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# Cairns Area

## PLAN OF MANAGEMENT



# Tourism Industry Information

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**GREAT BARRIER REEF**  
**MARINE PARK AUTHORITY**

PO Box 1379

Townsville Qld 4810

Telephone: (077) 500 700

International: +61 77 500 700

Facsimile: (077) 726 093

International: +61 77 726 093

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*Approved by  
Marine Planning Committee  
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# INTRODUCTION

## Notice

This booklet summarises complex tourism issues. The matters contained in the booklet are for discussion only. They reflect proposals currently being considered by the Great Barrier Reef Marine Park Authority but should not be used as the basis for investment decisions nor for business planning purposes.

The Authority:

- reserves the right to amend proposals, and in particular will consider submissions, legal advice and drafting requirements; and
- notes that not all issues associated with individual permissions are necessarily addressed in this booklet.

The Cairns Area Plan of Management is a significant step towards implementing a new approach to managing tourism use in the Great Barrier Reef Marine Park. When the Plan is adopted, the Authority intends to develop the full details of, and implement, a new permitting system.

The new approach to managing tourism use places less reliance on individually assessed permits and facilitates a move to simpler permits which will be subject to location settings as described in the Plan and general regulations.

This booklet is to provide interested parties with the opportunity to consider proposed transitional arrangements concerning Cairns Area tourism operations in changing to the new system.

The proposals discussed in this booklet have been:

- developed as debated in many forums over several years;
- developed through consultation with industry; and
- assessed by several reviews.

In considering the proposals, readers should:

- refer to the Plan for more detailed information, particularly on the proposed enforcement provisions and permitting policy in the Area; and note the following definitions:

*Section:* refers to the Cairns Section of the Great Barrier Reef Marine Park

*Area:* refers to the Cairns Planning Area defined in Schedule 1 of the Cairns Area Plan of Management

*Sector:* the Cairns Area Plan of Management defines six Sectors: Lizard Island, Ribbon Reefs, Offshore Port Douglas, Offshore Cairns, South Offshore Cairns and Frankland Islands

*Location:* generally means a reef as identified in zoning plans by a reef identification number, and the localities defined in Schedule 3 of the Cairns Area Plan of Management.

## BACKGROUND

Actual tourism use of the Area is much less than the potential level of use permitted under current Marine Park tourism program permits. The new management approach aims to ensure that further growth in use will not damage the values of the Area.

The Authority's intention is to:

- ensure the future level of use is environmentally sustainable;
- ensure other reasonable uses are not displaced by increasing tourism use; provide a fair deal for tourism operations with established historical use [refer to section 2]; and
- allow other tourism operations reasonable opportunities to visit the Area.

The Authority intends to achieve this by:

- giving priority to existing operations which have historically demonstrated use in the Area, and to generally allow more flexibility in the conduct of operations;
- requiring new operations, and those existing permitted operations which have not recently operated in the Area, to book access to the Area (bookings are not required when operating to a permitted mooring or pontoon) ;
- setting group and vessel size limits at key locations through the Plan of Management and regulations;
- determining an acceptable number of moorings and pontoons within the Area for regular, frequent tourism use, and maximise flexibility for operations when using moorings or pontoons; and
- managing the impacts of use at specific sensitive locations as described in the plan by limiting the amount of tourism use and/or types of activities.

# SECTION ONE

## STANDARD PERMITS

The new system intends to simplify most permits into four standard types. While these simplified provisions will initially be applied to the Cairns Planning Area, the Authority intends to eventually apply the new system widely throughout the Great Barrier Reef Marine Park.

**The proposed four types of standard tourism permits are:**

### **Access to the Area no more than 50 days a year – Type 1 Permit**

This permit type is intended to be available to:

- new operations which will not operate to moorings or pontoons; operations with existing permits which have not operated in the Area and will not operate to moorings or pontoons; and
- operations with Type 3 or Type 4 permits as described below.

It is intended that this permit type will allow access to the Area or any location in it subject to:

- making a booking to the Area (limit the number of bookings to 40 vessels on any day);
- not operating to any one location on more than 14 consecutive days;
- making an additional booking to visit sensitive locations; and
- operating within the group and vessel size limits set by the Plan.

### **Access to the Area for 365 days a year; but access to individual locations no more than 50 days a year – Type 2 Permit**

This permit type is intended to be available to:

- operations with existing permits that allow more than 50 days a year access to one or more locations in the Area; and
- which can demonstrate historical use in the Area in accordance with the eligibility criteria [refer to section 2.11].

It is intended that this permit type will allow:

- access to the Area by anchoring (that is, the operation is not required to, but may use a mooring or pontoon); and
- access to any other location in the Area for no more than 50 days a year (other than identified sensitive locations – refer to notes under Type 4 permit); and
- access subject to the group and vessel size limits set by the Plan.

