

Queensland



Marine Parks Act 1982

MARINE PARKS (TRINITY INLET/MARLIN COAST) ZONING PLAN 2001

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Queensland



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MARINE PARKS (TRINITY INLET/MARLIN COAST) ZONING PLAN 2001

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PART 1—PRELIMINARY

1 Short title

This zoning plan may be cited as the *Marine Parks (Trinity Inlet/Marlin Coast) Zoning Plan 2001*.

2 Commencement

This zoning plan commences on 1 December 2001.

3 Dictionary

The dictionary in schedule 8 defines particular words used in this zoning plan.

4 Interpretation

(1) In this zoning plan—

- (a) all coordinates given are expressed in terms of Australian Geodetic Datum 1966 (AGD 66); and
- (b) a reference to a reef, for example unnamed reef (reef 15–034), is taken to be a reference to a reef depicted and numbered on the Great Barrier Reef Marine Park Authority's Great Barrier Reef Series 1:250 000 map sheets; and
- (c) if a part of a boundary of a zone is described by reference to a line every point of which is a particular distance seaward from the nearest point of the reef or coastline to which it applies, and

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the boundary intersects another reef, coastline or zone boundary, then, in the area of overlap, the boundary is the median line.

(2) An expression that is not defined in this zoning plan, but is defined in the regulation, has the meaning given by the regulation.

5 Inspection of plans and maps

A copy of a plan or map mentioned in this zoning plan is available for inspection at the head office of the department and the Queensland Parks and Wildlife Service northern regional office during business hours.¹

6 Limited collecting

(1) This section states the requirements for limited collecting.

(2) A person must not take more than 5 shells, fish or invertebrates, other than an invertebrate mentioned in schedule 4, part 3, in any 28 day period.

(3) A person must not use underwater breathing apparatus other than a snorkel to take an invertebrate mentioned in schedule 4, part 3.

(4) A person may take a restricted organism only if the person is a traditional inhabitant taking for the person's own use.

PART 2—APPLICATION AND PURPOSE OF ZONING PLAN

7 Application of zoning plan

This zoning plan applies to the Trinity Inlet/Marlin Coast Marine Park.²

8 Purposes of zoning plan

The purposes of this zoning plan are—

1 The department's head office is at 160 Ann Street, Brisbane and the northern regional office is at 17–19 Sheridan Street, Cairns.

2 See section 8A (Entry and use of zones and designated areas) of the regulation.

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- (a) to provide for the ecologically sustainable use of the Trinity Inlet/Marlin Coast Marine Park; and
- (b) to protect the marine park's natural, recreational, cultural heritage and amenity values.

PART 3—MANAGEMENT AREAS

9 Management areas

- (1) The marine park consists of the following management areas—
 - (a) Trinity Inlet management area;
 - (b) Marlin Coast management area;
 - (c) Wonga Beach management area.
- (2) The boundaries of the management areas are stated in schedule 1.
- (3) The approximate locations of the management areas are shown on the key map in schedule 3.

PART 4—ZONES

Division 1—Zones

10 Zones

- (1) The marine park consists of the following zones—
 - (a) general use zone;
 - (b) estuarine conservation zone.
- (2) The boundaries of the zones are stated in schedule 2.
- (3) The approximate locations of the zones are shown on the zoning maps in schedule 3.

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11 Granting permissions

(1) This section applies to an application for a permission to enter or use a zone for a particular purpose.

(2) The regulation states how the application is to be made and how the chief executive decides whether or not to grant the permission.³

(3) In addition to the criteria for deciding the application stated in the regulation, the chief executive must be satisfied the proposed entry or use of the zone—

- (a) will not have an unacceptable environmental impact on the zone; and
- (b) is consistent with the maintenance of the biological diversity and ecological functioning of the marine park; and
- (c) will not cause a loss of vegetation essential to the marine park's productivity; and
- (d) will not prejudice the natural and amenity values of the marine park.

(4) The chief executive must also consider—

- (a) the effect the proposed entry or use of the zone may have on the marine park's natural tidal flushing pattern or natural coastal processes; and
- (b) the cumulative impact on the marine park of the proposed entry or use of the zone and any other entry or use of the marine park, particularly the cumulative impact of small-scale developments for which an environmental impact statement is not required; and
- (c) the effect the proposed entry or use may have on shorebirds, particularly international migratory bird species, and their habitat and the need to protect shorebirds and their habitat.

³ See sections 9 (Application for permission to enter or use marine park) and 10 (Grant or refusal of permission) of the regulation.

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Division 2—General use zone

12 Objective of general use zone

The objective of the general use zone is to provide for the general use and public enjoyment of the zone in ways that are consistent with the conservation of the marine park.

13 Entry or use of general use zone without permission

A person may enter or use the general use zone without a permission for the following purposes—

- (a) recreational activities that do not involve taking marine products;
- (b) trolling;
- (c) line fishing using no more than 6 hooks on each line;
- (d) spearfishing;
- (e) fishing for bait;
- (f) commercial netting;
- (g) trawling;
- (h) limited collecting;
- (i) oyster gathering;
- (j) crabbing;
- (k) bait gathering;
- (l) photography, filming or sound recording;
- (m) limited research;
- (n) conducting a limited educational program;
- (o) navigating an aircraft or vessel if equipment used for fishing or collecting is secured and rendered inoperative at all times the aircraft or vessel is in part of the zone in which use of the equipment is not permitted under this zoning plan.

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14 Entry or use of general use zone with permission

The chief executive may grant a permission for a person to enter or use the general use zone for the following purposes—

- (a) line fishing using more than 6 hooks on each line;
- (b) conducting a developmental fishery program;
- (c) traditional fishing and traditional hunting and gathering, other than fishing or collecting, mentioned in section 13;
- (d) collecting, other than limited collecting;
- (e) mariculture;
- (f) camping;
- (g) conducting a tourist program;
- (h) research, other than limited research;
- (i) conducting an educational program, other than a limited educational program;
- (j) operating an aircraft or vessel in 1 place—
 - (i) for more than 14 consecutive days; or
 - (ii) for more than 30 days in any 60 day period;
- (k) navigating a hovercraft;
- (l) operating a facility, for a purpose not stated in section 13, consistent with the objective of the zone including, for example—
 - (i) discharging waste from a facility; or
 - (ii) building, assembling, fixing in position, maintaining or demolishing a facility; or
 - (iii) constructing or operating a mooring facility for vessels; or
 - (iv) operating a landing area or facility for aircraft;
- (m) carrying out works consistent with the objective of the zone;
- (n) carrying out programs for taking animals or plants the chief executive is satisfied pose a threat to—
 - (i) public health or safety; or
 - (ii) marine park ecosystems; or

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- (iii) the use and amenity values of the marine park;
- (o) a purpose not mentioned in this section, consistent with the objective of the zone.

Division 3—Estuarine conservation zone

15 Objectives of estuarine conservation zone

The objectives of the estuarine conservation zone are—

- (a) to provide for the zone's protection in its natural state while allowing the public to appreciate and enjoy its relatively undisturbed nature; and
- (b) to maintain the productivity and diversity of ecological communities in the marine park while maintaining existing fisheries; and
- (c) to allow traditional fishing and traditional hunting and gathering.

16 Entry or use of estuarine conservation zone without permission

(1) A person may enter or use the estuarine conservation zone without a permission for the following purposes—

- (a) recreational activities that do not involve taking marine products;
- (b) trolling;
- (c) line fishing using no more than 6 hooks on each line;
- (d) spearfishing;
- (e) fishing for bait;
- (f) commercial netting;
- (g) limited collecting;
- (h) oyster gathering;
- (i) crabbing;
- (j) bait gathering;
- (k) photography, filming or sound recording;

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- (l) limited research;
- (m) conducting a limited educational program;
- (n) navigating an aircraft or vessel, other than a ship, if equipment used for fishing or collecting is secured and rendered inoperative at all times the aircraft or vessel is in part of the zone in which use of the equipment is not permitted under this zoning plan.

(2) In subsection (1)—

“rendered inoperative”, for equipment used for trawling, means having nets out of water and hung on board with cod ends open.

17 Entry or use of estuarine conservation zone with permission

The chief executive may grant a permission for a person to enter or use the estuarine conservation zone for the following purposes—

- (a) traditional fishing and traditional hunting and gathering, other than fishing or collecting mentioned in section 16;
- (b) camping;
- (c) conducting a tourist program;
- (d) research, other than limited research;
- (e) conducting an educational program, other than a limited educational program;
- (f) operating an aircraft or vessel in 1 place—
 - (i) for more than 14 consecutive days; or
 - (ii) for more than 30 days in any 60 day period;
- (g) navigating a hovercraft;
- (h) navigating a ship;
- (i) operating a facility, for a purpose not stated in section 16, consistent with the objectives of the zone including, for example—
 - (i) discharging waste from a facility; or
 - (ii) building, assembling, fixing in position, maintaining or demolishing a facility; or
 - (iii) constructing or operating a mooring facility for vessels; or

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- (iv) operating a landing area or facility for aircraft;
- (j) carrying out minor works consistent with the objectives of the zone;
- (k) carrying out programs for taking animals or plants the chief executive is satisfied pose a threat to—
 - (i) public health or safety; or
 - (ii) marine park ecosystems; or
 - (iii) the use and amenity values of the marine park;
- (l) a purpose not mentioned in this section, consistent with the objectives of the zone.

