PERMIT
Great Barrier Reef Marine Park Regulations 1983 (Commonwealth) G14/34897.1

These permissions remain in force, unless sooner surrendered or revoked, for the following period:

TO 30-JUN-2020

Permission is granted to:

PERMITTEE: NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED (ACN 136 880 218).

ADDRESS: Wellington House, Level 1
181 Victoria Street
MACKAY QLD 4740

for use of and entry to zones in the Amalgamated Great Barrier Reef Marine Park Section (as established by the Great Barrier Reef Marine Park Act 1975 (Cth)) in accordance with the details set out herein.

.................................................. Date .............. 31 January 2014 ..............

Delegate of the
Great Barrier Reef Marine Park Authority

The purpose/s of use and entry may only be undertaken in the zone/s and location/s described below.

Zone/s and location/s to which the permission applies:

GENERAL USE ZONE – Offshore Abbot Point, being a Dredge Material Relocation Area bounded by the following coordinates (WGS84 datum):

<table>
<thead>
<tr>
<th>Location Point</th>
<th>Latitude</th>
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Purpose/s of use and entry authorised by the permission:

CARRYING OUT ACTIVITIES – being the disposal of up to a maximum of 3,000,000 cubic metres of dredge spoil material within the Dredge Material Relocation Area associated with capital dredging at the Port of Abbot Point.
GENERAL CONDITIONS

1. All activities must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland.

2. The Permittee must ensure that when activities are conducted in the Marine Park under this permission, this permission (or a certified copy), and any related documents such as the approved Dredging and Spoil Disposal Management Plan are held at the site or sites of operation.

3. The Permittee must inform all participants in the activities permitted herein (including, but not limited to, the employees, officers, sub-contractors, and agents of the Permittee) of any relevant restrictions or requirements applying under any zoning plans, plans of management, Marine Parks regulations, this permit, the Deed and any relevant Management Plan.

4. The reasonable and incurred costs of and incidental to this permit and compliance with its conditions must be borne by the Permittee. These costs will include but are not limited to all costs, including salary costs incurred by the Managing Agency, of and incidental to this permit and will include but will not be limited to, the costs that the Managing Agency employees, contractors and subcontractors and agents incur due to the requirements of this permit including membership on panels, providing advice, commenting on draft plans, approving plans, attending meetings or such other requirements as are provided by this permit (including salary). The costs will also include the cost of any independent peer review that the Managing Agency determines to be necessary to appropriately comment on any of the plans or programmes or reports required under this permit.

5. The Permittee will undertake activities to remediate any harm caused to the environment of the Great Barrier Reef Marine Park resulting from the activities approved under this permit, if required to do so by the Managing Agency and in accordance with the directions and requirements of the Managing Agency.

DEED CONDITIONS

6. The Permittee must execute, seal and deliver, no less than 30 days prior to the date of commencement of the permitted activity a Deed to the Authority in the form approved by the Authority.

7. The Permittee must observe and perform its obligations under and pursuant to the Deed. Any breach of the Deed shall be a breach of this condition.

DREDGE SPOIL DISPOSAL CONDITIONS

8. This permit allows for the disposal of up to a total maximum quantity of 3,000,000 cubic metres of capital dredge spoil material over the Operating term the Permittee must not dispose of more than 1,300,000 cubic metres of capital dredge spoil material to the DMRA in any one calendar year, unless otherwise approved by the Managing Agency.

9. Disposal of capital dredge spoil material must only occur between 1 March and 30 June of each year unless, otherwise approved by the Managing Agency.

10. The disposal of capital dredge spoil material to the DMRA must not result in any harm to environmental, cultural, heritage values of:
    (a) Conservation Park Zone adjacent to Holbourne Island Reef (CP19-4065);
    (b) a 500m buffer area surrounding the WWII Catalina wreck/Maritime grave site (19°50.273'S, 148°19.019'E);
    (c) Habitat Protection Zone adjacent Nares Rock (19-104);
    (d) Marine National Park Zone (19-1102); and
    (e) any areas 20 km beyond the DMRA.

