

## **Museum of Underwater Art proposal for Geoffrey Bay**

**Geoffrey Bay was the first Marine National Park (Green Zone) on Magnetic Island, the first place in the world that synchronised coral spawning was recognised, and remains, our inheritance, the most natural and undisturbed of our urban bays.**

**We thought it was protected by its green zone.**

MOUA believe its natural beauty is not enough. They believe it needs a tourist attraction. They are proposing 8 structures 2.4 m tall in the green zone, to attract more visitors to the site.

**A short description of the proposal, an outline of MINCA's issues and concerns, and how to make a submission can be viewed here:**

[http://www.minca.org/uploads/6/7/4/9/6749091/moua\\_flyer\\_social\\_media\\_combo.png](http://www.minca.org/uploads/6/7/4/9/6749091/moua_flyer_social_media_combo.png)

### **Key Issues**

GBRMPA assesses the MOUA proposal under their decision guidelines. Key issues where the proposal does not meet these guidelines are listed below as dot points. It is important you include in your submission that the proposal does not meet the mandatory criteria.

- **Underwater sculptures and artificial tourist attractions are not listed as being allowed in a Marine National Park Zone and are therefore more likely to be inconsistent with the zone's objectives.**
- **The MOUA proposal, simply by creating the presence of numerous artificial structures, will detract from the natural integrity, natural appearance, and, through encouraging visitors for reasons other than "presenting" the natural values, disrupt healthy ecological processes including the relatively undisturbed use of the area by larger marine fauna.**
- **Not only is the PIP inadequate, the absence of independent information means that it is difficult to have any confidence in the little data that is presented.**
- **There clearly are feasible alternative locations for the proposed activity which support fewer values than the green zones, which have less risk, and are unlikely to impose higher costs on the project.**
- **It is the most natural and undisturbed of our urban bays but is already showing signs of overuse and degradation on its foreshores. This proposal will inevitably lead to increased pressures.**
- **The proposal has the potential to lead to a significant and long lasting change in use from the historic low key celebration of Geoffrey Bay's natural values to one where over-use and degradation is the likely outcome.**

- **This proposal will foster division and resentment in the local community if it goes ahead in Geoffrey Bay, and undermine trust in the governance of the Marine Park representative areas system.**
- **Granting permission for MOUA to erect a tourist attraction in the Geoffrey Bay Green Zone would set a precedent in relation to this type of activity, and for similar activities in green zones elsewhere on Magnetic Island. This is clearly untenable for the future protection and management of these small, vulnerable and valued areas.**
- **Relocating the proposal is the only realistic alternative if it is to go ahead with least harm.**

**If you don't agree with the Geoffrey Bay Green Zone being developed this way it is important that you let the Great Barrier Reef Marine Park Authority (GBRMPA) know with a personal submission.**

**Comments are due by 13th July 2021**

**All comments and submissions to:**

Great Barrier Reef Marine Park Authority

Environmental Assessment and Protection Unit PO Box 1379 Townsville QLD 4810

Email: [assessments@gbmpa.gov.au](mailto:assessments@gbmpa.gov.au)

Website: [www.gbmpa.gov.au/about-us/consultation](http://www.gbmpa.gov.au/about-us/consultation)

**More Detailed Information**

The Public Information Package (PIP) that MOUA prepared for the proposal has been released for public comment. The full package can be accessed via a link in the Project Summary here:

<https://www.gbmpa.gov.au/about-us/consultation/consultation-underway>

**Why is MINCA opposed to the proposal happening in Geoffrey Bay?**

MINCA's major concern remains the use of the Geoffrey Bay Green Zone as a site for what is essentially a tourist attraction backed by commercial interests. If approved it would have:

- major implications for parking and infrastructure on the Geoffrey Bay foreshore,
- impacts on endangered and threatened migratory birds that use the tidal flats,
- disrupt marine mammals, reptiles and larger fishes, sharks and rays through an unnecessary increase in use by visitors for other than appreciating the "natural" values

- be an intrusion of man-made structures into an area zoned to protect its "natural integrity and values"
- and would set a very poor precedent for future development in other green zones on the island.

### **How does GBRMPA assess the proposal?**

The release of the PIP is the first stage.

All public comments received before 13th July are considered by GBRMPA, and a copy or summary of the comments is provided by them to MOUA for them to address any concerns.

The assessment of the revised proposal by GBRMPA then commences.

In assessing an application, general guidance about legislation and policy is provided by the Assessment and Decision Guidelines

<https://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/3229/1/v2-Assessment-and-Decision-Guidelines.pdf>

These guidelines expand on the sixteen mandatory assessment criteria outlined in Section 103 of the Great Barrier Reef Marine Park Regulations 2019. At least seven of these are particularly applicable to the Museum of Underwater Art proposal for Magnetic Island.

