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Development Permit

Section 3.5.15 *Integrated Planning Act 1997*

DERM Permit[1] number: IPDE01429209

This document replaces the document (CM0075) issued on 28 July 2003

DERM Permit[1] number:	IPDE01429209
Assessment Manager reference:	as above
Permit[1] Type:	Development Approval for an ERA (Replacement Document)
Date of Decision:	05-JUN-2009
Decision:	Replacement Document issued under section 621 of the *Environmental Protection Act 1994*
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
191 Sheehans Road, BUNDABERG QLD 4670	Lot 7 Plan RP909282	ERA 1 Aquaculture Threshold 1(b) - cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 10ha to 100ha

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 87 221 158 786

Queensland Government

Additional comments or advice about the application

Nil

Additional information for applicants

Nil

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Department of Environment and Resource Management.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.

T. B

Tim Brain
Delegate
Department of Environment and Resource Management
05-JUN-2009

Schedule of conditions

The aforementioned description of the ERA for which this approval is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing this approval. Where there is any conflict between the above description of the ERA for which this approval is issued and the conditions as specified in this approval as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This approval incorporates the following schedules of conditions relevant to various issues:

Schedule A	-	Activity
Schedule B	-	Water
Schedule C	-	Noise
Schedule D	-	Waste
Schedule E	-	Land
Schedule F		Monitoring and Reporting
Schedule G	-	Approved Documents
Schedule H	-	Definitions

Schedule A - Activity

Release of Contaminants not otherwise provided for

(A1) In carrying out the environmentally relevant activity, the registered operator must take all reasonable and practicable measures to prevent and/or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, may cause environmental harm, in a manner that could be prevented, shall be carried out in a proper manner by a competent person in accordance with the conditions of this approval.

(A2) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

Records

(A3) Any record or document required to be kept by a condition of this development approval must be kept at the site for a period of at least five years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

(A4) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.

Calibration

(A5) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this development approval must be calibrated, and appropriately operated and maintained.

Number and Area of Ponds

(A6) This development approval applies to the operation of not more than 20 aquaculture ponds having a combined total area of not greater than 20 hectares.

(A7) The aquaculture ponds shall be developed in stages. Stage 1 will consist of 6 ponds of 1 hectare each. Stage 2 will consist of an additional 6 ponds of 1 hectare each. Stage 3 will consist of an additional 8 ponds of 1 hectare each.

(A8) Stages 2 and 3 are not to be developed unless compliance with this development approval has been demonstrated for the previous stage or stages through the report required in condition number F16.

Schedule B - Water

Release of Contaminants to Waters

(B1) The only contaminants permitted to be released from the site at the release point W1 are aquaculture and seafood processing wastes from the aquaculture ponds, hatchery and seafood processing operations.

Release Points

(B2) Contaminants that may cause environmental harm must not be directly or indirectly released from any source on the site to any waters at any location other than the contaminants and sources at the locations listed below:

Release point W1 aquaculture and seafood processing wastes from discharge structure from the settling ponds to the unnamed tributary of the Elliot River adjacent to pond 1.

(B3) Notwithstanding any other condition of this development approval, the wastes must be directed from the discharge structure in a manner which does not erode or otherwise disturb mangrove vegetation, the streambed, the stream banks or the habitat in general.

Quantity of Contaminants Released

(B4) The total quantity of contaminants released from release point W1 during any day must not exceed 13 500 cubic metres for Stage 1, 27 000 cubic metres for Stage 2 and 45 000 cubic metres for Stage 3.

(B5) Should less than the full number of ponds be in operation at one time, the quantity of wastes discharged during any day must be limited to a proportion of the above volumes, based on the number of ponds in operation in relation to the full development of 6 hectares of ponds for Stage 1, 12 hectares of ponds for Stage 2 and 20 hectares of ponds for Stage 3.

Quality Characteristics Of Release to Waters

(B6) The release of contaminants to waters must comply, at the sampling and in situ monitoring point/s, and at the frequency specified in Schedule F Table 1, with each of the limits specified in Schedule B Table 1 for each quality characteristic.