PART 5—MISCELLANEOUS

18 Access in special circumstances

(1) A person may, without a permission, enter or use the marine park for the following purposes—

- (a) removing a boat that is wrecked, stranded, sunk or abandoned, other than an historic shipwreck under the *Historic Shipwrecks Act 1976* (Cwlth);
- (b) building, installing or servicing an aid to navigation under the *Transport Operations (Marine Safety) Act 1994* or a marine navigational aid under the *Lighthouses Act 1911* (Cwlth);
- (c) defence operations;
- (d) government geodetic, bathometric or similar surveys;
- (e) environmental and scientific monitoring of the marine park.

(2) However, before entering a zone for a purpose mentioned in subsection (1), the person must give the chief executive written notice of—

- (a) the purpose of entering or using the zone; and
- (b) the day and time the proposed entry or use is to happen.

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(3) The chief executive may make the entry or use subject to the reasonable conditions the chief executive considers necessary for the conservation, protection and preservation of the marine park or a thing in the marine park.

(4) If the chief executive makes a person's entry or use of a zone under this section subject to conditions, the person must comply with the conditions.

19 Entry or use of marine park for non-conforming use

(1) The chief executive may grant an application for a permission to continue to enter or use the marine park for a use stated in column 1 of schedule 7 in the part of the marine park stated for the use in column 2 subject to the conditions stated for the use in column 3.

(2) The chief executive may make the permission subject to any other reasonable conditions the chief executive considers consistent with the objectives of the zone to which the permission relates.

SCHEDULE 1

MANAGEMENT AREA BOUNDARIES

section 9(2)

1 Management areas

The management areas consist of the tidal waters and tidal land within the boundaries stated in sections 2 to 4 of this schedule, but do not include—

- (a) protected areas dedicated or declared under the *Nature Conservation Act 1992*; and
- (b) alienated tidal land, other than alienated tidal land mentioned in this schedule.

2 Trinity Inlet management area

(1) The Trinity Inlet management area consists of—

- (a) the Trinity Inlet fish habitat area as it was immediately before the commencement of section 9 of this plan;⁴ and
- (b) Ellie Point sand reserve, the boundary of which—
 - (i) starts at the H.A.T. line on the right bank of the Barron River at the point 16°52' south and 145°46' east; and
 - (ii) then runs along the geodesic line towards the most northerly point of False Cape until the intersection with the L.A.T line on the western side of Trinity Inlet; and
 - (iii) then runs in a southerly direction along the L.A.T. line to a point due east of Ellie Point; and
 - (iv) then runs due west to Ellie Point; and

⁴ See the *Fisheries Regulation 1995*, schedule 7, section 75 (Trinity Inlet) and plan FHA-003.

SCHEDULE 1 (continued)

- (v) then runs from Ellie Point to the south eastern corner of lot 51 on plan NR3159; and
- (vi) then follows the eastern boundary of lot 51 on plan NR3159 to the point where the boundary started.

(2) The Trinity Inlet management area includes the alienated tidal land within the following—

- (a) lots 1 to 4 on plan C19823;
- (b) lot 92 on plan NR3051;
- (c) lot 146 on plan NR7874;
- (d) lot 151 on plan NR4172;
- (e) the part of lot 1 on RP736304 within the Trinity Inlet fish habitat area.

(3) The Trinity Inlet management area does not include the following—

- (a) the area within 10 m either side of the centre-line of the vehicular track that traverses lot 151 on plan NR4172 to Swallows Landing;
- (b) the area within 10 m either side of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP736304;
- (c) the sand stockpile area on lot 1 on RP736304.

3 Marlin Coast management area

(1) The Marlin Coast management area consists of—

- (a) the Marlin Coast between White Cliffs and the Barron River, the boundary of which—
 - (i) starts at the most easterly point on the mainland at the right bank of the mouth of the Barron River at the H.A.T. line; and
 - (ii) then runs in a north-easterly direction for approximately 10 km until it reaches the point 16°48.5' south and 145°50.5' east; and

SCHEDULE 1 (continued)

- (iii) then runs in a north-westerly direction for approximately 5.5 km until it reaches the point 16°47' south and 145°46' east; and
 - (iv) then runs along the 5 km line in a generally northerly and north-westerly direction to its intersection with the 500 m line around Korea Reef (16-080); and
 - (v) then follows the 500 m line around Korea Reef in a south-westerly direction to the most southerly point of the 500 m line; and
 - (vi) then runs in a generally westerly direction to the most southerly point of the 500 m line around Yule Reef (16-081); and
 - (vii) then runs in a south-westerly direction along the geodesic line to the H.A.T. line at the most easterly point of White Cliffs; and
 - (viii) then runs in a generally southerly and south-easterly direction along the H.A.T. line on the mainland to the point where the boundary started on the right bank of the Barron River; and
- (b) Half Moon Creek, the boundary of which—
- (i) starts on the right bank of the mouth of Half Moon Creek at the north eastern corner of lot 50 on plan USL9567; and
 - (ii) then runs along the eastern boundary of the lot in a southerly direction to the north-eastern corner of lot 34 on plan USL9567 where the boundaries of the 2 lots meet; and
 - (iii) then runs in a southerly and easterly direction along the eastern boundary of lot 34 on plan USL9567 to the north-eastern corner of lot 3 on plan USL9661; and
 - (iv) then runs in a southerly and westerly direction to the most northerly corner of lot 187 on plan NR6708; and
 - (v) then follows the eastern boundary of the lot in a southerly direction to the eastern boundary of lot 3 on plan USL9661; and

SCHEDULE 1 (continued)

- (vi) then runs in a southerly and westerly direction along the boundary of the lot to the eastern boundary of lot 188 on plan NR6708; and
- (vii) then runs in a south-westerly direction along the eastern boundary of the lot to the southern boundary of lot 3 on plan USL9661; and
- (viii) then runs in a westerly and northerly direction along the southern boundary of the lot to the south-eastern corner of lot 2 on plan USL9661; and
- (ix) then runs in a westerly and northerly direction along the southern boundary of the lot to the most westerly corner of lot 27 on plan USL9569; and
- (x) then runs in a northerly and then south-easterly direction along the western boundary of the lot to the left bank of Half Moon Creek; and
- (xi) then runs downstream along the left bank of Half Moon Creek to the creek mouth; and
- (xii) then crosses the mouth of the creek to the point where the boundary started on the right bank of Half Moon Creek; and
- (c) Yorkeys Creek and Richters Creek, the boundary of which—
 - (i) starts at the north-eastern corner of lot 105 on plan USL9612 at a point where the lot meets the esplanade and the H.A.T. line; and
 - (ii) then runs generally southerly following the seaward boundary to the south-eastern corner of the lot; and
 - (iii) then runs in a southerly direction to the mouth of Richters Creek; and
 - (iv) then follows the right bank of Richters creek upstream to the south western corner of lot 121 on plan NR840892; and
 - (v) then follows the boundary of the lot in an easterly direction to the north-western corner of lot 235 on plan NR5479; and

SCHEDULE 1 (continued)

- (vi) then runs in a south-easterly direction along the boundary of the lot to a point where the south-eastern corner of the lot meets Acacia Street, Holloways Beach; and
- (vii) then follows the south-western alignment of Acacia Street generally southerly to Poinsettia Street; and
- (viii) then runs in a southerly direction along Poinsettia Street to Casuarina Street; and
- (ix) then runs in a southerly direction along Casuarina Street to the south-eastern corner of lot 1 on plan USL9604; and
- (x) then runs in a westerly and northerly direction along the boundary of the lot to the boundary of lot 120 on CP857579; and
- (xi) then runs in a generally westerly direction around the boundary of the lot to the boundary of lot 115 on plan NR3359; and
- (xii) then runs in a southerly and westerly direction along the boundary of the lot to the right bank of Thomatis Creek; and
- (xiii) then runs in a north-easterly direction crossing Thomatis Creek to the left bank where the southern corner of lot 16 on plan USL9940 meets the creek; and
- (xiv) then follows the boundary of the lot in a north-westerly and easterly direction to the right bank of Richters Creek; and
- (xv) then crosses Richters Creek to the left bank; and
- (xvi) then follows the left bank of Richters Creek downstream to the northern boundary of lot 12 on plan USL9940; and
- (xvii) then runs easterly along the northern boundary of the lot to Richters Creek; and
- (xviii) then runs along the left bank of Richters Creek to the most southerly corner of lot 139 on plan NR3818; and
- (xix) then follows the western boundary of the lot in a northerly direction to lot 105 on plan USL9612; and
- (xx) then follows the western boundary of the lot to the point where the boundary started; and

SCHEDULE 1 (continued)

