



New South Wales

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

under the

Marine Parks Act 1997

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The *Marine Parks Act 1997* and the *Marine Parks Regulation 1999* (the **principal Regulation**) provide for the classification of areas within marine parks for different uses by means of zoning plans. Currently, the principal Regulation provides for four classes of zones in marine parks (sanctuary zones, habitat protection zones, general use zones and special purpose zones) and sets out objects and special provisions applying to those zones.

The object of this Regulation is to provide for a zoning plan for the Port Stephens–Great Lakes Marine Park. The zoning plan, which is to be included in Schedule 1 to the principal Regulation, divides the Port Stephens–Great Lakes Marine Park into the various zones and contains special provisions regulating and prohibiting the carrying out of certain activities in those zones.

This Regulation also makes a number of other amendments to the principal Regulation. These include amendments that enable the relevant Ministers to grant consent to the carrying out of certain activities, including activities carried out for the purposes of an ecologically sustainable use, to which consent cannot currently be given.

This Regulation also makes some amendments in the nature of law revision.

This Regulation also makes a consequential amendment to the *Fisheries Management (Aquatic Reserves) Regulation 2002*.

This Regulation is made under the *Marine Parks Act 1997*, including sections 15, 16, 17 and 48 (the general regulation-making power) and Schedule 3.

2007 No 118

Clause 1 Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

under the

Marine Parks Act 1997

1 Name of Regulation

This Regulation is the *Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007*.

2 Commencement

This Regulation commences on 21 April 2007.

3 Amendment of Marine Parks Regulation 1999

The *Marine Parks Regulation 1999* is amended as set out in Schedule 1.

4 Amendment of Fisheries Management (Aquatic Reserves) Regulation 2002

The *Fisheries Management (Aquatic Reserves) Regulation 2002* is amended by omitting Part 7 and Schedule 6.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

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

[2] Clause 3 (2)

Insert at the end of the clause:

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

[3] Clause 11 Protection of animals, plants and habitat in habitat protection zone

Omit clause 11 (2). Insert instead:

- (2) Consent is only to be given under subclause (1):
- (a) for research, environmental protection, public health, traditional use or public safety purposes, or
 - (b) for the purposes of an ecologically sustainable use that does not have a significant impact on fish populations within the zone and has a negligible impact on other animals, plants and habitat.

[4] Clause 15 Protection of animals, plants and habitat in general use zone

Omit clause 15 (2). Insert instead:

- (2) Consent is only to be given under subclause (1):
- (a) for research, environmental protection, public health, traditional use or public safety purposes, or
 - (b) for the purposes of an ecologically sustainable use.

[5] Clause 18A Protection of animals, plants and habitat in special purpose zone

Omit clause 18A (2). Insert instead:

- (2) Consent is only to be given under subclause (1):
- (a) for research, environmental protection, public health, traditional use or public safety purposes, or

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

(b) for the purposes of an ecologically sustainable use.

[6] Clause 19 Possession of animals or plants or of equipment used to take animals or plants

Insert after clause 19 (1):

(1A) A person who is in possession of an animal or plant in a part of a marine park in which the possession of the animal or plant is prohibited by the zoning plan for the marine park is guilty of an offence.

Maximum penalty: 100 penalty units.

[7] Clause 19 (2B)

Insert “and any plant or animal found in the boat” after “in the boat”.

[8] Clause 19 (2D)

Insert after clause 19 (2C):

(2D) It is a defence to a prosecution for an offence under subclause (1A) in respect of an animal or plant found in a boat if the person charged satisfies the court that the person could not reasonably have known that the animal or plant was on board the boat concerned.

[9] Clause 19 (3) (a)

Insert “or from” after “to” where firstly occurring.

[10] Clause 19 (3) (b)

Insert “or from” after “to” where firstly occurring.

[11] Clause 19 (3) (b1)

Insert after clause 19 (3) (b):

(b1) if the equipment concerned was a fishing line—that the fishing line was on board a vessel within a sanctuary zone, the vessel was anchored, moored or aground and the fishing line was in the unrigged state, or

[12] Clause 19 (5)

Insert after clause 19 (4):

- (5) For the purposes of subclause (3) (b1), the *unrigged state*, in relation to a fishing line, means no part of the fishing line is attached to any hook, artificial lure, artificial fly, swivel or other piece of fishing tackle (other than any reel the fishing line was spooled on).

[13] Clause 22 Domesticated animals

Insert at the end of clause 22 (1):

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.

[14] Clause 27 Use, mooring or anchoring of vessels, motorised vehicles and motorised equipment

Omit “motorised” from clause 27 (1) where firstly occurring.

[15] Clause 27 (2)

Omit “motorised” where firstly occurring.

[16] Clause 32N Consent by relevant Ministers not required for certain activities

Insert at the end of clause 32N (2) (b):

, or

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

[17] Schedule 1 Zoning plans for marine parks

Omit clause 28 (3) (a) of Part 1, clause 22 (3) (a) of Part 2, clause 16 (2) (a) of Part 3 and clause 20 (3) (a) of Part 4.

[18] Schedule 1, clause 28 of Part 1

Insert at the end of the clause:

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.

[19] Schedule 1, clause 29 of Part 1 and clauses 23–25 of Part 2

Omit “motorised” wherever occurring in the notes to those clauses (relating to clause 27 of the Regulation).

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

[20] Schedule 1, clause 22 of Part 2

Insert at the end of the clause (in the note):

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

[21] Schedule 1, clause 16 of Part 3

Insert at the end of the clause:

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.

[22] Schedule 1, Division 8 of Part 3 and Division 9 of Part 4

Omit “motorised vessel or” wherever occurring in the notes to those Divisions (relating to clause 27 of the Regulation).

Insert instead “vessel or motorised”.

[23] Schedule 1, clause 5 (2) of Part 4

Omit “under”. Insert instead “in respect of a contravention of”.

[24] Schedule 1, clause 13 (2) of Part 4

Omit “However, a person may carry out oyster aquaculture in that zone in accordance with a permit issued under the *Fisheries Management Act 1994*.”.

[25] Schedule 1, clause 13A of Part 4

Insert after clause 13 of Part 4 of Schedule 1:

13A Aquaculture in Marshalls Creek Oyster Leases

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

[26] Schedule 1, clause 20 of Part 4

Insert at the end of the clause:

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.

[27] Schedule 1, Division 10 of Part 4, note

Omit “draft”.

[28] Schedule 1, Part 5

Insert after Part 4 of Schedule 1:

Part 5 Port Stephens–Great Lakes Marine Park

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

Division 1 Preliminary**1 Definitions**

(1) In this Part:

Chart AUS 362 means the charts published under that title by the Australian Hydrographic Service on 4 February 1992.

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

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

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

map means a map set out in Division 8.

marine park means the Port Stephens–Great Lakes Marine Park described in Part 2 of the Proclamation made under sections 6 and 7 of the Act and published in Gazette No 147 on 1 December 2005 at page 9851 (as varied by the Proclamation made under section 9 of the Act and published in Gazette No 63 on 12 May 2006 at page 3016).

oyster depuration means the extraction of seawater from the waters of the marine park, the discharge of seawater into the waters of the marine park and the conveyance of seawater across tidal waters or tidal lands of the marine park by way of depuration lines for the purposes of depuration of oysters.

regulatory authority means each of the following:

- (a) the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park,
- (b) the Department of Primary Industries,
- (c) the Department of Environment and Conservation,
- (d) the Department of Planning,

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (e) NSW Police,
- (f) the Maritime Authority of NSW,
- (g) the Department of Lands.

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

table means a table set out in Division 9.

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

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

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

2 General defence of emergency

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

Division 2 Sanctuary zones

3 Description of sanctuary zones

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

The Pinnacle sanctuary zone (map 2)

An area bounded as follows:

- (a) commencing on Cape Hawke at the point (point 2a) on the mean high water mark nearest to 32°12.991'S, 152°34.257'E,
- (b) then due east approximately 500 metres to 32°12.991'S, 152°34.533'E (point 2b),
- (c) then generally north-west to 32°12.516'S, 152°34.280'E (point 2c),
- (d) then due east to the intersection of latitude 32°12.516'S with the eastern boundary of the marine park (point 2d), at or about 32°12.516'S, 152°37.763'E,

-
- (e) then generally south, along the boundary of the marine park, to 32°15.180'S, 152°37.116'E (point 2e),
 - (f) then generally north-west to Cape Hawke at the point (point 2f) on the mean high water mark nearest to 32°13.742'S, 152°34.005'E,
 - (g) then generally north along the mean high water mark to the point of commencement,
- as shown on map 2.

Smiths Lake sanctuary zone (map 3)

An area bounded as follows:

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

Celito South sanctuary zone (map 4)

An area bounded as follows:

- (a) commencing on the coast south of Sandbar at the point (point 4a) on the mean high water mark nearest to 32°24.124'S, 152°31.163'E,
- (b) then due east to 32°24.124'S, 152°31.422'E (point 4b),
- (c) then due south to 32°25.343'S, 152°31.422'E (point 4c),

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (d) then due west to the point (point 4d) on the mean high water mark nearest to 32°25.343'S, 152°31.107'E,
 - (e) then generally north along the mean high water mark to the point of commencement,
- as shown on map 4.

Seal Rocks sanctuary zone (map 5)

An area bounded as follows:

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

Fiona Beach sanctuary zone (map 6)

An area bounded as follows:

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

-
- (g) then along the mean high water mark to the point of commencement,
as shown on map 6.

Myall Lake No 1 sanctuary zone (map 7)

An area bounded as follows:

- (a) commencing on the eastern side of Corrigan's Bay at the point (point 7a) on the mean high water mark nearest to 32°24.111'S, 152°26.799'E,
- (b) then generally west to the eastern side of Corrigan's Head at the point (point 7b) on the mean high water mark nearest to 32°24.235'S, 152°25.285'E,
- (c) then generally north-west, east and south-east along the mean high water mark to the point of commencement,
as shown on map 7.

Myall Lake No 2 sanctuary zone (map 7)

An area bounded as follows:

- (a) commencing at Reedy Point at the point (point 7c) on the mean high water mark nearest to 32°25.723'S, 152°26.770'E,
- (b) then generally south-west and north-west along the mean high water mark of Kataway Bay to the point (point 7d) on the mean high water mark nearest to 32°26.162'S, 152°24.792'E,
- (c) then generally north-east to the point of commencement,
as shown on map 7.

Myall Lake No 3 sanctuary zone (map 7)

An area bounded as follows:

- (a) commencing on Boulders Point at the point (point 7e) on the mean high water mark nearest to 32°24.722'S, 152°22.778'E,
- (b) then generally south-west to, adjacent to McGrath's Bay, the point (point 7f) on the mean high water mark nearest to 32°25.879'S, 152°20.317'E,
- (c) then generally north, east and south along the mean high water mark to the point of commencement,
as shown on map 7.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Boolambayte Lake sanctuary zone (map 8)

An area bounded as follows:

- (a) commencing adjacent to Violet Hill Campground at the point (point 8a) on the mean high water mark nearest to 32°28.335'S, 152°19.353'E,
- (b) then generally south-east, across Violet Hill Passage, to the point (point 8b) on the mean high water mark nearest to 32°28.492'S, 152°19.623'E on the opposite shore,
- (c) then along the mean high water mark of the southern shore of Boolambayte Lake to the point (point 8c) on the mean high water mark nearest to 32°26.586'S, 152°17.427'E,
- (d) then due west to, adjacent to the northern side of Korsemans Landing jetty, the point (point 8d) on the mean high water mark nearest to 32°28.586'S, 152°17.164'E,
- (e) then generally north and east along the mean high water mark of Boolambayte Lake, including the tidal waters and tidal lands to the mean high water mark of Boolambayte Creek and its creeks, bays and tributaries, to the point of commencement,

as shown on map 8.

Bombah Broadwater sanctuary zone (map 9)

An area bounded as follows:

- (a) commencing on the western shore of Bombah Point at the point (point 9a) on the mean high water mark nearest to 32°30.487'S, 152°18.302'E,
- (b) then due east to port navigation marker No 431 (point 9b) at or about 32°30.487'S, 152°18.447'E,
- (c) then generally south-west to the port navigation marker No 428 (point 9c) at or about 32°31.189'S, 152°18.015'E,
- (d) then generally south-west to port navigation marker No 426 (point 9d) at or about 32°31.608'S, 152°17.686'E,
- (e) then generally south-west to port navigation marker No 422 (point 9e) at or about 32°31.962'S, 152°17.406'E,
- (f) then generally west to port navigation marker No 420 (point 9f) at or about 32°32.081'S, 152°16.937'E,
- (g) then generally west to isolated danger mark No 419 (point 9g) at or about 32°32.102'S, 152°16.812'E,
- (h) then generally west to starboard navigation marker No 418 (point 9h) at or about 32°32.106'S, 152°16.706'E,

-
- (i) then generally west to starboard navigation marker No 417 (point 9i) at or about 32°32.062'S, 152°16.431'E,
 - (j) then generally west to starboard navigation marker No 416 (point 9j) at or about 32°31.912'S, 152°16.054'E,
 - (k) then generally west to starboard navigation marker No 457 (point 9k) at or about 32°31.735'S, 152°15.350'E,
 - (l) then generally north-west to the southern end of Bulahdelah Point at the point (point 9l) on the mean high water mark nearest to 32°31.473'S, 152°15.207'E,
 - (m) then generally east along the mean high water mark to the point of commencement,
- as shown on map 9.

Broughton Island sanctuary zone (map 10)

An area bounded as follows:

- (a) commencing on the northern shore of Broughton Island at the point (point 10a) on the mean high water mark nearest to 32°36.909'S, 152°19.421'E,
- (b) then generally north-east to 32°36.045'S, 152°20.292'E (point 10b),
- (c) then generally east to 32°36.000'S, 152°20.962'E (point 10c),
- (d) then due south to 32°37.502'S, 152°20.962'E (point 10d),
- (e) then generally south to 32°37.800'S, 152°20.917'E (point 10e),
- (f) then generally south-west to 32°38.148'S, 152°20.614'E (point 10f),
- (g) then generally south-west to 32°38.500'S, 152°19.896'E (point 10g),
- (h) then generally north-west to 32°37.854'S, 152°18.847'E (point 10h),
- (i) then due north to Broughton Island at the point (point 10i) on the mean high water mark nearest to 32°37.453'S, 152°18.847'E,
- (j) then generally east, north, east and south-east along the mean high water mark of Broughton Island to 32°37.677'S, 152°19.151'E (point 10j),
- (k) then generally north-east to 32°37.525'S, 152°20.151'E (point 10k), off Little Broughton Island,

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (l) then generally north-west to Little Broughton Island at the point on the mean high water mark nearest to 32°37.490'S, 152°20.131'E (point 10l),
- (m) then generally east, north and west, along the mean high water mark of the eastern side of Little Broughton Island, to the point on the mean high water mark nearest to 32°37.138'S, 152°19.846'E (point 10m),
- (n) then generally north-west to Broughton Island at the point (point 10n) on the mean high water mark nearest to 32°37.047'S, 152°19.718'E,
- (o) then generally north-west, along the mean high water mark of Broughton Island, to the point of commencement, as shown on map 10.

Cabbage Tree Island sanctuary zone (map 11)

An area bounded as follows:

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

Zenith Beach sanctuary zone (map 12)

An area bounded as follows:

- (a) commencing on Zenith Beach at the point (point 12a) on the mean high water mark nearest to 32°43.121'S, 152°11.129'E,
- (b) then generally south-east to 32°43.192'S, 152°11.296'E (point 12b),
- (c) then generally south-west to the southern headland of Wreck Beach at the point (point 12c) on the mean high water mark nearest to 32°43.636'S, 152°11.075'E,
- (d) then generally north along the mean high water mark to the point of commencement,

as shown on map 12.

Fingal Island sanctuary zone (map 13)

An area bounded as follows:

- (a) commencing on Fingal Island at the point (point 13a) on the mean high water mark nearest to 32°44.932'S, 152°12.122'E,
- (b) then due south to the point (point 13b) on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to 32°45.666'S, 152°12.122'E,
- (c) then generally south-west, along the 40 metre depth contour line, to the point on the 40 metre depth contour line nearest to 32°46.087'S, 152°11.097'E (point 13c),
- (d) then due north to Fingal Island at the point on the mean high water mark nearest to 32°44.977'S, 152°11.097'E (point 13d),
- (e) then generally east and north-east along the mean high water mark of Fingal Island to the point of commencement,

as shown on map 13.

Jimmys Beach sanctuary zone (map 14)

An area bounded as follows:

- (a) commencing at 32°40.810'S, 152°09.919'E (point 14a),
- (b) then due south to 32°41.130'S, 152°09.919'E (point 14b),
- (c) then due west to 32°41.130'S, 152°09.554'E (point 14c),
- (d) then due north to 32°40.915'S, 152°09.554'E (point 14d),

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (e) then generally north-east to the point of commencement, as shown on map 14.

