



Activity Assessment - Activity not mentioned, or considered in the preparation of, a Plan of Management

19 December 2020

Target Audience

Primary: Staff of the Managing Agencies, being the Great Barrier Reef Marine Park Authority (GBRMPA) and Queensland Parks and Wildlife Service (QPWS), who collectively administer the granting of permissions.

Secondary: Groups and individuals applying for permission; interested members of the public.

Purpose

The purpose of this document is to deliver consistent and transparent application of the plans of management clauses for activities not mentioned in, or considered in the preparation of, a plan of management.

General principles

1. The clauses below are included in plans of management to clarify the Authority may consider granting a permission to use or enter a Planning Area for a proposed activity not mentioned in, or considered in the preparation of, a plan of management. However, it is the Authority's intention that a decision to grant a permission for an activity not mentioned in a plan is more desirable where the integrity of the relevant plan of management is maintained, having regard to its objects, values and strategies.

Relevant Plan of Management Clauses:

Cairns Area Plan of Management, 2.3 When this Part does not apply

(1) Nothing in this Part prohibits or restricts anything being done:

(d) in accordance with a relevant permission, granted under the Regulations, authorising the carrying on of an activity not mentioned in, or considered by the Authority in the preparation of, this Plan.

Hinchinbrook Plan of Management, 2.4 Part not to apply to certain activities

(3) This Part does not apply to an activity that is carried out in accordance with a relevant permission granted under the Regulations, authorising the carrying on of an activity not mentioned in this Plan.

Whitsundays Plan of Management, 2.3 When this Part does not apply

(1) Nothing in this Part prohibits or restricts anything being done:

(d) in accordance with a relevant permission, granted under the Regulations, authorising the carrying on of an activity not mentioned in, or considered by the Authority in the preparation of, this Plan.

2. New technologies are constantly being developed and may create opportunities for new above or below water experiences, or to support reef health. Proposals could include new activities or innovative technologies that beneficially support, improve and highlight the values of the Planning Areas (as referred to under a plan of management) and the Marine Park. Proposed activities may also influence other uses of the Planning Area and adjacent land and islands, potentially restricting patterns of use, access, or enjoyment by other users of the area.
3. The Authority is not compelled to grant a permission in circumstances where an activity is not mentioned in a plan of management. The Authority will always have discretion to decide whether to grant a permission having regard to all mandatory considerations under the Regulations. The Authority encourages applicants for permissions to apply for activities consistent with the relevant plan of management.
4. [Applications for permissions](#) are assessed having regard to the mandatory considerations in the Regulations, including consideration of relevant plans and policies published by the Authority. This includes assessing the purpose and risks of the activity, and the potential impacts on Marine Park values.
5. This guideline supplements the [Managing Agencies Risk Assessment: Permission System Procedure](#). When considering a permission application for an activity that is not mentioned in a plan of management, an **outcomes-based assessment approach** will support and enhance the decision making process, providing the Authority with certainty as to the benchmark to be achieved and flexibility with the method of achieving the outcome.

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6. The outcomes-based approach includes a set of **performance outcomes** (benchmarks), and **acceptable outcomes** (possible solutions), that apply to Planning Area values and management strategies. These benchmarks protect values, balance use and provide for a range of experiences. [Table 3. Performance and acceptable outcomes for activities not in a Plan of Management](#) describes the outcomes for assessing and deciding if the proposed activity is an appropriate use by maintaining the integrity of the relevant plan of management, having regard to its intent, values and strategies. This approach allows consideration for a new activity and how it can meet the outcomes for achieving best practice in a Planning Area. See the Outcomes-based approach talk box below and [Assessing the merits of the proposed conduct](#) later in this guideline to learn more.

Tip:
Performance outcome
 A benchmark describing the desired outcome for a matter including any elements or processes that relate to achieving the desired outcome.
Acceptable outcome
 A possible solution considered acceptable for achieving a performance outcome.

Outcome-based approach

Managing multiple-use Marine Parks and access to Planning Areas requires various approaches to protect values and allow for ecological sustainable use. With a decline in natural values of the Marine Park, there is a growing need to flexibly respond and adapt efficiently to unusual circumstances, innovative approaches, technological advances and emerging needs. An outcomes based approach acknowledges there is more than one way to achieve a good outcome.

Decision makers need a transparent and accountable administrative decision making framework when assessing 'innovative' proposals to conduct activities not mentioned, or considered in the relevant plan of management. They need *certainty* to make consistent decisions and *flexibility* to consider new or innovative proposals. A hybridised assessment including an outcomes-based assessment approach with the risk-based assessment approach provides this.

An outcome-based approach manages the risk by setting **performance outcomes** as a basis for assessing the acceptability of an activity. The *performance outcome* provides *certainty* for benchmarks and allows *flexibility* with how they are achieved. This enables a consistent way for measuring innovative proposals. Multiple *performance outcomes* are used to maintain the integrity of the relevant plan of management and can be interdependent of each other. An optimal activity achieves all *performance outcomes*.

