



New South Wales

Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010

under the

Marine Parks Act 1997

[The following enacting formula will be included if the Regulation is made:]

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Parks Act 1997*.

Minister for Climate Change and the Environment and Minister for Primary Industries

Explanatory note

The object of this Regulation is to repeal and remake the *Solitary Islands Marine Park Zoning Plan* and the *Jervis Bay Marine Park Zoning Plan*.

The revised zoning plans include within them matters that are in Divisions 2–4 of Part 1 of the *Marine Parks (Zoning Plans) Regulation 1999*. This is done so that all provisions that relate to each of the two marine parks are located in one place.

This Regulation also amends the table of offences that can be dealt with by penalty notice, to take into account the re-arrangement of provisions in the zoning plans.

This Regulation is made under the *Marine Parks Act 1997*, including sections 15 (relating to marine parks generally), 17B (relating to zoning plans for marine parks) and 48 (the general regulation-making power).

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Clause 1 Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010

Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010

under the

Marine Parks Act 1997

1 Name of Regulation

This Regulation is the *Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

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[1] Clause 1.3 Definitions

Insert “(other than Parts 2 and 3)” after “this Regulation” in clause 1.3 (1).

[2] Clause 1.4 Regulation applies subject to other legislation

Insert after clause 1.4 (3):

- (4) This clause does not apply to Parts 2 and 3.

[3] Clause 1.5A

Insert after clause 1.5:

1.5A Application of Divisions 2–4

Subdivisions 2–5 of Division 2, and Divisions 3 and 4, do not apply to the following marine parks:

- (a) the Solitary Islands Marine Park, as described in Part 2 of Schedule 4 to the Act,
- (b) the Jervis Bay Marine Park, as described in Part 1 of Schedule 4 to the Act.

Part 2

Omit the Part. Insert instead:

Part 2 Solitary Islands Marine Park Zoning Plan

Note 1. The GPS coordinates used to describe the boundaries of the Solitary Islands Marine Park in Part 2 of Schedule 4 to the Act are in datum AGD 66. The GPS coordinates used to describe the boundaries of the zones of the marine park in this Part are in datum WGS 84, which is the datum more commonly used by marine park users.

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

Division 1 Preliminary

2.1 Definitions

- (1) In this Part:

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aquaculture has the same meaning as in section 142 of the *Fisheries Management Act 1994*.

Arwarra Headland special purpose zone means the area described in clause 2.45 (d).

bait means any animal or plant, or part of any animal or plant, rigged on a fishing hook but does not include an artificial lure or artificial fly.

Bare Bluff habitat protection zone means the area described in clause 2.43 (b).

clean a fish includes to remove or discard part of a fish.

commercial fisher has the same meaning as in the *Fisheries Management Act 1994*.

commercial fishing means taking, or attempting to take, fish for sale.

domesticated animal includes a pet.

estuary means the waters of any lake, river, creek or lagoon that are ordinarily subject to tidal influence and includes any such waters that are periodically or intermittently closed to the sea, but does not include Minnie Water Lagoon.

exotic animal means any living animal that is not indigenous to the marine park.

exotic plant means any plant (whether or not living) that is not indigenous to the marine park, but does not include food for human consumption.

fish has the same meaning as in section 5 of the *Fisheries Management Act 1994*.

Note. Under the *Fisheries Management Act 1994*, **fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead), including oysters and other aquatic molluscs, crustaceans, echinoderms, beachworms and other aquatic polychaetes.

general use zone means the area described in clause 2.44.

habitat means any area occupied, or periodically or occasionally occupied, by animals or plants (or both), and includes any biotic or abiotic component.

habitat protection zone means an area described in clause 2.43.

harm means:

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

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marine park means the Solitary Islands Marine Park, as described in Part 2 of Schedule 4 to the Act.

Minnie Water Lagoon means the tidal waters and tidal lands in the area enclosed by the line between 29° 46.343'S, 153° 17.926'E and 29° 46.623'S, 153° 18.127'E, extending seawards to include the exposed rocky reef.

moor a vessel includes attach the vessel to a mooring by any means.

mooring means any post, stake, pile, float, pontoon or any other object (other than a vessel's anchor that is retrieved by the vessel when not in use) secured by any direct or indirect means to the waters' bed for the purpose of attaching a vessel to the bed.

motorised means powered by a motor, whether or not the motor is in use at the time.

personal watercraft means a power-driven vessel that:

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

Pipe Clay Lake habitat rehabilitation special purpose zone means the area described in clause 2.45 (c).

planning approval means:

- (a) development consent under the *Environmental Planning and Assessment Act 1979*, or
- (b) approval of a determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*, or
- (c) approval to the carrying out of a project under Part 3A of the *Environmental Planning and Assessment Act 1979*.

protected species of fish means a species listed in the table to clause 2.2.

recreational fishing means taking, or attempting to take, fish otherwise than for sale.

sanctuary zone means an area described in clause 2.42.

Sandon River oyster aquaculture special purpose zone means the area described in clause 2.45 (a).

special purpose zone means an area described in clause 2.45.

take an animal includes:

- (a) catch, capture or kill an animal, or

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

the Act means the *Marine Parks Act 1997*.

traditional use means a use that satisfies personal, domestic or non-commercial communal needs of Aboriginal people.

vessel has the same meaning as it has in the *Marine Safety Act 1998*.

Wooli Wooli River oyster aquaculture special purpose zone means the area described in clause 2.45 (b).

Note. Certain words and terms used in this Regulation are defined in the Act and accordingly have the same meaning as in the Act. These include the following:

animal means any animal-life (other than human), whether vertebrate or invertebrate and in any stage of biological development, and includes a dead animal.

plant means any plant-life, whether vascular or non-vascular and in any stage of biological development, and includes fungi, lichens and dead plants.

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

2.2 Meaning of “protected species”

A species of fish listed in the following Table is a **protected species** of fish for the purposes of this Part:

Common name Species	Class/Family/Order
Corals	Class Anthozoa
Soft corals and gorgonians	Subclass Octocorallia
Hard corals	Order Scleractinia
Black corals	Order Antipatharia
Sea anemones	Order Actinaria
Zoanthids	Order Zoanthidea
Corallimorphs	Order Corallimorpharia
All pipefishes and seahorses	Family Syngnathidae
Giant clam	Family Tridacnidae
Anemone fish	<i>Amphiprion</i> spp.

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Common name Species	Class/Family/Order
Cunjevoi or sea squirt	<i>Pyura stolonifera</i>
Wobbegong	Family Orectolobidae

2.3 Part applies subject to other legislation

- (1) This Part has effect subject to section 22 of the Act.
Note. Section 22 of the Act provides that any requirements made by or under Part 3 of the Act are in addition to any requirement in any other Act or statutory instrument, such as requirements under the *Fisheries Management Act 1994* and the *National Parks and Wildlife Act 1974*.
- (2) Nothing in this Part is to be construed as authorising the harming of any particular species of plant or fish, or the harming of any plants or fish by a particular method, in contravention of the *Fisheries Management Act 1994*, the *National Parks and Wildlife Act 1974* or statutory instruments made under those Acts.

2.4 Attempts

Any person who attempts to commit any offence for which a penalty is provided under this Part is to be liable to that penalty.

Division 2 Sanctuary zones

2.5 Protection of animals, plants and habitat

- (1) A person must not, while in a sanctuary zone:
 - (a) harm any animal, or
 - (b) harm any plant, or
 - (c) damage, take or interfere with any part of a habitat (including soil, sand, shells or other material occurring naturally within the zone).
- (2) A person must not take fish from a mooring, or a vessel attached to a mooring, in a sanctuary zone.
Maximum penalty: 100 penalty units.
- (3) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (4) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,

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- (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses.
- (5) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (6) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.

2.6 Aquaculture not permitted

A person must not carry out aquaculture in a sanctuary zone.
Maximum penalty: 100 penalty units.

2.7 Dredging and beach replenishment activities not permitted

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

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2.8 Vessels to be anchored or moored only at approved sites

- (1) A person must not, while in a sanctuary zone, anchor or moor a vessel except in an area, or at a mooring, (if any) approved for that purpose by the relevant Ministers.
Maximum penalty: 100 penalty units.
- (2) However, a person may anchor or moor a vessel in an area or at a mooring that has not been approved by the relevant Ministers for that purpose in an emergency, where the action is necessary to protect life or property.
- (3) The relevant Ministers approve an area or mooring by including a description of that area or mooring in a notice published in the Gazette.

2.9 Fish cleaning permitted only at approved facilities

- (1) A person must not clean any fish or any fishing gear while in a sanctuary zone except at a fish cleaning facility (if any) approved by the relevant Ministers for that purpose.
Maximum penalty: 50 penalty units.
- (2) However, a person does not commit an offence under this clause if the cleaning is carried out:
 - (a) while on a vessel, and
 - (b) with the consent of the relevant Ministers.
- (3) The relevant Ministers approve a fish cleaning facility by including a description of that facility in a notice published in the Gazette.

Division 3 Habitat protection zones

2.10 Protection of animals, plants and habitat

- (1) A person must not, while in a habitat protection zone:
 - (a) harm any animal (other than fish), or
 - (b) harm any plant at Moonee Beach, or
 - (c) harm any plant somewhere other than Moonee Beach unless the plant:
 - (i) is sea lettuce (*Ulva lactuca*) or bait weed (*Enteromorpha intestinalis*), or
 - (ii) is another kind of seaweed that is taken from above the mean low water mark from a beach, or

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

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
- (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) for the purposes of an ecologically sustainable use that does not have a significant impact on fish populations within the zone or on any other animals, plants or habitats.
- (4) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (5) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

2.11 Regulation of fishing (other than at Moonee Beach or Bare Bluff habitat protection zone)

- (1) A person must not take any fish in a habitat protection zone (other than at Moonee Beach or Bare Bluff habitat protection zone) unless:
- (a) the fish is not of a protected species, and
 - (b) the fish is taken by one of the methods permitted by subclause (2).
- (2) For the purposes of subclause (1) (b), the methods are as follows:
- (a) by use of a hook and hand held line,
 - (b) by hand,
 - (c) by use of a dip or scoop net,
 - (d) by use of a landing net,
 - (e) by use of a spear or spear gun, but not in an estuary,

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- (f) by use of a submersible lift net (bait), but only if the fish are taken for use as bait by the fisher (and not for the purpose of sale),
- (g) by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
- (h) by use of a fish trap, but not in any of the following areas:
 - (i) the area enclosed by the line between the coordinates 29° 41.631'S, 153° 20.470'E and 29° 41.631'S, 153° 22.156'E and 29° 42.925'S, 153° 22.156'E and 29° 42.925'S, 153° 20.470'E, being the area that encompasses Sandon Shoals,
 - (ii) the area enclosed by the line between the coordinates 29° 59.905'S, 153° 14.812'E and 29° 59.905'S, 153° 16.620'E and 30° 01.491'S, 153° 16.620'E and 30° 01.491'S, 153° 14.812'E, being the area that encompasses Chopper Rock, Surgeons Reef and North West Solitary Island,
 - (iii) within 500 metres of the mean high water mark of North Solitary Island, North West Rock, North West Solitary Island, South West Solitary Island, South Solitary Island or Split Solitary Island,
- (i) by the method known as beach hauling, but not if the net is cast between sunset and sunrise, and not on a Saturday, Sunday or public holiday and only at the following beaches:
 - (i) Arrawarra Beach,
 - (ii) Sandy Beach,
 - (iii) Station Creek Beach (north of Red Rock) but not from 1 October to the last day of February in the succeeding year (inclusive),
 - (iv) Woolgoolga Front Beach,
 - (v) Park Beach, but not that area of the beach that is north of Little Muttonbird Island,
- (j) by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:
 - (i) push or scissors net (prawns),
 - (ii) hoop or lift net,
 - (iii) spanner crab net,
- (k) by use of a trap, if:

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- (i) the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*, and
 - (ii) in the case of fish taken in any part of the waters of Arrawarra Creek, its creeks and tributaries, from its source to its confluence with the South Pacific Ocean—the fish are taken by bait trap.
- (3) Despite any other provision of this clause:
 - (a) a person must not take fish, while demersal fishing, using any fishing gear that has attached to it a wire trace (other than a wire trace for trolling purposes from a vessel that is underway) in the following areas:
 - (i) all waters around North Solitary Island from mean high water mark and extending 500 metres in all directions around a point centred on 29° 55.351'S, 153° 23.355'E,
 - (ii) all waters around South Solitary Island from mean high water mark and extending 500 metres in all directions around a point centred on 30° 12.141'S, 153° 16.086'E, and
 - (b) a person must not, while in a habitat protection zone, take any fish for aquarium collection purposes.
Maximum penalty: 100 penalty units.
- (4) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (5) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (6) For the purposes of section 17A of the Act, a contravention of this clause in relation to a protected species is designated as a serious offence.
- (7) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:

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

2.12 Regulation of fishing at Moonee Beach

- (1) A person must not take any fish in that part of Moonee Beach that is in a habitat protection zone unless:
 - (a) the fish is one of the following species:
 - (i) finfish (Class Osteichthyes)—all species,
 - (ii) sharks and rays (Class Chondrichthyes)—all species,
 - (iii) eastern rock lobster (*Jasus verreauxi*),
 - (iv) slipper lobster (*Scyllarides* spp.),
 - (v) painted rock lobster (*Panulirus* spp.), and
 - (b) the fish is not of a protected species, and
 - (c) the fish is taken by one of the following methods:
 - (i) by use of a hook and hand held line,
 - (ii) by hand,
 - (iii) by use of a dip or scoop net,
 - (iv) by use of a landing net,
 - (v) by use of a spear or spear gun, but not in an estuary,
 - (vi) by use of a submersible lift net (bait), but only if the fish are taken for use as bait by the fisher (and not for the purpose of sale),
 - (vii) by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale).

