



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981

VARIATION NO. 1 TO SEA DUMPING PERMIT No. SD2008/1062

for

NEW SOUTH WALES DEPARTMENT OF INDUSTRY
ABN: 72 189 919 072

I, JAMES BARKER, a delegate of the Minister for the Environment, acting under Sections 21 and 23 of the *Environment Protection (Sea Dumping) Act 1981*, hereby vary the sea dumping permit granted to the New South Wales Lands and Property Management Authority, PO Box 2185, Dangar, NSW, 2309, now the New South Wales Department of Industry, ABN: 72 189 919 072, PO Box 2185, Dangar, NSW, 2309, for the artificial reef placement of the vessel "Ex- HMAS *Adelaide*" off Avoca Beach, New South Wales, commencing on the date of signature of this permit and extending until 22 March 2060, and subject to the conditions which are specified in Appendix 1.

DATE.....22.....day of.....January.....2019

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JAMES BARKER
Delegate of the Minister

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

**CONDITIONS FOR ARTIFICIAL REEF PLACEMENT OF THE VESSEL
“Ex-HMAS ADELAIDE”, OFF AVOCA BEACH, NEW SOUTH WALES.**

Definitions

In this permit:

- “the Act” means the *Environment Protection (Sea Dumping) Act 1981*;
- “the Application” means the Application for a permit under the *Environment Protection (Sea Dumping) Act 1981* submitted by the NSW Lands and Property Management Authority, received by the Department on 16 December 2008;
- “the Department” means the Australian Government Department responsible for administering the **Act**;
- “DoI” means the New South Wales Department of Industry, ABN 72 189 919 072, PO Box 2185, Dangar, NSW, 2309
- “Ex- HMAS *Adelaide*” means the decommissioned FFG-7 Class Guided Missile Frigate *Ex-HMAS Adelaide*;
- “environmental incident” means any event which has the potential to, or does impact, on the environment;
- “environmental risk” any risk, additional to those risks previously identified in the Application, which has the potential to, or does impact, on the environment;
- “ final exclusion zone” means the area within a radius of 500 metres of the *Ex-HMAS Adelaide* following the successful scuttling of the vessel and prior to the vessel being opened to the public as specified in the scuttling Plan;
- “IALA” means the International Association of Lighthouse Authorities;
- “initial exclusion zone” means the area within a radius of 1000 metres of the *Ex-HMAS Adelaide* during placement;
- “LAT” means lowest astronomical tide;
- “LTMMP” means the Long Term Monitoring and Management Plan (Revision D) received by the Department on 17 March 2010, and the revised Long Term Monitoring and Management Plan received by the Department on 24 January 2018;
- “Minister” means the Australian Government Minister who administers the *Environment Protection (Sea Dumping) Act 1981*;
- “monitoring zone” means within 2 nm radius of the *Ex-HMAS Adelaide*;
- “placement” includes all activities associated with the placement permitted under this permit, including, but not limited to the placement of the *Ex-HMAS Adelaide*;
- “Scuttling Plan” means the Scuttling Plan (Revision 3) for the *Ex-HMAS Adelaide* received by the Department on 17 March 2010;

“LPMA”	means the New South Wales Land and Property Management Authority, PO Box 2185, Dangar, NSW, 2309; and
“unauthorised people, boats”	means any people and boats not authorised by NSW Maritime to be within the initial exclusion zone.
“Website”	means a set of related web pages located under a single domain name attributed to the permit holder and available to the public.

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.

Material to be Placed

2. LPMA must place the *Ex-HMAS Adelaide* in the same preparation condition as per the ship inspection on 25 February 2010, with the addition of the following clean up preparations:
 - (a) all temporary barricades, planks, wooden or steel blanking and other safety fittings are removed;
 - (b) all ladders not permanently fixed into place and intended to remain in that position post scuttling are to be either removed or lowered to the deck;
 - (c) the mast/structure must be modified to give a minimum over water clearance of 6 m at LAT immediately after scuttling; and
 - (d) the ship must be cleaned of all other loose, unattached material and debris.

