

Environmental Impact Management Policy

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

General Principles

1. Environmental Impact Management at the Great Barrier Reef Marine Park Authority (GBRMPA) will generally consist of four phases: Scoping, Assessment, Implementation and Audit (Figure 1).

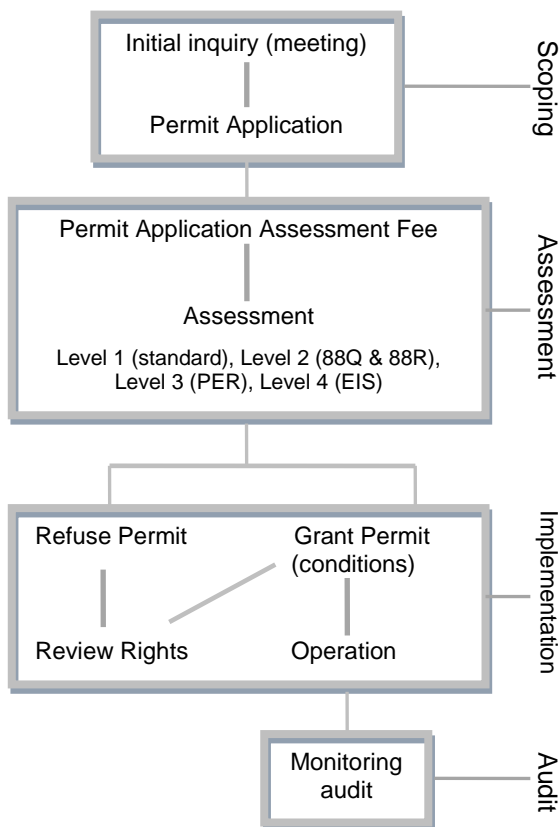


Figure 1: Environmental Impact Management at GBRMPA.

2. GBRMPA recommends proponents and interest groups discuss initial concepts, designs, alternatives and potential mitigation of impacts for any proposed activity or development which may impact on the Great Barrier Reef Marine Park (Marine Park) and require a permit (Scoping phase).

Some developments may be referred or assessed under the Environment Protection and Biodiversity Conservation Act 1999. Permits may also be required from other Government agencies and a whole of government meeting is preferred.

- Proponents must complete an application form and pay a Permit Application Assessment Fee (PAAF). GBRMPA will assign a Project Manager to commence notification and assessment and formal liaison with the applicant.
- To provide for consistency and efficiency GBRMPA will allocate projects to one of four levels of assessment (Tables 1 and 2):
- GBRMPA will consider cumulative impacts associated with proposed developments. In particular, the impacts of a proposal must be considered in its entirety as well as individual (stage or multi-phased) components.
- GBRMPA will consider the principles of ecologically sustainable development: including environmental, economic and social values. Management decisions relating to the Marine Park will be based primarily on environmental values (Implementation phase).
- Permits for developments within the Marine Park may be issued for up to 15 years. Longer permit periods may be applicable for permanent structures.



8. GBRMPA will audit environmental performance of some permitted activities and developments (Audit phase) and if environmental performance or compliance does not meet required standards then penalties and/or remediation will be required.

Specific

9. Different levels of assessment will utilise a range of environmental impact management tools and permit conditions (see Table 1 for indicative conditions and Table 2 for examples).

10. Monitoring may include site inspection, and issue based and reactive monitoring (with trigger levels). Adequate site inspection and/or monitoring must be undertaken prior to commencement of works (this may require monitoring for 12 months or more to establish baseline conditions for large projects).

11. The Environmental Management Plan (EMP) must include identification of potential environmental impacts, how

activities will be managed to reduce these impacts, a monitoring program, emergency response plans and any relevant issue-based plans. Independent experts who are selected and directly contracted by GBRMPA will generally review EMP's.

12. The Environmental Site Supervisor and Monitoring Consultant must be funded by, but independent of, the proponent and be without any conflict of interest. GBRMPA will select and directly contract the Monitoring Consultant and Environmental Site Supervisor. The Environmental Site Supervisor may be engaged for the whole project or any relevant phases.

13. An Advisory Committee may be established for a project to provide advice to GBRMPA. The Advisory Committee may include representatives from Government, the proponent, community, the Environmental Site Supervisor, and experts in the fields of science and management.