Performance outcomes may also have corresponding **acceptable outcomes** describing a possible way to achieve a performance outcome. If the proposed conduct aligns with the acceptable outcome, then the performance outcome is also met. Acceptable outcomes can also provide another avenue of certainty. However if the proposal doesn't 'fit' the acceptable outcome then there continues to be the flexibility to refer to the performance outcome instead as another option.

The hybridised assessment approach to include both the risk-based and outcomes-based assessments provides a holistic platform to consider innovative proposals from multiple perspectives.

1. Risk assessment: risk of the relevant impacts on values by the proposed conduct.
2. Outcome assessment: how the proposed conduct fits into the fabric of a Planning Area.

Decision principles

Deciding to accept and grant permission for an activity not mentioned in a plan of management

7. The Authority will determine when an application is received if it is appropriate for this guideline to be considered. In the Whitsundays, there is another clause (refer to the *Guideline for Whitsundays Plan of Management 1998 – Application of clause 2.3B*) which may be an alternative consideration for the decision maker. To assist delegates and assessment officers [Figure 1 and 2](#) (in Supporting Information) are decision flow charts.
8. Upon receiving an application, the delegate for deciding whether the application is properly made can determine if this guideline applies by addressing the triggers in [Table 1. Trigger to apply guidelines for activities not in a plan of management](#). If the delegate is satisfied this guideline applies, they will advise the assessing officer to consider this guideline and all of [Table 3 Performance and acceptable outcomes for activities not in a plan of management](#) in the assessment, in addition to the assessment criteria under the Regulations. See also [Examples of when this guideline may apply](#).
9. The delegate for granting a permission should only consider the requirements of this guideline to be met when **all** of the [Table 3 performance outcomes](#) can be achieved. When all Table 3 performance outcomes can be achieved the activity is considered to be an appropriate use and will maintain the integrity of the relevant plan of management.

Table 1. Trigger to apply guidelines for activities not in a plan of management

Assessment triggers
An application should be assessed against these guidelines if any of the following applies:
1.1 The activity is not mentioned in <i>Table 2. Activities mentioned in plans of management</i> .
OR
1.2 The activity is a) listed in <i>Table 2. Activities mentioned in plans of management</i> ; and b) consistent with the intended intensity of use for that activity in the plan of management; and c) in a manner different to the definition of that use/activity. <i>Example: see example on Page 4.</i>
OR
1.3 The activity is not mentioned in the Routine Permission Template at the time of application as well as not being mentioned in <i>Table 2. Activities mentioned in plans of management</i> .

Table 2. Activities mentioned in plans of management

Cairns Plan of Management	Hinchinbrook Plan of Management	Whitsundays Plan of Management
<ul style="list-style-type: none"> • aircraft • craftless activities • crewed vessel • cruise ship • daily fishing charters • gamefishing • heli-pontoon • hire operation • hovercraft • large vessel • long range roving • motorised water sport • non-motorised craft • permanently moored facilities (that is not a research facility or navigational aid) • personal watercraft • pontoons • private moorings • research • support services • tenders • tourist facility 	<ul style="list-style-type: none"> • aircraft • bareboats • craftless activities • crewed vessel • crewed large vessel • cruise ship operation • guided interpretative tour (fishing included) • high speed vessel • hire operation • hovercraft • large vessels (using manual anchor) in locations • motorised water sorts • non-motorised craft • passenger transport • personal watercraft • private moorings • retail activities in intensive areas • support services • tourist facility 	<ul style="list-style-type: none"> • aircraft • aquaculture (that displaces other users) • bareboats • craftless activities • crewed vessel • cruise ships • fishing or collecting as part of a tourist program • high speed vessels • hire operation • hovercraft • large ships • long range roving operation • motorised water sport • non-motorised activities • passenger transport • personal watercraft • private moorings • reef walking • retail • support services • tourist facility

Tip:

This guideline may apply to activities **not** listed in [Table 2](#). If an activity is listed in [Table 2](#), it is important to also think about how it is defined or would have been considered at the time of preparing the plan. The application of new technology to an existing activity could affect how the activity is conducted and therefore was not a consideration in a plan of management.

There are also activities already provided for by the permissions system that are not mentioned in plans of management but have previously been considered by the Managing Agencies. One example is various underwater aids associated with a vessel program.

Examples of when this guideline may apply

Example - New technology

Where an activity involves applying new technology to an existing activity mentioned in a plan, it may be how the technology could be used or applied that was not considered in preparing a plan. This could include how that activity may have been defined. See the following example for a scenario that may warrant further consideration of this guideline when new technology is applied to an existing activity.

Proposal

The proposed conduct is to include small electric motors on non-motorised craft for temporary use in emergencies. The craft are part of a non-motorised craft operation in a Planning Area for a tourist program under the Zoning Plan.

Consideration

- Non-motorised craft operation is defined as:
 - (a) is part of a tourism program; and
 - (b) comprises activities permitted under one relevant permission; and
 - (c) uses non-motorised craft; and
 - (d) uses a guide as part of the operation.
- A non-motorised craft operation is generally an activity that is low impact (visually, physically and audibly).
- A non-motorised craft operation has daily access to a Planning Area without a booking requirement.
- The definition does not include the temporary use of electric motors.
- The proposed use of the technology was not widely used or proposed at the time of preparing a plan of management.
- Marine Safety Queensland do not require registration for boats with an engines less than 3kW(4hp)
- Small electric motors are generally quiet, do not have exhaust and travel at a maximum speed of 4 knots.
- The use of the small electric motors is not intended for transit – for use in emergency situations.
- The small electric motors must not be used in a manner that defines motorised watersports.
- The frequency of visits **will not** be increased beyond current levels for the non-motorised craft operation.