11. The Permittee must not undertake the disposal of dredge spoil material to the Marine Park without a permit issued under the Environment Protection (Sea Dumping) Act 1983.
12. The Permittee must not carry out any of the activities permitted herein unless the Permittee has provided a bathymetric survey of the DMRA (and adjacent areas within a 1km radius from the outer boundary of the DMRA and at 500m survey lines perpendicular to the direction of the prevailing plume out to 5km from the approved DMRA) to the Managing Agency. The Permittee must ensure that the bathymetric survey is conducted (no more than 20 business days prior to the commencement of activities permitted under this permit. The Managing Agency may require that the bathymetric survey be conducted again (within those 20 business days prior to the commencement of activities permitted under this permit) if it is of the view that an extreme weather event may have compromised the results.

13. The Permittee must carry out and provide a bathymetric survey report comparing the bathymetry of the approved DMRA before and after the activities authorised under this permit (and adjacent areas within a 1km radius from the outer boundary of the approved DMRA and at 500m survey lines perpendicular to the direction of the prevailing plume out to 5km from the approved DMRA) to the Managing Agency within two months of the completion of each disposal campaign authorised under this permit (to investigate short-term sediment movement) and then again at 12 and 24 months after the completion of each disposal campaign (to investigate longer-term sediment movement).

14. The Permittee must provide to the Managing Agency in-situ calculations of spoil material dredged from the Approved Dredge Area and disposed at the DMRA within two months of the completion of each disposal campaign authorised under this permit. The volume calculations must be based on bathymetric surveys undertaken in accordance with conditions 12 and 13 of this permit.

**DREDGING AND DISPOSAL TECHNICAL ADVICE PANEL (TAP)**

15. The Permittee must establish, fund and facilitate an independent dredging and disposal technical advice panel (TAP) in accordance with condition 23 of the EPBC approval 2011/6213 insofar as the condition relates to the activities permitted under this permit. The TAP must be established prior to the commencement of the activities permitted under this permit and remain in place for the Operating term. The TAP must provide advice to the Permittee and inform the MRG on the development, endorsement, implementation and review of the DSDMP and APERMP.

16. The membership of the TAP must include two independent scientific experts with expertise in water quality and marine ecology, an independent dredging technical advisor, an expert sediment transport modeller, and a member of the Managing Agency.

17. The membership of the TAP must be approved in writing by the Managing Agency prior to the commencement of activities permitted under this permit.

18. The Terms of Reference for the TAP must include, but are not limited to:
   (a) providing advice on the development and review of the DSDMP and APERMP, including development and revision of appropriate trigger levels, monitoring programs, management actions and dredge material placement methodology to protect World Heritage outstanding universal values, water quality, cetaceans, marine turtles, dugongs and their habitat and sites of local social and economic importance;
   (b) providing advice on exceedance of trigger values and recommended changes to dredging and disposal practices, through the DSDMP, as required; and
   (c) prior to the second and subsequent disposal campaigns, reviewing the DSDMP and APERMP to enable continuous improvement and adaptive management of the disposal methodology and the research and monitoring program in the DSDMP and APERMP.

19. The Permittee must submit to the Managing Agency a copy of all advice and recommendations made by the TAP and an explanation of how the advice and recommendations will be implemented or an explanation of why the Permittee does not propose to implement certain recommendations. This information must be submitted to the Managing Agency at the same time as the DSDMP and APERMP.

20. The Permittee may amend the Terms of Reference of the TAP in consultation with the Managing Agency and with the Managing Agency’s agreement.
21. The Permittee must establish, fund and facilitate an independent MRG prior to the commencement of activities permitted under this permit to provide ongoing advice prior to, during and following completion of dredging and disposal activities.

22. The members of the MRG must include, but will not be limited to, one or more representatives from each of the following: the Permittee, Department of the Environment (Cth), the Managing Agency, Department of Environment Heritage Protection (Qld), Bowen LMAC, fishing, tourism, indigenous and conservation groups, as well as an independent coral scientist, an independent seagrass scientist, a dredging contractor, an independent dredging consultant and Environmental Site Supervisor.

