ecoaccess
environmental licences and permits

# Registration certificate

*Environmental Protection Act 1994*

# Certificate of Registration

## No: ENRE00894509

This registration certificate is issued by the administering authority and takes effect from: 18-FEB-2009.

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

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 places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

**Registered Operator:-**
**Truloff Pty Ltd**
**121 Faciles Road**
**ALBERTON QLD 4207**

**Place:-**
**Lot 1 Plan SP148708 and Lot 4 Plan 898109**

**Located at:-**
**Faciles Road,ALBERTON QLD**

**Registered Activity: -**
**ERA 1 Aquaculture Threshold 1(a) - cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 100m2 to 10ha**

Delegate
Administering authority
Environmental Protection Act 1994

13-APR-2010

PLANNING AND ENVIRONMENT COURT
QUEENSLAND

22 DEC 2010

FILED
BRISBANE

In the Planning and Environment Court
Held at: Brisbane

No 3086 OF 2010

Between: **TRULOFF PTY LTD ACN 010 161 547**

Applicant

And: **GOLD COAST CITY COUNCIL**

First Respondent

And: **DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT**

Second Respondent

**NOTICE UNDER SECTION 376 (1)**
**OF THE SUSTAINABLE PLANNING ACT 2009**

TAKE NOTICE THAT:

1. The Applicant has made a request to change a development application pursuant to section 369 of the Sustainable Planning Act 2009 ("SPA") by Originating Application filed on 27 October 2010.

2. The development approval sought to be changed was comprised by the Consent Judgment made on 6 February 2007 in Planning & Environment Appeal BD 955 of 2005.

3. The request was approved by the Court on 19 November 2010 by Judgment of His Honour Judge Richard Jones in accordance with orders contained in that order.

4. Annexed hereto and marked "A" is a copy of the approval for the original application showing the changes.

Filed on: 22 DEC 2010


Filed by: RiverLegal Lawyers
Service Address: 3A John Street, Beenleigh Qld 4207
Phone: (07) 3807 0777
Fax: (07) 3287 4663
Email: scottanderson@riverlegal.com


THE PLANNING AND ENVIRONMENT COURT BRISBANE

Registrar

TO:

Wilson Lawyers
Ground Floor
32 Logan Road
WOOLLOONGABBA QLD 4102

---

NOTICE
Notice on Behalf of Truloff Pty Ltd


Name: RiverLegal Lawyers
Service Address: 3A John Street
Beenleigh Qld 4207
Ph No: (07) 3807 0777
Fax: (07) 3287 4663
Email: scottanderson@riverlegal.com


Sustainable Planning Act 2009

King & Company
Solicitors
95 North Quay
BRISBANE QLD 4000

RiverLegal
3A John Street
BEENLEIGH QLD 4207

THE REFERRAL AGENCIES FOR THE ORIGINAL APPLICATION WERE:

Environmental Protection Agency
GPO Box 2771
BRISBANE QLD 4001

Natural Resources, Mines and Energy
PO Box 864
IPSWICH QLD 4305

THEIR PRESENT NAME AND ADDRESS:

The Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729
Ref: PN259707/03/DA2

The Chief Executive
Department of Environment and Resource Management
PO Box 4244
Robina Town Centre
ROBINA QLD 4230
Ref: EHBNE5548/BST514 vol 2

ANNEXURE A.

27

PLANNING AND ENVIRONMENT COURT
QUEENSLAND
4 MAY 2007
FILED
BRISBANE

In the Planning and Environment Court No BD955 of 2005
Held at: Brisbane

Between: **NORMAN DYER**
Appellant

And: **GOLD COAST CITY COUNCIL**
Respondent

And: **TRULOFF PTY LTD**
Co-Respondent

And: **STATE OF QUEENSLAND**
Co-Respondent by Election

FEE: 49-50
INIT: B.
REC: 267 5809.
ENT:

## CONSENT JUDGMENT

Before: His Honour Senior Judge Skoien DCJ

Date of Hearing: 6 February 2007

Date of Order: 6 February 2007

**IT IS ADJUDGED BY CONSENT THAT:**

1. The Decision Notice – Material Change of Use for Aquaculture – Truloff Pty Ltd – L3 RP 857986 and L4 RP 898109 at 81 and 115 Faciles Road Alberton dated 18 January 2005 be amended in accordance with Annexure A to this Order.

2. The Decision Notice – Material Change of Use for Aquaculture – Truloff Pty Ltd – L3 RP 857986 and L4 RP 898109 at 81 and 115 Faciles Road Alberton dated 18 January 2005 be subject to the further conditions at Annexure B to this Order.

*Copy*

CONSENT JUDGMENT
Filed on behalf of the Co-Respondent
Form PEC-8

ROWELL GILL & BROWN
Lawyers
3A John Street
Beenleigh QLD 4207

Tel: (07) 3807 0777
Fax: (07) 3287 4663

DISTRICT COURT REGISTRY
PLANNING AND ENVIRONMENT COURT
BRISBANE
19 APR 2007

Clarke Kann
Solicitor for the Appellant

Solicitor for the Respondent

Rowell Gill & Brown
Solicitor for the Co-Respondent

Solicitor for the Co-Respondent by Election

Filed by the Co-Respondent
Service Address: Rowell Gill and Brown Lawyers, 3A John Street Beenleigh Qld 4207
Phone: 3807 0777
Fax: 3287 4663

A/Deputy Registrar

THE PLANNING AND ENVIRONMENT COURT BRISBANE

Copy

DISTRICT COURT REGISTRY
THE PLANNING AND ENVIRONMENT COURT
BRISBANE

## Annexure "A"

### APPROVED PLANS

1 The development shall be carried out generally in accordance with the following approved plans and details submitted to Council stamped and returned to the applicant with this Decision Notice.

For the purpose of this approval, the approved plans are tabled as under:

| PLAN/DOCUMENT NUMBER | DATE AMENDED | TITLE OF PLAN/DOCUMENT | PREPARED BY |
|---|---|---|---|
| ~~KE2897-01B~~ | ~~23 April 2004~~ | ~~Site Locality Plan, Layout Plan, Sections and Drawing Index~~ | ~~Kempe Engineers~~ |
| ~~KE2897-02B~~ | ~~23 April 2004~~ | ~~Pond layout Plan (Sheet 1 of 2)~~ | ~~Kempe Engineers~~ |
| ~~KE2897-03B~~ | ~~23 April 2004~~ | ~~Pond layout Plan (Sheet 2 of 2)~~ | ~~Kempe Engineers~~ |
| ~~KE2897-04B~~ | ~~23 April 2004~~ | ~~Pond Sections~~ | ~~Kempe Engineers~~ |
| ~~KE2897-00-10D~~ | ~~10 January 2007~~ | ~~Stormwater Discharge Drain Sheet 1~~ | ~~Kempe Engineers~~ |
| ~~KE2897-00-11F~~ | ~~16 January 2007~~ | ~~Stormwater Discharge Drain Sheet 2~~ | ~~Kempe Engineers~~ |
| ~~KE2897-00-12E~~ | ~~16 January 2007~~ | ~~Stormwater Discharge Drain Cross Sections~~ | ~~Kempe Engineers~~ |

KE2897-01-01B (as amended in Red)
KE2897-02-02B (as amended in Red)
KE2897-02-03B (as amended in Red)
KE2897-01-01C
KE2897-01-02B (as amended in Red)
KE2897-01-03A

~~To the extent of any inconsistency between the plans referred to above, Kempe Engineers Drawings KE2897-00-10 Rev D, KE2897-00-11 Rev F and KE2897-00-12 Rev E shall prevail.~~

### CAR PARKING & ACCESS

2 On site car parking spaces shall be provided in accordance with the endorsed plans referred to in Condition 1 of this Decision Notice, such area shall be constructed to AS2890, drained, sealed, marked and maintained to the satisfaction of the Chief Executive Officer.

3 All car parking spaces shall be provided so as to be freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site.

4 All loading and unloading operations shall be conducted within the site and vehicles waiting to be loaded and unloaded shall stand entirely within the site.

### SERVICES & UTILITIES

5 Any alteration to public utility mains, Council infrastructure, services or installations necessitated by the development shall be undertaken at no cost to Council and to the satisfaction of the Chief Executive Officer or the relevant utility agency, as the case may be. Such shall occur prior to the commencement of the use the subject of this approval.

Copy



**AMENITY & NOISE CONTROL**

6 The noise levels emitted from all mechanical plant & equipment, including air conditioning units, refrigeration plant and exhaust fans on the site should not exceed the following noise levels measured over a fifteen (15) minute period:

| NOISE LIMITS AT A NOISE SENSITIVE PLACE | |
|---|---|
| PERIOD | Noise level at noise sensitive place measured as the adjusted maximum sound pressure level ($L_{Amax, adj,T}$) |
| 7.00am - 6.00pm | Background noise level ($L_{Abg,T}$) plus 5 dB(A) |
| 6.00pm - 10.00pm | Background noise level plus 5 dB(A) |
| 10.00pm - 7.00am | Background noise level plus 3 dB(A) |
| NOISE LIMITS AT A COMMERCIAL PLACE | |
| PERIOD | Noise level at a commercial place measured as the adjusted maximum sound pressure level ($L_{Amax, adj,T}$) |
| 7.00am - 6.00pm | Background noise level ($L_{Abg,T}$) plus 10 dB(A) |
| 6.00pm - 10.00pm | Background noise level plus 10 dB(A) |
| 10.00pm - 7.00am | Background noise level plus 8 dB(A) |

7 The storage of any machinery, materials or vehicles shall be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.

8 All service equipment, mechanical ventilation and refrigeration units associated with the development shall be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the subject site.

9 All lighting devices associated with the development shall be positioned on the site and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to nearby residents and motorists.

10 No sign or similar device shall be erected on the subject land unless a plan is submitted detailing the location, size, type and content and is approved by the Chief Executive Officer. All signage is required to conform with Council's Policy relevant to signage.

**LANDSCAPING & TREES**

11 A detailed landscaping plan (prepared by a qualified landscape architect or similar design professional) shall be submitted and approved by the Chief Executive Officer prior to the issue of a development permit for carrying out building work or if an application to carry out building work is not required, prior to commencement of the use the subject of this approval.

12 The required landscaping plan shall demonstrate an appropriate level of buffering and/or screening to the development through the use of the following:

*Copy*

DISTRICT COURT REGISTRY
THE PLANNING AND ENVIRONMENT COURT
BRISBANE

- Installation of a minimum 5 metre landscaped buffer between L3 SP142220 and the adjacent settlement pond.

13 All landscape materials, plants, vegetation and watering systems shown on the approved landscaping plan shall be properly maintained to the satisfaction of the Chief Executive Officer.

**DRAINAGE & FILLING**

14 During the transportation of soil and other fill material:

- All trucks hauling soil, or fill material shall have their loads secure and covered; and
- Any spillage that falls from the trucks or their wheels shall be collected and removed from the site and streets along which the trucks travel, on a daily basis; and
- Prior to vehicles exiting the site, measures shall be taken to remove soil from the wheels of such vehicles to prevent soil and mud being deposited on public roads and streets.

**STORMWATER MANAGEMENT**

15

A. The proposed stormwater drainage channel shall be designed with dimensions sufficient to convey the runoff from a 100 yr ARI stormwater event from the local catchment without causing an increase in flood levels of more than 5mm on any part of the Appellant's land.

B. The tops of the bunds of the ponds in the proposed prawn farm expansion shall not be higher than RL 2.6m AHD.

C. The invert levels of the drain shall be no higher than those shown in Kempe Engineers Drawings ~~KE2897-00-10-Rev-D, KE2897-00-11-Rev-F and KE2897-00-12-Rev-E~~ KE2897-01-01C, KE2897-01-02B (as amended in Red) and KE2897-01-03A

D. Culverts beneath the access road between the proposed prawn farm expansion and the Appellant's land shall be constructed as specified on Drawing No. ~~KE2897-00-11-Rev-F~~ KE2897-01-02B (as amended in Red) and shall be fitted with gravity operated flood gates designed and constructed to prevent the ingress of any tidal waters into the drainage channel from entering the Appellant's land.

E. Gravity-operated flood gates shall be provided in the drainage channel to prevent the intrusion of river flood waters lower than RL 2.6m AHD and of tidal waters into the drainage channel where the channel is adjacent to the Appellant's land.

F. The hydraulic investigations carried out to determine the dimensions of the proposed drainage channel shall take into account the hydraulic effects of such flood gates as are found necessary to satisfy the above conditions as well as the hydraulic effects of all prawn farm pipe crossings proposed to be located within the drainage channel.

G. Prior to Council issuing approval of any Operational Works Application over the site, a report, carried out in accordance with Council's 1999 Guideline,

**Deleted:** 15 . The subject site is situated in the Logan - Albert Rivers floodplain. In accordance with the Southern Region of Council's (SRC) 1997 flood modelling study, fill encroachment level on the above property is 2.33 metres. No filling shall occur below the fill encroachment level of 2.33 metres AHD unless a detailed cumulative hydraulic study is lodged and approved by the Chief Executive Officer in Council.

