Permit

Environmental Protection Act 1994

Environmental authority EA0002244

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

Environmental authority number: EA0002244

Environmental authority takes effect on 16-06-2020

Environmental authority holder(s)

Name(s)	Registered address
Melivan Pty Ltd	598 Murdering Point Rd KURRIMINE BEACH QLD 4871

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 01 - Aquaculture 2: Cultivating or holding marine, estuarine or freshwater organisms, other than crustaceans, in enclosures that are on land and have a total area of (a) more than 100 square metres but not more than 10ha	Lot 1 on SP239450
ERA 01 - Aquaculture 2: Cultivating or holding marine, estuarine or freshwater organisms, other than crustaceans, in enclosures that are on land and have a total area of (a) more than 100 square metres but not more than 10ha	Lot 5 on RP742700
ERA 01 - Aquaculture 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of (a) more than 100 square metres	Lot 6 on RP742700
ERA 01 - Aquaculture 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of (a) more than 100 square metres	Lot 1 on SP239450

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Environmentally relevant activity/activities	Location(s)
ERA 01 - Aquaculture 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of (a) more than 100 square metres	Lot 5 on RP742700
ERA 01 - Aquaculture 2: Cultivating or holding marine, estuarine or freshwater organisms, other than crustaceans, in enclosures that are on land and have a total area of (a) more than 100 square metres but not more than 10ha	Lot 6 on RP742700

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
- 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: 16 June 2020

Enquiries:
Coastal and Marine Assessment
Department of Environment and Science

Phone: 1300 130 372
Email: palm@des.qld.gov.au

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)

Legislative requirements and conditions of environmental authority

Legislative requirements

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.

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

Agency interest: General	
Condition number	**Condition**
G1	This licence applies to the operation of production ponds at the licenced place having a combined total area of not greater than ten (10) hectares.
G2	Any breach of a condition of this environmental authority must be reported to the **administering authority** as soon as practicable within 24 hours of becoming aware of the breach. **Records** must be kept including full details of the breach and any subsequent actions taken.
G3	Other than as permitted by this environmental authority, the **release of a contaminant into the environment** must not occur.
G4	All reasonable and practicable **measures** must be taken to prevent or minimise environmental harm caused by the activities.
G5	The **activity** must be undertaken in accordance with written procedures that: a) identify potential risks to the environment from the **activity** during routine operations and emergencies; and b) establish and maintain control **measures** that minimise the potential for environmental harm; and c) ensure plant, equipment and **measures** are maintained in a proper and effective condition; and d) ensure plant, equipment and **measures** are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*; and f) ensure that reviews of environmental performance are undertaken at least annually.
G6	All **records** must be kept for a period of at least five years and provided to the **administering authority** upon request.
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	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (**NATA**) certification, or an equivalent certification, for such analyses. The only exception to this condition is for *in situ* monitoring of Dissolved Oxygen and pH.
G9	**You** must record the following details for all environmental complaints received: 1. date and time complaint was received 2. name and contact details of the complainant when provided and authorised by the complainant 3. nature of the complaint 4. investigations undertaken 5. conclusions formed 6. actions taken.
G10	When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority** to investigate a complaint of **environmental**

	nuisance arising from the **activity**. The monitoring results must be provided within 10 business days to the **administering authority** upon its request.
G11	Chemicals and fuels in containers of greater than 15 litres must be stored within a **secondary containment system.**
G12	An annual monitoring report must be prepared and submitted to the **administering authority** by 30 November each year, for the preceding financial year.
G13	A **receiving environment monitoring program** must be designed and implemented by an **appropriately qualified person(s)** to monitor the effects of the **activity** on receiving environment.
G14	The **receiving environment monitoring program** required by condition G13 must include at least the following: a) The impacts of the aquaculture facility on the receiving environment. b) A background water quality characteristics based on accurate and reliable data.

Agency interest: Air	
Condition number	**Condition**
A1	Odours or airborne contaminants which are **noxious** or **offensive** or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any **sensitive place** or **commercial place**.

