Permit

Environmental Protection Act 1994

Environmental authority EA0001884

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0001884

Environmental authority takes effect on a date to be decided later.

Environmental authority holder(s)

Name(s)	Registered address
SHUTE HARBOUR MARINA DEVELOPMENT PTY. LTD.	Unit 48 5 Holdfast Prom GLENELG SA 5045 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 16 - Extraction and Screening, 1: Dredging, in a year, the following quantity of material, (c) more than 100,000t but not more than 1,000,000t	Adjacent to LOT 22/SP208207

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or

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- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Amanda Gray
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 26 July 2019

Enquiries:
Coastal and Marine Assessment
Department of Environment and Science
Phone: 1300 130 372
Email: palm@des.qld.gov.au

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Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

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Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Natural Resources, Mines and Energy (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at www.dnrm.qld.gov.au, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Environmentally relevant activity/activities	Location(s)
ERA16(1)c – dredging >100,000t/yr but <1,000,000t/yr	Shute Harbour Road SHUTE HARBOUR QLD 4802 Lot 22 on Plan SP208207

The environmentally relevant activity(ies) conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: General	
Condition number	**Condition**
G1	This approval is granted for the environmentally relevant activity of **dredging** for the purpose of construction, operation and maintenance of lawful structures associated with Shute Harbour Marina.
G2	Dredging activities must not be conducted outside of the area defined as 'development site' in the Development Plan SEIS P64 (November 2013) of the supplementary environmental impact statement for Shute Harbour Marina project (Figure 1).
G3	All reasonable and practicable measures must be taken to prevent the likelihood of environmental harm being caused.
G4	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable, or at most, within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.
G5	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G6	All information and records required by the conditions of this environmental authority must be kept for a minimum of five years with the exception of environmental monitoring results which must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the administering authority upon request and in the format requested.
G7	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority
G8	Any **dredging** conducted under this approval must: i. Comply with a **dredge management plan** (DMP) approved by the **Administering authority** prior to commencement of the activity; ii. Be consistent with the National Assessment Guidelines for Dredging (NAGD; 2009); and iii. Be consistent with the Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland (EPA, 1998).
G9	The final placement of capital **dredge material** must occur within the reclamation area defined by Revision 4 of the supplementary environmental impact statement for the Shute Harbour Marina project.
G10	**Dredge material** from maintenance **dredging** of the marina and access channel will be disposed of on a land-based licensed receiving facility.

G11	If during **dredging** of the marina, cetaceans, dugongs and/or turtles are observed, within 100 metres (the observation distance) of the **dredging** activity, **dredging** must stop and not recommence until the cetaceans, dugongs and/or turtles are observed to travel beyond the observation distance or a 30 minute period has passed since any cetacean, dugong or turtle was last seen by an **appropriately qualified person** within the observation distance of the **dredging** work site.
G12	The Shute Harbour Marina must be wholly located on Lot 2 SP117389, and a proposed lot A on drawing 13/512CEN as shown in Annexure A and be constructed in accordance with the Development Plan SEIS P64 (November 2013) (Figure 1).
G13	Treatment and management of acid sulfate soils must comply with the guidance provided in the current edition of the *Queensland Acid Sulfate Soil Technical Manual.*
G14	Erosion and sediment control **measures** which are in accordance with *Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association,* are to be installed and maintained to prevent the release of sediment to tidal **waters**.
G15	Any containment area specified for placement of dredged material must be certified by **appropriately qualified person(s)** (e.g. registered professional engineer of Queensland) and maintained to that condition.
G16	Written notification of the commencement date must be provided to the **administering authority** at least five (5) business days prior to establishing a **new dredging activity**.
G17	You must record the following details for all environmental complaints received: (a) date and time complaint was received (b) name and contact details of the complainant (c) nature of the complaint (d) investigations undertaken (e) conclusions formed (f) actions taken.
G18	When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint not considered by the administering authority to be frivolous or vexatious, of environmental nuisance arising from the activity. The monitoring results must be provided to the administering authority upon request.
G19	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.

