



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981

SEA DUMPING PERMIT 19/04

for

Museum of Underwater Art Limited (ACN 624 327 227)

I, JULIA CHANDLER, a delegate of the Minister for the Environment acting under Section 19 of the *Environment Protection (Sea Dumping) Act 1981*, hereby grant a Sea Dumping Permit to the Museum of Underwater Art Limited, for the placement of an artificial reef, at John Brewer Reef, Queensland, commencing on the date of signature of this permit until 31 January 2026, subject to conditions which are specified in Appendix 1.

DATE.....sixth.....day of.....December.....2019

.....
Julia Chandler
Delegate of the Minister

This permit comprises six (6) pages, including Appendix 1.

Appendix 1

CONDITIONS FOR THE DEPLOYMENT OF AN ARTIFICIAL REEF AT JOHN BREWER REEF, QUEENSLAND

Definitions

In this permit:

“the Act”	means the <i>Environment Protection (Sea Dumping) Act 1981</i> ;
“Application”	means the Application for a permit under the <i>Environment Protection (Sea Dumping) Act 1981</i> submitted by the Museum of Underwater Art Limited on 9 November 2019;
‘As Constructed Drawings’	means a complete set of drawings that reflect how the module was actually built, including on-site revisions and any “as built” modifications from the design drawings .
“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.
“Construction Environmental Management Plan”	Means the <i>Construction Environmental Management Plan, 3277 – MOUA Installation at John Brewer Reef, Rev 1, Dated 23/10/2019</i> , Pacific Marine Group Pty Ltd. developed by the Museum of Underwater Art Limited for approval by the Managing Agency.
“Decommissioning and Removal Plan”	means a plan developed by the Museum of Underwater Art Limited that must include: <ul style="list-style-type: none"> (a) a decommissioning removal schedule (b) proposed timeframes and relevant contacts (c) seasonal considerations and requirements (d) detailed methodology, including assessment of the risks involved and how those risks will be managed (e) detailed provisions for controlling marine debris; and (f) waste disposal procedures.
“Department”	means the Australian Government Department responsible for administering the Act ;
“Deployment”	means lowering a module to the sea floor;
“design drawings”	means design drawings for each module certified by an engineer .
“engineer”	means a Registered Professional Engineer of Queensland (RPEQ) who is certified under the <i>Professional Engineers Act 2002</i> (s115) or someone acting under the direct supervision of an RPEQ.
“the environment”	means: <ul style="list-style-type: none"> (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: (d) biodiversity and ecological integrity; or

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	(e) intrinsic or attributed aesthetic, cultural, heritage, ecological, economic, recreational, social, scientific value or interest or amenity.
“Environmental incident”	means any unplanned event which has the potential to, or does impact, on the environment
“Environmental risk”	means any risk, which has the potential to, or does impact, on the environment ;
“GPS”	means Global Positioning System;
“inspection report”	means an Inspection Report developed by the Museum of Underwater Art Limited for submission to the Managing Agency , which must: <ul style="list-style-type: none"> (a) be completed by an engineer; (b) verify that the facilities have been maintained in accordance with the design drawings or As Constructed Drawings; (c) include a photo of each module showing the whole piece; (d) detail any damaged modules, including close up photo of the damage; and (e) identify any works necessary including a plan to undertake those works.
“Monitoring Program/s”	means a monitoring program or programs developed by the Museum of Underwater Art Limited for approval by the Managing Agency, which includes details of how the following will be monitored: <ul style="list-style-type: none"> (a) substrate impacts; (b) ecological monitoring including coral reef health; (c) social impacts including aesthetics and conflict of use; and (d) marine debris management.
"Managing Agency"	means: <ul style="list-style-type: none"> (a) the Great Barrier Reef Marine Park Authority; and (b) a member of the staff of that Authority or a person referred to in s.43 of the <i>Great Barrier Reef Marine Park Act 1975</i> performing functions or exercising powers under that Act, in accordance with an agreement referred to in that section;
"Marine Park"	means the Great Barrier Reef Marine Park established by the <i>Great Barrier Reef Marine Park Act 1975</i> ;
“the Minister”	means the Australian Government Minister, who administers the Act ;
“module/s”	means each underwater artwork;
‘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.

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“Plan/s”	means the Construction Environmental Management Plan, Monitoring Program/s, Decommissioning and Removal Plan and any Schedule Of Works approved by the Managing Agency ;
“significant weather event”	means a weather event, such as a cyclone, that is expected to have caused wind and wave conditions exceeding the maximum loads certified in the approved design drawings ;
“Schedule of Works”	means any Schedule of Works developed by the Museum of Underwater Art Limited which must include the following information: (a) details of the works to be undertaken including the methods and timeframe for works ; (b) proposed timeframes and relevant contacts; (c) seasonal considerations and requirements; (d) detailed methodology, including assessment of the risks involved and how those risks will be managed (e) detailed provisions for controlling marine debris; and (f) waste disposal procedures.
“vessel”	means any vessel or vessels used for or in connection with the deployment , operation, monitoring or removal of modules ;
“works”	means all activities associated with deployment , modifying, relocating and/or removal of all materials comprising or used in connection with the permitted activities and the use (authorised or unauthorised) of the Marine Park in connection with the permit.

