immediately before the new permission is granted; and
- (b) the old permission ceases to be in force when the new permission is granted.

*Note* Subregulation 22 (4) and regulation 51 of the Regulations provide for when a relevant permission ceases to be in force.

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

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

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

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

- (1) The Authority must not grant a relevant permission to conduct swimming-with-whales activities as part of a tourist program in the Planning Area.
- (2) The Authority must not grant a relevant permission to conduct whale watching activities as part of a tourist program using a vessel in the Whale Protection Area.
- (3) The Authority must not grant a relevant permission to conduct a tourist program that involves whale watching activities in the Planning Area if granting the permission would result in the number of such permissions in force at that time being greater than the number of permissions in force for whale watching activities in the Planning Area on 22 June 1998.

## **2.27 Granting relevant permissions for long range roving operations**

The Authority may grant a relevant permission (the *new permission*) for a long range roving operation only if:

- (a) the permission is of the same kind in relation to the carrying on of the same activity in the same zone or area as a relevant permission (the *old permission*) that was in force immediately before the new permission is granted; and
- (b) the old permission ceases to be in force when the new permission is granted.

*Note* Subregulation 22 (4) and regulation 51 of the Regulations provide for when a relevant permission ceases to be in force

## **2.28 Granting new permissions for regional tour operations**

- (1) The Authority may grant up to 15 new permissions for regional tour operations.
- (2) A permission mentioned in subclause (1) may permit a regional tour operation:
- (a) to have all-year access to the Planning Area without a booking; and
- (b) to have up to 2 visits, totalling no more than 48 hours, to any 1 Location in any 7 consecutive days.
- (3) However, a permission mentioned in subclause (1) must not be granted until:
- (a) the Authority has prepared a new system for allocating permissions for regional tour operations; and
- (b) an application for the new permission has been assessed in accordance with the Regulations.

- (4) Five of the permissions mentioned in subclause (1) will only be granted to persons who are traditional inhabitants and who have traditional affiliations.

**[73] Schedule 1**

*substitute*

## **Schedule 1 The Planning Area**

(subclause 1.4 (1) and Schedule 9)

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

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

The area the boundary of which:

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

### **2. Area 2 — Hardy Unit**

The area the boundary of which:

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



**[74] Schedule 2***substitute***Schedule 2 Setting areas**

(subclause 1.4 (1) and Schedule 9)

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

**1. Setting 1 areas**

Setting 1 areas are the following areas:

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

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

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

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

## 2. Setting 2 areas

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

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

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

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

### 3. Setting 3 areas

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

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

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

- 
- (ii) runs thence south-westerly along the geodesic to the easternmost point of intersection of the coastline of Hook Island at low water by the parallel of latitude 20°06'57" south; and
    - (iii) thence generally northerly and south-easterly along the coastline of Hook Island at low water to the point of commencement;
  - (e) Clarke's Cove — the area the boundary of which:
    - (i) commences at the easternmost point of the unnamed point on the mainland coastline at low water at or about latitude 20°09'21" south, longitude 148°34'33" east;
    - (ii) runs thence south-easterly along the geodesic to the northernmost point of the unnamed point on the mainland coastline at low water at or about latitude 20°09'59" south, longitude 148°35'02" east; and
    - (iii) thence generally south-westerly and northerly along the mainland coastline at low water to the point of commencement;
  - (f) South Hook Island — the area the boundary of which:
    - (i) commences on the coastline of Hook Island at low water at its southernmost point;
    - (ii) runs thence south along the meridian which passes through the southernmost point of the coastline of Hook Island at low water to its southernmost intersection by the coastal 1 500 metre line of Hook Island;
    - (iii) thence generally westerly along the coastal 1 500 metre line of Hook Island to its westernmost intersection by the parallel of latitude 20°10'32" south
    - (iv) thence north-easterly along the geodesic to the southernmost point of the unnamed point on the coastline of Hook Island at low water at or about latitude 20°09'52" south, longitude 148°52'52" east; and
    - (v) thence generally easterly along the coastline of Hook Island at low water to the point of commencement;
  - (g) CATERAN BAY, BORDER ISLAND — the area the boundary of which:
    - (i) commences on the coastline of Border Island at low water at its northernmost intersection by the meridian of longitude 149°01'19" east;
    - (ii) runs thence north-easterly along the geodesic to its intersection by the coastline of Border Island at low water at its northernmost point; and
    - (iii) thence generally southerly and westerly along the coastline of Border Island at low water to the point of commencement;
  - (h) Woodward Bay, Mainland — the area the boundary of which:
    - (i) commences on the mainland coastline at low water at its intersection by the parallel of latitude 20°10'30" south at or about longitude 148°38'40.6" east;
    - (ii) runs thence south-easterly along the geodesic to its intersection by the mainland coastline at low water at its intersection by the



- 
- parallel of latitude 20°11'40" south at or about longitude 148°40'02.1" east; and
- (iii) thence south-westerly and northerly along the mainland coastline at low water to the point of commencement;
  - (i) Molle Channel — the area the boundary of which:
    - (i) commences at the easternmost intersection of the coastline of the mainland at low water by the parallel of latitude 20°13'04" south;
    - (ii) runs thence east along that parallel to its intersection by the coastal 1 500 metre line of the mainland;
    - (iii) thence generally south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Pigeon Island;
    - (iv) thence generally easterly along that coastal 1 500 metre line to its easternmost intersection by the coastal 1 500 metre line of the mainland;
    - (v) thence generally north-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Pioneer Rocks;
    - (vi) thence generally north-easterly and south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Almora Islet;
    - (vii) thence generally south-easterly along that coastal 1 500 metre line to its easternmost intersection by the coastal 1 500 metre line of the mainland;
    - (viii) thence generally south-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of Daydream Island;
    - (ix) thence generally north-easterly along that coastal 1 500 metre line to its westernmost intersection by the coastal 1 500 metre line of North Molle Island;
    - (x) thence generally north-westerly and north-easterly along that coastal 1 500 metre line to its northernmost intersection by the meridian of longitude 148°48'07" east;
    - (xi) thence south-easterly along the geodesic to the northernmost point of the coastline of North Molle Island at low water;
    - (xii) thence generally south-westerly and south-easterly along the western coastline of North Molle Island at low water to its southernmost point;
    - (xiii) thence south-easterly along the geodesic to the northernmost point of the coastline of Mid Molle Island at low water;
    - (xiv) thence westerly along the geodesic to the northernmost point of intersection of the coastal 500 metre line of Daydream Island and the meridian of longitude that passes through the northernmost point of the coastline of Daydream Island at low water;
    - (xv) thence south along that meridian to its intersection by the coastline of Daydream Island at low water;
-

