



Reference: OUT17/24358

Penny Holloway
Chief Executive Office
Lord Howe Island Board
Bowker Avenue
Lord Howe Island NSW 2898

Dear Ms Holloway,

**Re: Application for a Threatened Species licence and Marine Parks permit for
the Lord Howe Island Rodent Eradication Plan**

I refer to your application for a marine park permit under the *Marine Estate Management (Management Rules) Regulation 1999* and threatened species licence to harm under the *Fisheries Management Act 1994* associated with the Rodent Eradication Plan on Lord Howe Island. Please find enclosed permit **LHIMP 170002/230117** that grants consent to harm animals and plants in all zones of the Lord Howe Island Marine Park. The permit has been issued for the period from the 1 July 2017 until the 1 December 2019 and grants the necessary authorities for the activities under the *Marine Estate Management (Management Rules) Regulation 1999*.

Please review the conditions of the permit and ensure compliance to the conditions therein. Note that failure to comply with the conditions of a permit is an offence under the *Marine Estate Management (Management Rules) Regulation 1999*. Permit holders found guilty of contravening a permit condition may face a fine as well as the cancellation or suspension of the permit for the activities within Lord Howe Island Marine Park.

The permit requires reporting to the Lord Howe Island Marine Park office upon completion of the activities as outlined in the conditions of the permit.

NSW Department of Primary Industries has considered the tests of significance and other information provided in the s.220ZW licence application and accompanying Draft Public Environment Report (EPBC 2016/7703) submitted by LHIB on 3 November 2016. The Department has determined that the proposed action is not likely to significantly affect threatened species, populations or ecological communities listed under the *Fisheries Management Act 1994* (FM Act), or their habitats, and consequently the proposed action does not require a licence under section 220ZW of the FM Act. This advice constitutes a certificate issued under section 220ZZ(4) of the FM Act.

If you have any queries regarding the above please contact the Lord Howe Island Marine Park office on 02 6563 2359.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Fairfull'.

Sarah Fairfull
Director, Aquatic Environment

Date: 28 June 2017



NSW DEPARTMENT OF PRIMARY INDUSTRIES - MARINE PARKS PERMIT

<i>NSW Marine Estate Management (Management Rules) Regulation 1999, Part 1, Division 2, Clause 1.11 (1) (a) (b) (c)</i>	<i>works in sanctuary zone</i>
<i>NSW Marine Estate Management (Management Rules) Regulation 1999, Part 1, Division 2, Clause 1.16 (1) (a) (b) (c)</i>	<i>works in habitat protection zone</i>
<i>NSW Marine Estate Management (Management Rules) Regulation 1999, Part 1, Division 2, Clause 1.19 (1) (a) (b) (c)</i>	<i>works in general use zone</i>
<i>NSW Marine Estate Management (Management Rules) Regulation 1999, Part 1, Division 2, Clause 1.22 (1) (a) (b) (c)</i>	<i>works in special purpose zone</i>

Permit No: **LHIMP 170002/230117**

Expiry Date: **01-12-2019**

This permit and all conditions herein extend to all employees of the Permittee, and other persons acting on behalf of or at the direction of the Permittee for the purposes specified in this permit.

Permit is granted to:

Permittee:	Lord Howe Island Board Chief Executive Officer
Organisation:	Lord Howe Island Board
ABN:	33 280 968 043
Address:	Bowker Avenue, PO Box 5, Lord Howe Island

Additional people authorised under this permit (<i>Marine Estate Management Regulation 2009 Cl.14</i>):	All registered project participants are authorised to carry out the activities to which this permit relates
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Use and entry authorised to the following NSW Marine Park/s:	Lord Howe Island Marine Park
Permitted zone/s and location/s:	All zones and locations within Lord Howe Island Marine Park
Permitted activities being:	The carrying out of the Rodent Eradication Program (REP) for Lord Howe Island - for environmental protection / public health and purposes of an ecologically sustainable use that does not have a significant impact on fish populations within the zone or on any other animals, plants or habitats
Vessel/vehicles:	Helicopter, vehicles and vessels as required
Registration number/s:	Details to be provided to DPI Marine Parks one month prior to commencement
Passenger capacity:	As above
Permitted activities being:	Aerial baiting and associated activities for the proposed Rodent Eradication Plan for Lord Howe Island
Frequency and duration:	1 July 2017 - 1 December 2019 (in accordance with proposed LHIB Rodent Eradication Plan)

The Activity/s must be conducted in accordance with the details above and subject to conditions stated on the following pages.

A handwritten signature in black ink, appearing to read 'Sarah Fairfull', written in a cursive style.