**Deleted:** 6

**Deleted:** The applicant shall comply with the provisions and conditions of the approved Stormwater Management Plan as prepared by belleng Pty Ltd dated 5 April 2002, to the satisfaction of the Chief Executive Officer.

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

**Formatted:** Bullets and Numbering

Copy

THE PLANNING AND ENVIRONMENT COURT REGISTRY
DISTRICT COURT OF QUEENSLAND
BRISBANE

*Hydraulic Report Requirements*, or its most recent version, shall be prepared to demonstrate to Council's satisfaction, that there will be no adverse impact either from increase in flood levels or duration of flood inundation upstream based on local storm events and, specifically, that the runoff from a 100 yr ARI flood event in the local catchment will not cause more than 5mm of afflux over any part of the Appellant's land.

H. The earthworks and engineering plans associated with any future Operational Works Application over the site shall be accompanied by certification by a suitably qualified and experienced engineer, confirming that the plans comply with the hydraulic report.

Formatted: Bullets and Numbering

I. Immediately after completion of the works, certification by a suitably qualified and experienced hydraulic engineer is required to confirm that the earthworks and other construction details comply with the hydraulic report.

Formatted: Bullets and Numbering

J. A detailed Maintenance Plan and Program for the proposed open drain, culverts and associated inlet and outlet structures and flood gates, is to be submitted to Council prior to Council issuing approval of any Operational Works Application over the site. The plan shall include the requirement for a formal log which records maintenance work and verifies compliance with the Maintenance Plan requirements, with the responsibility to carry out the maintenance and to maintain the log to be with the Proponent. A copy of the log will be required to be provided to Council every 12 months.

Formatted: Bullets and Numbering

**WASTE MANAGEMENT & EFFLUENT DISPOSAL**

16. Provision of Refuse and Recycling Services are to comply with the "Environmental Protection (Interim Waste Regulation) 1996 and the "Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Golf Coast", dated January 1995, 1st Edition.

Deleted: 7

**GENERAL**

17. A copy of the decision notice and accompanying stamped approved plans for this material change of use shall be submitted with any application for the carrying out of building work.

Deleted: 8

18. Both Lot 4 RP898109 and Lot 3 RP857986 shall be consolidated into one (1) lot. The plan of consolidation shall be registered prior to commencement of the use the subject of this approval.

Deleted: 19

19. The proposed northern and western boundaries of L1 SP142220 shall be reconfigured to ensure that the proposed header pond and associated batters are contained wholly within the consolidated lot referred to in Condition 18.

Deleted: 20

Deleted: 3

20. An amended Acid Sulfate Soil investigation shall be carried out to confirm the presence or absence and the extent of acid sulfate soils and to assess the impact of the proposed development on these soils. The investigation shall be conducted by the applicant in accordance with the requirements of Council's "Policy for the Management of Activities to be Located Within Areas of Acid Sulfate Soils in the City of Gold Coast" and the "Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland

Deleted: 1

Copy
COURT REGISTRY
DISTRICT COURT
BRISBANE

1998" produced by the Department of Natural Resources, Mines and Energy together with State Planning Policy 2/02. Such Acid Sulfate Management Plan should include strategies for management of surface water and ground water to avoid contamination by acid sulfate soils disturbance and shall be approved by Council prior to the approval of any operational works applications.

21. All pond walls and floors and any drainage structures and channels are to be constructed to prevent leakage and the possible accession of contaminants to groundwater. Note that for saltwater aquaculture, a hydraulic conductivity of less than 0.1mm/day should be achieved.

Deleted: 2

22. The existing Integrated Environmental Management System (IEMS) over the present aquaculture facility located on L4 RP898109 shall be extended to cover all aquaculture facilities to be conducted over the consolidated lot referred to in Condition 18. The applicant shall provide written evidence for compliance with this condition prior to commencement of aquaculture operations on the proposed additional production and waste treatment area referred to in this application.

Deleted: 3

Deleted: 3

**ADVICE**

B That the applicant be advised that nothing in this Decision Notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.

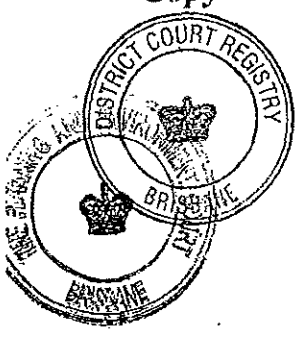
The name and address of each referral agency for this application were as follows:

Environmental Protection Agency
GPO Box 2771
BRISBANE QLD 4001

Natural Resources, Mines and Energy
PO Box 864
IPSWICH QLD 4305

To allow the development to be carried out the following further development permits are required: Carrying Out Building Work / Carrying Out Plumbing Or Drainage Work / Carrying Out Operational Work.

*Copy*



"ANNEXURE B"

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

# Notice of concurrence agency response

## Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

*This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, to advise you of a decision or action.*

Enquiries to : Jackie Mahon
Telephone : (07) 3224 6885
Your reference : PN175684/01/DA2
Our reference : SR0318DA/STH5132

Chief Executive Officer
Gold Coast City Council
Nerang Southport Road
NERANG QLD 4211

Attention: Mr Kevin Trinder
Truloff Pty Ltd
C/- BT Environmental and Development Consultants
PO Box 942
BEENLEIGH QLD 4207

Attention: Mr David Hood,

**Re: Application (No. PN175684/01/DA2) for development approval by Truloff Pty Ltd for assessable development to be carried out at a place situated at Faciles Road Alberton Qld 4207**

Pursuant to the following items of Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency is the concurrence agency for the development application:

Item 3 of Schedule 2 of the *Integrated Planning Regulation 1998; and*
Item 4 of Schedule 2 of the *Integrated Planning Regulation 1998*

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

The Environmental Protection Agency, as the administering authority for the *Environmental Protection Act 1994* is required by section 540 to maintain a register of development approvals for environmentally relevant activities.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions), and an electronic copy of that development approval. The signed "hard copy" can be posted to the Agency's Environmental Support Officer.

Environmental Support Officer
Environmental Protection Agency
Southern Regional Office (Brisbane)
GPO Box 2771
BRISBANE QLD 4001

The electronic copy for the electronic register can be e-mailed in this instance to the Environmental Support Officer, Cathy Ufer at e-mail address: cathy.ufer@epa.qld.gov.au.

THE PLANNING AND ENVIRONMENT COURT OF QUEENSLAND BRISBANE
3-C2

The EPA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact Jackie Mahon on either phone (07) 3224 6885 or e-mail: jackie.mahon@epa.qld.gov.au

Signed Date

**DJ Brown**
**Manager (Licensing)**
Delegate of Administering Authority
*Environmental Protection Act 1994*

*Copy*



# Concurrence Agency Response

## Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

| | |
|---|---|
| **Applicant:** | Truloff Pty Ltd |
| **Assessment Manager Application number:** | PN175684/01/DA2 |
| **EPA Development Application number:** | SR0318DA |
| **Date application received by EPA:** | 16 August 2002 |
| **Relevant Laws and Policies:** | *Environmental Protection Act 1994* and subordinate legislation |
| **Jurisdiction:** | Item 3 of Schedule 2 of the *Integrated Planning Regulation 1998; and* Item 4 of Schedule 2 of the *Integrated Planning Regulation 1998* |

### Development Description:

**Carrying out of Environmentally Relevant Activity (ERA):**

**1(b) Aquaculture** - Cultivating or holding marine, estuarine or freshwater organisms (other than molluscs) in ponds or tanks or in enclosures in waters ('impoundments') if the total area of the impoundments is less than 5 ha and wastes are released to waters

**at the following place(s):**

Lot 1 on SP148708 and Lot 4 on SP148708

**located at:**

Faciles Road Alberton Qld 4207

### Type of development

Material change of use of premises is:

- A material change in the intensity or scale of the use of the premises, and
- The holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval

### Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

*Copy*

The concurrence agency response is that conditions must attach to any development approval

DISTRICT COURT REGISTRY BRISBANE

## Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18(7) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions. The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Amendment Regulation (No. 1) 1998* for the protection of the environment against the release or potential release of contaminants that will or may cause environmental harm. Development conditions placed on the development approval for the environmentally relevant activity are in accordance with section 79 of the *Environmental Protection Act 1994* ('the *EP Act*').

The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response, are required in accordance with section 92 of the *EP Act* and are relevant to the object and policies pertaining to the *EP Act*.

## Additional comments or advice about the application

Nil

## Additional information for applicants

This concurrence response pursuant to section 79 the EP Act applies only to the environmentally relevant activity(ies) component of the development and does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Signed _____ Date _____

**DJ Brown**
**Manager (Licensing)**
Delegate of Administering Authority
*Environmental Protection Act 1994*

*Copy*

DISTRICT COURT REGISTRY BRISBANE

# Conditions of the development approval

As part of the concurrence agency response the following schedules of development conditions are to be attached to the development approval:

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

- Schedule A - Activity
- Schedule B - Water
- Schedule C - Air
- Schedule D - Waste
- Schedule E - Land
- Schedule F - Noise
- Schedule G - Monitoring and reporting
- Schedule H - Disease management
- Schedule I - Definitions
- Schedule J - Maps/site plans

## Schedule A - Activity

**Prevent and /or minimise likelihood of environmental harm**

(A1-1) In carrying out the environmentally relevant activities, you 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, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

**Grow Out Pond Area**

(A2-1) The maximum area of aquaculture grow out ponds permitted to be used under this development approval is 3.95 hectares. The grow out pond area does not include any waste water treatment ponds such as settlement ponds or ponds containing animal or plant species whose primary purpose is biologically treating the effluent to improve its quality.

(A2-2) The total nitrogen release loads from the 3.95 hectares of grow out ponds and any other impoundments located on Lot 1 on SP148708 and Lot 4 on SP148708 must not exceed 15 kg of nitrogen per day during the annual prawn growing season.

NOTE: To be clear the total nitrogen load permitted to be released from the entire Truloff prawn farm facility (located on Lot 1 on SP148708 and Lot 4 on SP148708) is 15 kg per day. This is equivalent to a total nitrogen release quantity for an annual prawn growing season of 3150 kg.

Copy

DISTRICT COURT REGISTRY

**General**

(A3-1) 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. An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

(A3-2) The licensee must ensure that the operation and maintenance of the aquaculture facility is carried out by or under the supervision of person(s) competent to operate and maintain the aquaculture facility.

(A3-3) Where any new aquaculture species other the propagation or rearing of marine, estuarine or freshwater prawns is to be undertaken the holder of this development approval must notify the administering authority not less than twenty-eight (28) days prior to stocking the new species.

NOTE: This licence condition does not apply to species propagated or reared as a means of biologically treating effluent from the prawn farm.

(A3-4) Excepting any reconfiguration of wastewater treatment ponds or grow out ponds to improve wastewater treatment that does not increase grow out area permitted under this development approval, siting of the activities is to be in accordance with the site maps and plans titled "Site Map – Truloff Pty Ltd prawn farm layout plan" and "Survey Plan for Lot 1 and Lot 4 on SP148708" included in Schedule J. In the event of any such reconfiguration, the holder must provide an updated site plan to the administering authority.

(A3-5) The environmentally relevant activities must be carried in compliance with the "*Environmental Code of Practice for Australian Prawn Farmers, September 2001*" produced by the Australian Prawn Farmers Association or more recent editions or supplements to that document as such become available.

**Display of Development approval**

(A4-1) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activities.

**Maintenance of measures, plant and equipment**

(A5-1) The holder must:

- Install all measures, plant and equipment necessary to ensure compliance with the conditions of this development approval; and
- Maintain such measures, plant and equipment in a proper and efficient condition; and
- Operate such measures, plant and equipment in a proper and efficient manner.

**Calibration**

(A6-1) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this development approval must be appropriately calibrated, operated and maintained.

*Copy*

DISTRICT COURT REGISTRY BRISBANE

01/03-C2

**Site Based Management Plan**

(A7-1) From commencement of the activity, a Site Based Management Plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals;
- Identification of environmental issues and potential impacts;
- Control measures for routine operations to minimise likelihood of environmental harm;
- Contingency plans and emergency procedures for non-routine situations;
- Organisational structure and responsibility;
- Effective communication;
- Monitoring of the contaminant releases;
- Conducting environmental impact assessments;
- Staff training;
- Record keeping; and
- Periodic review of environmental performance and continual improvement.

**Records**

(A8-1) Record, compile and keep all monitoring results required by this development approval and present this information to the administering authority when requested, in a specified format.

(A8-2) Any record or document required to be kept by a condition of this development approval must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. Excluding any environmental monitoring results, 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.

(A8-3) Copies of any record or document required to be kept by a condition of this development approval must be provided to any authorised person or the administering authority on request. Where the administering authority requires this data to be provided in a specified format, for example, a designated spreadsheet and charts, then the data must be provided in that format.