SCHEDULE B TABLE 1 - RELEASE QUALITY CHARACTERISTIC LIMITS

QUALITY CHARACTERISTICS	RELEASE POIN	RELEASE LIMIT	LIMIT TYPE
Suspended Solids. (mg/l)	W1	25/100	Mean /Maximum
pH. (pH Units)	W1	6.5 - 8.7	Range
Dissolved Oxygen. (mg/l)	W1	4.0	Minimum
Total Nitrogen (mg/l)	W1	1.0/4.0	Mean /Maximum
Chlorophyll 'a' (µg/l)	W1	25/100	Mean/Maximum
Total Phosphorus as P. (mg/l)	W1	0.2/0.8	Mean/Maximum

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(B7) For all parameters in Schedule B Table 1, except dissolved oxygen concentration, where a mean and/or maximum limit is specified, the set data describing the release quality characteristics must have a mean lower in value than the mean limit and/or a maximum lower in value than the maximum limit.

For dissolved oxygen concentration, the set of data describing the release quality characteristics must have a minimum higher in value than the minimum limit.

(B8) Notwithstanding any other condition of this development approval, any release of contaminants to waters must not produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other objectionable matter.

Times of Release

(B9) The release of contaminants to waters must only occur from 1 hour before local high water until 2 hours before local low water.

Spillage Control

(B10) Washing, degreasing, servicing or other maintenance of vehicles, plant or other equipment must not occur on the site in any area where resulting contaminants will or may be released to any stormwater drain, land or water.

Sediment Storage Area

(B11) Runoff from the pond sediment storage area must be directed in such a manner as to be retained within the catchment of the settlement ponds.

Schedule C - Noise

Emission of Noise

(C1) The emission of noise from the activity must not result in levels greater than those specified in Schedule C Table 1.

SCHEDULE C TABLE 1

Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	Period
Background noise level plus 5 dB(A)	Monday to Saturday 7 am - 6 pm
Background noise level plus 5 dB(A)	Monday to Saturday 6 pm - 10 pm
Background noise level plus 3 dB(A)	Monday to Saturday 10 pm - 7 am
Background noise level plus 3 dB(A)	All other times and public holidays

(C2) The value of background level to be used in conjunction with the noise criteria in Table 1 above is to be obtained from Table 2 below using the following methodology.

(i) If the measured background level is above the upper limit of the appropriate range, the upper limit of the appropriate range must be used.
(ii) If the measured background level is below the lower limit of the appropriate range, the lower limit of the appropriate range must be used.
(iii) If the measured background level is within the appropriate range, then the measured value must be used.

SCHEDULE C TABLE 2

Range of Values of Background to be used in Conjunction with Noise Criteria in Table 1

Time Period	Range of Background Levels dB(A)
Monday to Saturday 7 am - 6 pm	45 - 55
Monday to Saturday 6 pm - 10 pm	35 - 45
Monday to Saturday 10 pm - 7 am	30 - 35
All other times and public holidays	30 - 35

(C3) Any construction activity on the site, including the entry and/or departure of heavy vehicles, must be carried out only between the hours of:-

(i) 7 am and 6 pm Mondays to Fridays;
(ii) 7 am and 6 pm Saturdays; and
(iii) at no time on Sundays or Public holidays.

The administering authority must be advised of any construction activity, due to extenuating circumstances, outside these hours. This advice is to include notification from neighbouring residents that they consent to the type of activity and the amended hours.

Schedule D - Waste

General

(D1) Within 6 months of the date of this development approval the registered operator must prepare and submit to the administering authority a Waste Management Plan for approval.

(D2) The Waste Management Plan must detail at least the following:

- the quantity and nature of each waste produced, and
- the current method of disposal, and
- proposed methods of pre-treatment or disposal, and
- expected reduction in quantity of wastes produced, and
- provisions for carrying out and submitting to the Administering Authority a waste audit within 2 years from the date of issue of this development approval and thereafter every 5 years.

Schedule E - Land

Release of Contaminants to Land

(E1) The release of pond sediment to land must only occur in the pond sediment storage area identified in the original application or identified in an approved document listed in Schedule G of this development approval.

Schedule F – Monitoring and Reporting

Complaint Recording

(F1) All complaints received by the registered operator relating to releases of contaminants from operations at the site must be recorded and kept with the following details:

(i) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.

Incident Recording

(F2) A record must be maintained of at least the following events:

(i) the time, date and duration of equipment malfunctions where the failure of the equipment resulted in the release of contaminants reasonably likely to cause environmental harm;
(ii) any uncontrolled release of contaminants reasonably likely to cause environmental harm and
(iii) any emergency involving the release of contaminants reasonably likely to cause material or serious environmental harm requiring the use of fire fighting equipment.