Conclusion

The temporary use of small electric motors for emergency purposes on non-motorised craft was a technology that was not widely used or proposed at the time of preparing a plan management and therefore was not considered in the preparation of a plan of management. The temporary use of electric motors on the non-motorised craft maintains the low impact nature of the activity, creates minimal disturbance and is unlikely to have an impact on sensitive values as used for emergency purposes.

Subject to a full assessment, the proposed conduct possibly maintains the integrity of the plan of management by maintaining the same level of use and frequency as a non-motorised craft operation. Therefore this proposal could possibly meet Acceptable Outcome 1.2.

Note: This is an example only for addressing AO1.2. A full assessment including risk assessment and Traditional Owner consultation has not occurred.

Example - New activities and multiple purposes for use

Proposed activities may involve multiple purposes for example restoration (primary) and tourism (secondary).

A restoration activity (such as coral gardening at an impacted site) may be considered under the clause where it considered for any other purpose consistent with the objectives of the relevant zone under the Zoning Plan 2003 (for example: 2.2.4 of the General Use Zone).

If the proposed restoration activity also proposes to include secondary tourism activities (i.e. showcasing the coral gardening), the application would likely be more successful if the tourism activity aligns with the intent for tourism operations and/or tourist facilities in a plan of management.

Tourism is a significant focus for plans of management and previous detailed planning processes has ensured a range of experiences have been provided for as well as fair and equitable access for tourism operators and recreational users. The clause doesn't apply if it is a tourist facility as this is an activity already mentioned in a plan of management. Proposals for restoration and adaptation projects will also need to consider the Restoration and Adaptation Guidelines and Draft Great Barrier Reef Interventions Policy.

Assessing merits of proposed conduct

10. The assessment for an activity in accordance with this guideline is in addition to the [Risk Assessment: Permission System Procedure](#) and other mandatory considerations under the Regulations. To reduce duplication there are existing assessment processes (where there are synergies) referred to in Table 3.
11. The assessing officer should include in the assessment report:
 - a) the recommendations and justifications (as they apply to plans of management) into the section for *Mandatory considerations relating to other statutory instruments (section 103 (b) of the Regulations)*;
 - b) the response table addressing each of the performance outcomes into the section for *References and supporting documentation*. See the response table template in [Supporting Information](#); and
 - c) Include reference to this guideline into the section for Policies and guidelines (*section 103 (o) of the Regulations*).

Note: If appropriate include findings into other relevant sections in the report. For example relevant impacts of the proposed conduct 103(g) of the Regulation.

12. The assessing officer should describe in their assessment how the activity achieves, or does not achieve, each *performance outcome* before a recommendation can be made to the delegate. To recommend an approval to the delegate **all performance outcomes should be complied with** along with the other mandatory considerations in the Regulations. Permit conditions may also be recommended to ensure the activity continues to meet the performance outcomes where necessary.
13. The *performance outcomes*, in [Table 3](#), describe the primary benchmarks for determining if the integrity of the relevant plan of management will be maintained. See [Definitions](#) for performance outcomes and acceptable outcomes.
14. The *acceptable outcomes*, [Table 3](#), describe possible solutions to achieve a performance outcome. If the proposed activity meets the acceptable outcome/s then the corresponding performance outcome is also met. Further assessment against that performance outcome is then not required.
15. If an acceptable outcome cannot be met by the proposed activity, or if an acceptable outcome is not provided, there is an opportunity to demonstrate how the proposed activity will achieve the corresponding performance outcome. This could be achieved by the applicant proposing an alternative solution or mitigation measures that address the performance outcome. Mitigation strategies such as a reduced permit term to trial the technology in order to control and minimise risks may also be considered.

Example – Sensitive Locations

If the proposed activity is in a Sensitive Location of the Cairns Planning Area, it cannot meet Acceptable Outcome 4.1B. Instead, there is another option to alternatively address Performance Outcome 4 giving regard to how the activity will mitigate risks and is consistent with the intended use of the Sensitive Location.

16. Assessing the merits of the activity includes considering all uses (note: this is different to purposes) and any relevant impacts because of the proposed activity. The impacts of secondary use can also be direct rather than indirect, and can have significant flow on effect in a Planning Area.

Example - Primary and secondary uses and activities in a Planning Area

The installation of a structure that is publicly owned (e.g. underwater art) is an activity not mentioned in a plan of management. In addition to the primary use, secondary uses, activities and their impacts (after construction) need to be considered as well such as swimming around the structure, access to and from land or vessel, anchoring/mooring of vessels and increased frequency of vessels transiting to and from the proposed location. Both the primary and secondary uses will need to be included in the assessment against the performance outcomes. While the primary use of proposed conduct could meet the performance outcomes, the secondary uses could potentially compromise the intended level of use of a site in a Planning Area and/or create a conflict of use with other existing uses, which could compromise the integrity of the plan of management.

