

## PERMIT

Great Barrier Reef Marine Park Regulations 1983 (Commonwealth)  
Marine Parks Regulation 2017 (Queensland)

**G19/41201.1**

## CORE MATTERS

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

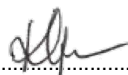
**10-MAY-2019 TO 30-JUN-2025**

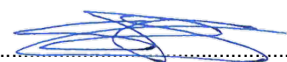
Permission is granted to:

PERMIT HOLDER: **STATE OF QUEENSLAND**  
**Acting through the Department of Transport and Main Roads**

ADDRESS: **PO Box 1089**  
**TOWNSVILLE QLD 4810**

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)) and the **Great Barrier Reef Coast Marine Park** (as established by the *Marine Parks Act 2004* (Qld)) in accordance with the details set out herein.

  
..... Date 24/04/2019  
Delegate for the  
Great Barrier Reef Marine Park Authority

  
..... Date 9/05/2019  
Delegate for the Chief Executive of the  
Department of Environment and Science

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**THE PURPOSE/S OF USE AND ENTRY MAY ONLY BE UNDERTAKEN IN THE ZONE/S AND  
LOCATION/S DESCRIBED BELOW.**

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### ZONE/S AND LOCATION/S TO WHICH THE PERMISSION APPLIES:

- HABITAT PROTECTION ZONE - Magnetic Island Reef (No 1) (19-009b).

### PURPOSE/S OF USE AND ENTRY AUTHORISED BY THE PERMISSION:

- **CONDUCT OF A RESEARCH PROGRAM** – Nelly Bay beach trial groyne project;
- **CARRYING OUT WORKS** – being the excavation of no more than 700 cubic metres of sand from Nelly Bay beach; and
- **OPERATING A FACILITY** – including building, assembling, fixing in position, maintaining or demolishing the facilities, being:
  - one (1) sandbag groyne.

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## CONDITIONS OF PERMISSIONS

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### COMPLIANCE WITH ALL LAWS

- 1 All activities conducted under this permission must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland and the Commonwealth of Australia.
- 2 The Permit Holder must ensure all Special Management Areas are used and entered in accordance with the restrictions specified in the *Great Barrier Reef Marine Park Regulations 1983* and the *Great Barrier Reef Marine Park Zoning Plan 2003*.
- 3 The Permit Holder must ensure that when operations are conducted in the Marine Parks under this permit, a copy of this permit is held at the site or sites of operation and on the vessel or aircraft or ship during transit to and from that site or sites.
- 4 The Permit Holder must inform staff and participants in the program of relevant restrictions applying under any zoning plans, plans of management, Marine Parks regulations and this permit.
- 5 The Permit Holder must install and operate the permitted facilities within two (2) years of the permit commencement date, unless otherwise advised in writing by the Managing Agency.

### DEED CONDITIONS

- 6 Within 30 business days of the date of commencement of this permit, the Permit Holder must execute, seal and deliver as a Deed to the Managing Agency in the form annexed to this permit, identified with the permit number, and marked 'Deed of Agreement'.
- 7 The Permit Holder must observe and perform its obligations under and pursuant to the Deed. Any breach of the Deed shall be a breach of this condition.
- 8 The Permit Holder must provide to the managing Agency copies of certificates of currency or the insurance policy documents required under the Deed of Agreement within 20 business days of being called upon to do so.

### AUTHORITY CONDITIONS

- 9 The Permit Holder may authorise other persons to conduct the activities covered by this permit, by giving to those persons an Authority in the form attached to the permit (Attachment A) or otherwise approved by the Managing Agency.
- 10 An Authority remains valid for the period of time shown on each individual Authority, unless the Authority is sooner revoked in writing by the Permit Holder or unless the permission is sooner suspended, revoked or expires.
- 11 The Permit Holder must attach a copy of the permit to any person issued Authority in accordance with condition 9.