Agency interest: Land	
Condition number	**Condition**
L1	Contaminants must not be released to **land.**
L2	The environmentally relevant activity must be carried out by such practicable means necessary to ensure that disposal to land of prawn pond sludge does not in the opinion of the administering Authority cause unacceptable environmental harm.

Agency interest: Acoustic	
Condition number	**Condition**
N1	Noise generated by the **activity** must not cause **environmental nuisance** to any **sensitive place** or **commercial 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.

Agency interest: Water

Condition number	Condition
WT1	Other than as permitted within this environmental authority, contaminants must not be released to any **waters**.
WT2	Contaminants must only be released to surface waters in accordance with *Table 1 – Contaminant release points* and release limits and the associated requirements.

Table 1— Contaminant release points and release limits

Quality characteristic	Release Point	Discharge Limit	Limit Type	Minimum Sampling Frequency
pH (pH Units)	W1, W2, and W3	6.5 to 8.7	**Range**	Weekly during **growing season**
Dissolved Oxygen Demand (mg/l)	W1, W2, and W3	4.0	**Minimum**	Weekly during **growing season**
5-day Biochemical Oxygen Demand (mg/l)	W1, W2, and W3	20	**Maximum**	Quarterly during **growing season**
Suspended Solids (mg/l)	W1, W2, and W3	25 100	**80th percentile Maximum**	Quarterly during **growing season**
Total Nitrogen (mg/l)	W1, W2, and W3	2.5 5.0	**80th percentile Maximum**	Quarterly during **growing season**
Chlorophyll A (µg/l)	W1, W2, and W3	50 100	**80th percentile Maximum**	Quarterly during **growing season**
Total Phosphorus as P (mg/l)	W1, W2, and W3	0.25 0.6	**80th percentile Maximum**	Quarterly during **growing season**

Associated monitoring requirements

1. Release points/areas must be in accordance with *Schedule 1 – Approved Plans, Map 1 and Map 2* attached.
2. Monitoring must be in accordance with the methods prescribed in the current edition of the Department of Environment and Heritage Protection *Water Quality Sampling Manual.*
3. Samples must be taken using representative samples.
4. Monitoring must be undertaken during a release as per the frequency stated.
5. All monitoring devices must be correctly calibrated and maintained.

WT3	Monitoring of contaminant releases to **waters** must be undertaken in accordance with condition WT2 and records of the results must be kept.
WT4	In addition to WT2, the release to **waters** must not: 1. have any other properties at a concentration that is capable of causing environmental harm 2. produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.

WT5	Other than during periods of prolonged excessive rainfall the total combined quantity of **contaminants** (pond effluent) released to North Maria Creek from Release Points W1, W2, and W3 during any day must not exceed 6000 cubic metres.
WT6	The daily quantity of contaminants released to North Maria Creek must be determined by a method acceptable to the administrating authority.
WT7	As far as is practicable the release of contaminants to waters should occur on the out-going tide.
WT8	Contaminated runoff from pond sludge conditioning areas shall as far as is practicable be retained within the catchment of the grow out and settling ponds.
WT9	The environmentally relevant activity must be carried out by such practicable means necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with aquaculture wastes or other contaminants, and prevent or minimise the release or likelihood of release of contaminated stormwater runoff from the licensed place.
WT10	Contaminants must not be released to **groundwater** or at a location where they are likely to release to **groundwater**.

Definitions

Key terms and/or phrases bolded in this environmental authority 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.

80th percentile means that the measured values of the quality characteristic must not be greater than the release limit for any more than one out of five consecutive samples.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection 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 nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

Growing season means the period from the first discharge to the discharge from the final drain down of the grow-out ponds. (*Explanation of Definition - It is based on the start of impact into the receiving environment. This approach has been used to calculate the average daily load.)*

Maximum means that the measured valued of the quality characteristic or contaminant must not be greater than the release limit stated.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

mg/l means milligrams per litre.

Minimum means that the measured valued of the quality characteristic or contaminant must not be less than the release limit stated.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure; is unreasonably disagreeable to the sense; disgusting, nauseous or repulsive.

Range means that the measured value of the quality characteristic or contaminant must not be more than the higher release limit stated now lower than the lower release limit stated.