Maximum penalty: 100 penalty units.

- (2) A person must not, while in that part of Moonee Beach that is in a habitat protection zone, take any species of invertebrate from the beach.

Maximum penalty: 100 penalty units.

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- (3) Despite any other provision of this clause, a person must not, while in that part of Moonee Beach that is a habitat protection zone, take any fish for aquarium collection purposes.
Maximum penalty: 100 penalty units.
- (4) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (5) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (6) For the purposes of section 17A of the Act, a contravention of this clause in relation to a protected species is designated as a serious offence.
- (7) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:
 - (a) that the act or omission constituting the offence was a routine activity in connection with a lawful activity, or
 - (b) that:
 - (i) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
 - (ii) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.

2.13 Regulation of fishing in Bare Bluff habitat protection zone

- (1) A person must not take any fish in the Bare Bluff habitat protection zone unless:
 - (a) the fish is taken using either a hook and hand held line or a spear or spear gun, and
 - (b) the fish is taken during the period between 1 January and 30 June (inclusive) of any year, and
 - (c) the fish is not of a protected species.

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Maximum penalty: 100 penalty units.

- (2) Despite subclause (1), a person must not, while in the Bare Bluff habitat protection zone, take any fish for aquarium collection purposes.

Maximum penalty: 100 penalty units.

- (3) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.

- (4) The relevant Ministers may give their consent only for the following purposes:

- (a) research purposes,
- (b) environmental protection purposes,
- (c) public health purposes,
- (d) public safety purposes,
- (e) traditional uses, and
- (f) non-commercial aquarium purposes.

- (5) For the purposes of section 17A of the Act, a contravention of this clause in relation to a protected species is designated as a serious offence.

- (6) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:

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

2.14 Aquaculture not permitted

A person must not carry out aquaculture in a habitat protection zone.

Maximum penalty: 100 penalty units.

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2.15 Crab trapping prohibited in Wooli Wooli River crab protection area

- (1) A person must not, while in the Wooli Wooli River crab protection area, take crabs by use of a trap.
Maximum penalty: 100 penalty units.
- (2) In this clause:
Wooli Wooli River crab protection area means that part of a habitat protection zone starting from one kilometre downstream of “the forks”, from 29° 50.404’S, 153° 14.607’E, then upstream to include the entire upper reaches of the Wooli Wooli River to the tidal limit.

2.16 Fish cleaning at Minnie Water Lagoon

- (1) A person must not clean any fish or any fishing gear while in Minnie Water Lagoon except at a fish cleaning facility (if any) approved by the relevant Ministers for that purpose.
Maximum penalty: 50 penalty units.
- (2) However, a person does not commit an offence under this clause:
 - (a) if the person cleans fish while on a vessel and the fish (including any parts that are removed or discarded) are retained on the vessel, or
 - (b) if the person cleans fishing gear while on a vessel.
- (3) The relevant Ministers approve a fish cleaning facility by including a description of that facility in a notice published in the Gazette.

Division 4 General use zone

2.17 Protection of animals, plants and habitat

- (1) A person must not, while in the general use zone:
 - (a) harm any animal (other than fish), or
 - (b) harm any plant, or
 - (c) damage, take or interfere with any part of a habitat (including soil, sand, shells or other material occurring naturally within the zone).
Maximum penalty: 100 penalty units.
- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.

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- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) for the purposes of an ecologically sustainable use.
- (4) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (5) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

2.18 Regulation of fishing

- (1) A person must not, while in the general use zone:
 - (a) take any protected species of fish, or
 - (b) harm any protected species of fish.Maximum penalty: 100 penalty units.
- (2) A person must not, while in the general use zone:
 - (a) take any fish for aquarium collection purposes, or
 - (b) take fish, as follows:
 - (i) by use of a set line,
 - (ii) by use of a purse seine net,
 - (iii) by use of a drift line, or
 - (c) take fish, as follows on or after the relevant date:
 - (i) by use of an otter trawl net (prawns),
 - (ii) by use of an otter trawl net (fish),
 - (iii) by use of a Danish seine trawl net (fish),
 - (iv) by use of any other means of trawling.Maximum penalty: 100 penalty units.
- (3) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.

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- (4) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (5) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:
 - (a) that the act or omission constituting the offence was a routine activity in connection with a lawful activity, or
 - (b) that:
 - (i) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
 - (ii) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.
- (6) Nothing in this clause prohibits the carrying out of aquaculture in the general use zone.
- (7) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.
- (8) In this clause:
relevant date means the date of commencement of the *Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010*.

Division 5 Special purpose zones

2.19 Additional objects

In addition to the general objects of special purpose zones set out in clause 1.10, the additional specific objects of the following special purpose zones are as follows:

- (a) an object of the Sandon River oyster aquaculture special purpose zone and the Wooli Wooli River oyster aquaculture special purpose zone is to provide for the management of aquaculture,

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- (b) an object of the Pipe Clay Lake habitat rehabilitation special purpose zone is to provide for rehabilitation, traditional use and research,
- (c) an object of the Arrawarra Headland special purpose zone is to provide for traditional use and research.

2.20 Protection of animals, plants and habitat

- (1) A person must not, while in a special purpose zone:
 - (a) harm any animal (other than fish), or
 - (b) harm any plant, or
 - (c) damage, take or interfere with any part of a habitat (including soil, sand, shells or other material occurring naturally within the zone).

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) for the purposes of an ecologically sustainable use.
- (4) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (5) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

2.21 Prohibition on fishing in Pipe Clay Lake habitat rehabilitation or Arrawarra Headland special purpose zones

- (1) A person must not, while in Pipe Clay Lake habitat rehabilitation special purpose zone or the Arrawarra Headland special purpose zone, take any fish.

Maximum penalty: 100 penalty units.

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- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.

2.22 Regulation of fishing in Sandon River oyster aquaculture special purpose zone and Wooli Wooli River oyster aquaculture special purpose zone

- (1) This clause applies to the Sandon River oyster aquaculture special purpose zone and the Wooli Wooli River oyster aquaculture special purpose zone.
- (2) A person must not, while in an area to which this clause applies:
 - (a) take any protected species of fish, or
 - (b) harm any protected species of fish.Maximum penalty: 100 penalty units.
- (3) A person must not, while in an area to which this clause applies:
 - (a) take fish from an estuary by use of a spear or spear gun, or
 - (b) take any fish for aquarium collection purposes, or
 - (c) take fish by any method other than the following:
 - (i) by use of a hook and hand held line,
 - (ii) by hand,
 - (iii) by use of a dip or scoop net,
 - (iv) by use of a landing net,
 - (v) by use of push or scissors net (prawns), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,
 - (vi) by use of hoop or lift net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,

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- (vii) by use of spanner crab net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*.

Maximum penalty: 100 penalty units.

- (4) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (5) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (6) For the purposes of section 17A of the Act, a contravention of subclause (2) is designated as a serious offence.
- (7) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:
 - (a) that the act or omission constituting the offence was a routine activity in connection with a lawful activity, or
 - (b) that:
 - (i) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
 - (ii) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.

2.23 Aquaculture

- (1) A person must not carry out aquaculture in the Pipe Clay Lake habitat rehabilitation special purpose zone or the Arrawarra Headland special purpose zone.
Maximum penalty: 100 penalty units.
- (2) A person must not carry out aquaculture in any other special purpose zone unless:
 - (a) the person has the consent of the relevant Ministers to carry out aquaculture in that place, or

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- (b) planning approval has been given to the carrying out of aquaculture in that place.

Maximum penalty: 100 penalty units.

Division 6 Protection of animals and plants

2.24 Possession of animals or plants

- (1) A person who is in possession of any animal or plant that has been taken in contravention of a provision of this Part is guilty of an offence.
Maximum penalty: 100 penalty units.
- (2) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any plant or animal found in the boat.
- (3) It is a defence to a prosecution for an offence under subclause (1) if the person charged satisfies the court that the person could not reasonably have known that the animal or plant had been taken in contravention of a provision of this Part.
- (4) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

2.25 Possession of equipment used to take animals or plants

- (1) A person who, while in any part of the marine park, is in possession of any equipment (including fishing gear) that is used, or is designed to be used, for the purposes of taking an animal or plant is guilty of an offence if the taking of the animal or plant in that part of the park, at that time, is prohibited by law.
Maximum penalty: 100 penalty units.
- (2) A person who, while in any part of the marine park, is in possession of any equipment (including fishing gear) that is used, or designed to be used, for the purpose of taking an animal or plant is guilty of an offence if the use by that person of that equipment for taking an animal or plant from that part of the park, at that time, is prohibited by law.
Maximum penalty: 100 penalty units.
- (3) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any equipment (including fishing gear) found in the boat.
- (4) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:

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- (a) if the equipment concerned was fishing gear—that the fishing gear was being transported to or from any place where the person could lawfully use the equipment to take fish and was in the authorised state, or
 - (b) if the equipment concerned was not fishing gear—that the equipment was being transported to or from any place where the person could lawfully use the equipment to take animals or plants, and was in a state in which it could not have been used to take animals or plants, or
 - (c) if the equipment concerned was a fishing line—that the fishing line was on board a vessel within a sanctuary zone, the vessel was anchored, moored or aground and the fishing line was in the unrigged state, or
 - (d) that the person could not reasonably have known that the equipment was on board the boat concerned, or
 - (e) that the equipment was in the person’s possession for a purpose that was lawful in the part of the marine park that the person was in.
- (5) For the purposes of subclause (4) (a), the *authorised state* is:
- (a) in the case of a fishing line—no part of the line was immersed in the waters of the marine park and no hook was baited, or
 - (b) in the case of a fishing net—no part of the net was immersed in the waters of the marine park, or
 - (c) in the case of fishing gear not described in paragraph (a) or (b)—the gear was stowed away.
- (6) For the purposes of subclause (4) (c), the *unrigged state*, in relation to a fishing line, means no part of the fishing line is attached to any hook, artificial lure, artificial fly, swivel or other piece of fishing tackle (other than any reel the fishing line was spooled on).

2.26 Fish trapping

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

Maximum penalty: 100 penalty units.

2.27 Fish attracting devices

A person must not leave any floating device or floating structure unattended in the marine park unless:

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- (a) the person has the consent of the relevant Ministers to the leaving of the floating devices, or
- (b) planning approval has been given to the leaving of the floating devices.

Maximum penalty: 50 penalty units.

2.28 Fish feeding

- (1) A person must not feed fish in any part of the marine park unless:
 - (a) the person is berleying in the course of fishing activities permitted by or under the Act in the part of the marine park concerned, or
 - (b) the person has the consent of the relevant Ministers to feed fish, or
 - (c) planning approval has been given to the feeding of fish.Maximum penalty: 100 penalty units.
- (2) The relevant Ministers may not give consent to the following:
 - (a) commercial shark feeding in any part of the marine park,
 - (b) fish feeding in a sanctuary zone.

Division 7 Bringing certain animals and plants into any part of marine park

2.29 Prohibition on bringing or releasing exotic animals and plants into marine park

A person must not:

- (a) bring any exotic animal (other than a domesticated animal) into the marine park, or
- (b) bring any exotic plant into the marine park, or
- (c) cause or allow any exotic animal to be released into the marine park, or
- (d) cause or allow any exotic plant to be introduced into the marine park.

Maximum penalty: 100 penalty units.

2.30 Restrictions on bringing domesticated animals into marine park

- (1) A person must not bring a domesticated animal into the following areas:
 - (a) Sandon Beach,
 - (b) Minnie Water Back Beach,

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- (c) North Woolli Beach (adjacent to Yuraygir National Park),
- (d) Jones Beach,
- (e) Freshwater Beach,
- (f) Pebbly Beach,
- (g) Station Creek Beach,
- (h) Woolgoolga Beach—south of Woolgoolga Lake,
- (i) Sandy Beach,
- (j) Back Sandy Beach (Fiddamans Beach),
- (k) Emerald Beach—south of Fiddamans Creek,
- (l) Shelly Beach (Serenity Beach),
- (m) Diggers Beach,
- (n) Park Beach—north of Coffs Creek.

Maximum penalty: 100 penalty units.

- (2) Despite subclause (1), a person may bring a domesticated animal into any part of the marine park:
 - (a) if the person is authorised by law to do so, or
Note. Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.
 - (b) if the animal remains confined to a vessel, or
 - (c) if the person has the consent of the relevant Ministers to bring the animal into that place, or
 - (d) if the person has planning approval to bring the animal into that place, or
 - (e) if the person is a police officer and the animal is a police dog.
- (3) A person who is permitted to bring a domesticated animal into the marine park by this clause must not leave the animal unattended in the marine park. For the purposes of this subclause, a domesticated animal is *unattended* whenever it is not under the control of a responsible person.
Maximum penalty: 100 penalty units.
- (4) A person who brings a domesticated animal into the marine park must collect any faeces deposited by that animal and remove the faeces from the marine park.
Maximum penalty: 5 penalty units.

