CN5916.2

Integrated Planning Act 1997

IDAS C-6 Concurrence Agency Response (Amended)

Sections 3.3.16 & 3.3.18

Assessment Manager:	Johnstone Shire Council
Application No:	FN0019DA
Applicant Name:	LA Nucifora
Applicant Address:	PO Box 120 INNISFAIL QLD 4860
Date Received by EPA:	11 June 1999
Jurisdiction:	Environmental Protection Act 1994 Environmentally Relevant Activity
Role:	Concurrence (Amended)
Property Description:	Newman Road Lot 310, Plan NR6952 Parish of Mourylian, County of Nares **located at:** Newman Road MORESBY QLD 4860
Approval Type:	Development Approval

DESPATCHED
N.Wells.
25 JUN 2003
RL 27044981 - La Nucifora
RL 27044982 - JSC.
Reg Mail No:

1. TYPE OF DEVELOPMENT

- ☐ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ☒ a material change in the intensity or scale of the use of the premises; or
- ☐ 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.

2. TYPE OF ERA(S)

The development application relates to the following environmentally relevant activities (ERA(s)):

- ERA 1(d) Aquaculture - 10 Hectares or more but < 20 Hectares, wastes released

DESPATCHED

3. 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.

The concurrence agency response is that:

☒ conditions must attach to any development approval

☐ any approval must be for part only of the development

☐ any approval must be a preliminary approval only

☐ there are no concurrence agency requirements

☐ the application must be refused

4. CONDITION(S)

The following concurrence agency condition(s) are to be attached to any development approval:

SCHEDULE A - GENERAL CONDITIONS

Access to Copy of Development approval

(A1) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

Alterations

(A2) 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.

Monitoring and Measurements

(A3) All determinations of the quality of contaminants released to the environment and all measurement and reporting of noise levels that are required by this development approval must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

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

Areas of Production and Associated Treatment Ponds

(A5) This development approval applies only to the operation and maintenance of:

(a) Prawn and barramundi production ponds having a combined total area of not more than twelve (12) hectares;

(b) An on farm waste water retention and treatment system of at least two point eight (2.8) hectares surface area, capable of achieving a minimum retention time for all effluent of at least of three (3) days, designed to remove contaminants from waters released from the prawn production ponds.

Chemical Use

(A6) Chemicals must be used in accordance with manufacturers requirements and are limited to those approved by the National Registration Authority, prescribed by a veterinarian or which have been declared "Exempt from Registration" and their use shall be in accordance with the label's requirements for aquaculture.

END OF CONDITIONS FOR SCHEDULE A

SCHEDULE B - AIR

Odour Generation

(B1) In the event of a complaint being made about noxious or offensive odour generated on the approved place, measures must be taken, as soon as practicable after the complaint is received, to minimise the release of the odour beyond the boundaries of the approved place.

END OF CONDITIONS FOR SCHEDULE B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) Contaminants that may cause environmental harm must not be directly or indirectly released from any source at the aquaculture facility to any waters at any location other than the contaminants and sources at the locations listed below:

Release Point W1 - Aquaculture wastewater released from the discharge point to waters described as Little Moresby Creek

Quantity of Contaminants Released

(C2) The total quantity of contaminants released from Release Point (W1) during any tide must not exceed the following limits:

For tidal ranges of less than 0.50 metre:
Maximum discharge rate (m3/tide) = 1600* Ebb tidal range (m)

For tidal ranges greater than 0.50 metre:
Maximum discharge rate (m3/tide)= 2250* Ebb tidal range (m)

(C3) The net load of contaminants, (averaged out over the growing season,) released from Release Point (W1) must not exceed the limits specified in Schedule C - Table 1 below

Schedule C - Table 1

Maximum daily load (kg/ha/day)		
Total Suspended Solids	**Total Nitrogen**	**Total Phosphorus**
12	0.48	0.06

Quality Characteristics of Release to Waters

(C4) The release of contaminants to waters must comply, at the sampling and in situ monitoring point/s specified in Schedule H, with each of the limits specified in Schedule C - Table 2 for each quality characteristic.

Schedule C - Table 2

Release Quality Characteristic Limits

QUALITY CHARACTERISTICS	RELEASE POINT NUMBER	RELEASE LIMIT	LIMIT TYPE
Dissolved Oxygen (mg/l)	W1	75% saturation	Minimum
Suspended Solids (mg/l)	W1	20mg/l 100mg/l	Mean Maximum
pH (pH Units)	W1	6.5-8.5	Range
Total Nitrogen (mg/l)	W1	0.8mg/l 3.0mg/l	Mean Maximum
Total Phosphorus as P (mg/l)	W1	0.1mg/l 0.3mg/l	Mean Maximum

Times of Release

(C6) The release of contaminants to waters must only occur from one quarter (1/4) hour after local high water until one (1) hours before local low water.