Fly Point—Corrie Island sanctuary zone (map 15)

An area bounded as follows:

- (a) commencing on the western side of Fly Point at the point (point 15a) on the mean high water mark nearest to 32°42.892'S, 152°09.052'E,
- (b) then generally north-west to starboard navigation marker No 007 (point 15b) at or about 32°42.652'S, 152°08.719'E,
- (c) then generally north-west to starboard navigation marker No 008 (point 15c) at or about 32°42.516'S, 152°08.351'E,
- (d) then generally north-west to starboard navigation marker No 014 (point 15d) at or about 32°42.377'S, 152°07.963'E,
- (e) then generally north-west to starboard navigation marker No 015 (point 15e) at or about 32°42.273'S, 152°07.556'E,
- (f) then generally north to starboard navigation marker No 064 (point 15f) at or about 32°41.736'S, 152°07.374'E,
- (g) then generally north to starboard navigation marker No 062 (point 15g) at or about 32°41.143'S, 152°07.203'E,
- (h) then generally north to starboard navigation marker No 063 (point 15h) at or about 32°40.530'S, 152°07.430'E,
- (i) then generally north-east to starboard navigation marker No 065 (point 15i) at or about 32°40.346'S, 152°07.859'E,
- (j) then generally east to starboard navigation marker No 69 (point 15j) at or about 32°40.259'S, 152°08.102'E,
- (k) then generally east to starboard navigation marker No 201 (point 15k) at or about 32°40.237'S, 152°08.318'E,
- (l) then generally east to starboard navigation marker No 202 (point 15l) at or about 32°40.224'S, 152°08.429'E,
- (m) then generally east to starboard navigation marker No 203 (point 15m) at or about 32°40.243'S, 152°08.535'E,
- (n) then generally south-east to starboard navigation marker No 204 (point 15n) at or about 32°40.287'S, 152°08.760'E,
- (o) then generally south-east to starboard navigation marker No 205 (point 15o) at or about 32°40.319'S, 152°08.893'E,

-
- (p) then due south to the north-eastern end of Corrie Island at the point (point 15p) on the mean high water mark nearest to 32°40.326'S, 152°08.893'E,
 - (q) then generally south-east and south, along the mean high water mark of the eastern shore of Corrie Island, to the point (point 15q) on the mean high water mark nearest to 32°40.570'S, 152°08.719'E,
 - (r) then generally south-west to 32°40.625'S, 152°08.644'E (point 15r),
 - (s) then generally south-west to 32°40.953'S, 152°08.406'E (point 15s),
 - (t) then generally south-west to 32°41.082'S, 152°08.297'E (point 15t),
 - (u) then generally south-east to cardinal mark No 005 (point 15u) at or about 32°42.199'S, 152°09.454'E,
 - (v) then generally south-east to Nelson Head at the point (point 15v) on the mean high water mark nearest to 32°42.582'S, 152°09.702'E,
 - (w) then generally south-west, along the mean high water mark, to the point of commencement,

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

Salamander Bay sanctuary zone (map 16)

An area bounded as follows:

- (a) commencing on Salamander Bay at the point (point 16a) on the mean high water mark nearest to 32°43.635'S, 152°06.092'E,
- (b) then generally west, along the mean high water mark, to the point (point 16b) on the mean high water mark nearest to 32°43.654'S, 152°05.338'E,
- (c) then generally north-east to 32°43.547'S, 152°05.655'E (point 16c),
- (d) then due east to 32°43.547'S, 152°05.955'E (point 16d),
- (e) then generally south-east to the point of commencement, as shown on map 16.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Cromartys Bay sanctuary zone (map 17)

An area bounded as follows:

- (a) commencing on the northernmost tip of Mud Point at the point (point 17a) on the mean high water mark nearest to 32°42.969'S, 152°03.528'E,
- (b) then due east to the eastern bank of Cromartys Bay at the point on the mean high water mark nearest to 32°42.969'S, 152°03.913'E (point 17b),
- (c) then generally south, west and north, along the mean high water mark of Cromartys Bay, to the point of commencement (including along the mean high water mark of all intervening creeks, bays and tributaries),

as shown on map 17.

Wallis and Fenninghams Island Creeks sanctuary zone (map 18)

An area bounded as follows:

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

- (a) the point (point 18a) on the mean high water mark nearest to 32°44.457'S, 152°03.458'E on Taylors Beach, and
- (b) the point (point 18b) on the mean high water nearest to 32°44.600'S, 152°03.133'E on the northern end of Fenninghams Island,

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

Mallabula sanctuary zone (map 19)

An area bounded as follows:

- (a) commencing west of Mallabula Point at the point (point 19a) on the mean high water mark nearest to 32°43.289'S, 152°01.013'E,
- (b) then generally north-east to the navigation marker (also used as a sailing turn buoy) at or about 32°43.059'S, 152°01.120'E (point 19b),
- (c) then due east to 32°43.059'S, 152°01.766'E (point 19c),
- (d) then due south to the point (point 19d) on the mean high water mark nearest to 32°43.391'S, 152°01.766'E,

-
- (e) then generally west along the mean high water mark to the point of commencement,
as shown on map 19.

Twelve Mile Creek sanctuary zone (map 20)

An area bounded as follows:

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

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

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

Little Swan Bay sanctuary zone (map 21)

An area bounded as follows:

- (a) commencing on the western shore of the Karuah River, north of Swan Island, at the point (point 21a) on the mean high water mark nearest to 32°40.049'S, 151°57.981'E,
(b) then due east to the northern end of Swan Island at the point (point 21b) on the mean high water mark nearest to 32°40.049'S, 151°58.196'E,
(c) then generally south-west, along the mean high water mark of the western shore of Swan Island, to the southern end of Swan Island at the point (point 21c) on the mean high water mark nearest to 32°40.815'S, 151°58.489'E,
(d) then generally south-east to port navigation marker No 038 (point 21d) at or about 32°41.416'S, 152°59.383'E,
(e) then generally south-east to the northern end of Snapper Island at the point (point 21e) on the mean high water mark nearest to 32°42.000'S, 151°59.855'E,
(f) then generally south and south-east, along the mean high water mark along the western shore of Snapper Island, to the southern end of Snapper Island at the point on the mean high water mark nearest to 32°42.345'S, 152°00.202'E (point 21f),

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (g) then generally south to starboard navigation marker No 121 (point 21g) at or about 32°42.488'S, 152°00.179'E,
- (h) then generally west to starboard navigation marker No 151 (point 21h) at or about 32°42.552'S, 151°59.705'E,
- (i) then generally west to the southern tip of Orobillah Island at the point (point 21i) on the mean high water mark nearest to 32°42.530'S, 151°58.862'E,
- (j) then generally south-west to Cockle Shell Point at the point (point 21j) on the mean high water mark nearest to 32°41.888'S, 151°58.156'E,
- (k) then generally north, east, north, west, north and north-east, along the mean high water mark, to the point of commencement (including along the mean high water mark of all intervening creeks, bays and tributaries),

but not including the Evens Point habitat protection zone as described in Division 3.

Note. The Evens Point habitat protection zone is not shown on map 21.

Karuah River sanctuary zone (map 22)

An area bounded as follows:

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

- (a) the point (point 22a) on the mean high water mark nearest to 32°31.804'S, 151°58.257'E on the eastern bank, and
- (b) the point (point 22b) on the mean high water mark nearest to 32°31.804'S, 151°58.127'E on the western bank,

as shown on map 22.

Little Branch Creek sanctuary zone (map 23)

An area bounded as follows:

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

- (a) the point (point 23a) on the mean high water mark nearest to 32°34.850'S, 151°59.723'E on the northern bank, and
- (b) the point (point 23b) on the mean high water mark nearest to 32°34.881'S, 151°59.673'E on the southern bank,

as shown on map 23.

Number One Cove sanctuary zone (map 24)

An area bounded as follows:

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

- (a) the point (point 24a) on the mean high water mark nearest to 32°39.828'S, 151°59.403'E on the eastern bank, and
- (b) the point (point 24b) on the mean high water mark nearest to 32°39.767'S, 151°59.169'E on the western bank,

as shown on map 24.

North Arm Cove sanctuary zone (map 25)

An area bounded as follows:

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

- (a) the point (point 25a) on the mean high water mark nearest to 32°39.555'S, 152°03.617'E on the eastern bank, and
- (b) the point (point 25b) on the mean high water mark nearest to 32°39.216'S, 152°03.002'E on the western bank,

as shown on map 25.

Pindimar sanctuary zone (map 26)

An area bounded as follows:

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

as shown on map 26.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Fame Cove sanctuary zone (map 27)

An area bounded as follows:

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

- (a) the point (point 27a) on the mean high water mark nearest to 32°41.033'S, 152°03.967'E on the eastern shore of Fame Cove, and
- (b) port navigation marker No 054 (point 27b) at or about 32°41.033'S, 152°03.833'E, and
- (c) the point (point 27c) on the mean high water mark nearest to 32°40.980'S, 152°03.787'E on the western shore of Fame Cove,

as shown on map 27.

Myall River sanctuary zone (map 28)

An area bounded as follows:

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

- (a) downstream of the line between:
 - (i) the point (point 28a) on the mean high water mark nearest to 32°37.050'S, 152°11.777'E on the southern bank, and
 - (ii) the point (point 28b) on the mean high water mark nearest to 32°37.014'S, 152°11.777'E on the northern bank, and
- (b) upstream of the line between:
 - (i) the point (point 28c) on the mean high water mark nearest to 32°38.221'S, 152°10.217'E on the southern bank, and
 - (ii) the point (point 28d) on the mean high water mark nearest to 32°38.179'S, 152°10.217'E on the northern bank,

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

4 Oyster depuration

- (1) Despite clause 7 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a sanctuary zone of the marine park if the oyster depuration is carried out in a designated area and in accordance with the *Food Act 2003*.
- (2) For the purposes of this clause, a **designated area** means any tidal waters and tidal lands of a sanctuary zone of the marine park on which, immediately before the commencement of this Part, depuration lines were being used for oyster depuration by the holder of a licence under the *Food Act 2003* that authorised the operation of a depuration plant.

5 Fish cleaning

- (1) Despite clauses 7 and 19 of this Regulation, a person may clean fish or fishing gear while in a sanctuary zone of the marine park at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.
- (2) Despite clauses 7 and 19 of this Regulation, a person may clean a fishing net in a sanctuary zone of the marine park while:
 - (a) the net is being transported to or from any place where the net could lawfully be used for commercial fishing, and
 - (b) the cod-end of the net is open, and
 - (c) none of the otter boards of the net are in the water.

6 Sanctuary zone speed restrictions

- (1) A person must not operate a vessel within a speed restricted area at a speed exceeding 4 knots.
- (2) For the purposes of this clause, each of the following areas is a **speed restricted area**:
 - (a) the Jimmys Beach sanctuary zone,
 - (b) the area within the Fly Point—Corrie Island sanctuary zone bounded as follows:
 - (i) commencing at starboard navigation marker No 064 (point 15f as shown on map 15) at or about 32°41.736'S, 152°07.374'E,
 - (ii) then due east to the point on the eastern boundary of the sanctuary zone nearest to 32°41.736'S, 152°08.978'E,

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (iii) then generally south-east to cardinal mark No 005 (point 15u as shown on map 15) at or about 32°42.199'S, 152°09.454'E,
 - (iv) then generally west to starboard navigation marker No 015 (point 15e as shown on map 15) at or about 32°42.273'S, 152°07.556'E,
 - (v) then generally north to the point of commencement.
- (3) This clause does not apply to an officer or employee of a regulatory authority operating a vessel in the course of the regulatory authority's business.

7 Permissible uses

- (1) Without limiting clause 6 of this Regulation, a further object of a sanctuary zone in the marine park is, where consistent with clause 6 (a) of this Regulation, to allow any activity to be carried out in the zone if it is a permissible use with respect to the sanctuary zone.
- (2) For the purposes of this clause, each of the following activities is a *permissible use* with respect to each of the sanctuary zones in the marine park:
 - (a) an activity that is necessary for the purposes of replacing a work used before the commencement of this Part with a work that has the same or less environmental impact and that is capable of safe and ecologically sustainable use,
 - (b) an activity that is necessary for the purposes of maintaining a work used before the commencement of this Part in a state that enables safe and ecologically sustainable use of the work.
- (3) Despite clause 7 of this Regulation, the consent of the relevant Ministers may be given for an activity that would otherwise contravene that clause if that activity is a permissible use with respect to the sanctuary zone.
- (4) In this clause:
work includes a jetty, wharf, pontoon, groyne, retaining wall, boat ramp, mooring, aquaculture facility, boardwalk, navigation marker, regulatory authority sign and stormwater drain.

Division 3 Habitat protection zones**8 Description of habitat protection zones**

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

Coastal habitat protection zone (map 1)

An area bounded as follows:

- (a) commencing at the southern end of One Mile Beach at the intersection of the coastal mean high water mark and the segment of the marine park boundary that follows latitude 32°11.793'S,
- (b) then due east, along the northern boundary of the marine park, to the intersection of the northern boundary with the eastern boundary of the marine park,
- (c) then generally south along the eastern boundary of the marine park to the point on the marine park boundary nearest to 32°15.830'S, 152°36.574'E,
- (d) then generally north-west to the point on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to 32°14.772'S, 152°34.300'E,
- (e) then generally south-west, along the 40 metre depth contour line, as shown on Chart AUS 362, to, due south of the northern end of Stockton Beach, the intersection of the contour line with the boundary of the marine park,
- (f) then due north, along the segment of the marine park boundary that follows longitude 152°04.417'E, to the northern end of Stockton Beach at the intersection of that segment of the boundary with the coastal mean high water mark,
- (g) then generally east and north-east along the coastal mean high water mark to the point on the mean high water mark of Tomaree Head nearest to 32°42.669'S, 152°11.151'E,
- (h) then generally north-east to the point on the mean high water mark of Yacaaba Head nearest to 32°41.995'S, 152°11.435'E,
- (i) then generally north-east along the coastal mean high water mark to the point of commencement,

as shown on map 1, but not including any sanctuary zone or special purpose zone of the marine park as described in Division 2 or 4 and not including the Smiths Lake, Sawtooth, Edith

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Breakers, Fiona Beach, Broughton Island, Open Ocean or Cabbage Tree Island habitat protection zone as described in this Division.

Tarbuck Bay habitat protection zone

An area bounded as follows:

- (a) commencing at the western entrance to Tarbuck Bay at the point on the mean high water mark nearest to 32°22.399'S, 152°28.508'E,
- (b) then generally north, east and south, along the mean high water mark of Tarbuck Bay, to the point on the mean high water mark nearest to 32°22.414'S, 152°29.027'E,
- (c) then due west to Little Island at the point on the mean high water mark nearest to 32°22.414'S, 152.28.942'E,
- (d) then generally west, along the mean high water mark, to the point on the mean high water mark nearest to 32°22.399'S, 152°28.813'E,
- (e) then due west to the point of commencement.

Smiths Lake habitat protection zone

An area bounded as follows:

- (a) commencing on the southern shore of Smiths Lake at the point on the mean high water mark nearest to 32°23.755'S, 152°30.338'E,
- (b) then generally north to the northern shore of Smiths Lake at the point on the mean high water mark nearest to 32°23.407'S, 152°30.370'E,
- (c) then generally north, east, south and west, along the mean high water mark of the closed lake, to the point of commencement.

Sawtooth habitat protection zone

An area bounded as follows:

- (a) commencing on Sugarloaf Point at the point on the mean high water mark nearest to 32°26.477'S, 152°32.381'E,
- (b) then due east, approximately 500 metres, to 32°26.477'S, 152°32.696'E,
- (c) then due south to 32°26.923'S, 152°32.696'E, approximately 200 metres generally south-east of Seagull Island,

-
- (d) then generally south-west to 32°27.117'S, 152°32.258'E,
 - (e) then due north to Sugar Loaf Point (Lighthouse Beach) at the point on the mean high water nearest to 32°26.537'S, 152°32.258'E,
 - (f) then generally east and north, along the mean high water mark, to the point of commencement.

Edith Breakers habitat protection zone

An area bounded as follows:

- (a) commencing at 32°27.566'S, 152°31.239'E, approximately 500 metres south of Treachery Head,
- (b) then due south to the point on the 40 metre depth contour line, as shown on Chart AUS 362, nearest to 32°29.255'S, 152°31.239'E,
- (c) then generally west along the contour line to the point on the line nearest to 32°29.549'S, 152°29.414'E,
- (d) then due north to 32°27.773'S, 152°29.414'E,
- (e) then generally east, along a line parallel to, but 500 metres seaward of, the coastal mean high water mark to the point of commencement.

Fiona Beach habitat protection zone

An area bounded as follows:

- (a) commencing on Fiona Beach at the point on the mean high water mark nearest to 32°27.739'S, 152°28.501'E,
- (b) then due south to the point on the mean low water mark nearest to 32°27.753'S, 152°28.501'E,
- (c) then generally south-west along the mean low water mark to the point on the mean low water mark nearest to 32°29.292'S, 152°24.563'E,
- (d) then generally north-west to the point on the mean high water mark nearest to 32°29.278'S, 152°24.552'E,
- (e) then generally north-east along the mean high water mark to the point of commencement.

Nerong Creek habitat protection zone

An area bounded as follows:

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

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (a) the point on the mean high water mark nearest to 32°31.300'S, 152°14.476'E on the eastern shoreline of the entrance of Nerong Creek, and
- (b) the point on the mean high water mark nearest to 32°31.335'S, 152°14.413'E on the western shoreline of the entrance of Nerong Creek,

but not including the Nerong Harbour special purpose zone as described in Division 4.

Myall River at Bombah Broadwater habitat protection zone

An area bounded as follows:

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

- (a) the point on the mean high water mark nearest to 32°31.213'S, 152°14.835'E on the western shoreline of the Myall River, and
- (b) the point on the mean high water mark nearest to 32°31.236'S, 152°14.935'E on the eastern shoreline of the Myall River.

