

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 213

Hearing: Supplementary Budget Estimates

Outcome: Agency

Programme: Great Barrier Reef Marine Park Authority (GBRMPA)

Topic: GBRMPA Refusals for Offshore Dumping Permits

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Question Date: 18 November 2013

Question Type: Spoken

Senator Waters asked:

Senator WATERS: Could you please take on notice for me if there have been any other refusals of offshore dumping permits. Also, could you provide me with as much information as possible about the first Hay Point dumping application that was rejected and the reasons it was rejected and then the final version that was approved so that we can see the differences

Answer:

In the past 10 years, the Great Barrier Reef Marine Park Authority (GBRMPA) has refused two (2) permit applications for offshore dumping of dredge spoil in the Great Barrier Reef Marine Park. One of these was subsequently overturned on reconsideration and a permit granted.

In August 2013 the Whitsunday Regional Council sought a 6-year permit for maintenance dredging of the Molongle Creek Boat Ramp including dredge spoil disposal within the Great Barrier Reef Marine Park. In November 2013, the GBRMPA granted an 8-month permit allowing dredging but prohibiting any dredge spoil from being disposed of within the Great Barrier Reef Marine Park. As of 2 December 2013, no request for reconsideration or appeal had been received regarding this decision.

In December 2005 Billiton Mitsubishi Alliance (BMA) Coal Operations Pty Ltd sought a permit to dispose of 275,000 m³ of dredge spoil within the Great Barrier Reef Marine Park near Hay Point. In September 2009, GBRMPA refused this application. The primary reasons for refusal were:

1. The spoil material had significantly different physical characteristics (such as size) to the existing sediments at the disposal site so was considered likely to significantly change the habitat.
2. The size of the rocks and the large volume was considered to pose unacceptable risks for the introduction of marine pests to the site.
3. On-shore disposal options had not been adequately ruled out.

In late 2009, the applicant requested a reconsideration of GBRMPA's decision to refuse a Marine Parks permission in accordance with Regulation 185(1) of the *Great Barrier Reef Marine Park Regulations 1983*. Following the provision of additional information by the proponent, including changes to the project description, GBRMPA concluded that acceptable impacts could be achieved by limiting the project scope and applying specific mitigation and monitoring measures through permit conditions. These permit conditions included:

1. An additional 30,000 m³ of rock dredged to be taken ashore for beneficial re-use;
2. Maximum particle size of any spoil dumped limited to less than 400mm in any dimension;
3. Spoil to be placed in deeper water in areas of low density ephemeral seagrass within the existing Hay Point spoil disposal ground;
4. Pre and post dumping surveys of dredge spoil composition, bathymetry, seagrass and benthic invertebrates including marine pest species, including ongoing surveys for up to five years; and
5. Environment Monitoring Program including baseline, construction and ongoing elements.

In addition to requesting internal GBRMPA reconsideration of the decision, in November 2009 the applicant applied to the Administrative Appeals Tribunal (AAT) requesting reconsideration of the decision to refuse the application for a permit under the *Sea Dumping Act*.

Following the provision of additional information by the proponent, the GBRMPA requested the AAT to remit reconsideration of the decision under the *Sea Dumping Act* to the GBRMPA under s42D of the *Administrative Appeals Tribunal Act 1975*. The AAT agreed to this request and the GBRMPA granted a Sea Dumping permission on 7 May 2010.

Differences between original and final Hay Point proposals

The most significant differences between the original proposal and the final permitted sea dumping activities for Hay Point were:

- Originally 275,000 cubic metres was proposed for offshore disposal, but in the permit only 155,000 cubic metres was allowed to be disposed at sea;
- Originally no material was proposed for beneficial re-use, but in the permit appropriate rock was required to be taken ashore for beneficial re-use;
- Originally all material was proposed for offshore disposal, but in the permit only smaller sediments (maximum particle size of less than 400mm in any dimension) were allowed to be disposed offshore.

Partial approvals

In some cases, the application for disposal was only partially approved by the GBRMPA. For example:

- Great Keppel Island Resort - The proponent sought a permit for capital and maintenance dredging, where all capital dredge material would be re-used to construct marina breakwaters. The GBRMPA only granted a permit for capital dredging. No permit was granted for maintenance dredging or spoil disposal, as there was insufficient information provided by the proponent about disposal sites or methods.
- Rosslyn Bay Boat Harbour - The proponent sought a 10-year permit for dredging and disposal within the Great Barrier Reef Marine Park. The GBRMPA only granted a one-year permit as there was insufficient information on the long-term impacts of the disposal.

Voluntary changes to sea dumping applications

Many dredging projects that initially propose offshore disposal in the Marine Park ultimately amend or withdraw their applications to avoid offshore disposal. These voluntary changes routinely happen during the assessment process as a result of discussions between proponents and the Great Barrier Reef Marine Park Authority. Examples of voluntary removal of sea dumping proposals have included dredging projects at Port Douglas, Palm Island and Heron Island.