- (d) Barr Creek, the boundary of which—
- (i) starts at the right bank at the mouth of Barr Creek at the most north-easterly corner of lot 72 on RP714006; and
 - (ii) crosses Barr Creek to the north-western boundary of lot 2 on RP857530; and
 - (iii) then follows the boundary of the lot in a south-westerly direction to the eastern boundary of lot 49 on plan N157300; and
 - (iv) then runs in a southerly and easterly direction to the eastern boundary of lot 15 on plan USL9633; and
 - (v) then follows the south-eastern boundary of the lot to the south-eastern boundary of lot 147 on plan NR4789; and
 - (vi) then follows the boundary in a south westerly and northerly direction to the north-western boundary of lot 15 on plan USL9633; and
 - (vii) then follows the left bank to the mouth of Barr Creek; and
 - (viii) then runs in a southerly direction crossing the mouth of Barr Creek to the point where the boundary started; and
- (e) Barron River and Redden Creek, the boundary of which—
- (i) starts at the most easterly point on the right bank of the mouth of the Barron River at the H.A.T. line; and
 - (ii) then follows the right bank of the Barron River upstream to a point 50 m downstream from the Cook Highway bridge; and
 - (iii) then crosses the Barron River; and
 - (iv) then follows the left bank of the Barron River downstream to the left bank of Redden Creek; and
 - (v) then follows the left bank of Redden Creek downstream to the mouth of the creek; and
 - (vi) then runs due south to the right bank of Redden Creek; and
 - (vii) then follows the right bank of the creek upstream to its intersection with the Barron River; and

SCHEDULE 1 (continued)

- (viii) then runs downstream along the left bank of the Barron River to the mouth of the Barron River; and
- (ix) then runs in a south-easterly direction crossing the Barron River to the point where the boundary started on the right bank of the river.

(2) The Marlin Coast management area does not include the tidal waters and tidal land of the rivers, creeks and streams within its boundaries other than the tidal waters and tidal land of Half Moon Creek, Yorkeys Creek, Richters Creek, Barr Creek, Redden Creek and the Barron River mentioned in subsections (1)(b), (c), (d) and (e).

Wonga Beach management area

(1) The Wonga Beach management area consists of—

- (a) the area between the Mossman River and a point on the mainland approximately 4 km south of the mouth of the Daintree River, the boundary of which—
 - (i) starts at the H.A.T. line at the most north-easterly corner of lot 5 on USL8735 on the right bank at the mouth of the Mossman River; and
 - (ii) then runs due east along the geodesic line to the 5 km line; and
 - (iii) then runs generally northerly, north-easterly and north-westerly along the 5 km line to the point 16°20' south and 145°28' east; and
 - (iv) then runs along the geodesic line in a north-westerly direction to the H.A.T. line at the point 16°19' south and 145°24.5' east; and
 - (v) then runs generally southerly, south-easterly and south-westerly along the H.A.T. line to the point where the boundary started on the right bank of the mouth of the Mossman River; and
- (b) Saltwater Creek, the boundary of which—
 - (i) starts at the south-eastern corner of lot 5 on plan SR906 at the H.A.T. line; and

SCHEDULE 1 (continued)

- (ii) then runs in a westerly and then northerly direction along the southern boundary of the lot to the right bank of Coop Creek; and
 - (iii) then runs in a northerly line across Coop Creek to the intersection of the left bank of Coop Creek and the southern boundary of lot 10 on plan N157233; and
 - (iv) then follows the southern boundary of the lot in an easterly direction to the southern boundary of lot 6 on plan SR412; and
 - (v) then follows the boundary of the lot to the south-eastern corner of lot 6 on RP712142; and
 - (vi) then runs in a northerly direction along the eastern boundary of the lot to the point on the right bank of Saltwater Creek directly east of the point where the anabranch diverges; and
 - (vii) then runs north across Saltwater Creek to the left bank; and
 - (viii) then runs downstream along the left bank of Saltwater Creek to the boundary of lot 1 on plan USL8767; and
 - (ix) then runs in a clockwise direction around the northern boundary of the lot to the boundary of lot 1 on plan USL8674; and
 - (x) then runs westerly along the northern boundary of the lot to the meridian of longitude 145° 24.5' east; and
 - (xi) then runs north along the meridian to the southern boundary of lot 42 on plan SR6; and
 - (xii) then runs east then north along the eastern boundary to the north-eastern corner of the lot; and
 - (xiii) then runs due east to the H.A.T. line; and
 - (xiv) then runs in a southerly direction along the H.A.T. line to the left bank of the mouth of Saltwater Creek; and
 - (xv) then crosses Saltwater Creek and follows the H.A.T. line to the point where the boundary started; and
- (c) the Mossman River, the boundary of which—

SCHEDULE 1 (continued)

- (i) starts at the most easterly intersection of the mainland at the H.A.T. line with the most north-easterly corner of lot 5 on plan USL8735 on the right bank of the mouth of the Mossman River; and
- (ii) then runs upstream along the right bank of the Mossman River, following the northern, western and southern boundaries of lot 5 on plan USL8735 to a point where the lot meets lot 1 on plan C9641; and
- (iii) then runs in a south-easterly direction around the boundary of the lot to the most north-westerly corner of lot 3 on plan C9641; and
- (iv) then runs in a southerly direction along the western boundary of the lot and the adjoining lots 4, 5, 6, 7, 8 and 9 on plan C9641 to the most south-westerly corner of lot 9 on plan C9641; and
- (v) then runs in a straight line to the north-eastern corner of lot 1 on RP720137; and
- (vi) then runs in a south-westerly direction along the northern boundary of the lot to the north-eastern corner of lot 11 on RP709171; and
- (vii) then runs in a south-westerly direction along the northern boundary of the lot and the adjoining lot to the west to the most north-easterly corner of lot 12 on RP709171; and
- (viii) then runs in a south-westerly direction along the northern boundary of the lot to its most north-westerly corner; and
- (ix) then runs in a straight line to the most north-easterly corner of lot 265 on plan N15783; and
- (x) then follows the northern and then the eastern boundary of the lot to its most south-westerly corner; and
- (xi) then runs in a southerly direction to the north-eastern corner of lot 1 on plan RL1156 where it meets the south-western corner of lot 4 on plan T4371; and

SCHEDULE 1 (continued)

- (xii) then runs in a westerly direction along the northern boundary of lot 1 on plan RL1156 to the most north-westerly corner of the lot; and
- (xiii) then crosses the Mossman River to the most south-easterly corner of lot 5 on RP711228 on the left bank of the river; and
- (xiv) then runs in a northerly direction along the eastern boundary of the lot to the southern boundary of lot 7 on RP715390; and
- (xv) then runs in an easterly and northerly direction along the southern and eastern boundary of the lot to the most south-westerly corner of lot 1 on plan USL8787; and
- (xvi) then runs in a generally easterly direction along the boundary of the lot to the south-western corner of lot 382 on plan SR864; and
- (xvii) then runs in an easterly direction along the southern boundary of the lot; and
- (xviii) then runs in a straight line to the mouth of the Mossman River; and
- (xix) then runs due south crossing the mouth of the river to the point where the boundary started on the right bank.

(2) The Wonga Beach management area does not include the tidal waters and tidal land of the rivers, creeks and streams within its boundaries, other than the tidal waters and tidal land of Saltwater Creek and the Mossman River mentioned in subsection (1)(b) and (c).

SCHEDULE 2

ZONE BOUNDARIES

section 10(2)

1 General use zone

The general use zone consists of the tidal waters and tidal land within the boundaries stated in sections 2 to 4 of schedule 1, that are not included in any other zone.

2 Estuarine conservation zone

(1) The estuarine conservation zone consists of the tidal waters and tidal land of—

- (a) Saltwater Creek, the boundary of which—
 - (i) starts at the south-eastern corner of lot 5 on plan SR906 at the H.A.T. line; and
 - (ii) then runs in a westerly and then northerly direction along the southern boundary of the lot to the right bank of Coop Creek; and
 - (iii) then runs in a northerly line across Coop Creek to the intersection of the left bank of Coop Creek and the southern boundary of lot 10 on plan N157233; and
 - (iv) then follows the southern boundary of the lot in an easterly direction to the southern boundary of lot 6 on plan SR412; and
 - (v) then follows the boundary of the lot to the south-eastern corner of lot 6 on RP712142; and
 - (vi) then runs in a northerly direction along the eastern boundary of the lot to the point on the right bank of Saltwater Creek directly east of the point where the anabranch diverges; and
 - (vii) then runs north across Saltwater Creek to the left bank; and

SCHEDULE 2 (continued)

