

**GBRMPA STATEMENT OF REASONS - Marine Park application G39785.1**

I, Kirstin Dobbs, Acting General Manager Reef Protection (Position Number 393) of the Great Barrier Reef Marine Park Authority, provide the following reasons for my decision on 29 June 2018 under regulation 88X of the *Great Barrier Reef Marine Park Regulations 1983* to grant Permit G18/39785.1 in relation to application G39785.1 to the Queensland Department of Transport and Main Roads.

**Relevant Terms**

1. In this statement, words and phrases have the following meanings:
  - 1.1. The term '**application**' refers to application G39785.1 lodged on 23 June 2017 and application G39075.1 lodged on 27 July 2016 requesting permissions for the following proposed conducts:
    - 1.1.1. Operating a facility (being the Clump Point Boating Facilities, within Boat Bay) including building, assembling, fixing in position and maintaining the facility.
    - 1.1.2. Operating a facility constructing or operating mooring facilities for vessels.
    - 1.1.3. Any other purpose- being fuel transfer.
  - 1.2. The term '**Applicant**' refers to the State of Queensland acting through the Department of Transport and Main Roads.
  - 1.3. The term '**assessment report**' refers to the permit assessment of application G39785.1 prepared for the purposes of assisting the decision maker assess the application.
  - 1.4. The term '**decision maker**' refers to the delegate of the Authority (Kirstin Dobbs) who made the decision under regulation 88X of the GBRMP Regulations.
  - 1.5. The term '**the Authority**' refers to the Great Barrier Reef Marine Park Authority established under the GBRMP Act.
  - 1.6. The term '**GBRMP Act**' refers to the *Great Barrier Reef Marine Park Act 1975* (Cth)
  - 1.7. The term '**GBRMP Regulations**' refers to the *Great Barrier Reef Marine Park Regulations 1983* (Cth) in effect at the time of application.
  - 1.8. The term '**Marine Park**' refers to the Great Barrier Reef Marine Park.
  - 1.9. The term '**Zoning Plan**' refers to the *Great Barrier Reef Marine Park Zoning Plan 2003*.

**Authority of the GBRMPA delegate**

2. The decision maker has delegated authority pursuant to section 47 of the GBRMP Act to make this decision.
3. Specifically, the decision maker is authorised by instrument of delegation made on 28 June 2018 to make a decision to exercise the power of the Authority under Division 2A.5 of the GBRMP Regulations.
4. A copy of the relevant instrument of delegation is available from the Authority

**Legislative framework**

5. The Authority is responsible for the management of the Marine Park.
6. The version of the GBRMP Act and more relevant the GBRMP Regulations used in assessing and making a decision on the application are those version/compilations in force at the time the application was made and were in effect on that date.

**Great Barrier Reef Marine Park Act 1975 (Cth)**

7. The main object of the GBRMP Act is to provide for long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region (section 2A(1)).
8. In making the decision, the decision maker had regard to, and sought to act in a way that is consistent with:

**GBRMPA STATEMENT OF REASONS - Marine Park application G39785.1**

- 8.1. the objects of the GBRMP Act in section 2A; in so far as the decisions are consistent with the main object, then allowing for ecologically sustainable use of the Great Barrier Reef Region for the purpose of public enjoyment and appreciation, recreational, economic and cultural activities; and research.
- 8.2. ecosystem-based management<sup>1</sup>; and
- 8.3. the principles of ecologically sustainable use<sup>2</sup>

**Great Barrier Reef Marine Park Regulations 1983 (Cth)**

9. In making the decision the decision maker had regard to regulation 88Q and regulation 88R for the assessment of the application.

**Great Barrier Reef Marine Park Zoning Plan 2003**

10. The Zoning Plan stipulates that certain activities require the Authority's permission to use or enter the Marine Park.
11. The conducts are within the Habitat Protection Zone.

**Background**

12. On 26 July 2016, the Applicant applied for ten moorings in Boat Bay, Mission Beach (G39075.1).
13. On 23 June 2017, the Applicant applied to continue their Permit G16/38578 (G39785.1).
14. From 18 January 2018 to 19 February 2018, the Applicant published an advertisement pursuant to regulation 88D of the GBRMP Regulations setting out information about the application and inviting interested persons to make written comments to the Authority.
15. On 19 February 2018, the Applicant requested that application G39075.1 be merged with permit application G39785.1. The merge is to include six (6) moorings in the lee of the proposed detached breakwater under application G39785.1. After merging, application G39075.1 was withdrawn.
16. On 19 February 2018, the Authority agreed to the Applicant's request on 19 February 2018 and decided that given the significant variations applied for under G39785.1, that application was to be considered a new application, not a continuation of permit G16/38578.
17. On 26 February 2018, the Authority requested further information from the Applicant in response to issues raised in public submissions. This was followed by another letter on 7 March 2018 correcting an error in the regulation number associated with the further information request.
18. On 19 March 2018, the Authority received the Applicant's response to public submissions as a supplementary information public information package.

<sup>1</sup> Ecosystem-based management is an environmental management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation (Christensen et al. 1996, McLeod et al. 2005).

[https://en.wikipedia.org/wiki/Ecosystem-based\\_management](https://en.wikipedia.org/wiki/Ecosystem-based_management)

<sup>2</sup> For the purposes of Section 3AA of the GBRMP Act, ecologically sustainable use of the Great Barrier Reef Region or its natural resources is use of the Region or resources: (a) that is consistent with: (i) protecting and conserving the environment, biodiversity and heritage values of the Great Barrier Reef Region; and (ii) ecosystem-based management; and (b) that is within the capacity of the Region and its natural resources 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.

