

Operational policy

Marine Management

High speed vessel events in marine parks

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.

Purpose

This operational policy outlines the circumstances under which a high speed vessel event may be permitted to occur within State marine parks.

Definitions

Event refers to an organised activity declared for a specific time and for a specific purpose. Examples of events include, but are not limited to, a race, competition, demonstration, derby, game or festival related activity.

Highly protected area means a zone classified as a conservation park, buffer, scientific research, marine national park or preservation zone; or another area prescribed under a zoning plan as a highly protected area.

High speed vessel is considered to be a motorised vessel capable of speed of more than 35 knots. Examples of high speed vessels which this operational policy refers to include:

- powered vessels capable of planing
- powered single or multi-hull vessels
- offshore powerboats
- water ski boats
- personal watercraft
- hovercraft.

Background

The Department of Environment and Science (DES) is responsible for conservation of the marine environment pursuant to the *Marine Parks Act 2004*. Conservation in this context refers to the protection and maintenance of the environment to achieve ecologically sustainable use. This involves providing opportunities for public appreciation, understanding and enjoyment of the marine environment whilst preventing or minimising harm to any aspect of it. A steady increase in commercial and recreational use of coastal waterways has been evident over the last decade, and as population increases this trend is likely to continue. Marine park users include shipping, transport, tour operators, commercial fishing, school and education groups, researchers, the general public and community groups. In assessing applications to conduct activities such as high speed vessel events within a marine park, decisions are made based on a range of matters including balancing the needs of user groups with good conservation outcomes.

Activities which pose a threat to marine wildlife must be carefully considered. The DDES has a responsibility for the management of native wildlife prescribed under the *Nature Conservation Act 1992*. The dugong (*Dugong dugon*), green turtle (*Chelonia mydas*), flatback turtle (*Natator depressus*), hawksbill turtle (*Eretmochelys imbricata*), loggerhead turtle (*Caretta caretta*), leathery turtle (*Dermochelys coriacea*), (also known as the leatherback turtle), Indopacific humpback dolphin (*Sousa chinensis*), Australian snubfin dolphin (*Orcaella brevirostris*), and humpback whale (*Megaptera noveangliae*) are all listed as either endangered, vulnerable or rare wildlife under the Nature Conservation (Wildlife) Regulation 2006. Turtle, dugong and whale are particularly susceptible to vessel strike (from hull or propeller) as they come to the surface to breathe, putting them directly in the path of boats and other watercraft. They are naturally slow to move and have difficulty avoiding on-coming vessels travelling at speed. These animals may sustain fractures and damage to internal organs. In severe cases when propellers cut deeply and lacerate organs the animal will die, or serious infection and/or disability occurs that may also result in death. Within Queensland the primary human cause of mortality in turtles is being struck by vessels. It is also noted that the greater the speed of a moving vessel, the less reaction time a marine animal has to avoid collision and the greater the force of impact (injury) likely to be made. When multiple vessels race together at high speeds, the risk of striking marine wildlife is significantly increased.

The risk of vessel strike occurring will be greater in areas marine wildlife prefer to inhabit. The occurrence of seagrass beds is a key factor in determining where dugong and turtle will be found in greater numbers as this is the dugong's and many turtle species' preferred foraging environment. Seagrass beds are therefore a critical factor in conserving these species. Seagrass beds are transient and mobile; that is, they are not a static ecosystem occurring in the same location over time. To limit threatening processes in significant habitat the following conservation areas have been established:

- Highly protected areas were declared under the *Marine Parks Act 2004* as areas having special conservation significance. They provide for the protection and preservation of the natural integrity and values of an area.
- Dugong Protection Areas have been declared under the Fisheries Regulation 2008 along the Queensland coastline. Dugong Protection Areas are shown as maps in the *Conservation plan: Conservation and management of the dugong in Queensland 1999-2004* which recommends "high speed boat races will not be permitted within areas of State marine parks where dugongs might be adversely affected".
- Special Management Areas have been established in accordance with the *Marine Parks Act 2004*; many for the purpose of conserving a specific species. Turtle and dugong go slow areas are an example of Special Management Areas designated in key habitat to ensure vessel operators travel in a non-planing or displacement mode.

Conflict of interest can arise when human activities which pose a threat to marine wildlife, occur within close proximity to those areas listed above. Accordingly ensuring safeguarded boundaries for conservation areas is very difficult to guarantee. Protected wildlife known to be dependent on land areas adjacent to marine parks can also be easily disrupted by human activities. This is most evident when turtles and seabirds are nesting, and migratory shorebirds are present. The degree of sensitivity an animal has towards being disturbed will vary depending on the species, their proximity to the activity, and their length of exposure to it. In recognition of the need to provide high levels of protection for species at risk, access to waters surrounding critical turtle nesting sites (for example) may be restricted in some areas.

Migratory animals will occur in higher numbers at different times of year and in different geographic locations, for example the annual migration of humpback whales along the east coast of Australia. To help minimise disturbance and harm to protected marine species a Whale Management Area was created in the Great Sandy Marine Park and, further north, the Whitsunday Whale Protection Area was established.