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

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

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

- 
- (iv) thence north-easterly along the geodesic to the coastline of Teague Island at low water at its southernmost point;
  - (v) thence generally northerly along the western coastline of Teague Island at low water to its northernmost point;
  - (vi) thence north-easterly along the geodesic to the southernmost intersection of the coastline of Haslewood Island at low water by the meridian of longitude 149°04'13" east;
  - (vii) thence generally northerly along the western coastline of Haslewood Island to its westernmost intersection by the parallel of latitude 20°16'22" south;
  - (viii) thence west along that parallel to its westernmost intersection by the coastal 1 500 metre line of Haslewood Island;
  - (ix) thence generally southerly along the coastal 1 500 metre line of Haslewood Island to its northernmost intersection by the coastal 1 500 metre line of Martin Islet;
  - (x) thence south-westerly along the coastal 1 500 metre line of Martin Islet to its northernmost intersection by the coastal 1 500 metre line of Whitsunday Island;
  - (xi) thence generally north-westerly along the coastal 1 500 metre line of Whitsunday Island to its southernmost intersection by the coastal 1 500 metre line of Lagoon Rock;
  - (xii) thence generally northerly along the coastal 1 500 metre line of Lagoon Rock to its easternmost intersection by the parallel of latitude 20°16'22" south;
  - (xiii) thence west along that parallel to its intersection by the meridian of longitude 149°02'47" east;
  - (xiv) thence south-westerly along the geodesic to the easternmost intersection of the parallel of latitude 20°16'51" south by the coastline of Whitsunday Island at low water; and
  - (xv) thence generally south-easterly and south-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
- (l) Tongue Bay — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its intersection by the parallel of latitude 20°14'10" south at or about longitude 149°00'41" east;
  - (ii) runs thence easterly along the geodesic to the point of intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°14'17" south, on the western side of Tongue Point; and
  - (iii) thence generally south-westerly and north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
- (m) Pandanus Bay — the area the boundary of which:

- 
- (i) commences on the coastline of Long Island at low water at its easternmost intersection by the parallel of latitude 20°20'10" south;
  - (ii) runs thence south-easterly along the geodesic to the westernmost point of the coastline of Pelican Island at low water;
  - (iii) thence generally southerly and south-easterly along that coastline at low water to its southernmost point;
  - (iv) thence east along the parallel that passes through that point to its intersection by the coastal 500 metre line of Long Island;
  - (v) thence southerly along the geodesic to the easternmost point of intersection of the coastal 500 metre line of Long Island and the parallel of latitude 20°20'58" south;
  - (vi) thence south-westerly along the geodesic to the coastline of Long Island at low water at its easternmost intersection by the parallel of latitude 20°21'15" south; and
  - (vii) thence generally northerly along the coastline of Long Island at low water to the point of commencement;
  - (n) Kennedy Sound — the area the boundary of which:
    - (i) commences at the easternmost point of Dalwood Point on the coastline of Lindeman Island at low water;
    - (ii) runs thence easterly along the geodesic to the westernmost intersection of the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20°27'09" south;
    - (iii) thence generally southerly along the coastline of Shaw Island at low water to its westernmost intersection by the parallel of latitude 20°28'41" south;
    - (iv) thence south-westerly along the geodesic to the northernmost point of Burning Point on the coastline of Shaw Island at low water;
    - (v) thence northerly along the geodesic to the coastline of Seaforth Island at low water at its southernmost point;
    - (vi) thence north-easterly along the eastern coastline of Seaforth Island at low water to its easternmost intersection by the coastal 500 metre line of Lindeman Island;
    - (vii) thence generally easterly along the coastal 500 metre line of Lindeman Island to its southernmost intersection by the meridian of longitude 149°02'54" east;
    - (viii) thence northerly along the geodesic to the southernmost intersection of the coastline of Lindeman Island at low water by the meridian of longitude 149°02'48" east; and
    - (ix) thence generally easterly along the coastline of Lindeman Island at low water to the point of commencement;
  - (o) Mackerel Bay — the area the boundary of which:
    - (i) commences on the coastline of Hook Island at low water at its southernmost intersection by the meridian of longitude 148°58'00" east;

- 
- (ii) runs thence south-westerly along the geodesic to the coastline of Hook Island at low water at its easternmost intersection by the parallel of latitude 20°05'45" south; and
  - (iii) thence generally westerly and north-easterly along the coastline of Hook Island at low water to the point of commencement;
  - (p) Roberta Bay — the area the boundary of which:
    - (i) commences on the southernmost point of the unnamed point on the coastline of Shaw Island at low water at or about the point latitude 20°29'30" south, longitude 149°05'52" east;
    - (ii) runs thence south-westerly along the geodesic to the coastline of Shaw Island at low water at its intersection by the parallel of latitude 20°30'21" south; and
    - (iii) thence generally north-easterly along the coastline of Shaw Island at low water to the point of commencement;
  - (q) Eastern Border Island — the area the boundary of which:
    - (i) commences on the coastline of Border Island at low water at its easternmost point;
    - (ii) runs thence southerly along the geodesic to the easternmost point of the unnamed point on the coastline of Border Island at low water at or about latitude 20°10'45" south, longitude 149°02'32" east; and
    - (iii) thence generally northerly along the eastern coastline of Border Island at low water to the point of commencement.

#### 4. Setting 4 areas

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

#### 5. Setting 5 areas

Setting 5 areas are the following areas:

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

- 
- (iii) thence generally southerly and westerly along the mainland coastline at low water to the point of commencement;
  - (d) Hill Inlet — the area the boundary of which:
    - (i) commences at the easternmost intersection of the coastline of Whitsunday Island at low water by the parallel of latitude 20°14'25" south;
    - (ii) runs thence east along that parallel to its easternmost intersection by the coastal 500 metre line of Whitsunday Island;
    - (iii) thence generally southerly along the coastal 500 metre line of Whitsunday Island to its easternmost intersection by the parallel of latitude 20°15'55" south;
    - (iv) thence west along that parallel to its easternmost intersection by the coastline of Whitsunday Island at low water; and
    - (v) thence generally north-westerly, south-westerly and north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
  - (e) Haslewood and Lupton Islands — the area the boundary of which:
    - (i) commences at the northernmost point of the coastline of Haslewood Island at low water;
    - (ii) runs thence north along the meridian of longitude that passes through that point to its northernmost intersection by the coastal 100 metre line of the Haslewood Island and Lupton Islands reef complex;
    - (iii) thence generally south-easterly and south-westerly along the coastal 100 metre line around that complex to its southernmost point;
    - (iv) thence north along the meridian of longitude which passes through that point to its southernmost intersection by the coastline of Haslewood Island at low water; and
    - (v) thence generally northerly along the eastern coastline of Haslewood Island at low water to the point of commencement;
  - (f) Cow and Calf Islands — the area, excluding the mainland, enclosed within the coastal 500 metre line of the following:
    - (i) Cow Island;
    - (ii) Calf Island.