G20	The activity must be undertaken in accordance with written procedures that: 1. identify potential risks to the environment from the activity during routine operations, closure and an emergency; and 2. establish and maintain control measures that minimise the potential for environmental harm; and 3. ensure plant, equipment and measures are maintained in a proper and effective condition; and 4. ensure plant, equipment and measures are operated in a proper and effective manner; and 5. ensure that staff are trained in and aware of their obligations under the Environmental Protection Act 1994; and 6. ensure that reviews of environmental performance are undertaken at least annually.
Agency interest: Water	
Condition number	**Condition**
WT1	A Receiving Environment Monitoring Program (REMP) must be developed and implemented to monitor, identify, describe and respond to any adverse impacts to: (a) surface water quality (b) water flows (c) aquatic flora and fauna, and (d) any receiving **waters**.
WT2	The REMP must include periodic monitoring for the effects of any release on the receiving environment as a result of contaminant releases to **waters** from the site.

WT3	The REMP must: i. assess the condition or state of receiving **waters** spatially within Shute Bay (the REMP area), considering background water quality characteristics based on accurate and reliable monitoring data that takes into consideration temporal variation (e.g. seasonality) ii. establish parameters to be monitored including but not limited to turbidity and Total Suspended Solids (TSS), nutrients, metals and metalloids and justify: (A) the parameters chosen, and (B) assumptions and choices made in preparation of the REMP. iii. be designed to facilitate assessment against water quality objectives for the relevant environmental values that need to be protected iv. detail monitoring locations and water quality indicators pertinent to the **sensitive receptor** types and locations that have been designed to: (A) determine the baseline condition of water quality and sensitive receptors (i.e., corals and seagrass meadows) within the **zone of influence** to a sufficient resolution to be capable of reliably detecting lethal and sublethal (stress) impacts (B) develop or adopt locally-relevant **trigger values** for key water quality indicators including turbidity, and (C) provide on-line real-time monitoring capability for key sediment plume-related indicators (including but not limited to turbidity, pH, EC). v. specify the frequency and timing of sampling required in order to reliably assess ambient conditions and to provide sufficient data to derive site specific background reference values in accordance with the *Environmental Protection (Water) Policy 2009 (Proserpine River, Whitsunday Island and O'Connell River Basins Environmental Values and Water Quality Objectives) (DEHP 2013)* vi. include, where appropriate, monitoring of metals/metalloids in sediments (in accordance with ANZECC & ARMCANZ 200027 and/or the most recent version of Australian Standard 5667.1) vii. apply procedures and/or guidelines from ANZECC and ARMCANZ 2000 and other relevant guideline documents viii. describe sampling and analysis methods and quality assurance and control, and ix. justify all assumptions and choices made in preparation of the REMP.
WT4	The REMP must be implemented for a minimum of 12 months prior to commencement of construction activity and not cease until construction is completed.
WT5	A report outlining the findings of the REMP, including all monitoring results and interpretations must be prepared and made publicly available on the proponent's website annually, within one month of its completion and remain for the duration of the action. The first report must be published prior to the commencement of construction. This report must include an assessment of background reference water quality in the REMP area compared against the water quality objectives established in the REMP.