- (viii) then runs downstream along the left bank of Saltwater Creek to the boundary of lot 1 on plan USL8767; and
- (ix) then runs in a clockwise direction around the northern boundary of the lot to the boundary of lot 1 on plan USL8674; and
- (x) then runs westerly along the northern boundary of the lot to the meridian of longitude 145° 24.5' east; and
- (xi) then runs north along the meridian to the southern boundary of lot 42 on plan SR6; and
- (xii) then runs east then north along the eastern boundary to the north-eastern corner of the lot; and
- (xiii) then runs due east to the H.A.T. line; and
- (xiv) then runs in a southerly direction along the H.A.T. line to the left bank of the mouth of Saltwater Creek; and
- (xv) then crosses Saltwater Creek and follows the H.A.T. line to the point where the boundary started; and
- (b) the Mossman River, the boundary of which—
 - (i) starts at the most easterly intersection of the mainland at the H.A.T. line with the most north-easterly corner of lot 5 on plan USL8735 on the right bank of the mouth of the Mossman River; and
 - (ii) then runs upstream along the right bank of the Mossman River, following the northern, western and southern boundaries of lot 5 on plan USL8735 to a point where the lot meets lot 1 on plan C9641; and
 - (iii) then runs in a south-easterly direction around the boundary of the lot to the most north-westerly corner of lot 3 on plan C9641; and
 - (iv) then runs in a southerly direction along the western boundary of the lot and the adjoining lots 4, 5, 6, 7, 8 and 9 on plan C9641 to the most south-westerly corner of lot 9 on plan C9641; and

SCHEDULE 2 (continued)

- (v) then runs in a straight line to the north-eastern corner of lot 1 on RP720137; and
- (vi) then runs in a south-westerly direction along the northern boundary of the lot to the north-eastern corner of lot 11 on RP709171; and
- (vii) then runs in a south-westerly direction along the northern boundary of the lot and the adjoining lot to the west to the most north-easterly corner of lot 12 on RP709171; and
- (viii) then runs in a south-westerly direction along the northern boundary of the lot to its most north-westerly corner; and
- (ix) then runs in a straight line to the most north-easterly corner of lot 265 on plan N15783; and
- (x) then follows the northern and then the eastern boundary of the lot to its most south-westerly corner; and
- (xi) then runs in a southerly direction to the north-eastern corner of lot 1 on plan RL1156 where it meets the south-western corner of lot 4 on plan T4371; and
- (xii) then runs in a westerly direction along the northern boundary of lot 1 on plan RL1156 to the most north-westerly corner of the lot; and
- (xiii) then crosses the Mossman River to the most south-easterly corner of lot 5 on RP711228 on the left bank of the river; and
- (xiv) then runs in a northerly direction along the eastern boundary of the lot to the southern boundary of lot 7 on RP715390; and
- (xv) then runs in a easterly and northerly direction along the southern and eastern boundary of the lot to the most south-westerly corner of lot 1 on plan USL8787; and
- (xvi) then runs in a generally easterly direction along the boundary of the lot to the south-western corner of lot 382 on plan SR864; and
- (xvii) then runs in an easterly direction along the southern boundary of the lot; and

SCHEDULE 2 (continued)

- (xviii) then runs in a straight line to the mouth of the Mossman River; and
- (xix) then runs due south crossing the mouth of the river to the point where the boundary started on the right bank; and
- (c) Half Moon Creek, the boundary of which—
 - (i) starts on the right bank of the mouth of Half Moon Creek at the north-eastern corner of lot 50 on plan USL9567; and
 - (ii) then runs along the eastern boundary of the lot in a southerly direction to the north-eastern corner of lot 34 on plan USL9567 where the boundaries of the 2 lots meet; and
 - (iii) then runs in a southerly and easterly direction along the eastern boundary of lot 34 on plan USL9567 to the north-eastern corner of lot 3 on plan USL9661; and
 - (iv) then runs in a southerly and westerly direction to the most northerly corner of lot 187 on plan NR6708; and
 - (v) then follows the eastern boundary of the lot in a southerly direction to the eastern boundary of lot 3 on plan USL9661; and
 - (vi) then runs in a southerly and westerly direction along the boundary of the lot to the eastern boundary of lot 188 on plan NR6708; and
 - (vii) then runs in a south-westerly direction along the eastern boundary of the lot to the southern boundary of lot 3 on plan USL9661; and
 - (viii) then runs in a westerly and northerly direction along the southern boundary of the lot to the south-eastern corner of lot 2 on plan USL9661; and
 - (ix) then runs in a westerly and northerly direction along the southern boundary of the lot to the most westerly corner of lot 27 on plan USL9569; and
 - (x) then runs in a northerly and south-easterly direction along the western boundary of the lot to the left bank of Half Moon Creek; and

SCHEDULE 2 (continued)

- (xi) then runs downstream along the left bank of Half Moon Creek to the creek mouth; and
- (xii) then crosses the mouth of the creek to the point where the boundary started at the right bank of Half Moon Creek; and
- (d) Yorkeys Creek and Richters Creek, the boundary of which—
 - (i) starts at the north-eastern corner of lot 105 on plan USL9612 at a point where the lot meets the esplanade and the H.A.T. line; and
 - (ii) then runs generally southerly following the seaward boundary to the south-eastern corner of the lot; and
 - (iii) then runs in a southerly direction to the mouth of Richters Creek; and
 - (iv) then follows the right bank of Richters Creek upstream to the south-western corner of lot 121 on plan NR840892; and
 - (v) then follows the boundary of the lot in an easterly direction to the north-western corner of lot 235 on plan NR5479; and
 - (vi) then runs in a south-easterly direction along the boundary of the lot to a point where the south-eastern corner of the lot meets Acacia Street, Holloways Beach; and
 - (vii) then follows the south-western alignment of Acacia Street generally southerly to Poinsettia Street; and
 - (viii) then runs in a southerly direction along Poinsettia Street to Casuarina Street; and
 - (ix) then runs in a southerly direction along Casuarina Street to the south-eastern corner of lot 1 on plan USL9604; and
 - (x) then runs in a westerly and northerly direction along the boundary of the lot to the boundary of lot 120 on CP857579; and
 - (xi) then runs in a generally westerly direction around the boundary of the lot to the boundary of lot 115 on plan NR3359; and
 - (xii) then runs in a southerly and westerly direction along the boundary of the lot to the right bank of Thomatis Creek; and

SCHEDULE 2 (continued)

- (xiii) then runs in a north-easterly direction crossing Thomatis Creek to the left bank where the southern corner of lot 16 on plan USL9940 meets the creek; and
- (xiv) then follows the boundary of the lot in a north-westerly and easterly direction to the right bank of Richters Creek; and
- (xv) then crosses Richters Creek to the left bank; and
- (xvi) then follows the left bank of Richters Creek downstream to the northern boundary of lot 12 on plan USL9940; and
- (xvii) then runs easterly along the northern boundary of the lot to Richters Creek; and
- (xviii) then runs along the left bank of Richters Creek to the most southerly corner of lot 139 on plan NR3818; and
- (xix) then follows the western boundary of the lot in a northerly direction to lot 105 on plan USL9612; and
- (xx) then follows the western boundary of the lot to where the boundary started; and
- (e) Barr Creek, the boundary of which—
 - (i) starts at the right bank at the mouth of Barr Creek at the most north-easterly corner of lot 72 on RP714006; and
 - (ii) crosses Barr Creek to the north-western boundary of lot 2 on RP857530; and
 - (iii) then follows the boundary of the lot in a south-westerly direction to the eastern boundary of lot 49 on plan N157300; and
 - (iv) then runs in a southerly and easterly direction to the eastern boundary of lot 15 on plan USL9633; and
 - (v) then follows the south-eastern boundary of the lot to the south-eastern boundary of lot 147 on plan NR4789; and
 - (vi) then follows the boundary in a south-westerly and northerly direction to the north-western boundary of lot 15 on plan USL9633; and
 - (vii) then follows the left bank to the mouth of Barr Creek; and

SCHEDULE 2 (continued)

- (viii) then runs in a southerly direction crossing the mouth of Barr Creek to the point where the boundary started; and
- (f) Barron River and Redden Creek, the boundary of which—
 - (i) starts at the most easterly point on the right bank of the mouth of the Barron River at the H.A.T. line; and
 - (ii) then follows the right bank of the Barron River upstream to a point 50 m downstream from the Cook Highway bridge; and
 - (iii) then crosses the Barron River; and
 - (iv) then follows the left bank of the Barron River downstream to the left bank of Redden Creek; and
 - (v) then follows the left bank of Redden Creek downstream to the mouth of the creek; and
 - (vi) then runs due south to the right bank of Redden Creek; and
 - (vii) then follows the right bank of the creek upstream to its intersection with the Barron River; and
 - (viii) then runs downstream along the left bank of the Barron River to the mouth of the Barron River; and
 - (ix) then runs in a south-easterly direction crossing the Barron River to the point where the boundary started on the right bank of the river; and
- (g) the Trinity Inlet fish habitat area, but does not include the area the boundary of which—
 - (i) starts at the H.A.T. line on the right bank of the Barron River at the point 16°52' south and 145°46' east; and
 - (ii) then runs along the most northerly boundary of the Trinity Inlet management area to the western boundary of the main shipping channel shown on plan FHA-003; and
 - (iii) then runs in a southerly direction along the western boundary of the main shipping channel to the point at which the channel meets with the L.A.T. line; and

SCHEDULE 2 (continued)

- (iv) then runs in a north-westerly and north-easterly direction along the L.A.T. line to the intersection of the line bearing 90° to Ellie Point shown on plan FHA-003; and
- (v) then runs due west along the line bearing 90° from Ellie Point to the L.A.T. line to the most south-easterly corner of lot 51 on plan NR3159; and
- (vi) then follows the eastern boundary of lot 51 on plan NR3159 to the point where the boundary started.