### ENVIRONMENTAL HARM CONDITIONS

- 12 The Permit Holder must take all reasonable steps to ensure that activities carried out under this permit do not cause harm to the environment.
- 13 The Permit Holder must notify the Managing Agency, by any means possible within 24 hours of all incidents. The notification must include:
  - (i) details of the incident including date, time, location, cause and nature of the incident;
  - (ii) the name and contact details of the person(s) witnessing, reporting and/or responsible for the incident;
  - (iii) the type, estimated volume and concentration of any pollutants involved;
  - (iv) the type and number of any pests transported;
  - (v) the type and estimated scale of any physical damage caused to the environment; and
  - (vi) measures taken or proposed to be taken to mitigate the impact or risk and the success of those measures in addressing the incident or risk.

- 14 The Permit Holder must then provide written details of the notification as specified in condition insert condition number above to the Managing Agency within 48 hours of the time the Permit Holder became aware of the incident. This written notification must include details specified in condition insert condition number above as well as the following:
- (i) measures taken or proposed to prevent or mitigate against the recurrence of such an incident; and
  - (ii) any other relevant matters.

#### **PEST SPECIES CONDITION**

- 15 The Permit Holder must take all reasonable steps to prevent:
- (i) the introduction of pests into the Marine Parks; and
  - (ii) the transfer of pests between location within the Marine Parks.

#### **ENVIRONMENTAL MANAGEMENT PLAN CONDITIONS**

- 16 The Permit Holder must submit an Environmental Management Plan for all phases (construction, operation, maintenance and decommissioning), to the Managing Agency for approval no later than 40 business days prior to the proposed commencement of works or operations permitted herein.
- 17 The Permit Holder must:
- (i) not carry out any works until the Environmental Management Plan has been approved by the Managing Agency; and
  - (ii) implement the approved Environmental Management Plan.
- 18 The Managing Agency may request the Permit Holder to make revisions to the Environmental Management Plan if required.
- 19 Any revisions to the Environmental Management Plan must be approved in writing by the Managing Agency prior to implementation.
- 20 The Permit Holder must comply with any works or operations specified in the Environmental Management Plan.
- 21 The Environmental Management Plan must include, but not limited to, those items specified in Attachment B.

#### **SCHEDULE OF WORKS CONDITIONS**

- 22 The Permit Holder must provide a Schedule of Works in writing to the Managing Agency, no less than 20 business days prior to the commencement of any works not covered in an approved Environmental Management Plan. Works must not commence until the Schedule of Works has been approved by the Managing Agency.
- 23 The Permit Holder must implement the approved Schedule of Works and ensure that the works are carried out in accordance with the Schedule of Works.

#### **ENVIRONMENTAL SITE SUPERVISOR CONDITIONS**

- 24 Where the Permit Holder is advised by the Managing Agency that environmental site supervision of works is required, the Permit Holder must:
- (i) provide the 24-hour contact details of an on-site liaison officer whom the Environmental Site Supervisor can contact; and
  - (ii) provide the Environmental Site Supervisor with access to the works as and when they require; and
  - (iii) only conduct works in the presence of the Environmental Site Supervisor, unless otherwise advised by the Managing Agency.
- 25 The Environmental Site Supervisor is authorised to stop, suspend or modify works, which in their opinion have caused or are likely to cause environmental harm.
- 26 Where the Environmental Site Supervisor has directed the Permit Holder to cease works, the Permit Holder must not recommence works unless authorised by the Environmental Site Supervisor.
- 27 Where the Environmental Site Supervisor directs the Permit Holder to cease or modify works, the conduct of the Permit Holder when complying with the direction must be in accordance with:
- (i) any further directions given by the Environmental Site Supervisor; or
  - (ii) an approved Schedule of Works or Environmental Management Plan.

- 28 The Permit Holder must ensure that its officers, employees, contractors, agents and/or nominees comply with any direction given by the Environmental Site Supervisor for the purpose of ensuring compliance with this permit, and 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.

#### **FACILITY NOTIFICATION APPROVAL CONDITIONS**

- 29 The Permit Holder must only operate the permitted facility in accordance with a Facility Notification Approval.
- 30 An approval under condition 29 above ceases to have effect when a subsequent Facility Notification Approval is given under that condition.
- 31 The Permit Holder must ensure that the Facility Notification Approval is held with this permit at all times.