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

Division 8 Restrictions on use of vessels and vehicles

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

- (1) A person must not use a motorised vessel that is a personal watercraft in any estuary in the marine park unless:
- (a) the vessel is a personal watercraft used in the estuary solely for the purpose of travelling, at a speed not exceeding 4 knots, between the ocean and the lowest boat ramp on the Sandon River, Wooli Wooli River or Corindi River, or
 - (b) the person has the consent of the relevant Ministers to carry out the relevant activity.
- Maximum penalty: 50 penalty units.
- (2) A person must not anchor a vessel in the Bare Bluff habitat protection zone, unless to do so is necessary to protect life or property.
- (3) For the purposes of this clause, a boat ramp is the lowest boat ramp on a river if it is the farthest downstream of all boat ramps on the river.

2.32 Areas in which use of vehicles prohibited

- (1) A person must not use a motorised vehicle on any of the following beaches in such a manner as to exceed a speed of 25 kilometres per hour, when within 100 metres of pedestrians, or 50 kilometres per hour at other times:
- (a) Sandon Beach
 - (b) Minnie Water Beach,
 - (c) Wooli Beach,
 - (d) that part of Station Creek Beach between the point where the access trail through Yuraygir National Park joins the beach and the mouth of the Corindi River,
 - (e) that part of Station Creek Beach between the Pebbly Beach access trail to the mouth of Station Creek,
 - (f) Woolgoolga Back Beach,

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- (g) Hearn's Lake Beach,
 - (h) Charlesworth Bay.
- Maximum penalty: 50 penalty units.
- (2) A person must not use a motorised vehicle on the following beaches, except for the purpose of launching a boat:
- (a) Diggers Camp Beach,
 - (b) Pebbly Beach (within 200 metres from Station Creek Headland),
 - (c) Arrawarra Beach,
 - (d) Woolgoolga Beach,
 - (e) Sandy Beach,
 - (f) Emerald Beach.
- Maximum penalty: 100 penalty units.
- (3) However, this clause does not apply:
- (a) to the use of an authorised vehicle, a police vehicle or an emergency vehicle,
 - (b) the use of a motorised vehicle in connection with a commercial fishing activity the subject of a licence under the *Fisheries Management Act 1994*.
- (4) However, a person does not commit an offence under this clause if:
- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.
- (5) This clause is subject to any notice relating to the use of vehicles erected by:
- (a) a park authority under the regulations made under the *National Parks and Wildlife Act 1974*, or
 - (b) a council under section 632 of the *Local Government Act 1993*.
- Note.** Clause 4 of the *National Parks and Wildlife Regulation 2009* provides for the issue of park authorities.
- Note.** Section 632 of the *Local Government Act 1993* gives a council power to prohibit the use of vehicles in public places. The council is required to erect notices in the area concerned indicating that the use of vehicles in the area is prohibited.
- (6) In this clause:

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authorised vehicle means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

- (a) the Authority,
- (b) the Department of Environment, Climate Change and Water,
- (c) the Department of Industry and Investment,
- (d) Clarence Valley Council,
- (e) Coffs Harbour City Council,
- (f) any other government agency,
- (g) a surf life saving club.

emergency vehicle means a vehicle driven by a person who is:

- (a) a police officer acting in the course of his or her duties as a police officer, or
- (b) a member of the Ambulance Service rendering or providing transport for sick or injured persons, or
- (c) a member of a fire brigade or rural fire brigade providing transport in the course of an emergency, or
- (d) a person (or person belonging to a class of persons) approved by the Authority.

police vehicle means a vehicle driven by:

- (a) a member or special member of the Australian Federal Police, or
- (b) a member, however described, of the Police Force of a State or Territory, or
- (c) a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth, acting in the course of his or her duty.

2.33 Discharge from vessels

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

Maximum penalty: 100 penalty units.

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Division 9 Restrictions on certain other activities throughout marine park

2.34 Organised research activities

- (1) A person must not carry out any organised research activity in the marine park unless:
 - (a) the person has the consent of the relevant Ministers to carry out the organised research activity, or
 - (b) planning approval has been given to the carrying out of the organised research activity.

Maximum penalty: 100 penalty units.

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

2.35 Commercial activities

- (1) A person must not in the marine park sell or hire any article, thing or service to any person unless:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the relevant activity.

Maximum penalty: 100 penalty units.

- (2) A person must not in the marine park conduct, or assist in the conduct of, any amusement, entertainment, instruction, performance or activity for money or other consideration of any kind unless:

- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
- (b) planning approval has been given to the carrying out of the activity.

Maximum penalty: 100 penalty units.

- (3) A person does not commit an offence under subclause (1) by taking fish in the marine park for the purposes of sale or by assisting in the conduct of that activity.

- (4) A person does not commit an offence under subclause (1) if the person carries out an activity described in that subclause in the marine park without the consent of the relevant Ministers if the activity only involves a commercial vessel passing through the

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marine park to a destination outside the marine park by the most direct and expeditious route and:

- (a) the person does not undertake any commercial activities within the marine park other than those required to safely navigate and operate the vessel through the marine park, and
- (b) the person does not specifically advertise passing through the marine park as part of the person's commercial activity, and
- (c) the passage through the marine park does not include anchoring, mooring or docking within the marine park except where required for safety reasons, and
- (d) the passage through the marine park does not include onboard commercial activities relating to the provision of any information concerning the marine park and its values, including scenic tours and environmental interpretation activities, and
- (e) the passage through the marine park does not involve the use of hovercraft vessels, personal watercraft or aircraft.

2.36 Filming activities

- (1) A person must not take any photograph, or film any video, movie or television film, in the marine park, if the photographing or filming:
 - (a) requires the use of structures (other than portable tripods), film sets or machinery, or
 - (b) involves actors or professional models, or
 - (c) has the potential to impact on marine biodiversity or habitat, or
 - (d) has the potential to exclude an area of the marine park from use by other users.Maximum penalty: 100 penalty units.
- (2) However, a person does not commit an offence under this clause if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

Note. The *Filming Approval Act 2004* requires approval for filming in national parks, marine parks and certain other areas.

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2.37 Organised sporting, educational and recreational activities

- (1) A person must not:
- (a) organise or conduct any sporting competition or tournament in the marine park (such as a fishing competition or tournament), or
 - (b) organise or conduct any concert, public meeting, function, event, demonstration or similar gathering in the marine park, or
 - (c) organise or conduct any training manoeuvre or similar activity or event in the marine park, or
 - (d) organise or conduct any educational program involving the taking of animals or plants from the marine park.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

2.38 Camping or residing in marine park

- (1) A person must not:
- (a) camp in any part of the marine park other than in an area set aside by the Authority for camping, or
 - (b) attach a vessel, for a period of more than 12 hours, to a mooring or other facility in the marine park that is owned or managed by the Authority, or
 - (c) reside permanently in the marine park.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

- (3) In this clause:
camp means reside temporarily (whether or not in a tent, caravan, cabin, vehicle, trailer or other structure).

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vessel includes a houseboat or any other structure that is capable of floating.

2.39 Lighting fires

- (1) A person must not light any fire on any beach, reef or other emergent land within the marine park unless:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.Maximum penalty: 100 penalty units.
- (2) Subclause (1) does not apply to the lighting of fires:
 - (a) on board any vessel, or
 - (b) within any barbecue area established by the public or local authority having the care, control and management of the land concerned.

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

- (1) A person must not:
 - (a) remove, move, damage or interfere with a mooring in the marine park (being a mooring that is provided by or on behalf of the Authority), or
 - (b) remove, move, damage or interfere with a zone or boundary marker or sign owned or erected by the Authority in or adjacent to the marine park, or
 - (c) place any mooring, buoy or sign in the marine park (unless the placement is authorised by an occupation licence or other authorisation issued under the *Maritime Services Act 1935*), or
 - (d) damage, deface or interfere with any property or facility in the marine park (being any property or facility that is owned, managed or operated by the Authority), or
 - (e) attach a vessel to any marker buoy in the marine park that is owned or managed by the Authority.Maximum penalty: 100 penalty units.
- (2) However, a person does not commit an offence under subclause (1) if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or

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- (b) planning approval has been given to the carrying out of the activity.
- (3) A person must not contravene the conditions of use displayed on a mooring in the marine park that is provided by or on behalf of the Authority.
Maximum penalty: 100 penalty units.
- (4) A person must not attach a vessel to another vessel that is attached to a mooring in the marine park that is provided by or on behalf of the Authority.
Maximum penalty: 100 penalty units.
- (5) It is not an offence under subclause (4) to attach a vessel to the vessel's tender.

Division 10 Savings

2.41 Savings

Any act, matter or thing that had effect under this Regulation in relation to the Solitary Islands Marine Park immediately before the commencement of the *Marine Parks (Zoning Plans) Amendment (Solitary Islands and Jervis Bay Marine Parks) Regulation 2010* continues to have effect under this Part.

Division 11 Description of zones

2.42 Description of sanctuary zones

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

(a) Sandon River sanctuary zone

The whole of the tidal waters and tidal lands of Toumbaal Creek, including all its creeks, bays and tributaries upstream of 29° 40.151'S, 153° 19.001'E and a line drawn generally east of that point to the eastern bank, to the mean high water mark.

The whole of the tidal waters and tidal lands of the Sandon River arm of the Sandon River, including all its creeks, bays and tributaries upstream of 29° 41.138'S, 153° 18.142'E and a line drawn generally north east of that point to the eastern bank, being the junction of the Sandon River and Candole Creek, to the mean high water mark.

The whole of the tidal waters and tidal lands incorporating the island/mudflat area in the main section of the Sandon River, to the mean high water mark, east of a line drawn

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between 29° 40.628'S, 153° 18.932'E and 29° 40.725'S, 153° 18.877'E, then following the western side of the estuarine islands to 29° 40.815'S, 153° 18.768'E, then from a line between 29° 40.815'S, 153° 18.768'E and 29° 40.938'S, 153° 18.777'E.

(b) **Northern sanctuary zone**

The area enclosed by the line between the 29° 42.925'S, 153° 18.919'E, approximately 1 kilometre seaward of Sandon Beach, then due east approximately 6 kilometres to the intersection of latitude 29° 42.925'S and the marine park boundary, then generally south approximately 5 kilometres following the boundary of the marine park to the intersection of latitude 29° 45.657'S and the marine park boundary in line with Rocky Point, then due west approximately 4 kilometres to 29° 45.657'S, 153° 18.919'E approximately 1.7 kilometres east of Rocky Point, then due north to the point of commencement.

(c) **Diggers Camp sanctuary zone**

The area enclosed by the line between the intersection of latitude 29° 47.153'S and the mean high water mark on Minnie Water Back Beach, then due east approximately 5.6 kilometres to the intersection of latitude 29° 47.153'S and the marine park boundary, then generally south along the marine park boundary approximately 4 kilometres to the intersection of latitude 29° 49.179'S and the marine park boundary, then due west approximately 5.6 kilometres to the intersection of latitude 29° 49.179'S and the mean high water mark at the southern end of Diggers Camp rock platform, then generally north along the mean high water mark to the northern end of Diggers Camp rock platform at the intersection of the mean high water mark and longitude 153° 17.431'E, then due north approximately 1.5 kilometres to 29° 48.115'S, 153° 17.431'E approximately 400 metres from the shore at Diggers Camp beach, then due west to the intersection of the mean high water mark and latitude 29° 48.115'S, then generally north approximately 2 kilometres along the mean high water mark returning to the point of commencement.

(d) **Wooli Wooli River sanctuary zone**

The whole of the tidal waters and tidal lands of the northern arm of the Wooli Wooli River and central basin, including all its creeks, bays and tributaries upstream from a line drawn between 29° 50.383'S, 153° 13.976'E and 29°

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50.450'S, 153° 13.935'E, at the forks, to the mean high water mark.

(e) **Station Creek sanctuary zone**

The whole of the tidal waters and tidal lands of Station Creek including all its creeks, bays and tributaries upstream from a line drawn between 29° 56.864'S, 153° 14.765'E and 29° 56.868'S, 153° 14.788'E, approximately 1.2 kilometres upstream of the mouth of the creek, to the mean high water mark.

(f) **Corindi River sanctuary zone**

The whole of the tidal waters and tidal lands of the Corindi River (lower reaches), north of the main channel from a line drawn between the northern bank of the mouth of the river at 29° 58.730'S, 153° 13.955'E to the south eastern point of the main island at 29° 58.838'S, 153° 13.653'E, then following the southern and western part of the island to the northern point at 29° 58.635'S, 153° 13.641'E, then generally north to the eastern point of the small island at 29° 58.507'S, 153° 13.600'E, then following the southern bank of the small island to the western side of the small island to 29° 58.492'S, 153° 13.545'E, then due west upstream to the northern bank of the river at 29° 58.481'S, 153° 13.498'E, then following the northern bank of the river to 29° 58.454'S, 153° 13.276'E, then upstream to a second small island at 29° 58.584'S, 153° 13.235'E, and continues upstream to the junction of the Corindi River and Mullet Creek at 6I at 29° 58.672'S, 153° 13.275'E, and includes the whole of the tidal waters and tidal lands of Saltwater Creek, Mullet Creek and other creeks, bays and tributaries north of the area described above, to the mean high water mark.