(2) The estuarine conservation zone includes the alienated tidal land within the following—

- (a) lots 1 to 4 on plan C19823;
- (b) lot 92 on plan NR3051;
- (c) lot 146 on plan NR7874;
- (d) lot 151 on plan NR4172;
- (e) the part of lot 1 on RP736304 within the Trinity Inlet fish habitat area.

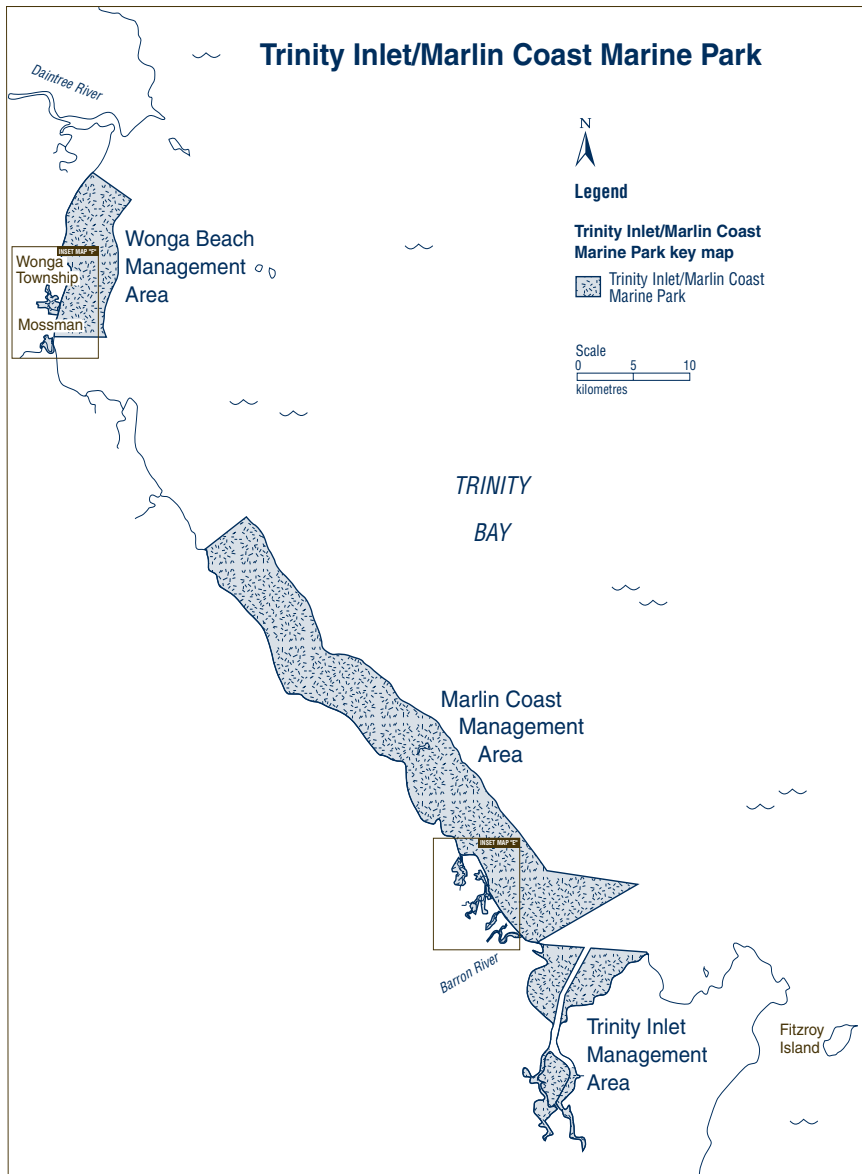
(3) The estuarine conservation zone does not include the following—

- (a) the area within 10 m either side of the centre-line of the vehicular track that traverses lot 151 on plan NR4172 to Swallows Landing;
- (b) the area within 10 m either side of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP736304;
- (c) the sand stockpile area on lot 1 on RP736304.

SCHEDULE 3

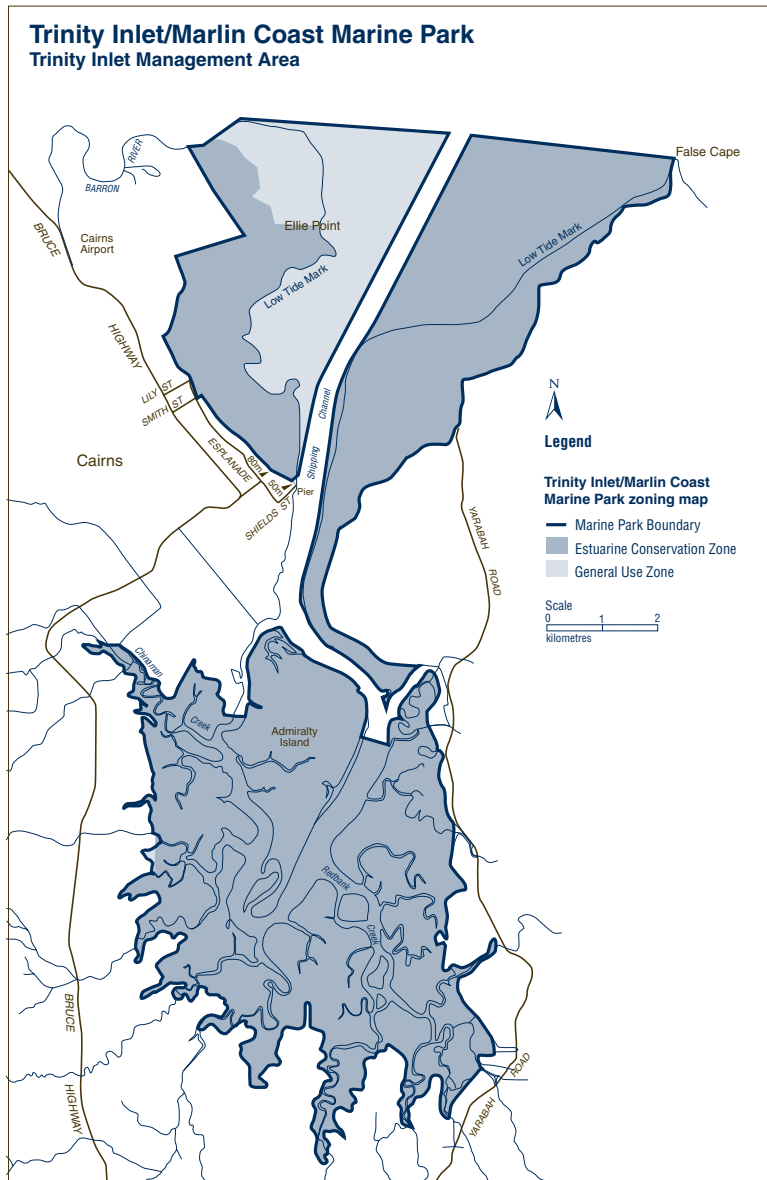
MAPS

sections 9(3) and 10(3)



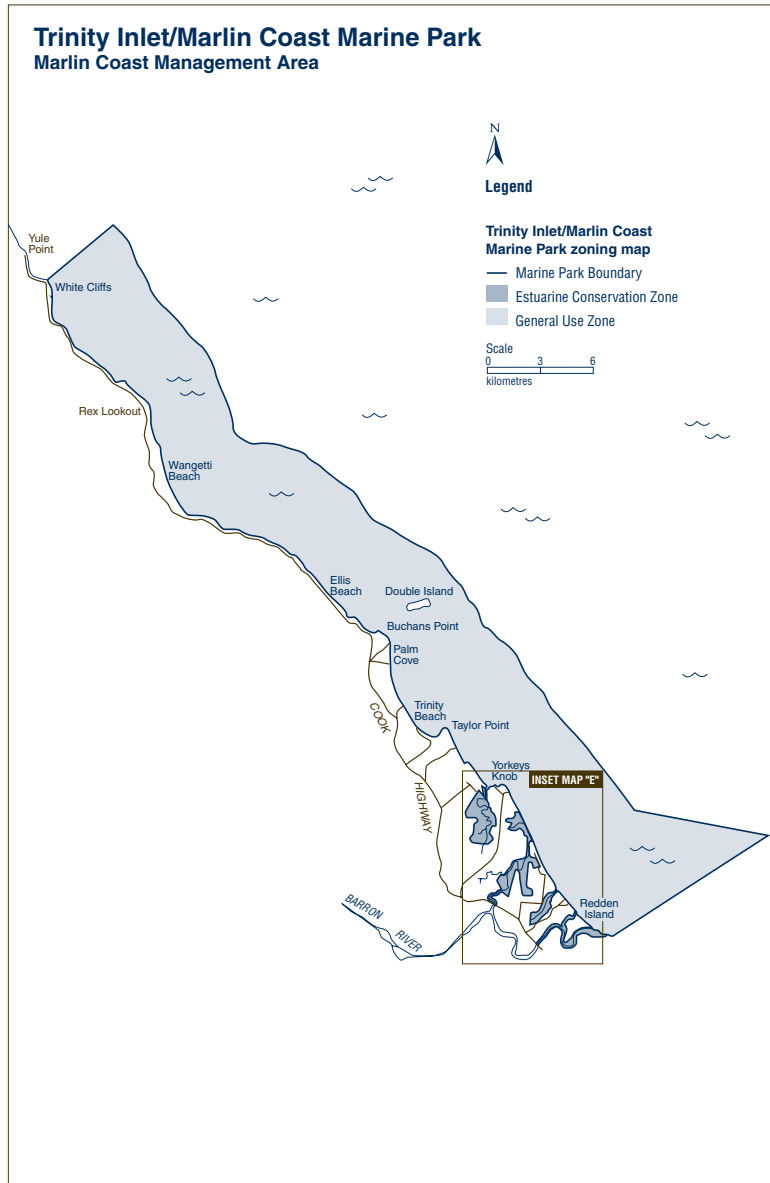
*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
Plan 2001*

