

# Operational policy

## Marine Management

### **Assessment of applications for permission to carry out works in an Estuarine Conservation Zone in the Great Barrier Reef Coast Marine Park**

*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### **Policy issue**

This operational policy provides a framework for the consistent application of Section 26(2)(l) of the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (Zoning Plan).

#### **Background**

The Zoning Plan is subordinate legislation under the *Marine Parks Act 2004* (Act).

The Zoning Plan divides the Great Barrier Reef Coast Marine Park (GBR Coast MP) into eight zones. These are general use zone; habitat protection zone; estuarine conservation zone; conservation park zone; buffer zone; scientific research zone; marine national park zone; and preservation zone.

The chief executive of the Act may grant permission to a person to enter or use an area of the GBR Coast MP only for a 'relevant purpose'. The Zoning Plan sets out the relevant purposes for each zone. For the estuarine conservation zone (ECZ), the relevant purposes are set out in section 26(2) and include, in section 26(2)(l), carrying out works for a purpose that is consistent with the objectives mentioned in section 3, schedule 1 of the Marine Parks Regulation (2006).

The objectives for the ECZ are-

- a) to provide for the protection of the natural integrity and values of the areas of the marine park within the zone; and
- b) subject to the objective mentioned in paragraph (a), to provide opportunities for-
  - i. The presentation of the values of the relatively undisturbed areas of the marine park within the zone; and
  - ii. The continuation of existing fishing use in the area.

#### **Policy statement**

For the purposes of section 26(2)(l) of the Zoning Plan 'works' include the following:

*"activities that might disturb, remove or destroy the substrate and associated benthic communities (including vegetation) and includes the dumping of spoil, harbour works, reclamation works, beach protection works, excavation, filling, erection of walls, and dredging".*

The above described works can be considered consistent with the objectives for the ECZ and permissible only where the potential scale of any adverse environmental impacts of the works are minor or insignificant in the

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context of the protection of the natural integrity and environmental values of the marine park ECZ as a whole. Other matters to which DES will have regard in deciding whether to grant permission for those works to be carried out include the following-

- a) The potential for cumulative detrimental environmental impact(s) from the proposed works on the natural integrity and environmental values of the marine park ECZ;
- b) The potential duration of detrimental environmental impact(s) from the proposed works on the natural integrity and environmental values of the marine park ECZ; and
- c) The potential for future need or demand for approval of further works associated with the proposed works (for example maintenance dredging) and the potential for those further works to have potential detrimental environmental impacts referred to in (a) and (b) above.

The maintenance of existing approved structures/works will need permission, which may be granted if consistent with the objectives of the ECZ as described in the above Policy Statement. This would not include new capital works.

### Authorities

Certain activities in, and access to, the GBR Coast MP require permission granted under the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004. The Zoning Plan is prepared under the *Marine Parks Act 2004*.

### Disclaimer

While this document has been prepared with all due diligence and care, it contains general information and does not profess to offer legal, professional or commercial advice. The department accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

### Approved By

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Signature

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