**Acid sulfate soils (ASS)**

(A9-1) At least twenty-eight days prior to the commencement of disturbing, extracting, unearthing or drain maintenance of any soils below 5 metres AHD, an Acid Sulfate Soil Investigation must be completed and an Acid Sulfate Soil Investigation Report on this investigation provided to the administering authority.

(A9-2) The Acid Sulfate Soil Investigation report must provide information relating to the extent of any acid sulfate soils potentially affected or disturbed by the activities, and if any such soils are detected, the proposed management procedures, which must provide for the effective and appropriate environmental management of the acid sulfate soils.

Copy
DISTRICT COURT REGISTRY
BRISBANE

(A9-3) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A9-4) Acid sulfate soils must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

(A9-5) Records must be kept of the results of all testing of acid sulfate material for at least the following details:
- (i) Date soil sample collected;
- (ii) Location of soil sample;
- (iii) Laboratory where soil sample analysis undertaken; and
- (iv) Results of soil sample analysis.

(A9-6) Receiving waters must not be used as a neutralisation agent for the treatment of acid sulfate soils or low pH waters.

**Stockpiles**

(A10-1) Stockpiling of treated and untreated acid sulfate materials must be carried out in such a manner that:
- (i) Minimises the surface area of materials exposed to oxidation;
- (ii) Provides for a system of suitable diversion drains or embankments to divert surface waters away from the stockpiles;
- (iii) The base of treatment and stockpile areas are limed before materials are stockpiled and is sufficiently impervious to minimise release of contaminants to groundwater;
- (iv) Ensures that any leachate and/or storm water runoff which has been in contact with acid sulfate materials or contaminants is collected and not released to any storm water drain or waters (including groundwater), for example effective and appropriate bunding; and
- (v) Stockpiles must not be located on top of marine plants and/or native vegetation.

(A10-2) Any acid sulfate soils likely to be exposed by lowering of the groundwater table must be isolated from storm water and any leachate from these soils treated as necessary to adjust the pH to be within a range of 6.5 to 9.

**Erosion Protection Measures and Sediment Controls**

(A11-1) Prior to any site clearing or construction, erosion protection measures and sediment controls must be installed and thence maintained to effectively minimise any likelihood of erosion and release of sediments from the premises during all site clearing, construction and operation. Procedures must be implemented to check and, if necessary, repair or replace the erosion control and sediment control structures after each rain event likely to adversely affect the efficiency of those structures.

(A11-2) The erosion control and sediment control structures must operate to prevent any material loss of sediment from the premises to any stormwater drain, roadside gutter or waters and limit quality of stormwater runoff to less than 50 mg/L suspended solids.

**END OF CONDITIONS FOR SCHEDULE A**

*Copy*

DISTRICT COURT REGISTRY
BRISBANE

## Schedule B - Water

### Intake Points

(B1-1) Water may only be drawn into the aquaculture facility from the intake point(s) described below:

Intake Point I1 - Water drawn from the Logan River from the intake structure located near the northern boundary of the property, as marked as "Intake point I1" on the map titled "Site Map – Truloff Pty Ltd prawn farm layout plan" contained in Schedule J of this development approval.

### Release Points

(B2-1) Contaminants may only be released directly from the premises to which this development approval relates into the settlement ponds located on Lot 1 on SP148708 and Lot 4 on SP148708 and discharged to waters via release point(s) W1 and W2 described below:

Release Point W1

Release to the Logan River via the discharge structure on the eastern boundary of Lot 4 on SP148708 as marked as "Release point W1" on the map titled "Site Map – Truloff Pty Ltd prawn farm layout plan" contained in Schedule J of this development approval; and

Release Point W2

Following cessation of the use of W1, Release Point W2 namely, release to the Logan River via a discharge structure located near the north western boundary of Lot 1 on SP148708 and Lot 4 on SP148708 as marked as "Release point W2" on the plan titled "Site Map – Truloff Pty Ltd prawn farm layout plan" contained in Schedule J of this development approval.

### Pond Conditions

(B3-1) All ponds including the grow out ponds and settlement ponds must be installed and maintained to ensure the stability of the pond's construction including measures to minimise erosion of the pond walls, for example, maintenance of the banks in a vegetated state.

### Stormwater management

(B4-1) There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

### Spillage Control

(B5-1) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any external storm water drainage system, roadside gutter or waters.

*Copy*



**Storage of Chemicals and Fuels**

(B6-1) Any liquids stored on site that may cause environmental harm, including all chemicals, and fuels must be stored in an effective on-site containment system (including base and walls) that is impervious to the materials stored and sized to contain at least:

- 110% of the tank's volume if a single tank storage;
- 100% of the largest storage tank plus 10% of the second largest tank if a multiple tank storage; or
- At least 25% of the maximum design storage volume if a drum storage.

(B6-2) All containment systems must be roofed where practicable.

(B6-3) Where it is impractical to completely roof a containment system area the holder of this development approval must ensure that any storm water captured within the bund is free from contaminants or wastes prior to any release.

(B6-4) All un-washed empty drums must be stored on a concrete hardstand area with their closures in place.

(B6-5) Washing, degreasing, servicing or other maintenance of vehicles, plant, or other equipment must not occur on the licensed place in any area where resulting contaminants will or may be released to any external storm water drain, land or waters.

**Contaminant Releases Caused by Rainfall**

(B7-1) Diversion drains, appropriate grades or equivalent must be installed to ensure surface waters from disturbed areas, including operational or trafficable areas and pond walls, are diverted to either the wastewater treatment system or grow out ponds.

(B7-2) Drainage through and from all trafficable areas and production activities must be designed to minimise surface flow velocities.

**Pond Sludge Conditioning areas**

(B8-1) Diversion drains, appropriate grades or equivalent must be installed to ensure that runoff from pond sludge conditioning areas, areas containing pond sludge (including areas where pond sludge has been used as fill), and any leachate derived from these areas must be diverted to either grow out ponds or the wastewater treatment system.

**END OF CONDITIONS FOR SCHEDULE B**

## Schedule C - Air

**Odour Nuisance**

(C1-1) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any odour sensitive place.

**Dust nuisance**

(C2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

*Copy*

DISTRICT COURT REGISTRY
PLANNING AND ENVIRONMENT COURT
BRISBANE

(C2-2) Exceedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition C2-1.

- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; or
- A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the site, when monitored in accordance with:
  - Australian Standard AS 3580.9.6 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
  - Any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

(C2-3) When requested by the Administering Authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- For a complaint alleging dust nuisance, dust deposition; and
- For a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.

**END OF CONDITIONS FOR SCHEDULE C**

## Schedule D - Waste

### Waste handling

(D1-1) All regulated waste removed from the site must be removed by a person who holds a current approval to transport such waste under the provisions of the *Environmental Protection Act 1994.*

(D1-2) The holder of this development approval must keep and maintain permanent records for every load of regulated waste and aquaculture pond sludge transported off the premises. The records must include the following information:

(i) Date of transport;
(ii) Description of waste;
(iii) Quantity of waste;
(iv) Destination of any aquaculture pond sludge, including the owner of the property/land on which the sludge is disposed; and
(v) The purpose or proposed use of the sludge.

### General

(D2-1) The holder of this development approval must not:

(i) Burn waste at or on the premises; nor
(ii) Allow waste to burn or be burnt at or on the premises; nor
(iii) Remove waste from the premises and burn such waste elsewhere.

Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this development approval.

Copy
COURT REGISTRY
THE PLANNING AND ENVIRONMENT COURT
BRISBANE
01/03-02

**On Site Disposal**

(D3-1) The holder of this development approval must keep and maintain permanent records for all waste disposed of on the premises, including aquaculture pond sludge. The records must include the following information:

(i) Date of disposal of the material;
(ii) Description of the material;
(iii) Quantity of the material;
(iv) The location where the material is disposed; and
(v) The method used to dispose the material.

**END OF CONDITIONS FOR SCHEDULE D**

## Schedule E - Land

**Release of Contaminants to Land**

(E1-1) There must be no release nor likelihood of release of any contaminants to land in a manner that may cause environmental harm or contribute to contamination of such land.

**END OF CONDITIONS FOR SCHEDULE E**

## Schedule F - Noise

**Noise nuisance**

(F1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(F1-2) The use of noise generating equipment such as scare guns or firearms must not cause unreasonable intrusive noise at any noise sensitive or commercial place.

**Noise monitoring**

(F2-1) In the event of a complaint about noise that constitutes intrusive noise being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the premises subject to this development approval must not result in levels greater than those specified in Table 1 of the Noise Schedule.

Copy
DISTRICT COURT REGISTRY
LAND AND ENVIRONMENT COURT
BRISBANE
01/03-C2

**SCHEDULE F TABLE 1**

| NOISE LIMITS AT A NOISE SENSITIVE PLACE | |
|---|---|
| ***Period*** | ***Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 5 dB(A) |
| 6 pm - 10 pm | Background noise level plus 5 dB(A) |
| 10 pm - 7 am | Background noise level plus 3 dB(A) |
| **NOISE LIMITS AT A COMMERCIAL PLACE** | |
| ***Period*** | ***Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 10 dB(A) |
| 6 pm - 10 pm | Background noise level plus 10 dB(A) |
| 10 pm - 7 am | Background noise level plus 8 dB(A) |

(F2-2) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

- $L_{A\ 10,\ adj,\ 10\ mins}$
- $L_{A\ 1,\ adj,\ 10\ mins}$
- $L_{A,\ max\ adj,\ T}$
- The level and frequency of occurrence of impulsive or tonal noise;
- Atmospheric conditions including wind speed and direction;
- Effects due to extraneous factors such as traffic noise; and
- Location, date and time of recording.

(F2-3) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

**END OF CONDITIONS FOR SCHEDULE F**

*Copy*

PLANNING AND ENVIRONMENT COURT DISTRICT COURT REGISTRY BRISBANE
01/03-C2 BRISBANE

## Schedule G – Monitoring and Reporting

### Receiving Environment Monitoring Program

(G1-1) The holder of the development approval must implement a Receiving Environment Monitoring Program to monitor the effects of the release of contaminants on the "receiving environment" to effectively determine whether environmental values are being protected.

"Receiving environment" for the purpose of the Receiving Environment Monitoring Program includes:

(i) Lower Logan River; and
(ii) Southern Moreton Bay.

For the purposes of this condition, environmental values are considered to be harmed and not protected if the water quality guidelines for the indicators for environmental values prescribed in the *Environmental Protection (Water) Policy 1997* are not being met, including any water quality objectives adopted pursuant to Section 12 of that Policy.

### Involvement in Regional Monitoring Studies Constitutes Compliance

(G2-1) Subject to the alternatives provided in condition (G3-1), to achieve compliance with the requirement for a Receiving Environment Monitoring Program, the holder of this development approval must become and remain a "participating member" in the following regional water quality and ecosystem health monitoring studies, or any equivalent studies that succeed them ("the regional studies"):

(i) The Southeast Queensland Regional Water Quality Management Strategy; and
(ii) The Ecosystem Health Monitoring Program.

(G2-2) The holder of this development approval is deemed by the administering authority to be a "participating member" in regional studies in the following situations:

(a) The holder of this development approval is a 'contributing member', to the regional studies of water quality and ecosystem health; and
(b) The holder of this development approval is identified as a 'contributing member' in a written statement to the administering authority from the authority carrying out the regional studies; and
(c) The holder of this development approval continues to be a 'contributing member', of such regional studies.

"Contributing member" means that the holder of this development approval contributes towards the reasonable cost of environmental monitoring studies undertaken relevant to potential impacts of the environmentally relevant activities whereby the amount is agreed to between the holder if this development approval and the authority carrying out the regional studies and the formula used in determining reasonable cost takes into account the number of grow out ponds stocked and whether or not the farms fully recycle effluent throughout the grow out season.

(G2-3) The holder of this development approval is deemed by the administering authority to be a 'contributing member' until such time as:

(i) The authority carrying out the regional studies notifies the administering authority in writing that the holder of this development approval is no longer a 'contributing member'; and
(ii) The administering authority has undertaken reasonable steps to confirm this with the holder of this development approval and the authority carrying out the regional studies; or
The holder of this development approval notifies the administering authority in writing that they are no longer a 'contributing member'.

Copy

PLANNING AND ENVIRONMENT COURT REGISTRY
BRISBANE

(G2-4) If the holder of this development approval no longer meets the criteria as a 'contributing member' to the regional studies, the holder of this development approval is no longer deemed to be in compliance with the requirements for carrying out a REMP and the holder must undertake the following:

(i) Within thirty (30) days of ceasing to be a 'contributing member', submit a proposal to the administering authority that details how the holder will fulfil the requirements for a REMP via one of the alternatives prescribed in condition (G3-1) of this development approval; and
(ii) Carry out the REMP alternative that is agreed, as submitted or amended, by the administering authority, commencing within 14 days of receipt of such written advice from the administering authority or such later date specified in writing by the administering authority; and
(iii) From that date, otherwise comply in all respects with conditions for carrying out the alternative REMP.