Receiving environment monitoring program means a monitoring program designed to monitor and assess the potential impacts of controlled and/or uncontrolled releases of contaminants to the environment from the activity.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

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:
- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

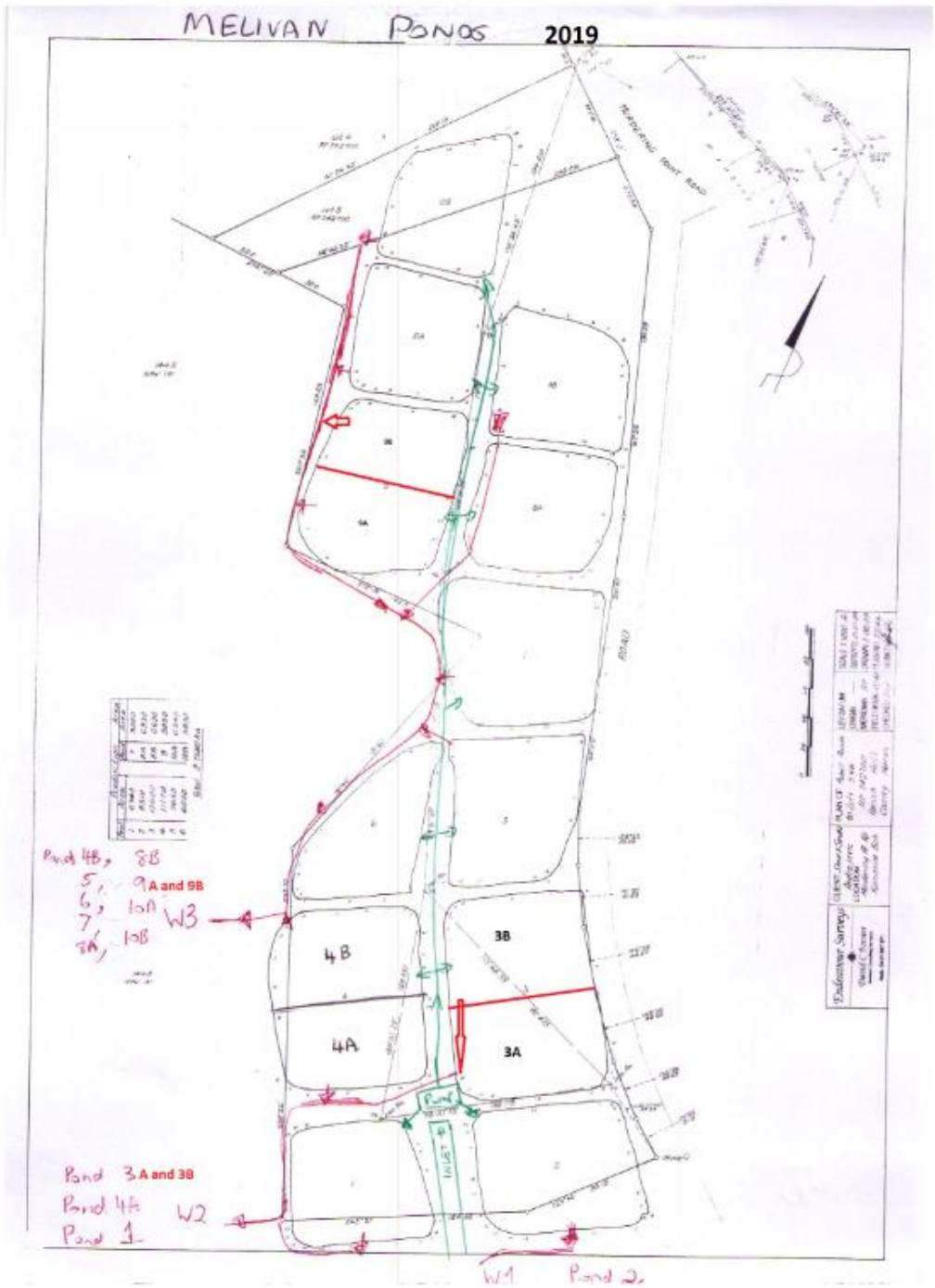
Total Nitrogen means the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen.