(g) **Central sanctuary zone**

The area enclosed by the line between the intersection of latitude 29° 54.341'S and the mean high water mark approximately 2 kilometres south of the southern breakwall at the entrance to the Wooli Wooli River, then due east approximately 1.7 kilometres to 29° 54.341'S, 153° 17.333'E, then due south approximately 3.6 kilometres to 29° 56.268'S, 153° 17.333'E, then due east approximately 15.7 kilometres to the intersection of latitude 29° 56.268'S with the boundary of the marine park at or near 29° 56.268'S, 153° 27.025'E, then generally south west, west, north west and then south following the marine part boundary to the intersection of the boundary

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with latitude 29° 58.971'S, at or near 29° 58.971'S, 153° 19.041'E, then due west approximately 2.7 kilometres to 29° 58.971'S, 153° 17.333'E, then due north approximately 4.7 kilometres to 29° 56.448'S, 153° 17.333'E, then due west approximately 2.2 kilometres to 29° 56.448'S, 153° 16.054'E, then due north approximately 1 kilometre to 29° 55.880'S, 153° 16.054'E, then due west approximately 625 metres to the intersection of the mean high water mark and latitude 29° 55.880'S, then generally north approximately 3.3 kilometres along the mean high water mark, returning to the point of commencement.

(h) **Jones Beach and Jones Point sanctuary zone**

The area enclosed by the line between the intersection of latitude 29° 53.320'S and the mean high water mark south of the southern breakwall at the entrance to the Wooli Wooli River, then due east approximately 720 metres to 29° 53.320'S, 153° 16.599'E, then due south approximately 640 metres to 29° 53.664'S, 153° 16.599'S, then due west approximately 220 metres to the intersection of the mean high water mark and latitude 29° 53.462'S, then generally north along the shoreline at the mean high water mark, returning to the point of commencement.

(i) **Flat Top Point sanctuary zone**

The area enclosed by the line between 30° 07.663'S, 153° 12.357'E to the north west of Flat Top Point, then due east approximately 550 metres to 30° 07.663'S, 153° 12.675'E, then due south approximately 620 metres to 30° 07.974'S, 153° 12.675'E, then due west approximately 550 metres to 30° 07.974'S, 153° 12.357'E then due north approximately 620 metres, returning to the point of commencement.

(j) **Southern sanctuary zone**

The area enclosed by the line between the intersection of the mean high water mark and latitude 30° 09.469'S immediately south of Bare Bluff, then generally south east approximately 2.3 kilometres to 30° 09.845'S, 153° 13.386'E, then due north approximately 870 metres to 30° 09.378'S, 153° 13.386'E, then due east approximately 1.1 kilometres to 30° 09.378'S, 153° 14.022'E, then due south approximately 6.5 kilometres to 30° 12.860'S, 153° 14.022'E, then due west approximately 6.3 kilometres to 30° 12.860'S, 153° 10.120'E, then due north approximately 1.8 kilometres to 30° 11.893'S, 153° 10.120'E, then due west approximately 200 metres to the

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intersection of the mean high water mark and latitude 30° 11.893'S on Moonee Beach, then following the mean high water mark generally north along the shoreline approximately 2.4 kilometres to the intersection of the mean high water mark and latitude 30° 10.867'S on Moonee Beach, then due east approximately 1.7 kilometres to 30° 10.867'S, 153° 11.858'E, then due north approximately 1.9 kilometres to 30° 09.882'S, 153° 11.858'E, then due west approximately 300 metres to the intersection of the mean high water mark and latitude 30° 09.889'S at Diggers Point, then generally north along the shoreline at the mean high water mark returning to the point of commencement.

(k) **North Solitary Island sanctuary zone**

The area enclosed by the line between 29° 55.250'S, 153° 22.933'E, then due east approximately 700 metres to 29° 55.250'S, 153° 23.342'E, approximately 300 metres north of the eastern shore of Anemone Bay on North Solitary Island, then due south approximately 300 metres to the intersection of the mean high water mark of North Solitary Island and longitude 153° 23.342'E, then generally west and then south along the mean high water mark of the western shore of North Solitary Island to the intersection of the mean high water mark and latitude 29° 55.978'S, then due west approximately one kilometre to 29° 55.978'S, 153° 22.933'E, then due north approximately 1.4 kilometres returning to the point of commencement.

(l) **North West Rock sanctuary zone**

The area enclosed by the line between 29° 54.623'S, 153° 22.829'E approximately 400 metres generally north west of North West Rock, then due east approximately 500 metres to 29° 54.623'S, 153° 23.124'E, then due south approximately 550 metres to 29° 54.893'S, 153° 23.124'E, then due west approximately 500 metres to 29° 54.893'S, 153° 22.829'E, then due north approximately 550 metres returning to the point of commencement.

(m) **North West Solitary Island sanctuary zone**

The area enclosed by the line between the intersection of the mean high water mark with longitude 153° 16.296'E on the most northerly point of North West Solitary Island, at or near 30° 00.968'S, 153° 16.296'E, then generally north west approximately 500 metres to 30° 00.758'S, 153° 16.093'E, then in a direct line generally south approximately 1 kilometre to 30° 01.323'S, 153° 16.048'E,

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then generally north east approximately 370 metres to the intersection of the mean high water mark with longitude $153^{\circ} 16.248'E$ at the southern end of North West Solitary Island at or near $30^{\circ} 01.172'S$, $153^{\circ} 16.248'E$, and returning along the mean high water mark on the western side of the island to the point of commencement.

(n) **South Solitary Island sanctuary zone**

The area enclosed by the line between $30^{\circ} 12.080'S$, $153^{\circ} 16.029'E$ approximately 120 metres north of the South Solitary Island group (Lots 1 and 2, DP 775304), then generally south east approximately 180 metres to $30^{\circ} 12.134'S$, $153^{\circ} 16.097'E$, then due south approximately 215 metres to $30^{\circ} 12.230'S$, $153^{\circ} 16.097'E$, then due west to the intersection of the mean high water mark and latitude $30^{\circ} 12.230'S$, at or near $30^{\circ} 12.230'S$, $153^{\circ} 16.021'E$ on the largest island of the South Solitary Island group, then following the shoreline at the mean high water mark of this island generally west and south to the intersection of latitude $30^{\circ} 12.445'S$ and the mean high water mark immediately north west of the southern extremity of the island at or near $30^{\circ} 12.445'S$, $153^{\circ} 15.993'E$, then due west approximately 300 metres to $30^{\circ} 12.445'S$, $153^{\circ} 15.855'E$, then due north approximately 550 metres to $30^{\circ} 12.158'S$, $153^{\circ} 15.855'E$, then generally north east approximately 350 metres to the point of commencement.

(o) **Split Solitary Island sanctuary zone**

The area enclosed by the line between $30^{\circ} 14.169'S$, $153^{\circ} 10.635'E$ approximately 515 metres north west of Split Solitary Island, then generally south east to the intersection of the mean high water mark and longitude $153^{\circ} 10.796'E$ on the northern side of Split Solitary Island at or near $30^{\circ} 14.395'S$, $153^{\circ} 10.796'E$, then following the mean high water mark around the western and southern shoreline of Split Solitary Island to the intersection of the mean high water mark and longitude $153^{\circ} 10.858'E$ on the southern side of the island at or near $30^{\circ} 14.469'S$, $153^{\circ} 10.858'E$ (adjacent to the "split" in the island), then generally south east approximately 315 metres to $30^{\circ} 14.602'S$, $153^{\circ} 10.956'E$, then due west approximately 545 metres to $30^{\circ} 14.602'S$, $153^{\circ} 10.635'E$, then due north approximately 820 metres to the point of commencement.

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2.43 Description of habitat protection zones

The habitat protection zones of the marine park are the following area:

(a) **Coastal waters and estuaries habitat protection zone**

The area enclosed by the line between the mean high water mark at the most easterly point of Plover Island at 29° 40.295'S, 153° 19.845'E, due east approximately 6 kilometres to the intersection of the marine park boundary, at or near 29° 40.295'S, 153° 23.477'E, then generally south along the marine park boundary to the intersection of 29° 49.179'S, then due west to 29° 48.179'S, 153° 18.907'E, then due south to 29° 53.305'S, 153° 18.907'E, then due east to 29° 53.305' S, 153° 23.931'E, then due south to 29° 56.268'S, 153° 23.931'E, then due west to 29° 56.268'S, 153° 19.041'E, then due south to 30° 01.831'S, 153° 19.041'E, then due west to 30° 01.831'S, 153° 14.612'E, then due south to 30° 09.378'S, 153° 14.612'E, then due east to 30° 09.378'S, 153° 15.627'E, then generally south east to 30° 10.290'S, 153° 16.633'E, then due south to 30° 13.579'S, 153° 16.633'E, then generally south west to 30° 14.459'S, 153° 15.627'E, then due west to 30° 18.305'S, 153° 11.619'E, at the southern boundary of the marine park, then due west to the intersection of the mean high water mark at 30° 18.305'S, 153° 09.272'E, at the eastern point of Muttonbird Island, then along the coast at the mean high water mark to the point of commencement including all rivers, estuaries, bays and lagoons and inlets upstream to their tidal limits and tidal lands, except those waters and tidal lands zoned as either sanctuary zone (as specified in clause 2.42) or special purpose zone (as specified in clause 2.45).

(b) **Bare Bluff habitat protection zone**

The area enclosed by the line between the intersection of latitude 30° 09.378'S and the mean high water mark at or near the eastern extremity of Bare Bluff, then due east approximately 1.5 kilometres to 30° 09.378'S, 153° 13.386'E, then due south approximately 870 metres to 30° 09.845'S, 153° 13.386'E, then generally north west to the intersection of the mean high water mark and latitude 30° 09.469'S immediately south of Bare Bluff, then generally east along the mean high water mark to the point of commencement.

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2.44 Description of general use zone

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

2.45 Description of special purpose zones

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

(a) **Sandon River oyster aquaculture special purpose zone**

The Sandon River oyster aquaculture special purpose zone is comprised of all oyster leases located in the Sandon River in August 2002.

(b) **Wooli Wooli River oyster aquaculture special purpose zone**

The Wooli Wooli River oyster aquaculture special purpose zone is comprised of all oyster leases located in the Wooli Wooli River in August 2002.

(c) **Pipe Clay Lake habitat rehabilitation special purpose zone**

The Pipe Clay Lake habitat rehabilitation special purpose zone comprises the whole of the tidal waters from the mouth of Pipe Clay Lake, upstream, including all of its creeks, bays and tributaries.

(d) **Arrawarra Headland special purpose zone**

From the intersection of longitude 153° 12.111'E and the mean high water mark on the northern side of Arrawarra Headland, then generally north west approximately 190 metres to 30° 03.484'S, 153° 12.034'E, then due north approximately 220 metres to 30° 03.362'S, 153° 12.034'E, then due east approximately 730 metres to 30° 03.362'S, 153° 12.492'E, then due south approximately 615 metres to 30° 03.696'S, 153° 12.492'E, then due west approximately 475 metres to 30° 03.696'S, 153° 12.198'E, then due north to the intersection of the longitude 153° 12.198'E and the mean high water mark on the southern side of Arrawarra Headland, then following the mean high water mark generally east, north and west to the point of commencement.

[4] Part 3

Omit the Part. Insert instead:

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Part 3 Jervis Bay Marine Park Zoning Plan

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

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

Division 1 Preliminary

3.1 Definitions

(1) In this Part:

aquaculture has the same meaning as in section 142 of the *Fisheries Management Act 1994*.

bait means any animal or plant, or part of any animal or plant, rigged on a fishing hook but does not include an artificial lure or artificial fly.

clean a fish includes to remove or discard part of a fish.

commercial fisher has the same meaning as in the *Fisheries Management Act 1994*.

commercial fishing means taking, or attempting to take, fish for sale.

domesticated animal includes a pet.

exotic animal, in relation to a marine park, means any living animal that is not indigenous to the marine park.

exotic plant, in relation to a marine park, means any plant (whether or not living) that is not indigenous to the marine park, but does not include food for human consumption.

extensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2007*.

fish has the same meaning as in section 5 of the *Fisheries Management Act 1994*.

Note. Under the *Fisheries Management Act 1994*, **fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead), including oysters and other aquatic molluscs, crustaceans, echinoderms, beachworms and other aquatic polychaetes.

general use zone means the area described in clause 3.45.

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habitat means any area occupied, or periodically or occasionally occupied, by animals or plants (or both), and includes any biotic or abiotic component.

habitat protection zone means the area described in clause 3.44.

harm means:

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

HMAS Creswell special purpose zone means the area described in clause 3.46 (b).

Huskisson Wharf special purpose zone means the area described in clause 3.46 (a).

Hyams Beach sanctuary zone means the area described in clause 3.43 (m).

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2007*.

marine park means the Jervis Bay Marine Park, as described in Part 1 of Schedule 4 to the Act.

moor a vessel includes attach the vessel to a mooring by any means.

mooring means any post, stake, pile, float, pontoon or any other object (other than a vessel's anchor that is retrieved by the vessel when not in use) secured by any direct or indirect means to the waters' bed for the purpose of attaching a vessel to the bed.

motorised means powered by a motor, whether or not the motor is in use at the time.

personal watercraft means a power-driven vessel that:

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

planning approval means:

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

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

protected species of fish means a species listed in the table to clause 3.2.

recreational fishing means taking, or attempting to take, fish otherwise than for sale.

sanctuary zone means an area described in clause 3.43.

special purpose zone means an area described in clause 3.46.

take an animal includes:

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

the Act means the *Marine Parks Act 1997*.

traditional use means a use that satisfies personal, domestic or non-commercial communal needs of Aboriginal people.

vessel has the same meaning as it has in the *Marine Safety Act 1998*.