**[75] Schedule 3**

*substitute*

**Schedule 3 Locations**

(subclause 1.4 (1) and Schedule 9)



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

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
Almora Islet (20-045)	—
Anchorage Bay (20-102d)	The stretch of coastline between Burning Point and unnamed point
Andersons/Woodcutter Bays (20-062)	The stretch of coastline between Spit Point and unnamed point
Ann Islets (20-087)	—
Apostle Bay (20-041b/c)	The stretch of coastline between Peter Head and unnamed point
Armit Island (20-022)	—
Bait Reef (19-137)	—
Bauer Bay (20-042a)	The stretch of coastline between The Causeway and Deeded Point
Baynham Island (20-091)	—
Beach 25 (20-041i)	The stretch of coastline between Fitzalan Point and unnamed point
Billbob Bay (20-102j)	The stretch of coastline between southern point and south-western point of Shaw Island
Bird Island (20-019b)	—
Black Island (20-017)	—
Blue Pearl Bay (20-014c)	The stretch of coastline between Castle Rock and Dolphin Point
Bluff Bay (20-703e)	The stretch of coastline between Grimston Point and Bluff Point
Boat Port (20-090a)	The stretch of coastline between Thumb Point and Thora Point
Border Island (20-067)	—
Brush Island (20-098)	—
Butterfly Bay/Maureen's Cove (20-028g)	The stretch of coastline between Alcyonaria Point and unnamed point
Calf Island (20-065)	—
Cane Cocky's Cove (20-046)	The stretch of coastline between The Beak and Coral Point
Cape Rock (20-207)	—
Catseye Bay (20-057a)	The stretch of coastline between north-western and north-eastern point of Hamilton Island

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
Chance Bay (20-041g)	The stretch of coastline between unnamed point and Craig Point
Chrome Rock (20-094)	—
Cid Harbour (20-708b)	—
Coconut Bay (20-090b)	The stretch of coastline between Picaninny Point and Thumb Point
Cole Island (20-086)	—
Comston Island (20-093)	—
Cow Island (20-064)	—
Daydream Island (20-035)	—
Defiance Island (20-203)	—
Defiance Reefs (20-204)	—
Deloraine Island (20-089)	—
Denman Island (20-044)	—
Dent Island West (20-058b)	The stretch of coastline between southern and northern point of Dent Island
Dent Passage (20-057d, 20-058a)	The stretch of coastline between southern and northern point of Hamilton Island and the stretch of coastline between northern and southern point of Dent Island
Double Bay East (20-703c)	The stretch of coastline between unnamed point and unnamed point
Double Bay West (20-703b)	The stretch of coastline between unnamed point and unnamed point
Double Cone Island (20-024)	—
Double Rocks (20-018)	—
Driftwood Bay (20-057b)	The stretch of coastline between south-eastern and south-western point of Hamilton Island
Dugong Inlet (20-041o)	The stretch of coastline between Jones Point and Daniell Point
Dumbell Island (20-068)	—
Earlando Coast (20-702b)	The stretch of coastline between unnamed point and unnamed point
East Neck Bay (20-102h)	The stretch of coastline between unnamed point and eastern point of Shaw Island
East Repulse Island (20-209)	—
East Rock (20-054)	—

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
Edward Island (20-075)	—
Edwin Rock (20-026)	—
Eshelby Island (20-012)	—
Esk Island (20-070)	—
Fairlight Rock (20-235)	—
Fish/Palm Bays (20-060b)	The stretch of coastline between Fire Point and Humpy Point
Funnel Bay (20-703g)	The stretch of coastline between Mandalay Point and Pioneer Point
Gap Beach (20-090d)	The stretch of coastline between Thora Point and Cape Lachlan
Genesta Bay (20-713d)	The stretch of coastline between Round Head and Cape Conway
Gloucester Island (20-003)	—
Grassy Island (20-030)	—
Gulnare Inlet (20-041j)	The stretch of coastline between unnamed point and unnamed point
Gumbrell Island (20-020)	—
Hamilton Island East (20-057c)	The stretch of coastline between north-eastern and south-eastern point of Hamilton Island
Happy Bay (20-060a)	The stretch of coastline between Humpy Point and South Head
Hardy Reef (19-135)	—
Harold Island (20-074)	—
Hayman Island East (20-014b)	The stretch of coastline between Dolphin Point and Groper Point
Hayman Island Resort (20-014a)	The stretch of coastline between Groper Point and Castle Rock
Henning Island (20-053)	—
Hill Inlet (20-041r)	The stretch of coastline between Tongue Point and the northern point of Whitehaven Beach
Homestead Bay (20-039, 20-040b)	The stretch of coastline between Gilling Point and north-eastern point of Cid Island
Hook Reef (19-136)	—
Hunt Channel (20-037, 20-040a, 20-041m)	The stretch of coastline between Loriard Point and Hughes Point and the stretch of coastline between north-eastern point of Cid
<i>Whitsundays Plan of Management Amendment</i>	
<i>2002 (No. 1)</i>	
43	