It is intended there will be some exemptions to these general principles:

- operators may be eligible to retain their currently permitted amount of use if:
  - (a) they are now permitted more than 50 days a year access to a location, and
  - (b) can demonstrate historical access to that location, more than 50 days in a year [refer to section 2.21];
- operations with demonstrated use, which are permitted to carry more than the group size or use a larger vessel than set by the Plan, may be eligible to continue to do so [refer to section 2.31];

- while the '2 days in any 7 day period' condition will be removed in the Area, all use in the Ribbon Reefs Sector will be subject to 'no more than 30 days in any 60 day period' at any location; and
- gamefishing operations will not have to meet eligibility criteria based on historical use, but will be limited to access from September to December for the purpose of gamefishing.

### **Access to the Area for 365 days a year if operating to a private mooring or pontoon – Type 3 Permit**

This permit type is intended to be available to:

- operations which will operate to moorings or pontoons in the Area, except to sensitive locations (refer to Type 4 permits).

It is intended that this permit type will have:

- few restrictions on the amount or frequency of access allowed.

It is intended there will be some exemptions to this general principle:

- it is not intended that individual vessels will be continuously moored at locations;
- operations to moorings will be subject to group and vessel size limits unless they meet criteria for an exemption based on historical use of the locality [refer to section 2.3];
- in the Ribbon Reefs Sector, all use is subject to 'no more than 30 days in any 60 day period' at any location; and
- the Authority may limit use to a specific mooring or pontoon for environmental reasons.

*[NOTE: It is intended that Type 3 permits will not allow anchoring in the Area except in bona fide emergencies. To anchor, an operation must have a Type 1 or Type 2 permit.]*

### **Regular access to a sensitive location in the Area – Type 4 Permit**

Sensitive locations in the Cairns Planning Area are:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| • East Hope Island Reef (15-065) | • West Hope Island Reef (15-064) |
| • Snapper Island Reef (16-006)   | Low Island Locality              |
| • Michaelmas Cay Locality        | • Green island Reef (16-049)     |
| • Sudbury Cay Locality           | • Frankland Islands Sector.      |

This permit type is intended to be available to:

- operations which can demonstrate historical use to that location [refer to section 2.4].

This permit type is intended to allow:

- more than 50 days a year access to a specific sensitive location without booking.

Additional conditions may apply to types of activities and access to sensitive locations.

*[NOTE: Access to sensitive locations for no more than 50 days a year may be allowed by a Type 1 or Type 2 permit, subject to booking and any location specific restrictions. The number of daily bookings to sensitive locations is limited; refer to Schedule 5 of the Plan.]*

# SECTION TWO

## ELIGIBILITY CRITERIA

It is proposed that eligibility based on historical use must be established to qualify a tourist operation for some permits. Permits that will be subject to eligibility criteria are:

- Type 2 permit; or
- Type 2 permit, with additional access more than 50 days a year; or
- Type 2 or 3 permit, with larger group and/or larger vessel size; or Type 4 permit.

There are no specific eligibility criteria for Type 1 permits. Type 3 permits will require access to a mooring or a pontoon.

### **2.1 Access to the Area for 365 days a year; but access to individual locations no more than 50 days a year – Type 2 Permit**

The eligibility criteria to qualify for a Type 2 permit are intended to include:

- the operation must hold a current permit allowing more than 50 days access to a location in the Area when the Plan comes into effect; and
- proof of one days access to the Area in 1996 (or a greater qualifying number of 10 or 50 days to the Area) based on Environmental Management Charge (EMC) returns; or
- where a permit was granted after 1996, proof that the operation has commenced in the Area in accordance with the permit by the time the Plan comes into effect; or
- where an operation did not operate in 1996 but the operator holds a valid permit, special circumstances will be given consideration. Special circumstances may require proof of substantial access to the Area.

### **2.2 Type 2 Permit, with additional access more than 50 days a year**

The eligibility criteria to qualify for a Type 2 permit with an additional permission that allows more than 50 days a year access to one or more specific locations are intended to include:

- eligibility for a Type 2 permit as above; and
- proof of more than 50 days access to each of the specific locations in 1996 based on EMC returns.

### **2.3 Type 2 or Type 3 Permit, with additional numbers and larger vessel size**

The eligibility criteria to qualify for a Type 2 or Type 3 permit with an additional permission that allows exemption from group and vessel size limits at specific locations are intended to include:

- eligibility for a Type 2 permit as above; or
- Type 3 permit which allows access to a mooring; and

- proof that the operation has carried more than the group size limit and/or has operated in the location with a vessel larger than that permitted for the setting that applies to the location at least once in 1996 based on EMC returns.

#### **2.4 Regular access to a sensitive location in the Area – Type 4 Permit**

Access to sensitive locations will be reviewed on a case by case basis. However, in general the eligibility criteria for Type 4 permits are likely to include:

- the operation must hold a current permit to the location when the Plan comes into effect; and proof of more than 50 days access to the location in 1996 based on EMC returns; or
- where an operation did not operate in 1996 but holds a valid permit, special circumstances will be given consideration.

#### **2.5 Transition to New Permits**

It is intended that all permittees will be individually advised of their entitlements to standard permits under the new system when the Plan comes into effect. Permittees may request re-consideration if they are dissatisfied with the access provided and they believe there is additional information or circumstances that needs to be considered.