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

3.2 Meaning of “protected species”

A species of fish listed in the following Table is a **protected species** of fish for the purposes of this Part:

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

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Common name Species	Class/Family/Order
Marine snails (except turban shells)	Class Gastropoda except Family Turbinidae
Octopuses, squid and cuttlefish (except arrow squid and southern calamari)	Class Cephalopoda (except <i>Nototodarus gouldi</i> and <i>Sepioteuthis australis</i>)
Port Jackson and crested horn sharks	<i>Heterodontus portusjacksoni</i> and <i>Heterodontus galeatus</i>
Skates and rays	Superorder Batoidea
Chitons	Class Polyplacophora
Featherstars	Class Crinoidea
Seastars and starfish	Class Asteroidea
Brittlestars	Class Ophiuroidea
Sea cucumbers	Class Holothuroidea
Ascidians and seasquirts	Class Ascidiacea

3.3 Part applies subject to other legislation

- (1) This Part has effect subject to section 22 of the Act.

Note. Section 22 of the Act provides that any requirements made by or under Part 3 of the Act are in addition to any requirement in any other Act or statutory instrument, such as requirements under the *Fisheries Management Act 1994* and the *National Parks and Wildlife Act 1974*.

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

3.4 Attempts

Any person who attempts to commit any offence for which a penalty is provided under this Part is to be liable to that penalty.

Division 2 Sanctuary zones

3.5 Protection of animals, plants and habitat

- (1) A person must not, while in a sanctuary zone:
- (a) harm any animal, or

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- (b) harm any plant, or
 - (c) damage, take or interfere with any part of a habitat (including soil, sand, shells, shell grit or other material occurring naturally within the zone), or
 - (d) clean any fish or fishing gear.
- (2) A person must not take fish from a mooring, or a vessel attached to a mooring, in a sanctuary zone.
Maximum penalty: 100 penalty units.
- (3) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (4) The relevant Ministers may give their consent only for the following purposes:
- (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses.
- (5) Despite subclause (1) (c), a person may collect fossils in a sanctuary zone for research purposes.
- (6) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (7) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.

3.6 Aquaculture not permitted

A person must not carry out aquaculture in a sanctuary zone.
Maximum penalty: 100 penalty units.

3.7 Dredging and beach replenishment activities not permitted

- (1) A person must not carry out any dredging activity or beach replenishment activity in a sanctuary zone.
Maximum penalty: 100 penalty units.
- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.

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- (3) The relevant Ministers may not give their consent to the carrying out of a dredging activity or beach replenishment activity in a sanctuary zone unless:
- (a) the relevant Ministers are satisfied that the activity is necessary to prevent a serious risk of injury to a person, damage to property or harm to the environment, or
 - (b) the activity is dredging activity and it is being carried out as part of an organised research activity.
- (4) In this clause:
- beach replenishment activity*** means the excavation of or extraction of sand or other material for the purpose of replenishing a beach.
- dredging activity*** means any activity that involves the excavation of land submerged (whether permanently or intermittently) by water.

3.8 Use of personal watercraft prohibited

A person must not use a motorised vessel that is a personal watercraft in a sanctuary zone unless:

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

Maximum penalty: 50 penalty units.

3.9 Vessels to be anchored or moored only at approved sites

- (1) A person must not, while in a sanctuary zone, anchor or moor a vessel except in an area, or at a mooring specified in clause 3.47.
Maximum penalty: 100 penalty units.
- (2) Despite subclause (1):
- (a) a person may anchor or moor a vessel in an emergency, where the action is necessary to protect life or property, and
 - (b) a person may moor a vessel in a sanctuary zone at a mooring provided by the Authority or the Maritime Authority of NSW for that purpose for up to 24 hours at a time.

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Division 3 Habitat protection zone

3.10 Protection of animals, plants and habitat

- (1) A person must not, while in the habitat protection zone:
 - (a) harm any animal (other than fish), or
 - (b) take any seaweed that is not on a beach, or
 - (c) harm any plant unless the plant:
 - (i) is sea lettuce (*Ulva lactuca*) or bait weed (*Enteromorpha intestinalis*), or
 - (ii) is another kind of seaweed that is taken from above the mean low water mark from a beach, or
 - (d) damage, take or interfere with any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone).

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) the purposes of an ecologically sustainable use that does not have a significant impact on fish populations within the zone or on any other animals, plants or habitats.
- (4) Despite subclause (1) (d):
 - (a) a person may collect fossils in the habitat protection zone for research purposes, and
 - (b) a person may collect shell or shell grit in such a zone for recreational purposes.
- (5) It is a defence to a prosecution for an offence under this clause relating to the harm of any animal or plant, or damaging, taking or interfering with any habitat, in the marine park if the person charged satisfies the court that the act or omission constituting

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the offence was a routine activity in connection with a lawful activity.

- (6) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

3.11 Regulation of fishing

- (1) A person must not, while in the habitat protection zone:
- (a) take any protected species of fish, or
 - (b) harm any protected species of fish.
- (2) A person must not, while in the habitat protection zone take any fish unless:
- (a) the fish is taken by one of the following methods:
 - (i) the taking of fish by use of a hook and hand held line,
 - (ii) the taking of fish by hand,
 - (iii) the taking of fish by use of a dip or scoop net (prawns) or landing net,
 - (iv) the taking of fish by use of a spear or spear gun,
 - (v) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of push or scissors net (prawns), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,
 - (vi) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of hoop or lift net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,
 - (vii) the taking of fish by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
 - (viii) the taking of fish by the use of a fish trap,
 - (ix) the taking of eels by use of an eel trap,
 - (x) the taking of lobsters by use of a trap,
 - (xi) the taking of mud crabs and blue swimmer crabs by use of a trap, and
 - (b) the taking of the fish is not prohibited by this clause.
- Maximum penalty: 100 penalty units.
- (3) A person must not, while in the habitat protection zone, take a fish by the use of any hauling net unless:

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- (a) the person is the holder of:
 - (i) a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits commercial hauling at a location that is in the habitat protection zone and the person was first issued with a permit of that kind within 12 months after 1 October 2002, and
 - (ii) a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, or
- (b) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a), or
- (c) the person is taking or attempting to take fish at one of the following beaches:
 - (i) Currarong Beach (outside a sanctuary zone),
 - (ii) Long Beach (outside a sanctuary zone),
 - (iii) North Western Hare Bay Beach (between Wowly Gully and Red Point),
 - (iv) Callala Beach (but not within 300 metres of Currambene Creek),
 - (v) Whiting Beach,
 - (vi) Mary Beach,
 - (vii) Bherwerre Beach (but not within 300 metres of the north-eastern end of the beach).
- (4) A person must not, while in a special purpose zone, take a fish by the use of the method known as beach hauling between sunset and sunrise or on a Saturday, Sunday or public holiday.
Maximum penalty: 100 penalty units.
- (5) Despite subclause (4), a shot may be held on a Sunday night (that is, between sunset and sunrise), but the net must not be cast during the night.
- (6) A person must not, while in the habitat protection zone, take fish by the methods known as garfish net (hauling) or garfish net (bullringing) unless:
 - (a) the person is the holder of:
 - (i) a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits

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garfishing at a location that is in the habitat protection zone and the person was first issued with a permit of that kind within 12 months after 1 October 2002, and

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

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

(c) the person is taking garfish only in one of the following areas:

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

(ii) between Currarong Creek and Gum Getters Inlet.

Maximum penalty: 100 penalty units.

(7) A person must not, while in the habitat protection zone, take fish by use of a purse seine net unless:

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

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

(c) the person takes fish in the area enclosed by the line between 35° 02.161'S, 150° 43.063'E, then due east approximately 2.95 kilometres to 35° 02.161'S, 150° 45.002'E, then due south approximately 2.8 kilometres to 35° 03.671'S, 150° 45.002'E, then due west approximately 2.95 kilometres to 35° 03.671' S, 150° 43.063'E, then due north approximately 2.8 kilometres to the point of commencement.

Maximum penalty: 100 penalty units.

(8) A person must not, while in the habitat protection zone:

(a) take fish by use of a spear or spear gun from a lake, river, creek or lagoon, or

(b) take fish by spearfishing from the habitat protection zone adjoining the western boundary of the Hyams Beach sanctuary zone, or

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- (c) take fish by the use of a spear or spear gun in Honeymoon Bay, generally east of its entrance from Jervis Bay at approximately 150° 46.563'E longitude
Maximum penalty: 100 penalty units.
- (9) A person must not take fish in the habitat protection zone east of Bherwerre Peninsula between Moes Rock (latitude 35° 09.552'S) and Cape St George (latitude 35° 10.245' S), other than by use of a hook and hand held line from the shore for the purposes of recreational fishing.
Maximum penalty: 100 penalty units.
- (10) A person must not, while in the habitat protection zone:
- (a) take fish, as follows:
- (i) by use of a drift line,
 - (ii) by use of an estuary mesh net,
 - (iii) by dredging for scallops,
 - (iv) by use of a danish seine trawl net (fish), otter trawl net (fish) or otter trawl net (prawns), or otherwise by way of trawling, or
 - (v) by use of a submersible lift net (bait) or otherwise by lift netting, or
- (b) take any fish for aquarium collection purposes.
Maximum penalty: 100 penalty units.
- (11) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (12) The relevant Ministers may give their consent only for the following purposes:
- (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (13) For the purposes of section 17A of the Act, a contravention of this clause in relation to a protected species is designated as a serious offence.

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- (14) It is a defence to a prosecution for an offence under this clause relating to the taking of fish if the person charged satisfies the court that:
- (a) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
 - (b) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.

3.12 Aquaculture

- (1) A person must not carry out aquaculture in the habitat protection zone unless:
- (a) the aquaculture is extensive aquaculture of a species that was established in the waters of the State before European settlement, and
 - (b) either:
 - (i) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (ii) planning approval has been given to the carrying out of aquaculture in that place.

Maximum penalty: 100 penalty units.

- (2) The relevant Ministers must not give consent under this clause:
- (a) if doing so would result in the total area in the estuarine waters of Jervis Bay being made available for aquaculture exceeding 440 hectares (estuarine waters of Jervis Bay are the waters within the Park that are generally west of a straight line between the southern extremity of Point Perpendicular and the northern tip of Bowen Island),
 - (b) unless an aquaculture industry development plan has been made under the *Fisheries Management Act 1994* in relation to aquaculture, and the proposed aquaculture is in accordance with that plan.

3.13 Use of personal watercraft

A person must not use a motorised vessel that is a personal watercraft in the habitat protection zone adjoining the western boundary of the Hyams Beach sanctuary zone.

Maximum penalty: 100 penalty units.

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Division 4 General use zone

3.14 Protection of animals, plants and habitat

- (1) A person must not, while in the general use zone:
 - (a) harm any animal (other than fish), or
 - (b) harm any plant, or
 - (c) damage, take or interfere with any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone)

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) for the purposes of an ecologically sustainable use.
- (4) Despite subclause (1) (c):
 - (a) a person may collect fossils in the general use zone for research purposes, and
 - (b) a person may collect shell or shell grit in that zone for recreational purposes.
- (5) It is a defence to a prosecution for an offence under this clause relating to the harm of any animal or plant, or damaging, taking or interfering with any habitat, in the marine park if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (6) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

3.15 Regulation of fishing

- (1) A person must not, while in the general use zone:
 - (a) take any protected species of fish, or

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- (b) harm any protected species of fish.
Maximum penalty: 100 penalty units.
- (2) A person must not, while in the general use zone:
 - (a) take fish, as follows:
 - (i) by use of a drift line,
 - (ii) by use of an estuary mesh net,
 - (iii) by dredging for scallops,
 - (iv) by use of a danish seine trawl net (fish), otter trawl net (fish) or otter trawl net (prawns), or otherwise by way of trawling,
 - (v) by use of a submersible lift net (bait) or otherwise by lift netting, or
 - (b) take any fish for aquarium collection purposes.
Maximum penalty: 100 penalty units.
- (3) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (4) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) non-commercial aquarium purposes.
- (5) It is a defence to a prosecution for an offence under this clause relating to the taking of fish if the person charged satisfies the court that:
 - (a) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
 - (b) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.
- (6) For the purposes of section 17A of the Act, a contravention of subclause (1) is designated as a serious offence.

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3.16 Aquaculture

- (1) A person must not carry out aquaculture in the general use zone unless:
 - (a) it is extensive aquaculture, and
 - (b) it is of a species that was established in the waters of the State before European settlement, and
 - (c) either:
 - (i) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (ii) planning approval has been given to the carrying out of aquaculture in that place.

Maximum penalty: 100 penalty units.

- (2) The relevant Ministers must not grant consent to the carrying out of aquaculture in the general use zone unless a relevant aquaculture industry development plan has been made under section 143 of the *Fisheries Management Act 1994* and the proposed aquaculture is in accordance with that plan.

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

Division 5 Special purpose zones

3.17 Additional objects of special purpose zones

In addition to the general objects of special purpose zones set out in clause 1.10:

- (a) an object of the Huskisson Wharf special purpose zone is to provide for the management of boating and wharf related requirements, and
- (b) an object of the HMAS Creswell special purpose zone is to provide for the safe operations and maintenance of naval infrastructure.

3.18 Protection of animals, plants and habitat

- (1) A person must not, while in a special purpose zone:
 - (a) harm any animal (other than fish), or
 - (b) harm any plant, or
 - (c) damage, take or interfere with any part of a habitat (including soil, sand, shells or other material occurring naturally within the zone).