Broughton Island habitat protection zone

An area bounded as follows:

- (a) commencing on Broughton Island at 32°37.677'S, 152°19.151'E,
- (b) then generally north, along the mean high water mark, to the point on the mean high water mark nearest to 32°37.422'S, 152°19.067'E,
- (c) then generally north-east across Esmeralda Cove to the north-eastern shoreline of Esmeralda Cove at the point on the mean high water mark nearest to 32°37.313'S, 152°19.222'E,
- (d) then generally east and north, along the mean high water mark of Broughton Island, to the point on the mean high water mark nearest to 32°37.047'S, 152°19.718'E,
- (e) then generally south-east to Little Broughton Island at the point on the mean high water mark nearest to 32°37.138'S, 152°19.846'E,

-
- (f) then generally south-east, along the mean high water mark of the western side of Little Broughton Island, to the point on the mean high water mark nearest to 32°37.490'S, 152°20.131'E,
 - (g) then generally south-east to 32°37.525'S, 152°20.151'E, off Little Broughton Island,
 - (h) then generally west to the point of commencement.

Open Ocean habitat protection zone

An area bounded as follows:

- (a) commencing at 32°36.568'S, 152°20.962'E,
- (b) then generally east to the point on the eastern boundary of the marine park boundary nearest to 32°36.770'S, 152°23.724'E,
- (c) then generally south along the eastern boundary of the marine park to the point on the boundary nearest to 32°39.945'S, 152°22.251'E,
- (d) then generally north-west to 32°38.500'S, 152°19.896'E,
- (e) then generally east to 32°38.148'S, 152°20.614'E,
- (f) then generally north-east to 32°37.800'S, 152°20.917'E,
- (g) then generally north to 32°37.502'S, 152°20.962'E,
- (h) then due north to the point of commencement.

Cabbage Tree Island habitat protection zone

An area bounded as follows:

- (a) commencing on the northern end of Cabbage Tree Island at the point on the mean high water mark nearest to 32°41.036'S, 152°13.404'E,
- (b) then generally south, along the mean high water mark of the western side of Cabbage Tree Island, to the southern end of Cabbage Tree Island at the point on the mean high water mark nearest to 32°41.543'S, 152°13.455'E,
- (c) then due west approximately 1,000 metres to 32°41.543'S, 152°12.814'E,
- (d) then due north to 32°40.761'S, 152°12.814'E,
- (e) then due east to 32°40.761'S, 152°13.404'E,
- (f) then due south to the point of commencement.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Little Beach habitat protection zone (map 29)

An area bounded as follows:

- (a) commencing on Little Beach, adjacent to the disabled access jetty, at the point on the mean high water mark nearest to 32°42.816'S, 152°09.443'E (point 29a),
- (b) then due north approximately 15 metres to the marine pile (point 29b), adjacent to the northern end of the disabled access jetty, at or about 32°42.808'S, 152°09.443'E,
- (c) then generally north-east to the marine pile (point 29c) at or about 32°42.790'S, 152°09.449'E,
- (d) then generally north-east to 32°42.675'S, 152°09.491'E (point 29d),
- (e) then due east to Little Beach at the point (point 29e) on the mean high water mark nearest to 32°42.675'S, 152°09.526'E,
- (f) then generally south-west, along the mean high water mark of Little Beach, to the point of commencement,

as shown on map 29.

Dutchmans Beach habitat protection zone

An area bounded as follows:

- (a) commencing on the western side of Fly Point at the point on the mean high water mark nearest to 32°42.892'S, 152°09.052'E,
- (b) then generally south-west and west, along the mean high water mark, to, adjacent to the western side of Redpatch Point, the point on the mean high water mark nearest to 32°43.207'S, 152°07.786'E,
- (c) then generally north to starboard navigation marker No 015 at or about 32°42.273'S, 152°07.556'E,
- (d) then generally south-east to starboard navigation marker No 014 at or about 32°42.377'S, 152°07.963'E,
- (e) then generally south-east to starboard navigation marker No 008 at or about 32°42.516'S, 152°08.351'E,
- (f) then generally south-east to starboard navigation marker No 007 at or about 32°42.652'S, 152°08.719'E,
- (g) then generally south-east to the point of commencement, but not including the Nelson Bay Marina special purpose zone as described in Division 4.

Tilligerry Creek habitat protection zone

An area bounded as follows:

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

- (a) the point on the mean high water mark nearest to 32°44.600'S, 152°03.133'E on the northern end of Fenninghams Island, and
- (b) the point on the mean high water mark nearest to 32°34.305'S, 152°02.455'E on the southern entrance to Lemon Tree Passage.

Evens Point habitat protection zone

An area bounded as follows:

- (a) commencing on the shore of Swan Bay south of Carcair Point at the point on the mean high water mark nearest to 32°41.887'S, 151°58.706'E,
- (b) then to the point 100m due east of the point described in paragraph (a),
- (c) then generally south parallel to the shoreline 100 metres seaward of the mean high water to the point 100 metres due east of the point on the mean high water mark nearest to 32°42.356'S, 151°58.681'E on Evens Point,
- (d) then due west to the point on the mean high water mark nearest to 32°42.356'S, 151°58.681'E on Evens Point,
- (e) then generally north following the mean high water mark to the point of commencement.

Karuah River habitat protection zone

An area bounded as follows:

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

- (a) the point on the mean high water mark nearest to 32°37.323'S, 151°57.485'E on the western bank, and
- (b) the point on the mean high water mark nearest to 32°37.274'S, 151°57.723'E on the eastern bank,

but not including the Karuah River or Little Branch Creek sanctuary zone as described in Division 2.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Soldiers Point habitat protection zone

An area bounded as follows:

- (a) commencing at the eastern entrance to Fame Cove at the point on the mean high water mark nearest to 32°41.156'S, 152°03.508'E,
- (b) then generally east, along the mean high water mark, to the western end of Piggys Beach at the point on the mean high water mark nearest to 32°41.348'S, 152°04.327'E,
- (c) then due south to Kangaroo Point at the point on the mean high water mark nearest to 32°42.423'S, 152°04.327'E,
- (d) then generally west and north, along the mean high water mark of Soldiers Point, to the point on the mean high water mark nearest to 32°41.913'S, 152°03.800'E,
- (e) then due west to 32°41.913'S, 152°03.508'E,
- (f) then due north to the point of commencement.

Tea Gardens habitat protection zone

An area bounded as follows:

- (a) commencing on the western shoreline of the Myall River at the point on the mean high water mark nearest to 32°39.521'S, 152°09.561'E,
- (b) then generally south-east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to 32°39.624'S, 152°09.889'E,
- (c) then generally south-west and south-east along the mean high water mark to the point on the mean high water mark nearest to 32°40.073'S, 152°10.126'E,
- (d) then generally south-west to 32°40.146'S, 152°10.003'E,
- (e) then generally north-west, along a line parallel to, but 40 metres east of, the mean high water mark of the western bank of the Myall River to the point on that line nearest to 32°39.616'S, 152°09.473'E,
- (f) then due west to the point on the mean high water mark of the western bank of the Myall River nearest to 32°39.616'S, 152°09.473'E,
- (g) then generally north, along the mean high water mark, to the point of commencement.

Myall River Camp habitat protection zone

An area bounded as follows:

- (a) commencing at the point on the mean high water mark nearest to 32°38.105'S, 152°10.753'E,
- (b) then due east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to 32°38.105'S, 152°10.850'E,
- (c) then generally south, along the mean high water mark of the eastern shoreline of the Myall River, to the point on the mean high water mark nearest to 32°38.425'S, 152°10.495'E,
- (d) then due north to the point on the mean high water mark nearest to 32°38.385'S, 152°10.495'E,
- (e) then generally east and north-east along the mean high water mark to the point of commencement.

9 Taking of certain plants permitted in habitat protection zones

- (1) Despite clause 11 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in a habitat protection zone of the marine park.
- (2) Despite clause 11 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in a habitat protection zone of the marine park.
Note. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.
- (3) Despite subclauses (1) and (2), a person must not, while in the Little Beach or the Fiona Beach habitat protection zone, take or attempt to take any plant.

10 Habitat protection zone permitted fishing activities

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

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

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

is not to be construed as authorising any fishing activity that would contravene this clause.

- (2) Subject to clause 11 of this Part, the following fishing activities are permitted in a habitat protection zone of the marine park:

(a) **Netting—general**

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

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

(b) **Submersible lift net (bait) and purse seine net**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a submersible lift net (bait) or a purse seine net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in the following locations within a habitat protection zone of the marine park:

- (i) that part of the Coastal habitat protection zone that is within 1 kilometre of the mean high water mark around Broughton Island,
- (ii) the Cabbage Tree Island habitat protection zone,
- (iii) within 1 kilometre of the mean high water mark of Elizabeth Beach,
- (iv) coastal waters, lying between 32°42.669'S and 32°43.121'S (near Tomaree Head) that are not more than 500 metres seaward of the coastal mean high water mark,
- (v) within 2 kilometres of 32°44.900'S, 152°12.066'E (Point Stephens).

(c) **Prawn net (set pocket)**

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

- (i) the Smiths Lake habitat protection zone,
- (ii) the Myall River Camp habitat protection zone.

(d) **Haul netting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hauling net (general purpose) or a pilchard, anchovy and bait net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from the following beaches:

- (i) Boat Harbour Beach,
- (ii) One Mile Beach,
- (iii) Samurai Beach,
- (iv) Fingal Beach,
- (v) Fingal Spit,
- (vi) Bennetts Beach,
- (vii) Mungo Beach,
- (viii) Boat Beach,
- (ix) Number One Beach,
- (x) Shelly Beach,
- (xi) Elizabeth Beach,
- (xii) Seven Mile Beach,
- (xiii) Lighthouse Beach.

(e) **Garfish net**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a garfish net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in habitat protection zone waters that are not estuarine waters.

(f) **Fish and lobster trapping**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a fish trap or lobster trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(g) **Eel and crab trapping**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of an eel trap or crab trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

(h) **Collecting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by hand picking (within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*), if the use of that method to take that fish is lawful under the *Fisheries Management Act 1994*.

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

11 **Prohibited activities relating to fishing**

Note.

- 1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in the habitat protection zone unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.
 - 2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.
- (1) A person must not, while in a habitat protection zone of the marine park, take or attempt to take any fish of a species not listed in table B.
 - (2) A person must not, while in the Cabbage Tree Island habitat protection zone, take or attempt to take any fish of a species not listed in table C.
 - (3) A person must not, while in the Edith Breakers habitat protection zone, take or attempt to take fish other than by way of artificial lure, artificial fly, fish trap, lobster trap, hand picking or spear gun.
 - (4) A person must not, while in the Sawtooth or Broughton Island habitat protection zone, take or attempt to take fish other than by way of artificial lure, artificial fly, fish trap, lobster trap, hand picking or spear gun.
 - (5) A person must not, while in the Sawtooth or Broughton Island habitat protection zone, take or attempt to take fish if the person is using a vessel in connection with the taking, or the attempt to take, fish and the vessel is anchored or moored in the Sawtooth or Broughton Island habitat protection zone.

-
- (6) A person must not, while in the Fiona Beach habitat protection zone, take or attempt to take any fish other than by way of hand picking for commercial purposes.
- (7) A person must not, while in the Dutchmans Beach habitat protection zone, take or attempt to take any invertebrate fish by hand picking.
- (8) A person must not, while in the Little Beach habitat protection zone:
- (a) take or attempt to take any invertebrate fish by hand picking, or
 - (b) take or attempt to take fish other than by use of a hook and hand held line used while the person is on either of the 2 public jetties on Little Beach or on tidal lands between the jetties, or
 - (c) berley the waters of the zone.
- (9) A person must not, while in the Open Ocean habitat protection zone, take or attempt to take fish unless the person does so by trolling while engaged in recreational fishing.
- (10) A person must not, while in the Open Ocean habitat protection zone, take or attempt to take fish by any method between 1 May and 30 November (inclusive) in any year.
- (11) In this clause:
- hand picking*** has the same meaning as it has in the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.
- trolling*** means the method of taking fish by trailing a hand held line behind an underway vessel.

12 Cabbage Tree Island habitat protection zone fish possession prohibition

Note. Clause 19 (1A) of this Regulation makes it an offence to be in possession of an animal in a part of the marine park in which the possession of the animal is prohibited. This clause imposes such a prohibition.

- (1) A person must not, while in the Cabbage Tree Island habitat protection zone, be in possession of any fish of a species not listed in table C unless the person is engaged in commercial fishing.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (2) It is a defence to a prosecution for an offence in respect of a contravention of subclause (1) if the person charged satisfies the court that the person brought the fish into the zone as packaged bait.

13 Aquaculture

Intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture) Regulation 2002*, are not permissible in the estuarine waters of a habitat protection zone of the marine park.

14 Oyster depuration

Despite clause 11 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a habitat protection zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

15 Use of lights in Cabbage Tree Island habitat protection zone

- (1) A person must not, within the Cabbage Tree Island habitat protection zone, use a light or lights for longer than 5 minutes in any 60 minute period between sunset and sunrise.
- (2) The use of the following lights does not contravene subclause (1):
- (a) a light required to be used under the *Navigation Act 1901* or the *Marine Safety Act 1998*,
 - (b) a permitted light.
- (3) For the purposes of this clause, a **permitted light** is a light that is situated no higher than 5 metres above sea-level and shrouded or otherwise designed so that the beam of light it projects is:
- (a) projected downwards, and
 - (b) no greater than 20 metres wide at its widest point.

Division 4 Special purpose zones

16 Area descriptions

The special purpose zones of the marine park are comprised of the zones and groups of zones set out in this Division.

Group 1 (Aquaculture)**Class 1 lease special purpose zone**

An area comprised of the following areas:

- (a) the leased area of any class 1 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part that is bounded by a sanctuary zone of the marine park,
- (b) any priority oyster aquaculture area, within the meaning of the *NSW Oyster Industry Sustainable Aquaculture Strategy* as adopted by *State Environmental Planning Policy No 62—Sustainable Aquaculture*, that is bounded by a sanctuary zone of the marine park.

Class 3 lease special purpose zone

An area comprised of the leased area of any class 3 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part.

Group 2 (Fish feeding)**Fly Point Cove special purpose zone**

An area bounded as follows:

- (a) commencing in the vicinity of Fly Point at the point on the mean high water mark nearest to 32°42.839'S, 152°09.184'E,
- (b) then generally south-west along the mean high water mark to the point on the mean high water mark nearest to 32°42.864'S, 152°09.088'E,
- (c) then generally north-east to the point of commencement.

Group 3 (Vessel related facilities)**Little Beach special purpose zone**

An area bounded as follows:

- (a) commencing on the coast of Little Beach adjacent to the Little Beach disabled access jetty at the point on the mean high water mark nearest to 32°42.822'S, 152°09.418'E,
- (b) then generally west along the mean high water mark to, adjacent to the western side of the Little Beach Marina, the

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

point on the mean high water mark nearest to 32°42.818'S, 152°09.382'E,

- (c) then due north to 32°42.791'S, 152°09.382'E,
- (d) then due east to 32°42.791'S, 152°09.418'E,
- (e) then due south to the point of commencement.

Nelson Bay Marina special purpose zone

An area bounded as follows:

- (a) commencing immediately outside the eastern wall of the D'Albora marina at the point on the mean high water mark nearest to 32°43.077'S, 152°08.923'E,
- (b) then generally west, along the mean high water mark, to, immediately outside the western wall of the marina, the point on the mean high water mark nearest to 32°43.083'S, 152°08.460'E,
- (c) then due north to 32°43.013'S, 152°08.460'E,
- (d) then due east to 32°43.013'S, 152°08.923'E,
- (e) then due south to the point of commencement.

Anchorage Marina special purpose zone

An area bounded as follows:

- (a) commencing immediately outside the eastern wall of Anchorage Marina Port Stephens at the point on the mean high water mark nearest to 32°43.074'S, 152°06.387'E,
- (b) then generally west along the mean high water mark to, immediately outside the western wall of the marina, the point on the mean high water mark nearest to 32°43.041'S, 152°06.182'E,
- (c) then due north to 32°42.964'S, 152°06.182'E,
- (d) then due east to 32°42.964'S, 152°06.387'E,
- (e) then due south to the point of commencement.

Soldiers Point special purpose zone

An area bounded as follows:

- (a) commencing on Soldiers Point at the point on the mean high water mark nearest to 32°41.913'S, 152°03.800'E,
- (b) then generally south-west and south along the mean high water mark to immediately south of 'The Moorings' jetty

at the point on the mean high water mark nearest to 32°42.330'S, 152°03.774'E,

- (c) then due west to 32°42.330'S, 152°03.506'E,
- (d) then generally north-east to 32°42.125'S, 152°03.577'E,
- (e) then generally north-west to 32°41.913'S, 152°03.508'E,
- (f) then due east to the point of commencement.

Lemon Tree Passage special purpose zone

An area bounded as follows:

- (a) commencing at the point on the mean high water mark nearest to 32°43.701'S, 152°02.378'E,
- (b) then due east to 32°43.701'S, 152°02.564'E,
- (c) then generally south along the western edge of the mangrove trees of Bulls Island to 32°44.120'S, 152°02.640'E,
- (d) then due west to the point on the mean high water mark nearest to 32°44.120'S, 152°02.513'E,
- (e) then generally north along the mean high water mark to the point of commencement.