The mandatory considerations are discussed below as they relate to the MOUA proposal.

The GBRMPA is interested in hearing all community views on the proposal, but their decision must be based on an assessment of how the proposal stacks up against the mandatory criteria.

**It is important you include in your submission some reference to how the proposal does or does not meet the criteria.**

### **The PIP and the Mandatory Assessment Criteria**

The Public Information Package for this proposal actually contains little useful information regarding the environmental values of the proposed sites, or of the likely impacts the proposal will have. Despite the lack of detail, the project can be assessed against the following core criteria from the Regulations and the Guidelines mentioned above.

*103(a) If the proposed conduct will take place in a zone – the objectives (if any) of the zoning plan for the zone*

Geoffrey Bay Marine National Park green zone was selected as part of a representative reserve system across the GBR Marine Park. The primary aim of the reserve system is to maintain biological diversity and ecological processes and systems, and allow species to evolve and function undisturbed.

The specific objectives of the green zone are to:

- (a) Provide for the protection of the natural integrity and values of areas of the Marine Park, generally free from extractive activities; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for certain activities, including the presentation of the values of the Marine Park, to be undertaken in relatively undisturbed areas.

The guidelines state that zones such as the Marine National Park Zone are highly protected and have strict limitations on activities which may be permitted. Activities not listed as being allowed with or without permission in a zone have a greater likelihood of being inconsistent with the objectives of that zone.

**Underwater sculptures and artificial tourist attractions are not listed as being allowed in a Marine National Park Zone and are therefore more likely to be inconsistent with the zone's objectives.**

Activities specifically mentioned in the Guidelines which might be incompatible with the green zone includes objects leading to a 'cluttered' or 'crowded' appearance which interrupts the natural scenic vista above the waterline, large amounts of underwater facilities in the area, which interrupt the natural scenic vista below the waterline, and facilities which are clearly visible and detract from the natural appearance of the area.

**MOUA's proposal explicitly fits these activities and is clearly incompatible with the objectives of Geoffrey Bay's Green Zone.**

The objectives of the Marine Park Zone provide for the protection of the **"natural integrity and values"** of areas of the Marine Park and subject to this, to provide opportunities for certain activities, including the presentation of the values of the Marine Park, to be undertaken in **"relatively undisturbed areas"**.

The **'natural integrity'** of a place or ecosystem is defined in the Zoning Plan as meaning 'the degree to which the place or ecosystem retains its natural biodiversity and geodiversity and other natural processes and characteristics'.

Where the objective of the zone refers to **'generally/relatively undisturbed'**, this means areas where natural vistas and ecological processes are preserved and dominant, both above and below water. **'Relatively undisturbed'** may have some evidence of human activities but **still retain an overall natural appearance and healthy ecological processes.**

**The MOUA proposal, simply by creating the presence of numerous artificial structures, will detract from the natural integrity, natural appearance, and, through encouraging visitors for reasons other than "presenting" the natural values, disrupt healthy ecological processes including the relatively undisturbed use of the area by larger marine fauna.**

*103(d) the requirement in section 37AA of the Act for users of the Marine Park to take all reasonable steps to prevent or minimise harm to the environment in the Marine Park that might or will be caused by the user's use or entry.*

Subsection 37AA(2) of the Act defines harm for the purposes of section 37AA to include ‘any adverse effect; direct or indirect harm; [or] harm to which the person’s use or entry has contributed, to any extent (whether or not other matters have contributed to the harm)’.

When determining whether all reasonable steps have been taken by the applicant to minimise harm from the proposed activity, subregulation 37AA(3) of the Act requires consideration of the following:

- the nature of the harm to the environment that might or will result from the person’s use or entry;
- the risk of harm from the person’s use or entry;
- the sensitivity of the environment that might or will be affected by the person’s use or entry;
- if the person is using or entering a zone—any objectives specified for the zone in its zoning plan;
- the practicalities, including cost, of steps that will prevent or minimise the harm;
- whether or not the person’s use or entry complies with the laws applying in the Marine Park in relation to the environment or natural resources;

The PIP contains insufficient information to enable these issues to be properly considered or addressed. **Not only is the PIP inadequate, the absence of independent information means that it is difficult to have any confidence in the little data that is presented.**

**In any case, the disturbance to the natural integrity of the zone and the increased level of use the proponents intend to cause will invariably and unnecessarily increase the risk of disturbance and harm to this sensitive environment. The PIP makes no attempt to address this unavoidable harm.**

*103(e) whether there are feasible and prudent alternatives to the proposed conduct.*

Evaluating feasible and prudent alternatives to the proposal is an important early step in the application and assessment process. This is considered at a whole-of-project or proposal level. **In general the option that would have the least impact to the values of the Marine Park and would also deliver the outcomes required by the proponent should be pursued.**

The PIP does not seriously consider alternative locations on the island for the proposal. A particular concern is that the evaluation matrix (Tables 4 and 5) used to compare the biodiversity, social, economic and heritage impacts of possible locations is superficial and misguided. For example the “protection” criteria rates the Green Zone as the most suitable location for the project, not the most sensitive. The matrix only determines the suitability of the site for the purposes of the proponents.

