

Permit

Environmental Protection Act 1994

Environmental authority EA0002543

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

Environmental authority number: EA0002543

Environmental authority takes effect on 18/01/2021

Environmental authority holder(s)

Name(s)	Registered address
Torres Strait Island Regional Council	68 Douglas Street THURSDAY ISLAND QLD 4875

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 1: Dredging, in a year, the following quantity of material (b) more than 10,000t but not more than 100,000t	LOT 6 on SP270862; and LOT 7 on SP270862.

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

Enquiries:
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Department of Environment and Science

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Date issued: 18 January 2021

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)

Conditions of environmental authority

Location: Poruma (Coconut Island), Torres Strait.

Activity: ERA 16-(1b) Dredging more than 10,000t, but not more than 100,000t, in a year.

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

Agency interest: General	
Condition number	Condition
G1	Activities under this environmental authority must be conducted in accordance with the following limitations: - The amount of material dredged must not exceed 27,000t per year. - The extraction area must be along the Poruma Island beach - The extraction must only occur above lowest astronomical tide (LAT) and the material must be extracted whilst it is not inundated by the ebb and flow of the tide. Dredged material is to only be used for the purpose of filling geotextile sandbags at the locations for Stages 1 – 5 of the project in accordance with the following plan: Poruma Seawall – Stages 1-5 Footprint of Works, prepared by: RPS Australia East Pty Ltd, dated: 15/09/2020, Drawing Number: PR146548-3, Version: [not provided].
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activity .
G3	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.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	Environmental monitoring results must be kept until surrender of this environmental authority. All other information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request, within the required timeframe and in the specified format.
G6	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.
G7	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.

G8	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 and aware of their obligations under the <i>Environmental Protection Act 1994</i>; and 6. ensure that reviews of environmental performance are undertaken at least annually.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
Agency interest: Water	
Condition number	Condition
WT1	The only contaminants to be released to surface waters are: 1. Beach sediments necessarily disturbed during dredging at locations indicated in condition G1
WT2	In addition to WT1, 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.
WT3	Dredged material placed within the geotextile sandbags must be material that is suitable for marine placement in accordance with the <i>National Assessment Guideline for Dredging (2008)</i> .
Agency interest: Land	
Condition number	Condition
L1	Treatment and management of acid sulfate soils must comply with the guidance provided in the current edition of the <i>Queensland Acid Sulfate Soil Technical Manual</i> .
L2	Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:

	1. the final beach profile is stable and consistent with adjacent profiles as determined by an appropriately qualified person .
Agency interest: Noise	
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 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 and **bolded** throughout this document. Applicants should note that 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.

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 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 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.

Disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

Dredged 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 includes extraction of mud, sand, coral, ballast, shingle, gravel, clay, earth and other material from the bed of Queensland tidal and non-tidal **waters**. **Dredging** does not include the banks of a waterway.

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

Land means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes **tidal land**).

Measures has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

Nominated delegate means another government agency that provides services to the **administering authority**.

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:

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 2019.

Tidal land means land that is submerged at any time by tidal water.

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.

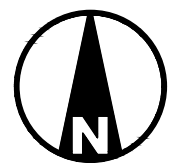
Attachments

Poruma Seawall – Stages 1-5 Footprint of Works, prepared by: RPS Australia East Pty Ltd, dated: 15/09/2020, Drawing Number: PR146548-3, Version: [not provided].

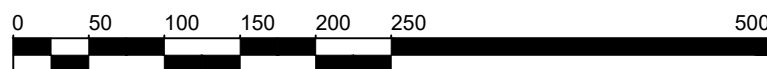
END OF PERMIT



IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered
howsoever arising to any person who may use or rely on this plan.
Imagery date of Capture: 2011



PORUMA SEAWALL - STAGES 1-5 FOOTPRINT OF WORKS



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA94 Z54 | Scale: 1:5000 @ A3 | Date: 15-9-2020 | Drawing: PR146548-3

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