



Position Statement No 15: Artificial structures in marine reserves

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The Commission's Position

- The Conservation and Parks Commission (Commission) does not support the construction of any artificial structure in any of its existing or pending marine parks, reserves or marine management areas that will significantly compromise their nature conservation values or change the spatial patterns and ecological characteristics of those conservation values.
- The Commission recognises the multiple-use nature of their reserve system and acknowledges the need to consider structures to support public enjoyment and safety, or compatible and approved commercial activities. Such considerations will be focused on ensuring that future generations will value marine parks and reserves for their natural, cultural heritage and conservation values, and will weigh the risks posed by any proposed artificial structure to those values.
- Larger scale or structures that could have significant environmental impact would trigger the Environmental Impact Assessment (EIA) process under the *Environmental Protection Act 1986*. Monitoring, insurance and bonds will form part of that process during which the Commission is consulted if the proposal is in (or adjacent to) a marine reserve.
- This position statement should only be considered within a risk-based decision-making framework on a case-by-case basis.
- The Commission may request depending on specific risks, the installation, maintenance and removal of an artificial structure by the proponent at the proponent's expense.
- Depending on the risks identified with a particular artificial structure, the Commission may request an appropriate monitoring program to be established that evaluates:
 - changes in ecological characteristics including the abundance and diversity of species around structures. In particular, (i) the extent to which the structure(s) aggregate or attract species away from natural habitats or increase residence times at the artificial structures relative to natural habitats, and (ii), the extent to which the abundance of species which might otherwise be uncommon in the area are able to establish in larger numbers, this concern not being limited to exotic invasive species;
 - changes in environment including metocean conditions (i.e., the combined wind, wave and climate conditions as found on a certain location) and water quality; and
 - social impacts, prior to construction and post deployment of the artificial structure.
- Reports from monitoring programs must be made available to the Commission for review and inclusion into annual periodic assessment reports for the relevant marine park or reserve.
- If risks are deemed low by the Commission, the proponent may apply for a lease or licence under the *Conservation and Land Management Act 1984* which would involve a range of conditions for the protection of the environmental, and or cultural values of the area.

Context and Background

Marine parks and reserves in Western Australia are established under the *Conservation and Land Management Act 1984* (CALM Act). The Conservation and Parks Commission (Commission) is also established under this Act and is the statutory body to which marine parks and reserves are vested (i.e., legally entrusted).

The Commission plays a pivotal role in the development of management plans, establishment of marine parks and reserves, periodic assessment of management effort and preparation of policy.

The Commission's vision is for healthy, sustainable marine and estuarine ecosystems. One of the tenets of this vision is a world-class system of marine reserves containing representative examples of the State's marine habitats and species that provide a range of conservation, sustainable use, and recreational outcomes.

This is achieved through a range of functions including overseeing the development and management of a comprehensive, adequate and representative marine parks and reserves system; advising the Minister for Environment on marine conservation and developing policies to preserve and promote natural marine and estuarine environments. A multiple-use approach is adopted for the marine parks and reserves system that recognises a range of commercial and recreational uses where these are compatible with the objectives for the park or reserve.

Artificial structures are defined as structures that would not naturally occur as a result of geological, chemical or biological processes within the marine environment. Due to continued requests to the Commission to establish artificial habitats for recreational purposes, in 2008 the former MPRA established its original artificial structures policy. Such requests have been diverse in their nature and objectives, including:

- improved recreational fishing;
- improved public safety;
- enhanced underwater tourism;
- better surfing opportunities;
- marine research infrastructure;
- improved public access; and
- more boating facilities.

All of the above have the potential to positively contribute to the multiple purposes intended for marine parks and reserves under the Act. At the same time, the introduction of artificial structures has the potential to compromise the conservation values of marine parks and reserves, which may be inconsistent with the proper conservation and restoration of the natural environment as stated in section 13B (1) of the CALM Act. The risks posed by a proposed structure are particular to its specific form, location, materials, and operations.