17. Public information packages may be required to gain insight into community views with introducing new activities in Planning Areas.
18. The precautionary principle should also be a consideration for all assessments of applications to access and use the Marine Park.

Tip:

1. Are all of the Acceptable outcomes met?

Yes - the corresponding performance outcome is also considered met. Move to the next acceptable outcome.

No –check if the corresponding performance outcome can be met.

2. Is the Performance outcome met?

Yes –Move on.

No - Request further information from the applicant or record an inability to meet the guideline in the assessment as one consideration that goes against grant the permission.

! Remember all performance outcomes should be met to recommend an approval !

19. The performance outcomes and acceptable outcomes in Table 3. align with the plan of management objects, values and strategies.

Table 3. Performance and acceptable outcomes for activities not in a plan of management

Performance Outcome	Acceptable Outcome
<p>Indigenous cultural heritage PO1 Where practicable, the activity has been considered by the Traditional Owner group, which speaks for country, for the Planning Area and protects their cultural heritage values.</p> <p><i>Where practicable means: evidence of reasonable effort has been made by, the applicant or the Authority, to contact, and provide all relevant group with sufficient opportunity and time to respond to correspondence.</i></p>	<p>AO1 The applicant has provided evidence the Traditional Owners that speak for country have:</p> <ul style="list-style-type: none"> a) been consulted; and b) considered the potential impact on their cultural values; and c) support the proposed activity.
<p>Ecologically sustainable use PO2 The activity is in accordance with best environmental practices and carries a level of risk considered acceptable as per the Risk Assessment: Permission System Procedure.</p>	<p>AO2.1 The Risk Assessment: Permission System Procedure has established the activity has either a low, or medium, residual risk.</p> <p>OR</p> <p>AO2.2 The activity is for restoration and adaptation and is a level of residual risk considered acceptable under the Restoration and Adaption Guidelines.</p>
<p>Level of use PO3 The proposed activity;</p> <ul style="list-style-type: none"> a) maintains, or improves, Planning Area values, and b) is consistent with the intended level of use for the proposed settings or locations; as described in the plan of management; and c) aligns with adjacent National Park use settings and values. <p><i>Note: to demonstrate this outcome an existing permittee should demonstrate the current and projected amount of visits they make associated with their permission. The frequency, intensity and nature of visitation can have potential cumulative impacts on the level of use for an area.</i></p>	<p>For applications for a first time new permission: AO3.1A The activity is consistent with the intended level of use for the area and complies with vessel length and group size limits set out in relevant plans of management; and consistent with adjoining State Marine Park values.</p> <p>AND</p> <p>AO3.1B The activity does not occur at a:</p> <ul style="list-style-type: none"> a) setting 5 (protected) area in the Whitsunday Planning Area; b) sensitive location in the Cairns Planning Area; c) sensitive location in the Hinchinbrook Planning Area; d) significant bird site; e) fish spawning aggregation site. <p>-----</p>

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Performance Outcome	Acceptable Outcome
	<p>For applications for existing permissions or continuation of a permission:</p> <p>AO3.2A The activity changes the way an existing permission operates avoids cumulative impacts by maintaining:</p> <ul style="list-style-type: none"> a) the current frequency of visits; and b) the current level impact. <p><i>Example: The frequency, intensity and nature of visitation is not increased by an existing operation that is modified or enhanced by a new technology.</i></p> <p>AND</p> <p>AO3.2B The activity changes the way an existing permission operates and does not require a conversion between tourism operations listed in:</p> <ul style="list-style-type: none"> a) Clause 1.42 of Whitsundays Plan of Management b) Clause 1.50 of Cairns Area Plan of Management c) Clause 1.34(9) of Hinchinbrook Plan of Management <p><i>Note: These provisions prevent unintended intensification of use.</i></p>
<p>Conflict of use PO4 The activity complements existing uses and activities, and potential future uses and activities, that occur within, adjacent to, or in transit to and from a proposed area including their:</p> <ul style="list-style-type: none"> a) patterns of use, and b) access, and c) visitor experience. <p><i>Note: Existing or potential future uses may include but are not limited to recreation; tourism, education; research; marine facilities; commercial fishing; traditional use of marine resources and gathering; shipping and port activities.</i></p> <p><i>A Public Information Package may be required where there a potential conflict of use.</i></p>	<p>AO4.1 The activity is consistent with the type of use for the area.</p> <p>AND</p> <p>AO4.2 The activity does not create an exclusive use over an area.</p> <p>AND</p> <p>AO4.3 The activity does not:</p> <ul style="list-style-type: none"> a) introduce an intensive activity into a sensitive location or natural setting area, or conversely b) introduce a sensitive activity in an intensive or high use area. <p>AND</p> <p>AO4.4 The activity complements the interface between marine and land uses (mainland and island) including their activities, group sizes and facilities.</p>
<p>Scenic Amenity PO5 The activity maintains scenic amenity values and significant views as described in the plan of management for the Planning Area and adjacent National Park.</p> <p><i>A Public Information Package may be required where there are potential adverse impacts on amenity.</i></p>	<p>AO5.1 The activity has a low profile design and sympathetic colours that complement the surroundings aesthetics.</p> <p>OR</p> <p>AO5.2 The applicant has provided evidence the activity is aligned with the scenic amenity values of the proposed area/s, adjacent areas, and expectations of the community.</p>

