

Dredging and Spoil Disposal Policy

To provide a transparent, consistent and contemporary approach to environmental impact management of dredging and spoil disposal in the Great Barrier Reef Marine Park.

General Principles

1. Proposals for dredging and spoil disposal in the Great Barrier Reef Marine Park (Marine Park) will be assessed in accordance with the Great Barrier Reef Marine Park Authority's (GBRMPA) policy for Environmental Impact Management.
2. Proponents must comply with the National Assessment Guidelines for Dredging 2009.
3. Dredging and spoil disposal are unlikely to be approved if these activities may damage sensitive environments.
4. The methods used for dredging should minimise the impact on the environment.
5. The selection of a disposal site is to provide the best overall environmental outcome recognising the high conservation value of the Marine Park. The proponent may be required to prepare a Long Term Management Plan for ongoing works.
7. Annual maintenance dredge spoil volumes for each spoil ground in the Marine Park will be capped to a limit, which will be determined by GBRMPA in consultation with the relevant port authority. In emergency situations the annual dredge volume may be revised.
8. Dredge spoil, which is contaminated above the Maximum Levels defined in the National Ocean Disposal Guideline for Dredged Materials 2002, must not be disposed of to the Marine Park.
9. An environmental levy based on environmental risk alternatives and cubic metre of spoil disposed to the Marine Park will be charged to facilitate GBRMPA's general principles of user pays.
10. The environmental levy (para 9) will not apply to Queensland Department of Transport and Queensland ports that are party to a program of environmental enhancement and management activities that result in ongoing improvement to dredging and dredge material management practices in the Marine Park.

Specific

6. Disposal of dredged spoil to the marine environment in the Marine Park is to only occur at a GBRMPA approved dumping ground.

Further Information

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Justification

1. The establishment of a formal dredging policy is seen as an essential element in the successful management and mitigation of environmental impacts associated with dredging and sea dumping in the Marine Park and Great Barrier Reef World Heritage Area.
2. The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) is the lead Commonwealth agency for proposals which occur in the Great Barrier Reef World Heritage Area. DSEWPaC will continue to liaise with GBRMPA and will seek their advice when considering matters that affect the Great Barrier Reef.
3. GBRMPA has developed these policies based on historical Marine Park Authority decisions, best available scientific and management information, community consultation and current GBRMPA practice.

Definitions

4. *Capital Dredging*

- 4.1. Dredging for navigation, to create new or enlarge existing channel, port, marina and boat harbour areas. Dredging for engineering purposes, to create trenches for pipes, cables, immersed tube tunnels, to remove material unsuitable for foundations and to remove overburden for aggregate.

5. *Long Term Management Plan (LTMP)*

- 5.1. A LTMP is a strategic document, which identifies all opportunities to reduce the need to dispose to sea (including land disposal), minimise the impact of spoil disposal on the aquatic environment, and to remove sources of contamination in the dredge spoil. A LTMP sets performance indicators and monitoring to achieve improvements.

6. *Maintenance Dredging*

- 6.1. Dredging to ensure that previously dredged channels, berths or construction works are maintained at their designated dimensions.

7. *Sensitive Environments*

- 7.1. Sensitive environments are areas that contain populations or assemblages of organisms, or habitats, that are considered to have significant conservation and/or cultural heritage values. Examples may include dugong protection areas, fish spawning aggregation sites, seagrass beds, breeding areas, and diverse, rare or very old coral assemblages.

8. *Spoil Disposal*

- 8.1. The relocation of dredge spoil from the dredging site to a designated disposal site. Disposal sites may include marine or land based receiving facilities.

Background

9. Dredging has occurred in the Great Barrier Reef Region since the establishment of ports along the Queensland coast. For example, dredging for navigational purposes was first initiated in Townsville in 1883 and in Cairns in 1888. Most large scale dredging and spoil disposal within the Marine Park is associated with port development to maintain accessibility which is vital to the regional economy.
10. Furthermore, with the expansion of the tourist industry and increasing recreational requirements, the demand for all-tide access to facilities such as boat ramps, canal developments and marinas has rapidly increased.
11. Dredging and the disposal of spoil within and adjacent to the Marine Park and the Great Barrier Reef World Heritage Area have become contentious issues for GBRMPA, stakeholder groups and the general public. If inappropriately managed, dredging activities may impact areas of conservation value through processes such as degradation of water and sediment quality, changes to the hydrodynamic regime, smothering of benthic flora and fauna, translocation of species and removal of habitat. Such processes need to be carefully managed to ensure any adverse effects are prevented or confined to areas of low conservation value. The establishment of a formal dredging policy is seen as an essential element in the successful management and mitigation of environmental impacts associated with dredging and sea dumping in the Marine Park and Great Barrier Reef World Heritage Area.
12. Most large-scale dredging and spoil disposal associated with the activity of ports in Queensland occurs outside the Marine Park but within the Great Barrier Reef World Heritage Area (such as Townsville, Mackay, Hay Point and Gladstone) and this is outside the direct legislative responsibility of GBRMPA.
13. Some methods of dredging are preferred because they have less environmental impact. For example, a cutter suction dredge is generally considered preferable to a dragline, bulldozer or grab. Mobile suction dredges have the potential to impact on some species, such as turtles. While such instances are rare, additional measures such as fitting a turtle-deflecting device to the head of a dredge can be used to minimize risk. GBRMPA has developed these policies based on historical GBRMPA decisions, best available scientific and management information, community consultation and current GBRMPA practice.
14. GBRMPA may apply an environmental levy for dredge spoil disposal in the Marine Park consistent with its general principles of user pays and equity to all users of the Marine Park.