A transition period is intended to allow operations to continue while any requests for re-consideration are being prepared and considered.

The process and timing of changing from the old system of permits to the new standardised permits for the Area is subject to legal advice. The main options are:

- permits will change on expiry or request from the operator; or all operators will be required to change from the old to new system over a period of, for example, 6 to 12 months.

## **SECTION THREE**

### **MOORING AND PONTOON SITE ALLOCATION**

The total number of private moorings and pontoons which may be permitted at each location is detailed in the Plan (see Schedules 6 and 7 respectively). The locations listed in these schedules are the only locations in the Area that permits may be granted for the installation of moorings and pontoons.

The policy currently used by the Authority in allocating mooring or pontoon permits is 'first come, first served'. This system has worked well in the past when the demand for sites was generally lower than the supply. Where the Plan specifies 'no limit' on the number of moorings or pontoons at a location, the Authority intends to continue to apply a policy of 'first come, first served' subject to standard assessment.

However, an alternative system is required for the Area where a moratorium has applied and the demand for mooring sites exceeds available sites. The new system is intended to apply only for 'new' permits. That is, those that had not been granted at the time the Plan comes into effect.

## **Moorings**

The Authority is considering a new system for the allocation of mooring sites in the Area where the number of private moorings:

- is limited by the Plan; and
- allowed under the Plan is greater than the number already permitted.

The system under consideration is described in the following three steps:

### **Step 1:**

The Authority, by public advertisement, calls for applications to install and operate one or more private mooring(s). A period of, for example, 60 days is provided for the lodgement of applications. Applications must be consistent with any advertised requirements.

### **Step 2:**

- It is proposed to give preference to operations which qualify for a Type 2 or a Type 3 permit if the operation:
  - does not already hold a permit to operate a mooring or a pontoon at that location; and
  - would qualify to access the location more than 50 days a year.

If more than one operation meets these criteria, then the Authority is considering conduct of a ballot to determine the successful applicant. At this stage it maybe appropriate for each of the applicants who meet this criteria to be advised and invited to submit a revised application within, for example, 30 days. The ballot would then be conducted if required.

An applicant may include an incorporated association which includes in its membership one or more operators who meet the criteria.

- If no applicant meets the criteria above, then preference would be given to operations which qualify for a Type 2 permit allowing up to 50 days access to the location, if the operation does not already hold a permit to operate a mooring or a pontoon at that location.

If more than one operation meets these criteria, then a ballot could be used to determine the successful applicant as described above.
- If no applicant meets the criteria above, then consideration could be given to all applications recieved, and a ballot conducted if necessary.

### **Step 3:**

On completion of Steps 1 and 2, the Authority will assess the preferred application and set permit conditions as required.

## Pontoons

At present, the demand for new pontoon sites in the Area is low and does not exceed the allowance made in the Plan for growth in this type of use. The Authority intends to further develop options for equitable site allocation for pontoons. Applications for pontoons will continue to be assessed on a case by case basis in accordance with the provisions of the Plan, Regulation 13AC(4), the Authority's Pontoon Guidelines and other Commonwealth statutes, i.e. Sea Installations Act and the Environment Protection (Impact of Proposals) Act.

# SECTION FOUR

## BOOKING SYSTEM

It is intended that holders of a Type 1 permit will be required to make a booking to access the Area to conduct operations. The Authority intends to limit the number of bookings to the Area to 40 vessels on any day.

It is intended that Type 1 and Type 2 permits will be required to make bookings to access sensitive locations. The Authority intends to limit the number of vessels able to make bookings to each sensitive location per day to:

- |                            |                   |
|----------------------------|-------------------|
| • East Hope Island Reef    | 2 vessels per day |
| • West Hope Island Reef    | 1 vessel per day  |
| • Snapper Island Reef      | 1 vessel per day  |
| • Low Island Locality      | 2 vessels per day |
| • Michaelmas Cay Locality  | 2 vessels per day |
| • Green Island Reef        | 4 vessels per day |
| • Sudbury Cay Locality     | 1 vessel per day  |
| • Frankland Islands Sector | 1 vessel per day  |

(Refer to Schedule 5 of the Cairns Area Plan of Management.)

It is intended the booking system will:

- be accessible to operators 24 hours a day, 7 days a week;
- be verifiable for enforcement purposes; and
- not allow a booking to be made more than 6 months in advance.

Administration of the booking system is yet to be determined. Two options are:

- the Authority operates the system; or
- a private contractor operates the system under the Authority's supervision.

# NEED MORE INFORMATION

For additional information or to clarify points in this booklet, please contact:

Great Barrier Reef Marine Park Authority

PO Box 1379

Townsville Qld 4810

Phone: (077) 500 700

Fax: (077) 726 093

Carol Honchin (077) 500 753

Queensland Department of Environment

PO Box 2066

Cairns Qld 4870

Phone: (070) 52 3096

Fax: (070) 52 3080

Sheree Mundy (079) 52 3043

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Closing date for receipt of submissions is 6 October 1997.