1. Except so far as the contrary intention appears, terms used in these conditions to this permit have the same meaning as such terms in **the Act**.
2. The **Museum of Underwater Art Limited** must inform its officers, employees, contractors, agents and/or nominees in the program of relevant restrictions applying under **the Act** and this permit.
3. **The Minister** may request the **Museum of Underwater Art Limited** to make revisions to any of the **Plans** and submit the amended **Plans** to the **Managing Agency** for approval.
4. The **Museum of Underwater Art Limited** must implement the approved **Plans** as updated from time to time. An approved **Plan** ceases to have effect when a subsequent approval is given to an updated **Plan**.
5. The **Plans** must be made publicly available for the term of this permit (electronically) on the **Museum of Underwater Art** website within 30 days of being approved by the **Managing Agency**.

Access for Observers

6. At least two (2) nominees of the **Managing Agency** are to be afforded access to witness, inspect, examine or audit any part of the **operations**, including any **deployment of modules** or monitoring activities, the **vessel** or any other equipment, or any documented records, and are to be provided with any necessary assistance in carrying out their duties.

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Environmental Risk and Incidents

7. If, at any time during the course of the permitted activities, an **environmental incident** occurs and/or **environmental risk** is identified, all measures must be taken immediately by the **Museum of Underwater Art Limited** to mitigate the **environmental risk** and/or the **environmental impact**. The **environmental risk** and/or **environmental impact** is to be reported as soon as practicable and followed by a written report within 48 hours, to the **Managing Agency**, with details of the **environmental incident** and/or **environmental risk**, the measures taken, the success of those measures in addressing the **environmental incident** and/or **environmental risk** and any additional measures proposed to be taken.

Material to be placed

8. The **Museum of Underwater Art Limited** must ensure that no more than 57 **modules** are to be placed, within the agreed site. The **modules** consist of the following:
 - a. one (1) greenhouse (no larger than 12 metres (length) x 9 metres (width) x 10 metres (height) on concrete foundation;
 - b. 14 tree sculptures on concrete foundations (each no larger than 4 metres in height, concrete foundation no larger than 2.5 metres diameter);
 - c. 18 human sculptures on concrete foundations (each no larger than 2 metres in height, concrete foundation no larger than 2.5 metres diameter); and
 - d. 24 concrete ancillary structures each no larger than 3 metres (length) x 2 metres (wide) x 1 metre (height).
9. The **Museum of Underwater Art Limited** must not apply any **bio-toxic product** to the permitted **modules**.

Site

10. The **Museum of Underwater Art Limited** must only place the **modules** within the John Brewer Reef, Townsville, Queensland.

Construction Environmental Management Plan

11. The **Museum of Underwater Art Limited** must comply with a **Construction Environmental Management Plan** approved in writing by the Managing Agency prior to installation.
12. Any revisions to the **Construction Environmental Management Plan** must be approved in writing by the **Managing Agency** prior to implementation.

Deployment

13. The **Museum of Underwater Art Limited** must ensure that all **modules** are: placed on bare sand substrate, with a clearance height of at least four (4) metres between the top of the **modules** and lowest astronomical tide, and with a minimum distance from coral of:
 - a. 40 metres for greenhouse facility;
 - b. 40 metres for ancillary structures; and
 - c. five (5) metres for tree sculptures and human sculptures.
14. Within 20 business days of **deployment** of each **module**, the **Museum of Underwater Art Limited** must submit to the **Managing Agency**:
 - a. photos of the deployed **modules** showing seabed attachment points and orientation of the **module**,
 - b. GPS points (to five (5) decimal degrees confirming the location of each deployed **module**
 - c. certification by an **engineer** that the **modules** have been deployed in accordance with **design or As Constructed drawings**.

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Schedule of Works

15. The **Museum of Underwater Art Limited** 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 **Construction Environmental Management Plan**.
16. The **Museum of Underwater Art Limited** must:
 - a. not carry out any **works** until the **Schedule of Works** has been approved by the **Managing Agency**;
 - b. implement the approved **Schedule of Works**; and
 - c. comply with the approved **Schedule of Works**.

Inspection, Monitoring and Reporting

17. The **Museum of Underwater Art Limited** must obtain an **inspection report** for the artificial reef completed by an **engineer**, every year from the commencement date of this permit; prior to **operations** following an incident that may reasonably have impacted on the structural or operational integrity of the **modules**; or when otherwise requested by the **Managing Agency**.
18. The **Museum of Underwater Art Limited** must submit the **inspection report** to the **Managing Agency** within 20 business days of the inspection taking place.
19. Where required **works** have been identified within the **inspection report**, the **Managing Agency** may require the **Museum of Underwater Art Limited** to ensure completion of **works** are certified by an engineer.
20. The **Museum of Underwater Art Limited** must submit a **Monitoring Program/s** plan to the **Managing Agency** for approval within 20 business days of the commencement of the permit.
21. The **Museum of Underwater Art Limited** must submit a summary of the results of the **Monitoring Program/s** program to the **Managing Agency** annually, from the date of commencement of the permit, or at any other time within 20 business days of request.

Decommissioning and Removal

22. At least 12 months prior to the expiry of this permit, the **Museum of Underwater Art Limited** must provide a **Decommissioning and Removal Plan** to the **Managing Agency** for approval, unless otherwise approved in writing by the **Managing Agency**.