**Alternatives to Involvement in Regional Studies – Equivalent Study and Alternative Study**

(G3-1) As an alternative to participating in the regional studies, the holder may:

(i) Carry out an equivalent study, which requires that the holder of this development approval must monitor and record the same or equivalent environmental indicators at an equivalent frequency at an equivalent number of sites as the regional studies; or
(ii) With the written agreement of the administering authority, carry out an alternative receiving environment monitoring program that meets the requirements of conditions (G2-1) to (G2-4).

(G3-2) At least 90 days prior to commencing the environmentally relevant activities or within thirty (30) days of ceasing to be a 'contributing member' as the case may be, the holder of this development approval must submit to the administering authority a proposal to undertake an Receiving Environment Monitoring Program (REMP) that is designed to determine the effects of contaminants released into the receiving environment from the discharge of aquaculture effluent.

(G3-3) The proposal for the REMP must include but not be limited to the following:
(i) Description of potentially affected environment including key communities and ambient water quality;
(ii) Description of water quality objectives and biological objectives to be achieved;
(iii) Description of selected physio-chemical (including pH, total nitrogen, total phosphorus, dissolved oxygen saturation, water clarity analyses) and biological indicators (including chlorophyll 'a' and macro algal monitoring) and reasons for their inclusion;
(iv) The locations of monitoring stations including monitoring transects away from the outfall of the licensed release as well as any control locations;
(v) The proposed sampling depths;
(vi) The water quality characteristics of receiving waters to be determined;
(vii) The frequency of sampling and analysis;
(viii) Quality assurance to be applied to sampling and analysis;
(ix) Any historical data sets to be relied upon; and
(x) Description of the statistical basis on which conclusions are drawn.

(G3-4) The REMP assessment techniques must be carried out such that the experimental design allows for appropriate replication that will achieve:

(a) An eighty percent (80%) chance of detecting an impact if one exists; and
(b) Detection of at least a twenty five percent (25%) change from ambient conditions.

*Copy*

DISTRICT COURT REGISTRY
BRISBANE
ENVIRONMENT
FILED
03/03/02

(G3-5) The proposal for the REMP must also consider, but not be limited to, the following:

(i) Water quality criteria specified in the Australian & New Zealand Environment & Conservation Council's "Australian Water Quality Guidelines for Fresh and Marine Waters", December 2000;
(ii) The *Environmental Protection (Water) Policy 1997* and any other Environmental Protection Policies enacted under Queensland's *Environmental Protection Act 1994* concerning the receiving environment;
(iii) Relevant reports produced as a consequence of the Environmental Protection Agency's Environmental Monitoring Programs, for example, findings of the Logan Nerang Water Quality Study, Southeast Queensland Regional Water Quality Management Strategy and the Ecosystem Health Monitoring Program;
(iv) Any other requirements arising due to the inclusion of the receiving environment, within which the REMP is proposed, as part of any Marine Park and/or Fish Habitat Areas, if applicable;
(v) Relevant reports prepared by other governmental or professional research organisations that relate to the receiving environment within which the REMP is proposed; and
(vi) Spatial and temporal controls to exclude potential confounding factors.

(G3-6) The holder of this development approval must have due regard to comments made by the administering authority in finalising the requirements of the Receiving Environment Monitoring Program and must implement the program from commencement of the environmentally relevant activities or within the time frame mentioned in condition (G3-2), as the case may be.

**Chemical usage**

(G4-1) The holder of this development approval must keep a record of the use of all chemicals added to the prawn growout ponds or wastewater treatment system, including those added for the control of algae, parasites and diseases and those added to prawn feed including veterinary, antibiotic and prophylactic chemicals must be recorded in a table with the following details on each of the chemicals, type of chemical, date at which the chemical was added, the amount of chemical(s) added, type of receival waters (e.g. growout pond or wastewater treatment pond) and the date of the next water release after the chemicals have been added.

**Complaint response**

(G5-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

(G5-2) All complaints received by the holder of this development approval relating to operations at the licensed place must be recorded in a log book 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.

**Notification of Emergencies and Incidents**

(G6-1) Within 24 hours 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 holder of this development approval must notify the administering authority of the release by telephone or facsimile.

Copy

FEDERAL COURT REGISTRY

(G6-2) The notification of emergencies or incidents as required by condition G6-1 must include but not be limited to the following:

(i) The holder of the development approval;
(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 holder of the development approval became aware of the release;
(vii) The suspected cause of the release;
(viii) The environmental harm caused, threatened, or suspected to be caused by the release; and
(ix) Actions taken to prevent further any release and mitigate any environmental harm caused by the release.

NOTE: Any relevant notification given under Section 320 or Section 350 of the Act that contains the information specified in condition G6-2 is also notification under Condition G6-1.

(G6-3) Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition G6-2 in addition to:

(i) Proposed actions to prevent a recurrence of the emergency or incident; and
(ii) Outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

**Report Submission**

(G7-1) The holder of this development approval must ensure that the results of all monitoring performed in accordance with this development approval are submitted with the initial Annual Return. Each subsequent Annual Return must include details of the results of monitoring performed during the 12 months preceding that Annual Return.

**END OF CONDITIONS FOR SCHEDULE G**

**SCHEDULE H- DISEASE MANAGEMENT**

**Pond Conditions**

(H1-1) The holder of this development approval must notify the administering authority of any declared disease or unexplained mortality outbreak requiring treatment and possible drainage of pond contents.

(H1-2) Disposal of any diseased organisms as specified in condition H1-1 or water which has come into contact with diseased organisms must only be undertaken with the prior agreement of the administering authority.

*Copy*



(H1-3) Where diseased organisms as specified in condition H1-1 and affected pond water requires disposal, the holder of this development approval must monitor and keep records of the following:

(i) Description of the type of diseased organisms and/or affected water;
(ii) Quantity of the diseased organisms and/or affected water;
(iii) Intended treatment of the diseased organisms and/or affected water;
(iv) If the diseased organisms are buried on site, the date of burial;
(v) If the diseased organisms are transported off the premises, the name of any waste transporter and/or disposal operator that removed the diseased organisms and the disposal destination of the diseased organisms.

**End of Conditions for Schedule H**

## Schedule I - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

**Word Definitions**

**"administering authority"** means the Environmental Protection Agency or its successor.

**"you"** means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

**"site"** means the place to which this environmental authority relates or the premises to which this development approval relates.

**"authorised place"** means the place authorised under this environmental authority/development approval for the carrying out of the specified environmentally relevant activities.

**"this authority"** means this environmental authority/development approval.

**"authority"** means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994*.

**"approval"** means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*

**"dust sensitive place"** means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

**"odour sensitive place"** has the same meaning as a "dust sensitive place"

**"dwelling"** means any of the following structures or vehicles that is principally used as a residence-

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- water craft in a marina.

Copy

COURT REGISTRY
ENVIRONMENT COURT
BRISBANE

**"noxious"** means harmful or injurious to health or physical well being.

**"offensive"** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

**"nuisance sensitive place"** includes -

- 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 1992 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- 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.

"$L_{A\ 10,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

"$L_{A\ 1,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response

"$L_{A,\ max\ adj,\ T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

**"noise affected premises"** means a "noise sensitive place"or a "commercial place"

**"noise sensitive place"** means -

- a dwelling, 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; or
- a park or gardens.

and includes the curtilage of such place.

**"commercial place"** means a place used as an office or for business or commercial purposes.

**"intrusive noise"** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.

**"protected area"** means -

- a protected area under the Nature Conservation Act 1992; or
- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

Copy




**"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.

**"50th percentile"** means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

**"80th percentile"** means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

**"dredge spoil"** means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

**"mg/L"** means milligrams per litre.

**"NTU"** means nephelometric turbidity units

**"regulated waste"** means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

**"licensed vehicle"** means a vehicle authorised to be used under the licence to transport regulated waste.

**"registered vehicle"** means "licensed vehicle"

**"clinical waste"** means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

**"infectious waste"** means "clinical waste"

**"vibration sensitive place"** means a noise sensitive place or a commercial place.

**"annual return"** means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

**END OF DEFINITIONS FOR SCHEDULE I**

## Schedule J - Maps / Plans

The following attachments to this schedule include:

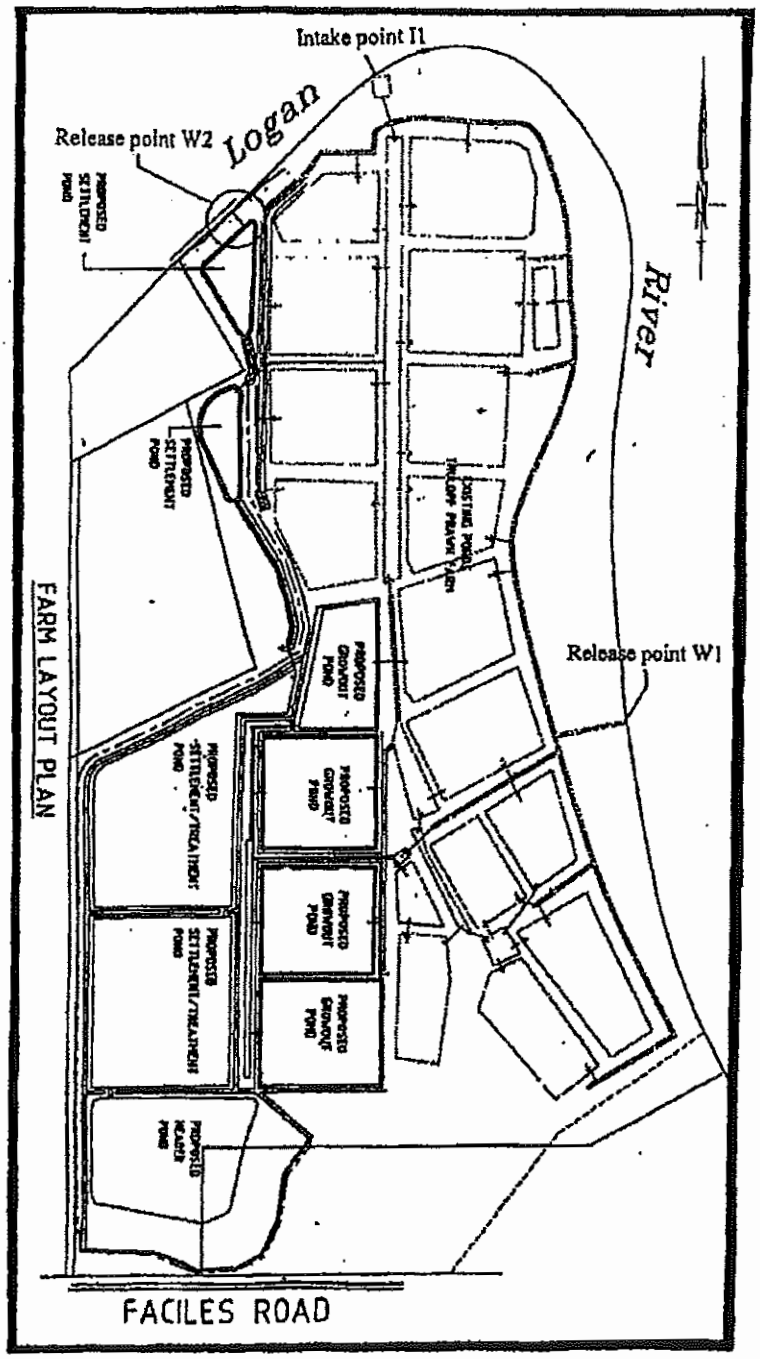
- Site Map – Truloff Pty Ltd prawn farm layout plan
- Survey Plan for Lot 1 and Lot 4 on SP148708