Performance Outcome	Acceptable Outcome
<p>Noise Amenity PO6 The activity noise levels do not have long-term disturbance on users and Marine Park values including wildlife in and out of water.</p> <p><i>Example: the activity uses non-combustion technology such as solar or battery power.</i></p> <p><i>A Public Information Package may be required where there are potential adverse impacts on amenity.</i></p>	<p>No acceptable solution proposed.</p>

Background

20. The plans of management help to protect and conserve the Planning Areas while allowing for a range of experiences and reasonable opportunities for access and use. There are four plans of management in the Marine Park: Cairns Area, Hinchinbrook, Whitsundays and Shoalwater Bay.
21. The plans of management allow for a finer scale of protection and management than the Zoning Plan. To deliver a range of experiences, the plans closely manage access (vessel length and group sizes), types of tourism operations, frequency of visitation and other uses. They also manage particular activities (whether recreational or commercial) such as motorised water sports, aircraft landing areas, private mooring facilities and anchorages.
22. In addition to the application of the clause referred to in these guidelines, other activities (i.e. permitted research and Part 5 of the Zoning Plan) are exempt from the enforcement provisions in Part 2 of plans of management. These guidelines may also provide assistance during the assessment process for activities proposed to be carried out in accordance with Part 5 of the Zoning Plan to ensure consistency with the intent of the plans of management.
23. Since the commencement of the plans of management, the Whitsundays and Cairns areas have experienced significant growth in visitation and changes in use patterns.
24. The Reef-wide marine environment including, fringing reef communities, have experienced increased adverse impacts due to a range of factors such as climate change, severe weather events and declining water quality. Chronic stressors have deprived natural habitats and other social and cultural assets of sufficient time to recover between acute events. The impacts of climate change, combined with chronic stressors and a more frequent disturbance regime will further reduce reef resilience. There will be flow-on impacts for Reef-dependent industries and community benefits
25. Efforts are underway with partners to develop and trial tools for restoration and adaptation to help prevent further degradation of reef habitats and species. This may include innovative approaches to improve Reef resilience, reduce vulnerabilities, and increase the ability of ecosystems to adapt to a changing climate.
26. Tourism operations and facilities are constantly becoming more refined or improved with advances in technology. These advances could lead to an operation or facility that is not currently in use in the Planning Area.
27. In 2001, the Marine Park Authority acknowledge the need to provide the Authority with flexibility to consider future operations using innovation and technology within a Planning Area.
28. On 18 September 2020, the State of Queensland through the Department of Environment and Science accredited the Whitsundays Plan of Management. The Gazette Notice including details of the accreditation can be viewed on the [Department of Environment and Science website](#).

Definitions

Acceptable Outcome

A solution that is considered acceptable for achieving a performance outcome which it relates to.

Cumulative impacts

Has the meaning given in the [Risk Assessment – Permission System Procedure](#): the interaction of effects between one or more impacts and past, present, and reasonably foreseeable future pressures.

Impact

Has the same meaning as ‘relevant impacts’ in the [Regulations](#).

Intensive activity

An activity that generally has one or more of the following, high level: noise, visibility, movement, volume of people and overall impact on natural or sensitive values.

Performance Outcome

A benchmark which describes the desired outcome for a specific matter including any elements or processes that are intrinsically related to achieving the desired outcome for a specific matter.

Planning Area

The geographical area that each plan of management applies to.

Proposed conduct

Has the same meaning as ‘proposed conduct’ in the [Regulations](#).

Relevant impact

Has the same meaning as ‘relevant impact’ in the [Regulations](#) being:

- a) the potential direct and indirect impacts of the conduct, and the potential cumulative impacts of the conduct (in conjunction with other conduct, events and circumstances), on the environment, biodiversity, and heritage values, of the Marine Park or a part of the Marine Park; or
- b) the risk of the proposed conduct restricting reasonable use by the public of a part of the Marine Park and the extent of that restriction (if any).

Sensitive activity

An activity that generally has low level: noise, visibility, movement, volume of people and overall impact on natural or sensitive values. They may also have sensitive receptors to noise, optics and proximity to other uses, and are generally at risk of being conducted successfully from the impacts of intensively used areas that are busy and noisy.