LPMA must notify the Department in writing that the above preparations have been completed prior to the scuttling of the *Ex-HMAS Adelaide*.

3. LPMA must ensure no material additional to the *Ex-HMAS Adelaide*, in the condition described under Condition 2, is to be taken to sea and disposed of in association with this placement.

Location of Placement Site

4. LPMA must place the *Ex-HMAS Adelaide* on the designated scuttling datum of 151° 27.38 East, 33° 27.91 South. (MGA 94, Easting 356,551.686, Northing 6,296,076.969)

Conditions Applying Prior to Placement

5. LPMA must ensure the scuttling of the *Ex-HMAS Adelaide* is undertaken in accordance with the Scuttling Plan.
6. LPMA must advise the Department the planned date and time of commencement of the tow and scuttling process no less than 24 hours in advance of the tow commencing.
7. LPMA must advise the Department and other relevant authorities as soon as practicable of any delay, postponement or cancellation of the final tow and scuttling, whether due to actual or forecast weather or sea conditions or any other contingency or incident.
8. LPMA must ensure the pyrotechnic display is conducted as per the scuttling plan. All 28 pyrotechnic units must be removed as part of the post scuttling activities.

9. The person engaged to manage the deployment and detonation of explosives (including pyrotechnics) used in the placement of the *Ex-HMAS Adelaide*, must hold a current shotfirers permit.
10. LPMA must undertake visual reconnaissance of the placement area using binoculars from the shot firing vessel and by a spotter aircraft before and during the placement phase to ensure the exclusion zone of 1000 metres is clear of all unauthorised people or boats. The initial exclusion zone must be maintained until such time as the *Ex-HMAS Adelaide* is checked for non-detonated explosives and declared safe. Any unauthorised people or boats not essential to the scuttling straying into the exclusion zone are to be requested to clear and/or be escorted to the exclusion zone boundary. Scuttling charges are not to be detonated if any unauthorised people or boats are within the exclusion zone.
11. LPMA must ensure a spotter aircraft is in the air above the placement site at least 30 minutes prior to and during the placement phase to ensure that no cetacean, seal, Grey Nurse shark or great white shark are within a 2 nautical mile radius of the *Ex-HMAS Adelaide*. Detonation of the scuttling charges is to be suspended should any cetacean, seal, Grey Nurse Shark or Great White Shark be detected within a 2 nautical mile radius of the *Ex-HMAS Adelaide*, and must remain suspended until such time as the cetacean, seal or great white shark has been seen to leave the monitoring zone or until 30 minutes after the last sighting of the cetacean, seal, Grey Nurse Shark or Great White Shark within the monitoring zone. The spotter aircraft must maintain audio contact with the shot firing vessel monitoring the scuttling to ensure that the above procedures are followed.
12. LPMA must ensure no persons, vessel or aircraft pursue, herd or harass any cetacean, seal, Grey Nurse Shark or Great White Shark prior to or during the placement phase.

Conditions Applying Following the Placement

14. LPMA must ensure that the *Ex-HMAS Adelaide* sinks and settles on the seabed, and that the placement occurs centrally within the scuttling zone specified in Condition 4.
15. LPMA must undertake visual footage of the scuttling, including video reconnaissance of the placement location, and sea surface, immediately after placement, to detect the presence, or confirm the absence, of any visible pollution or debris, such as oil slicks or floating material. Any material left floating after the placement operation must be retrieved prior to access by recreational divers.
16. LPMA must ensure that after the *Ex-HMAS Adelaide* has been placed, a diving team checks all explosives have been detonated correctly. In the event that an explosive fails to detonate, it is to be made safe prior to the initial exclusion zone being removed.
17. LPMA must ensure that the highest point of the *Ex-HMAS Adelaide* is no less than 6.0 m below sea level at LAT immediately following placement. If this was not achieved during placement, then the mast and/or other structure must be lowered to the required height prior within 14 days.
18. LPMA must ensure after the placement, and prior to the final exclusion zone being removed, that a diving team inspects the *Ex-HMAS Adelaide*, and undertakes all repair work required to ensure that the *Ex-HMAS Adelaide* is safe for recreational divers.
19. LPMA must ensure within 5 days of scuttling, the *Ex-HMAS Adelaide* is to be marked as a navigation hazard by a marker that conforms to the IALA maritime buoyage system. The marker must be effective during all visibility conditions.