Sarah Fairfull
Delegate of the Minister for Primary Industries and Minister for the Environment

Date: 28 June 2017

WARNINGS

- 1) This permit is not transferable.
- 2) All activities, the subject of this permit, must be undertaken in accordance with the provisions of the laws in force from time to time in the State of New South Wales and, in particular, the provisions of the *Marine Estate Management Act 2014*, the *Marine Estate Management Regulation 2009* and the *Marine Estate Management (Management Rules) Regulation 1999*.
- 3) A breach by the Permittee/s or any person to whom this permit extends, of the *Marine Estate Management Act 2014*, the *Marine Estate Management Regulation 2009* or the *Marine Estate Management (Management Rules) Regulation 1999* including any permit condition contained herein may result in the variation, suspension or cancellation of this permit or in a fine.

INSURANCE CONDITIONS

- 4) The Permittee must at all times during the period of the permit, maintain a policy of public liability insurance for a sum of not less than ten million dollars (\$10,000,000) to indemnify itself, from and against liability for all action, suits, demands, costs, losses, damages and expenses (hereinafter called claims) which the Permittee may pay, sustain or be put to by reason of damage to property or injury to persons (including death) caused by or arising in any way out of the conduct of the Permittee on any lands or waters managed by the Department of Primary Industries – Marine Parks or generally as a result of the presence of the Permittee, or the Permittee's agents or clients on lands or waters managed by the Department of Primary Industries – Marine Parks.
- 5) The Permittee must not cancel or later the insurance policy without first obtaining written consent from the Department of Primary Industries – Marine Parks.
- 6) In the event the insurer cancels the insurance policy prior to the expiration of the insurance policy, the Permittee must advise the Department of Primary Industries – Marine Parks in writing within three (3) business days of receiving advice of the cancellation from the insurer.
- 7) In the event the insurance policy expires prior to the expiration date of this permit, the Permittee must produce to the Department of Primary Industries – Marine Parks evidence of renewal of the insurance policy no fewer than 28 days prior to the expiry of the insurance policy.
- 8) The Permittee must provide a copy of the insurance policy and a copy of the certificate of currency of the insurance policy, to the delegate when required by the Department of Primary Industries – Marine Parks.
- 9) The Permittee must notify the Department of Primary Industries – Marine Parks as soon as possible of any fatal accident or serious injury sustained by a participant/s resulting from the conduct of the permitted activity listed in this permit on lands or waters of a marine park. All other accidents or injuries must be reported to the Department of Primary Industries – Marine Parks in writing within seven (7) days of the occurrence.

STANDARD CONDITIONS

- 10) The Permittee must ensure that when operations are conducted in the Marine Park under this permit, the permit or a certified copy of the permit is held at the site or sites of operation and on vessels during transit to and from that site or sites.
- 11) The Permittee must produce a copy of this permit on site when requested by an Authorised Officer.
- 12) The Permittee must inform staff and participants in the program of any restrictions applying under this permit.
- 13) The Permittee must notify the Department of Primary Industries – Marine Parks within seven (7) days of:
 - a) any change to the Permittee details; and/or
 - b) the cessation of operations to which this permit relates.
- 14) Where the activity, the subject of this permit, relates, requires a licence or permit issued by other government agencies, it is a condition of this permit that other license/s or permit/s is issued and current.
- 15) The Permittee must ensure that any waste is managed, transported, reused, stored, collected receipted and disposed of in an environmentally satisfactory manner pursuant to *NSW Protection of the Environment Operations Act 1997*, and that all reasonable measures regarding the control and prevention of pollution and waste from being introduced into the Marine Park are implemented.
- 16) Vessel interchange with another vessel of similar size and passenger capacity is permitted for a period of less than 72 hours if such an interchange is of an unexpected nature resulting from maintenance or repairs of the permitted vessel/s or for a period exceeding 72 hours subject to written approval from the Department of Primary Industries – Marine Parks.

SPECIFIC CONDITIONS

- 17) The Permittee must ensure that all activities conducted under this permit are undertaken in accordance with the application which was supplied to the Department of Primary Industries – Marine Parks except where a permit condition or restriction is inconsistent with this document the Permittee must then abide with the permit condition.
- 18) The Permittee must ensure that bio-toxic antifouling preparations are not applied to any fixed structure or facility permitted herein.
- 19) The Permittee must remove all equipment and other material introduced by the activities from the Marine Park immediately on cessation of works or as directed by an Authorised Officer.