Residual risk

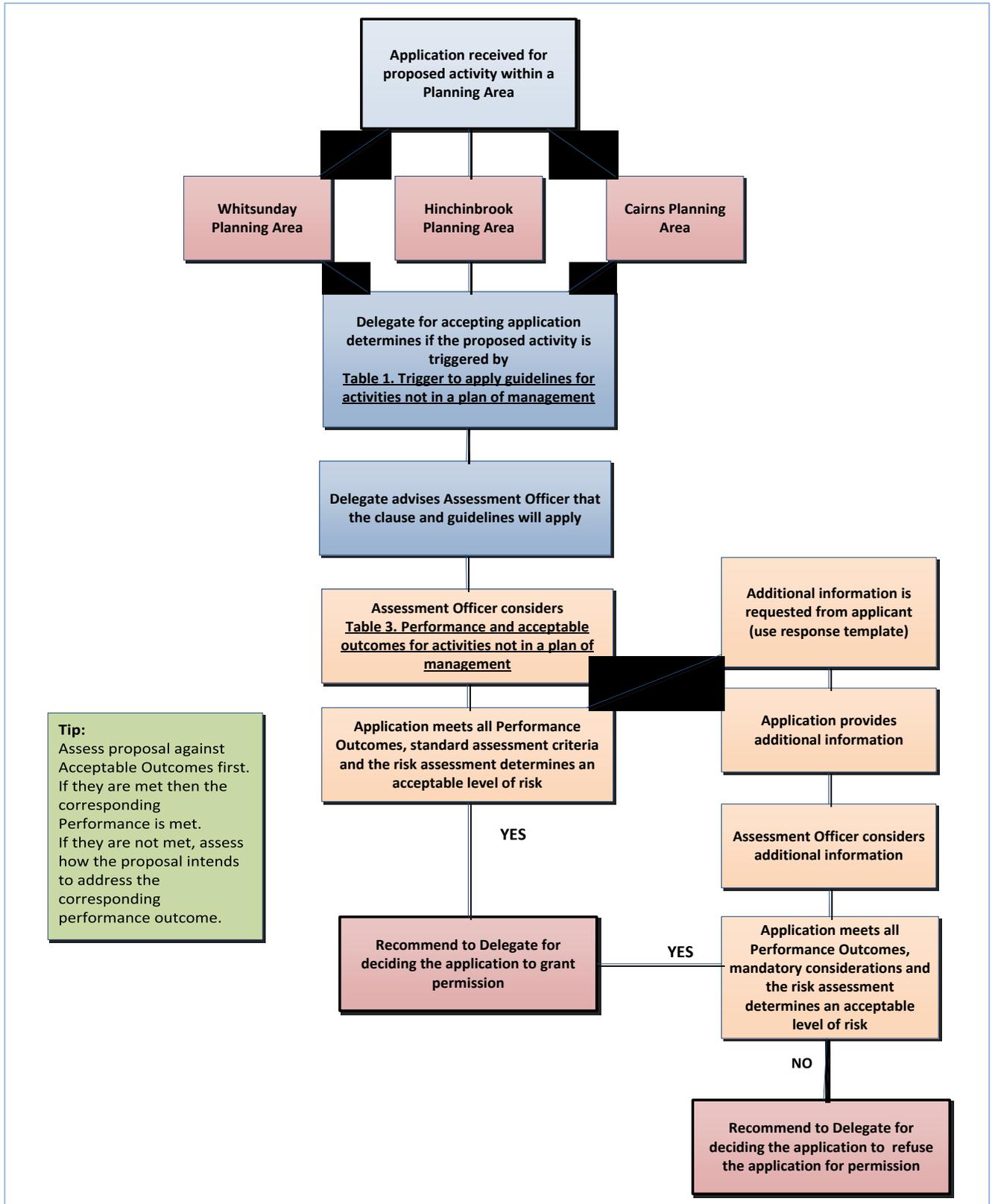
Has the meaning given in the [Risk Assessment – Permission System Procedure](#): the risk posed to Marine Parks values after all possible avoidance and mitigation measures have been exhausted; the final risk level.

Related legislation / standards / policy

Complementary legislation for the operation of a joint permissions system, includes:

- a. [Great Barrier Reef Marine Park Act 1975](#) (Cth)
- b. [Great Barrier Reef Marine Park Regulations 2019](#) (Cth)
- c. [Great Barrier Reef Marine Park Zoning Plan 2003](#) (Cth)
- d. [Cairns Area Plan of Management 1998](#)
- e. [Hinchinbrook Plan of Management 2004](#)
- f. [Whitsundays Plan of Management 1998](#)
- g. The [Environmental Impact Management Permission System Policy](#), [Assessment and Decision Guidelines](#), [Application for Joint Permissions Guideline](#), [Risk Assessment: Permission System Procedure](#).
- h. [Restoration and Adaptation Guidelines](#)

Supporting Information



Tip:
 Assess proposal against Acceptable Outcomes first. If they are met then the corresponding Performance is met. If they are not met, assess how the proposal intends to address the corresponding performance outcome.

Figure 1. Flow chart of assessment process using this guideline.

