



# PERMIT

Great Barrier Reef Marine Park Regulations 1983 (Commonwealth)

**G19/40185.1**These permissions remain in force, unless sooner  
surrendered or revoked, for the following period:**23-JAN-2019 TO 31-JAN-2029**

Permission is granted to:

PERMIT HOLDER: **NORTH QUEENSLAND BULK PORTS CORPORATION  
LIMITED (ACN 136 880 218)**ADDRESS: **PO Box 3340  
NORTH 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 23/01/2019Delegate of the  
Great Barrier Reef Marine Park Authority

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

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**ZONE/S TO WHICH THE PERMISSION APPLIES:**

GENERAL USE ZONE – within the Approved Dredge Area.

GENERAL USE ZONE and HABITAT PROTECTION ZONE – within the Approved Dredge Spoil Disposal Area.

**PURPOSE/S OF USE AND ENTRY AUTHORISED BY THE PERMISSION:****CARRYING OUT WORKS** – being the maintenance dredging of up to a maximum of 33,509 cubic metres of dredge spoil material from the Approved Dredge Area and bed levelling within the Approved Dredge Area; and**CARRYING OUT WORKS** – being the dumping of up to a maximum of 756,553 cubic metres of maintenance dredge spoil material and a maximum of 200,000 cubic metres of contingency maintenance dredge spoil material within the Approved Dredge Spoil Disposal Area.

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## CONDITIONS OF PERMISSION

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### COMLIANCE WITH ALL LAWS

- 1 All works 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 that when operations are conducted in the Marine Park under this permit, this permit or a copy, and any relevant documents including any approved Management Plans are held at the site or sites of operation.
- 3 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

- 4 Within 30 business days of the date of commencement of this permit or prior to commencement of works under this permit, whichever is sooner, the Permit Holder must execute, seal and deliver a Deed to the Managing Agency in the form annexed to this permit, identified with the permit number, and marked 'Deed of Agreement'.
- 5 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.
- 6 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.

### ENVIRONMENTAL HARM CONDITIONS

- 7 The Permit Holder must take all reasonable steps to ensure that activities carried out under this permit do not cause harm to the environment.
- 8 The Permit Holder must notify the Managing Agency, within 24 hours after becoming aware, 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.
- 9 The Permit Holder must then provide written details of the notification as specified in condition 8 to the Managing Agency within three (3) days of the time the Permit Holder became aware of the incident. This written notification must include details specified in condition 8 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.

### MAINTENANCE DREDGING CONDITIONS

- 10 This permit allows for maintenance dredging of up to a maximum of 22,509 cubic metres in total from within the Approved Dredge Area, with no more than 12,000 cubic metres dredged in any one calendar year.
- 11 This permit allows for contingency maintenance dredging of up to a maximum of 11,000 cubic metres in total from within the Approved Dredge Area.

## **SPOIL DUMPING CONDITIONS**

- 12 Subject to conditions 14 and 15, this permit allows for the dumping of up to a maximum of 756,553 cubic metres in total of maintenance dredging spoil material to the Approved Dredge Spoil Disposal Area.
- 13 Subject to prior written approval from the Managing Agency, this permit allows for the dumping of up to a maximum of 200,000 cubic metres in total of contingency maintenance dredging spoil material to the Approved Dredge Spoil Disposal Area.
- 14 This permit allows for the dumping of up to a maximum of 356,553 cubic metres of maintenance dredge spoil material to the Approved Dredge Spoil Disposal Area within 18 months of the commencement date of the first dredge campaign authorised under this permit.
- 15 Except in accordance with condition 14, the Permit Holder must not dispose of more than 200,000 cubic metres in total of maintenance dredge spoil material to the Approved Dredge Spoil Disposal Area in any one calendar year.
- 16 The Permit Holder must not carry out any of the works permitted herein for seven (7) days before and after all predicted mass coral spawning events for the region. The relevant dates for each campaign must be approved in writing by the Managing Agency prior to works commencing.
- 17 The Permit Holder must not carry out any works within the Marine Park unless the Managing Agency has advised the Permit Holder in writing that the relevant components of the Sampling and Analysis Plan and Sampling and Analysis Plan Report have been approved and the sediments are demonstrated to be suitable for unconfined ocean disposal in accordance with the National Assessment Guidelines for Dredging, unless otherwise advised in writing by the Managing Agency.
- 18 The Permit Holder must not carry out any of the works permitted herein unless the Permit Holder has provided a bathymetric survey to the Managing Agency, conducted immediately prior to the commencement of works, of the Approved Dredge Area and the Approved Dredge Spoil Disposal Area to the Managing Agency.
- 19 A bathymetric survey of the Approved Dredge Area and the Approved Dredge Spoil Disposal Area must be undertaken by the Permit Holder within one (1) month of the completion of each dredge campaign authorised under this permit.
- 20 The Permit Holder must provide to the Managing Agency *in-situ* calculations in cubic metres of spoil material dredged from the Approved Dredge Area and disposed at the Approved Dredge Spoil Disposal Area within two (2) months of the completion of each post-dredge campaign bathymetric survey authorised under this permit. The volume calculations must be based on bathymetric surveys undertaken prior to work commencing and following the completion of each dredge campaign.