23. The Terms of Reference for the MRG will include, but will not be limited to:
   (a) a methodology for advice preparation;
   (b) continuity of direction and effort in protecting the local environment;
   (c) make recommendations as necessary as appropriate regarding measure to improve environmental performance;
   (d) interpret monitoring results to determine whether management response trigger events are related to disposal activities; and
   (e) any other aspects of spoil disposal management and monitoring requested by the Permittee or the Managing Agency.

24. The membership of the MRG and terms of reference must receive written approval from the Managing Agency prior to the commencement of activities permitted under this permit.

25. The Permittee may amend the Terms of Reference of in consultation with the Managing Agency and with the Managing Agency’s agreement.

DREDGING AND SPOIL DISPOSAL MANAGEMENT PLAN (DSDMP)

26. The Permittee must, prior to the commencement of activities permitted under this permit submit to the Managing Agency a DSDMP which must include all the relevant requirements of condition 7 of EPBC Approval 2011/6213 insofar as they relate to disposal activities.

27. The DSDMP must be approved in writing by the Managing Agency prior to the commencement of any activities permitted under this permit.

28. In addition to the information required by condition 7 of EPBC Approval 2011/6213, the DSDMP must also include:
   (a) a requirement that the Permittee report to the Managing Agency in writing within three business days after injury to, or mortality of, a listed threatened or migratory species occurs as a result of disposal activities;
   (b) a requirement that the Permittee provide a report (in writing) to the Managing Agency:
      (i) within one business day when a trigger level is reached; and
      (ii) within two weeks after the initial notification 28(b)(i) outlining the reason for the trigger level being reached and implementation of necessary adaptive management measures to prevent reoccurrence;
   (c) a requirement that the Permittee annually review the DSDMP and the Terms of Reference of the TAP and MRG to ensure continual improvement measures are applied and provide the reviewed DSDMP, TAP and MRG to the Managing Agency;
   (d) measures for the inclusion of operational forecast modelling during disposal activities to ensure that there is no harm to the waters adjacent to:
      (i) Conservation Park Zone adjacent to Holbourne Island Reef (CP19-4065);
      (ii) a 500m buffer area surrounding and including the WWII Catalina wreck/Maritime grave site (19°50.273'S, 148°19.019'E);
      (iii) Habitat Protection Zone adjacent Nares Rock (19-104);
      (iv) Marine National Park Zone (19-1102); and
      (v) any areas beyond 20 km from the DMRA;
   (e) recommended oceanographic conditions during which the disposal activity permitted under this permit will be halted and ensure that this is subsequently reflected in the contractual agreements in place any the dredge contractor engaged by the Permittee.
(f) details on the use of daily satellite remote sensing by the Permittee to ground truth and validate the forecast modelling and monitor daily dredge material plumes;

(g) details on continuous improvement and adaptive management of the plume model by the Permittee prior to the second and subsequent disposal campaigns;

(h) a Heritage Protection plan that includes strategies to ensure that all disposal activities permitted under this permit have no direct impacts and minimise indirect impacts on the values for which the Great Barrier Reef was inscribed on the World Heritage List;

(i) the Heritage Protection plan must be prepared in consultation with a maritime heritage expert and other relevant maritime experts. The relevant experts must be approved in writing by the Managing Agency prior to the preparation of the Heritage Protection plan;

(j) the Heritage Protection plan must include, but not be limited to the following requirements:

(i) prior to any disposal activity, the Permittee ensure a detailed underwater survey of the WWII Catalina wreck/maritime grave site is conducted to determine the location of all features associated with the wreck and the current condition of those features including at a minimum multi-beam surveys and 3D mapping), and will also provide a baseline survey to determine if any changes associated with the dumping activity occur;

(ii) the Permittee must undertake 3D modelling using a methodology that is approved by the Managing Agency to determine whether material from the DMRA is likely to impact on the WWII Catalina wreck site/maritime grave site or any associated features identified in condition 28 j ((i)) above;

(iii) the Permittee must monitor the WWII Catalina wreck site/maritime grave site at least weekly during any disposal activities, and for a period of 6 months following any disposal, to determine whether any dredge material or plume does, or is likely to, impact upon the WWII Catalina wreck site/maritime grave site;

(iv) if during disposal activities oceanographic conditions are such that the TAP has identified that those conditions may cause the sediment plume to reach the WWII Catalina wreck site/maritime grave site, the Permittee must cease disposal activities until the conditions that have been in the advice given by the TAP) are such that the sediment plume will not reach the WWII Catalina wreck site/maritime grave site; and