WT6	After at least twelve months of implementation of the REMP, as required under Conditions WT1 to WT5, the proponent must set discharge criteria for relevant parameters, against which future discharges from Shute Harbour Marina to Shute Bay must be monitored. The discharge criteria must be: i. developed with reference to Queensland Water Quality Guidelines Environmental Protection (Water) Policy 2009 (Proserpine River, Whitsunday Island and O'Connell River Basins Environmental Values and Water Quality Objectives) (DEHP 2013), and approved by the administering authority/Department of Environment and Science prior to commencement of construction. ii. approved by the administering authority/Department of Environment and Science prior to commencement of construction.
WT7	The proponent must not discharge, irrigate or otherwise release potable water, wastewater, stormwater, harvested water, bilge water or sewage effluent into Shute Bay unless the discharge complies with discharge criteria defined for the site and approved by the **Administering authority**.
WT8	The proponent must ensure that maintenance and cleaning of any vessels, vehicles, plant or equipment within Shute Harbour Marina is not carried out in areas from which contaminants can be released into any receiving **waters**.
Agency interest: Noise	
Condition number	**Condition**
N1	Noise resulting from the activity must not cause an **environmental nuisance** in any nuisance **sensitive place**.
Agency interest: Waste	
Condition number	**Condition**
W1	All waste generated in carrying out the **activity** must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

Definitions

Key terms and/or phrases used in this document are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Administering authority means the Department of Environment and Science or its successor or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Dredge management plan (DMP) is an environmental management plan for the dredging activity. It defines and describes the:

- scope, timing and duration of the dredging operation
- sediment plume-associated monitoring programs
- assessment of data, trigger values and alert levels, and
- management actions that may be required in response to adverse monitoring results.

The DMP includes an aim to prevent and minimise environmental harm to **sensitive receptors** as a result of the dredging **activity**.

Dredge material means mud, sand, coral, shingle, gravel, clay, earth and other material removed by dredging. Dredged material includes dredge spoil and extracted quarry material.

Dredging means the mechanical removal of material from below naturally occurring surface waters. It excludes minor adjustments to the bed surface to level troughs and peaks and where bed material is only redistributed locally (bed levelling).

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Measures has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for **dredging** operations, environmental risk assessment, management actions, departmental direction and competency expectations under relevant guidelines
- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

New dredging activity means a dredging **activity** that is currently not underway, the next stage of a **dredging** campaign that is currently underway, or a discretely separate area in a larger dredge campaign that is currently underway.

Prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential

premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

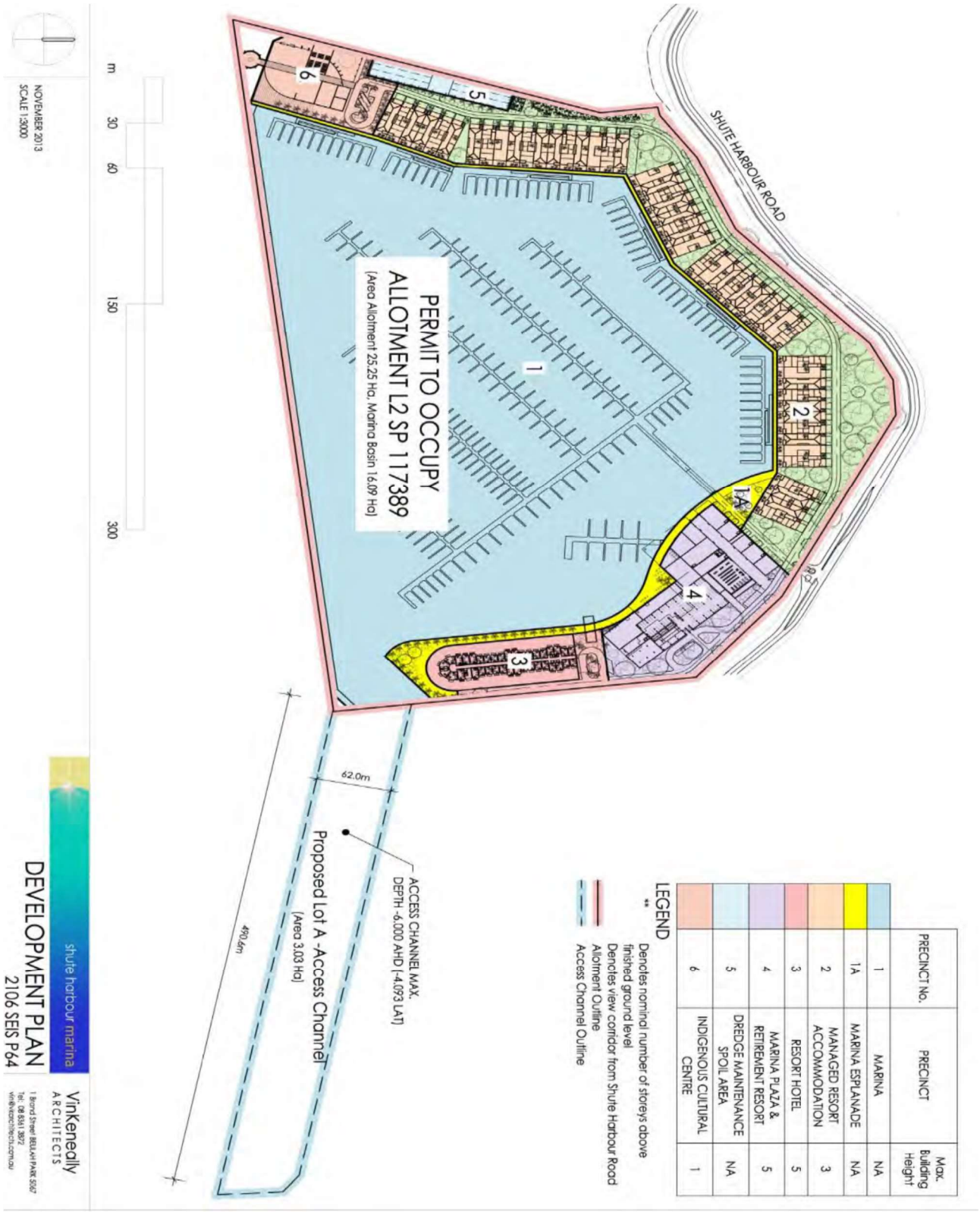
Sensitive receptor includes biological sensitive receptors together with other **environmental values** sensitive to the effects of dredge-generated **sediment plume-associated impacts**.

Trigger values are physicochemical, parameter-specific measurement values used to indicate a condition where an environmental value or sensitive receptor may be at low, moderate or high risk, or some other risk-related indicator.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

Zone of Influence of a sediment plume is, in its broadest application, defined by the **dredge footprint** and the area beyond the **dredge footprint** where at least some level of **sediment plume-associated impacts** are expected to occur. The overall *zone of influence* may be broken down into more risk-relevant sub-categories, such as the *Zone of Unavoidable Loss* (the **dredge footprint** and immediately adjacent areas), the *Zone of Moderate Impact*, or the *Zone of Marginal Impact*, with each zone being defined according to its purpose or role in

Figure 1


SHUTE HARBOUR ROAD
PERMIT TO OCCUPY
ALLOTMENT L2 SP 117389
(Area Allotment 25.25 Ha, Marina Basin 16.09 Ha)
62.0m
490.6m
Proposed Lot A -Access Channel
(Area 3.03 Ha)
ACCESS CHANNEL MAX.
DEPTH -6.000 AHD (-4.093 LAT)
LEGEND
** Denotes nominal number of storeys above finished ground level
Denotes view corridor from Shute Harbour Road
Allotment Outline
Access Channel Outline
PRECINCT No.
PRECINCT
Max. Building Height
1 MARINA NA
1A MARINA ESPLANADE NA
2 MANAGED RESORT ACCOMMODATION 3
3 RESORT HOTEL 5
4 MARINA PLAZA & RETIREMENT RESORT 5
5 DREDGE MAINTENANCE SPOIL AREA NA
6 INDIGENOUS CULTURAL CENTRE 1
m 30 60 150 300
NOVEMBER 2013
SCALE 1:3000
shute harbour marina
DEVELOPMENT PLAN
2106 SEIS P64
VinkeneallyARCHITECTS

END OF ENVIRONMENTAL AUTHORITY