Receiving waters

(C7) The release of contaminants to waters must comply, at the impacted sampling site specified in Schedule H, with each of the limits specified in Schedule C - Table 3 for each quality characteristic

Schedule C - Table 3

Release Quality Characteristic Limits

QUALITY CHARACTERISTICS	SAMPLING POINT NUMBER	RELEASE LIMIT	LIMIT TYPE
Suspended Solids (mg/l)	Impacted Site[1] (I1)	Background[2] plus 10%	Maximum
Total Nitrogen (mg/l)	Impacted Site[1] (I1)	Background[2] plus 10%	Maximum
Total Phosphorus as P (mg/l)	Impacted Site[1] (I1)	Background[2] plus 10%	Maximum

[1] The impacted water quality sampling must be carried out on the ebb tide within thirty (30) minutes (on the same day) as the discharge water quality sample and the background water quality sample , at Impacted point I1 defined as a point 500 metres downstream of the discharge.

[2] Background water quality sampling must be carried out on the ebb tide within thirty(30) minutes (on the same day) as the discharge water quality sample, at Background point B1 defined as a point 500 metres upstream of the discharge.

END OF CONDITIONS FOR SCHEDULE C

SCHEDULE D - STORMWATER MANAGEMENT

Bunding

(D1) All chemical and petroleum product storage tanks must be bunded so that the capacity of the bund is sufficient to contain at least 100 % of the largest storage tank plus 10% of the second largest tank within the bund.

(D2) All chemical and petroleum product drum storages must be bunded so that the capacity of the bund is sufficient to contain at least 25% of the maximum design storage volume within the bund.

(D3) All required pipework from any bunded areas on the licensed place for purposes of condition numbers (D1) and (D2), must be directed over the bund wall and not through it.

END OF CONDITIONS FOR SCHEDULE D

SCHEDULE E - LAND APPLICATION

(E1) Nil conditions.

END OF CONDITIONS FOR SCHEDULE E

SCHEDULE F - NOISE

Emission of Noise

(F1) In the event of a complaint about noise that the administering authority considers is reasonable, then the emission of noise from the activity must not result in levels greater than those specified in Table 1 of the Noise Schedule until the circumstances which gave rise to the complaint are resolved.

Schedule F - Table 1

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

END OF CONDITIONS OF SCHEDULE F

SCHEDULE G - WASTE MANAGEMENT

Pond Sediment

(G1) Pond sediment removed from the production or settlement ponds must be stored and/or disposed of in a manner which does not cause the release of contaminants to any waters or stormwater drain.

Off Site Movement

(G2) Where regulated waste is removed from the premises (other than by a release as permitted under another schedule of this development approval), the holder of this development approval must monitor and keep records of the following:

(a) the date, quantity and type of waste removed; and

(b) name of the waste transporter and/or disposal operator that removed the waste; and

(c) the intended treatment/disposal destination of the waste.

Disease Management

(G3) The holder of this development approval shall notify the administering authority of any disease outbreak requiring treatment and/or drainage of pond and/or tank contents.

(G4) The holder of this development approval must seek the written approval of the administering authority prior to disposing of any diseased organisms, or water which has come into contact with diseased organisms.

(G5) Where diseased organisms and/or affected water requires disposal it must be monitored and the following records kept:

(a) the date, quantity and type of waste disposed of; and

(b) name of the waste transporter and/or disposal operator that removed the waste; and

(c) the intended treatment/disposal destination of the waste.

END OF CONDITIONS FOR SCHEDULE G

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

(H1) All complaints received by the holder of this development approval relating to releases of contaminants from operations at the premises must be recorded and kept with the following details:

(a) time, date and nature of complaint;

(b) type of communication (telephone, letter, personal etc.);

(c) 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);

(d) response and investigation undertaken as a result of the complaint;

(e) name of person responsible for investigating complaint; and

(f) action taken as a result of the complaint investigation and signature of responsible person.

Monitoring of Contaminant Releases to Waters

(H2) The holder of this development approval is responsible for the making of determinations and keeping of records of the quality of the contaminants released for the release points, quality characteristics, and at the frequency specified in Schedule H - Table 1.