(v) the Permittee must repeat the detailed underwater survey of the WWII Catalina wreck site/maritime grave site in the format outlined in 28 j ((i)) above at the finalisation of the disposal activities and six months thereafter, to determine if any changes have occurred post-disposal and before the next disposal campaign;

(k) a Tourism, Fishing and Social Impact Program that will identify any adverse impacts on the tourism, fishing industry caused by the activities permitted under this permit in the Whitsunday/Bowen tourism and nearby fishing areas;

(l) the Tourism, Fishing and Social Impact Program must be developed by a suitably experienced person(s) engaged by the Permittee that must be approved by the Managing Agency prior to the preparation of the Tourism, Fishing and Social Impact Program;

(m) the Tourism, Fishing and Social Impact Program must include, but not be limited to the following requirements:

(i) a methodology for creating a water quality and coral baseline in the Whitsunday/Bowen tourism and fishing areas so that any impacts from the proposed disposal activity can be measured;

(ii) details on a robust field monitoring program measuring suspended sediments, photosynthetically active radiation, sedimentation, recruitment and calcification rates for corals and crustose coralline algae, to the north and south of the disposal activity at sea bed level, mid sea level and surface level;

(iii) a requirement that the Permittee carry out daily operational forecast plume modelling;

(iv) details of how the daily operational forecast plume modelling will be used each day to protect sensitive tourism and fishing sites;

(v) details on how the commercial and recreational fishing framework will be implemented including how any lost income to the fishing and tourism industries (both short-term and long-term) that can be attributed to environmental impacts from disposal activities, will be compensated;

(vi) the use of 2 and 7 day operational forecast plume modelling for use by the TAP and the MRG in forward planning purposes;

(vii) trigger levels and mitigation strategies for southward moving dredge plumes that are likely to impact on sensitive tourism and fishing sites;

(viii) details of hindsight modelling, surveying and sampling at regular intervals to validate the accuracy of the models in the PER and used for reactive modelling;

(ix) details of consultation that will be undertaken as part of the Tourism, Fishing and Social Impact Program;
(x) details of a public education, information, communication strategy that will provide for a
mechanism of communicating with the general public on matters related to this permit;
and

(n) a final Tourism, Fishing and Social Impact report must be submitted to the Managing Agency
no later than 2 months after the finalisation of each disposal campaign detailing the actual
disposal plume footprint compared to the plume footprint provided in the PER and any real or
perceived impacts on the tourism and fishing industry in the Whitsunday/Bowen tourism and
fishing areas.

29. The approved DSDMP must be implemented following approval by the Managing Agency and must
continue in operation throughout the Operating term.

ABBOT POINT ECOSYSTEM RESEARCH AND MONITORING PROGRAM
(APERMP)

30. Prior to the commencement of activities permitted under this permit, the Permittee must, submit to the
Managing Agency the APERMP which must include the requirements of condition 14 of EPBC
approval 2011/6213 insofar as they relate to disposal activities.

31. The APERMP must be approved in writing by the Managing Agency prior to the commencement of
activities permitted under this permit.

32. In addition to the information required by condition 14 of EPBC approval 2011/6213, the APERMP
must also include:
   (a) the methodology to be used by the Permittee to validate the hydrodynamic modelling
       provided in the Public Environment Report that is referred to in EPBC approval 2011/6213
       using, where possible remote sensing, aerial surveillance as well as real time continuous
       oceanographic loggers;
   (b) the process to undertake extensive GPS confirmed video footage of the benthos of the
       DMRA before the commencement of any disposal activity and after the finalisation of the first
       disposal campaign;
   (c) the process to determine (using field and laboratory testing) any changes in pH and the bio-
       availability of nutrients released from disposed dredge sediment over extended time frames
       of 12 months;
   (d) the identity, qualifications and experience of the person(s) proposed to undertake the
       monitoring;
   (e) long-term monitoring plan which includes monitoring activities which are designed and
       implemented to detect changes to the environment which may be attributable to the activities
       permitted under this permit and to facilitate appropriate decision making to minimise the
       negative impacts of any changes detected; and
   (f) the methodology and for undertaking the long-term monitoring activities.