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
	Island and Gilling Point
Ireby Island (20-071)	—
Jester Rock (20-088)	—
Keyser Island (20-232)	—
Lagoon Rock (20-076)	—
Langford Island/Spit (20-019a)	—
Lindeman Island East (20-090e)	The stretch of coastline between Cape Lachlan and Dalwood Point
Line Reef (19-128)	—
Little Armit Island (20-023)	—
Little Eshelby Island (20-013)	—
Little Grassy Island (20-027)	—
Little Lindeman Island (20-099)	—
Long Rock (20-233)	—
Low Island (20-029)	—
Low Rock (20-047)	—
Luncheon, Manta Ray and Pinnacle Bays (20-028h)	The stretch of coastline between an unnamed point and Pinnacle Point
Lupton Island East (20-078f/g)	The stretch of coastline between Pallion Point and southern point of Lupton Island
Mackerel Bay (20-028i)	The stretch of coastline between Pinnacle Point and unnamed point
Macona Inlet (20-028c)	The stretch of coastline between southern point of Hook Island and Turtle Head Rock
Maher Island East (20-102a)	The stretch of coastline between Jesuit Point and unnamed point
Maher Island West (20-102a)	The stretch of coastline between unnamed point and Jesuit Point
Mansell Island (20-096)	—
May's Bay (20-041p)	The stretch of coastline between Daniell Point and unnamed point
Mid Molle Island (20-034)	—
Middle Island (19-106)	—
Moon Island (20-041f)	—
Nara Inlet (20-028j)	The stretch of coastline between Turtle Head Rock and unnamed point
Neck Bay (20-103b/c)	The stretch of coastline between unnamed
44	<i>Whitsundays Plan of Management Amendment 2002 (No. 1)</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
	point and unnamed point
Nellie Bay (20-016)	The stretch of coastline between unnamed point and George Point
Nicolson Island (20-081)	—
North Molle Island (20-033)	North Repulse Island (20-208)
Olden Island (20-021)	—
Pandanus Bay (20-060g)	The stretch of coastline between South Head and unnamed point
Paradise Bay (20-060e)	The stretch of coastline between south-eastern point of Long Island and unnamed point
Pentecost Island (20-085)	—
Peter Bay (20-041a)	The stretch of coastline between unnamed point and Peter Head
Petrel Islet (20-069)	—
Pig Bay (20-078c/d)	The stretch of coastline between southern point of Haslewood Island and Solway Passage
Pine Island (20-061)	—
Pioneer Bay (20-703f)	The stretch of coastline between Bluff Point and Mandalay Point
Pioneer Rocks (20-032)	—
Plantation Bay (20-090c)	The stretch of coastline between Dalwood Point and Picaninny Point
Planton Island (20-043)	—
Perseverance Island (20-055)	—
Puritan Bay (20-713c)	The stretch of coastline between unnamed point and Round Head
Queen Margrethe Bay (20-102g)	The stretch of coastline between eastern point of Shaw Island and unnamed point
Rattray Island (19-110)	—
Repair Island (20-049a)	—
Repulse Bay East (20-715b)	The stretch of coastline between Cape Conway and Rocky Point
Repulse Bay West (20-715c)	The stretch of coastline between Rocky Point and Midge Point
Ripple Rocks (20-206)	—
Roberta Bay (20-102f)	The stretch of coastline between unnamed

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
	point and unnamed point
Rooper Inlet (20-052)	The stretch of coastline between unnamed point and Stripe Point
Saba Bay (20-028a)	The stretch of coastline between unnamed point and Hook Passage
Saddleback Island (20-015)	—
Sandy Bay (20-060c/d)	The stretch of coastline between unnamed point and Fire Point
Sawmill Bay (20-041n)	The stretch of coastline between Hughes Point and Jones Point
Seaforth Island (20-095)	—
Shoal Bay (20-010)	The stretch of coastline between Cape Gloucester and unnamed point
Shute Harbour (20-710b)	The stretch of coastline between Coral Point and unnamed point
Shute Island (20-048)	—
Sidney Island (20-092)	—
Sillago Island (20-072)	—
Sinker Reef (19-133)	—
South Molle Island East (20-042c)	The stretch of coastline between Deeded Point and Roma Point
South Molle Island West (20-042b)	The stretch of coastline between Roma Point and The Causeway
South Repulse Island (20-210)	—
Spitfire Rock (20-097)	—
St. Helen Rock (20-236)	—
Steen's Beach (20-028f)	The stretch of coastline between Cockatoo Point and Alcyonaria Point
Stockyard Beach (20-078b)	The stretch of coastline between Solway Passage and unnamed point
Stonehaven Anchorage (20-028e)	The stretch of coastline between Baird Point and Cockatoo Point
Surprise Rock (20-083)	—
Swamp Bay (20-707b)	The stretch of coastline between Green Point and The Beak
Tancred Island (20-049b)	—
Teague Island (20-082)	—
Thomas Island (20-234)	—

<b>Column 1</b>	<b>Column 2</b>
<b>Reef, islands islet, rock, embayment or unnamed stretch of coastline</b>	<b>Description of unnamed coastline</b>
Tongue Bay (20-041d)	The stretch of coastline between unnamed point and Tongue Point
Trammel Bay (20-710c)	The stretch of coastline between Stripe Point and Spit Point
Triangle Island (20-100)	—
Turtle Bay (20-041h)	The stretch of coastline between Craig Point and unnamed point
Turtle Island (20-059)	—
unnamed (20-025)	The stretch of coastline between George Point and unnamed point
unnamed (20-028b)	The stretch of coastline between Hook Passage and southern point of Hook Island
unnamed (20-028d)	The stretch of coastline between unnamed point and Baird Point
unnamed (20-041a)	The stretch of coastline between Hook Passage and unnamed point
unnamed (20-041e)	The stretch of coastline between Solway Passage and unnamed point
unnamed (20-041h)	The stretch of coastline between unnamed point and Fitzalan Point
unnamed (20-041q)	The stretch of coastline between unnamed point and Hook Passage
unnamed (20-060f)	The stretch of coastline between unnamed point and southern point of Long Island
unnamed (20-084)	—
unnamed (20-102e)	The stretch of coastline between unnamed point and southern point of Shaw Island
unnamed (20-102i)	The stretch of coastline between south-western point of Shaw Island and Burning Point
unnamed (20-707b)	The stretch of coastline between Pioneer Point and Green Point
unnamed (20-713b)	The stretch of coastline between unnamed point and unnamed point
Volskow Island (20-231)	—
Waite Bay (20-078e)	The stretch of coastline between southern point of Lupton Island and southern point of Haslewood Island
White Rock (20-051)	—

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

**[76] Schedule 4**

*substitute*

## Schedule 4 Whale Protection Area

(subclause 1.4 (1) and Schedule 9)