*Copy*

DISTRICT COURT REGISTRY

01/03/02

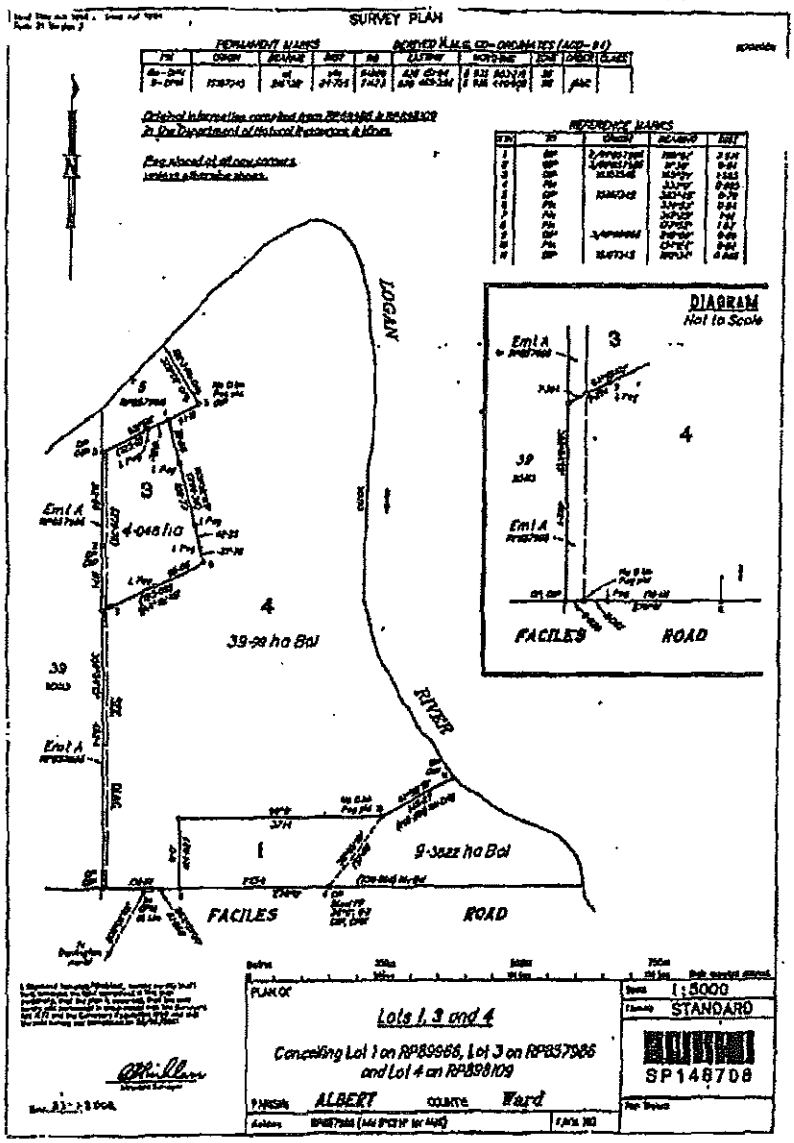
SCHEDULE J
SITE MAP – TRULOFF PTY LTD PRAWN FARM LAYOUT PLAN




Copy

DISTRICT COURT REGISTRY
BRISBANE
01/03-C2

SCHEDULE J
SURVEY PLAN FOR LOT 1 AND LOT 4 ON SP148708




END OF CONDITIONS FOR SCHEDULE J

END OF CONCURRENCE AGENCY RESPONSE

Copy
DISTRICT COURT REGISTRY
BRISBANE

# ORDER

**In the Planning and Environment Court**
**Held at: Brisbane**

~~No~~ 82 of 2003

Between: **TRULOFF PTY LTD ACN 010 161 547**

Appellant

And **STATE OF QUEENSLAND**

Respondent

Before his Honour Judge Wilson SC

Date of Hearing: 31 August, 2005

Date of Order: 31 August, 2005

**IT IS ORDERED BY CONSENT THAT:**

1. The appeal be allowed; and
2. The Integrated Authority No. SR2234 be issued subject to the attached amended conditions.

Filed on: 31 ~~August, 2005~~. 14 SEP 2005

Filed by: CW Lohe, Crown Solicitor

Service address: c/- Crown Law
11th Floor
State Law Building
50 Ann Street
Brisbane Qld 4000

Telephone: (07) 3239 6703

Facsimile: (07) 3239 0407

Contact Name: Terry Law

Contact Number: (07) 3239 3436

Registrar

---

Consent order
Filed on behalf of the Respondent

Form PEC-8

Reference: LT1/ENV023/1808/BEM

Document No.: 1187507

CW Lohe
CROWN SOLICITOR
11th Floor, State Law Building
50 Ann Street
Brisbane Qld 4000
Telephone (07) 3239 6703
Facsimile (07) 3239 0407

ENVIRONMENTAL PROTECTION ACT 1994

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

# Integrated Authority No. SR2234

## Section 311 *Environmental Protection Act 1994*

*This integrated authority, issued in accordance with section 311 of the* Environmental Protection Act 1994 *(the EP Act), provides for the carrying out of different Environmentally Relevant Activities or Environmentally Relevant Activities at different places managed in an integrated way. This integrated authority comprises of one or more types of environmental authority(ies) in accordance with sections 86, 93, 95, 104, 113 and 311, of the EP Act, and this integrated authority details the conditions that are relevant to each stated type of environmental authority.*

**Under the provisions of the *Environmental Protection Act 1994* this integrated authority is issued to:**

Truloff Pty Ltd
Faciles Road
ALBERTON QLD 4207

**in respect of carrying out the Environmentally Relevant Activities (ERAs) at the same place and under the type of environmental authority described in Table 1.**

This integrated authority is subject to the conditions set out in the attached schedules.

The anniversary date of this licence is .

This integrated authority takes effect from .

..... .....
Signed Date

Delegate of Administering Authority
*Environmental Protection Act 1994*

Note: This integrated authority document is not proof of the current status of the integrated authority. The current status of the integrated authority may be ascertained by contacting the Environmental Protection Agency.



## Table 1: This integrated authority consists of the following part(s):

### Part 1: Licence/s (without development approval) (Section 93)

| Applicable Part | ERA No. | ERA name | Lot | Plan | Location |
|---|---|---|---|---|---|
| 1 | 1(d) | **Aquaculture** - cultivating or holding marine, estuarine or freshwater organisms (other than molluscs) in ponds or tanks or in enclosures in waters ('impoundments') if the total area of the impoundments is 10 ha or more but less than 20 ha and wastes are released to waters | 4 | Plan 898109 County of Ward, Parish of Albert. Title Reference 50113734. | Faciles Road, ALBERTON |
| 1 | 34 | **Seafood processing** - commercially processing seafood, including removing the scales, gills, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 t per year. | 4 | Plan 898109 County of Ward, Parish of Albert. Title Reference 50113734. | Faciles Road, ALBERTON |

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

The authority is issued subject to conditions as set out in the schedule(s) attached that form part of the integrated authority.

THE PLANNING AND ENVIRONMENT COURT
BRISBANE

# PART 1 - LICENCE(S) (WITHOUT DEVELOPMENT APPROVAL) (Section 93)

*This part is for the carrying out of a level 1 environmentally relevant activity without a development approval, under chapter 4, part 3, division 2, subdivision 1 of the* Environmental Protection Act 1994.

## Schedule A - Activity

(A1) In carrying out the environmentally relevant activities, you 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, or negligently, may cause environmental harm, in a manner that could have be prevented, shall be carried out in a proper manner in accordance with the conditions of this environmental authority.

NOTE: This environmental authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

### Display of Environmental Authority

(A2) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activities.

### Maintenance of Measures, Plant and Equipment

(A3) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

### Calibration

(A4) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority must be appropriately calibrated, operated and maintained.

(A5) 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 environmental authority.
An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

### Aquaculture Operation (General)

(A6) The licensee must ensure that the operation and maintenance of the aquaculture facility is carried out by or under the supervision of person(s) competent to operate and maintain the aquaculture facility.

(A7) Where any new aquaculture species other the propagation or rearing of marine, estuarine or freshwater prawns is to be undertaken the holder of this environmental authority must notify the administering authority not less than twenty-eight (28) days prior to stocking the new species.

Note: This licence condition does not apply to species propagated or reared as a means of biologically treating effluent from the prawn farm.

THE PLANNING AND ENVIRONMENT COURT

(A8) Excepting any reconfiguration of wastewater treatment ponds or growout ponds to improve wastewater treatment that does not increase growout area permitted under this Environmental Authority, siting of the activities is to be in accordance with the site maps and plans included in Schedule I. In the event of any such reconfiguration, the holder must provide an updated site plan to the administering authority.

(A9) With the exception of the chilling and packaging of any aquaculture species for live sale, the only aquaculture species permitted to be processed at the licensed place is prawns.

(A10) The environmentally relevant activities must be carried in compliance with the "*Environmental Code of Practice for Australian Prawn Farmers, September 2001*" produced by the Australian Prawn Farmers Association or more recent editions or supplements to that document as such become available.

**Chemical Usage**

(A11) The holder of this environmental authority must keep a record of the use of all chemicals added to the prawn growout ponds or wastewater treatment system, including those added for the control of algae, parasites and diseases and those added to prawn feed including veterinary, antibiotic and prophylactic chemicals must be recorded in a table with the following details on each of the chemicals, type of chemical, date at which the chemical was added, the amount of chemical(s) added, type of receival waters (e.g. growout pond or wastewater treatment pond) and the date of the next water release after the chemicals have been added.

**Integrated Environmental Management System (IEMS)**

(A12) The holder of this environmental authority must implement and maintain an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities.

(A13) The IEMS must provide for at least the following functions:

(a) monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
(b) staff training and awareness of environmental issues related to carrying out the activities, which must include at least:
- the environmental policy of the holder, such that all persons that carry out the activities are aware of all relevant commitments to environmental management; and
- any relevant environmental objectives and targets, such that all staff are aware of the relevant performance objectives and can work towards these; and
- control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
- contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation); and
- organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
- effective communication to ensure two-way communication on environmental matters between operational staff and higher management;
- their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and

(c) conducting assessment of the environmental impact of any release of contaminants into the environment;
(d) periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than after each season for reviewing environmental performance and once every five years for energy audits; and
(e) waste prevention, treatment and disposal; and
(f) a program for continuous improvement.

THE PLANNING AND ENVIRONMENT COURT

(A14) An up to date copy of the IEMS must be kept at the licensed place where the activities are carried out with a further copy provided to the administering authority, including provision of any amendments within 30 days of completion.

(A15) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition imposed by the administering authority that is applicable to carrying out the activities.

END OF CONDITIONS FOR SCHEDULE A

## Schedule B - Water

### Agreements for Intake and Discharge

(B1) Where the holder of this environmental authority requires permission for lawful use of intake and or discharge structures from the owner(s) of land other than that to which this authority relates, then, prior to carrying the environmentally activities, the holder must enter into and maintain a written agreement with such owner(s), to permit intake of water and discharge of waste water (as relevant), including all necessary maintenance.

(B2) A copy of the written agreement must be forwarded to the administering authority within thirty days of it becoming available to the holder of this environmental authority.

### Intake Points

(B3) Water may only be drawn into the aquaculture facility from the intake point(s) described below:

Intake Point I1: Water from the Logan River for the purposes of undertaking the environmentally relevant activity may only be drawn from the intake channel located near the northern boundary of the property, labelled *Intake* on the map titled "Site Layout of existing prawn farm ponds and processing sheds," Lot 4 Faciles Road Alberton QLD, attached in Schedule I.

### Growout Pond Area

(B4) The maximum area of aquaculture grow out ponds permitted to be used under this environmental authority is restricted to 15 Hectares. This area does not include any waste water treatment ponds such as settlement ponds or ponds containing animal or plant species whose primary purpose is biologically treating the effluent to improve its quality.

### Pond Conditions

(B5) All ponds including the grow out ponds and settlement ponds must be installed and maintained to ensure the stability of the pond's construction including measures to minimise erosion of the pond walls, for example, maintenance of the banks in a vegetated state.

### Release of Contaminants to Waters

(B6) The only contaminants permitted to be released from the licensed place at the release point are;

(i) effluent from the aquaculture growout ponds;
(ii) effluent from the wastewater treatment system(s); and
(iii) waste water from the processing of prawns.

PLANNING AND ENVIRONMENT COURT QUEENSLAND

**Discharge Release Point**

(B7) The contaminants specified in B6 may only be released either directly or indirectly from the licensed place to any waters, at the release point(s) described below:

Release Point W1: Release to the Logan River via a discharge structure located near the eastern boundary of Lot 4 on RP 898109 labelled as *Outlet* on the map titled, "Site Layout of existing prawn farm ponds and processing sheds," Lot 4 Faciles Road Alberton QLD", attached in schedule I.

(B8) The release of contaminants to waters from the outfalls must be carried out in such a manner, which does not adversely impact on marine plants, mangrove vegetation, the banks or bed of the waterway or the habitat in general. This condition includes ensuring ongoing stabilisation of the discharge drain to ensure that no disturbance to marine plants, mangrove vegetation, the banks or bed of the waterway or the habitat in general occurs.

**Nitrogen Release Limits**

(B9) A nitrogen load of 1kg/Ha/day for the total grow out pond area of 15 hectares is permitted. The total nitrogen release limit is calculated over the 210 day prawn growing season. Release of nitrogen outside of the growout season is subject to approval from the Administering Authority.

**Contaminant Release Loads**

(B10) The total quantity of contaminants released from release point W1 during any day must not, either alone or in aggregate with any other releases from environmentally relevant activities associated with the activities carried out at the licensed place, exceed any of the load limits for each contaminant specified in Schedule B Table 1.