SCHEDULE 3 (continued)



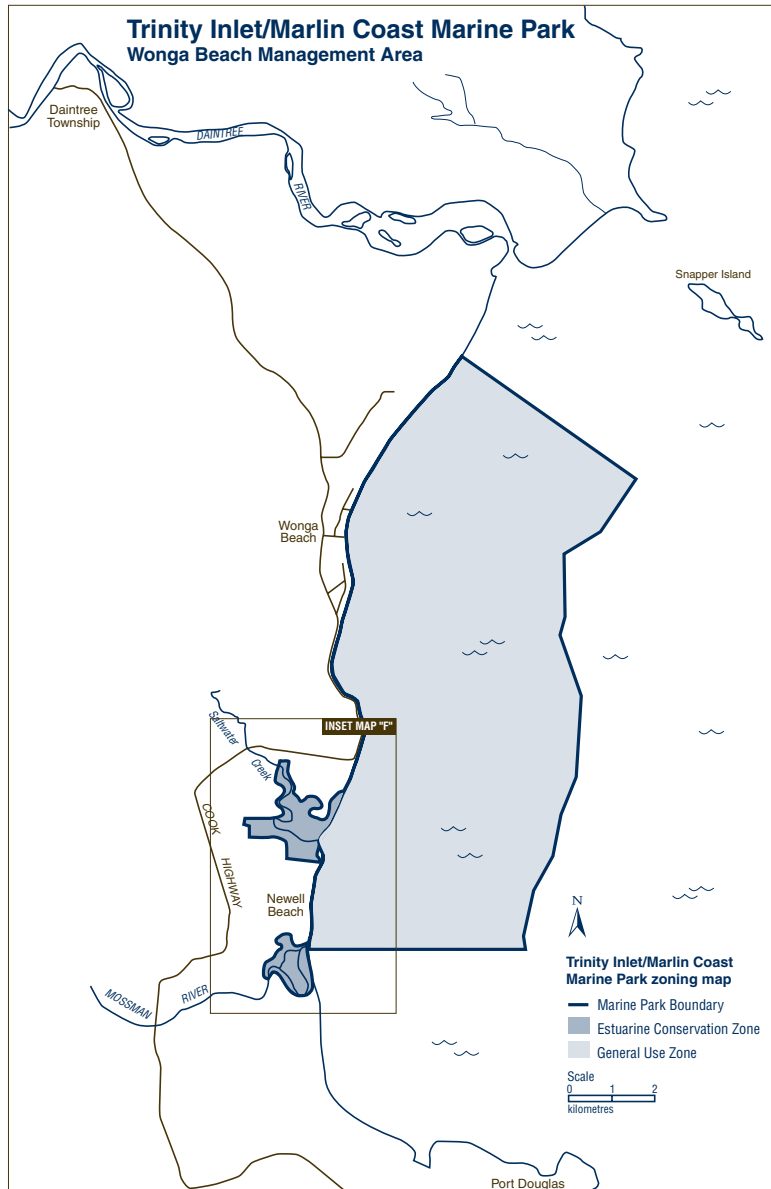
*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
Plan 2001*

SCHEDULE 3 (continued)



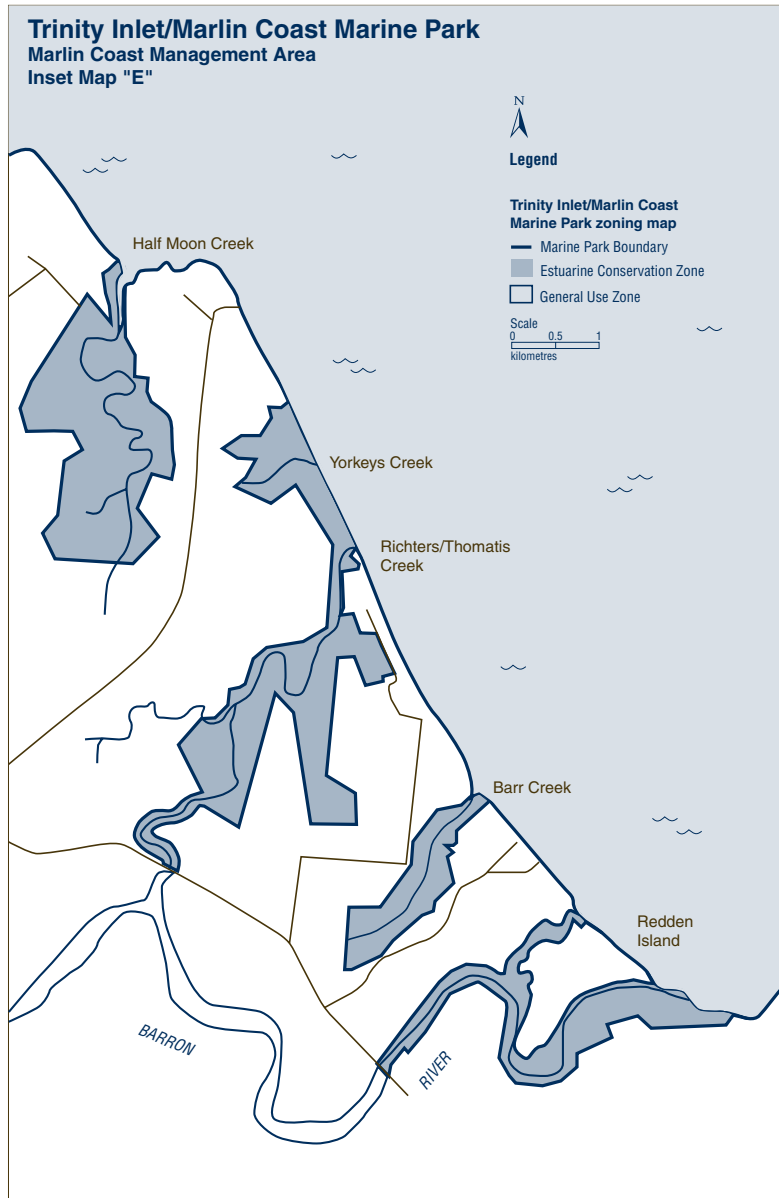
*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
Plan 2001*

SCHEDULE 3 (continued)