**There clearly are feasible alternative locations for the proposed activity which support fewer values than the green zones, which have less risk, and are unlikely to impose higher costs on the project.**

There is no attempt to assess the comparative risks or impact to the values of the Marine Park of these feasible alternatives, nor of the relative costs and benefits. **Under Section**

**101 of the Guidelines the applicant must provide justification if the preferred option has higher risks than other alternatives. The PIP does not do this.**

*103(f) any written comments received under Division 3 in connection with the application.*

The assessment does not consider public comments as a vote or opinion poll. However, a large number of public comments may indicate significant community interest in the proposal.

The [Social value assessment guidelines](#):

<https://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/3228/1/v1-Social-Value-Assessment-Guidelines.pdf>

provide more guidance on how an assessment considers public perceptions and sentiment. Social assessment includes aesthetics, equity, empowerment, and historical considerations. Issues of significance here include:

- **Geoffrey Bay was the first place in the world that synchronised coral spawning was recognised, and should be retained intact without significant human intrusion.**
- **It is the most natural and undisturbed of our urban bays but is already showing signs of overuse and degradation on its foreshores. This proposal will inevitably lead to increased pressures.**
- **Wildlife disturbance occurs from human use and seabirds and shorebirds are particularly sensitive to disturbance. Marine mammals and marine reptiles are also known to be disturbed by human activities. The increased level of use that this project is designed to encourage will lead to unnecessary disruption of natural patterns of habitat use by these important species.**
- **The proposal has the potential to lead to a significant and long lasting change in use from the historic low key celebration of Geoffrey Bay's natural values to one where over-use and degradation is the likely outcome.**

**Social values are highly dependent on healthy habitats, species and ecological communities, so the support of local communities are vital to the conservation of biodiversity and ecological integrity. This proposal will foster division and resentment in the local community if it goes ahead in Geoffrey Bay, and undermine trust in the governance of the Marine Park representative areas system.**

**The proponents claim that by putting the sculptures on sand they will somehow avoid having a direct impact on the ecological integrity of the green zone and its habitats. The PIP says they “have carefully selected the sites for the location of underwater sculptures to prevent any damage to aquatic habitats such as coral or seagrasses”. Sandy bottoms are clearly not seen by MOUA as an important component of the habitats of the green zone. “Ecological integrity” is defined in the guidelines as “the living and non-living parts and processes necessary to maintain an ecosystem and allow it to recover from disturbances. Integrity includes living parts (biodiversity), non-living parts (such as water and sand), and natural processes (such as waves, winds and predation).”**

*103(g) the relevant impacts of the proposed conduct*

Once a particular location is determined to be the most appropriate location with regard to the protection of the values of the marine park, The GBRMP Authority adopts a risk-based approach in its management and decision making using the Risk Assessment Procedure:

<https://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/3231/1/v2-Risk-Assessment-Permissions-System.pdf>

The risk assessment for Geoffrey Bay is likely to result in a medium score, not the very low and low scores the PIP suggests. For medium risks, the guidelines suggest considering whether the activity could be done differently or in a different location, to reduce the risk.

Relocating the proposal is the only realistic alternative if it is to go ahead with least harm.

*103(h) options for avoiding, mitigating and offsetting those relevant impacts.*

It is important to differentiate between avoidance measures and the consideration of feasible and prudent alternatives. Generally, feasible and prudent alternatives are considered at a whole-of-project or proposal level.

The PIP does not seriously consider feasible and prudent alternatives. Until it does so, the Authority should not consider approval in Geoffrey Bay whether or not it is subject to avoidance, mitigation or offset measures.

*103(p) any other matters relevant to the proposed conduct and either:*

- *(i) achievement of the objects of the Act; or*
- *(ii) orderly and proper management of the Marine Park.*

Granting permission for MOUA to erect a tourist attraction in a Green Zone would set a precedent in relation to this type of activity, and for similar activities in green zones elsewhere on Magnetic Island. This is clearly untenable for the future protection and management of these small, vulnerable and valued areas.

The assessment should consider any adverse effects from setting such a precedent. It does not.