33. The approved APERMP incorporating the long-term monitoring program must be implemented
following approval by the Managing Agency and continue in operation throughout the Operating term,
except for the long-term monitoring component of the APERMP which must continue for 5 years after
the last disposal campaign has finished or for such alternative period as the Managing Agency
determines.

ENVIRONMENTAL SITE SUPERVISOR CONDITIONS

34. The Permittee must pay all reasonable costs of and incidental to the selection and on-going activities of
the Environmental Site Supervisor(s), who will be appointed by the Managing Agency and who will
oversee compliance with this permit and any other plans or programs permitted within or required by this
permit.

35. The Permittee must provide in writing to the Managing Agency no less than 21 days prior to the
commencement of the activities permitted under this permit a detailed schedule of works, and the 24-hour
contact details of an on-site liaison officer whom the Environmental Site Supervisor can contact, as and
when required.
36. The Permittee must ensure that any disposal activities permitted under this permit are supervised by the Environmental Site Supervisor, unless otherwise advised in writing by the Managing Agency.

37. The Environmental Site Supervisor is authorised to stop or suspend or modify activities permitted under this permit, which in their objective opinion have caused or are likely to cause environmental harm.

38. Where the Environmental Site Supervisor has directed the Permittee to cease activities permitted under this permit, the Permittee must not recommence activities permitted under this permit unless authorised in writing by the Environmental Site Supervisor.

39. Where the Environmental Site Supervisor directs the Permittee to cease activities permitted under this permit or to modify the activities under this permit under condition 38 the conduct of the Permittee in compliance with the order must be in accordance with:
   (a) any directions given by the Environmental Site Supervisor; or
   (b) the relevant DSDMP and APREMP; or
   (c) best environmental practice (where (a) and (b) do not apply).

40. The Permittee and its employees, contractors and subcontractors and agents must comply with any reasonable direction given by the Environmental Site Supervisor for the purpose of ensuring compliance with the Permit, Deed of Agreement, the DSDMP and APREMP or any direction considered necessary by the Environmental Site Supervisor for the conservation, protection and preservation of the Marine Parks and property in the Marine Parks.

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ENVIRONMENTAL RISKS AND REPORTING

41. If at any time during the course of dredging and disposal activities, an environmental incident occurs or an environmental risk, other than those detailed in the DSDMP or APREMP, is identified, then the Permittee must take all measures to avoid and mitigate the risk or impact.

42. The Permittee must notify the Managing Agency of any incident or risk specified in condition 41 as soon as practicable after the Permittee becomes aware of the incident or risk. Notification must include details of the incident or risk, the measures taken to mitigate the risk or impact, the success of those measures in addressing the risk or impact, and any additional measures proposed to be taken.

43. Notifications must be made by telephoning the Managing Agency. Written details of the notification must be provided by the Permittee to the Managing Agency within 48 hours of the time on which the incident occurred.

44. All data collected for the purposes of this permit must be provided to the Managing Agency in a form requested by the Managing Agency.

45. The Permittee must, as soon as practicable after they become available publish all plans, programs, research data, membership and decisions arising from the establishment of a TAP and MRG and all monitoring data provided under this permit, including relevant adaptive management trigger levels on a website set-up by the Permittee specifically for this purpose. The format and detail of the information to be provided on the website must be approved in writing by the Managing Agency.

46. The Permittee must provide to the Managing Agency any raw data or real time outputs as requested by the Managing Agency.

47. The Managing Agency may ask the Permittee to make reasonable changes to the type or format of information that is made available on the website from time to time. The Permittee will make such changes as soon as practicable. The Permittee must ensure that all information published is accurate and up to date.
INTERPRETATION

This permit extends to all employees of the Permittee, or other persons, who are acting on behalf of, or at the direction of, the Permittee for the purposes specified in this permit.

This permit is not intended to extinguish any native title.

A law shall be taken to be a law in force in the State of Queensland notwithstanding that it applies to only part of the State.