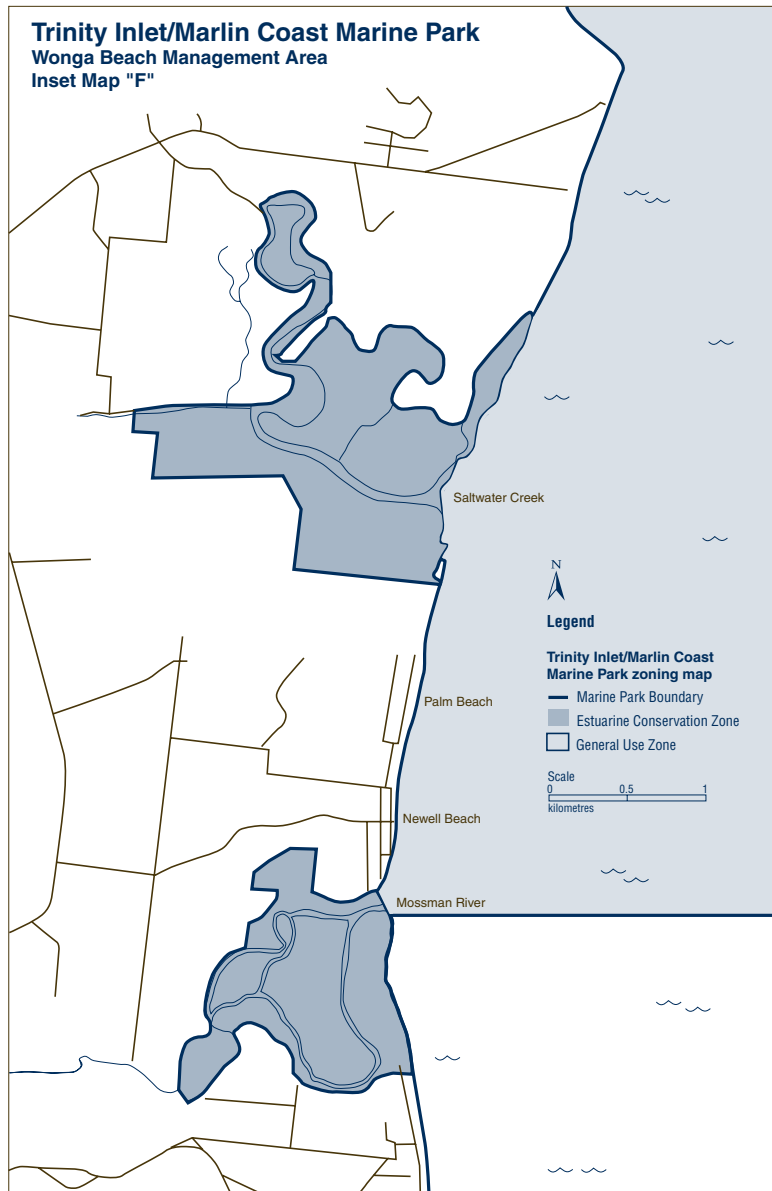


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Plan 2001*

SCHEDULE 3 (continued)



SCHEDULE 3 (continued)



SCHEDULE 4

DECLARED SPECIES

schedule 8, definition “declared species”

PART 1—ANIMALS

Phylum or subphylum	Class	Genus or species in taxon	Common name (some examples only)
Annelida		all species of Phylum Annelida	worms, fan worms
Bryozoa		all species of Phylum Bryozoa	lace corals, bryozoans
Chordata	Pisces	all species of Family Chaetodontidae	butterfly fish, coral fish, banner fish
		all species of Family Pomacentridae	damselfish, angelfish, sergeant–majors, anemone–fish, clown fish, pullers, humbugs, demoiselles
		all species of Family Holocentridae	squirrelfish, soldierfish
		all species of Family Syngnathidae	pipefish, seahorses
		all species of Family Blenniidae	blennies, coral blennies, hairtailed blennies

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
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SCHEDULE 4 (continued)

Phylum or subphylum	Class	Genus or species in taxon	Common name (some examples only)
		all species of Family Clinidae	scaled blennies, armoured blennies, weedfish
		all species of Family Gobiidae	gobies, gudgeons, sleepers, mudhoppers, mudskippers
		all species of Family Acanthuridae	surgeon fish, tangs, moorish idols
		all species of Family Ostraciontidae	box fish
		all species of Family Apogonidae	cardinal fish, siphon fish
		all species of Genus <i>Pterios</i>	firefish, scorpionfish
		all species of Genus <i>Dendrochirus</i>	butterfly scorpionfish, lionfish
		all species of Genus <i>Cirrhitichthys</i>	hawkfish, curlyfins
		all species of Genus <i>Paracirrhites</i>	hawkfish
		all species of Genus <i>Choerodon</i>	tuskfish
		all species of Genus <i>Anampses</i>	south seas wrasse, elegant wrasse
		all species of Genus <i>Epibulus</i>	sling-jaw wrasse

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
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SCHEDULE 4 (continued)

Phylum or subphylum	Class	Genus or species in taxon	Common name (some examples only)
		all species of Genus <i>Gomphosus</i>	bird wrasse, perroquet, club-nose wrasse
		all species of Genus <i>Labroides</i>	bicolor cleaner wrasse, blue streak
		all species of Genus <i>Macropharyngodon</i>	red-flecked wrasse, reticulated wrasse
		all species of Genus <i>Stethojulis</i>	banda wrasse, rainbow-fish
		all species of Genus <i>Thalassoma</i>	moon wrasse
		<i>Siganus vulpinus</i>	fox-face, black-face rabbitfish
	Reptilia	all species of Family Cheloniidae	marine turtles
		all species of Family Dermochelyidae	marine turtles
		all species of Family Laticaudidae	sea snakes
		all species of Family Hydrophiidae	sea snakes
		all species of Family Acrochordidae	sea snakes
		all species of Family Crocodyllidae	crocodiles

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
Plan 2001*

SCHEDULE 4 (continued)

Phylum or subphylum	Class	Genus or species in taxon	Common name (some examples only)
	Mammalia	all species of Sub-order Mysticeti	baleen whales
		all species of Sub-order Odontoceti	toothed whales and dolphins
		<i>Dugong dugon</i>	dugongs
	Aves		birds
Cnidaria (Coelenterata)		all species of Phylum Cnidaria	hydroids, jellyfish, sea anemones, corals
Crustacea		all species of Subphylum Crustacea	shrimps, prawns, crabs, lobsters
Echinodermata		all species of Phylum Echinodermata	sea stars, brittle stars, basket stars, sea urchins, sea cucumbers, crinoids
Mollusca	Gastropoda	all species of Class Gastropoda	snails, sea slugs, nudibranchs
	Bivalvia	all species of Class Bivalvia	scallops, oysters, clams
	Cephalopoda	all species of Genus <i>Nautilus</i>	nautilus
Porifera		all species of Phylum Porifera	sponges
Sarcomastigophora	Granuloreticulosa	all species of Order Foraminiferida	forams

SCHEDULE 4 (continued)

PART 2—PLANTS

All species of plants

PART 3—INVERTEBRATES

Phylum or subphylum	Class	Species in taxon	Common name (some examples only)
Annelida	Polychaeta	all species of Class Polychaeta	marine worms, fan worms, bait worms
Crustacea		all species in the following taxa—	
		Family Palinuridae	tropical rock lobsters
		Family Penaeidae	commercial prawns
		Family Scyllaridae	shovel-nosed lobsters
		Section Brachyura	true crabs, sand crabs, mud crabs
		• Genus Upogebia	burrowing shrimps, mud shrimps
		• Genus Callinassa	burrowing shrimps, mud shrimps

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
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SCHEDULE 4 (continued)

Phylum or subphylum	Class	Species in taxon	Common name (some examples only)
Mollusca	Bivalvia	all species of Family Amusiidae	saucer scallops
		all species of Family Ostreidae	oysters
		<i>Plebidonax deltoides</i>	pipis

PART 4—OTHER MARINE PRODUCTS

Coral limestone

Coral sand

Sea shells

Shell-grit

Star sand

SCHEDULE 5

PROTECTED ANIMALS

schedule 8, definitions “protected crustacean or mollusc” and
“protected fish”

PART 1—PROTECTED CRUSTACEANS AND MOLLUSCS

Subphylum or class	Genus or species in taxon	Common name (some examples only)
Bivalvia	all species of Class Bivalvia (other than Families Amusiidae, Ostreidae and Species <i>Plebidonax</i> <i>deltoides</i>)	scallops, clams (other than saucer scallops, oysters and pipis)
Cephalopoda	all species of Genus <i>Nautilus</i>	nautilus
Crustacea	all species of Subphylum Crustacea (other than Families Palinuridae, Penaeidae, Scyllaridae, Section Brachyura and Genera <i>Upogebia</i> , <i>Callianassa</i>)	shrimps, prawns, crabs, lobsters (other than tropical rock lobsters, commercial prawns, shovel-nosed lobsters, sand crabs, mud crabs, burrowing shrimps and mud shrimps)
Gastropoda	all species of Class Gastropoda	snails, sea slugs, nudibranchs

SCHEDULE 5 (continued)

PART 2—PROTECTED FISH

Family	Genus or species in taxon	Common name (some examples only)
Acanthuridae	all species of Family Acanthuridae	surgeon fish, tangs, moorish idols
Apogonidae	all species of Family Apogonidae	cardinal fish, siphon fish
Blenniidae	all species of Family Blenniidae	blennies, coral blennies, hairtailed blennies
Chaetodontidae	all species of Family Chaetodontidae	butterflyfish, coralfish, bannerfish
Cirrhitidae	all species of Genus <i>Cirrhitichthys</i>	hawkfish, curlyfins
	all species of Genus <i>Paracirrhites</i>	hawkfish
Clinidae	all species of Family Clinidae	scaled blennies, armoured blennies, weedfish
Gobiidae	all species of Family Gobiidae	gobies, gudgeons, sleepers, mudhoppers, mudskippers
Holocentridae	all species of Family Holocentridae	squirrelfish, soldierfish
Labridae	all species of Genus <i>Choerodon</i>	tuskfish

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
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SCHEDULE 5 (continued)