Oyster Cove special purpose zone

An area bounded as follows:

- (a) commencing at the point on the mean high water mark nearest to 32°44.004'S, 151°57.147'E,
- (b) then generally south-west, along the mean high water mark, to the point on the mean high water mark nearest to 32°44.298'S, 151°56.847'E,
- (c) then generally north-west to 32°44.218'S, 151°56.790'E,
- (d) then generally north-east to the starboard navigation marker at or about 32°44.169'S, 151°56.889'E,
- (e) then generally north-east to the starboard navigation marker at or about 32°44.116'S, 151°56.970'E,
- (f) then generally north-east to the starboard navigation marker at or about 32°43.963'S, 151°57.110'E,
- (g) then generally south-east to the point of commencement.

Group 4 (Commercial and residential precincts)

Tea Gardens special purpose zone

An area bounded as follows:

- (a) commencing on the western bank of the Myall River at the point on the mean high water mark nearest to 32°39.616'S, 152°09.473'E,
- (b) then due east to the point 40 metres due east of the point of commencement,
- (c) then generally south-east, along a line parallel to, but 40 metres east of, the mean high water mark of the western bank of the Myall River to the point on that line nearest to 32°40.146'S, 152°10.003'E,
- (d) then generally north-east to the eastern bank of the Myall River at the point on the mean high water mark nearest to 32°40.073'S, 152°10.126'E,
- (e) then generally south-east along the mean high water mark of the eastern bank of the Myall River to the point on the mean high water mark nearest to 32°40.116'S, 152°10.166'E,
- (f) then generally south-west to the western bank of the Myall River at the point on the mean high water mark nearest to 32°40.216'S, 152°09.995'E,
- (g) then generally north, north-east and north-west along the mean high water mark of the western bank of the Myall River to the point of commencement.

Nerong Harbour special purpose zone

An area bounded as follows:

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

- (a) the point on the mean high water mark nearest to 32°30.566'S, 152°12.976'E on the eastern bank, and
- (b) the point on the mean high water mark nearest to 32°30.583'S, 152°12.921'E on the western bank.

Group 5 (Fisheries and aquaculture research)**Port Stephens Fisheries Centre special purpose zone**

An area bounded as follows:

- (a) commencing at the point on the mean high water mark nearest to 32°44.816'S, 152°03.329'E,
- (b) then to the point 50 metres due west of the point of commencement,
- (c) then generally north, east and south, along a line parallel to, but 50 metres seaward of, the coastal mean high water mark to 32°44.676'S, 152°03.559'E,
- (d) then generally east to the point on the mean high water mark nearest to 32°44.683'S, 152°03.628'E,
- (e) then generally south-east, south, north-west and south along the mean high water mark to the point of commencement.

Group 6 (Education)**Smiths Lake special purpose zone**

An area bounded as follows:

- (a) commencing on Horse Point at the point on the mean high water mark nearest to 32°23.643'S, 152°28.750'E,
- (b) then generally south and south-west, along the mean high water mark, to the point on the mean high water mark nearest to 32°23.975'S, 152°28.453'E,
- (c) then generally north-east to the point of commencement.

17 Special purpose zones—objects

- (1) The object of the special purpose zones that comprise group 1, as referred to in clause 16, is to provide for the management of the kinds of aquaculture in respect of which a class 1, 2, or 3 lease may be granted under the *Fisheries Management (Aquaculture) Regulation 2002*.
- (2) The object of the special purpose zone that comprises group 2, as referred to in clause 16, is to provide for fish feeding.
- (3) The object of the special purpose zones that comprise group 3, as referred to in clause 16, is to provide for marinas and other maritime facilities and for the management of the kinds of aquaculture in respect of which a class 1 or 2 lease may be

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

granted under the *Fisheries Management (Aquaculture) Regulation 2002*.

- (4) The object of the special purpose zone that comprises group 4, as referred to in clause 16, is to provide for commercial and residential facilities of the type and scale provided, in the relevant zone, immediately before the commencement of this Part.
- (5) The object of the special purpose zone that comprises group 5, as referred to in clause 16, is to provide for fisheries and aquaculture research.
- (6) The object of the special purpose zone that comprises group 6, as referred to in clause 16, is to provide for educational activities.

18 Oyster depuration

Despite clause 18A of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a special purpose zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

19 Special purpose zones—plants

Despite clause 18A of this Regulation, a person may take a plant by a particular method while in a special purpose zone of the marine park if the person is permitted under this Part to take that species of plant by that method in a zone that adjoins the special purpose zone concerned.

Note. Clause 18A of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a special purpose zone except with the consent of the relevant Ministers.

20 Special purpose zones—fishing

For the purposes of clause 18B of this Regulation, a person must not take or attempt to take fish in a special purpose zone unless the taking of that species of fish by the method used is permitted in a zone that adjoins the special purpose zone concerned.

Note. Clause 18B of this Regulation creates an offence of taking or attempting to take fish in a special purpose zone in contravention of the zoning plan for a marine park. However, a person may obtain the consent of the relevant Ministers to take or attempt to take fish.

21 Intensive aquaculture and fish ranching not permissible in estuarine waters in special purpose zones

Despite clause 18C of this Regulation, intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture)*

Regulation 2002, are not permissible in the estuarine waters of a special purpose zone of the marine park.

Division 5 General use zone

22 Description of general use zone

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

23 Oyster depuration

Despite clause 15 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a general use zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

24 Taking of certain plants permitted in general use zone

- (1) Despite clause 15 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in the general use zone of the marine park.
- (2) Despite clause 15 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in the general use zone of the marine park.

Note. Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

25 Fishing permitted in general use zone

- (1) A person must not take or attempt to take fish in the general use zone of the marine park unless the taking of the fish, and the method used to take the fish, is lawful under the *Fisheries Management Act 1994*.
- (2) This clause is subject to the other provisions of this Regulation. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Regulation.

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

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

26 Seasonal closure to netting in Bombah Broadwater

A person must not take or attempt to take fish, in the course of commercial fishing, by way of any net between 1 May and 31 August (inclusive) in any year in the area within the general use zone bounded as follows:

- (a) commencing on the western shoreline of the entrance of Nerong Creek at the point on the mean high water mark nearest to 32°31.335'S, 152°14.413'E,
- (b) then generally east to the eastern shoreline of the entrance of Nerong Creek at the point on the mean high water mark nearest to 32°31.300'S, 152°14.476'E,
- (c) then generally north-east, along the mean high water mark, to the western shoreline of the Myall River at the point on the mean high water mark nearest to 32°31.213'S, 152°14.835'E,
- (d) then generally east to the eastern shoreline of the Myall River at the point on the mean high water mark nearest to 32°31.236'S, 152°14.935'E,
- (e) then generally south-east, along the mean high water mark, to the southern end of Bulahdelah Point at the point on the mean high water mark nearest to 32°31.473'S, 152°15.207'E,
- (f) then generally south-east to starboard navigation marker No 457 at or about 32°31.735'S, 152°15.350'E,
- (g) then generally west to the point on the mean high water mark nearest to 32°31.744'S, 152°15.403'E,
- (h) then generally north along the mean high water mark of Bombah Broadwater to the point of commencement.

27 Trawling prohibited in estuarine waters in general use zone

A person must not take or attempt to take fish in estuarine waters within the general use zone of the marine park by way of trawling.

28 Intensive aquaculture and fish ranching not permissible in estuarine waters in general use zone

Despite clause 17 of this Regulation, intensive cultivation of fish or marine vegetation and fish ranching, within the meaning of clause 30 of the *Fisheries Management (Aquaculture) Regulation 2002*, are not permissible in estuarine waters within the general use zone of the marine park.

Division 6 General permissions and prohibitions**29 Permits not required for 12 months after commencement of zoning plan**

A person does not commit an offence against clause 24 of this Regulation if the person carries out an activity described in clause 24 (1) (a) or (b) of this Regulation in the marine park without the consent of the relevant Ministers within 12 months after the commencement of this Part.

Note. Clause 24 (1) of this Regulation makes it an offence to sell or hire any thing or service or conduct any activity for money in a marine park, except with the consent of the relevant Ministers. Clause 24 (2) excludes commercial fishing from the prohibition.

30 Taking fish or plants for aquarium collection prohibited

- (1) A person must not, while in any part of the marine park, take or attempt to take any fish or plant for aquarium collection purposes.
- (2) A person does not commit an offence in respect of a contravention of subclause (1) if the activity was carried out with the consent of the relevant Ministers.

31 Shell collection for recreational purposes

- (1) Despite any other provision of this Regulation, a person may collect shells (in quantities not exceeding 5 shells per species per person per day or as otherwise permitted under the *Fisheries Management Act 1994*) for recreational purposes while in the following zones:
 - (a) a habitat protection zone (other than the Cabbage Tree Island habitat protection zone),
 - (b) the general use zone,
 - (c) a special purpose zone that adjoins a habitat protection zone or the general use zone.
- (2) This clause does not permit the taking of shells by hand picking (within the meaning of clause 11 of this Part) in the Dutchmans Beach or Little Beach habitat protection zones.

32 Set lining and droplining

A person must not, while in any part of the marine park, take or attempt to take fish by use of a set line or dropline.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

33 Cultivation of Pacific oysters

The cultivation of Pacific oysters (*Crassostrea gigas*) that is carried out:

- (a) in waters of the marine park in which such aquaculture is permitted by this Regulation, and
- (b) in accordance with an aquaculture permit or other authority issued under the *Fisheries Management Act 1994*,

and any activity reasonably incidental to such cultivation is not a contravention of clause 21 of this Regulation.

34 Identification of protected species

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

- (a) not listed in table B, or
- (b) the taking or harming of which is prohibited under section 19 or 220ZA of the *Fisheries Management Act 1994*,

is identified as a protected species for the purposes of the marine park.

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

35 Prohibition on domesticated animals

Despite clause 22 (1) of this Regulation, a person may bring a domesticated animal into the following parts of the marine park:

- (a) tidal lands of the marine park that are not directly seaward from lands reserved under the *National Parks and Wildlife Act 1974*,
- (b) waters of the marine park that are not part of lands reserved under the *National Parks and Wildlife Act 1974*.

Division 7 Use, mooring and anchoring of vessels and vehicles

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

36 Anchoring within a sanctuary zone

- (1) Despite clause 9 (1) of this Regulation, a person may anchor a vessel within a sanctuary zone of the marine park.

-
- (2) A person who is anchoring, or has anchored, a vessel within a sanctuary zone must not cause or allow the anchor or any other part of the vessel or its gear to come into contact with a seagrass bed.
 - (3) It is a defence to a prosecution for an offence in respect of a contravention of subclause (2) if the person charged satisfies the court that the person took all reasonable steps to satisfy himself or herself that no part of the vessel or its gear would come into contact with a seagrass bed.

37 Hovercraft and airboats

- (1) A person must not, except with the consent of the relevant Ministers, use a hovercraft or airboat in any part of the marine park.
- (2) Subclause (1) does not apply to:
 - (a) an officer or employee of a regulatory authority using the hovercraft or airboat in the course of the regulatory authority's business, or
 - (b) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

38 Sea-planes

- (1) A person must not, except with the consent of the relevant Ministers, use a sea-plane in any part of the marine park.
- (2) Subclause (1) does not apply to:
 - (a) a sea-plane that is airborne, or
 - (b) an officer or employee of a regulatory authority using the sea-plane in the course of the regulatory authority's business, or
 - (c) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

39 Motorised water-sport

- (1) A person must not engage in motorised water-sport in a sanctuary zone of the marine park.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

- (2) Subclause (1) does not apply to:
- (a) a person engaging in motorised water-sport in the Smiths Lake sanctuary zone or the Boolambayte Lake sanctuary zone, or
 - (b) a person engaging in motorised water-sport with the consent of the relevant Ministers in that part of the Fly Point—Corrie Island sanctuary zone that is south of the speed restricted area, within the meaning of clause 6 of this Part, or
 - (c) an officer or employee of a regulatory authority engaging in motorised water-sport in the course of the regulatory authority's business, or
 - (d) a person carrying out an activity referred to in clause 26 (1) (a), (b), (c) or (d) of this Regulation with the consent of the relevant Ministers.

- (3) In this clause:

aquaplaner means a person who is being conveyed on, in or above waters by maintaining himself or herself on flotation or aerial equipment, whether or not such person or equipment is at the time in contact with or directly over the waters.

irregular driving means driving a motorised vessel otherwise than generally in a straight line, and includes:

- (a) driving in a circle or other pattern, and
- (b) weaving or diverting, and
- (c) surfing down, or jumping over or across, any swell, wave or wash,

but does not include making any necessary turn or diversion.

motorised water-sport means the following:

- (a) irregular driving,
- (b) towing a water skier or aquaplaner with a motorised vessel.

water skier means a person who is engaged in maintaining himself in motion on, in, or above waters whether or not such person makes use of any flotation or aerial equipment and whether or not such person or equipment is at the relevant time in contact with or directly over the waters.

40 Personal watercraft prohibited in certain waters

- (1) A person must not use a personal watercraft on the waters of the Dutchmans Beach habitat protection zone that are within 200 metres of the mean high water mark.

-
- (2) Subclause (1) does not apply to:
- (a) a person using personal watercraft within the Nelson Bay Marina special purpose zone, or
 - (b) an officer or employee of a regulatory authority using a personal watercraft in the course of the regulatory authority's business.

41 Areas in which use of vehicles prohibited

- (1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching and retrieving vessels from a designated boat-launching facility.
- (2) This clause does not apply to or in respect of the following:
- (a) an authorised vehicle, a police vehicle or an emergency vehicle,
 - (b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) lawfully using a vehicle on a beach in connection with his or her fishing activities,
 - (c) a person who has been issued with a permit by the Port Stephens Council or the Great Lakes Council authorising the use of a motorised vehicle and who is using the vehicle in accordance with that permit,
 - (d) a person using a vehicle on a road, track, trail or area designated for vehicular use by the public in a nature reserve or national park dedicated or reserved under the *National Parks and Wildlife Act 1974*.
- (3) In this clause:
- authorised vehicle*** means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:
- (a) a regulatory authority,
 - (b) any other government department or public or local authority,
 - (c) a surf life saving club.
- designated boat-launching facility*** means a facility in the marine park designated by the Authority or another relevant government department or public or local authority as appropriate for boat-launching.

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

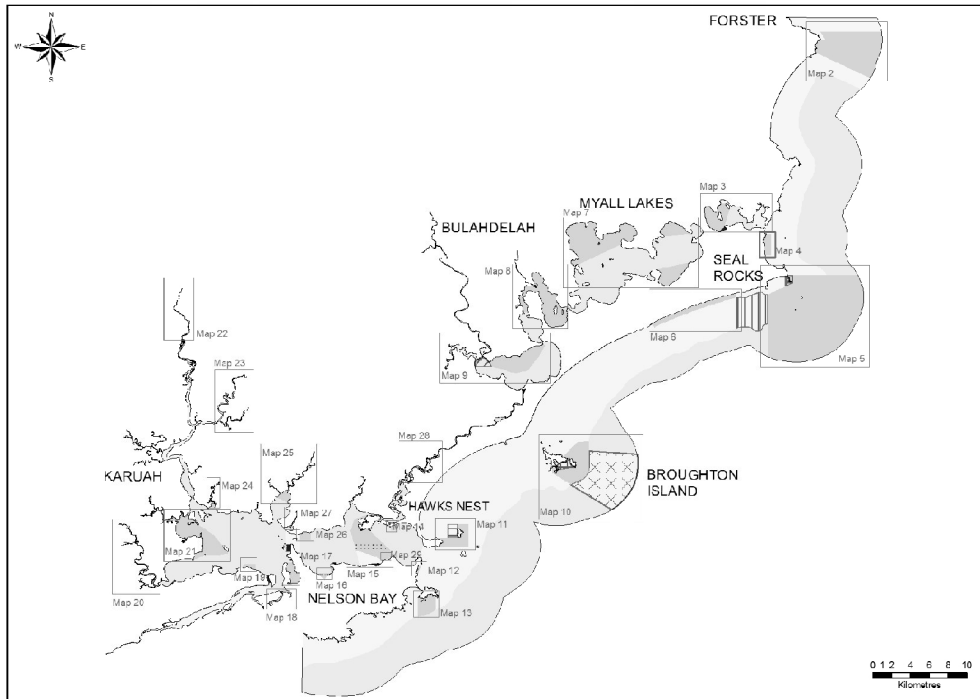
emergency vehicle has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

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

Division 8 Maps

Note. Map 1 provides an overview of the zoning scheme for the Port Stephens–Great Lakes Marine Park. Maps 2–29 provide additional detail.