### 1. Nautical Mile Line

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

### 2. Whale Protection Area

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

- (a) commences at the northernmost point of Cape Gloucester at low water at or about latitude 20°04'02" south, longitude 148°27'27" east;
- (b) runs thence north-westerly along the geodesic to the point of latitude 19°58'07" south, longitude 148°18'32" east;
- (c) thence east along the parallel of latitude 19°58'07" south to its intersection by the meridian of longitude 148°52'44" east;
- (d) thence southerly along that meridian to its northernmost intersection by the 1 nautical mile line of Hayman Island;
- (e) thence generally south-easterly along the 1 nautical mile line of Hayman Island to its northernmost intersection by the 1 nautical mile line of Hook Island;



- 
- (f) thence generally easterly along the 1 nautical mile line of Hook Island to its northernmost intersection by the 1 nautical mile line of Double Rock;
  - (g) thence generally southerly along the 1 nautical mile line of Double Rock to its southernmost intersection by the 1 nautical mile line of Hook Island;
  - (h) thence generally southerly along the 1 nautical mile line of Hook Island to its northernmost intersection by the 1 nautical mile line of Whitsunday Island;
  - (i) thence generally south-easterly along the 1 nautical mile line of Whitsunday Island to its northernmost intersection by the 1 nautical mile line of Dumbell Islet;
  - (j) thence generally north-easterly along the 1 nautical mile line of Dumbell Islet to its northernmost intersection by the 1 nautical mile line of Border Island;
  - (k) thence generally north-easterly along the 1 nautical mile line of Border Island to its northernmost intersection by the 1 nautical mile line of Jester Rock;
  - (l) thence generally north-easterly and south-easterly along the 1 nautical mile line of Jester Rock to its easternmost intersection by the 1 nautical mile line of Minstrel Rocks;
  - (m) thence generally southerly along the 1 nautical mile line of Minstrel Rocks to its intersection by the 1 nautical mile line of Deloraine Island;
  - (n) thence generally southerly, westerly and north-westerly along the 1 nautical mile line of Deloraine Island to its southernmost intersection by the 1 nautical mile line of Border Island;
  - (na) thence generally south-westerly along the 1 nautical mile line of Border Island to its southernmost intersection by the geodesic that passes through the southernmost point of Border Island and the northernmost point of Esk Island at low water;
  - (nb) thence southerly along that geodesic to its northernmost intersection by the 1 nautical mile line of Esk Island;
  - (nc) thence generally easterly and southerly along the 1 nautical mile line of Esk Island to its easternmost intersection by the geodesic that passes through the easternmost point of Esk Island and the northernmost point of unnamed island 20-077;
  - (p) thence south-easterly along the geodesic to its intersection by the 1 nautical mile line of unnamed island 20-077;
  - (pa) thence generally easterly along the 1 nautical mile line of unnamed island 20-077 to its easternmost intersection by the 1 nautical mile line of Haslewood Island;
  - (pb) thence generally easterly along the 1 nautical mile line of Haslewood Island to its easternmost intersection by the geodesic that passes through the northernmost point of Haslewood Island at low water and the northernmost point of Ireby Island;
  - (q) thence north-easterly along that geodesic to its westernmost intersection by the 1 nautical mile line of Ireby Island;

- 
- (r) thence generally northerly and south-easterly along the 1 nautical mile line of Ireby Island to its northernmost intersection by the 1 nautical mile line of Sillago Island;
  - (s) thence generally south-easterly along the 1 nautical mile line of Sillago Island to its northernmost intersection by the 1 nautical mile line of Edward Island;
  - (t) thence generally south-easterly along the 1 nautical mile line of Edward Island to its northernmost intersection by the 1 nautical mile line of Yiundalla Island;
  - (u) thence generally south-easterly and south-westerly along the 1 nautical mile line of Yiundalla Island to its southernmost intersection by the 1 nautical mile line of Buddibuddi Island;
  - (v) thence generally north-westerly along the 1 nautical mile line of Buddibuddi Island to its southernmost intersection by the 1 nautical mile line of Edward Island;
  - (w) thence generally north-westerly along the 1 nautical mile line of Edward Island to its southernmost intersection by the 1 nautical mile line of Harold Island;
  - (x) thence generally westerly along the 1 nautical mile line of Harold Island to its westernmost intersection by the geodesic, which passes through the westernmost point of the coastline of Edward Island at low water and the southernmost point of the coastline of Workington Island at low water;
  - (y) thence generally south-westerly along that geodesic to its easternmost intersection by the 1 nautical mile line of Workington Island;
  - (z) thence generally southerly along the 1 nautical mile line of Workington Island to its southernmost intersection by the 1 nautical mile line of Turrum Island;
  - (za) thence generally south-westerly along the 1 nautical mile line of Turrum Island to its southernmost intersection by the 1 nautical mile line of Lupton Island;
  - (zb) thence generally south-westerly along the 1 nautical mile line of Lupton Island to its easternmost intersection by the 1 nautical mile line of Nicolson Island;
  - (zc) thence generally south-westerly along the 1 nautical mile line of Nicolson Island to its southernmost intersection by the 1 nautical mile line of Haslewood Island;
  - (zd) thence generally westerly along the 1 nautical mile line of Haslewood Island to its easternmost intersection by the 1 nautical mile line of Nunga Island;
  - (ze) thence generally westerly along the 1 nautical mile line of Nunga Island to its southernmost intersection by the 1 nautical mile line of unnamed island 20-041f;
  - (zf) thence generally south-westerly along the 1 nautical mile line of unnamed island 20-041f to its easternmost intersection by the geodesic, which passes through the southernmost point of the coastline of Teague Island at low water and the easternmost point of Surprise Rock;

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

**[77] Schedule 5***substitute***Schedule 5 No anchoring areas**

(subclause 1.4 (1) and Schedule 9)

No anchoring areas are as follows:

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

*Note* Item (c) was omitted by the *Whitsundays Plan of Management Amendment 1999 (No. 1)*.