**GBRMPA STATEMENT OF REASONS - Marine Park application G39785.1**

19. On 24 April 2018, the Authority received a letter from the Djiru Warrangburra Aboriginal Corporation Registered Native Title Bodies Corporate (the Djiru people) expressing concerns with the application.
20. On 18 June 2018, the Authority advised the Djiru people of its intention to make a decision on the application by the end of the June 2018 and invited any further comment to be provided.
21. On 28 June 2018, the Djiru people informed the Authority that they had no further comment regarding the application.
22. On 29 June 2018, the assessment report was finalised.
23. On 29 June 2018, the decision maker made decisions on the application having had regard to the completed assessment report and the findings within it.

**Materials relevant to the decision**

24. The decision maker referred to the following in making the decisions to grant permissions:
  - 24.1. the GBRMP Act;
  - 24.2. the GBRMP Regulations;
  - 24.3. the Zoning Plan;
  - 24.4. the Authority's [Clump Point Site Management Arrangements](#)
  - 24.5. the assessment report;
  - 24.6. the public submissions;
  - 24.7. the public information package
  - 24.8. the supplementary information public information package including appendices
  - 24.9. correspondence from the Djiru Warrangburra Aboriginal Corporation Registered Native Title Bodies Corporate.

**Considerations**

25. The decision maker had regard to the required mandatory considerations identified in regulations 88Q and the identified discretionary considerations identified in regulation 88R set out in the GBRMP Regulations and analysed in the assessment report.
26. The decision maker accepted the conclusions made in the assessment report.
27. The decision maker considered the following items particularly important in making the decision:
  - 27.1. That the potential impacts of the proposed conducts on the environment and on the social, cultural and heritage values of a part of the Marine Park, such impacts having been adequately canvassed in the assessment report, will be monitored, managed and mitigated by the options that have been developed to address the identified risks associated with the proposed conducts.
  - 27.2. That the loss of mangroves has already been considered under relevant Queensland approvals obtained by the Applicant, an offset is in place and that the assessment report addresses the requirement that the Applicant will develop a plan to manage construction related risks including the removal of mangroves.
  - 27.3. That the written comments received about the application in response to the public advertisement published in accordance with regulation 88D, were a valuable source of information about people's views in relation to the adverse impacts and benefits from the proposed conducts. As a result, several permit conditions were created specifically to address some of these concerns within the Construction and Operational Environmental Management Plans, to mitigate risks associated with proposed conducts and to highlight

**GBRMPA STATEMENT OF REASONS - Marine Park application G39785.1**

the importance of Boat Bay's environment, cultural, heritage and social values to users of the facilities.

- 27.4. That the proposed conducts will provide safer access to the Marine Park by the public, including tourists, which will allow for increased opportunities for them to appreciate, understand and enjoy the Marine Park, including for future generations.
- 27.5. That it is unlikely that the proposed conducts will have a significant negative impact in the context of other conducts already occurring in the area.
- 27.6. That the Authority provided three opportunities for native title claimants and/or their representative bodies to comment on the application as part of future act notifications, as well as opportunities after the timeframes had expired for responses to those notifications and comments provided in response to the third notification were considered and adequately addressed in the assessment report.
- 27.7. That the proposed conducts are consistent with the objectives of the Habitat Protection Zone.
- 27.8. That the orderly and proper management of the Marine Park will be maintained.
- 27.9. That suitable and adequate arrangements are in place for making good the type of damage that may be caused to the Marine Park during the construction of the proposed facility and the conducts once constructed.
28. In addition to the considerations above, the following commitments made by the Applicant are particularly important in making the decision:
- 28.1. That the Applicant has confirmed that the proposed conducts are the sum total of all proposed development for the site and that the proposed conducts do not represent the first stage of a larger marine facility.
- 28.2. That the Applicant has taken into account matters regarding public concerns about the potential negative impacts on the visual amenity and aesthetics of the area and as a result have attempted to minimise the visual impacts, physical footprint and size of the proposed facility while seeking to achieve a suitable design for user friendly boating facilities.
- 28.3. That the Applicant has the capacity to satisfactorily undertake the proposed conducts as specified in the Permit and deed of agreement. This includes ensuring any management activities conducted by the Cassowary Coast Regional Council will be required to adhere to approved management plans and permit conditions.

<b>Conclusions</b>
--------------------

29. For the reasons set out above and having regard to the assessment report, the decision maker, pursuant to regulation 88X of the GBRMP Regulations, made decisions to grant the following permissions:
- 29.1. OPERATING A FACILITY – being one (1) boat ramp, one (1) access jetty; two (2) breakwaters, two (2) pontoon walkways, six (6) pen berths and parking facilities including: building, assembling, fixing in position, maintaining or demolishing such facilities;
- 29.2. OPERATION OF SIX (6) MOORING FACILITIES – being primary moorings GM3296, GM3297, GM3298, GM3299, GM3300 and GM3301; and
- 29.3. ANY OTHER PURPOSE – being the transfer of fuel.



Kirstin Dobbs  
Acting General Manager Reef Protection  
Position Number 393  
DELEGATE

Date: 29/6/2018