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Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (3) The relevant Ministers may give their consent only for the following purposes:
 - (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses,
 - (f) for the purposes of an ecologically sustainable use.
- (4) Despite subclause (1) (c):
 - (a) a person may collect fossils in a special purpose zone for research purposes, and
 - (b) a person may collect shell or shell grit in such a zone for recreational purposes.
- (5) It is a defence to a prosecution for an offence under this clause relating to the harm of any animal or plant, or damaging, taking or interfering with any habitat, in the marine park if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with a lawful activity.
- (6) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

3.19 Regulation of fishing

- (1) A person must not, while in a special purpose zone:
 - (a) take any protected species of fish, or
 - (b) harm any protected species of fish.
- (2) A person must not, while in a special purpose zone take any fish unless:
 - (a) the fish is taken by one of the following methods:
 - (i) the taking of fish by use of a hook and hand held line,
 - (ii) the taking of fish by hand,

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- (iii) the taking of fish by use of a dip or scoop net (prawns) or landing net,
 - (iv) the taking of fish by use of a spear or spear gun,
 - (v) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of push or scissors net (prawns), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,
 - (vi) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of hoop or lift net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*,
 - (vii) the taking of fish by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
 - (viii) the taking of fish by the use of a fish trap,
 - (ix) the taking of eels by use of an eel trap,
 - (x) the taking of lobsters by use of a trap,
 - (xi) the taking of mud crabs and blue swimmer crabs by use of a trap, and
- (b) the taking of fish is not prohibited by this clause.
Maximum penalty: 100 penalty units.
- (3) A person must not, while in a special purpose zone, take a fish by the use of any hauling net unless:
- (a) the person is the holder of:
 - (i) a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits commercial hauling at a location that is in a special purpose zone and the person was first issued with a permit of that kind within 12 months after 1 October 2002, and
 - (ii) a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, or
 - (b) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a).

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- (4) A person must not, while in a special purpose zone, take a fish by the use of the method known as beach hauling between sunset and sunrise or on a Saturday, Sunday or public holiday.
Maximum penalty: 100 penalty units.
- (5) Despite subclause (4), a shot may be held on a Sunday night (that is, between sunset and sunrise), but the net must not be cast during the night.
- (6) A person must not, while in a special purpose zone:
- (a) take fish from a lake, river, creek or lagoon by use of a spear or spear gun, or
 - (b) take fish, as follows:
 - (i) by use of a drift line,
 - (ii) by use of an estuary mesh net,
 - (iii) by dredging for scallops,
 - (iv) by use of a danish seine trawl net (fish), otter trawl net (fish) or otter trawl net (prawns), or otherwise by way of trawling, or
 - (v) by use of a submersible lift net (bait) or otherwise by lift netting, or
 - (c) take any fish for aquarium collection purposes.
- Maximum penalty: 100 penalty units.
- (7) However, a person does not commit an offence under this clause if the relevant activity is carried out with the consent of the relevant Ministers.
- (8) The relevant Ministers may give their consent only for the following purposes:
- (a) research purposes,
 - (b) environmental protection purposes,
 - (c) public health purposes,
 - (d) public safety purposes,
 - (e) traditional uses.
- (9) For the purposes of section 17A of the Act, a contravention of this clause in relation to a protected species is designated as a serious offence.
- (10) It is a defence to a prosecution for an offence under this clause relating to the taking of fish if the person charged satisfies the court that:

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

3.20 Regulation of aquaculture

- (1) A person must not carry out aquaculture in the HMAS Creswell special purpose zone.

Maximum penalty: 100 penalty units.

- (2) A person must not carry out aquaculture in a special purpose zone (other than the HMAS Creswell special purpose zone) unless:

- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
- (b) planning approval has been given to the carrying out of aquaculture in that place.

Maximum penalty: 100 penalty units.

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

- (3) The relevant Ministers must not grant consent to the carrying out of aquaculture in a special purpose zone unless a relevant aquaculture industry development plan has been made under section 143 of the *Fisheries Management Act 1994* and the proposed aquaculture is in accordance with that plan.

3.21 Anchoring vessels prohibited in HMAS Creswell special purpose zone

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

Maximum penalty: 100 penalty units.

Division 6 Protection of animals and plants

3.22 Possession of animals or plants

- (1) A person who is in possession of any animal or plant that has been taken in contravention of a provision of this Part is guilty of an offence.

Maximum penalty: 100 penalty units.

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- (2) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any plant or animal found in the boat.
- (3) It is a defence to a prosecution for an offence under subclause (1) if the person charged satisfies the court that the person could not reasonably have known that the animal or plant had been taken in contravention of a provision of this Part.
- (4) For the purposes of section 36 of the Act, a contravention of subclause (1) is declared to be a forfeiture offence.

3.23 Possession of equipment used to take animals or plants

- (1) A person who, while in any part of the marine park, is in possession of any equipment (including fishing gear) that is used, or is designed to be used, for the purposes of taking an animal or plant is guilty of an offence if the taking of the animal or plant in that part of the park, at that time, is prohibited by law.
Maximum penalty: 100 penalty units.
- (2) A person who, while in any part of the marine park, is in possession of any equipment (including fishing gear) that is used, or designed to be used, for the purpose of taking an animal or plant is guilty of an offence if the use by that person of that equipment for taking an animal or plant from that part of the park, at that time, is prohibited by law.
Maximum penalty: 100 penalty units.
- (3) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any equipment (including fishing gear) found in the boat.
- (4) It is a defence to a prosecution for an offence under this clause if the person charged satisfies the court:
 - (a) if the equipment concerned was fishing gear—that the fishing gear was being transported to or from any place where the person could lawfully use the equipment to take fish and was in the authorised state, or
 - (b) if the equipment concerned was not fishing gear—that the equipment was being transported to or from any place where the person could lawfully use the equipment to take animals or plants, and was in a state in which it could not have been used to take animals or plants, or
 - (c) if the equipment concerned was a fishing line—that the fishing line was on board a vessel within a sanctuary zone,

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- the vessel was anchored, moored or aground and the fishing line was in the unrigged state, or
- (d) that the person could not reasonably have known that the equipment was on board the boat concerned, or
 - (e) that the equipment was in the person's possession for a purpose that was lawful in the part of the marine park that the person was in.
- (5) For the purposes of subclause (4) (a), the *authorised state* is:
- (a) in the case of a fishing line—no part of the line was immersed in the waters of the marine park and no hook was baited, or
 - (b) in the case of a fishing net—no part of the net was immersed in the waters of the marine park, or
 - (c) in the case of fishing gear not described in paragraph (a) or (b)—the gear was stowed away.
- (6) For the purposes of subclause (4) (c), the *unrigged state*, in relation to a fishing line, means no part of the fishing line is attached to any hook, artificial lure, artificial fly, swivel or other piece of fishing tackle (other than any reel the fishing line was spooled on).

3.24 Fish trapping

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

Maximum penalty: 100 penalty units.

3.25 Fish attracting devices

A person must not leave any floating device or floating structure unattended in the marine park unless:

- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
- (b) planning approval has been given to the leaving of the floating devices in that place.

Maximum penalty: 50 penalty units.

3.26 Fish feeding

- (1) A person must not feed fish in any part of the marine park unless:
 - (a) the persons is berleying in the course of fishing activities permitted by or under the Act in the part of the marine park concerned

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- (b) the person has the consent of the relevant Ministers to carry out the relevant activity, or
- (c) planning approval has been given to the feeding of fish in that place.

Maximum penalty: 100 penalty units.

- (2) The relevant Ministers may not give consent to the following:
 - (a) commercial shark feeding in any part of the marine park,
 - (b) fish feeding in a sanctuary zone.

Division 7 Bringing certain animals and plants into any part of marine park

3.27 Prohibition on bringing or releasing exotic animals and plants into marine park

A person must not:

- (a) bring any exotic animal (other than a domesticated animal) into the marine park, or
- (b) bring any exotic plant into the marine park, or
- (c) cause or allow any exotic animal to be released into the marine park, or
- (d) cause or allow any exotic plant to be introduced into the marine park.

Maximum penalty: 100 penalty units.

3.28 Restrictions on bringing domesticated animals into marine park

- (1) A person must not bring a domesticated animal into the following areas:
 - (a) the rock platform at Green Point,
 - (b) the Currumbene Creek Mudflats sanctuary zone,
 - (c) the sand spit at the southern end of Callala Beach.

Maximum penalty: 100 penalty units.

- (2) Despite subclause (1), a person may bring a domesticated animal into any part of the marine park:
 - (a) if the person is authorised by law to do so, or
Note. Section 59 of the *Companion Animals Act 1998* entitles a person with a disability to be accompanied by an assistance animal being used bona fide by the person to assist the person into or onto any place open to or used by the public.
 - (b) if the animal remains confined to a vessel, or

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- (c) if the person has the consent of the relevant Ministers to bring the animal into that place, or
 - (d) if the person has planning approval to bring the animal into that place, or
 - (e) if the person is a police officer and the animal is a police dog.
- (3) A person who is permitted to bring a domesticated animal into the marine park by this clause must not leave the animal unattended in the marine park. For the purposes of this subclause, a domesticated animal is *unattended* whenever it is not under the control of a responsible person.
Maximum penalty: 100 penalty units.
- (4) A person who brings a domesticated animal into the marine park must collect any faeces deposited by that animal and remove the faeces from the marine park.
Maximum penalty: 5 penalty units.
- (5) This clause is subject to the following:
- (a) the provisions of the *Companion Animals Act 1998*,
 - (b) any notice relating to the use of animals erected by a council under section 632 of the *Local Government Act 1993*.

Note.

- 1 Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.
- 2 Section 632 of the *Local Government Act 1993* gives a council power to prohibit the bringing of domestic animals into public areas. The council is required to erect notices in the area concerned indicating that domestic animals are prohibited in the area.

Division 8 Restrictions on use of vessels and vehicles

3.29 Areas in which use of motorised vessels prohibited

- (1) A person must not use a motorised vessel (including a personal watercraft) in any of the following areas of the marine park:
 - (a) Honeymoon Bay, generally east of its entrance from Jervis Bay at approximately 150° 46.563'E longitude,
 - (b) Moona Moona Creek, generally west of its confluence with Jervis Bay at approximately 150° 40.612'E longitude,
 - (c) Carama Inlet, generally north and east of its confluence with Hare Bay at 35° 00.092'S latitude near Hare Point.

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Maximum penalty: 100 penalty units.

- (2) This clause does not apply to:
- (a) vessels used by the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park in the course of the council's business,
 - (b) vessels used by the police or any NSW government department or agency in the course of the department's or agency's business.

3.30 Cruise ships prohibited

A person must not use a motorised vessel that is a cruise ship in the marine park unless:

- (a) the person has the consent of the relevant Ministers to do so, or
- (b) planning approval has been given to the use of a cruise ship in that place.

Maximum penalty: 50 penalty units.

3.31 Hovercraft

A person must not use a motorised vessel that is a hovercraft in the marine park unless:

- (a) the person has the consent of the relevant Ministers to do so, or
- (b) planning approval has been given to the use of the hovercraft in that place.

Maximum penalty: 50 penalty units.

3.32 Areas in which use of vehicles prohibited

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

Maximum penalty: 50 penalty units.

- (2) This clause does not apply to or in respect of:
- (a) an authorised vehicle, a police vehicle or an emergency vehicle, or
 - (b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) who may lawfully use a vehicle on a beach in connection with his or her fishing activities.
- (3) In this clause:

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approved boat-launching facility means a facility in the marine park approved by the Authority or another relevant government agency as appropriate for boat-launching by notice published in the Gazette.

authorised vehicle means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

- (a) the Authority,
- (b) the Department of Environment, Climate Change and Water,
- (c) the Department of Industry and Investment,
- (d) any other government agency,
- (e) a council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the Park,
- (f) a surf life saving club.

emergency vehicle means a vehicle driven by a person who is:

- (a) a police officer acting in the course of his or her duties as a police officer, or
- (b) a member of the Ambulance Service rendering or providing transport for sick or injured persons, or
- (c) a member of a fire brigade or rural fire brigade providing transport in the course of an emergency, or
- (d) a person (or person belonging to a class of persons) approved by the Authority.

police vehicle means a vehicle driven by:

- (a) a member or special member of the Australian Federal Police, or
- (b) a member, however described, of the Police Force of a State or Territory, or
- (c) a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth, acting in the course of his or her duty.

3.33 Vessels not to be anchored at certain sites

- (1) A person must not anchor a vessel within The Tubes Seasonal Anchoring Area from 1 November to 30 April in any year (both dates inclusive).

Maximum penalty: 50 penalty units.

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- (2) In this clause, *The Tubes Seasonal Anchoring Area* is comprised of the area enclosed by the line between 35° 04.983'S, 150° 47.750'E generally south-east to the intersection of latitude 35° 5.175'S and the mean high water mark at or near 150° 48.006'E, then generally south following the mean high water mark to the intersection of 35° 05.383'S latitude and the mean high water mark at or near 150° 47.955'E, then due west to point 6E at 35° 05.383'S, 150° 47.750'E, then due north returning to 35° 04.983'S, 150° 47.750'E.

3.34 Discharge from vessels

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

Maximum penalty: 100 penalty units.

Division 9 Regulation of certain other activities throughout marine park

3.35 Organised research activities

- (1) A person must not carry out any organised research activity in the marine park unless:
- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the organised research activity.

