



PERMIT

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

G19/41557.1

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

11-JUL-2019 TO **30-JUL-2025**

Permission is granted to:

PERMIT HOLDER: **REEF ECOLOGIC PTY LTD and WHITSUNDAY REGIONAL COUNCIL**

ADDRESS: **c/- Whitsunday Regional Council
PO Box 104
Proserpine QLD 4800**

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 10/7/2019

Delegate of the
Great Barrier Reef Marine Park Authority

Date 10/07/2019

Delegate of the Chief Executive of the
Department of Environment and Science

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

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

MARINE NATIONAL PARK ZONE - Hayman Island Reef (20-014), Hook Island Reef (No 9) (20-028h) and Langford-Bird Reef (20-019).

GENERAL USE ZONE - Waters adjacent to Horseshoe Bay (Bowen).

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

OPERATING A FACILITY – including building, assembling, fixing in position, maintaining or demolishing the facilities, being:

- Six (6) underwater artworks.

CONDUCT OF A RESEARCH PROGRAM – Social and Environmental Values Monitoring Program of Whitsundays Public Artwork.

CONDITIONS OF PERMISSIONS

COMPLIANCE WITH ALL LAWS

- 1 The Permit Holder must inform its officers, employees, contractors, agents and/or nominees in the program of relevant restrictions applying under any zoning plans, plans of management, Marine Park regulations and this permit.

DEED CONDITIONS

- 2 The Permit Holder must sign and return a Deed of Agreement to the Managing Agencies within 20 business days of permit commencement.

FACILITY

- 3 The Permit Holder must not apply any bio-toxic product to the permitted facilities.

ENVIRONMENTAL SITE SUPERVISOR CONDITIONS

- 4 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;
 - (ii) provide the Environmental Site Supervisor with access to the works as and when they require; and
 - (iii) ensure that its officers, employees, contractors, agents and/or nominees comply with any direction given by the Environmental Site Supervisor.
- 5 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.
- 6 Where the Environmental Site Supervisor has directed the Permit Holder to stop, suspend or modify works, the Permit Holder must:
 - (i) not recommence works unless authorised by the Environmental Site Supervisor;
 - (ii) comply with any further directions given by the Environmental Site Supervisor; and
 - (iii) comply with the approved Schedule of Works and/or Environmental Management Plan

INSTALLATION SCHEDULE OF WORKS

- 7 The Permit Holder must submit an Installation Schedule of Works for Managing Agency approval, at least five (5) business days prior to the commencement of installing the underwater artwork.
- 8 The Permit Holder must:
 - (i) not carry out any works until the Schedule of Works has been approved by the Managing Agency;
 - (ii) implement the approved Schedule of Works; and
 - (iii) comply with the approved Schedule of Works and/or Environmental Management Plan.
- 9 The Permit Holder must ensure that all facilities are installed on bare rock and/or sand with a minimum buffer distance of two (2) metres from coral unless otherwise advised in writing by the Managing Agency.
- 10 Within five business days of installation of each underwater artwork, the Permit Holder must submit to the Managing Agency photos of the installed artwork showing seabed attachment points and orientation and at least four GPS location points (to five decimal degrees) that surround the installed artwork.

FACILITY NOTIFICATION APPROVAL

- 11 The Permit Holder must only operate each permitted facility in accordance with its Facility Notification Approval.
- 12 An approval under condition 11 ceases to have effect when a subsequent Facility Notification Approval is given under that condition.

13 The Permit Holder must ensure that the Facility Notification Approval is held with this permit at all times.

ENVIRONMENTAL MANAGEMENT PLAN

- 14 The Permit Holder must submit an Environmental Management Plan within 20 business days of the installation of the underwater artwork. The Plan must include the following:
- (i) inspection and maintenance schedule including description of how (logistically) and how often the artworks will be inspected and maintained;
 - (ii) inspection schedule for each artwork after significant weather events, such as cyclones which are likely to cause wind conditions exceeding the maximum loads recommended for each structure;
 - (iii) details of actions proposed if the structural integrity of the artworks becomes compromised;
 - (iv) details of how each artwork will be kept clean of drifting plant material, marine debris and potential soiling by roosting birds; and
 - (v) if applicable, details of any monitoring programs not covered in the approved Social and Environmental Values Monitoring Program.
- 15 The Permit Holder must submit the following reports to the Managing Agency:
- (i) inspection and maintenance report each year by 30 July beginning in 2020, until the expiry date of the permit; and
 - (ii) inspection report after significant weather events.
- 16 The Permit Holder must, at least 12 months prior to the expiry of facility permission or when requested by the Managing Agency, update the Environmental Management Plan and include a removal and/or decommissioning schedule, including proposed timeframes, relevant contacts and relevant seasonal considerations. This will include a 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) removing the artworks;
 - (ii) controlling marine debris; and
 - (iii) disposing of wastes.
- 17 The Permit Holder must implement the approved Environmental Management Plan as updated from time to time.
- 18 The Managing Agency may request the Permit Holder to make revisions to the Environmental Management Plan and submit the amended Plan to the Managing Agency for approval.
- 19 An approval under conditions 14 and 16 ceases to have effect when a subsequent approval is given under that condition.
- 20 The Permit Holder must ensure that the approved Environmental Management Plan is publicly available on the website of the Permit Holder for the duration of the permit within 30 days of being approved by the Managing Agency.