Where negative impacts upon an ecosystem are identified in relation to visitor use, the DES is responsible for mitigating the impacts by implementing best marine park management practices. Depending on the situation best practice may include suggesting use at alternative, less sensitive locations; restricting access (at all or certain times); enforcing and reviewing permit conditions; or, in some cases, not granting a permit.

Policy statement

High speed vessel events cannot occur without risk to wildlife and the marine environment. High speed vessel events typically involve multiple vessels, a single route, a common starting time, high acceleration and speed, and excessive noise. These inherent and unavoidable qualities make the reduction of their impacts on the marine environment very difficult. Consequently high speed vessel events are not supported in all areas and at all times in marine parks.

Alternative location

Where an alternative location outside of the marine park area exists, the activity will not be supported inside the marine park. High speed vessel events will only be permitted to occur in a marine park where it can be demonstrated that no feasible alternative locations can be used. (Note: Granting permission would be subject to the following policy statements.)

When permission is required

In the absence of specific entry and use provisions within marine park zoning plans for organised events or races, such activities must be treated as 'another purpose', for which permission is required. Alternatively, where it can be demonstrated that a proposed event is a 'low impact activity', then permission would not be required.

Permission to conduct activity

As high speed vessel events have the potential to negatively impact on protected marine species, they are not considered to be low impact activities in the following areas and will require permission:

- Highly protected area
- Dugong Protection Area
- Special Management Area (relevant to species conservation, such as turtle and dugong go slow areas)
- Seasonal closure period

Restricting access to important habitat

Permission will not be granted for high speed vessel events to occur where the route passes through or near important marine and terrestrial habitat known to support threatened species. In this context important marine habitat refers to seagrass beds; terrestrial habitat means those locations on the coast and islands adjacent to marine parks recognised as key habitat for protected wildlife.

Safeguard distance

A safeguard distance will be required for all high speed vessel events to ensure adequate protection for protected wildlife in both marine and terrestrial settings.

In marine habitat a safeguard distance of 500 metres (minimum) from seagrass beds will be set wherever high speed vessel event routes are proposed in close proximity to them. This measure is designed to prevent vessels inadvertently passing over or near the seagrass beds, enabling all parts of recognised habitat areas, (including their perimeters), to be safe places for marine wildlife. It also aims to allow dugongs and turtles to feed with minimal disturbance.

In terrestrial habitat a safeguard distance of 1 kilometre (minimum) from all key terrestrial habitat will be set whenever high speed vessel event routes are proposed in close proximity to them. This includes coast and island sites adjacent to marine parks known to support critical life stages of protected wildlife including nesting turtles, nesting seabirds, migratory shorebirds and other protected wildlife.

Permit conditions

Due to the variability between and within marine parks, the terms and conditions authorising a high speed vessel event will be made on a case-by-case basis and, as well as incorporating those specified above, may include provisions relating to safety, surveillance, route marking, site and event considerations, participant briefings, monitoring costs and wildlife reporting.

Applying for permission to use a State marine park

For information about how to apply for a DES marine park permit refer to *Information sheet: Permits for (State only) marine parks* and *Application form: Permits for (State only) marine parks*. Applications should be lodged at least 90 days prior to the date the permit is required. An applicant may be required to publicly advertise their application if the event is likely to restrict the reasonable use and enjoyment of the marine park by other marine park uses as per s15 Marine Parks Regulation 2006. Conversely, if it is determined that the proposed activity is low impact, a marine park permit may not be required at all.

In the Great Barrier Reef region, where an activity is to be conducted in both State and Commonwealth waters (respectively, the Great Barrier Reef Coast Marine Park (GBRCMP) and the Great Barrier Reef Marine Park (GBRMP)), permits are issued under a joint permit process administered by the Great Barrier Reef Marine Park Authority (GBRMPA).

Other permissions required

Organisers planning a high speed vessel event are required under the *Transport Operations (Marine Safety) Act 1994* to seek permission from Maritime Safety Queensland (MSQ). Further information is available from the MSQ's website at www.msq.qld.gov.au.

Organisers may be required to apply to the Commonwealth's Department of Environment for a permit to impact on matters of international, environmental significance as per the *Environment Protection and Biodiversity Conservation Act 1999*. For further information visit the Australian Government's website at www.environment.gov.au/epbc

Reference materials

Application form: Permits for (State only) marine parks

Information sheet: Permits for (State only) marine parks

Operational policy: Conservation and management of dugongs in Queensland

Conservation plan: Conservation and management of the dugong in Queensland 1999-2004

Authorities

Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)

Fisheries Regulation 2008

Great Barrier Reef Marine Park Act 1975 (Cwlth)

Great Barrier Reef Marine Park Regulations 1983 (Cwlth)

Great Barrier Reef Marine Park Zoning Plan 2003 (Cwlth)

Marine Parks Act 2004

Marine Parks Regulations 2006

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

Marine Parks (Great Sandy) Zoning Plan 2006

Marine Parks (Moreton Bay) Zoning Plan 2008

Nature Conservation Act 1992

Nature Conservation (Wildlife) Regulation 2006

Transport Operations (Marine Safety) Regulation 2004

Disclaimer

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Signature

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Date

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