Legislative Context

15. Development proposals examined by GBRMPA may be located in the inshore areas of the Marine Park, often adjoining and sometimes straddling Australian, Queensland and local government jurisdictions. Relevant Commonwealth legislation includes:

16. *Great Barrier Reef Marine Park Act 1975 (GBRMP Act)*

16.1. The main object of the GBRMP Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region. The main sections of the GBRMP Act which apply to structures include

16.1.1. *Discharge of waste (Section 38DD),*

16.1.2. *Restoration of the environment (Section 61A).*

16.2. Regulations may be made under the GBRMP Act to regulate or prohibit activities in the Marine Park (Section 66).

16.3. Under section 38AA of the GBRMP Act it is an offence to carry out an operation for the recovery of minerals in the Marine Park, which may include some dredging operations. There is also the *Great Barrier Reef Region (Prohibition of Mining) Regulations 1999* which were gazetted on the 23 December 1999. These regulations identify 'mining operations' which include 'operations for the recovery of minerals' as a prohibited activity in the Great Barrier Reef Region, adjoining the Marine Park.

17. *Great Barrier Reef Marine Park Regulations 1983*

17.1. In deciding whether or not to grant an application the GBRMPA must consider matters outlined in Regulation 88Q (mandatory considerations) and may consider matters outlined in Regulation 88R (discretionary considerations). Mandatory considerations include: the potential impacts of the proposal on the environment and on the social, cultural and heritage values of the Marine Park; options for monitoring, managing and mitigating the potential impacts; the objectives of the Great Barrier Reef Marine Park zone in which the proposal will take place; whether the proposal requires an approval under the Environment Protection and Biodiversity Conservation Act 1999; written submissions from the public about the proposal; and matters relevant to the proper and orderly management of the Marine Park. Other relevant regulations include: Regulation 94, which applies to the removal of property within the Marine Park; and Part 8 of the Regulations, which sets out environmental management charges for structures and the discharge of waste.

18. *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

18.1. On 25 November 2009, legislative changes came into effect to better integrate the GBRMP Act with the national environment law – the EPBC Act, so that a single environmental impact assessment system applies to development proposals in the Marine Park. If a development proposal is referred under the EPBC Act, and the action or a component of that action requires a permission under the GBRMP Act, the EPBC Act referral is deemed to be a Marine Park application.

18.2. The legislative changes also establish the Marine Park as a 'matter of national environmental significance' (known as a NES matter) under the EPBC Act. This means that development proposals outside the Marine Park that are likely to have a significant impact on the environment of the Marine Park, or other NES matters, must be assessed under the EPBC Act.

19. *Environment Protection (Sea Dumping) Act 1981*

- 19.1. The Sea Dumping Act provides for the protection of the environment by regulating dumping at sea, incineration at sea and artificial reef placements.

References

20. ANZECC (2002). *National Ocean Disposal Guideline for Dredged and Excavated Materials*. Australian and New Zealand Environment and Conservation Council Publication.
21. Baird, R. (1998). Ocean dumping – an overview of the International and Domestic Regulatory System. *Environmental and Planning Law Journal* 15, 3 174-189.
22. Hopkins, E and White, M. (1998) *Dredging, Extraction and Spoil Disposal Activities: Departmental Procedures for Provision of Fisheries Comments*. Queensland Department of Primary Industries, Fish Habitat Management Operational Policy FHMOP 004, 78 pp.
23. Morton, R and Nella, P. (2000) Capture of Sea Turtles by the *Sir Thomas Hiley*(dredger) – Opportunities to Minimise Impacts, Brisbane Port Corporation, 23 pp.
24. National Assessment Guidelines for Dredging (2009). Commonwealth of Australia, Canberra. 81 pp.
25. Smith, A and Pollard, D. (eds) (1999) Policy and Guidelines Aquatic Management and Fish Conservation. NSW Fisheries, Port Stevens Research Centre, 86 pp.
26. Voisey, C and Apelt, C. (2001). *Recent Dredging Projects in Sensitive Areas in Queensland*. CRC for Sustainable Tourism. 213 pp.

Marine Park Authority (MPA) Board Decision(s)

27. MPA 193/1

Relationship to other GBRMPA Policies or Position Statements

28. This Policy relates to the following GBRMPA Policies and Position Statements at the time of review:
- 28.1. Environmental Impact Management Policy - sets the framework for assessment, mitigation and management of environmental impacts associated with development activities in the Marine Park and Great Barrier Reef World Heritage Area.
- 28.2. Structures Policy – is considered when assessing the impact of structures in accordance with the Environmental Impact Management Policy.
- 28.3. Position Statement on Aquaculture within the Great Barrier Reef Marine Park – is considered when assessing the impact of aquaculture activities in accordance with the Environmental Impact Management Policy.
- 28.4. Position Statement on the Translocation of Species in the Great Barrier Reef Marine Park – is considered when assessing activities under the Environmental Impact Management Policy that may involve the translocation of species.

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