#### **OPERATION AND MAINTENANCE CONDITIONS**

- 32 The Permit Holder must obtain a compliance certificate, certified by a competent person that verifies that the facility has been installed and maintained in accordance with the As Constructed Drawings every three (3) years from the commencement date of this permit.
- 33 The compliance certificate must be provided to the Managing Agency within 20 business days of being called upon to do so by the Managing Agency.
- 34 The Permit Holder must, within 20 business days of being called upon to do so, provide to the Managing Agency:
- (i) As Constructed Drawings of the permitted facilities; and
  - (ii) Global Positioning System (GPS) location of the permitted facilities.

#### **RESEARCH PROGRAM CONDITIONS**

- 35 This permit allows for the use of the following provided they are carried continuously on a person's body or are attended at all times:
- (i) small, passive items that support data collection, including non-fixed still and video cameras; and
  - (ii) real-time kinematic global positioning system equipment.
- 36 The Permit Holder must ensure that all equipment used in conjunction with this research is removed from the Marine Parks following each permitted use and prior to the expiry of the permit.

#### **RESEARCH REPORTING CONDITIONS**

- 37 The Permit Holder must submit a Research Plan to the Managing Agency for approval no later than 10 business days prior to the proposed commencement of works. Works must not commence until the Managing Agency has approved the Research Plan.
- 38 The Permit Holder must implement the Research Plan and ensure that the research program is carried out in accordance with the approved Research Plan.
- 39 The Permit Holder must provide a Monitoring Report summarising the preliminary results of the Research Plan to the Managing Agency annually from the commencement date of the permit. The Monitoring Report must include the following:
- (i) objectives of the research program and facility;
  - (ii) survey methods; and
  - (iii) results of the surveys conducted thus far.
- 40 The Permit Holder must provide a Final Report summarising the results of the Monitoring Plan prior to the expiry of the permit. The Final Report must include the following information:
- (i) the information required in the Monitoring Report; and
  - (ii) a conclusion as to whether the facility met its objectives.

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## INTERPRETATION AND DEFINITIONS

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### INTERPRETATION

This permit extends to all employees of the Permit Holder, or other persons, who are acting on behalf of, or at the direction of, the Permit Holder 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* (Cth), the *Great Barrier Reef Marine Park Regulations 1983* (Cth), the *Marine Parks Act 2004* (Qld), the *Marine Parks Regulation 2017* (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.

### DEFINITIONS

**'As Constructed Drawings'** means a complete set of drawings that reflect how the facility was actually built, including on-site revisions and any "as built" modifications from the Design Construction Drawings signed by a competent person.

**'attended at all times'** means the Permit Holder must actively monitor the equipment (including keeping it within sight) and remain close enough to be able to take control of it within a few minutes.

**'biotoxic product'** means a substance containing contaminants at concentrations which are known to cause acute or chronic effects on marine biota, including copper, chrome, arsenic (CCA), tributyltin (TBT) or Tri-Chlor.

**'competent person'** means a person who has acquired through training, qualifications, experience or a combination of these, the knowledge and skills to carry out a particular task.

**'Compliance certificate'** means a certificate of compliance for a facility and/or mooring system, approved by an appropriately competent person.

**'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 attributed aesthetic, cultural, heritage, ecological, economic, recreational, social, scientific value, or interest or amenity.

**'Environmental Management Plan'** means the environmental management plan prepared by the Permit Holder (or at its direction), and approved by the Managing Agency in writing. It must be able to identify all risks, be effectively audited, have key performance indicators, monitoring and review, and comply with ISO Australian Standards.

**'Environmental Site Supervisor'** means the person from time to time nominated in writing by the Managing Agency to the Permit Holder.

**'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.

**'Facility Notification Approval'** is a written approval from the Managing Agency that contains facility details including: the Differential Global Positioning System location and datum; the type; the status; and particulars of the As Constructed Drawings.

**'harm'** includes:

- (a) any adverse effect;
- (b) direct or indirect harm; or
- (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 the environment that is not trivial and any act or omission that results in the pollution of the Marine Parks; or
- (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.