Notification of Emergencies and Incidents

(F3) Where the registered operator has not given notification to the administering authority under section 320 of the *Environmental Protection Act 1994*, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the registered operator must notify the administering authority of the release by telephone or facsimile.

(F4) Where the registered operator has not given notification to the administering authority under section 320 of the *Environmental Protection Act 1994*, the notification of emergencies or incidents as required by condition number F3 must include but not be limited to the following:

(i) The registered operator;
(ii) the location of the emergency or incident;
(iii) the number of the development approval;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the registered operator became aware of the release;
(vii) the suspected cause of the release;
(viii) the environmental harm and or environmental nuisance caused, threatened, or to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

unless a program notice in accordance with Section 350 of the Act is submitted.

(F5) Where the registered operator has not given notification to the administering authority under section 320 of the *Environmental Protection Act 1994*, not more than 14 days following the initial notification of an emergency or incident, the registered operator must provide written advice of the information supplied in accordance with condition number F4 in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and
(iii) the results of any environmental monitoring performed.

(F6) A draft transitional environmental program dealing with the activity submitted to the administering authority for approval fulfils the requirements of condition number F5(i).

Monitoring of Contaminant Releases to Waters

(F7) Monitoring of quality of contaminants released to waters must include but not be limited to samples taken at a time when maximum flow rate is occurring from the outlet.

(F8) The registered operator is responsible for the making of determinations and keeping of records of the quality of the contaminants released as specified in Schedule B Table 1 for the release points, and at the frequency specified in Schedule F Table 1.

Sampling and Monitoring Point Details

(F9) Determinations of the quality of contaminants released to waters to check conformity with the release quality characteristics specified in the Water Schedule of this development approval must be undertaken at the sampling and in situ monitoring point(s) described as:

W1 - the outlet from the settling ponds.

(F10) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Heritage Water Quality Sampling Manual, 2nd Edition, February 1995, or more recent additions or supplements to that document as such become available.

(F11) All determinations of the quality of contaminants released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Monitoring Of Volume of Release

(F12) The daily quantity of contaminants released must be determined by a method that is accurate to within 10% of the actual amount.

(F13) Records must be kept of the results of all determinations of the daily quantity of contaminants released to waters.

Impact Monitoring

(F14) Environmental Impact Monitoring, in accordance with Section 15.2 of the Approved Document "Elliot River Aquaculture Project - Riverview - Environmental Impact Statement" dated June 1996 (tabulated in this approval as Schedule F Table 1), along with any additional monitoring deemed necessary, must be undertaken in the Elliot River and the unnamed tributary receiving the discharge, to determine:

(i) presence of water quality disturbances; and/or
(ii) any changes to representative natural biological communities.

(F15) Environmental Impact Monitoring representative of the operations from Stage 1 and Stage 2 shall be submitted prior to commencement of Stage 2 and Stage 3 respectively to fulfil the requirement of condition number A8.

(F16) Environmental Impact Monitoring representative of the operation of operations from Stage 3 shall be submitted after Stage 3 has operated for a growing season.

(F17) The Environmental Impact Monitoring for condition number F15 and F16 shall include in-situ data using a submersible water quality data logger for comparison with the data collected for the Environmental Impact Statement. This monitoring shall be scheduled to be representative of the operations and shall be for a similar period of time as to that undertaken for the Environmental Impact Statement investigation.

(F18) The registered operator is responsible for the making of determinations and keeping of records of the water sampled from the following receiving waters monitoring points;

(i) WQ1, Western Bank of Elliott River at the mouth of the "Discharge Creek"
(ii) WQ2, 1 Kilometre Up Stream; and
(iii) WQ3, 1 Kilometre Down Stream

for the quality characteristics specified in Schedule B Table 1, and at the frequency specified in Schedule F Table 1.