**SCHEDULE B TABLE 1 – RELEASE LOAD LIMIT**

| CONTAMINANT | RELEASE LOAD LIMIT | LIMIT TYPE |
|---|---|---|
| Suspended Solids | 168 kg/day | Average of daily net loads released over the prawn growing season. |
| Suspended Solids | 35280 kg/annual season | Total of daily net loads released over the annual prawn growing season. |
| Total Phosphorus | 1.4 kg/day | Average of daily net loads released over the prawn growing season. |
| Total Phosphorus | 294 kg/annual season | Total of daily net loads released over the annual prawn growing season. |
| Total Nitrogen | 15 kg/day | Average of daily net loads released over the prawn growing season. |
| Total Nitrogen | 3150 kg/annual season | Total of daily net loads released over the annual prawn growing season. |

THE PLANNING AND ENVIRONMENT COURT
BRISBANE

***Notes to Schedule B Table 1***

- *The contaminant release loads are calculated on the basis of the agreed growout pond sizes as at 6 February 2004. The loads in Table 1 are calculated on the basis of the historical growout pond area of approximately 15 hectares. Any expansion of grow out ponds is not permitted.*
- *The nitrogen release load is calculated based on 1kg/Ha/day.*
- *Average of daily net loads as calculated under the load calculation condition in Condition B32 Load Calculation and Definitions Schedule H.*
- *Total of daily net loads released over the annual prawn growing season means the sum of the daily loads, as calculated under Load Calculation Condition B32, over the annual prawn growing season of 210 days.*
- *Licence conditions such as nitrogen load will be reviewed upon consideration of the results of the findings of the Research Project as agreed to by the Environmental Protection Agency and the Australian Prawn Farmers Association.*
- *An exceedance of release load limits constitutes a non-compliance.*

**Contaminant Release Limits**

(B11) The release of contaminants to waters must comply, at the sampling and in flow monitoring point(s) specified in condition B25, with each of the limits specified in Schedule B, Table 2 for each quality characteristic. These limits apply to releases that arise from carrying out environmentally relevant activities at the licensed place and also any aggregate releases from elsewhere.

**SCHEDULE B TABLE 2 - RELEASE QUALITY CHARACTERISTIC LIMITS**

| QUALITY CHARACTERISTICS | RELEASE POINT NUMBER | RELEASE LIMITS | LIMIT TYPE |
|---|---|---|---|
| pH. (pH Units) | W1 | 6.5 - 9 | Range |
| Dissolved Oxygen. (mg/L) | W1 | 4.0 or 90% of background value, which ever is greater | Minimum |
| Suspended Solids. (mg/L) | W1 | 30 | Average over prawn growing season. |
| Suspended Solids. (mg/L) | W1 | 50 | Maximum |
| Total Nitrogen (mg/L) | W1 | 3 plus ambient median Total Nitrogen (mg/L) | Maximum |
| Total Phosphorus. (mg/L) | W1 | 0.3 plus ambient median Total Phosphorus (mg/L) | Maximum |
| Free Chlorine Residual (mg/L) | W1 | 0.01 | Maximum |

***Notes to Schedule B Table 2***

- *Dissolved oxygen measurements must be taken at the discharge and intake sample points within one hour of each other on the same day to determine 90% of background*
- *Ambient median total nitrogen and total phosphorus means the respective values of these parameters in mg/L as calculated from the long-term median results obtained from EPA ambient water quality monitoring near the facility mentioned in Condition B33. As an alternative, the holder may elect in writing to utilise inlet water quality monitoring data provided that it is demonstrably representative of ambient receiving water quality and administering authority agrees to such in writing.*

THE PLANNING AND ENVIRONMENT COURT

(B12) Release of contaminants (either alone or in aggregate with other releases mentioned above) to waters must comply with the following qualitative characteristics:

(a) The release 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.

(b) The release must not produce any plume or other visible evidence of the release of suspended solids or other contaminants which adversely affects the values of the receiving environment.

**Times of Release**

(B13) Where reasonable and practicable, the release of contaminants to waters must only occur from local high water until two (2) hours before local low water.

(B14) Notwithstanding condition B13, if the release is an overflow from an effluent settlement or treatment pond due to heavy or prolonged rainfall at the licensed place, the release may only be continuous provided the release does not adversely affect other users of Logan River waters. This condition does not apply in circumstances of floods causing overflows or overtopping of ponds.

**Release Period (Penaeid Prawn Cultivation)**

(B15) No release of contaminants from either the prawn grow out ponds or the wastewater treatment system where the release is directly or indirectly derived from Penaeid prawn grow out ponds is permitted between 14 June and 1 November in any year, excluding any contaminant release:

(a) for the purpose of maintaining stocks of *Penaeus japonicus* later than 14 June for later sale or other purpose;
(b) for the sole purpose of maintaining during the non-growout season, a stock of organisms to effect biological treatment of waste waters; and
(c) due to an emergency circumstance caused by inadvertent intake of contaminated river water and providing the release does not aggravate the contamination problem or affect other aquaculture operations.

**Water Quality Release Continual Improvement Plan**

(B16) Notwithstanding attainment of the release limits for total nitrogen and total phosphorus, the holder must implement continual improvement by implementing all reasonable and practicable measures to reduce the mass load of total nitrogen and total phosphorus released per day into the receiving environment, as such measures become practicable to implement in prawn farming operations. Such measures may include but not be limited to increased recycling of effluent, additional or more effective effluent treatment, bioremediation ponds, improved food conversion ratios and use of lower protein feeds.

"Practicable to implement in prawn farming operations" in this condition shall mean practicable on an ongoing basis with good environmental management and shall exclude low nutrient outcomes achieved due to poor survival rates and infrequent exceptional results".

(B17) Measures implemented under this continual improvement program must be described and submitted to the administering authority with each annual return.

THE PLANNING AND ENVIRONMENT COURT BRISBANE

(B18) The Water Quality Release Continual Improvement Report must include the following information for each species cultivated, for the year addressed in the report:

(i) number of hectares stocked;
(ii) stocking rate used;
(iii) survival rate;
(iv) production (kg/ha);
(v) feed conversion ratio;
(vi) proportion of waste water recycled versus discharged;
(vii) comparison of preceding years stocking rate, survival rate, production, feed conversion ration, and waste water recycling rate and the number of hectares stocked with the current year;
(viii) the net loads and concentrations of Total Nitrogen and Total Phosphorus released as measured and calculated under this authority, compared with the relevant limits and targets specified in this authority and with the previous years results;
(ix) practices and procedures undertaken during the preceding twelve (12) months to reduce the net load of Total Nitrogen and Total Phosphorus discharged into the receiving environment;
(x) practices and procedures that will be implemented to further reduce the net load of Total Nitrogen and Total Phosphorus released into the receiving environment for the following year where necessary, i.e. in cases where net loads are greater than industry benchmarks achieved using best practice environmental management.

(B19) The requirement for a Water Quality Release Continual Improvement Report does not apply in the case that the environmentally relevant activity is carried out:

(i) by recycling effluent during the whole of the prawn grow out season and the only contaminant releases to waters that occur (excluding any staged end of season pond drainage) are overflows of storm water runoff and waste waters from grow out and treatment ponds that are solely caused by rainfall causing overtopping of such ponds; or
(ii) such that concentration limits for total nitrogen and total phosphorus are complied with and the average net load of total nitrogen released to waters as calculated under this environmental authority is zero or less.

**Monitoring of Waters**

(B20) All determinations of all quality of waters must be made in accordance with methods prescribed in the Environmental Protection Agency's Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent editions or supplements to that document as such become available.

(B21) All determinations of the quality of waters must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements.

(B22) For the purposes of this licence any determination or result recorded as less than the limit of detection is taken as at the limit of detection for that particular determination method.

**Monitoring of Volume of Intake and Release to Waters**

(B23) The holder of this environmental authority is responsible for ensuring the determination and keeping of records of the total daily volume of water drawn into the prawn farm at the intake point specified in Condition B3 and the total daily volume of water released from Release Point W1.

(B24) The holder of this environmental authority is responsible for ensuring the determination and keeping of records of the daily volume of water released for the release point specified in Condition B7.

THE PLANNING AND ENVIRONMENT COURT BRISBANE

**Sampling and Inflow Monitoring Point Details**

(B25) Determinations of the quality of contaminants released to waters to check compliance with the release characteristics specified in Schedule C of this environmental authority must be undertaken at the sampling and in flow monitoring point(s) described as;

SW1: Samples are to be taken from the Logan River, from a position representative of waters drawn into the facility, opposite from the intake channel shown in Schedule I – Figure 1 and located near the northern boundary of the licensed place.

SW2: Sample are to be taken from the flow of waste water prior to discharge into the Logan River at the relevant discharge structure identified as outlet and shown in Schedule I – Figure 1.

(B26) Determinations of the quality of contaminants released to waters must be undertaken at a time when it is estimated that maximum flow rate is occurring from the outlet and must include sampling during drainage of ponds contents at least twice.

(B27) Samples of intake water quality and release quality must be taken at the discharge and intake points on the same day.

(B28) Monitoring the quality of water drawn into the prawn farm must be limited to samples taken on the incoming tide at a time within two hours of local high water when the intake pumps are operating.

(B29) The holder of this environmental authority is responsible for the making of determinations of the quality of the contaminants released at the release point described in B7, for the quality characteristics in Schedule B Table 2, at the sample point SW2 described in Condition B25, and at the frequency specified in Schedule B Table 3.

**SCHEDULE B TABLE 3 – SAMPLE METHOD, MONITORING POINT AND FREQUENCY FOR RELEASE**

| QUALITY CHARACTERISTIC DETERMINATION | SAMPLING METHOD | SAMPLE AND MONITORING POINTS | FREQUENCY |
|---|---|---|---|
| Suspended Solids (mg/L) | Grab Sample | SW2 | In the first and third week of each month whilst discharging. |
| pH (pH units) | In flow sample | SW2 | Weekly whilst discharging. |
| Free Chlorine Residual (mg/L) | Grab Sample | SW2 | Applies only if chlorine is used. Daily, whilst discharging chlorinated wastewaters. |
| Dissolved Oxygen (mg/L) | Inflow sample | SW2 | Weekly whilst discharging. |
| Total Nitrogen as N, derived from the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen (mg/L) | Grab Sample | SW2 | In the first and third week of each month whilst discharging. |
| Total Phosphorus as P (mg/L) | Grab Sample | SW2 | In the first and third week of each month whilst discharging. |

THE PLANNING AND ENVIRONMENT COURT

(B30) The holder of this environmental authority is responsible for the making of determinations of the quality of the waters drawn into the prawn farm at the intake sampling point SW1 described in condition B25 for the quality characteristics in Schedule B Table 4. In relation to suspended solids, total nitrogen and total phosphorus, this condition applies subject to condition B33.

**SCHEDULE B TABLE 4 - QUALITY CHARACTERISTICS FOR INTAKE**

| QUALITY CHARACTERISTICS | SAMPLING METHOD | INTAKE MONITORING POINT NUMBER | FREQUENCY |
|---|---|---|---|
| pH (pH Units) | In flow sample | SW1 | Weekly whilst discharging |
| Dissolved Oxygen (mg/L) | In flow sample | SW1 | Weekly whilst discharging |
| Suspended Solids (mg/L) | Grab sample | SW1 | In the first and third week of each month whilst in taking |
| Total Nitrogen (mg/L) | Grab sample | SW1 | In the first and third week of each month whilst in taking |
| Total Phosphorus (mg/L) | Grab sample | SW1 | In the first week and third of each month whilst in taking |

**Calculation of Loads of Total Nitrogen, Total Phosphorus and Total Suspended Solids Released**

(B31) The daily net load (in kilograms) of the contaminants suspended solids, total nitrogen and total phosphorus released to waters per day shall be determined or calculated and records kept of such determinations or calculations.

(B32) The net kilograms of contaminant released each day shall be calculated for each day according to the following formula:

Daily Net Load (kg) = (Dis. Conc. – Intake Conc.) X Dis. Vol

where:

Dis. Conc. = discharge waste water contaminant concentration (in mg/L) measured that day or on the most recent sampling occasion if not measured that day
Intake Conc. = corresponding long term median ambient intake water concentration tabulated hereunder. If the holder elects to monitor inlet water quality in accordance with the option in Condition B30, "intake conc." is the contaminant concentration (in mg/L) measured that day or on the most recent sampling occasion if not measured that day.
Dis. Vol. = the volume (in megalitres) of wastewater discharged that day.

(B33) The data to be used in calculating net loads of total nitrogen, total phosphorus and suspended solids is the corresponding median result listed in Table 5 below from long term ambient water quality monitoring conducted at Environmental Protection Agency site "LOG-7.8" in the Logan River near the facility unless the holder:

(a) in accordance with the conditions of this authority, elects to determine and keep records of suspended solids, total nitrogen and total phosphorus in inlet waters. If the holder operates under this option, the holder must advise the administering authority of this election in writing and carry out monitoring of all quality characteristics in Schedule B Table 4. or;

(b) carries out a long term monitoring program over at least two years to determine representative quality of waters in the main channel of the Logan River opposite the farm, in accordance with the Australian & New Zealand Environment & Conservation Council's "Australian Water Quality Guidelines for Fresh and Marine Waters", December 2000 to incorporate an amendment of the relevant values specified in this environmental authority and such amendment is made.