20) Rodent eradication and aerial baiting specific conditions

- a) All flight paths of the aerial baiting helicopter should avoid flying over the lagoon and semi-enclosed bays (specifically Neds Beach and North Bay) wherever possible, to reduce the risk of bait spillage into marine waters. Aerial flight paths to be discussed and determined in conjunction with Department of Primary Industries - Marine Parks staff prior to implementation.
- b) Hand baiting only to be undertaken around key beaches and sensitive areas, specifically Neds Beach (adjacent to Neds Beach and Admiralty Islands Sanctuary Zone), North Bay (adjacent to North Bay Sanctuary Zone), Lagoon Beaches within the settlement area and Old Settlement Beach, due to their ecological, recreational and amenity values. No aerial baiting of these areas is permitted.
- c) The intermittent closed and open creeks that form part of the LHIMP (Old Settlement Creek, Soldier Creek and Cobbys Creek) should be assessed in conjunction with local Department of Primary Industries - Marine Parks staff prior to the commencement of baiting, to assess water levels and strategies to minimise impacts on these creeks and flow to ocean waters
- d) Aerial baiting is to be postponed if rainfall of greater than 20 mm is forecast within a three day forecast period and/or
- e) Aerial baiting is to be postponed within 200 m of mean high water mark (MHW) if wind strength exceeds 20 km/hour to minimise the risk of bait being blown or washed into the water;
- f) A detailed marine spill containment and clean-up plan (in the event of a bait spillage into the marine environment), is to be prepared by the LHIB and submitted to Department of Primary Industries - Marine Parks. The LHIB should ensure that the necessary resources to implement this are available on the Island for the full period that baiting is to be carried out;
- g) Department of Primary Industries - Marine Parks staff on LHI, are to be advised immediately of any unintentional/accidental spills of bait pellets into any waters surrounding the island or into any lagoon or creek
- h) A visual inspection of the waterway for dead or distressed fish (indicated by fish gasping at the water surface, fish crowding in pools or at the banks of the waterway) is to be undertaken twice daily during the works. **Observations of dead or distressed fish are to be immediately reported to the Contact Officer by the Permit Holder.** In such a case all works are to cease until the issue is rectified and approval is given to proceed. If requested, the Permit Holder is to commit resources to the satisfaction of the Contact Officer for an effective fish rescue, if in the view of that officer, a fish kill event is imminent and likely to occur within or adjacent to the works area due to conditions associated with weather, water quality and other parameters.

Reason – DPI needs to be aware of fish kills so that it can assess the cause and mitigate further incidents in consultation with relevant authorities. They are also potentially contentious incidents from the public perspective. Work practices may need to be modified to reduce the impacts upon the aquatic environment.

- i) Any advice on fish consumption will need a Communication Plan developed by the LHIB in collaboration with Department of Primary Industries (based on advice from the NSW office of the Chief Scientist and Engineer) to ensure that all residents and visitors to LHI are appropriately advised by the LHIB with respect to safe consumption of seafood during and after the program

- j) A research application and accompanying marine research and monitoring plan should be submitted to Department of Primary Industries - Marine Parks detailing:
- a. Water quality monitoring for the presence of Brodifacoum pre and post baiting. This should detail sample collection and analysis procedures, sample numbers, locations and frequency including sampling in the event of a spill.
 - b. Sampling of key fish species (Yellow Tail Kingfish (*Seriola lalandi*), Trevally (*Pseudocaranx dentex*), Eastern Sea Garfish (*Hyporhamphus australis*), Sea Mullet (*Mugil cephalus*) and Blue Fish (*Girella cyanea*) for presence of Brodifacoum pre and post baiting. This should detail sample collection and analysis procedures, sample numbers, locations and frequency including sampling in the event of a spill.
 - c. Research into bait attractiveness to key fish species including experimental design, locations and frequency.

NOTIFICATION AND SITE SUPERVISION CONDITIONS

- 21) The Permittee must notify Department of Primary Industries - Marine Parks, 48 hours prior to the commencements of works within the Marine Park of the commencement of these works.
- 22) The Permittee must notify Department of Primary Industries - Marine Parks of any alterations to the scheduled works at least 48 hours prior to the commencements of the works.
- 23) All activities may be subject to inspection by an Authorised Officer, nominated by the Department of Primary Industries – Marine Parks, unless the Permittee has been advised in writing by the Department of Primary Industries – Marine Parks that this is not required. The Authorised Officer is authorised to stop or suspend activities that in his/her opinion are likely to cause environmental or social harm.
- 24) When required by the Department of Primary Industries – Marine Parks, the Permittee must nominate in writing to the Department of Primary Industries – Marine Parks an on-site liaison officer with whom the Authorised Officer can maintain contact at all times.
- 25) The Permittee and its employees, contractors, sub-contractors and agents must comply with all directions of the Authorised Officer in relation to the works as are reasonable necessary for the conservation, protection and preservation of the Marine Park and property and things in the Marine Park.

REPORTING CONDITIONS

- 26) The Permittee must within 28 days of completion of the activity, submit to the Department of Primary Industries – Marine Parks, a report providing details of the activity undertaken including a summary of activities and outcomes, and confirmation that all equipment and material has been removed from the marine park.
- 27) The Permittee must provide a copy (both electronic and hard copy) of any published reports and results obtained as a result of the research conducted within the marine park to the Manager, LHIMP, PO Box 161, Lord Howe Island, NSW , 2898, within 2 months of completion.

INTERPRETATION AND DEFINITIONS

A word or phrase in this permit has the same meaning as the word or phrase has in the *Marine Estate Management Act 2014*, Marine Estate Management (Management Rules) Regulation 1999 and the Marine Estate Management Regulation 2009.

A reference to a date includes that date.