µg/l means micrograms per litre.

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.

Appendices
Schedule 1 - Approved plans

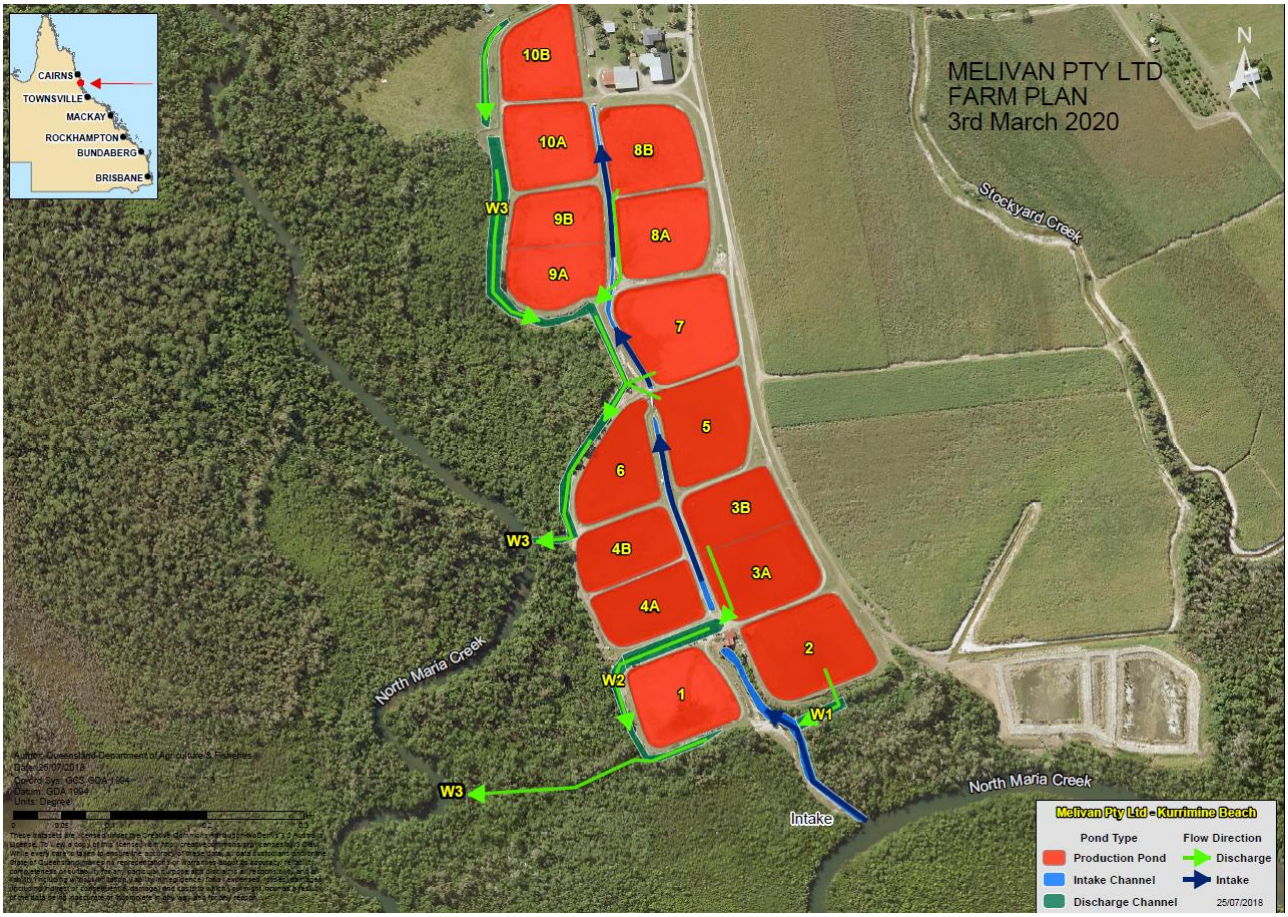
Map 1 – Melivan Ponds 2019



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Map 2 - Melivan Pty Ltd Farm Plan



END OF ENVIRONMENTAL AUTHORITY

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