**'incident'** means an event involving actual or potential harm to the ecosystem, including but not limited to:

- (a) injury or harm to a protected species;
- (b) coral damage; or
- (c) a cyclone; or
- (d) any shipping event that requires notification to a relevant authority under the Queensland Marine Act 1958 or the Navigation Act 2012; or
- (e) any aircraft event that requires notification to the relevant Authority under the Civil Aviation Act 1988; or
- (f) any discharge of more than five (5) litres of untreated sewage effluent; or
- (g) any discharge of more than five (5) litres of hazardous chemicals, fuel or biotoxic products.

**'island'** includes islands, islets, cays, rocks and sandbanks.

**'Location'** means a discrete, identified reef, or a continuous non-reef area of up to 10 square kilometres.

**'Managing Agency':**

- (a) in relation to the Great Barrier Reef Marine Park, means 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; and
- (b) in relation to the Great Barrier Reef Coast Marine Park, means the Chief Executive of the Department of Environment and Science, his/her Delegate, an officer of the Queensland Parks and Wildlife Service, or a person referred to in section 52 of the *Marine Parks Act 2004* (Qld), appointed as an inspector.

**'Marine Parks'** means:

- (a) the Great Barrier Reef Marine Park established by the *Great Barrier Reef Marine Park Act 1975* (Cth); and
- (b) the Great Barrier Reef Coast Marine Park established pursuant to the *Marine Parks Act 2004* (Qld).

**'Marine Parks regulations'** means:

- (a) in relation to the Great Barrier Reef Marine Park, the *Great Barrier Reef Marine Park Regulations 1983* (Cth); and
- (b) in relation to the Great Barrier Reef Coast Marine Park, the *Marine Parks Regulation 2017* (Qld).

**'non-fixed'** means not attached to the substrate or a fixed structure.

**'operations'** means and includes all activities, works and all plant and materials comprising or used in connection with activities authorised by the permit and the use (authorised or unauthorised) of the Marine Parks in connection with the permit other than installation.

**'permit'** means the permissions the subject of Permit Number G19/41201.1 granted to the Permit Holder pursuant to the *Great Barrier Reef Marine Park Regulations 1983* (Cth) and the *Marine Parks Regulation 2017* (Qld).

**'Permit Holder'** means STATE OF QUEENSLAND Acting through the Department of Transport and Main Roads.

**'pest'** means any animal, plant, parasite or disease causing organism (such as bacteria, virus or fungus) capable of causing adverse impacts to environmental, economic or social values whether or not it is:

- (a) contributing to a Listed Key Threatening Process under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth); or
- (b) prohibited or restricted under the *Biosecurity Act 2014* (Qld).

**'protected species'** means any individual from any species that meets one of the following criteria:

- (a) is a listed threatened species, a listed migratory species or a listed marine species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- (b) is prescribed as endangered, vulnerable, near-threatened or least concern under the *Nature Conservation Act 1992* of Queensland;
- (c) is mentioned in Table 29 of the *Great Barrier Reef Marine Park Regulations 1983* (Cth); or
- (d) Is from the genus *Epinephelus* (cods and groupers other than *E. tukula* or *E. lanceolatus*) and is more than 1000 millimetres in length.

**'reasonable steps'** - In determining whether all reasonable steps have been taken, regard shall be given to the following:

- (a) the nature of the harm to the environment that might or will result from the person's use or entry;
- (b) the risk of harm from the person's use or entry;
- (c) the sensitivity of the environment that might or will be affected by the person's use or entry;
- (d) if the person is using or entering a zone - any objectives specified for the zone in its zoning plan;
- (e) the practicalities, including cost, of steps that will prevent or minimise the harm;
- (f) whether or not the person's use or entry complies with the laws applying in the Marine Parks in relation to the environment or natural resources;
- (g) whether or not the person's use or entry complies with any relevant code of practice, standard or guideline; and
- (h) whether or not the person's use or entry is in accordance with any conditions of a permission granted under the regulations for the purposes of a zoning plan or a provision of the Great Barrier Reef Marine Park Act 1975 (Cth) or the Marine Parks Act 2004 (Qld).