## **ENVIRONMENTAL SITE SUPERVISOR CONDITIONS**

- 21 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.
- 22 The Environmental Site Supervisor is authorised to stop, suspend or modify works, which in their opinion have caused or are likely to cause harm.
- 23 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.
- 24 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 Management Plan.

- 25 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 Park and property in the Marine Park.

#### **MITIGATION MEASURES FOR PROTECTION OF MARINE SPECIES**

- 26 Before commencing each dredging or dumping run, the Permit Holder must check, using binoculars from the dredge vessel, for Marine Mammals and/or turtles within the Monitoring Zone.
- 27 If any Marine Mammals and/or turtles are sighted in the Monitoring Zone pursuant to Condition 27, works must not commence in the Monitoring Zone until 20 minutes after the last Marine Mammal and/or turtle is observed to leave the Monitoring Zone or the vessel is to move to another area of the Approved Dredge Area or Approved Dredge Spoil Disposal Area to maintain a minimum distance of 300 metres between the vessel and any of the Marine Mammals and/or turtles identified in condition 27.

#### **ENVIRONMENTAL MONITORING AND MANAGEMENT PLAN CONDITIONS**

- 28 The Permit Holder must implement the following Management Plans (Plans) in the manner stated in the Plan:
- (i) a Long Term Monitoring and Management Plan that addresses the management of dredging at the Port of Hay Point over a 25 year period;
  - (ii) Environmental Thresholds Report;
  - (iii) Maintenance Dredging Environmental Management Plan; and
  - (iv) Marine Environmental Monitoring Plan.
- 29 If Managing Agency believes that it is necessary or desirable for the better protection of the environment to do so, the Managing Agency may request the Permit Holder to make specified revisions to any of the Plans as specified in Condition 28 and submit the revised Plan for the Managing Agency's approval. If the Managing Agency approves a revised Plan pursuant to this condition, the Permit Holder must implement that Plan in place of the original Plan specified at Condition 28.
- 30 The Permit Holder must review and update the Plans required under conditions 28(ii-iv) prior to each dredge campaign. Any modifications to the Plans must be approved in writing by the Managing Agency prior to implementation.
- 31 The Permit Holder must, within 30 days of receiving approval of each Plan from the Managing Agency, make available on the Permit Holder's website, the approved Plans.
- 32 The Permit Holder must, prior to 31 January each year, provide to the Managing Agency an annual report on the results of all field work, monitoring results and management requirements that form part of the approved Plans, as specified at condition 28.
- 33 The Permit Holder must, prior to 1 March each year make available on the Permit Holder's website all monitoring reports in accordance with the approved Marine Environmental Monitoring Plan specified in Condition 28(iv).
- 34 Within six (6) months of completion of each dredge campaign permitted herein, the Permit Holder must publish a report on their website addressing compliance with the requirements of the Environmental Thresholds Report, Maintenance Dredging Environmental Management Plan and the Marine Environmental Monitoring Plan, as verified by an independent audit. That audit report must include but not be limited to the following:
- (i) deviations from the Environmental Thresholds Report; and
  - (ii) identification of any changes that would be required to the Maintenance Dredging Environmental Management Plan, the Marine Environmental Monitoring Plan or the Environmental Thresholds Report before the next dredge campaign.
- 35 The Managing Agency must approve the auditor in writing prior to commencement of each independent audit referred to in condition 34.
- 36 The Permit Holder must ensure that all notifications, plans and reports that require approval under this permit are submitted to the Managing Agency no less than 40 business days before the relevant works are proposed to commence.