Map 1 Zoning plan overview



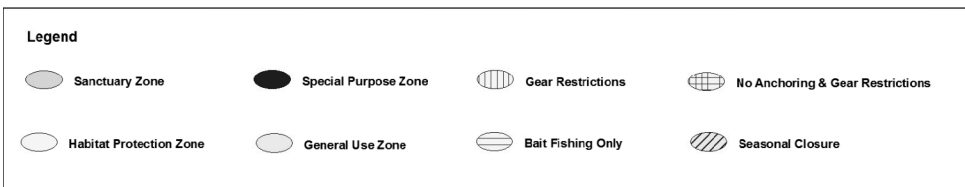
Legend					
	Sanctuary Zone		Habitat Protection Zone		No Anchoring & Restrictions Apply
	Special Purpose Zone		Fishing for Bait Only		Seasonal Recreational Trolling Only
	General Use Zone		Restrictions Apply		Seasonal Commercial Closure

2007 No 118

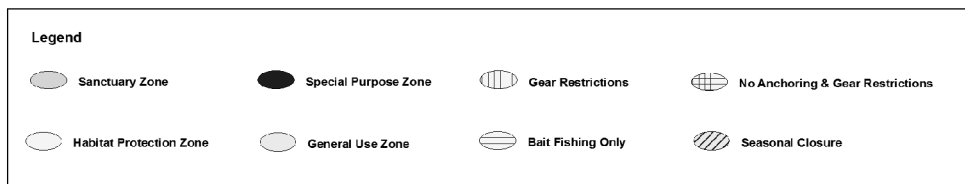
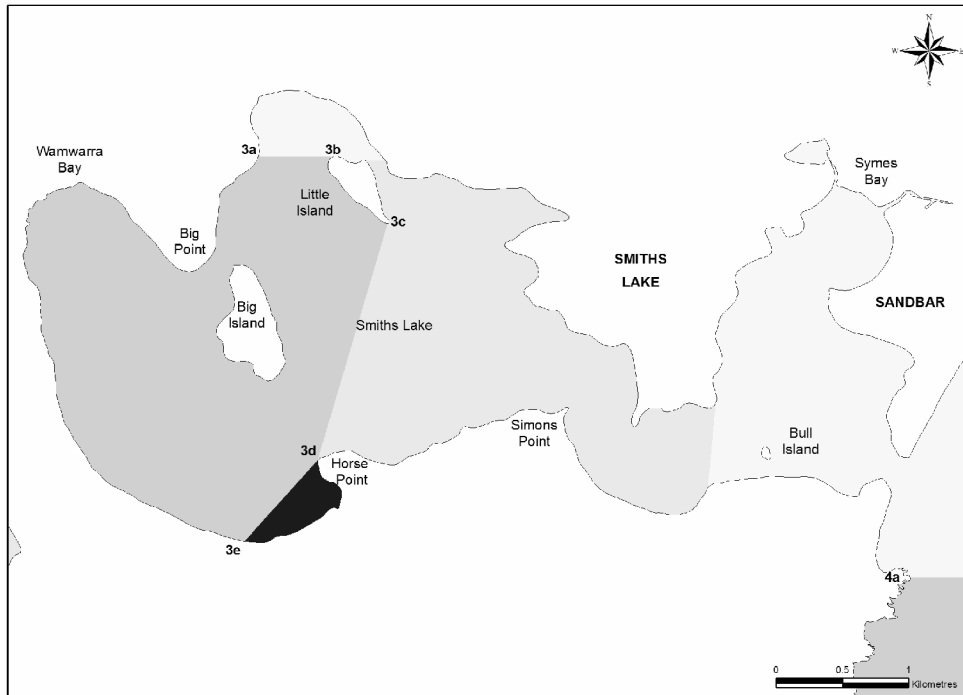
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 2 The Pinnacle



Map 3 Smiths Lake

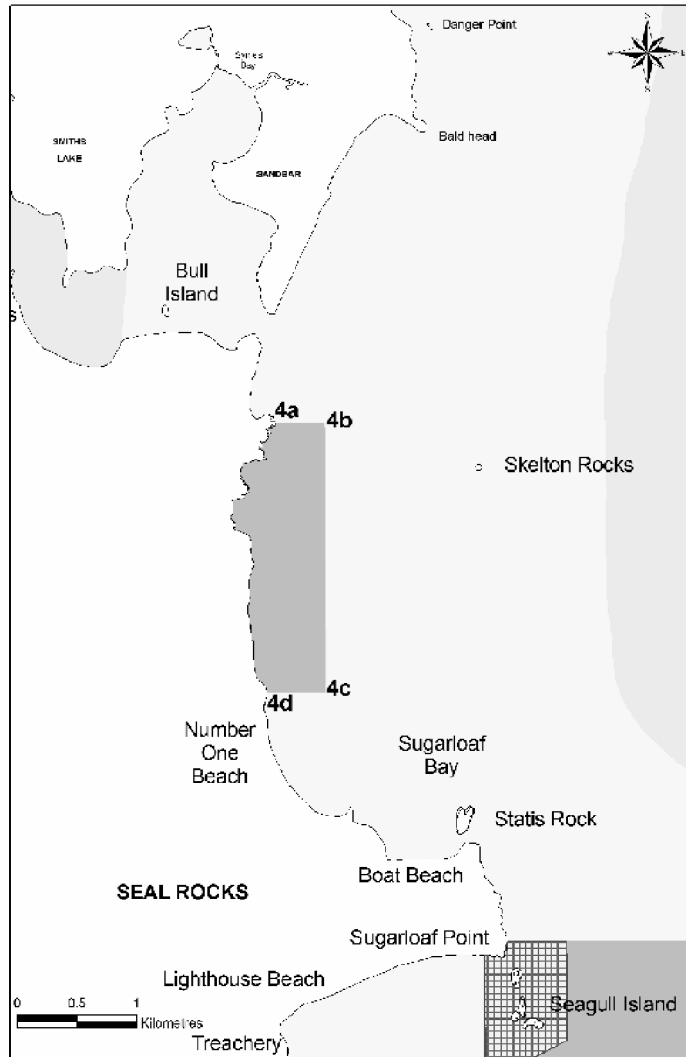


2007 No 118

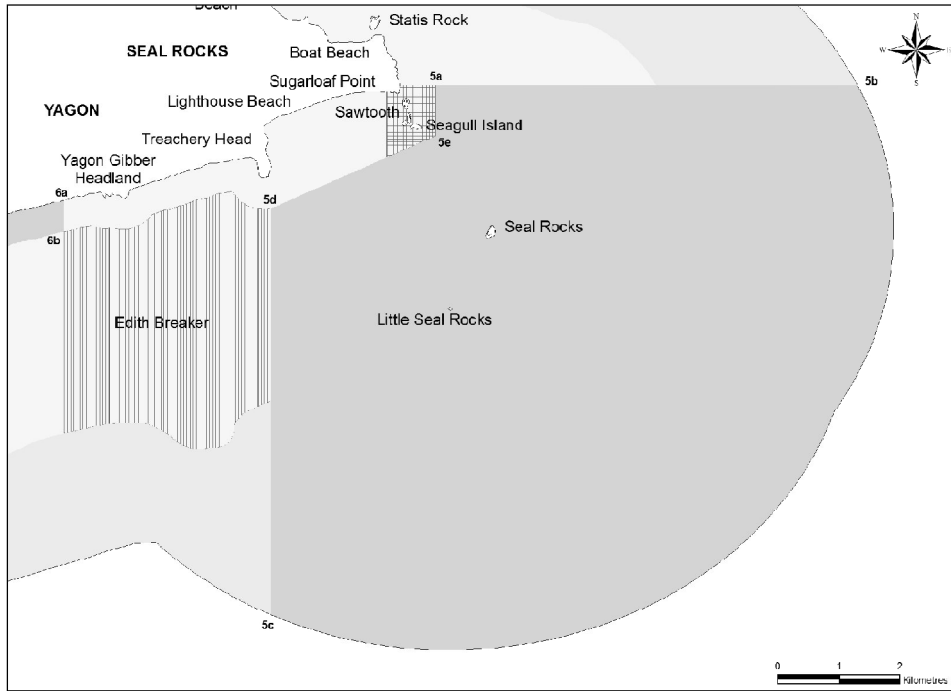
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 4 Celito South



Map 5 Seal Rocks



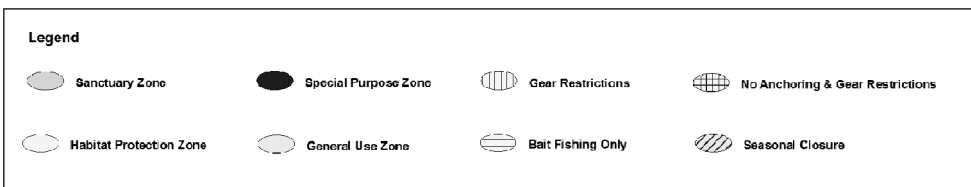
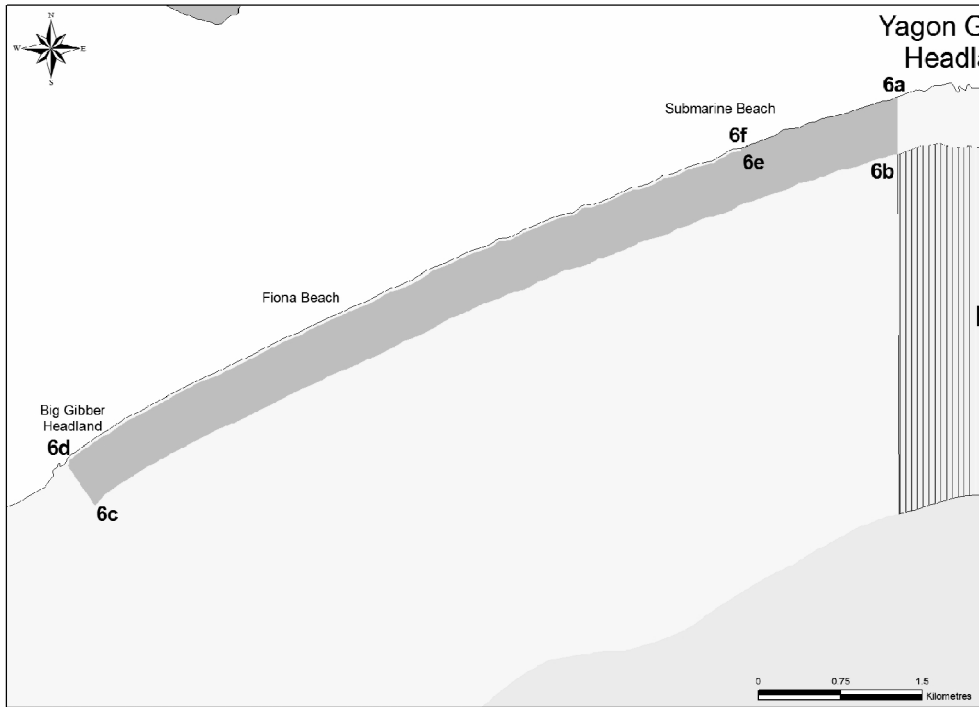
Legend			
Sanctuary Zone	Special Purpose Zone	Gear Restrictions	No Anchoring & Gear Restrictions
Habitat Protection Zone	General Use Zone	Bait Fishing Only	Seasonal Closure

2007 No 118

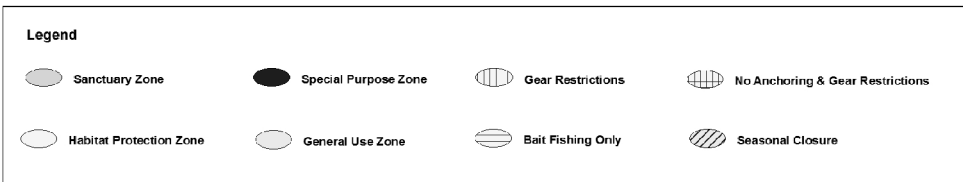
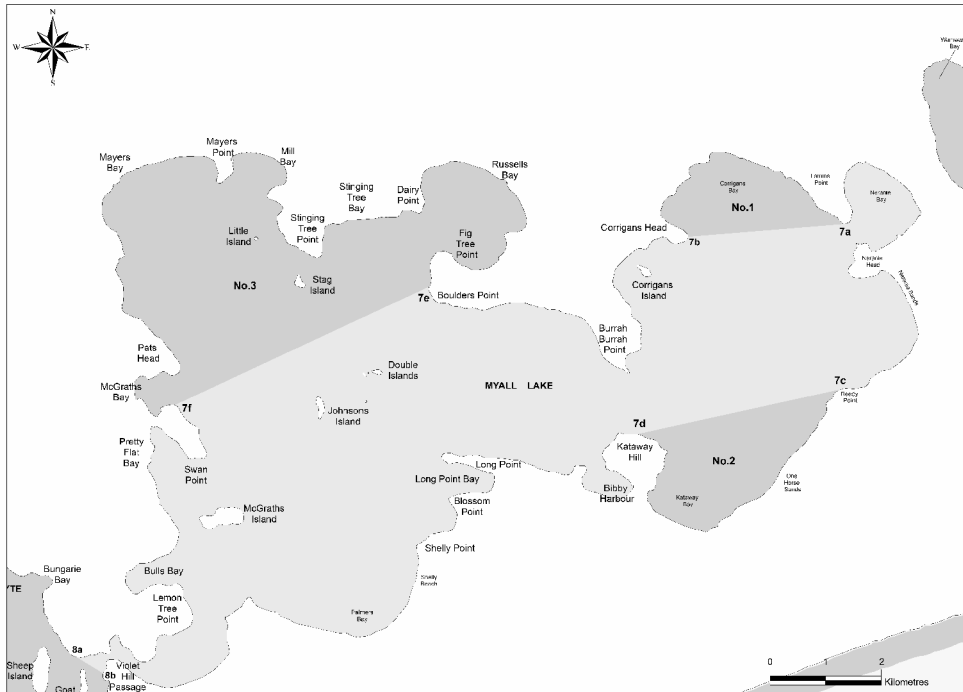
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 6 Fiona Beach



Map 7 Myall Lake

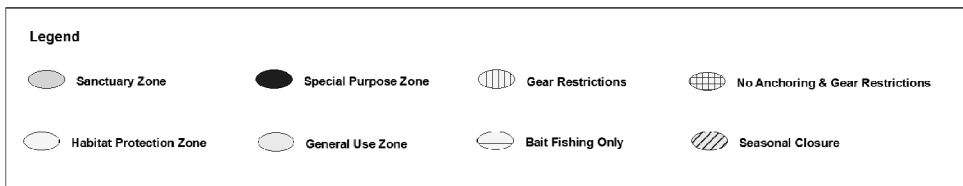
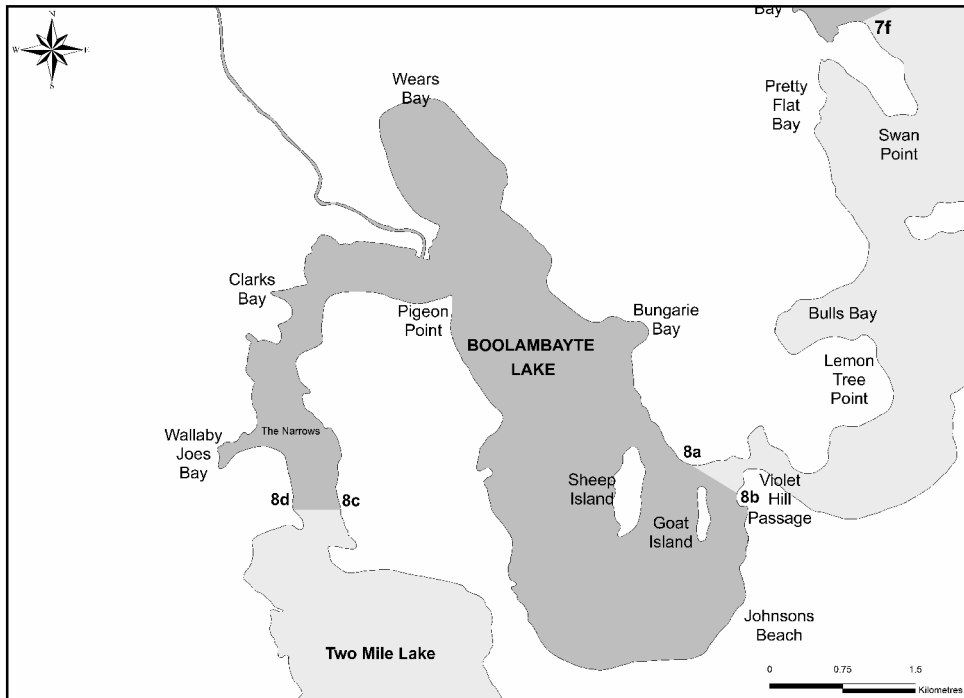


2007 No 118

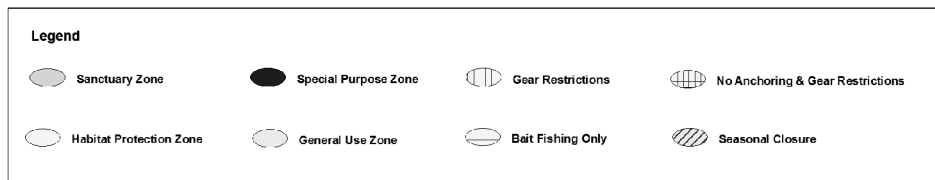
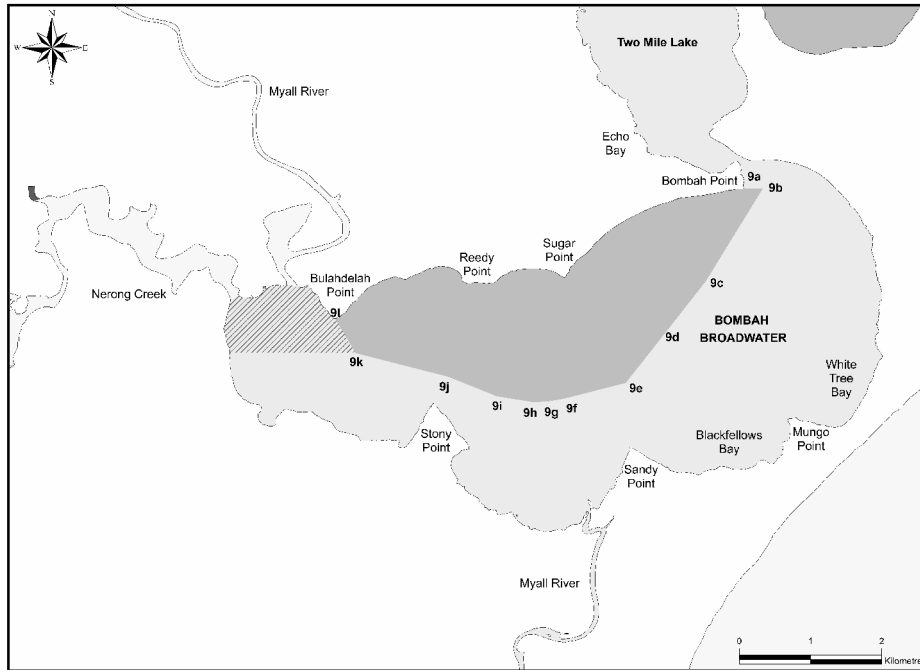
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 8 Boolambayte Lake