A word or phrase in this permit has the same meaning as the word or phrase has in the Great Barrier Reef Marine Park Act 1975, the Great Barrier Reef Marine Park Regulations 1983 (Cth), the Marine Parks Act 2004 (Qld), the Marine Parks Regulation 2006 (Qld), Zoning Plans or Plans of Management, unless the contrary intention appears.

A note or heading may be used to give assistance in interpreting conditions in case of ambiguity.

A reference to a date includes that date.

A reference to ‘EPBC Approval 2011/6213’ in this permit refers to the approval document for the Abbot point Terminal 0, Terminal 2 and Terminal 3 Capital Dredging, Queensland, signed by the Hon Greg Hunt MP on 10 December 2013.

DEFINITIONS

‘disposal campaign’ includes all activities associated with the disposal of dredge material at the Approved Dredge Material Relocation Area in one continuous 6-8 week campaign.

‘APERM’ means the Abbot Point Ecosystem Research and Monitoring Program.

‘Approved Dredge Area’ is the area approved under EPBC Approval 2011/6213.

‘DMRA’ is the area in which disposal of 3 million cubic metres of capital dredge material under this permit may occur and is defined by the following coordinates (WGS84 datum):

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‘dredging campaign’ is a period of continuous dredging that occurs in one calendar year.

‘environment’ includes:
(a) ecosystems and their constituent parts;
(b) natural and physical resources; and
(c) the qualities and characteristics of locations, places and areas, that contribute to their:
(i) biodiversity and ecological integrity; or
(ii) intrinsic or aesthetic, cultural, heritage, ecological, economic, recreational, social, scientific value or interest or amenity.

‘Environmental Site Supervisor’ means the person from time to time nominated in writing by the Managing Agency to the Permittee.

‘EPBC Approval 2011/6213’ refers to the approval document for the Abbot point Terminal 0, Terminal 2 and Terminal 3 Capital Dredging, Queensland, signed by the Hon Greg Hunt MP on 10 December 2013.

‘facility’ in this permit has the same definition as the word has in the Great Barrier Reef Marine Park Act 1975. Facility includes a building, a structure, a vessel, goods, equipment, or services.

‘DSDMP’ means the Dredge and Spoil Disposal Management Plan.

‘harm’ includes:
(a) any adverse effect;
(b) direct or indirect harm;
(c) harm to which the person’s use or entry has contributed, to any extent (whether or not other matters have contributed to the harm).

‘harm’ to the environment is material if:
(a) it involves actual or potential harm to the health or safety of the environment that is not trivial and any act or omission that results in the pollution of the Marine Park.
(b) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000 (or such other amount as is prescribed by the regulations). Loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment, that is not trivial or otherwise not authorised by this Permit.

‘LMAC’ means Local Marine Advisory Committee.

‘Managing Agency’ means:
in relation to the Great Barrier Reef Marine Park, the Great Barrier Reef Marine Park Authority, a member of the staff of that Authority or a person referred to in Section 48A of the Great Barrier Reef Marine Park Act 1975 (Cth) performing functions or exercising powers under that Act in accordance with an agreement referred to in that section.


‘MRG’ means the dredging and disposal management response group.

‘Operating term’ means the period of time from the commencement of any activities permitted under this permit in the Marine Park until the earliest of the expiry, revocation or surrender of the permit and includes any period for which the permit remain in force pursuant to regulation 86ZC of the Regulations.

‘permit’ means the permissions the subject of Permit Number G14/34897.1 granted to the Permittee pursuant to the Great Barrier Reef Marine Park Regulations 1983 (Cth).

‘Permittee’ means NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED.

‘TAP’ means the dredging and disposal technical advisory panel.

‘Works’ means and includes all plant and material comprising or used in connection with all constructions, dredging, installations, structures, facilities, moorings, vessels or aircraft of any kind associated directly or indirectly with the permission and use (authorised or unauthorised) of the Marine Parks in connection with the permit.

‘WWII Catalina wreck/maritime grave site’ means the 500 metre buffer zone surrounding and including the WWII Catalina wreck/Maritime grave site located at 19° 50.273’S, 148°19.019’E.

‘Zoning Plan’ means:
in relation to the Great Barrier Reef Marine Park, the Great Barrier Reef Marine Park Zoning Plan 2003 (Cth)