Table 1: Indicative level of environmental impact management tools

Assessment	Monitoring	Environmental Management Plan	Deed	Bond
Level 1	Compliance	No*	No	No
Level 2	Site Inspection	No	Yes (standard)	~\$50,000
Level 3	Site Inspection + Issue Based	Yes + Advisory Committee	Yes (standard)	~\$250,000
Level 4	Site Inspection + Issue Based + Reactive + Monitoring Consultant	Yes + Advisory Committee + Environmental Site Supervisor	Yes (specific)	~\$500,000+

14. For most level 2, 3 and 4 permissions a bond will be required and must be lodged with GBRMPA in the form of either a cash bond or bank guarantee (see Table 1). GBRMPA may consider salvage quotes as a basis for determining a bond and may consider waiving a bond for permits held by Government Departments or Government owned Corporations.
15. All level 2, 3 and 4 permissions prior to commencing operations in the Marine Park will be required to enter into a Deed of Agreement to provide indemnity and, where necessary, to ensure there is an ongoing contractual obligation to protect the environment if a permit lapses.
16. The proponent is responsible for all reasonable costs associated with environmental impact management (including monitoring, Environmental Site Supervision, Advisory Committee and remediation).

Table 2: Examples of assessment levels of projects (these examples are for guidance only and are not binding on a GBRMPA delegate)

Level 1

Minor Project
Minimal and/or transient impact
Example – small navigation marker

Level 2

Small project
Low and/or short-term impact
Example – Jetty or Pontoon (less than 15m long), small boat ramp (1 or 2 lane ramp or widen existing ramp by up to 2 lanes).

Level 3

Medium scale project
Public interest , sensitive environment, Moderate and/or medium term impact
Example – spoil disposal from maintenance dredging associated with ports

Level 4

Complex or large scale project
Public interest, irreversible and/or major impact
Example – Large marina development (over 30 berths), large capital dredge and spoil disposal

Further Information

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Justification

1. The establishment of a formal environmental impact management policy is seen as an essential element in the successful management and mitigation of environmental impacts associated with permitted activities 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. *Bond*
 - 4.1. A financial guarantee which primarily relates to recovery, restoration and/or removal of an activity/structure and is designed to act as a financial incentive for a Permittee to meet required performance levels. Default would lead to full or part payment by the Permittee of the bond to the governing authority.
5. *Deed*
 - 5.1. A binding contract attached to Marine Park permits which details obligations of the Permittee, indemnities and any requirement for insurance or a bond.
6. *Ecologically Sustainable Use*
 - 6.1. Ecologically Sustainable Use of natural resources means use of the natural resources within their capacity to sustain natural processes while maintaining the life support systems of nature and ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations.
7. *Environmental Impact Assessment (EIA)*
 - 7.1. This is a formal or informal process for evaluating the likely possible risks or effects on the environment of a proposed activity or development.
8. *Environmental Impact Statement (EIS)*
 - 8.1. A document prepared as part of the EIA process by the proponent which includes a description of the proposed activity, possible environmental effects, alternatives to the activity, and mitigation measures to be adopted. More detailed and comprehensive than a Public Environment Report.
9. *Issue-based monitoring*
 - 9.1. Issue based monitoring involves the design and implementation of a targeted monitoring program developed to measure environmental performance of an activity, specifically with regard to environmental risks (issues) identified during the

scoping or assessment phase of the EIA process, or during the site inspection. Monitoring programs will be designed using best practice, and will include: pilot studies; modelling and baseline monitoring where appropriate; and controls for adequate replication. Monitoring programs will have sufficient statistical power to achieve predetermined management objectives.

10. *Permit*

10.1 A permission issued by GBRMPA to undertake an activity or place a structure in the Marine Park.

11. *Permittee*

11.1 A person, company or entity issued with a current Marine Parks permit by GBRMPA.

12. *Public Environment Report (PER)*

12.1 A simplified version of an EIS which briefly outlines the proposal, examines the environmental implications, and describes the precautions necessary to protect the environment. PER's are available for public comment.

13. *Reactive monitoring*

13.1 Reactive monitoring is issue-based monitoring with specific triggers to facilitate timely management intervention aimed at preventing unacceptable increases in environmental risk or damage. Reactive monitoring involves repeated measurement of indicator variables selected to provide an early warning of likely increases in environmental risk. A framework and protocol for measurement and reporting must be developed to provide rapid notification of changes in condition of indicator variables. The condition of indicator variables is compared against predetermined trigger levels. A predefined management response is initiated when a trigger level is exceeded.

14. *Sensitive Environments*

14.1 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.

15. *Site Inspection*

15.1 A site inspection is an examination of the site that may be impacted by the proposed or existing activity. This may include: a survey of physical attributes and ecological habitats of the site; a review of existing information relating to the site; a description of possible alternative sites; an evaluation of conservation values and sensitivity of associated biota or habitats; a review of compliance with current permit conditions; and recommendations for monitoring.

16. *Trigger levels*

- 16.1 Trigger levels or thresholds for appropriate management responses, will be determined by GBRMPA in consultation with any Advisory Committee which may be established.

17. *Works*

- 17.1 Works means and includes all plant and materials comprising or used in connection with all constructions, erections, dredging, installations, structures, vessels or aircraft of any kind associated directly or indirectly with the permission and the use of the Marine Park.