Maximum penalty: 100 penalty units.

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

3.36 Commercial activities

- (1) A person must not in the marine park sell or hire any article, thing or service to any person unless:
- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the activity.

Maximum penalty: 100 penalty units.

- (2) A person must not in the marine park conduct, or assist in the conduct of, any amusement, entertainment, instruction,

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performance or activity for money or other consideration of any kind unless:

- (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
- (b) planning approval has been given to the carrying out of the activity.

Maximum penalty: 100 penalty units.

- (3) A person does not commit an offence under this clause by taking fish in the marine park for the purposes of sale or by assisting in the conduct of that activity.
- (4) A person does not commit an offence under subclause (2) if the person carries out an activity described in that subclause in the marine park without the consent of the relevant Ministers if the activity only involves a commercial vessel passing through the marine park to a destination outside the marine park by the most direct and expeditious route and:
 - (a) the person does not undertake any commercial activities within the marine park other than those required to safely navigate and operate the vessel through the marine park, and
 - (b) the person does not specifically advertise passing through the marine park as part of the person's commercial activity, and
 - (c) the passage through the marine park does not include anchoring, mooring or docking within the marine park except where required for safety reasons, and
 - (d) the passage through the marine park does not include onboard commercial activities relating to the provision of any information concerning the marine park and its values, including scenic tours and environmental interpretation activities, and
 - (e) the passage through the marine park does not involve the use of hovercraft vessels, personal watercraft or aircraft.

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

3.37 Filming activities

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

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

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

Note. The *Filming Approval Act 2004* requires approval for filming in national parks, marine parks and certain other areas.

3.38 Organised sporting, educational and recreational activities

- (1) A person must not:
 - (a) organise or conduct any sporting competition or tournament in the marine park (such as a fishing competition or tournament), or
 - (b) organise or conduct any concert, public meeting, function, event, demonstration or similar gathering in the marine park, or
 - (c) organise or conduct any training manoeuvre or similar activity or event in the marine park, or
 - (d) organise or conduct any educational program involving the taking of animals or plants from the marine park.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

3.39 Camping or residing in marine park

- (1) A person must not:

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- (a) camp in any part of the marine park other than in an area set aside by the Authority for camping, or
- (b) attach a vessel, for a period of more than 24 hours, to a mooring or other facility in the marine park that is owned or managed by the Authority, or
- (c) reside permanently in the marine park.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

- (3) In this clause:

camp means reside temporarily (whether or not in a tent, caravan, cabin, vehicle, trailer or other structure).

vessel includes a houseboat or any other structure that is capable of floating.

3.40 Lighting fires

- (1) A person must not light any fire on any beach, reef or other emergent land within the marine park.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under this clause if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.

- (3) Subclause (1) does not apply to the lighting of fires:

- (a) on board any vessel, or
- (b) within any barbecue area established by the public or local authority having the care, control and management of the land concerned.

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

- (1) A person must not:

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- (a) remove, move, damage or interfere with a mooring in the marine park (being a mooring that is provided by or on behalf of the Authority), or
- (b) remove, move, damage or interfere with a zone or boundary marker or sign owned or erected by the Authority in or adjacent to the marine park, or
- (c) place any mooring, buoy or sign in the marine park (unless the placement is authorised by an occupation licence or other authorisation issued under the *Maritime Services Act 1935*), or
- (d) damage, deface or interfere with any property or facility in the marine park (being any property or facility that is owned, managed or operated by the Authority), or
- (e) attach a vessel to any marker buoy in the marine park that is owned or managed by the Authority.

Maximum penalty: 100 penalty units.

- (2) However, a person does not commit an offence under subclause (1) if:
 - (a) the person has the consent of the relevant Ministers to carry out the relevant activity, or
 - (b) planning approval has been given to the carrying out of the activity.
- (3) A person must not contravene the conditions of use displayed on a mooring in the marine park that is provided by or on behalf of the Authority.

Maximum penalty: 100 penalty units.
- (4) A person must not attach a vessel to another vessel that is attached to a mooring in the marine park that is provided by or on behalf of the Authority.

Maximum penalty: 100 penalty units.
- (5) It is not an offence under subclause (4) to attach a vessel to the vessel's tender.

Division 10 Savings

3.42 Savings

Any act, matter or thing that had effect under this Regulation in relation to the Jervis Bay Marine Park immediately before the commencement of the *Marine Parks (Zoning Plans) Amendment*

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(Solitary Islands and Jervis Bay Marine Parks) Regulation 2010 continues to have effect under this Part.

Division 11 Description of zones

3.43 Description of sanctuary zones

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

(a) **Hammer Head sanctuary zone**

The area enclosed by the line between 34° 58.567'S, 150° 47.150'E 500 metres due east of the southern side of Bulls Waterhole, then generally south following the shoreline at 500 metres from the mean high water mark to 34° 59.300'S, 150° 47.483'E, then due east approximately 0.9 km to 34° 59.300'S, 150° 48.050'E, then due south approximately 1.2 kilometres to 34° 59.983'S, 150° 48.050'E then due west to the intersection of 34° 59.983'S latitude and the mean high water mark on Currarong Beach, then generally north following the mean high water mark to the point intersecting 34° 58.567'S latitude on Warrain Beach, returning to 34° 58.567'S, 150° 47.150'E to the point of commencement.

(b) **Blacks Cave Creek sanctuary zone**

The whole of the tidal waters and tidal lands of Blacks Cave Creek, including all its creeks, bays and tributaries upstream of the intersection of 35° 01.167'S latitude and the mean high water mark on the western bank at or near 150° 49.498'E and the eastern bank at 150° 49.224'E.

(c) **Drum and Drum Sticks sanctuary zone**

The area enclosed by the line between the intersection of latitude 35° 03.044'S and the mean high water mark on the eastern extremity of Lamond Head, then north approximately 580 metres to 35° 02.729'S, 150° 50.573'E, then due west approximately 360 metres to 35° 02.729'S, 150° 50.338'E, then due south approximately 560 metres to the intersection of longitude 150° 50.338'E and the mean high water mark immediately west of Lamond Head in Drum Inlet, then in a generally easterly direction along the mean high water mark of Lamond Head back to the point of commencement.

(d) **Point Perpendicular—Crocodile Head sanctuary zone**

The area enclosed by the line between the intersection of 35° 04.583'S latitude and the marine park boundary, approximately 1.5 kilometres east of the mean high water

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mark of the south-eastern extremity of Crocodile Head, then generally south-west approximately 3 kilometres to the intersection of 35° 05.683'S latitude and the marine park boundary, then due west to the southern extremity of Point Perpendicular to the intersection of 35° 05.683'S latitude and the mean high water mark, then generally north-east following the mean high water mark to intersecting 35° 04.583'S latitude on the south-eastern extremity of Crocodile Head, then east approximately 1.5 kilometres to the point of commencement.

(e) **The Docks sanctuary zone**

The area enclosed by the line between 35° 04.983'S, 150° 47.750'E, then generally north-west on a bearing of 312° to the intersection of the mean high water mark at the southern extremity of the headland, approximately 400 metres west of Bream Creek - Boat Harbour, then generally south-east following the mean high water mark to the northern side of Gardeners Gully, at the intersection of a bearing of 132° from 35° 04.983'S, 150° 47.750'E, including all creeks, bays and tributaries to the mean high water mark and the tidal limits then, returning generally north-west to 35° 04.983'S, 150° 47.750'E to the point of commencement.

(f) **Groper Coast sanctuary zone**

The area enclosed by the line between 35° 03.567'S, 150° 46.350'E, then due east 300 metres to the point intersecting 35° 03.567'S latitude and the mean high water mark (approximately 200 metres south of Honeymoon Bay), then generally south following the shoreline at the mean high water mark to the southern-most part of Dart Point to the point intersecting 35° 04.720'S latitude, then 300 metres due west to 35° 04.717'S, 150° 46.250'E then generally north at a distance of 300 metres from the mean high water mark returning to 35° 03.567'S, 150° 46.350'E to the point of commencement.

(g) **Hare Bay sanctuary zone**

The area enclosed by the line between 35° 01.700'S, 150° 44.950'E (approximately 3.3 kilometres west of "the Ladders"), then approximately 4.1 kilometres due north to the mean high water mark at Red Point at the point intersecting 150° 44.950'E longitude, then following the mean high water mark generally south-east, including all creeks, bays and tributaries of Carama Inlet to the mean high water mark and to the tidal limits, to the point

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intersecting 35° 01.700'S latitude at "the Ladders", approximately 250 metres south of Montagu Point, then due west returning to 35° 01.700', 150° 44.950'E to the point of commencement.

(h) **Wowly Gully sanctuary zone**

The area enclosed by the line between the mean high water mark on the western bank of Wowly Gully at 34° 59.717'S, 150° 43.700'E then generally north-east to the mean high water mark on the eastern bank to 34° 59.700'S, 150° 43.750'E including all creeks, bays and tributaries to the mean high water mark and tidal limits.

(i) **Upper Currumbene Creek sanctuary zone**

The whole of the tidal waters and tidal lands to the mean high water mark of Upper Currumbene Creek, including all its creeks, bays and tributaries upstream of the intersection of 150° 38.617'E longitude and the mean high water mark on the northern bank at or near 35° 0.410'S, and the southern bank at or near 35° 0.451'S.

(j) **Currumbene Creek Mudflats sanctuary zone**

The area enclosed by the line between the port navigation marker at 35° 01.550'S, 150° 40.083'E in Currumbene Creek, then generally south east to a port navigation marker at 35° 01.567'S, 150° 40.150' E, then continuing south east to a port navigation marker at 35° 01.600'S, 150° 40.267'E, then generally south to a port navigation marker at 35° 01.683'S, 150° 40.350'E, then generally south to a port navigation mark at 35° 01.817' S, 150° 40.317'E, then generally south to a port navigation maker at 35° 01.867'S, 150° 40.283'E, then generally south to 35° 02.017'S, 150° 40.217'E, then due west to intersect 35° 02.017'S latitude and the mean high water mark at or near 150° 40.178'E, (in line with the channel draining the Fish Reserve at the Lady Denman Heritage Complex), then generally north following the mean high water mark to the intersection of 35° 01.579'S with the mean high water mark, at or near 150° 40.085'E, (approximately 100 metres downstream of the Woollamia Regional Boat Ramp) intersecting with a line bearing 230° from 35° 01.550'S, 150° 40.083'E, then returning generally north east to 35° 01.550'S, 150° 40.083'E to the point of commencement.

(k) **Huskisson sanctuary zone**

The area enclosed by the line between 35° 01.767'S, 150° 40.867'E (approximately 1.1 kilometres north east of the

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southern bank of the entrance to Currumbene Creek), then due east approximately 1 km to 35° 01.767'S, 150° 41.533'E, then due south approximately 1.3 kilometres to 35° 02.467'S, 150° 41.533'E, then generally south-west approximately 1.3 km to 35° 02.733'S, 150° 40.717'E, then generally north-west to the intersection of a bearing of 325° from 35° 02.733'S, 150° 40.717'E, to the mean high water mark, then following the mean high water mark to the southern bank of the entrance to Currumbene Creek to 35° 02.252'S, at the intersection of a bearing of 220° from 35° 01.767'S, 150° 40.867'E and the mean high water mark, then returning generally north-east to the point of commencement.

(l) **Moona Moona Creek sanctuary zone**

The whole of the tidal lands and tidal waters to mean high water mark, including all creeks, bays and tributaries of Moona Moona Creek upstream of a line from 35° 03.083'S, 150° 40.450'E (approximately 50 metres upstream of the western side of the road bridge) generally north-west on a bearing of 330° to the intersection of the mean high water mark on the northern bank of Moona Moona Creek at 35° 03.052'S, at or near 150° 40.462'E then generally south-east on a bearing of 150° to the intersection of the mean high water mark on the southern bank to 35° 03.083'S, at or near 150° 40.497'E.

(m) **Hyams Beach sanctuary zone**

The area enclosed by the line between the navigation marker approximately 1 kilometre east of Plantation Point at 35° 04.367'S, 150° 42.400'E, then due east approximately 2 kilometres to 35° 04.367'S, 150° 43.733'E, then due south to the intersection of 150° 43.733'E longitude and the Commonwealth waters boundary at 35° 07.106'S, 150° 43.734'E, then generally south-west along the Commonwealth boundary to the intersection of HMAS Creswell special purpose zone at 35° 07.283'S, 150° 42.600'E, described below, then following the boundary of a special purpose zone to 35° 07.367'E, 150° 42.067'E, described below, at the intersection of the Commonwealth waters boundary, then generally northwards following the shoreline at a distance of 100 metres from the mean high water mark along Sailors Beach, Hyams Beach and Chinamans Beach to 35° 05.567'S, 150° 41.675'E, at an intersection with 35° 05.567'S latitude, then due west 100 metres to the

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intersection of 35° 05.567'S latitude and the mean high water mark, then generally north following the mean high water mark to the intersection of a bearing of 240° from 35° 04.367'S, 150° 42.400'E and the mean high water mark, then returning to 35° 04.367'S, 150° 42.400'E to the point of commencement.