SCHEDULE OF WORKS

- 21 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.
- 22 The Permit Holder must:
- (i) not carry out any works until the Schedule of Works has been approved by the Managing Agency; and
 - (ii) implement the approved Schedule of Works.

SOCIAL AND ENVIRONMENTAL VALUES MONITORING PLAN

- 23 The Permit Holder must submit a Social and Environmental Values Monitoring Plan within 20 business days of installation of the facilities. The Plan must include details of social and ecological monitoring to be undertaken including any associated equipment to be installed in the Marine Parks.
- 24 The Permit Holder must:
- (i) not carry out any research activities until the Social and Environmental Values Monitoring Plan has been approved by the Managing Agency; and
 - (ii) implement the approved Social and Environmental Values Monitoring Plan as updated from time to time.

- 25 The Managing Agency may request the Permit Holder to make revisions to the Social and Environmental Values Monitoring Plan if required and submit the amended Plan to the Management Agency for approval. An approval under condition 24(i) ceases to have effect when a subsequent approval is given under that condition.
- 26 The Permit Holder must submit a report to the Managing Agency summarising the results of the Social and Environmental Values Monitoring by 30 July each year beginning in 2020, until the expiry of the permit.
- 27 The Permit Holder must ensure that the approved Social and Environmental Values Monitoring Plan and reports required under condition 26 are publicly available on the website of the Permit Holder for the duration of the permit within 30 days of being approved by the Managing Agency.

INTERPRETATION AND DEFINITIONS

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

'bio-toxic 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.

'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 RPEQ approved 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 of 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.

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

'Managing Agency' means:

- (a) 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; 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 the Great Barrier Reef Marine Park established by the *Great Barrier Reef Marine Park Act 1975* (Cth) and 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 a Queensland Marine Park the Marine Parks Regulation 2017 (Qld).

'permit' means the permissions the subject of Permit Number G19/41557.1 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 REEF ECOLOGIC PTY LTD and WHITSUNDAY REGIONAL COUNCIL

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

'RPEQ approved drawings' means construction drawings which have been approved by a Registered Professional Engineer of Queensland (RPEQ).

'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) RPEQ approved drawings;
- (c) environmental and social 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.

'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.

'waters adjacent to' means in relation to a reef, the waters enclosed by 'the 500 metre line' and in relation to an island or the mainland, the waters enclosed by 'the coastal 500 metre line' (as defined by the zoning plan or Marine Park regulations that applies to those waters).

'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 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).

26 July 2019

File No.: P013936
Ref.: G19/41557.1

REEF ECOLOGIC PTY LTD and WHITSUNDAY REGIONAL COUNCIL
c/-Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800
ATTN: Mr Adam HAGY

Dear Mr Hagy

Re: Permit G19/41557.1 – FACILITY NOTIFICATION APPROVAL (FNA)

I refer to correspondence received 24 July 2019, in which the Site Supervisor advised the Great Barrier Reef Marine Park Authority of the installation of the facilities under Marine Parks permit G19/41557.1.

In accordance with condition 11 of your Marine Parks permit, the Managing Agencies give approval for the use of the following facilities under permit G19/41557.1.

Facility Type: Underwater Artwork – Turtle Dream
Location: Langford-Bird Reef (20-019)
DGPS Location: 20° 2.6048' South 148° 52.9146' East
Status: Installed
Drawing No.: 1765-02-002, by Paragon Consulting Engineers Pty Ltd

Facility Type: Underwater Artwork – Manta Ray
Location: Hook Island Reef (No 9) (20-028h), Manta Ray Bay
DGPS Location: 20° 3.6593' South 148° 57.3606' East
Status: Installed
Drawing No.: 1765-01-003, by Paragon Consulting Engineers Pty Ltd

Facility Type: Underwater Artwork – Migration of Mantas
Location: Hook Island Reef (No 9) (20-028h), Manta Ray Bay
DGPS Location: 20° 3.6503' South 148° 57.3541' East
Status: Installed
Drawing No.: S05-P1, by DCO Consulting Engineers

Facility Type: Underwater Artwork – Maori Wrasse
Location: Hayman Island Reef (20-014), Blue Pearl Bay
DGPS Location: 20° 2.6086' South 148° 52.8988' East
Status: Installed
Drawing No.: 1765-01-02, by Paragon Consulting Engineers Pty Ltd

You are reminded that the permit contains the conditions under which each facility is to be operated.


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Mandy Elliot
For the Managing Agencies