- (d) Blue Pearl Bay No Anchoring Area — the area the boundary of which:
  - (i) commences on the coastline of Hayman Island at low water at the northernmost point of Castle Rock;

- 
- (ii) runs thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'56.7" south, longitude 148°52'38.2" east;
  - (iii) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°02'52.9" south, longitude 148°52'46" east;
  - (iv) thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'43.1" south, longitude 148°52'48.1" east;
  - (v) thence northerly along the geodesic to the reef protection marker at or about latitude 20°02'34.5" south, longitude 148°52'48.5" east;
  - (vi) thence north-westerly along the geodesic to the reef protection marker at or about latitude 20°02'21.6" south, longitude 148°52'44.1" east;
  - (vii) thence northerly along the geodesic to the westernmost point of Dolphin Point on the coastline of Hayman Island at low water;
  - (viii) thence generally southerly along the western coastline of Hayman Island at low water to the northernmost point of the headland in the immediate vicinity of Castle Rock;
  - (ix) thence west along the parallel that passes through that point to its easternmost intersection by the coastline at low water of Castle Rock; and
  - (x) thence generally northerly and north-westerly along the eastern coastline of Castle Rock at low water to the point of commencement;
- (e) Langford Island No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Langford Island at low water at its northernmost point;
  - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°04'45.6" south, longitude 148°52'22.4" east;
  - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°04'52.9" south, longitude 148°52'34.2" east;
  - (iv) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°05'00.6" south, longitude 148°52'45.6" east;
  - (v) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°05'07.5" south, longitude 148°52'56.3" east;
  - (vi) thence south-westerly along the geodesic to its intersection by the coastline of the Langford Island spit (One Foot Island) at low water at its easternmost point; and

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

- 
- (vi) thence north-easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°03'57.1" south, longitude 148°56'22" east; and
  - (vii) thence generally southerly and westerly along the coastline of Hook Island at low water to the point of commencement;
  - (h) Luncheon Bay No Anchoring Area — the area the boundary of which:
    - (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°03'52.4" south, longitude 148°56'35.1" east;
    - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'52.8" south, longitude 148°56'39.1" east;
    - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°03'57.7" south, longitude 148°56'45.3" east;
    - (iv) thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'56.9" south, longitude 148°56'59.7" east;
    - (v) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°03'47.4" south, longitude 148°57'07.9" east;
    - (vi) thence south-easterly along the geodesic to its intersection by the coastline of Hook Island at low water at or about the point of latitude 20°03'48" south, longitude 148°57'09.1" east; and
    - (vii) thence generally south-westerly along the coastline of Hook Island at low water to the point of commencement;
  - (i) Pinnacle Bay No Anchoring Area — the area the boundary of which:
    - (i) commences on the coastline of Hook Island at low water at its northernmost point, in the vicinity of The Woodpile;
    - (ii) runs thence easterly along the geodesic to the reef protection marker at or about latitude 20°03'38.5" south, longitude 148°57'29.9" east;
    - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°03'42.8" south, longitude 148°57'36.1" east;
    - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°03'39.5" south, longitude 148°57'45.3" east;
    - (v) thence easterly along the geodesic to the northernmost point of Hook Island at low water at the northernmost point of The Pinnacles; and
    - (vi) thence generally westerly along the coastline of Hook Island at low water to the point of commencement;
  - (j) Cateran Bay No Anchoring Area — the area the boundary of which:
    - (i) commences on the coastline of Border Island at low water at or about the point of latitude 20°09'24.8" south, longitude 149°01'45.7" east;

- 
- (ii) runs thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'23.8" south, longitude 149°01'46.3" east;
  - (iii) thence south-easterly along the geodesic to the reef protection marker at or about latitude 20°09'30.3" south, longitude 149°01'56.1" east;
  - (iv) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'24.5" south, longitude 149°02'01.2" east;
  - (v) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°09'13.7" south, longitude 149°02'05.5" east;
  - (vi) thence north-easterly along the geodesic to its intersection by the coastline of Border Island at low water at or about the point of latitude 20°09'13" south, longitude 149°02'06.7" east; and
  - (vii) thence generally southerly and westerly along the northern coastline of Border Island at low water to the point of commencement;
- (k) Sunlovers Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Daydream Island at low water at or about the point of latitude 20°15'15.9" south, longitude 148°48'41.6" east;
  - (ii) runs thence north-westerly along the geodesic to the reef protection marker at or about latitude 20°15'14.4" south, longitude 148°48'40.7" east;
  - (iii) thence north-easterly along the geodesic to the reef protection marker at or about latitude 20°15'08.8" south, longitude 148°48'44.1" east;
  - (iv) thence south-easterly along the geodesic to its intersection by the coastline of Daydream Island at low water at or about the point of latitude 20°15'09.2" south, longitude 148°48'44.7" east; and
  - (v) thence generally southerly along the western coastline of Daydream Island at low water to the point of commencement;
- (l) North Stonehaven Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°05' 18.6" south, longitude 148°54'16.5" east;
  - (ii) runs thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'20.8" south, longitude 148°54'15.7" east;
  - (iii) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'26" south, longitude 148°54'20.6" east;
  - (iv) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'34.3" south, longitude 148°54'20.8" east;
-



- 
- (v) thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'46.8" south, longitude 148°54'21.5" east;
  - (vi) thence south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°05'54.7" south, longitude 148°54'19" east, in the vicinity of Anchor Point; and
  - (vii) thence generally easterly and northerly along the coastline of Hook Island at low water to the point of commencement;
- (m) South Stonehaven Bay No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°05'54.7" south, longitude 148°54'19" east;
  - (ii) runs thence southerly along the geodesic to the reef protection marker at or about the point of latitude 20°05'59.8" south, longitude 148°54'19.7" east;
  - (iii) thence south-easterly along the geodesic to the reef protection marker at or about the point of latitude 20°06'07.7" south, longitude 148°54'25.6" east;
  - (iv) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'16.3" south, longitude 148°54'18" east;
  - (v) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'17.7" south, longitude 148°54'07.3" east;
  - (vi) thence westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'18.5" south, longitude 148°54'03.5" east;
  - (vii) thence south-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°06'23.8" south, longitude 148°53'57.1" east;
  - (viii) thence south-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°06'27.4" south, longitude 148°53'54.4" east, in the vicinity of Ian Point; and
  - (ix) thence generally easterly and northerly along the coastline of Hook Island at low water to the point of commencement;
- (n) False Nara No Anchoring Area — the area the boundary of which:
- (i) commences on the coastline of Hook Island at low water at or about the point of latitude 20°10'17.5" south, longitude 148°53'13" east;
  - (ii) runs thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'08.7" south, longitude 148°53'09.7" east;

- (iii) thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'04.3" south, longitude 148°53'07.3" east;
- (iv) thence north-westerly along the geodesic to the reef protection marker at or about the point of latitude 20°10'02.3" south, longitude 148°52'59.7" east;
- (v) thence north-westerly along the geodesic to the coastline of Hook Island at low water at or about the point of latitude 20°09'51.8" south, longitude 148°52'52.4" east; and
- (vi) thence generally north-easterly and south-easterly along the coastline of Hook Island at low water to the point of commencement.