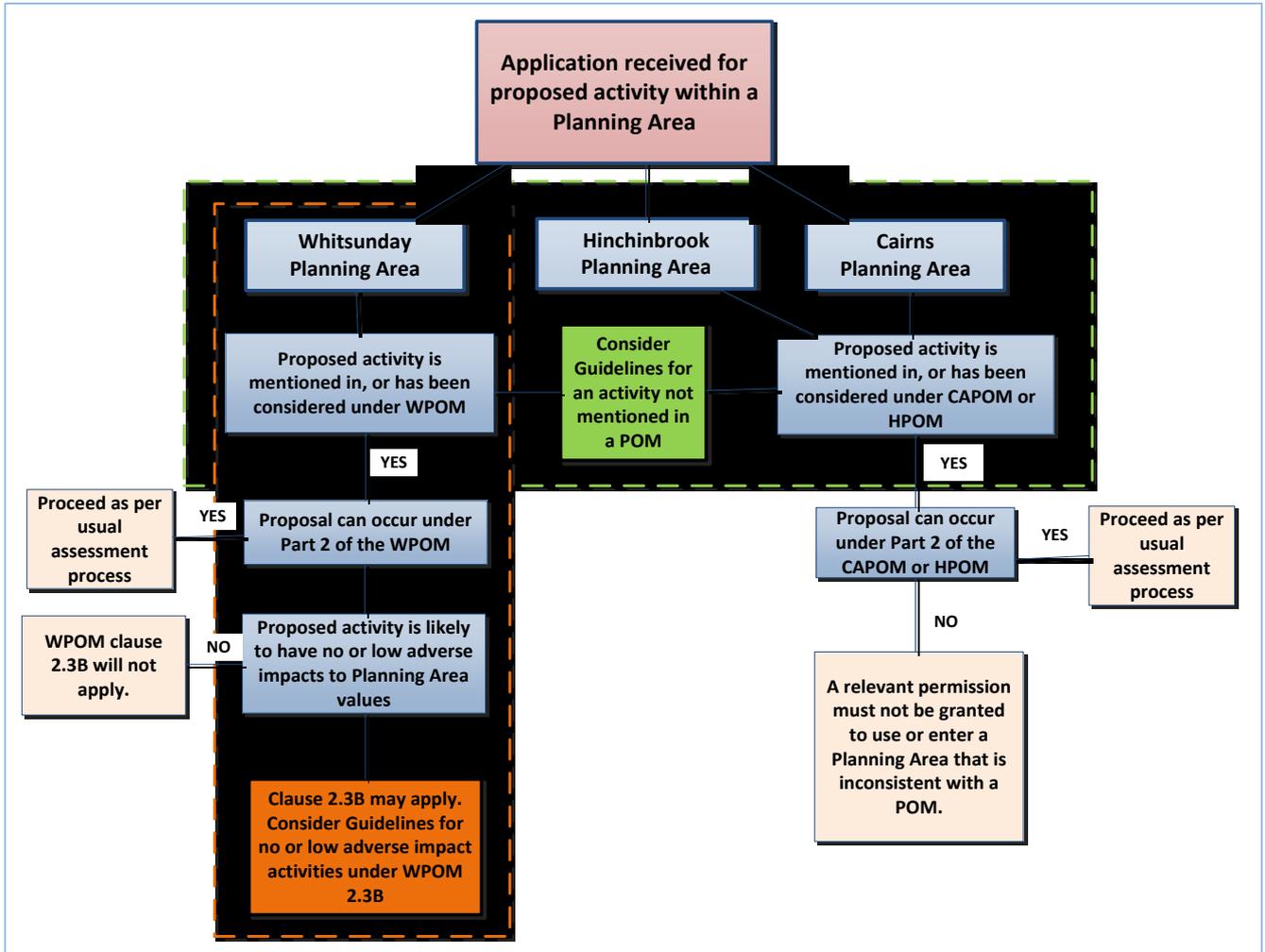


Figure 2: Flow chart when to consider these Guidelines

Further information

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Document control information

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 Replaces: New

Response Template

Activity Assessment– Activity not mentioned in a Plan of Management

Proposal:

(Delete) Briefly describe the proposal including what it is, ownership, primary and secondary uses (consequential or ancillary activities), where it will occur including access routes (zoning, settings, motorised water sports areas etc), existing in-water management strategies (public moorings, no-anchoring areas etc), values at the site, mitigation strategies and the consultation that has occurred.

Evidence

1. Application	4. Correspondence	7.	
2. Site Plan	5. Mapping	8.	
3. EMP	6.	9.	

(Delete) All performance outcomes in Table 1 must be met. The performance outcomes in Table 1 describe the benchmarks for determining:

- i. if clause is applicable to the proposed conduct; and*
- j. if the activity is an appropriate use within a Planning Area.*

Acceptable outcomes describe an alternative or preferred way to achieve the performance outcome. If the activity aligns with the acceptable outcome, then the performance outcomes is also considered to be met. Where an acceptable outcome is not provided in Table 1, or an acceptable outcome cannot be complied with, you are able to provide an alternative solution for how the elements of the corresponding performance outcome will be achieved.