(n) **Bowen Island sanctuary zone**

The area enclosed by the line between 35° 07.167'S, 150° 46.403'E, 100 metres due east of the mean high water mark at "the Tumbledown", then generally south-west at a distance of 100 metres from the mean high water mark then the Commonwealth waters boundary to 35° 07.488'S at the intersection with the mean high water mark on Governor Head, at or near 150° 45.913'E, then generally north following the shoreline at the mean high water mark to 35° 07.437'S, at the intersection of the mean high water mark and the Commonwealth waters boundary at or near 150° 45.854'E, then following the Commonwealth boundary generally north-east and at the mean high water mark on Bowen Island to the intersection of the mean high water mark and 35° 07.167'S latitude, then returning to the point of commencement.

(o) **Brooks Rock—Moes Rock sanctuary zone**

From the intersection of latitude 35° 10.734'S and the mean high water mark at Brooks Rock, then east to a point at the intersection of the mean high water mark and longitude 150° 43.941'E at the south-western extremity of Steamers Head, then following the shoreline at the mean high water mark generally east and north to the intersection of the mean high water mark and latitude 35° 10.245'S at the south-eastern extremity of Cape St George, then due east approximately 100 metres to 35° 10.245'S, 150° 45.398'E, then generally north-east at 100 metres seaward of the mean high water mark to a point 100 metres due east of the eastern-most extremity of Moes Rock at 35° 09.552' S, 150° 45.684'E, then due east approximately 1.5 kilometres to the intersection of the seaward boundary of the marine park and latitude 35° 09.552'S, then generally south-west following the seaward boundary of the marine park to its intersection with longitude 150° 43.185'E, then north to the point of commencement.

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3.44 Description of habitat protection zone

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

3.45 Description of general use zone

The general use zone comprises the area enclosed by the line between 34° 57.800'S, 150° 47.267'E, at the boundary of the marine park, then generally south-east, following the boundary of the marine park, to 34° 59.500'S, 150° 50.567'E, then due south to 34° 59.967'S, 150° 50.567'E, then generally west and north following the shoreline at a distance of 500 metres from the mean high water mark, then following the eastern boundary of Hammer Head sanctuary zone, as described above, then generally north following the shoreline at a distance of 500 metres from the mean high water mark returning to 34° 57.800' S, 150° 47.267'E.

3.46 Description of special purpose zones

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

(a) Huskisson Wharf special purpose zone

The area enclosed by the line between the intersection of 35° 02.024'S with the mean high water mark at or near 150° 40.178'E, then generally following the shoreline at the mean high water mark to the entrance of Currumbene Creek to the intersection of 35° 02.252'S and the mean high water mark at or near 150° 40.347'E, then on a bearing of 337° intersecting the mean high water mark of the northern bank of Currumbene Creek, then generally north following the mean high water mark on the eastern bank of Currumbene Creek to the intersection of 35° 02.026'S and the mean high water mark at or near 150° 40.304'E, then generally south-west to 35° 02.050'S, 150° 40.233'E, then following the boundary of the Currumbene Creek Mudflats sanctuary zone to the point of commencement.

(b) HMAS Creswell special purpose zone

The area enclosed by the line between 35° 07.317'S, 150° 42.333'E (HMAS Creswell boat harbour) on the Commonwealth boundary, then generally north-east 500 metres following the boundary of Commonwealth waters to 35° 07.283'S, 150° 42.600'E, then generally north then west at approximately 500 metres radius around the

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HMAS Creswell boat harbour, to 35° 07.367'S, 150° 42.067'E at the intersection of the boundary of Commonwealth waters and Hyams Beach sanctuary zone, then following the boundary of Commonwealth waters generally north-east returning to 35° 07.317'S, 150° 42.333'E.

3.47 Designated anchoring areas within sanctuary zones

- (1) The areas of each sanctuary zone specified in the Table to this sub clause are designated

Sanctuary zone name	designated area
Hammer Head sanctuary zone (described in clause 3.43 (a))	Entire zone
Drum and Drum Sticks sanctuary zone (described in clause 3.43 (c))	Entire zone
Point Perpendicular-Crocodile Head sanctuary zone (described in clause 3.43 (d))	Entire zone
The Docks sanctuary zone (described in clause 3.43 (e))	Entire zone
Groper Coast sanctuary zone (described in clause 3.43 (f))	Entire zone
Hare Bay sanctuary zone (described in clause 3.43 (g))	The areas described below as Hare Bay designated anchoring area (in subclause (2) (b) and Green Point—Long Beach designated anchoring area (in subclause (2) (a))
Huskisson sanctuary zone (described in clause 3.43 (k))	The area described below as Shark Net Beach designated anchoring area (in subclause (2) (c))
Hyams Beach sanctuary zone (described in clause 3.43 (m))	Areas outside the prohibited anchoring area as designated on Chart AUS 193
Bowen Island sanctuary zone (described in clause 3.43 (n))	Entire zone
Brooks Rock-Moes Rock sanctuary zone (described in clause 3.43 (o))	Entire zone

- (2) The designated anchoring areas are as follows:

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(a) **Green Point—Long Beach designated anchoring area**

The area enclosed by the line between 35° 00.800'S, 150° 45.817'E, due east to the intersection of 35° 00.800'S latitude and the mean high water mark, then generally south-east following the shoreline at the mean high water mark to 35° 01.425'S at "The Ladders", approximately 200 metres south of Montagu Point, then due west to 35° 01.700'S, 150° 45.817'E, then returning due north to the point of commencement.

(b) **Hare Bay designated anchoring area**

The area enclosed by the line between the intersection of the mean high water mark on the western side of Red Point at 150° 44.950'E longitude, then due south approximately 200 metres to 34° 59.643'S, 150° 44.950'E then due east approximately 300 metres to 34° 59.643'S, 150° 45.146' E, then due north to approximately 50 metres south of the mean high water mark of the Hare Bay shoreline at 150° 45.146'E, and at or near 34° 59.456'S, then generally south-east following a line 50 metres off the mean high water mark of the Hare Bay shoreline to 35° 00.119'S, 150° 46.446'E, then due north approximately 50 metres to the intersection of 150° 46.446'E longitude and the mean high water mark at Hare Point, then following the mean high water mark of the Hare Bay shoreline returning to the point of commencement.

(c) **Shark Net Beach designated anchoring area**

The area adjacent to Shark Net Beach from the mean high water mark at 35° 02.400'S, 150° 40.417'E, then generally north following the mean high water mark to the intersection of the mean high water mark and 35° 02.284' S, and at or near 150° 40.398' E, which is generally 200 metres from 35° 02.400'S, 150° 40.417'E, then generally east then south in a radius of 200 metres from 35° 02.400'S, 150° 40.417'E, to the intersection of the mean high water mark at 35° 02.477'S at or near 150° 40.503'E, then returning generally north following the mean high water mark to the point of commencement.

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Schedule 2

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Schedule 1 Penalty notice offences

Omit the matter relating to offences under the *Marine Parks (Zoning Plans)
Regulation 1999*.

Insert instead:

Offences under the Marine Parks (Zoning Plans) Regulation 1999

Clause 1.13 (1)	\$500
Clause 1.14 (1)	\$500
Clause 1.15	\$500
Clause 1.16 (1) (a)	\$500
Clause 1.16 (1) (b)	\$500
Clause 1.16 (1) (c)	\$500
Clause 1.17 (2) (a)	\$500
Clause 1.17 (2) (b)	\$500
Clause 1.19 (1) (a)	\$500
Clause 1.19 (1) (b)	\$500
Clause 1.19 (1) (c)	\$500
Clause 1.20 (2)	\$500
Clause 1.22 (1) (a)	\$500
Clause 1.22 (1) (b)	\$500
Clause 1.22 (1) (c)	\$500
Clause 1.23 (1)	\$500
Clause 1.25 (1)	\$500
Clause 1.25 (1A)	\$500
Clause 1.25 (2)	\$500
Clause 1.25 (2A)	\$500
Clause 1.26 (1) (a)	\$300
Clause 1.26 (1) (b)	\$300
Clause 1.26 (1) (c)	\$300
Clause 1.26 (1) (d)	\$300

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Clause 1.26 (1) (e)	\$300
Clause 1.26 (2)	\$300
Clause 1.26 (3)	\$300
Clause 1.27	\$200
Clause 1.28 (1) (a)	\$300
Clause 1.28 (1) (b)	\$500
Clause 1.28 (1) (c)	\$500
Clause 1.29 (1) (a)	\$300
Clause 1.29 (1) (b)	\$300
Clause 1.29 (1A)	\$220
Clause 1.31 (1)	\$300
Clause 1.32 (1) (a)	\$500
Clause 1.32 (1) (b)	\$500
Clause 1.33 (a)	\$300
Clause 1.33 (b)	\$300
Clause 1.33 (c)	\$300
Clause 1.33 (d)	\$300
Clause 1.34 (1) (a)	\$200
Clause 1.34 (1) (b)	\$200
Clause 1.34 (1) (c)	\$200
Clause 1.34 (1) (d)	\$200
Clause 1.35 (2)	\$500
Clause 1.36 (1)	\$500
Clause 1.37	\$500
Clause 1.38 (1) (a)	\$200
Clause 1.38 (1) (b)	\$200
Clause 1.38 (1) (c)	\$500
Clause 1.39	\$500
Clause 1.40 (1)	\$200
Clause 2.5 (2)	\$500
Clause 2.7 (1)	\$500

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Clause 2.8 (1)	\$500
Clause 2.9 (1)	\$500
Clause 2.10 (1) (a)	\$500
Clause 2.10 (1) (b)	\$500
Clause 2.10 (1) (c)	\$500
Clause 2.11 (1)	\$500
Clause 2.12 (2)	\$500
Clause 2.15 (1)	\$500
Clause 2.17 (1) (a)	\$500
Clause 2.17 (1) (b)	\$500
Clause 2.17 (1) (c)	\$500
Clause 2.18 (1)	\$500
Clause 2.18 (2)	\$500
Clause 2.20 (1) (a)	\$500
Clause 2.20 (1) (b)	\$500
Clause 2.20 (1) (c)	\$500
Clause 2.21 (1)	\$500
Clause 2.22 (2)	\$500
Clause 2.22 (3)	\$500
Clause 2.24 (1)	\$500
Clause 2.25 (1)	\$500
Clause 2.25 (2)	\$500
Clause 2.27	\$500
Clause 2.28 (1)	\$500
Clause 2.29	\$300
Clause 2.30 (1)	\$300
Clause 2.30 (3)	\$300
Clause 2.30 (4)	\$220
Clause 2.32 (1)	\$500
Clause 2.33	\$200
Clause 2.34 (1)	\$300

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Clause 2.35 (1) (a)	\$500
Clause 2.35 (1) (b)	\$500
Clause 2.36 (1) (a)	\$300
Clause 2.36 (1) (b)	\$300
Clause 2.36 (1) (c)	\$300
Clause 2.36 (1) (d)	\$300
Clause 2.37 (1) (a)	\$200
Clause 2.37 (1) (b)	\$200
Clause 2.37 (1) (c)	\$200
Clause 2.37 (1) (d)	\$200
Clause 2.38 (1) (a)	\$200
Clause 2.38 (1) (b)	\$200
Clause 2.38 (1) (c)	\$500
Clause 2.39 (1)	\$200
Clause 2.40 (1) (a)	\$300
Clause 2.40 (1) (b)	\$300
Clause 2.40 (1) (c)	\$300
Clause 2.40 (1) (d)	\$300
Clause 2.40 (1) (e)	\$300
Clause 2.40 (3)	\$300
Clause 2.40 (4)	\$300
Clause 3.5 (2)	\$500
Clause 3.7 (1)	\$500
Clause 3.10 (1) (a)	\$500
Clause 3.10 (1) (b)	\$500
Clause 3.10 (1) (c)	\$500
Clause 3.11 (2)	\$500
Clause 3.14 (1) (a)	\$500
Clause 3.14 (1) (b)	\$500
Clause 3.14 (1) (c)	\$500
Clause 3.15 (1)	\$500

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Clause 3.15 (2)	\$500
Clause 3.18 (1) (a)	\$500
Clause 3.18 (1) (b)	\$500
Clause 3.18 (1) (c)	\$500
Clause 3.19 (2)	\$500
Clause 3.19 (4)	\$500
Clause 3.22 (1)	\$500
Clause 3.23 (1)	\$500
Clause 3.23 (2)	\$500
Clause 3.25	\$500
Clause 3.26 (1)	\$500
Clause 3.27 (a)	\$300
Clause 3.27 (b)	\$300
Clause 3.27 (c)	\$500
Clause 3.27 (d)	\$500
Clause 3.28 (1)	\$300
Clause 3.28 (3)	\$300
Clause 3.28 (4)	\$220
Clause 3.34	\$200
Clause 3.35 (1)	\$300
Clause 3.36 (1) (a)	\$500
Clause 3.36 (1) (b)	\$500
Clause 3.37 (1) (a)	\$300
Clause 3.37 (1) (b)	\$300
Clause 3.37 (1) (c)	\$300
Clause 3.37 (1) (d)	\$300
Clause 3.38 (1) (a)	\$200
Clause 3.38 (1) (b)	\$200
Clause 3.38 (1) (c)	\$200
Clause 3.38 (1) (d)	\$200
Clause 3.39 (1) (a)	\$200

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Clause 3.39 (1) (b)	\$200
Clause 3.39 (1) (c)	\$500
Clause 3.40 (1)	\$200
Clause 3.41 (1) (a)	\$300
Clause 3.41 (1) (b)	\$300
Clause 3.41 (1) (c)	\$300
Clause 3.41 (1) (d)	\$300
Clause 3.41 (1) (e)	\$300
Clause 3.41 (3)	\$300
Clause 3.41 (4)	\$300