**[78] Schedule 6***omit***[79] Schedule 7***substitute***Schedule 7 Regular aircraft landing areas**

(subclauses 1.4 (1) and 1.10 (7) and Schedule 9)

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

- (a) Hardy Reef Location  
The area enclosed within the 500 metre line of Hardy Reef (19-135);
- (b) Bait Reef Location  
The area enclosed within the 500 metre line of Bait Reef (19-137);
- (c) Hayman Island Resort, Langford Island/Spit and Black Island Locations — the area the boundary of which:
  - (i) commences on the southernmost point of the coastline of Hayman Island at low water, in the vicinity of Groper Point;
  - (ii) runs thence south-westerly along the geodesic to its intersection by the coastline of Langford Island at low water at its easternmost point;
  - (iii) thence generally north-westerly along the northern coastline of Langford Island at low water to its northernmost point;
  - (iv) thence northerly along the geodesic to its intersection by the coastline of Hayman Island at low water at the point of latitude 20°03'35" south, longitude 148°52'40" east; and
  - (v) thence south-easterly along the southern coastline of Hayman Island at low water to the point of commencement;
- (d) Daydream Island Location

---

The area enclosed within the coastal 500 metre line of Daydream Island;

- (e) Bauer Bay and Mid Molle Island Locations — the area the boundary of which:
  - (i) commences on the coastline of South Molle Island at low water at its northernmost point;
  - (ii) runs thence northerly along the geodesic to its intersection by the coastline of Mid Molle Island at low water at its southernmost point;
  - (iii) thence easterly along the parallel that passes through the southernmost point of the coastline of Mid Molle Island at low water to its intersection by the meridian of longitude 148°50'53" east;
  - (iv) thence southerly along that meridian to its intersection by the coastline of South Molle Island at low water, in the vicinity of Deedes Point; and
  - (v) thence generally westerly along the northern coastline of South Molle Island at low water to the point of commencement;
- (f) Cid Harbour, Sawmill Bay, Hunt Channel and Dugong Inlet Locations — the area the boundary of which:
  - (i) commences on the coastline of Whitsunday Island at low water at the point of latitude 20°16'19" south, longitude 148°55'46" east, at the southern point of Nari's Beach;
  - (ii) runs thence north-westerly along the geodesic to its intersection by the coastline of Cid Island at low water at the point of latitude 20°16'01" south, longitude 148°55'15" east;
  - (iii) thence generally northerly along the eastern coastline of Cid Island at low water to the point of latitude 20°15'16" south, longitude 148°55'08" east;
  - (iv) thence north-easterly along the geodesic to its intersection by the coastline of Whitsunday Island at low water, at the point of latitude 20°14'22" south, longitude 148°56'12" east;
  - (v) thence south-easterly along the coastline of Whitsunday Island at low water to the point of latitude 20°14'43" south, longitude 148°56'26" east;
  - (vi) thence south-easterly along the geodesic to its intersection by the coastline of Whitsunday Island at low water at the point of latitude 20°15'23" south, longitude 148°56'51" east, at the northern point of Sawmill Beach; and
  - (vii) thence generally south-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
- (g) Whitehaven Beach Location — the area the boundary of which:
  - (i) commences on the coastline of Whitsunday Island at low water at its easternmost intersection by the parallel of latitude 20°16'24" south;

- 
- (ii) runs thence north-easterly along the geodesic to the northernmost intersection of the meridian of longitude 149°02'28" east by the coastal 1 000 metre line of Whitsunday Island;
  - (iii) thence generally south-easterly along the coastal 1 000 metre line of Whitsunday Island to its intersection by the parallel of latitude 20°16'53" south;
  - (iv) thence south-westerly along the geodesic to the northernmost intersection of the meridian of longitude 149°02'28" east by the coastline of Whitsunday Island at low water; and
  - (v) thence generally north-westerly along the coastline of Whitsunday Island at low water to the point of commencement;
- (h) Chance Bay and Moon Island Locations — the area the boundary of which:
- (i) commences on the coastline of Whitsunday Island at low water at its southernmost intersection by the meridian of longitude 149°02'49" east;
  - (ii) runs thence southerly along the geodesic to its intersection by the coastline of unnamed island 20-041d at low water at its northernmost point;
  - (iii) thence southerly along the western coastline of unnamed island 20-041d at low water to its southernmost point;
  - (iv) thence south-westerly along the geodesic to the southernmost point of Craig Point on the coastline of Whitsunday Island at low water at or about the point of latitude 20°19'23" south, longitude 149°01'21" east; and
  - (v) thence generally north-easterly along the coastline of Whitsunday Island at low water to the point of commencement;
- (i) Happy Bay and Fish/Palm Bays Locations — the area the boundary of which:
- (i) commences at the westernmost intersection of the coastline of Long Island at low water by the parallel of latitude 20°20'47" south, at the southern point of Palm Bay;
  - (ii) runs thence westerly along that parallel to the point of latitude 20°20'47" south, longitude 148°50'28" east;
  - (iii) thence northerly along the geodesic to the point of latitude 20°20'11" south, longitude 148°50'19" east;
  - (iv) thence northerly along the geodesic to the point of latitude 20°19'12" south, longitude 148°50'30" east;
  - (v) thence easterly along the parallel of latitude 20°19'12" south to its intersection by the coastline of Long Island at low water, in the vicinity of Base Point (latitude 20°19'12" south, longitude 148°50'51" east); and
  - (vi) thence southerly along the western coastline of Long Island at low water to the point of commencement;
- (j) Dent Passage Location — the area the boundary of which:

- 
- (i) commences on the northernmost point of the coastline of Dent Island at low water;
  - (ii) runs thence easterly along the geodesic to its intersection by the northernmost point of the coastline of Hamilton Island at low water;
  - (iii) thence generally southerly along the western coastline of Hamilton Island at low water to its southernmost point;
  - (iv) thence westerly along the geodesic to its intersection by the southernmost point of the coastline of Dent Island at low water; and
  - (v) thence generally northerly along the eastern coastline of Dent Island at low water to the point of commencement;
  - (k) Plantation Bay and Seaforth Island Locations — the area the boundary of which:
    - (i) commences on the coastline of Lindeman Island at low water at its southernmost intersection by the meridian of longitude 149°02'48" east;
    - (ii) runs thence southerly along the geodesic to the point of latitude 20°27'55" south, longitude 149°02'53" east;
    - (iii) thence westerly along the geodesic to the easternmost intersection of the coastline of Seaforth Island at low water by the parallel of latitude 20°28'02" south;
    - (iv) thence generally westerly along the northern coastline of Seaforth Island at low water to its intersection by the meridian of longitude 149°02'04" east;
    - (v) thence northerly along the geodesic to the southernmost point of the coastline of Lindeman Island at low water, in the vicinity of Picaninny Point; and
    - (vi) thence north-easterly along the southern coastline of Lindeman Island at low water to the point of commencement.