SCHEDULE F - TABLE 1

Abbreviation	Monitoring Point	Frequency of monitoring
W1	Outlet from settling pond (Discharge Point)	Monthly when waste water is being released from the site
WQ1	Elliott River, Western bank at the mouth of the "Discharge Creek"	Monthly
WQ2	Elliott River – 1 Kilometre Upstream	Monthly
WQ3	Elliott River – 1 Kilometre Downstream	Monthly

*** Note monitoring points are described in accordance with diagram 15.1 "Monitoring Points" as prescribed in the document "Environmental Impact Statement, Elliott River Aquaculture Project" 1996.**

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(F19) The Environmental Impact Monitoring for condition number F15 and F16 shall include monitoring and recording of the noise levels from the activity/activities which must be undertaken for the following descriptions, characteristics and conditions:

(i) $L_{Amax, Adj T}$;
(ii) $L_{Abg, T}$ or $L_{A90, T}$;
(iii) The level and frequency of occurrence of impulsive or tonal noise;
(iv) Atmospheric conditions including temperature, relative humidity and wind speed and direction; and
(v) Effects due to extraneous factors such as traffic noise.

(F20) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition, March 1995, or more recent additions or supplements to that document as become available.

(F21) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Report Submission

(F22) The registered operator must ensure that the results of all monitoring performed in accordance with this development approval for the period covered by the return are submitted with the Annual Return.

Exception Reporting

(F23) The registered operator must notify the administering authority in writing of any monitoring result which indicates an exceedance of any approval limit within 28 days of completion of analysis.

(F24) The written notification required by condition number F23 above must include:

(i) The full analysis results, and
(ii) Details of investigation or corrective actions taken, and
(iii) Any subsequent analysis.

(F25) Submission of a program notice in accordance with Section 350 of the Act fulfils the requirement of condition number F22 and F23.

Schedule G – Approved Documents

(G1) The Environmentally Relevant Activity must be constructed, operated and maintained in accordance with all the undertakings of the original application, documents supporting the application and any other documents approved by the administering authority as set out in the approved documents schedule.

(G2) In the event of any inconsistency arising between the undertakings of the original application or other approved documents as set out in the Approved Documents Schedule and the conditions of this development approval, the conditions of this development approval must apply.

For the purposes of this development approval the following stated documents are approved documents:

Elliot River Aquaculture Project - Riverview - Environmental Impact Statement for Bundaberg Prawn Farm Pty Ltd dated June 1996 **as modified by the** ***Elliot River Aquaculture Project - Riverview - Environmental Impact Statement Response to Review***

Schedule H - Definitions

For the purposes of this development approval the following definitions apply:

(H1) "Act" means the Environmental Protection Act 1994.

(H2) "Administering Authority" means the Department of Environment and Resource Management or its successor.

(H3) "Land" means land excluding waters and the atmosphere.

(H4) "Total Nitrogen" means the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen

(H5) "mg/l" means milligrams per litre.

(H6) "µg/l" means micrograms per litre.

(H7) "mean" means the arithmetic average for a data set covering a 12 month period.

(H8) "maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(H9) "minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(H10) "range" means that the measured value of the quality characteristic or contaminant must not be greater than the higher release limit stated nor lower than the lower release limit stated.

(H11) "$L_{Amax\ adj,T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response.

(H12) "Background noise level" means either:

$L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response, or

$L_{Abg,T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response.

(H13) "Max$L_{pA,T}$" means the maximum A-weighted sound pressure level measured over a time period of not less than 15 minutes, using Fast response.

(H14) "noise sensitive place" means -

(a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
(b) a motel, hotel or hostel; or
(c) a kindergarten, school, university or other educational institution; or
(d) a medical centre or hospital; or
(e) a protected area; or
(f) a public park or gardens.

(H15) "site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

(H16) "registered operator" means the holder of a registration certificate for the activity to which this Development Approval relates, issued under Section 73F of the *Environmental Protection Act 1994* and in force.

END OF CONDITIONS

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Certificate of Registration

No: ENRE00838108

This amended registration certificate is issued by the Department of Environment & Resource Management and takes effect from: 05-JUN-2009.

The anniversary day for the purposes of the Annual Return remains: 27 January

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following place; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Bundaberg Prawn Farm Pty Ltd
10 Yamal Street
ROBERTSON QLD 4109

Development Approval No.	Place	Location	Activity
IPDE01429209	Lot 7 Plan RP909282	191 Sheehans Road, BUNDABERG QLD 4670	ERA 1 Aquaculture Threshold 1(b) - cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 10ha to 100ha

Tim Brain

Delegate
Department of Environment & Resource Management

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