THE PLANNING AND ENVIRONMENT COURT

## SCHEDULE B TABLE 5 – LOGAN RIVER LONG TERM AMBEINT WATER QUALITY MONITORING RESULTS

| QUALITY CHARACTERSTIC | INTAKE WATER CONCENTRATION* (mg/L) |
|---|---|
| Suspended Solids | 9 |
| Total Nitrogen | 0.37 |
| Total Phosphorus | 0.09 |

* As calculated from long-term median results obtained from EPA ambient water quality monitoring conducted at Environmental Protection Agency site "LOG-4.8" in the Logan River near the facility

(B34) From the calculations of daily loads, calculations must be made and records kept of the following for suspended solids, total nitrogen and total phosphorus:

(a) average of daily net loads released over the annual prawn growing season;
(b) total of daily net loads released per month;
(c) total of daily net loads released over the annual prawn growing season.

(B35) Records must be kept of all data used to calculate mass loads, including volumes of wastewater released, dates releases occur, discharge water quality and intake water quality.

### Receiving Environment Monitoring Program

(B36) The holder must implement a Receiving Environment Monitoring Program (REMP) to gauge the extent of the initial mixing zone and monitor the effects of the release of contaminants on the "receiving environment" to effectively determine whether environmental values potentially affected by the contaminant releases are being protected. These values are protection of a modified aquatic ecosystem and primary industries (protection of cultured fish, molluscs and crustaceans).

"Receiving environment" for the purpose of the Receiving Environment Monitoring Program means the Logan River opposite and in the vicinity where contaminant releases occur.

For the purposes of this condition, environmental values are considered to be harmed and not protected if the water quality guidelines for the indicators for environmental values prescribed in the Environmental Protection (Water) Policy 1997 are not being met, including any water quality objectives adopted pursuant to Section 12 of that Policy.

(B37) The REMP must include monitoring of:

(a) Total nitrogen; total phosphorus; chlorophyll 'a', dissolved oxygen, temperature, water clarity and salinity (at one site opposite the release point in receiving waters fortnightly during the grow out season and two weeks following cessation of discharge); and
(b) An annual survey of an appropriate bio-indicator such as one mentioned in the Aquaculture CRC Limited Final Scientific Report on "Project E1: Pond and Effluent Management" to monitor the approximate extent of potential adverse effects the release.

(B38) For the purposes of ensuring usefulness and comparison with other waterway results, sampling protocols such as position in river, depth and state of tide must comply with those followed in Regional programs that monitor southeast Queensland waterways.

PLANNING AND ENVIRONMENT COURT

(B39) All determinations of the quality of waters under the REMP must be made in accordance with methods prescribed in the Environmental Protection Agency's Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent editions or supplements to that document as such become available.

(B40) All determinations of the quality of waters and bio-indicators must be performed by a person or body possessing appropriate experience and qualifications to perform the required determinations.

(B41) Records must be kept of the results of all determinations and monitoring carried out under the REMP for a period of at least 5 years.

(B42) At twelve (12) monthly intervals from the date of commencement of the REMP, the holder carrying out an equivalent study or an alternative study must report to the administering authority the data and findings of the receiving environment monitoring program carried out.

(B43) The report on the receiving environment monitoring program (REMP) must address at least the following:

(i) a detailed description of the methodology used in the REMP; and
(ii) a detailed description and analysis of the results of the REMP; and
(iii) an assessment of the quality of waters monitored and whether relevant environmental indicator values are complied with or exceeded; and
(iv) an assessment of the estimated spatial impact of contaminant release upon the receiving environment based upon monitoring of bio-indicators; and
(v) a summary of recommendations that can be drawn from the findings of the REMP with respect to the prevention or minimisation of the impacts of the contaminant releases on the receiving environment.

(B44) To remove any doubt, it is declared that the holder may use the results of ambient water quality monitoring for the purposes of calculating inlet water quality under this schedule and in calculating discharge limits for total nitrogen and total phosphorus under Schedule B Table 3. Samples taken from inlet works not complying with the REMP monitoring protocols are not equivalent for REMP monitoring.

**Involvement in Regional Monitoring Studies**

(B45) As an alternative to carrying out the Receiving Environment Monitoring Program specified in this schedule, the holder may become and remain a "participating member" in the following regional water quality and ecosystem health monitoring studies, or any equivalent program:

(i) the Southeast Queensland Regional Water Quality Management Strategy; and
(ii) the Ecosystem Health Monitoring Program.

(B46) The holder is deemed by the administering authority to be a "participating member" in regional studies in the following situations:

(a) The holder is a 'contributing member', to the regional studies of water quality and ecosystem health; and
(b) The holder is identified as a 'contributing member' in a written statement to the administering authority from the authority carrying out the regional studies; and
(c) the holder continues to be a 'contributing member', of such regional studies.

"Contributing member" means that the holder contributes towards the reasonable cost of environmental monitoring studies undertaken relevant to potential impacts of the environmentally relevant activities whereby the amount is agreed to between the holder and the authority carrying out the regional studies and the formula used in determining reasonable cost takes into account the number of grow out ponds stocked and whether or not the farms fully recycle effluent throughout the grow out season.

END OF CONDITIONS FOR SCHEDULE B

THE PLANNING AND ENVIRONMENT COURT

## Schedule C - Air

### Dust Control

(C1) In the event of a complaint about an environmental nuisance caused by release of dust beyond the boundaries of the licensed place, the holder must install and operate dust minimisation systems to the extent that any environmental nuisance is prevented e.g. water sprays, vehicle adherence to restricted speed limits.

(C2) Notwithstanding any other condition of this environmental authority, no release of contaminants from the licensed place is to cause a noxious or offensive odour beyond the boundaries of the licensed place at any odour sensitive place.

END OF CONDITIONS FOR SCHEDULE C

## Schedule D – Stormwater Management

### Spillage Control

(D1) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any external storm water drainage system, roadside gutter or waters.

### Storage of Chemicals and Fuels

(D2) Any liquids stored on site that may cause environmental harm, including all chemicals, and fuels must be stored in an effective on-site containment system (including base and walls) that is impervious to the materials stored and sized to contain at least:

- 110% of the tank's volume if a single tank storage;
- 100% of the largest storage tank plus 10% of the second largest tank if a multiple tank storage; or
- at least 25% of the maximum design storage volume if a drum storage.

(D3) All containment systems must be roofed where practicable.

(D4) Where it is impractical to completely roof a containment system area the holder of this development approval must ensure that any storm water captured within the bund is free from contaminants or wastes prior to any release.

(D5) All un-washed empty drums must be stored on a concrete hardstand area with their closures in place.

(D6) Washing, degreasing, servicing or other maintenance of vehicles, plant, or other equipment must not occur on the licensed place in any area where resulting contaminants will or may be released to any external storm water drain, land or waters.

### Contaminant Releases Caused by Rainfall

(D7) Diversion drains, appropriate grades or equivalent must be installed to ensure surface waters from disturbed areas, including operational or trafficable areas and pond walls, are diverted to either the wastewater treatment system or grow out ponds.

(D8) Drainage through and from all trafficable areas and production activities must be designed to minimise surface flow velocities.

ENVIRONMENT COURT

**Pond Sludge Conditioning Areas**

(D9) Diversion drains, appropriate grades or equivalent must be installed to ensure that runoff from pond sludge conditioning areas, areas containing pond sludge (including areas where pond sludge has been used as fill), and any leachate derived from these areas must be diverted to either grow out ponds or the wastewater treatment system.

**Acid Sulfate Soil Management**

(D10) At least twenty-eight days prior to the commencement of disturbing, extracting or unearthing or drain maintenance of any soils below 5 metres AHD, an Acid Sulfate Soil Investigation must be completed and an Acid Sulfate Soil Investigation Report on this investigation provided to the administering authority.

(D11) The Acid Sulfate Soil Investigation report must provide information relating to the extent of any acid sulfate soils potentially affected or disturbed by the activities, any if any such soils are detected, the proposed management procedures, which must provides for the effective and appropriate environmental management of the Acid Sulfate Soils.

(D12) Acid sulfate soil investigations and tests are to be carried out in the manner prescribed in the "Instructions for the Treatment and Management of Acid Sulfate Soils 2001".

(D13) The management of the acid sulfate soils must:

(i) comply with "Instructions for the Treatment and Management of Acid Sulfate Soils 2001"; and
(ii) be such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

(D14) Records must be kept of the results of all testing of acid sulfate material for at least the following details:
(i) date soil sample collected;
(ii) location of soil sample;
(iii) laboratory where soil sample analysis undertaken; and
(iv) results of soil sample analysis.

(D15) Receiving waters must not be used as a neutralisation agent for the treatment of acid sulfate soils or low pH waters.

**Stockpiles**

(D16) Stockpiling of treated and untreated acid sulfate materials must be carried out in such a manner that:
(i) minimises the surface area of materials exposed to oxidation;
(ii) provides for a system of suitable diversion drains or embankments to divert surface waters away from the stockpiles;
(iii) the base of treatment and stockpile areas are limed before materials are stockpiled and is sufficiently impervious to minimise release of contaminants to groundwater;
(iv) ensures that any leachate and/or storm water runoff which has been in contact with acid sulfate materials or contaminants is collected and not released to any storm water drain or waters (including groundwater), for example effective and appropriate bunding; and
(v) stockpiles must not be located on top of marine plants and/or native vegetation.

(D17) Any acid sulfate soils likely to be exposed by lowering of the groundwater table must be isolated from storm water and any leachate from these soils treated as necessary to adjust the pH to be within a range of 6.5 to 9.

THE PLANNING AND ENVIRONMENT COURT

### Erosion Protection Measures and Sediment Controls

(D18) Prior to any site clearing or construction, erosion protection measures and sediment controls must be installed and thence maintained to effectively minimise any likelihood of erosion and release of sediments from the premises during all site clearing, construction and operation. Procedures must be implemented to check and, if necessary, repair or replace the erosion control and sediment control structures after each rain event likely to adversely affect the efficiency of those structures.

(D19) The erosion control and sediment control structures must operate to prevent any material loss of sediment from the premises to any storm water drain, roadside gutter or waters and limit quality of storm water runoff to less than 50 mg/L suspended solids.

END OF CONDITIONS FOR SCHEDULE D

## Schedule E - Noise

### Emission of Noise

(E1) In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the licensed place must not result in levels greater than those specified in Table 1 of the Noise Schedule.

**SCHEDULE E TABLE 1**

| **NOISE LIMITS AT A NOISE SENSITIVE PLACE** | |
|---|---|
| ***Period*** | ***Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 5 dB(A) |
| 6 pm - 10 pm | Background noise level plus 5 dB(A) |
| 10 pm - 7 am | Background noise level plus 3 dB(A) |
| **NOISE LIMITS AT A COMMERCIAL PLACE** | |
| ***Period*** | ***Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 10 dB(A) |
| 6 pm - 10 pm | Background noise level plus 10 dB(A) |
| 10 pm - 7 am | Background noise level plus 8 dB(A) |

(E2) The use of noise generating equipment such as scare guns or firearms must not cause unreasonable intrusive noise at any noise sensitive or commercial place.

THE PLANNING AND ENVIRONMENT COURT ACT 2016
QUEENSLAND

### Noise Monitoring

(E3) For the purposes of checking compliance with Condition E1 and for investigation of any complaint of unreasonable intrusive noise, monitoring and recording of the noise levels from the activities must be undertaken for the following descriptors, characteristics and conditions:

(i) $L_{Amax, Adj\ T}$;
(ii) $L_{Abg, T}$ or $L_{A90, T}$;
(iii) $L_{AN, T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99);
(iv) Max $L_{pA\ T}$;
(v) $L_{Aeq, T}$;
(vi) The level and frequency of occurrence of impulsive or tonal noise;
(vii) Atmospheric conditions including temperature, relative humidity and wind speed and direction; and
(viii) Effects due to extraneous factors such as traffic noise.

(E4) In the event of a complaint about noise that constitutes unreasonable intrusive noise being made to the administering authority that the administering authority considers is not frivolous or vexatious, the holder of this environmental authority must undertake monitoring to investigate such a complaint upon written request from the administering authority.

(E5) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, Third Edition, 1 March 2000, or more recent editions or supplements to that document as become available.

(E6) 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.

END OF CONDITIONS FOR SCHEDULE E

## Schedule F – Waste Management

### General

(F1) The holder of this environmental authority must not:

(i) burn waste at or on the licensed place; nor
(ii) allow waste to burn or be burnt at or on the licensed place; nor
(iii) remove waste from the licensed place and burn such waste elsewhere.

(F2) Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this environmental authority.

### Release of Contaminants to Land

(F3) There must be no release nor likelihood of release of any contaminants to land in a manner that may cause environmental harm or contribute to contamination of such land.

### Disease Management

(F4) Disposal of any diseased organisms or water which has come into contact with diseased organisms must only be undertaken with the prior agreement of the Administering Authority.

THE PLANNING AND ENVIRONMENT COURT
BRISBANE

(F5) Where diseased organisms and affected pond water requires disposal, the holder of this environmental authority must monitor and keep records of the following:
(i) the date of burial on the premises or transport off the premises of the diseased organisms;
(ii) description of the type of diseased organisms;
(iii) quantity of the diseased organisms;
(iv) name of any waste transporter and/or disposal operator that removed diseased organisms; and
(v) the intended treatment/disposal destination of the diseased organisms.