Schedule H - Table 1

Required Release Point Determinations

DETERMINATION REQUIRED	RELEASE POINT NUMBERS	FREQUENCY
Dissolved Oxygen	W1	Daily when a discharge is occurring
pH	W1	Daily when a discharge is occurring.
pH	W1, B1, I1	Initial sampling frequency[1];and after three (3) years the subsequent sampling frequency[2]
Dissolved Oxygen	W1,B1, I1	Initial sampling frequency[1];and after three (3) years the subsequent sampling frequency[2]
Suspended Solids	W1,B1, I1	Initial sampling frequency[1];and after three (3) years the subsequent sampling frequency[2]
Total Nitrogen	W1,B1, I1	Initial sampling frequency[1];and after three (3) years the subsequent sampling frequency[2]
Total Phosphorus	W1,B1, I1	Initial sampling frequency[1];and after three (3) years the subsequent sampling frequency[2]

[1] **initial sampling frequency**

Within 0- 3 years of commencement of operation – Monthly (for those months when a discharge is occurring) or every 200ML, whichever is more frequent, with a minimum of six (6) samples per growing season. One sample must be taken during the later stages of drain harvest.

[2] **subsequent sampling frequency**

After three (3) years of commencement of operation - once every two (2) months (for those months when a discharge is occurring) or every 200ML, whichever is more frequent, with a minimum of six (6) samples per year. One (1) sample must be taken during the later stages of drain harvest.

(H3) In the event of an exceedance of a release limit specified in Schedule C - Table 2 or Schedule C - Table 3, the monitoring frequency will return to the initial sampling frequency specified in Schedule H - Table 1 for a period determined by the Administering Authority.

Sampling and Monitoring Point Details

(H4) Determinations of the quality of contaminants released to waters to check conformity with the release quality characteristics specified in the Water Schedule of this development approval must be undertaken at the sampling and in situ monitoring point(s) described as:

(a) Release Point W1 - Final discharge point for release of effluent to little Moresby Creek

(b) Background point B1 - 500 metres upstream of the discharge

(c) Impacted Point I1 - 500 metres downstream of the discharge

(H5) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Environmental Protection Agency Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent additions or supplements to that document as such become available.

Monitoring of Volume of Release

(H6) The tidal range must be measured for each tide on which contaminants will be released using a properly calibrated tidal board.

(H7) The maximum allowable release quantity must be determined based on the formula in condition number (C2) and measured tidal range.

(H8) The daily quantity of contaminants released must be determined by a suitable device with an accuracy of ± 2.5% of the actual amount released.

(H9) Records must be kept of the results of all determinations of the daily quantity of contaminants released to waters.

Environmental Impact Monitoring Program

(H10) Not more than two (2) calendar months after the date of issue of this development approval, he holder of the development approval must submit a proposal for the Environmental Impact Monitoring Program to the administering authority for review and comment.

(H11) The holder of this development approval must take due regard to comments made by the administrating authority prior to the implementation of any plan or program required as a condition of this development approval.

(H12) The holder of this development approval must implement and maintain the Environmental Impact Monitoring Program within one (1) month of receiving comments from the Administering Authority.

(H13) The Environmental Impact Monitoring Program must include sufficient spatial and temporal replication (including controls) to enable statistically valid conclusions, with a significance level of 5% ($\alpha = 0.05$), to be made concerning any impacts.

(H14) The Environmental Impact Monitoring Program must be designed so as to have at least an eighty percent (80%) chance of detecting an environmental impact should one occur.

(H15) The Environmental Impact Monitoring Program must include but not be limited to detect changes to the background water quality as a result of aquaculture discharges, for the following parameters:

(a) Total nitrogen; and

(b) Total phosphorus; and

(c) Suspended solids.

Report Submission

(H16) The holder of this development approval must ensure that the results of all monitoring performed in accordance with this development approval for the period covered by the return are submitted with the Annual Return of the of the licence with development approval.

Notification of Emergencies and Incidents

(H17) Where the holder of this development approval has not given notification to the administering authority under section 320 of the Environmental Protection Act, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.

(H18) Where the holder of this development approval has not given notification to the administering authority under section 320 of the Environmental Protection Act, the notification of emergencies or incidents as required by condition number (H17) must include but not be limited to the following:

(a) the holder of this development approval;

(b) the location of the emergency or incident;

(c) the number of the development approval;

(d) the name and telephone number of the designated contact person;

(e) the time of the release;

(f) the time the holder of this development approval became aware of the release;

(g) the suspected cause of the release;

(h) the environmental harm and or environmental nuisance caused, threatened, or to be caused by the release; and

(i) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

(H19) Where the holder of this development approval has not given notification to the administering authority under section 320 of the Environmental Protection Act, not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of this development approval must provide written advice of the information supplied in accordance with condition number (H18) in addition to:

(a) proposed actions to prevent a recurrence of the emergency or incident; and

(b) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

END OF CONDITIONS FOR SCHEDULE H

SCHEDULE I - DEFINITIONS

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

(I1) "administering authority" means the Environmental Protection Agency or its successor.

(I2) "Total Nitrogen" means the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen

(I3) "mg/l" means milligrams per litre

(I4) "mean" is defined as the sum of all measurements divided by the number of measurements and should be calculated using six (6) months consecutive results for the characteristic.