Background

18. Proposals identified as having the potential for significant impacts on the Marine Park are referred to GBRMPA's Environmental Assessment Management team. Before granting (or refusing) permission for an activity in the Marine Park, GBRMPA must conduct an assessment by considering matters outlined in *Great Barrier Reef Marine Park Regulations 1983* Regulation 88Q (mandatory considerations) and may consider matters outlined in Regulation 88R (discretionary considerations). This assessment will take into account values, impacts, relevant legislation, Zoning Plans, Plans of Management, policies and guidelines. This process includes detailed analysis of project specifications and site inspections to verify information provided by the applicant.
19. Human activities may directly or indirectly impact on the marine environment. Direct impacts such as the construction of marinas, pontoons, aquaculture farms and associated dredging, reclamation and disposal of waste are of particular concern because of the potential deleterious impacts on water quality, aquatic habitat and biota.
20. GBRMPA needs an environmental impact management system to be user-friendly, efficient, and to avoid unnecessary over regulation of Marine Park users. At the same time it needs to address both the environmental and public risks associated with activities. A balance is also necessary to achieve GBRMPA's goals of protecting the Marine Park and ensuring sustainability, while at the same time allowing reasonable public use and enjoyment of the Marine Park.
21. Permissions granted to undertake a development within the Marine Park may be subject to permit conditions designed to avoid and mitigate potential impacts arising from the activity. The Marine Park permitting process includes an assessment of the risks from a proposed activity and sets a level of regulation accordingly. Additional risk-management instruments utilised with permits include Deeds and Bonds.
22. Permits for commercial activities in the Marine Park generally require operators to also enter into a Deed with the Authority. The Deed sets out terms and conditions pertaining to the Marine Park Permit, as well as any indemnities, bonds and insurance requirements. Bonds aim to ensure that as far as possible the costs associated with rectification of environmental damage is borne by the operator and that GBRMPA on behalf of the Commonwealth of Australia is not required to use public monies to meet costs for rectification of an operator's actions (e.g. for the removal of wrecked structures from the Marine Park).

23. GBRMPA works closely with state government, particularly the Queensland Parks and Wildlife Service. The four levels for GBRMPA's environmental impact management closely reflect the Queensland Government process. GBRMPA has developed these policies based on historical GBRMPA decisions, best available scientific and management information, community consultation and current GBRMPA best practice.

Legislative Context

24. 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:

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

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:

25.1. *Discharge of waste (Section 38DD)*

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

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

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 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.

26. *Great Barrier Reef Marine Park Regulations 1983*

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 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.

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

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.

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.

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

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

29. *Sea Installations Act 1987*

The Sea Installations Act regulates the placement, use and maintenance of seabed installations in Australian waters. A sea installation refers to any man made structure that is in contact with the seabed and used for an environment-related activity (e.g. tourism, recreation).

References

30. Eccleston, C.H. (2000). Environmental Impact Statements – A Comprehensive Guide to Project and Strategic Planning. John Wiley & Sons, Inc, Brisbane.
31. Environmental Institute of Australia (2001). Draft policy statement Environmental Impact Assessment. <http://www.eia.asn.au/>
32. Harding, R. (Ed) (1998). Environmental decision making – the roles of scientists, engineers and the public. The Federation Press, NSW.
33. Lal, P and Brown, D. (1996). Using performance bonds as an environmental management tool: the Great Barrier Reef Marine Park Authority's Experience. Australian Journal of Environmental Management 3, 86-97.

Marine Park Authority (MPA) Board Decision(s)

34. MPA 193/1

Relationship to other GBRMPA Policies or Position Statements

35. This Policy relates to the following GBRMPA Policies and Position Statements at the time of review:
 - 35.1. Structures Policy – is considered when assessing the impact of structures in accordance with the Environmental Impact Management Policy.
 - 35.2. Dredging and Spoil Disposal Policy - is considered when assessing the impact of dredging and spoil disposal in accordance with the Environmental Impact Management Policy.
 - 35.3. 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.
 - 35.4. 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.

- 35.5. Policy on Moorings in the Great Barrier Reef Marine Park – is considered when assessing the impact of moorings in accordance with the Environmental Impact Management Policy.
- 35.6. Policy on Managing Scientific Research in the Great Barrier Reef Marine Park - is considered when assessing the impact of scientific research in accordance with the Environmental Impact Management Policy.
- 35.7. Policy on Managing Activities that include the direct take of a Protected Species from the Great Barrier Reef Marine Park - is considered when assessing the impact of collection of protected species in accordance with the Environmental Impact Management Policy.
- 35.8. Sewage Discharges from Marine Outfalls to the Great Barrier Reef Marine Park - is considered when assessing the impact of sewage discharges in accordance with the Environmental Impact Management Policy.

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