Map 9 Bombah Broadwater

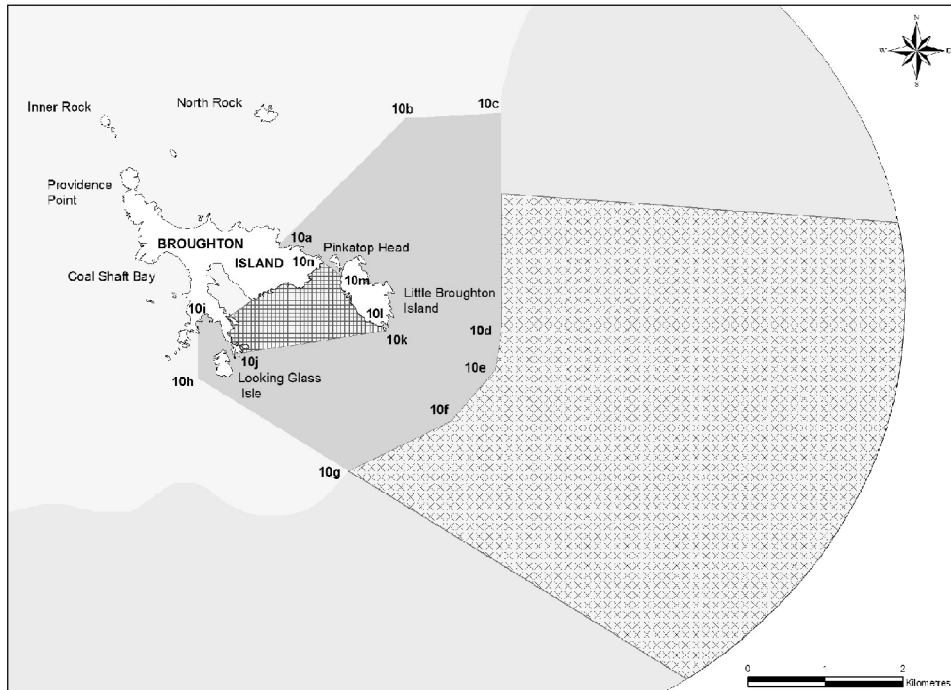


2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

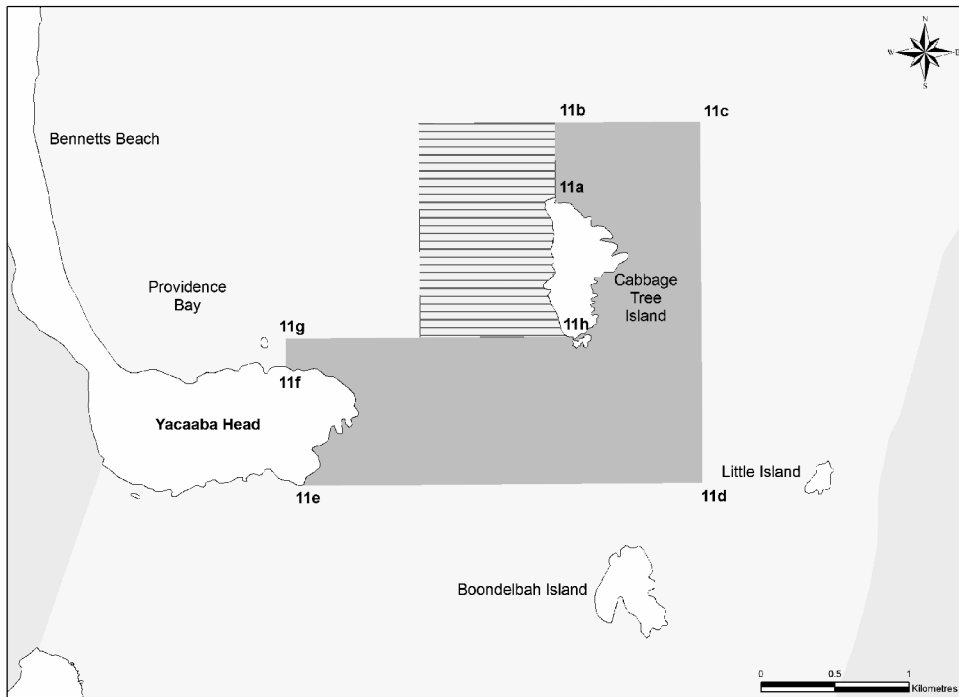
Schedule 1 Amendments

Map 10 Broughton Island



Legend		
 Sanctuary Zone	 Habitat Protection Zone	 No Anchoring & Restrictions Apply
 Special Purpose Zone	 Fishing for Bait Only	 Seasonal Recreational Trolling Only
 General Use Zone	 Restrictions Apply	 Seasonal Commercial Closure

Map 11 Cabbage Tree Island



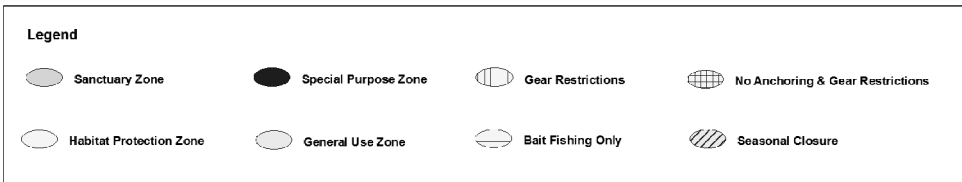
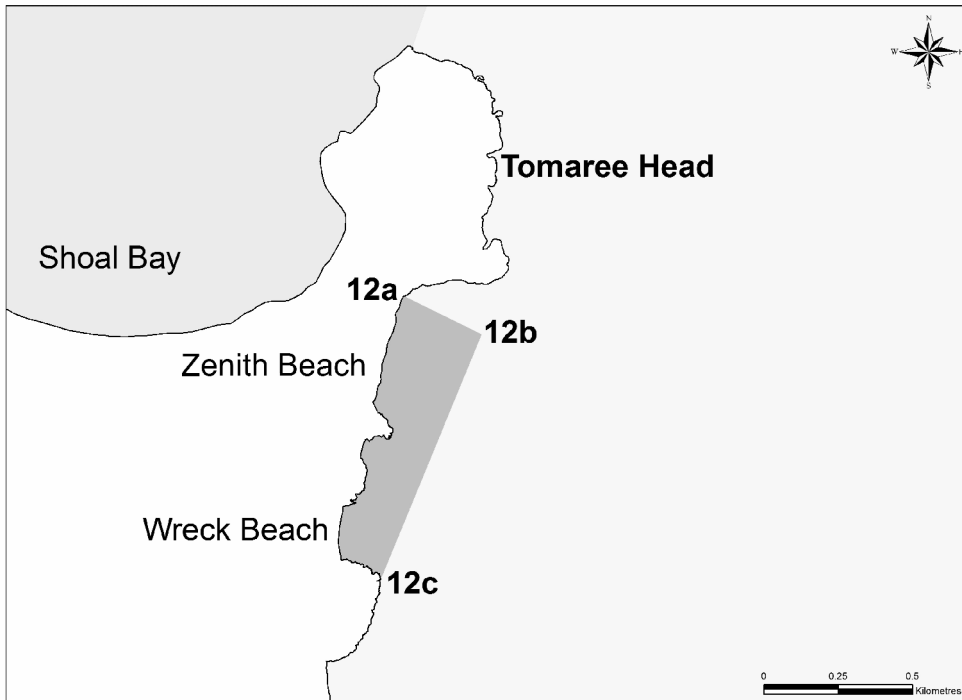
Legend			
Sanctuary Zone	Special Purpose Zone	Gear Restrictions	No Anchoring & Gear Restrictions
Habitat Protection Zone	General Use Zone	Bait Fishing Only	Seasonal Closure

2007 No 118

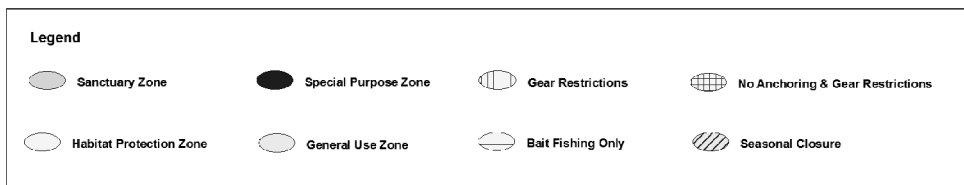
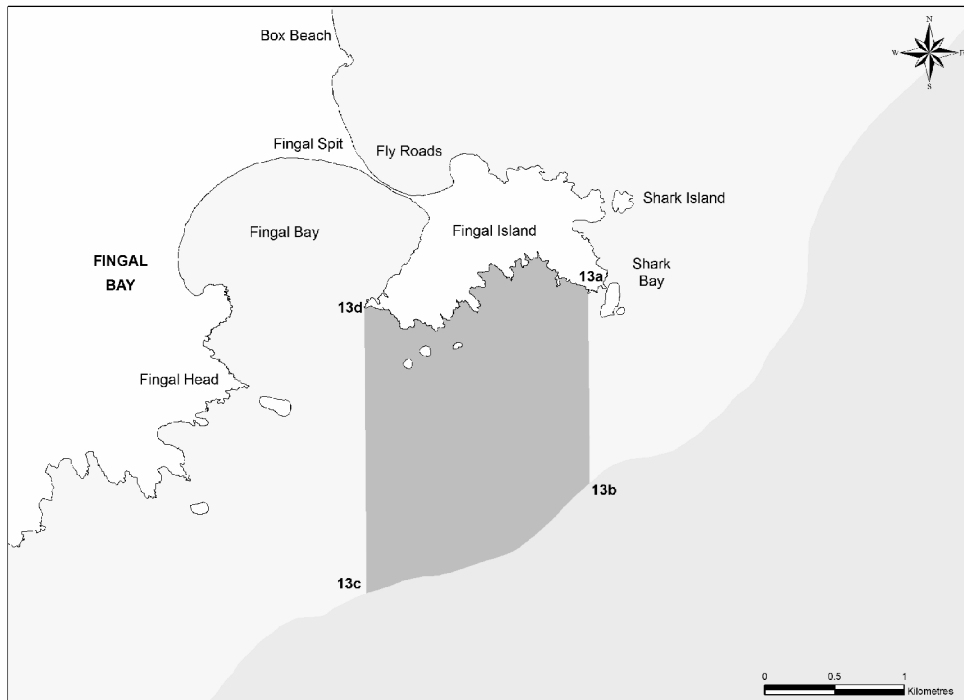
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 12 Zenith Beach



Map 13 Fingal Island

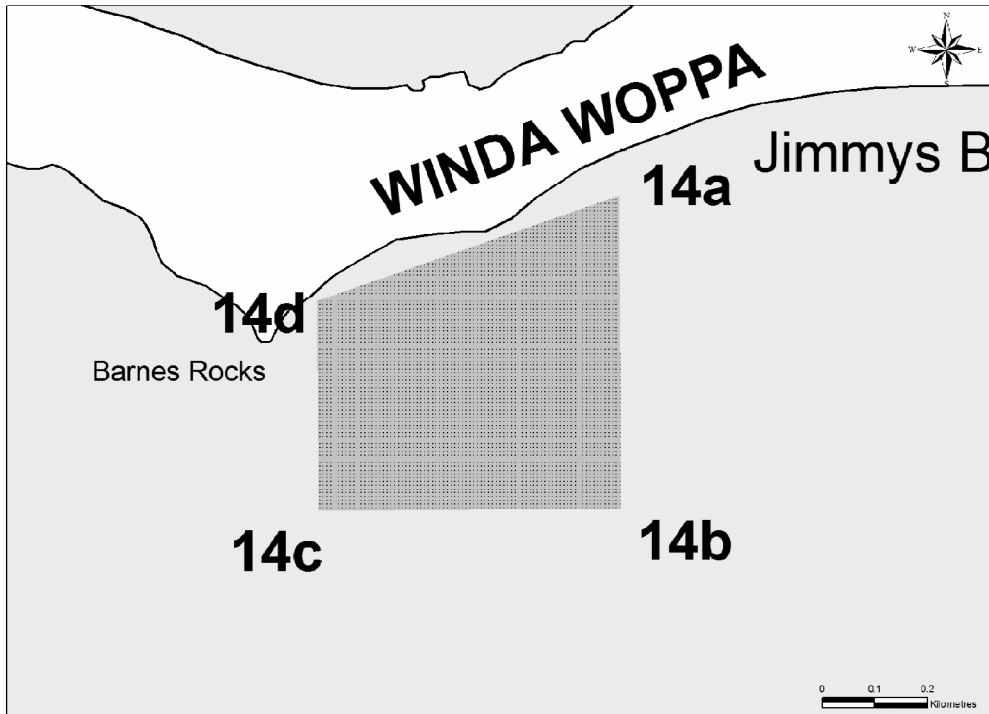


2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

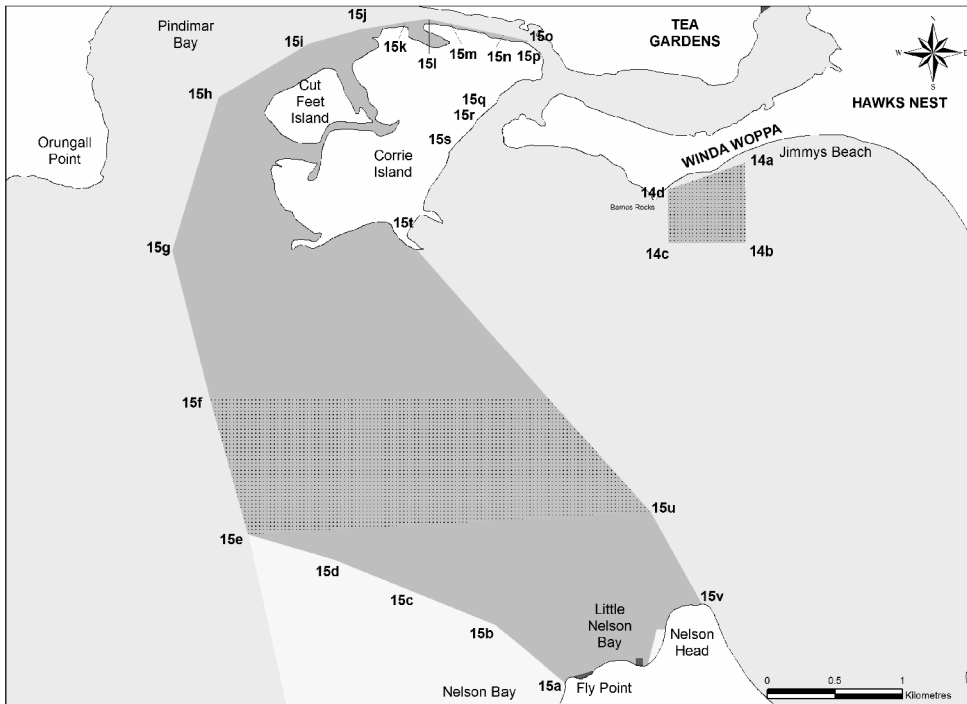
Schedule 1 Amendments

Map 14 Jimmys Beach



Legend			
Sanctuary Zone	Special Purpose Zone	Gear Restrictions	No Anchoring & Gear Restrictions
Habitat Protection Zone	General Use Zone	Bait Fishing Only	Seasonal Closure