**'Report'** means a detailed report produced by a suitably qualified person detailing, as a minimum, the objectives, methods, results and recommendations from a study or monitoring program.

**'Schedule of Works'** means a document which may include but is not limited to:

- (a) details of the works to be undertaken including the methods and timeframe for works;
- (b) design construction drawings;
- (c) a risk assessment;
- (d) any proposed risk mitigation measures;
- (e) if appropriate, details of the disposal and fate of waste and/or the facility including any encrusting fauna and flora; and
- (f) any remediation strategies to rehabilitate and/or clean up the site.

**'site'** means an area of 3,000 square metres within a location.

**'small, passive items'** means items of the following: underwater slates and pencils, taxa ID cards, watches and timers, global positioning devices, data loggers (which are not greater than 500 millimetres in their longest dimension), sensors that do not emit significant electrical signals, sound, or light into the environment (e.g. secchi discs, digital thermometers, light meters and pH, dissolved oxygen and salinity meters), integrated transponder tag readers, transect tapes, quadrats, portable hydrophones, towboards, and standard, low power, recreational fish-finders and depth sounders when affixed to research boats.

**'suitably qualified'** means person(s) that:

- (a) has demonstrated relevant experience in tropical or sub-tropical marine environments; and
- (b) has educational qualifications and/or professional experience directly relevant to the subject area for which they are providing a professional opinion or advice; and
- (c) separate from the Permit Holder and can assess the assumptions, calculations, extrapolations, alternate interpretations, methodology, acceptance criteria, and conclusions independently.

**'visit'** in relation to a vessel (including the use of an ancillary vessel) means accessing a permitted location, without departure, for a period not exceeding 24 hours.

**'waste'** means any oils, noxious liquid substances, packaged harmful substances, sewage, garbage or mixtures where the oil content is greater than 15 parts in 1,000,000 parts.

**'works'** means all activities associated with installation, construction, maintenance and/or removal of all plant and materials comprising or used in connection with the permitted activities (including dredging, installations, structures, facilities, moorings, vessels or aircraft of any kind associated directly or indirectly with the permission) and the use (authorised or unauthorised) of the Marine Parks in connection with the permit.

**'Zoning Plan'** means:

- (a) in relation to the Great Barrier Reef Marine Park, the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth); and
- (b) in relation to the Great Barrier Reef Coast Marine Park, the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* (Qld).

**ATTACHMENT A**

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**AUTHORITY**

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Pursuant to condition 9 of permit G19/41201.1 authority is hereby given by the Permit Holder detailed in Part A to the person detailed in Part B to undertake activities in accordance with permit G19/41201.1.

PART A    STATE OF QUEENSLAND  
            Acting through the Department of Transport and Main Roads  
            PO BOX 1089  
            TOWNSVILLE QLD 4810

Part B    .....

            .....

            .....

Unless sooner revoked by the Permit Holder or unless the permission is sooner suspended, revoked or expires, this Authority remains in force for the period

..... to .....

Entry and use of the Marine Parks under this Authority must be in accordance with the conditions of permit G19/41201.1.

This Authority and a copy of Marine Parks permit G19/41201.1 must be carried at all times whilst activities are being carried out in the Marine Parks under permit G19/41201.1.

.....  
Permit Holder

.....  
Date

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## ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

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The Environmental Management Plan must include but need not be limited to:

1. Construction and installation schedule, including proposed timeframes for the project, project contacts and relevant seasonal considerations.
2. Description of the methods to be used in the following, including an assessment of the risks involved and how those risks will be managed:
  - (i) transporting materials;
  - (ii) pest management;
  - (iii) acid sulphate soil management;
  - (iv) installing the facility;
  - (v) controlling marine debris;
  - (vi) disposing of wastes; and
  - (vii) demolishing the facility.
3. Inspection and maintenance schedule including description of how (logistically) the facility will be serviced.
4. Details of any proposed monitoring programs (including background monitoring, operational monitoring and long-term monitoring).