**[80] Schedule 8**

*substitute*

**Schedule 8 Langford/Black Islands Area**

(subclause 1.4 (1) and Schedule 9)

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

- (a) commences on the southernmost point of the coastline of Hayman Island at low water, in the vicinity of Groper Point;
- (b) runs thence south-easterly along the geodesic to the westernmost intersection of the coastline of Hook Island at low water by the parallel of latitude 20°04'50.9" south, in the vicinity of Cockatoo Point;

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

**[81] Schedule 9, after definition of *aircraft operation***

*insert*

***authorisation*** means an authorisation granted under Division 2 of Part 4 of the Regulations.

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

**[82] Schedule 9, definitions of *bareboat* and *bareboat operation***

*substitute*

***bareboat*** means a vessel that is:

- (a) a commercial ship registered under the *Transport Operations (Marine Safety) Regulation 1995* (Queensland) as a class 1F ship; and
- (b) more than 6 metres in length; and
- (c) when hired or otherwise made available under a commercial arrangement, made available:
  - (i) for a person's recreational use; and
  - (ii) without a master or crew.

*Examples of a bareboat ship*

A cruiser, houseboat or yacht.

***bareboat operation*** means an operation:

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

***Bowen operation*** means an operation:

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

- 
- (ii) all carried out using 1 particular vessel.

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

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

**[83] Schedule 9, definitions of *commencing day* and *craftless operation***

*substitute*

**commencing day** means 12 October 1999.

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

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

**craftless operation** means an operation:

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

**[84] Schedule 9, definition of *cruise ship anchorage***

*substitute*

**cruise ship anchorage** has the meaning given by regulation 117A of the Regulations.

**[85] Schedule 9, definition of *cruise ship operation***

*substitute*

**cruise ship operation** means an operation:

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

**[86] Schedule 9, after definition of *day***

*insert*

**endorsement** means an authorisation.

---

**[87] Schedule 9, after definition of *General Use 'B' Zone****insert*

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

**[88] Schedule 9, definition of *hire operation****substitute*

***hire operation*** means an operation:

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

**[89] Schedule 9, definition of *Location*, note***omit*

water – see clause 1.3 (4A).

*insert*

water.

**[90] Schedule 9, definition of *long range roving operation****substitute*

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

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

**[91] Schedule 9, definition of *motorised water sport****substitute*

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

- (a) irregular driving on a motorised vessel — that is, driving a motorised vessel other than in a straight line — and includes:
  - (i) driving in a circle or other pattern; and
  - (ii) weaving or diverting; and
  - (iii) surfing down, or jumping over or across, any swell, wave or wash; but does not include making any necessary turn or diversion;
- (b) any activity in which a high speed vessel or motorised vessel tows a person on top of the water or in the air, for example, water skiing or para-sailing;
- (c) any activity in which a personal watercraft is used, except:



- (i) for transport by the most direct reasonable route (not including irregular driving) between 2 places in the Planning Area; or
- (ii) if that personal watercraft can only be operated when fully submerged under the water and for the primary purpose of viewing coral.

**[92] Schedule 9, definition of *non-motorised operation***

*substitute*

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

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

**[93] Schedule 9, after definition of *overall length***

*insert*

***passenger transport operation*** means an operation:

- (a) described under that name in Table 4; and
- (b) comprising activities:
  - (i) in which passengers are transported between a Location and a place outside the Planning Area; and
  - (ii) limited to setting 1 areas, except when transiting the Planning Area; and
  - (iii) permitted under a relevant permission; and
  - (iv) all carried out using 1 particular vessel or aircraft.

**[94] Schedule 9, definition of *personal watercraft***

*substitute*

***personal watercraft*** has the same meaning as in the *Transport Operations (Marine Safety) Regulation 1995* of Queensland, as in force from time to time.

*Note 1* At the commencement of the *Whitsundays Plan of Management Amendment 2002 (No. 1)*, the *Transport Operations (Marine Safety) Regulation 1995* of Queensland defined ***personal watercraft*** as a power driven ship that:

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

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

- (1) A ***ship*** is any kind of boat or other vessel used or, for a boat or other vessel being built, intended to be used, in navigation by water or for any other purpose on water.
- (2) Without limiting subsection (1), a ***ship*** includes a boat or other vessel:
  - (a) whatever its size; and
  - (b) however it is propelled or moved.
- (3) A ***ship*** includes, for example:
  - (a) a barge, lighter or other floating vessel; and
  - (b) a hovercraft or other surface effect craft.

- 
- (4) A *ship* does not include a vessel declared by regulation not to be a ship.
- (5) A regulation may provide that a ship includes an aircraft when it is on water or is taking off, or landing on, water.
- (6) Except as provided by a regulation under subsection (5), a ship does not include an aircraft.

**[95] Schedule 9, definition of *regional tour operation***

*substitute*

***regional tour operation*** means an operation:

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

**[96] Schedule 9, definition of *Regulations***

*substitute*

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

**[97] Schedule 9, after definition of *significant bird site***

*insert*

***standard tour operation*** means an operation:

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

***support service operation*** means an operation:

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

*Examples*

A support service operation may offer such services as:

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

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

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

---

**[98] Schedule 9, after definition of *taking***

*insert*

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

- (a) a bareboat operation;
- (b) a Bowen operation;
- (c) a craftless operation;
- (d) a cruise ship operation;
- (e) a hire operation;
- (f) a long range roving operation;
- (g) a non-motorised operation;
- (h) a passenger transport operation;
- (i) a regional tour operation;
- (j) a standard tour operation;
- (k) a support service operation.

**[99] Schedule 9, after definition of *tourist program***

*insert*

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

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

**[100] Schedule 9, after definition of *Whale Protection Area***

*insert*

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