Map 15 Corrie Island



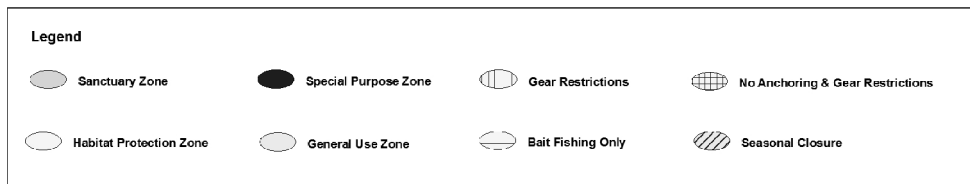
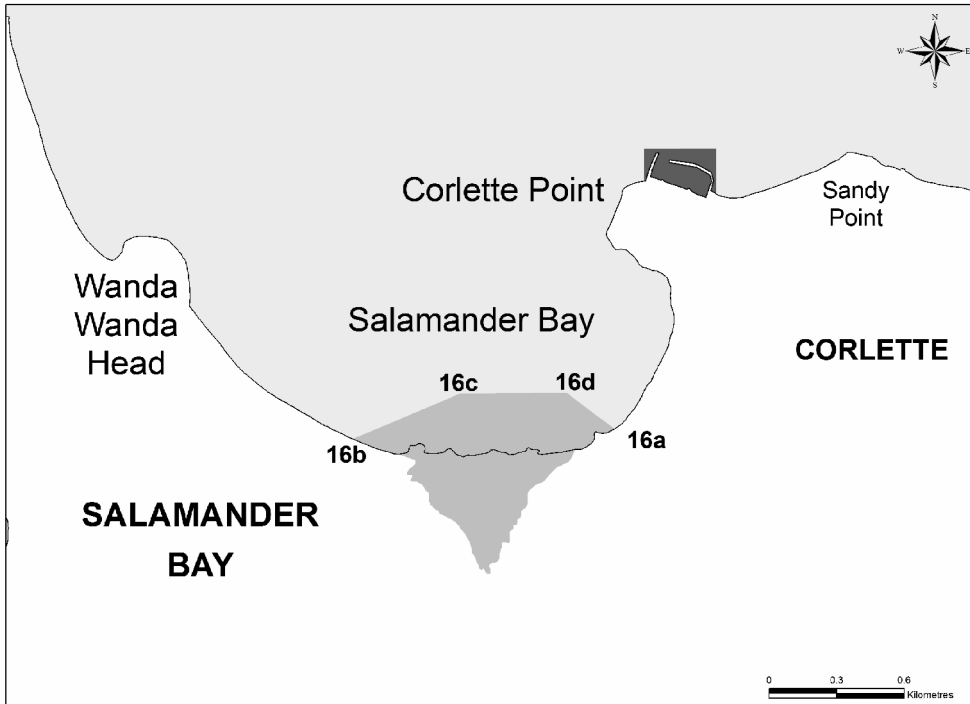
Legend			
	Sanctuary Zone		Special Purpose Zone
	Habitat Protection Zone		Gear Restrictions
	General Use Zone		Bait Fishing Only
	No Anchoring & Gear Restrictions		Seasonal Closure

2007 No 118

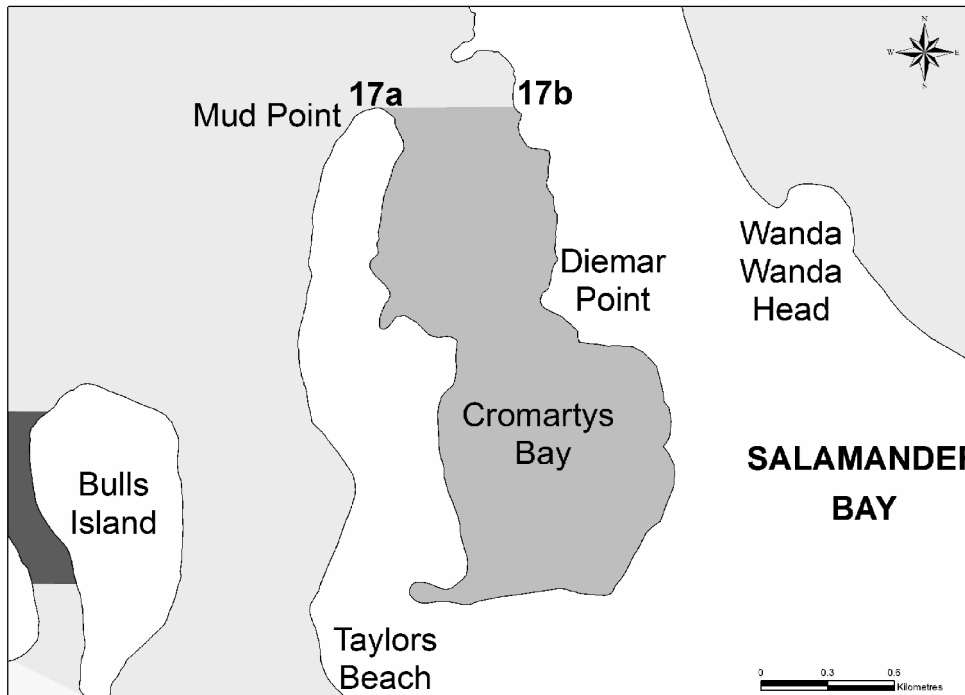
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 16 Salamander Bay



Map 17 Cromartys Bay



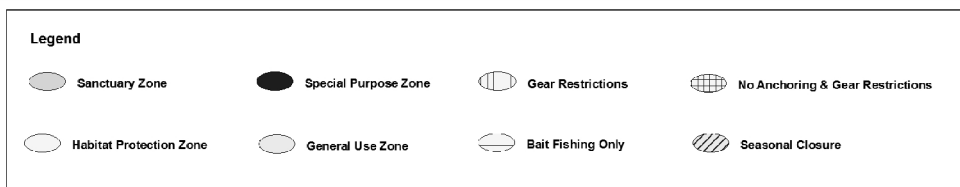
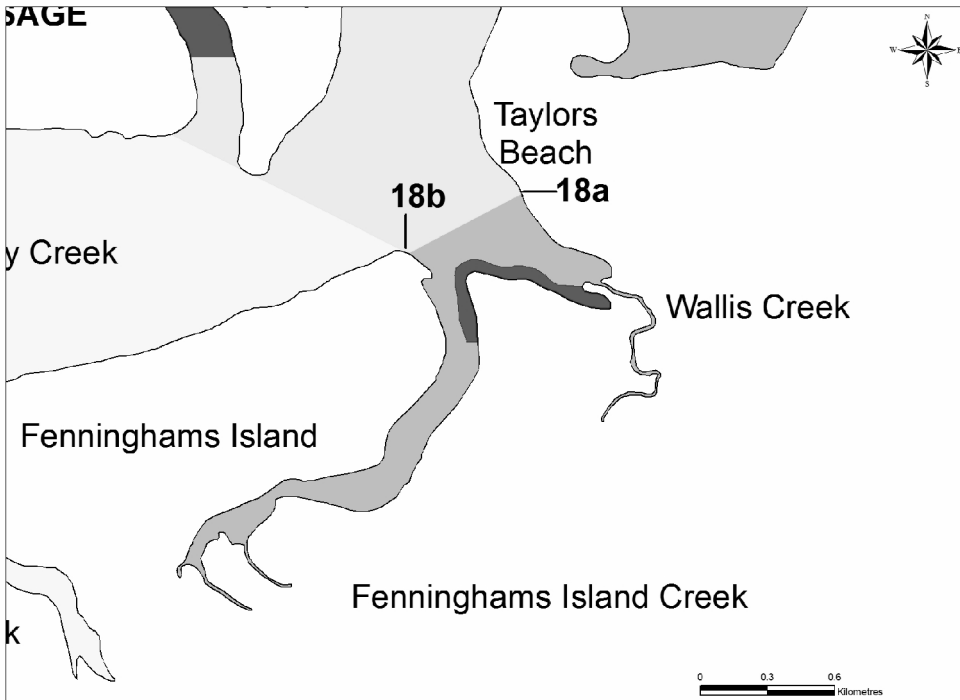
Legend			

2007 No 118

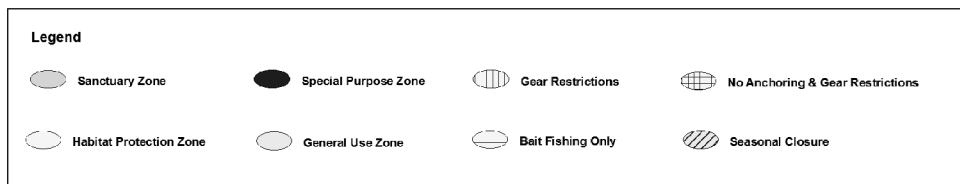
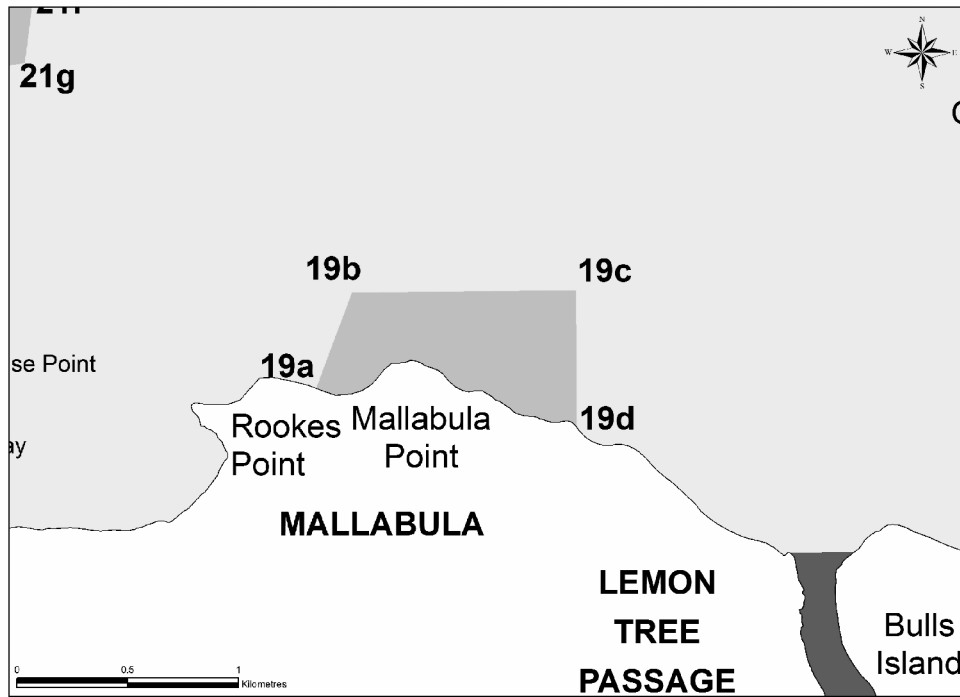
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 18 Wallis Creek and Fenninghams Island Creek



Map 19 Mallabula

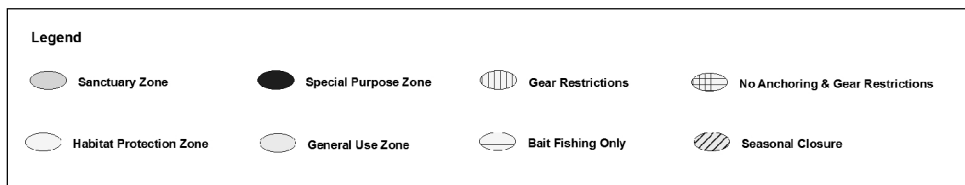
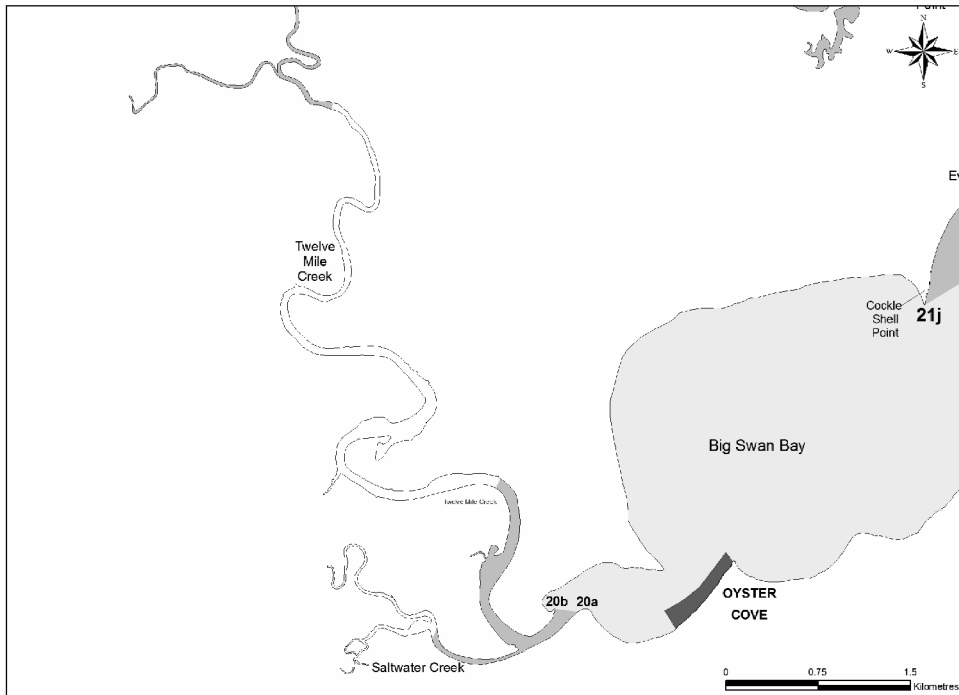


2007 No 118

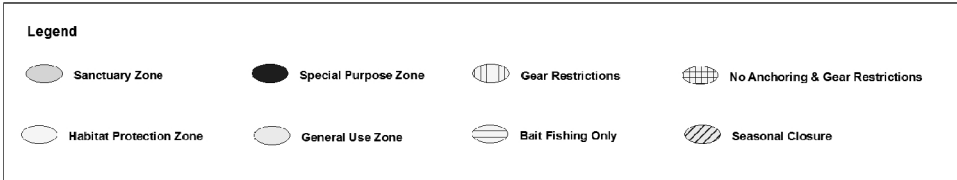
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 20 Twelve Mile Creek



Map 21 Little Swan Bay



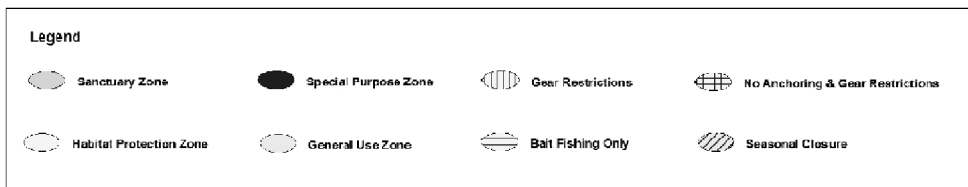
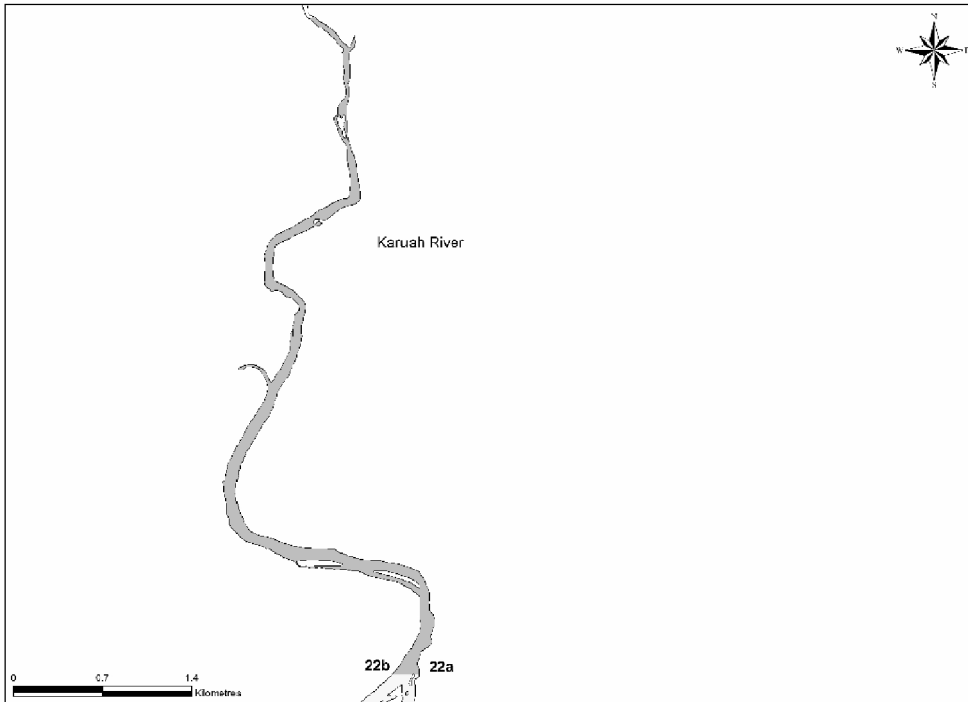
Note. This map does not show the Evens Point habitat description zone as described in Division 3.

