

PERMIT

Great Barrier Reef Marine Park Regulations 2019 (Commonwealth)

G20/42902.1

CORE MATTERS

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

27-FEB-2020 TO **29-FEB-2028**

Permission is granted to:

PERMIT HOLDER: **REEF MAGIC CRUISES PTY LTD (ACN 076 453 257)**

ADDRESS: **PO BOX 905
CAIRNS QLD 4870**

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 **24/02/2020**.....
Delegate of the
Great Barrier Reef Marine Park Authority

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 - Moore Reef (16-071).

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

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

- 500 fabricated reef frames and associated fixings.

OPERATING A MOORING FACILITY – being:

- one (1) primary mooring for the purpose of conducting research GM3349 at Moore Reef (16-071).

CONDUCT OF A RESEARCH PROGRAM – A holistic approach to active localised reef restoration using Mars Assisted Reef Restoration System (MARRS).

ANY OTHER PURPOSE – being a restoration program at Moore Reef.

CONDITIONS OF PERMISSIONS

COMPLIANCE WITH ALL LAWS

- G1 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.
- G2 To the extent applicable and unless written endorsement to the contrary appears in this permit, the Permit Holder must:
- (i) comply with the enforcement provisions contained in Part 2 of the Plans of Management gazetted under Part VB of the *Great Barrier Reef Marine Park Act 1975*; and
 - (ii) only operate to an intertidal area adjacent to a location within the Planning Areas with access consistent with that provided in the Plans of Management for that adjacent location.
- G3 The Permit Holder must ensure that when operations are conducted in the Marine Parks under this permit, a copy of this permit, and any other relevant documentation including an approved Environmental Management Plan or Schedule of Works, is held at the site or sites of operation.
- G4 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.
- G5 The Permit Holder must further comply with the conditions specified in any schedules attached to this permit when entering or using a zone of, or place in, the Marine Parks to which the relevant conditions relate.
- G6 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

- G7 Within 30 business days of the date of commencement of this permit, 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'.
- G8 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.
- G9 The Permit Holder must provide copies of certificates of currency, for any insurance policy required under the Deed of Agreement, to the Managing Agency within 20 business days of being called upon to do so.

OPERATING A FACILITY PROGRAM

FACILITY CONDITIONS

- F1 The Permit Holder must ensure that no more than 100 fabricated reef frames are installed per year.
- F2 The Permit Holder must ensure that the facility is:
- (i) installed and operated in a way that does not pose a threat to the environment, safety or navigation;
 - (ii) installed at least two (2) metres below the lowest astronomical tide;
 - (iii) installed on coral rubble only, unless specified otherwise;
 - (iv) secured according to environmental conditions and design specifications; and
 - (v) removed from the Marine Parks prior to the expiry of the permit, unless otherwise approved in writing by the Managing Agency.
- F3 The Permit Holder must not apply any bio-toxic product to the permitted facility.

FACILITY NOTIFICATION APPROVAL CONDITIONS

- F4 The Permit Holder must only operate the permitted facility in accordance with a Facility Notification Approval.
- F5 An approval under condition F4 ceases to have effect when a subsequent Facility Notification Approval is given under that condition.
- F6 The Permit Holder must ensure that the Facility Notification Approval is held with this permit at all times.

ENVIRONMENTAL HARM CONDITIONS

- F7 The Permit Holder must take all reasonable steps to ensure that activities carried out under this permit do not cause harm to the environment.
- F8 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.
- F9 The Permit Holder must then provide written details of the notification as specified in condition F8 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 F8 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.

ENVIRONMENTAL MANAGEMENT PLAN CONDITIONS

- F10 At least 40 business days prior to commencements of any works the Permit Holder must submit an Environmental Management Plan to the Managing Agency for approval for the building, assembling, fixing in position, maintaining or demolishing of the facility. The Plan must include, but may not be limited to:
- (i) type, size and source of construction materials;
 - (ii) installation works method and schedule;
 - (iii) inspection and maintenance schedule including description of method and how frequently the facility will be inspected and maintained;
 - (iv) inspection schedule after significant weather events such as cyclones;
 - (v) details of actions proposed if the structural integrity of the reef frames becomes compromised;
 - (vi) details of how the reef frames will be kept clean of harmful marine debris;
 - (vii) a decommissioning plan, including what considerations will be made when assessing need for removal; and
 - (viii) a communication strategy.

- F11 Prior to any works or operations commencing, the Environmental Management Plan must:
- (i) be approved by the Managing Agency; and
 - (ii) once approved, be implemented by the Permit Holder.
- F12 Any revisions to the Environmental Management Plan must be approved in writing by the Managing Agency prior to implementation.

SCHEDULE OF WORKS CONDITIONS

- F13 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.
- F14 Prior to any works commencing, the Schedule of Works must:
- (i) be approved by the Managing Agency; and
 - (ii) once approved, be implemented by the Permit Holder.

ENVIRONMENTAL SITE SUPERVISOR CONDITIONS

- F15 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) ensure that its officers, employees, contractors, agents and/or nominees comply with any direction given by the Environmental Site Supervisor.
- F16 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.
- F17 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; or
 - (iii) comply with the approved Environmental Management Plan and/or Schedule of Works.

REPORTING CONDITIONS

- F18 The Permit Holder must submit an Inspection and Maintenance report:
- (i) annually from the date of issue of the permit;
 - (ii) within 21 days of a significant weather event; and
 - (iii) at any other time within 21 days of request.
- F19 The Permit Holder must provide written advice to the Great Barrier Reef Marine Park Authority details of missing reef fabricated frames, no more than 21 days after the discovery.

OPERATING A MOORING FACILITY PROGRAM

MOORING CONDITIONS

- M1 The Permit Holder may conduct the following activities on the permitted mooring in accordance with specific Conditions of Permissions:
- (i) installation;
 - (ii) maintenance;
 - (iii) upgrade;
 - (iv) de-tackling;
 - (v) re-tackling;
 - (vi) re-location;
 - (vii) decommissioning; or
 - (viii) removal.
- M2 The Permit Holder must not operate the permitted mooring for a purpose that is associated with conducting a business.
- M3 The Permit Holder must only operate the permitted mooring in accordance with a current Mooring Notification Approval.
- M4 An approval under condition M3 above ceases to have effect when a subsequent Mooring Notification Approval is given under that condition.
- M5 The Permit Holder must ensure that the current Mooring Notification Approval is held with this permit at all times.
- M6 The Permit Holder must re-locate, de-tackle or remove from the Marine Parks any mooring permitted therein if instructed to do so by the Managing Agency.
- M7 The Permit Holder must ensure that any de-tackled mooring, as specified in the Mooring Notification Approval, is installed and maintained in accordance with the approved design drawing within two (2) years of the date of de-tackling as specified in the Mooring Notification Approval.
- M8 The Permit Holder must obtain an approved mooring compliance certificate annually on the anniversary of the date of commencement of the permit or for the mooring re-tackled within the permit term, on the anniversary of the date of re-tackling for the mooring permitted herein that verifies that the mooring is installed and maintained in accordance with the approved design drawing. The mooring compliance certificates must be:
- (i) completed and in the form approved by the Managing Agency; and
 - (ii) provided to the Managing Agency within 20 business days of being called upon to do so.
- M9 The Permit Holder must ensure that the permitted mooring under this permit is maintained and fit for purpose as per the approved design drawing unless otherwise approved by the Managing Agency.
- M10 The Permit Holder must, within 20 business days of being called upon to do so, provide to the Managing Agency:
- (i) an approved design drawing of the permitted mooring; and
 - (ii) the Differential Global Positioning System (DGPS) location of the permitted mooring.
- M11 The Permit Holder must install the permitted mooring within six (6) calendar months of the date of commencement of this permit, unless otherwise advised in writing by the Managing Agency.

SCHEDULE OF WORKS

- M12 The Permit Holder must provide a Schedule of Works, in the form approved by the Managing Agency, to the Managing Agency, no less than 20 business days prior to the commencement of any works.
- M13 The Permit Holder must only carry out works in accordance with a Schedule of Works approved in writing by the Managing Agency.
- M14 The Permit Holder must provide the following to the Managing Agency within 30 business days of mooring works completion unless otherwise advised in writing:
- (i) the date works were undertaken; and
 - (ii) updated mooring compliance certificates in the form approved by the Managing Agency.
- M15 The Permit Holder must provide the Managing Agency with the date of mooring de-tackling for each mooring permitted herein within 30 business days of de-tackling occurring.

RESEARCH AND RESTORATION PROGRAM

- R1 This permit allows for unlimited collection and outplanting of corals of opportunity in accordance with the following:
- (i) coral is only collected by hand and by the use of a hand-held implement that is not motorised and not pneumatically or hydraulically operated; and
 - (ii) collection does not occur within a 50 metre radius of the AIMS long-term monitoring sites or private and public vessel moorings, except if the mooring is owned by the Permit Holder.
- R2 When outplanting corals collected in accordance with condition R1, the Permit Holder must ensure the following:
- (i) corals are out-planted on the approved fabricated reef frames only; and
 - (ii) only healthy coral fragments not exhibiting signs of disease or bleaching are outplanted.
- R3 The Permit Holder must submit to the Great Barrier Reef Marine Park Authority for approval a Monitoring Plan, which covers the research program permitted herein, no later than 10 business days prior to the proposed commencement of works. The Permit Holder must not carry out works unless the Monitoring Plan has been approved by the Managing Agency. The Monitoring Plan must include, but may not be limited to:
- (i) out-planted specimen and out-planting site monitoring;
 - (ii) copy of forms to be used for monitoring; and
 - (iii) details of other social and ecological monitoring.
- R4 The Permit Holder must implement the approved Monitoring Plan.
- R5 The Managing Agency may request the Permit Holder to make revisions to the Monitoring Plan, if required to meet the objectives of the *Great Barrier Reef Marine Park Act 1975*.
- R6 The Permit Holder must submit a report with results of the Monitoring Plan annually from the date of issue of the permit and at any other time within 21 days of request.
- R7 This permit allows for the following:
- (i) use of small, passive items that support data collection, provided they are carried continuously on a person's body or are attended at all times;
 - (ii) use of small non-fixed still and video cameras, which must be attended at all times; and
 - (iii) the conduct of social surveys.

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 2019* (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

'AIMS long-term monitoring sites' means a transect of 300 metres starting from the GPS coordinates described in the table below, running clockwise from each waypoint (marked with a star picket) along the reef slope parallel to the reef crest at the corresponding depths.

Location	Site	Depth	GPS Coordinate
Moore Reef	1	6	-16.8477 S 146.2358 E
Moore Reef	2	6	-16.8497 S 146.2393 E

'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.

'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.

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

'coral of opportunity' means un-accreted coral fragments or small colonies found on unconsolidated substrate.

'de-tackling' means the temporary removal of all the mooring tackle including chains, shackles, ropes and buoys from the structure fixing the mooring to the seabed.

'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 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 Design Construction 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.

'harmful marine debris' means land sourced plastic garbage, fishing gear from recreational and commercial fishing abandoned into the sea, and ship sourced, solid non-biodegradable floating materials disposed of at sea. In accordance with the *International Convention for the Prevention of Pollution From Ships 1973 (MARPOL)*, plastic material is defined as bags, bottles, strapping bands, sheeting, synthetic ropes, synthetic fishing nets, floats, fibreglass, piping, insulation, paints and adhesives.

'installation' of a mooring includes the initial installation, any upgrades or re-location of the mooring and re-tackling if it occurs.

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

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

'Inspection report' means a report provided by a suitably qualified or competent person, as outlined in the conditions of permission, that details whether the facility has been installed in accordance with the design/as constructed drawings and maintained in a good state of repair, or whether repairs or improvements are required (including details of those repairs) to reach that state.

'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.

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

'Marine Parks regulations' means in relation to the Great Barrier Reef Marine Park, the Great Barrier Reef Marine Park Regulations 2019 (Cth).

INTERPRETATION AND DEFINITIONS

'mooring' means a permanently located facility that is designed solely for mooring a vessel or aircraft, and includes the mooring buoy, tackle and the point of attachment to the seabed.

'Mooring Notification Approval' is a written approval from the Managing Agency that contains mooring details including: the mooring reference number; the Differential Global Positioning System location and datum; the design; the type; the status; and particulars of the approved design or approved schematic drawing.

'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 G20/42902.1 granted to the Permit Holder pursuant to the *Great Barrier Reef Marine Park Regulations 2019* (Cth).

'Permit Holder' means REEF MAGIC CRUISES PTY LTD (ACN 076 453 257).

'pest' means any plant or animal that is capable of causing adverse impacts to environmental, economic or social values whether or not it is a declared plant or animal listed in the *Land Protection (Pest and Stock Route Management) Regulations 2003* (Qld).

'primary mooring' means a mooring that:

- (a) is associated with, and supports, the operation of a research facility, the operation of which is authorised by a relevant permission; and
- (b) is primarily used by the main vessel associated with the operation, rather than ancillary vessels.

'qualified' means a person(s) who holds a current licence, certification, registration or qualification as required under Queensland laws or industry codes or standards.

'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).

'Schedule of Works' means a document which must include, but may not be limited to:

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

'schematic drawing' means a drawing of the mooring system which shows the main elements of the mooring system including (as relevant), the block/screw-pin/anchor, shackles, riser line, tackle, subsurface buoy, and materials from which each component will be constructed.

'significant weather event' means an incident which is not trivial, involving actual or potential harm to the ecosystem including but not limited to:

- (a) a cyclone; or
- (b) any gale or storm event with winds greater than 33 knots.

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