**Records of On Site Disposal**

(F6) The holder of this environmental authority must keep and maintain permanent records for all waste including aquaculture pond sludge disposed of on the premises. The records must include the following information:

(a) date of disposal of the material;
(b) description of the material;
(c) quantity of the material;
(d) the location where the material is disposed; and
(e) the method used to dispose the material.

**Records of Off Site Movement**

(F7) The holder of this environmental authority must keep and maintain permanent records for every load of regulated waste and aquaculture pond sludge transported off the premises. The records must include the following information:

(a) date of transport;
(b) description of waste;
(c) quantity of waste;
(d) destination of any aquaculture pond sludge, including the owner of the property/land on which the sludge is disposed; and
(e) the purpose or proposed use of the sludge.

END OF CONDITIONS FOR SCHEDULE F

## Schedule G –Self Monitoring and Reporting

**Record Keeping**

(G1) Any record or document required to be kept by a condition of this environmental authority must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. Excluding any environmental monitoring results, 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.

(G2) Copies of any record or document required to be kept by a condition of this environmental authority must be provided to any authorised person or the administering authority on request. Where the administering authority requires this data to be provided in a specified format, for example, a designated spreadsheet and charts, then the data must be provided in that format.

THE PLANNING AND ENVIRONMENT COURT

**Report Submission**

(G3) The holder of this environmental authority must ensure that the results of all monitoring performed in accordance with this environmental authority are submitted with the initial Annual Return. Each subsequent Annual Return must include details of the results of monitoring performed during the 12 months preceding that Annual Return.

**Complaint Recording**

(G4) All complaints received by the holder of this environmental authority relating to operations at the licensed place must be recorded in a log book 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.

**Notification of Emergencies and Incidents**

(G5) 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 environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone or facsimile.

(G6) The notification of emergencies or incidents as required by Condition G5 must include but not be limited to the following:

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

NOTE: Any relevant notification given under Section 320 or Section 350 of the Act that contains the information specified in Condition G6 is also notification under Condition G5.

(G7) Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with Condition G6 in addition to:

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

THE PLANNING AND ENVIRONMENT COURT BRISBANE

**Exception Reporting**

(G8) The holder of this environmental authority must notify the administering authority within twenty-eight (28) days of completion of analysis of any result of a monitoring program required by a condition of this environmental authority which indicates an exceedance of any limit specified in this environmental authority.

(G9) The written notification required by Condition G8 above must include:

(i) the full analysis results;
(ii) details of investigation or corrective actions taken; and
(iii) any subsequent analysis.

NOTE: Any relevant notification given under Section 320 or Section 350 of the Act that contains the information specified in Condition G9 is also notification under Condition G8.

(G10) The holder of this environmental authority must ensure that the results of all monitoring performed in accordance with this environmental authority for the period covered by the return are submitted with the Annual Return.

END OF CONDITIONS FOR SCHEDULE G

THE PLANNING AND ENVIRONMENT COURT
BRISBANE

## Schedule H – Definitions

For the purposes of this environmental authority the following definitions apply:

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

(H2) "**administering authority**" means the Environmental Protection Agency or its successor.

(H3) "**AHD**" means Australian Height Datum, which has been adopted by the National Mapping Council as the datum to which all vertical control for mapping is to be referenced.

(H4) "**aquaculture sludge**" means the solids or sludges which accumulate or deposit on the bottom of a pond as a result of propagation of prawns.

(H5) "**land**" means land excluding waters and the atmosphere.

(H6) "**composite sample**" means a sample consisting of equal volumes of individual samples collected under the conditions specified in the licence which are sent to the laboratory for analysis as one sample.

(H7) "**disease**" means a disease or notifiable event that is listed on a Declared Disease List prepared by the Department of Primary Industries under the *Fisheries Act 1994.*

(H8) "**in flow sample**" means an instantaneous readout from an electronic probe immersed in the flow of liquid, at a location that is representative of the characteristics of the flow.

(H9) "**grab sample**" means a single instantaneous sample which is collected in a manner that ensures that it is a representative sample.

(H10) "**mg/L**" means milligrams per litre.

(H11) "**maximum**" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(H12) "**minimum**" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(H13) "**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.

(H14) "**The holder**" means the holder of this environmental authority.

(H15) "**Total Nitrogen**" means the sum of Organic Nitrogen, Ammonia, Nitrite plus Nitrate, as mg/L of Nitrogen.

(H16) "**Total Phosphorus**" means the sum of the reactive phosphorus, acid-hydrolysable phosphorus and organic phosphorus, as mg/L of Phosphorus. This includes both the inorganic and organic fraction of phosphorus.

THE PLANNING AND ENVIRONMENT COURT
BRISBANE

(H17) "**Average of daily net loads released over the prawn growing season**" means the arithmetic average of the daily net loads of total nitrogen released per day, where the daily net loads are calculated in accordance with the load calculation conditions of schedule H and the averaging period commences on the first day on which grow out pond waste water is released and continues until the last day of the growing season on which waste water is released, for example, drainage of the last grow out pond holding water. In addition, the growing season for the purpose of this calculation commences no earlier than 1 November each year and continues until no later than 14 June the following calendar year.

(H18) "**Total of daily net loads released over the prawn growing season**" means the sum of the daily net loads of total nitrogen released per day, where the daily net loads are calculated in accordance with the load calculation conditions of schedule H commencing from the first day on which grow out pond waste water is released and continuing until the last day on which waste water is released, for example, drainage of the last grow out pond holding water.

(H19) "**Development Condition**" has the meaning given the term in the *Environmental Protection Act 1994*.

(H20) "**Average over prawn growing season**" means the arithmetic average of water quality results obtained for monitoring of the quality characteristic, where the monitoring is undertaken at approximately equal time intervals, for example fortnightly, and the averaging period commences on the first day on which grow out pond waste water is released and continues until the last day of the growing season on which waste water is released, for example, drainage of the last grow out pond holding water.

(H21) "**Environmental Code of Practice for Australian Prawn Farmers**" means the "Environmental Code of Practice for Australian Prawn Farmers, September 2001" produced by the Australian Prawn Farmers Association or more recent editions or supplements to that document as such become available.

(H22) "**growout pond**" means a pond, tank, enclosure or other container for the feeding and growing of aquaculture species.

(H23) **"waters"** includes the bed and/or banks of any water(s), storm water runoff and any part of a river, stream, lake, lagoon, pond, dam, swamp, wetland, unconfined surface water, underground water, unconfined water, natural or artificial watercourse, non tidal or tidal waters (including the sea), storm water channel, storm water drain, roadside gutter.

(H24) "**watercourse**" includes land on which rainwater or storm water runoff concentrates and land on or over which rainwater or storm water runoff usually or occasionally flows in concentration in a defined channel, whether:

(a) a natural channel;
(b) a natural channel artificially improved; or
(c) an artificial channel that has changed the course of a natural channel

The term does not include a closed conduit conveying storm water.

**Acid Sulphate Soils definitions**

(H25) "**acid sulphate soil**" means a soil, sand, mud or clay containing significant levels of pyrite (iron sulphide), which on exposure to oxidising conditions has resulted in or has the capacity to result in the generation of sulphuric acid in quantities greater than the inherent buffer capacity of the soil.

(H26) "**soil**" means sand, silt, mud, clay, or gravel material and for the purposes of this licence does not include aquaculture pond sludge.

THE PLANNING AND ENVIRONMENT COURT

(H27) "**Instructions for the Treatment and Management of Acid Sulfate Soils 2001**" means the document "Instructions for the Treatment and Management of Acid Sulfate Soils 2001", produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries, or more recent additions or supplements to that document as such become available

**Noise Definitions**

(H28) "$L_{Amax\ adj,\ T}$" 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.

(H29) "**background noise level**" means either:

$L_{A90,\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period 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.

(H30) "**Max**$L_{pA\ T}$" means the absolute maximum instantaneous A-weighted sound pressure level measured over a time period of not less than 15 minutes, using Fast response.

(H31) "**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 park or gardens.

(H32) **"intrusive noise"** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

(a) is clearly audible to, or can be felt by, an individual; and
(b) annoys the individual.

In determining whether a noise annoys an individual, regard must be had to *Australian Standard 1055.2 - 1989 Acoustics - Description and Measurement of Environmental Noise Part 2 Application to Specific Situations.*

(H33) "**commercial place**" means a place used as an office or for business or commercial purposes.

(H34) "**protected area**" means -

(a) a protected area under the Nature Conservation Act 1992; or
(b) a marine park under the Marine Parks Act 1982; or
(c) a World Heritage Area.

**Odour definitions**

(H35) "**noxious**" means harmful or injurious to health or physical well-being.

(H36) "**offensive**" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

(H37) **"odour sensitive place"** means -

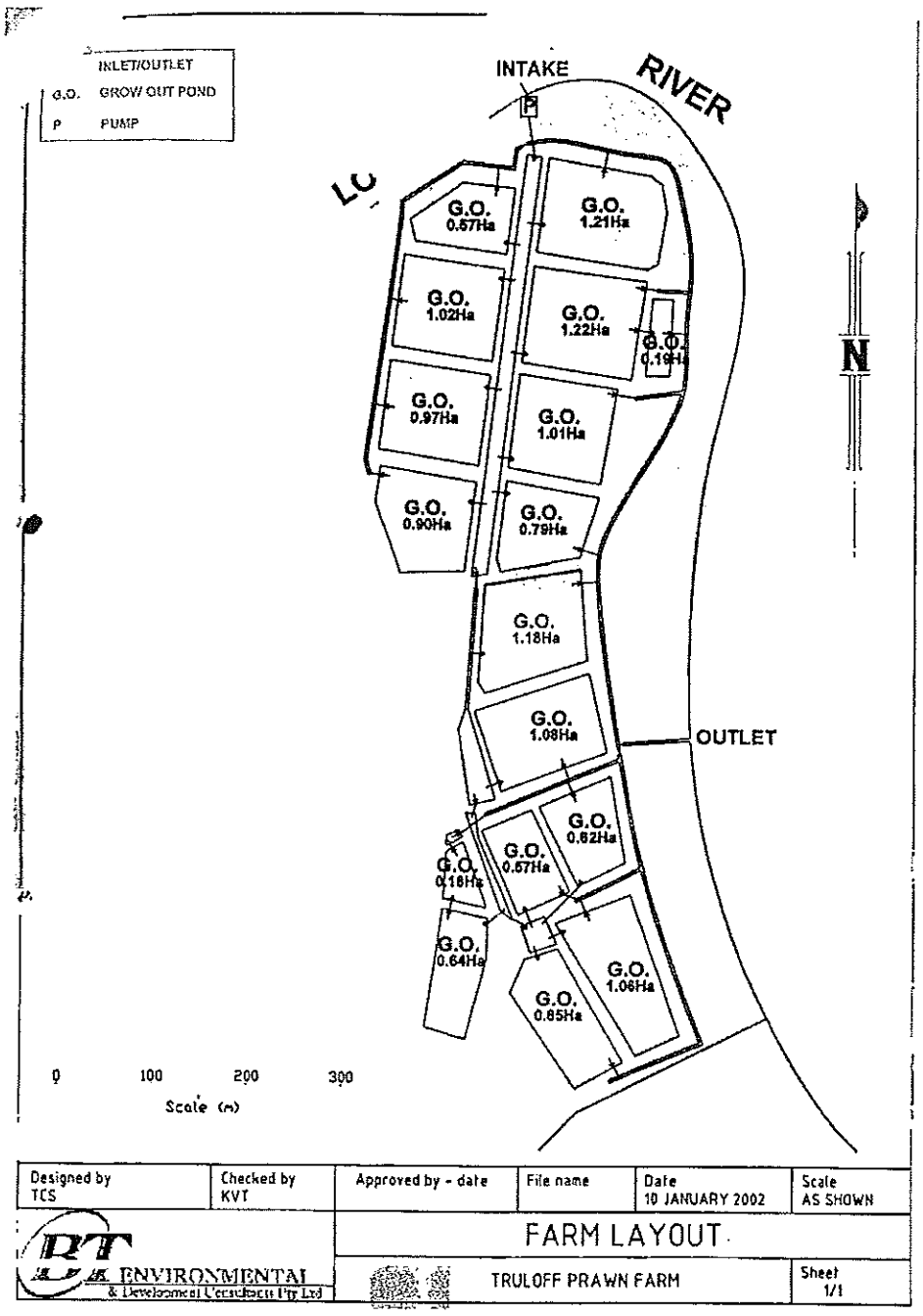
- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

END OF CONDITIONS FOR SCHEDULE H

## Schedule I – Site Layout Plan

**"Site Layout of existing prawn farm ponds and processing sheds," Lot 4 Faciles Road Alberton QLD"**




**END OF Licence Without Development Approval (Section 93) Part 1**

**END OF INTEGRATED AUTHORITY**