

PERMIT REQUIREMENTS FOR OFFSHORE DEVELOPMENTS

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The control of offshore development proposals is an increasing responsibility of the Great Barrier Reef Marine Park Authority. A number of these are on or could affect fringing reefs eg. Shelburne Bay silica sand project and Magnetic Keys project. This paper is an outline of the processes, legal and administrative which the Authority follows to assess and control these developments.

The goal of the Great Barrier Reef Marine Park Authority is to "provide for the protection, wise use, appreciation and enjoyment of the Great Barrier Reef in perpetuity through the development and care of the Great Barrier Reef Marine Park". The Authority has also adopted aims, several of which are directly relevant to tourist operators involving offshore developments. These are:

- (a) "to provide for the protection of the natural resources of the Reef, whilst providing for multiple use of the Reef's resources"
- (b) "to minimise regulation of, and interference in, human activities, consistent with meeting the goal ~~and other aims of the Authority~~"
- (c) "to provide for development compatible with the conservation of the Reef's natural resources"
- (d) "to minimise inhibitions on economic activities consistent with meeting the goal and other aims of the Authority".

Zoning of the Marine Park is directed towards achieving the object of the Great Barrier Reef Marine Park Act and provides for 'as of right uses' (eg. trawling in General Use 'A' Zones) and also for uses which require permission of the Authority.

Permits are a flexible discretionary management tool which allows the Authority to control offshore developments of widely differing size, complexity, purpose and location.

In assessing applications for permission to place and operate an offshore development in a zoned Section of the Marine Park, the Authority has to have regard to certain criteria (Attachment A).

Offshore development proposals usually involve substantial hardware and/or construction. For example those along the coast and which may affect fringing reefs can involve proposals for construction of loading facilities, marinas, breakwaters, and boat harbours, for beach replenishment and for dredging of lagoons. Waste discharge is an important issue. The potential impact of large numbers of visitors on one site is another factor needing consideration. Typically, therefore, the assessment of a major proposal for tourist purposes will require the provision of detailed information (example at Attachment B). In seeking this information every effort is made to keep requests to a minimum and to avoid as far as possible duplication between different regulatory agencies.

The assessment of permits for offshore developments is an evolving discipline. The Authority has had to contend with proposals which were not envisaged when the Act was first passed. Each new proposal tends to throw up new issues, of a technical, policy and legal nature for resolution.

Some common elements are emerging in this process and are usually reflected in permit conditions. For example:

permits are limited in time - to date 12 months has been the maximum period before renewal. This gives the Authority flexibility to monitor the operation and adjust the conditions if necessary. This adjustment can work to the benefit of the operator i.e. removal of unnecessary restrictions.

permits are not transferable. This avoids difficulties associated with permits acquiring an economic value and allows reassessment of a new owner.

where a proposal is judged to be environmentally significant, there is an obligation on the Authority to invoke the provisions of the Environment Protection (Impact of Proposals) Act. This does not automatically mean that an environmental impact assessment is to be undertaken; however for projects of high environmental significance it could involve substantial work and public review.

the need for co-operation with other Government agencies. The Authority tries to ensure as far as possible that the requirements placed on the proponent are minimised and that, where there are other Government agencies with similar regulatory powers, any permit or licence conditions are mutually compatible. There is a high degree of co-ordination and cooperation between agencies. For example, areas for co-operation are

- waste discharge
- works (harbours, breakwaters, marinas, etc.)
- leases
- mariculture
- collecting
- research
- moorings

a financial bond or bank guarantee is required to ensure that there is some redress where removal of hardware from the Marine Park is required through default by the owner. For major developments we also require financial surety to cover possible environmental damage.

a need for monitoring programs to assess impacts in both the short and long term.

Like all managers we have to make the best decisions possible with whatever information **is available** or can be obtained by the time the decision needs to be made. Our present approach is to be as comprehensive as possible **in** assessment of the project to minimise impacts; to build into the **permit** protective devices such as time limits and financial bonds and finally to monitor for feedback, review and adjustment, if necessary.

ATTACHMENT A

APPLICATIONS FOR PERMISSION - CRITERIA FOR ASSESSMENT

In considering an application for permission the Authority shall have regard to:

- (i) the objectives of the zone;
- (ii) the orderly and proper management of the zone;
- (iii) the conservation of the natural resources of the Marine Park;
- (iv) the existing use and amenity, and the future or desirable use and amenity, of the area and of adjacent areas;
- (v) the size, extent and location of any proposed use in relation to any nearby use;
- (vi) the likely effects of any proposed use on adjoining and adjacent areas and any possible effects of the proposed use on the environment; and
- (vii) the proposed means of access to and egress from any use and the adequacy of provisions for aircraft or vessel mooring, landing, parking, loading and unloading.

ATTACHMENT B

INFORMATION REQUIRED TO ASSESS APPLICATIONS FOR  
TOURIST PROGRAM AND ASSOCIATED FACILITIES

This information is necessary for the assessment of an application for permission to conduct activities of the type with which you are involved. Provision of this information **and** subsequent assessment may obviate the need for an Environmental Impact Study.

- (a) date the facilities are proposed to be placed at the various locations;
- (b) date tourist program operations are proposed to commence;
- (c) number of visitors per day expected to use the facilities or to participate in associated tourist programs;
- (d) activities that are proposed to be conducted in, on or associated with the facilities;
- (e) means of access by clients to the facilities, and details of this. If helicopters or floatplanes are proposed to be used, or to be provided for, this should be indicated;
- (f) number of staff involved in the operation, including number of staff who will be present at any one time;
- (g) map of reef locations showing all facilities including positions of units, moorings, cyclone moorings, navigation markers and proximity of coral bommies to those facilities and any swing moored facilities;
- (h) detailed drawings of the facilities themselves;
- (i) proposed servicing and maintenance procedures including method and place of removal of marine growth, whether antifouling will be used and what type;
- (j) whether there will be any accommodation on any structure, and, if so, the number of persons to be accommodated;
- (k) where a structure such as a pontoon is to be installed, an engineer's assessment of the suitability of the structure for the purpose for which it is to be used in the conditions which may occur at the site;
- (l) if there will be accommodation, the contingency plans for evacuation of the structure, including decision criteria for evacuation, and the type and availability of evacuation craft;
- (m) details of any effluent/waste which will result from the activities proposed, and proposed procedures for disposal or removal;
- (n) nature of the moorings including any fixing to the bottom and the nature of the bottom both below units and where moorings will be placed;

- (o) proposed action regarding units in the event of imminent, cyclone, eg planned sinking, removal from the area, use of additional moorings;
- (p) your' estimated cost of removal, of mooring's from the Marine Park;
- (q) your estimated cost of 'removal of each unit from the Marine Park:
  - (i) if in good condition; and
  - (ii) if totally wrecked and either stranded on reef or sunk;
- (r) details of existing uses of the area(s) where you propose to operate, including effects of your operation on the, general public's use of the area, and on other users eg commercial, scientific, etc;
- (s) the likely environmental impact of all aspects of your operations, including effects on other users;
- (t) proposed monitoring programs and procedures for environmental impacts, changes etc;
- (u) details of any services to be provided by other operators to participants in your tourist program while they are at your nominated location(s);
- (v) details of any proposed future development or expansion;
- (w) whether any other operators will use your facilities, the purpose for which they will be used, and the number of persons involved.