## 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*, the *Great Barrier Reef Marine Park Regulations 1983* (Cth), 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

'Approved Dredge Area' is within the area bound by the following coordinates (GDA94 datum):

SITE ID	Latitude (Decimal Degrees)	Longitude (Decimal Degrees)
DP1	-21.24315	149.42253
DP2	-21.24576	149.42328
DP3	-21.25864	149.36115
DP4	-21.26125	149.3619
DP5	-21.2648	149.333
DP6	-21.26916	149.33425
APRN6	-21.26597	149.32835
APRN8	-21.27033	149.3296

'Approved Dredge Spoil Disposal Area' is defined by an area bounded the following coordinates (GDA94 datum):

SITE ID	Latitude (Decimal Degrees)	Longitude (Decimal Degrees)
MR1	-21.21982	149.30192
MR2	-21.20192	149.33486
MR3	-21.16552	149.3343
MR4	-21.19451	149.28061

'contingency maintenance dredging' means additional dredging other than regular maintenance dredging required to maintain navigable depths as a result of severe weather events.

'Dredge Campaign' means a single event (consecutive days or weeks, excluding stand down or stop works days) encompassing the extraction, transportation and dumping of dredge spoil material to maintain navigable depths.

'Dumping Activities' means: all activities associated with the dumping permitted under this permit, including:

- the loading and carriage of dredged spoil material for the purpose of dumping within the Marine Park; and
- the dumping of the spoil material at the Approved Dredge Spoil Disposal Area.

'environment' includes:

- ecosystems and their constituent parts;
- natural and physical resources; and
- the qualities and characteristics of locations, places and areas, that contribute to their:
  - biodiversity and ecological integrity; or
  - intrinsic or attributed aesthetic, cultural, mitigation measures for protection of marine species 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 Permit Holder.

'harm' includes any direct or indirect alteration to the environment that has the effect of degrading the environment and, without

limiting the generality of the foregoing, includes any act or omission that results in pollution of the Marine Park.

'harm' to the environment is material if:

- 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 Park.
- 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:

- coral damage; or
- injury or death to any marine mammals and/or turtles; or
- a cyclone; or
- any shipping event that requires notification to a relevant authority under the Queensland Marine Act 1958 or the Navigation Act 2012; or
- any aircraft event that requires notification to the relevant Authority under the Civil Aviation Act 1988; or
- any discharge of untreated sewage effluent; or
- any discharge of hazardous chemicals, fuel or biotoxic products.

'Managing Agency' 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.

'Management Plans' means documents development by the Permit Holder and submitted with the permit application dated 8 December 2017, and any subsequent versions as approved by the Managing Agency.

'Marine Mammals' mean: dolphins, cetaceans and dugongs.

'Marine Park' means: the Great Barrier Reef Marine Park established by the *Great Barrier Reef Marine Park Act 1975* (Cth).

'Marine Park regulations' means the *Great Barrier Reef Marine Park Regulations 1983* (Cth).

'Monitoring Zone' means the area within 300 metres of the vessel in all directions at any point on the dredging or dumping run.

'National Assessment Guidelines for Dredging' as published by Commonwealth of Australia (2009) or subsequent published revisions.

'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 Park in connection with the permit other than installation.

'permit' means the permissions the subject of Permit Number G19/40185.1 granted to the Permit Holder pursuant to the *Great Barrier Reef Marine Park Regulations 1983* (Cth).

'Permit Holder' means NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED (ACN 136 880 218).

'reasonable steps' - In determining whether all reasonable steps have been taken, regard shall be given to 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;

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## INTERPRETATION AND DEFINITIONS

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- (f) 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;
- (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).

**'Sample and Analysis Plan'** means a plan detailing the required sampling and analyses of sediments proposed to be dredged to determine the suitability of the dredged sediment for unconfined ocean disposal in accordance with the *National Assessment Guidelines for Dredging 2009*.

**'Sample and Analysis Plan Report'** means a report detailing the methodology and results of the sampling and analysis undertaken to determine the suitability of the proposed dredge sediment for unconfined ocean disposal in accordance with the *National Assessment Guidelines for Dredging 2009*.

**'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 Park in connection with the permit.

**'Zoning Plan'** means: in relation to the Great Barrier Reef Marine Park, the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth).