



**Australian Government**  
**Director of National Parks**

## Australian Marine Park Activity Permit

Issued under r.12.06(2), 12.09(1) and Division 17 of the  
*Environment Protection and Biodiversity Conservation Regulations 2000.*

<b>Permit Number</b>	PA2019-00059-1
<b>Permitted Activity</b>	Carrying out an excavation, erecting a structure and carrying out works associated with construction of a temporary groyne in Ball Bay, Norfolk Island  for sections 354-354A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and regulation 12.11 of the <i>Environment Protection and Biodiversity Conservation Regulations 2000.</i>
<b>Marine Park/s</b>	Norfolk Marine Park
<b>Permit Area</b>	Special Purpose Zone (Norfolk) as specified in the <i>Temperate East Marine Parks Network Management Plan 2018</i> for the Norfolk Marine Park available at the Federal Register of Legislation.
<b>Commencement Date</b>	1 August 2019
<b>Expiry Date</b>	1 August 2021
<b>Permittee</b>	Name: Lotta Jackson Position: General Manager Organisation: Norfolk Island Regional Council Address: New Military Barracks – Kingston, Norfolk Island NSW 2899 Phone: (0011) 6723 22001 Email: regionalcouncil@nirc.gov.nf
<b>Permittee Representative</b>	Name: Jodie Quintal Position: Senior Strategic Planner Organisation: Norfolk Island Regional Council Address: PO Box 95, Norfolk Island NSW 2899 Phone: (0011) 6723 23595 Email: jodie.quintal@nirc.gov.nf
<b>Activity Conditions</b> This permit is subject to the following activity specific conditions to reduce impacts on marine park values.	<ol style="list-style-type: none"><li>1. The Permitted Activity must be undertaken in accordance with the attached application (<b>Schedule 1</b>), except where inconsistent with this permit. This includes operating in accordance with the construction methodology and environmental considerations stated in <i>Methodology Groyne Construction In Ball Bay</i> prepared by Boral Resources (Queensland) Pty Ltd and submitted as part of the application.</li><li>2. If cetaceans or marine turtles are observed in the vicinity of the groyne during or prior to commencing construction operations then the Permittee must cease operations immediately. The permitted activity may only resume when the animal/s is considered to have departed the area.</li></ol>

	<p>3. The Permittee must inform the Director a minimum of 10 days prior to commencing decommissioning works or any major repairs to the groyne.</p> <p>4. The Permittee must ensure that appropriate risk management systems, strategies and procedures are in place to minimise the foreseeable risks to the environment and heritage values of the Marine Park and must produce evidence of such systems, strategies and procedures on request of the Director.</p>
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<p><b>General Conditions</b> The following conditions apply to all permits.</p>	<p style="text-align: center;"><i>General conditions</i></p> <p>5. The Permittee must not conduct the Permitted Activity before the commencement date or after the expiry date shown on the permit.</p> <p>6. An electronic or hard copy of this permit and attached application (Schedule 1) must be kept and must be produced for inspection on request by a Warden.</p> <p>7. If a Permittee is a company or other incorporated body the Permittee must not, without the approval of the Director, have as a director or officer holder a person who has been convicted of an offence against the EPBC Act or the EPBC Regulations within the previous 10 years.</p> <p>8. The Permittee must not, without the approval of the Director, use directly in the conduct of the Permitted Activity the services of any person who has been convicted of an offence against the EPBC Act or the EPBC Regulations within the previous 10 years.</p> <p style="text-align: center;"><i>Compliance and auditing</i></p> <p>9. The Permittee must comply with the EPBC Act, the EPBC Regulations, the Management Plan, all permit conditions and any other notices or directions issued by the Director relating to the Permitted Activity or Marine Parks specified on this permit.</p> <p>10. Unless specifically authorised by this or another permit, the Permittee must comply with all prohibitions and determinations made by the Director under the EPBC Regulations.</p> <p>11. The Permittee must comply with all Commonwealth and State or Territory law relating to the Permitted Activity and hold all permits, licences and other relevant authorisations required by law for the conduct of the Permitted Activity.</p> <p>12. The Permittee must ensure that all Participants are fully informed of and understand these permit conditions before they take part in the Permitted Activity.</p> <p>13. The Permittee must take all reasonable steps to ensure all Participants comply with all permit conditions.</p> <p>14. The Permittee must, and must take reasonable steps to ensure all Participants in the Permitted Activity, comply with all lawful directions issued by a Warden.</p> <p style="text-align: center;"><i>Training and qualifications</i></p> <p>15. The Permittee must maintain relevant training, qualifications and experience to competently conduct the Permitted Activity.</p> <p>16. The Permittee must ensure that all Participants are appropriately trained and/or accredited to competently conduct the Permitted Activity.</p> <p style="text-align: center;"><i>Safety</i></p> <p>17. The Permittee must ensure that appropriate risk management systems, strategies and procedures are in place to minimise foreseeable risks to the Participants in the Permitted Activity and members of the public and must produce evidence of such systems, strategies and procedures on request of the Director.</p> <p>18. The Permittee must ensure that they fully inform themselves of, and equip themselves for, all potential hazards and conditions they may encounter while conducting the Permitted Activity.</p>
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	<p>19. The Permittee acknowledges that the Director has no ability to monitor or warn the Permittee of changing environmental hazards or developing hazards within a Marine Park.</p> <p>20. The Permittee must inform the Director of any potential safety hazard or risk encountered or discovered while in a Marine Park as soon as practicable.</p> <p>21. If anyone taking part in the Permitted Activity is seriously injured, becomes seriously ill or goes missing while in a Marine Park, the Permittee must ensure:</p> <ul style="list-style-type: none"> <li>(a) notification to the relevant emergency response authority as soon as possible;</li> <li>(b) compliance with any requests or directions from those authorities in relation to the safety of that person or any other person; and</li> <li>(c) notification to the Director's Marine Compliance Duty Officer as soon as practicable.</li> </ul> <p><b>Note:</b> The Director is not an emergency response agency and all relevant emergency response agencies should be contacted prior to informing the Director of any incident or safety hazard/risk.</p> <p style="text-align: center;"><i>Environment and heritage protection</i></p> <p>22. The Permittee must ensure that all gear, equipment, and other articles lost in a Marine Park that are likely to cause environmental harm, are reported to the Director's Marine Compliance Duty Officer as soon as practicable, and within 10 days in any event, after the loss occurs. The report must include a description of what was lost, the location of loss/suspected loss and the date and time of loss.</p>
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Failure to adhere to this permit and the conditions above may result in a variation to or cancellation of this permit or the imposition of criminal penalties under the EPBC Regulations. A person convicted under the EPBC Regulations may be ineligible for future permits in Australian Marine Parks.

Reporting of potential noncompliance and notifications in accordance with General Conditions 20, 21 and 22 should be made to the **24-hour Marine Compliance Duty Officer on 0419 293 465**. For all other enquiries relating to this permit, please contact: [marineparks@environment.gov.au](mailto:marineparks@environment.gov.au).



Scott Clementz  
A/g Director  
Authorisations and Compliance  
Marine Parks Branch  
Delegate of the Director of National Parks  
31 July 2019

### ***Interpretation***

In the permit and permit conditions:

**Agreement** means the agreement executed by the Permittee when applying for this permit.

**Director** means the Director of National Parks and the Director's delegates, and includes any statutory successor to the Director.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**EPBC Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

**Indigenous Cultural and Intellectual Property** means all aspects of Aboriginal or Torres Strait Islander people's cultural products, expressions knowledge and heritage, whether (a) intangible, such as songs, dances, stories, and ecological and cultural knowledge; or (b) tangible, such as human remains, artworks and artefacts.

**Marine Park** means the Australian Marine Parks under the EPBC Act for which this permit is issued.

**Management Plan** means the management plan or management plans made under the EPBC Act in operation from time to time for the Marine Parks specified by this permit.

**Participants** means the Permittee's employees, contractors, other agents and other individuals who take part in the Permitted Activity.

**Permittee** means each person (individual, company or other legal entity) to whom this permit is issued.

**Permitted Activity** means the specified activity or activities for which this permit is issued.

**Warden** means a person appointed as a warden under s.392 of the EPBC Act.