20. LPMA must provide a report to the Department within 5 days of placement which includes:
- (a) date and time of placement;
 - (b) the position of the *Ex-HMAS Adelaide* (confirmation of the placement site to two decimal places of a minute, plus horizontal datum, in latitude and longitude format);
 - (c) the estimated depth of water over the *Ex-HMAS Adelaide* as measured at LAT, and the date and time of the observation;
 - (d) video footage (as specified in Condition 15) including a discussion on the scuttling detailing whether any problems arose during the scuttling, how they were rectified and if any clean up actions were undertaken;
 - (e) verification from an independent observer, agreed by the Department, of the highest point of the vessel (as specified in Condition 17) prior to the exclusion zone being removed;
 - (f) details of the inspection dive (as specified in Condition 18) including whether any items were removed or hazards rectified;
 - (g) confirming the removal of all pyrotechnics equipment from the vessel (as specified in condition 9);
 - (h) the position and description of the cardinal mark and any other visual indicators (e.g. buoys and/or lights) marking the wreck;
 - (i) evidence of notification to the RAN Hydrographic Office and NSW Maritime as specified in Condition 21;
21. LPMA must provide the details specified in Condition 20 (a), (b), (c) and (h) to the Australian Hydrographic Office and NSW Maritime within 5 days of placement.

Environmental Risk and Incidents

22. If, at any time during the course of the placement activities, an environmental incident occurs or environmental risk is identified, or the placement does not occur in accordance with the Scuttling Plan as specified in Condition 5, all measures must be taken immediately by LPMA to mitigate the risk or the impact. The Department must be notified in writing within 24 hours of the occurrence or identification of an environmental incident or risk, and the measures taken, the success or otherwise of those measures in addressing the incident or risk, and any additional measures proposed to be taken or advised by the Department.

Monitoring and Reporting

23. **DoI** must implement the **LTMMP** for the *Ex-HMAS Adelaide*. The results of the **LTMMP** must be published on the **website** within 1 month of the completion of sampling, and remain on the **website** for the life of the **LTMMP**.
24. **DoI** may submit for the **Minister's** approval a revised version of the **LTMMP** specified under Condition 23. If the **Minister** approves such a revised **LTMMP**, that **LTMMP** must be implemented in place of the **LTMMP** as originally approved.
25. If the Minister believes that it is necessary or desirable for the better protection of the environment to do so, the Minister may request **DoI** to make specified revisions to the **LTMMP** and submit the revised **LTMMP** for the Minister's approval. If the Minister

approves a revised **LTMMP** pursuant to this condition, the DoI must implement that **LTMMP** instead of the **LTMMP** as originally approved.

26. A review of the **LTMMP** must be undertaken within five years of scuttling with the revised version submitted to the Minister for approval. A revised **LTMMP** must not be implemented until it is approved by the Minister. If the Minister approves a revised **LTMMP** pursuant to this condition, the **DoI** must implement that **LTMMP** instead of the **LTMMP** as originally approved.

Compliance of all Parties engaged in dumping activities

27. **DoI** must ensure that all persons engaged in the placement activities under this permit, including the owner(s) and person(s) in charge of the vessel, comply with this permit and the requirements of the Act.

Access for Observers

28. **DoI** must allow at least two Australian Government nominees access to witness, inspect, examine or audit any part of the operations, including any placement or monitoring activity, the vessel or any other equipment, or any documented records, and are to be provided with any necessary assistance in carrying out their duties.

Auditing

29. After placement of the *Ex-HMAS Adelaide*, if the Department believes that it is necessary or desirable to undertake an audit of the permit conditions, **DoI** must comply with any such request and must provide any necessary assistance to the Department's representatives in carrying out their duties.