Family	Genus or species in taxon	Common name (some examples only)
	all species of Genus <i>Anampses</i>	south seas wrasse, elegant wrasse
	all species of Genus <i>Epibulus</i>	slingsjaw wrasse
	all species of Genus <i>Gomphosus</i>	bird wrasse, parroquet, club-nose wrasse
	all species of Genus <i>Labroides</i>	bicolor cleaner wrasse, blue streak
	all species of Genus <i>Macropharyngodon</i>	red-flecked wrasse, reticulated wrasse
	all species of Genus <i>Stethojulis</i>	banda wrasse, rainbowfish
	all species of Genus <i>Thalassoma</i>	moon wrasse
Ostraciontidae	all species of Family Ostraciontidae	box fish
Pomacentridae	all species of Family Pomacentridae	damselfish, angelfish, sergeant-majors, anemone-fish, clown fish, pullers, humbugs, demoiselles
Scorpaenidae	all species of Genus <i>Pterios</i>	firefish, scorpionfish
	all species of Genus <i>Dendrochirus</i>	butterfly scorpionfish, lionfish

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
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SCHEDULE 5 (continued)

Family	Genus or species in taxon	Common name (some examples only)
Siganidae	<i>Siganus vulpinus</i>	fox-face, black-face rabbitfish
Syngnathidae	all species of Family Syngnathidae	pipefish, seahorses

SCHEDULE 6

RESTRICTED ORGANISMS

schedule 8, definition “restricted organism”

Phylum or subphylum	Class	Species	Common name (some examples only)
Cnidaria	Anthozoa	all species of Class Anthozoa, other than species of Order Actiniaria	corals, sea fans, gorgonians (other than sea anemones)
Mollusca	Gastropoda	<i>Cassis cornuta</i>	helmet shell
		<i>Charonia tritonis</i>	giant triton shell
	Bivalia	all species of Family Tridacnidae	giant clams

SCHEDULE 7

PERMITTED NON-CONFORMING USES

section 19

Column 1 Non-conforming use	Column 2 Part of marine park	Column 3 Conditions
1. Water ski racing	<p>In the Trinity Inlet management area, in the estuarine conservation zone, from Shields Street north along the Cairns esplanade wall to Smith Street, and extending seawards for 500 m from the wall</p>	<ul style="list-style-type: none"> • The conditions of an authority to hold a water skiing competition, issued under the <i>Transport Operations (Marine Safety) Act 1994</i> • A vessel involved in a water skiing competition must not be any closer than 30 m from any structure or the H.A.T. line
2. Water ski racing	<p>In the Trinity Inlet management area, from the eastern boundary of the main channel opposite the southern end of the Cairns esplanade wall north along the boundary to the management area boundary and extending 150 m eastwards from the main channel along the length of that part of the channel</p>	<ul style="list-style-type: none"> • The conditions of an authority to hold a water skiing competition, issued under the <i>Transport Operations (Marine Safety) Act 1994</i> • A vessel involved in a water skiing competition must not be any closer than 30 m from any structure or the H.A.T. line

*Marine Parks (Trinity Inlet/Marlin Coast) Zoning
Plan 2001*

SCHEDULE 7 (continued)

Column 1 Non-conforming use	Column 2 Part of marine park	Column 3 Conditions
3. Water skiing	<p>The tidal waters of Trinity Inlet that lie between Seelee Creek and Blackfellows Creek, the boundary of which—</p> <ul style="list-style-type: none"> • starts on the left bank of Seelee Creek at the intersection of Seelee Creek with Trinity Inlet; and • then runs along the bank of Trinity Inlet upstream to the right bank of Blackfellows Creek at its intersection with Trinity Inlet; and • then runs due north across Trinity Inlet to the left bank of Trinity Inlet; and • then runs along the left bank of Trinity Inlet downstream to a point opposite the left bank of Seelee Creek; and • then crosses Trinity Inlet to the right bank of Trinity Inlet at the point where the boundary started 	<p>Use may be continued only—</p> <ul style="list-style-type: none"> (a) by the person who, immediately before the commencement of section 19 of this plan, was the holder of permit to occupy no. 208166; and (b) until the permit expires or is sooner cancelled
4. Vessel cleaning and repairing	<p>The part of lot 92 on plan NR3051 located at the north-eastern point of Admiralty Island, and the adjacent sea bed</p>	

SCHEDULE 8

DICTIONARY

section 3

“bait gathering” means the taking, for use as bait, of yabbies, eugaries (pippies), bait worms or crabs by hand or hand-held implement.

“bait worm” means a worm belonging to the Class Polychaeta, Family Eunicidae, Family Nereidae, Family Onuphidae or Family Phyllodocidae.

“biological diversity” see the *Nature Conservation Act 1992*, section 10.

“collecting” means taking a declared species.

“commercial netting” means fishing, under the *Fisheries Act 1994*, for a commercial purpose using a net.

“crab” means a crustacean of the Infraorder Brachyura.

“crabbing” means the taking, under the *Fisheries Act 1994*, of crabs.

“declared species” means a species mentioned in schedule 4.

“developmental fishery program” means a program of fishing or collecting that—

- (a) uses equipment or techniques that have not previously been used by the commercial fishing industry in the marine park; or
- (b) targets a species of fish that has not previously been targeted by the commercial fishing industry in the marine park.

“ecologically sustainable”, for the taking of fish or the use of the marine park, means within the marine park’s capacity to sustain natural processes while—

- (a) maintaining the life support systems and biological diversity of the marine park; and
- (b) ensuring the taking or use by present generations does not diminish the potential to meet the needs and aspirations of future generations.

SCHEDULE 8 (continued)

“educational program” means a program providing transport, accommodation or services for groups of 6 or more people, none of whom is a tourist, mainly for the purpose of education.

“eugarie” means a mollusc belonging to the species *Plebidonax deltoides*.

“fish” see the *Fisheries Act 1994*, section 5.

“fish habitat area” means a fish habitat area declared under the *Fisheries Act 1994*, section 120.

“fishing” means the ecologically sustainable taking of fish, under the *Fisheries Act 1994*, but does not include taking a protected crustacean or mollusc or a protected fish.

“Great Barrier Reef Marine Park Authority” means the Great Barrier Reef Marine Park Authority established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

“limited collecting” means collecting, that complies with section 6, of shells, fish or invertebrates, by hand or hand-held implement.

“limited educational program” means an educational program that—

- (a) does not involve the taking of animals, plants or other marine products; and
- (b) is a component of a course conducted by a school or tertiary institution.

“limited research” means research that does not involve an activity that, if it were not part of a research activity, would require a permission in the zone under this zoning plan or the regulation.

“mariculture” means—

- (a) farming marine products in tidal or marine waters; and
- (b) constructing, operating, maintaining, demolishing or removing any facility associated with farming marine products.

“marine park” means the Trinity Inlet/Marlin Coast Marine Park.

“median line” means the line every point of which is equidistant from the nearest points of the reefs or coastline to which it applies.

“minor works” means works, including installing or removing piles, moorings, public jetties, information or direction signs or other

SCHEDULE 8 (continued)

structures, that involve only minor disturbance to the substrate and associated benthic communities or alienation of areas of the marine park from enjoyment by the public.

“oyster” means a mollusc of the Family Ostreidae, and includes an oyster without its shell.

“oyster gathering” means the taking, under the *Fisheries Act 1994*, of oysters from an oyster ground.

“protected crustacean or mollusc” means a crustacean or mollusc mentioned in schedule 5, part 1.

“protected fish” means a fish mentioned in schedule 5, part 2.

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

“regulation” means the *Marine Parks Regulation 1990*.

“restricted organism” means an organism mentioned in schedule 6.

“ship” means a vessel with a gross tonnage greater than 1 500 t.

“spearfishing” means fishing, using a spear or spear gun, but not using—

- (a) a power-head; or
- (b) a firearm; or
- (c) underwater breathing apparatus other than a snorkel.

“the 5 km line” means the line every point of which is 5 km seaward from the L.A.T. line of the mainland.

“the 500 m line” means the line every point of which is 500 m seaward from the nearest point of the edge of the reef to which it applies.

“tourist” means a person who is in the marine park mainly for recreation, including, for example, recreational fishing or collecting.

“tourist program” means a program providing transport, accommodation or services for tourists.

“traditional fishing” means fishing, other than for recreation, sale or trade purposes, by a traditional inhabitant.

“traditional hunting and gathering” means collecting, other than for recreation, sale or trade purposes, by a traditional inhabitant.

SCHEDULE 8 (continued)

“traditional inhabitant” means an indigenous person who is particularly concerned with the land or waters within the marine park.

“trolling” means line fishing from a moving boat.

“waste” does not include—

- (a) waste mentioned in section 20(2)(b) of the regulation;⁵ or
- (b) stormwater discharge.

“works” means activities that might disturb, remove or destroy the substrate and associated benthic communities, including vegetation, and includes dredging, the dumping of dredging spoil, harbour works, reclamation works, beach protection works, excavation, filling and erection of walls.

“yabbies” means crustaceans of the Genera *Upogebia* and *Callinassa* belonging to the Family *Callinassidae*.

5 Section 20 (Discharging etc. of wastes) of the regulation

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Marine Parks (Trinity Inlet/Marlin Coast) Zoning Plan 2001 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

Marine Parks (Trinity Inlet/Marlin Coast) Zoning Plan 2001 SL No. 238

made by the chief executive on 31 October 2001

notfd gaz 30 November 2001 pp 1179–82

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2001 (see s 2)

exp 1 September 2012 (see SIA s 54)