Response:

Performance outcomes	Acceptable outcomes	Response
Cultural heritage		
PO1 Where practicable, the activity has been considered by the Traditional Owner group, which speaks for country, for the Planning Area and protects their cultural heritage values. <i>Where practicable means: evidence of reasonable effort has been made by, the applicant or the Authority, to contact, and provide all relevant group with sufficient opportunity and time to respond to correspondence.</i>	AO1 The applicant has provided evidence the Traditional Owners that speak for country have: <ol style="list-style-type: none"> a) been consulted; and b) considered the potential impact on their cultural values; and c) support the proposed activity. 	<i>Example: AO1 is met for the following reasons</i> <ol style="list-style-type: none"> <i>1. The applicant has provided evidence that the Traditional Owners being the _____ were consulted on XX/XX/XX as shown in correspondence provided.</i> <i>2. The _____ have considered the activity and associated activities potential impact on cultural values.</i>
Ecologically sustainable use		
PO2	AO2.1	<i>Example: AO2 is met for the</i>

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Guidelines – Activity Assessment – Activity not mentioned in a Plan of Management (v0)

Performance outcomes	Acceptable outcomes	Response
<p>The activity is in accordance with best environmental practices and carries a level of risk considered acceptable as per the Risk Assessment: Permission System Procedure.</p>	<p>The Risk Assessment: Permission System Procedure has established the activity has either a low, or medium, residual risk.</p> <p>OR</p> <p>AO2.2 The activity is for restoration and adaptation and is a level of residual risk considered acceptable under the Restoration and Adaption Guidelines.</p>	<p><i>following reasons:</i></p> <p>1. The risk assessment has determined the activity has a medium residual risk.</p> <p><i>If appropriate include mitigation measures for values where the initial risk was high.</i></p>
Level of use		
<p>PO3 The proposed activity;</p> <p>a) maintains, or improves, Planning Area values, and</p> <p>b) is consistent with the intended level of use for the proposed settings or locations; as described in the plan of management; and</p> <p>c) aligns with adjacent National Park use settings.</p> <p><i>Note: to demonstrate this outcome an existing permittee should demonstrate the current and projected amount of visits they make associated with their permission. The frequency, intensity and nature of visitation can have potential cumulative impacts on the level of use for an area.</i></p>	<p>For applications for a first time new permission:</p> <p>AO3.1A The activity is consistent with the intended level of use for the area and complies with vessel length and group size limits set out in relevant plans of management.</p> <p>AND</p> <p>AO3.1B The activity does not occur at a:</p> <p>f) setting 5 (protected) area in the Whitsunday Planning Area; g) sensitive location in the Cairns Planning Area; h) sensitive location in the Hinchinbrook Planning Area; i) significant bird site; j) fish spawning aggregation site.</p> <p>-----</p> <p>For applications for existing permissions or continuation of a permission:</p> <p>AO3.2A The activity changes the way an existing permission operates avoids cumulative impacts by maintaining:</p> <p>c) the current frequency of visits; and d) the current level impact.</p> <p><i>Example: The frequency, intensity and nature of visitation is not increased by an existing operation that is modified or enhanced by a new technology.</i></p> <p>AND</p>	

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Guidelines – Activity Assessment – Activity not mentioned in a Plan of Management (v0)

Performance outcomes	Acceptable outcomes	Response
	<p>AO3.2B</p> <p>The activity changes the way an existing permission operates and does not require a conversion between tourism operations listed in:</p> <ul style="list-style-type: none"> d) Clause 1.42 of Whitsundays Plan of Management e) Clause 1.50 of Cairns Area Plan of Management f) Clause 1.34(9) of Hinchinbrook Plan of Management <p><i>Note: These provisions prevent unintended intensification of use.</i></p>	
Conflict of use		
<p>PO4</p> <p>The activity complements existing uses and activities, and potential future uses and activities, that occur within, adjacent to, or in transit to and from a proposed area including their:</p> <ul style="list-style-type: none"> a) patterns of use, and b) access, and c) visitor experience. <p><i>Note: Existing or potential future uses may include but are not limited to recreation; tourism, education; research; marine facilities; commercial fishing; traditional use of marine resources and gathering; shipping and port activities.</i></p> <p><i>A Public Information Package may be required where there a potential conflict of use.</i></p>	<p>AO4.1</p> <p>The activity is consistent with the type of use for the area.</p> <p>AND</p> <p>AO4.2</p> <p>The activity does not create an exclusive use over an area.</p> <p>AND</p> <p>AO4.3</p> <p>The activity does not:</p> <ul style="list-style-type: none"> a) introduce an intensive activity into a sensitive location or natural setting area, or conversely b) introduce a sensitive activity in an intensive or high use area. <p>AND</p> <p>AO4.4</p> <p>The activity complements the interface between marine and land uses (mainland and island) including their activities, group sizes and facilities.</p>	
Scenic Amenity		
<p>PO5</p> <p>The activity maintains scenic amenity values and significant views as described in the plan of management.</p> <p><i>A Public Information Package may be required where there are potential adverse impacts on amenity.</i></p>	<p>AO5.1</p> <p>The activity has a low profile design and sympathetic colours that complement the surroundings aesthetics. OR</p> <p>AO5.2</p> <p>The applicant has provided evidence the activity is aligned with the scenic amenity values of the proposed area/s and expectations of the community.</p>	
Noise Amenity		
<p>PO7</p> <p>The activity noise levels do not have long-term disturbance on users and Marine Park values including wildlife in and out of water.</p>	<p>No acceptable solution proposed.</p> <p><i>A Public Information Package may be required where there are potential adverse impacts on amenity.</i></p>	

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Performance outcomes	Acceptable outcomes	Response
<i>Example: the activity uses non-combustion technology such as solar or battery power.</i>		

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