2007 No 118

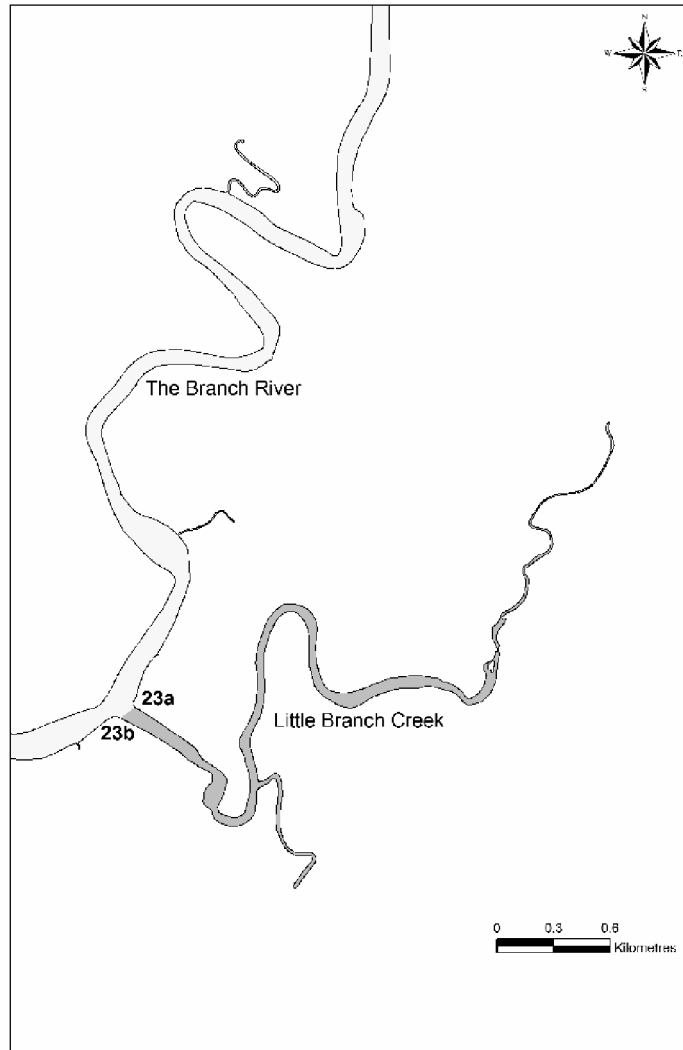
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 22 Karuah River



Map 23 Little Branch Creek



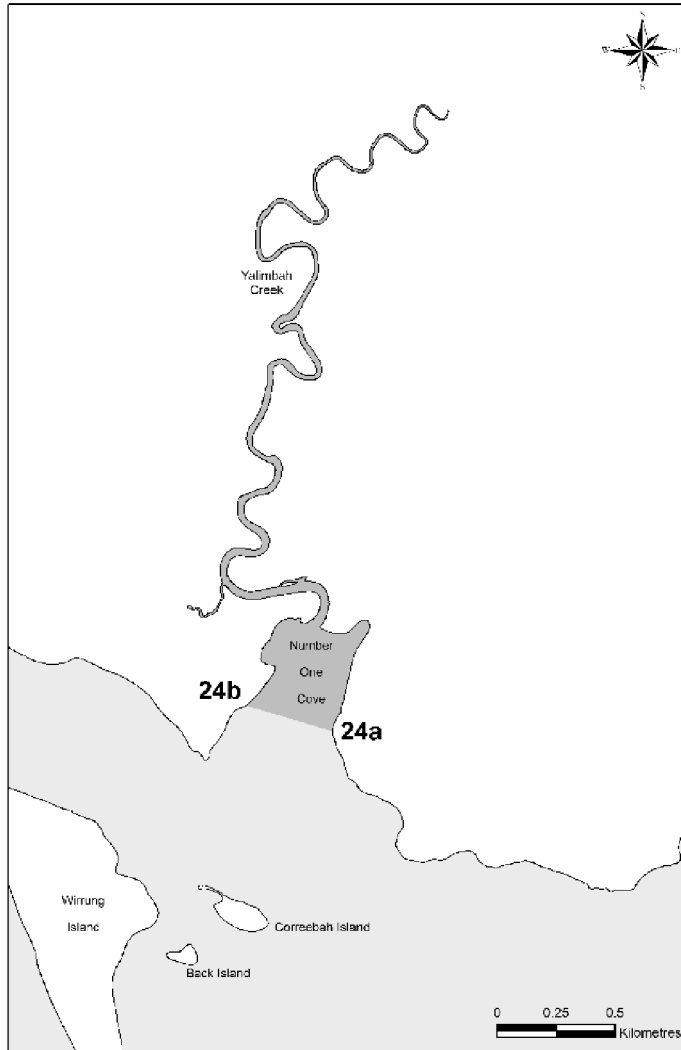
Legend			
Sanctuary Zone	Special Purpose Zone	Open Water Areas	No Anchoring & Gear Restrictions
Habitat Protection Zone	General Use Zone	Ball Fishing Only	Seasonal Closures

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

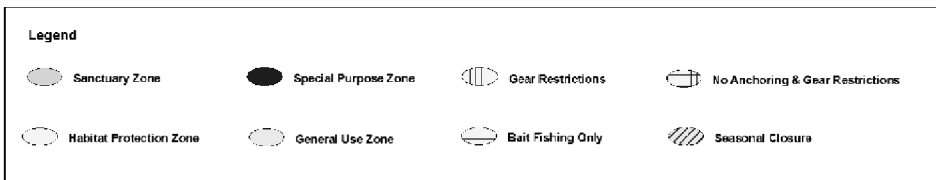
Schedule 1 Amendments

Map 24 Number One Cove



Legend			
Sanctuary Zone	Special Purpose Zone	Gear Restrictions	No Anchoring & Gear Restrictions
Habitat Protection Zone	General Use Zone	Bait Fishing Only	Season of Closure

Map 25 North Arm Cove

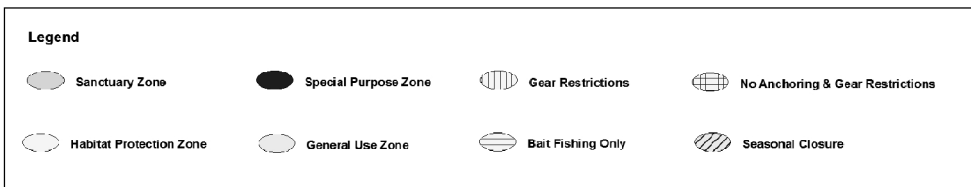
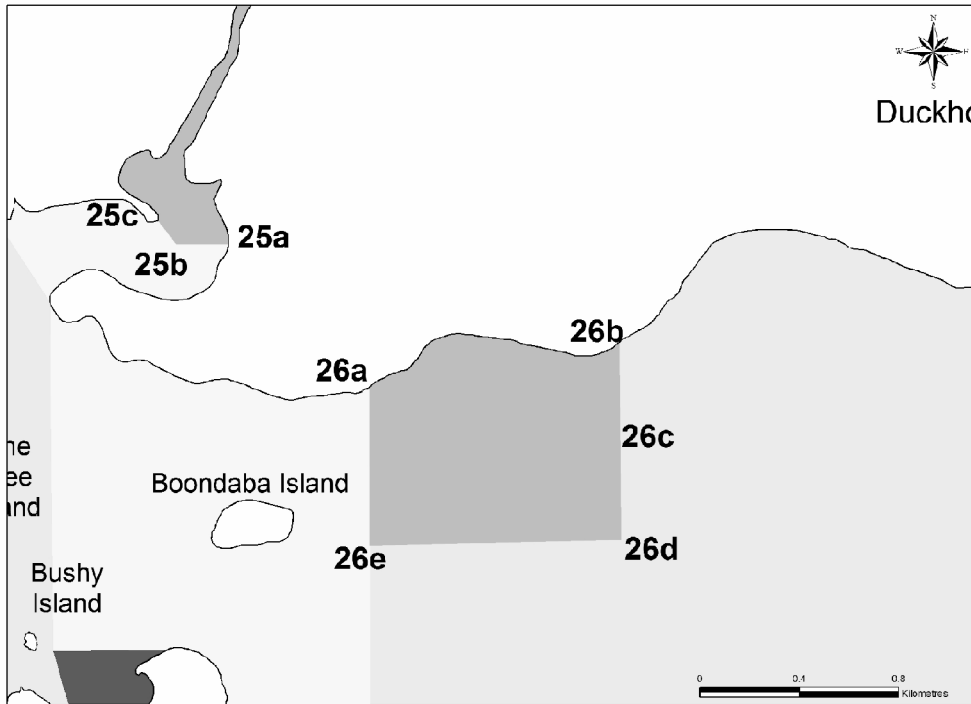


2007 No 118

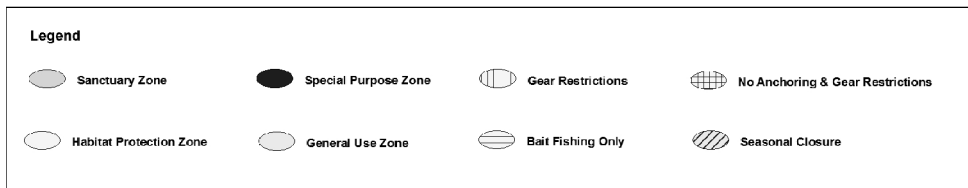
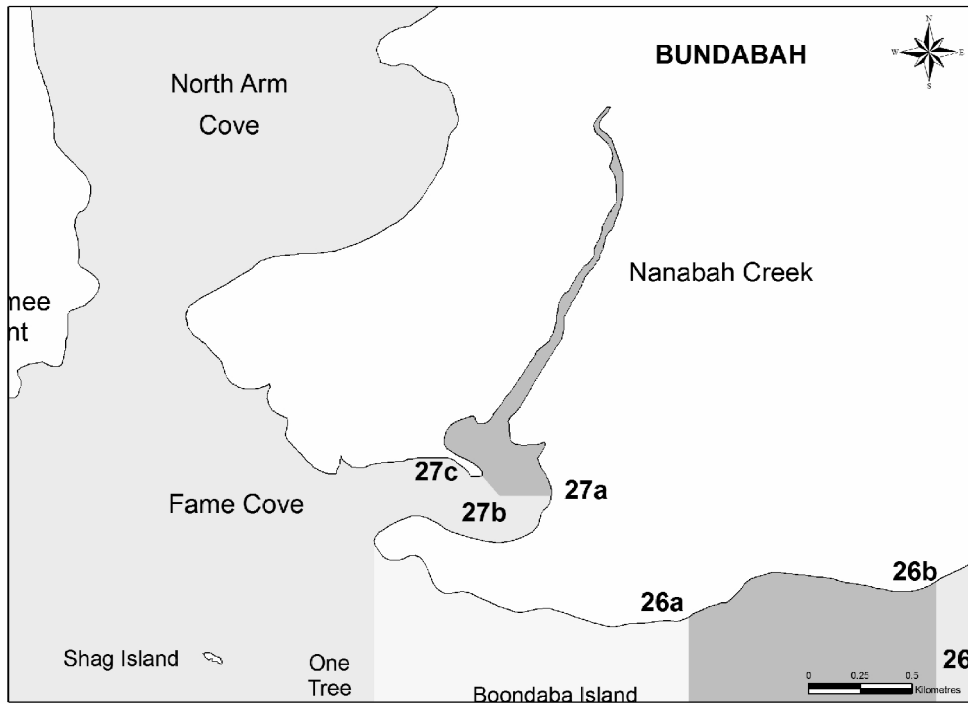
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 26 Pindimar



Map 27 Fame Cove

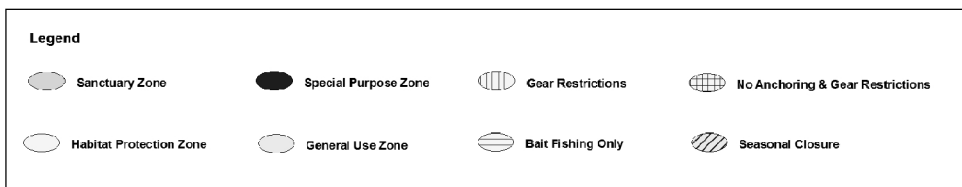
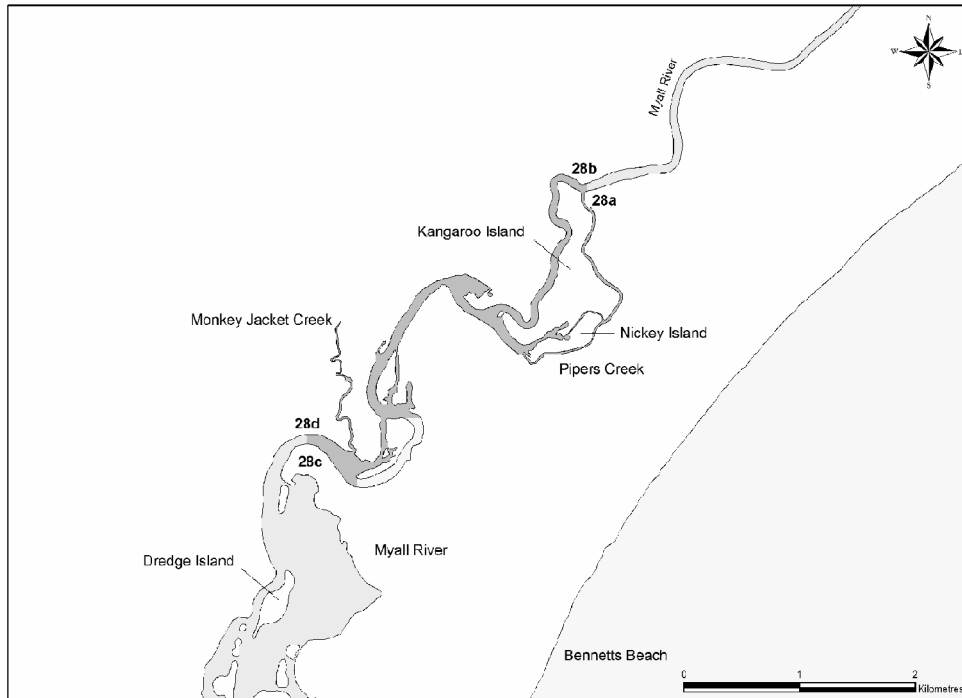


2007 No 118

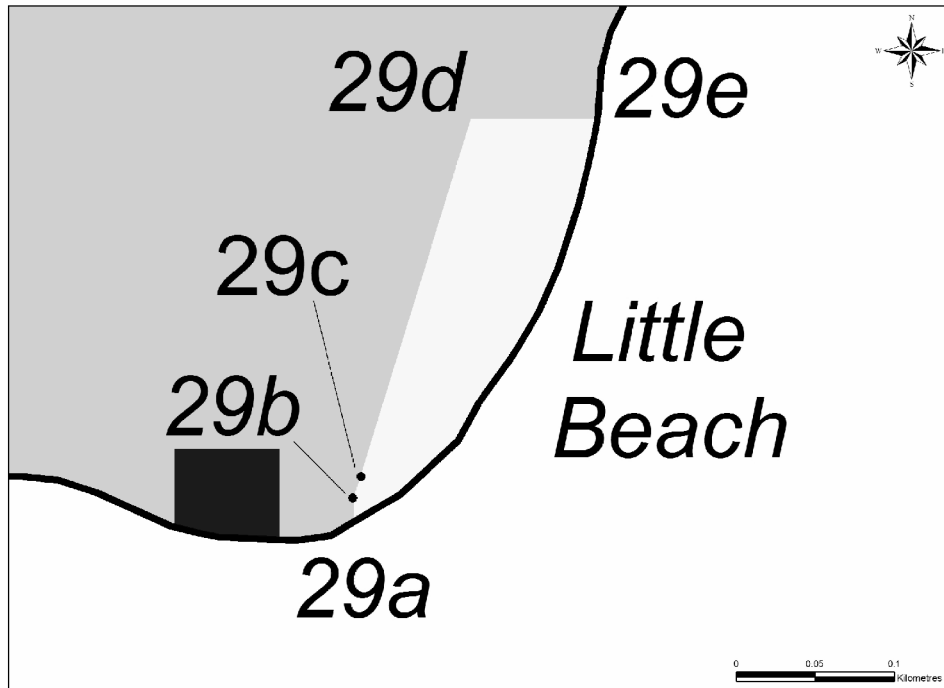
Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Map 28 Myall River



Map 29 Little Beach



Legend			

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Division 9 Tables**Table A—Habitat protection zone permissible plant species**

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

Table B—Habitat protection zone permissible fish species

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Shark, ray	Class Chondrichthyes	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Lobster, crayfish	Family Palinuridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Slipper lobster	Family Scyllaridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Prawn	Family Penaeidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Squid	Family Sepiidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cuttlefish	Family Spirulidae, Sepiidae and Sepiadariidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Beach worm	Family Onuphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Amendments

Schedule 1

Common name	Class/Family	Species
Ghost shrimp, marine yabby (nipper)	Family Callinassidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Mud crab	Family Portunidae	<i>Scylla serrata</i>
Blue swimmer crab	Family Portunidae	<i>Portunus pelagicus</i>
Rock crab	Family Grapsidae	All species
Oyster	Family Ostreidae	<i>Saccostrea</i> spp. and <i>Crassostrea</i> spp.
Akoya pearl oyster	Family Pteriidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Pipi	Family Donacidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cockle	Family Orcidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Clams	Family Veneridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Mussel	Family Mytilidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Scallop	Family Pectinidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Sea urchin	Family Strongylocentrotidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)
Cunjevoi	Family Pyuridae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)

2007 No 118

Marine Parks Amendment (Port Stephens–Great Lakes) Regulation 2007

Schedule 1 Amendments

Common name	Class/Family	Species
Turban shell	Family Turbinadae	<i>Turbo</i> spp.
Abalone	Family Haliotidae	<i>Haliotis rubra</i>
Periwinkle	Family Trochidae	<i>Austrocochlea</i> spp.

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

Table C—Fish that may be taken from Cabbage Tree Island habitat protection zone

Common name	Family	Species
Yellowtail scad	Family Carangidae	<i>Trachurus novaezelandiae</i>
Slimy mackerel	Family Scombridae	<i>Scomber australasicus</i>
Garfish	Family Hemiramphidae	All species (except any specified in Schedule 4 to the <i>Fisheries Management Act 1994</i>)

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

BY AUTHORITY