(I5) "maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(I6) "minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(I7) "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.

(I8) "$L_{Amax\ adj,T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than fifteen (15) minutes, using Fast response.

(I9) "background noise level" means: $L_{A90,T}$ being the A-weighted sound pressure level exceeded for ninety (90) percent of the time period of not less than fifteen (15) minutes, using Fast response.

(I10) "Max$L_{pA,T}$" means the maximum A-weighted sound pressure level measured over a time period of not less than fifteen (15) minutes, using Fast response.

(I11) "noise sensitive place" means:

(a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or

(b) a motel, hotel or hostel; or

(c) a kindergarten, school, university or other educational institution; or

(d) a medical centre or hospital; or

(e) a protected area; or

(f) a public park or gardens.

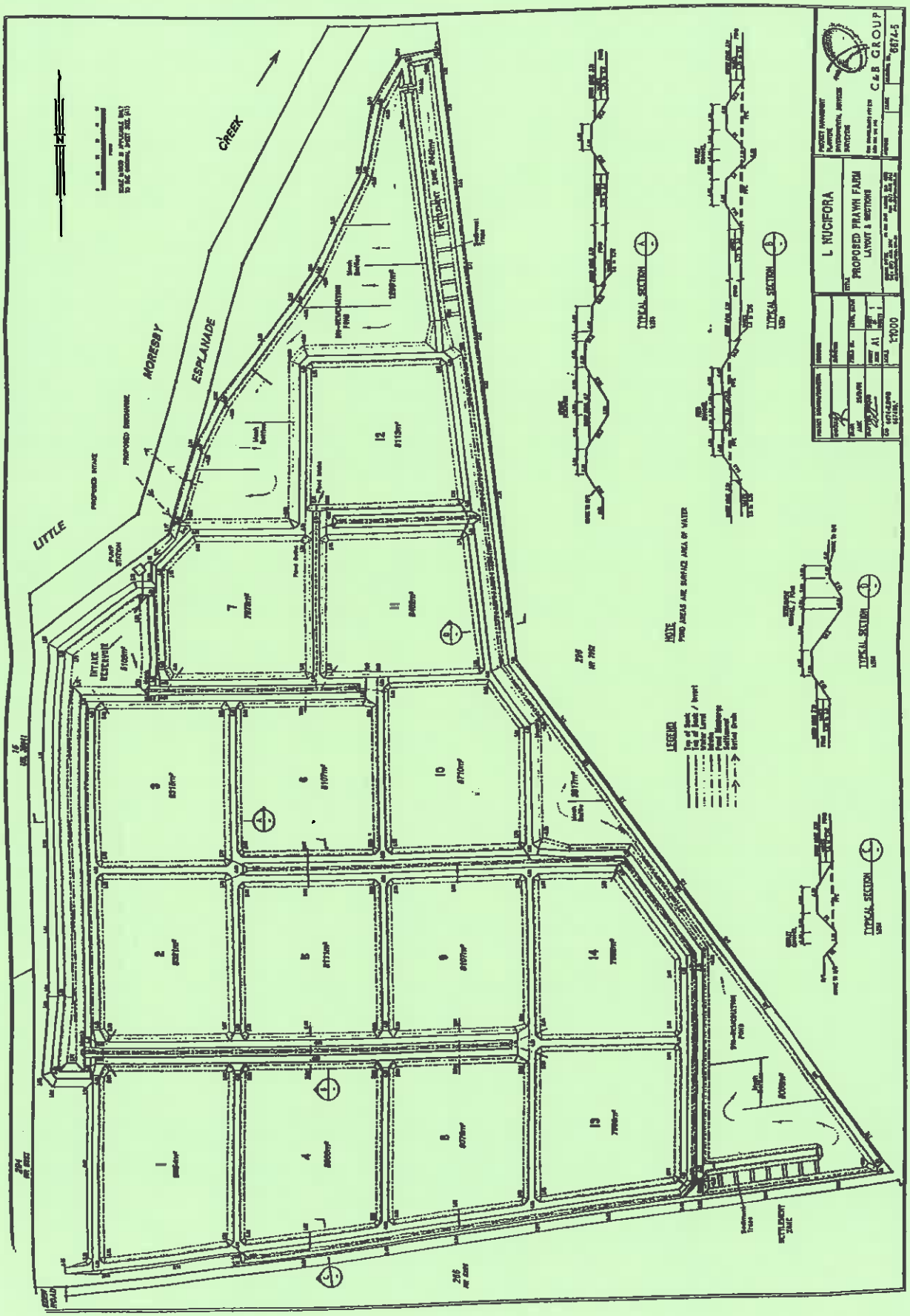
(I12) "commercial place" means a place used as an office or for business or commercial purposes.

(I13) "the holder of this development approval" is Fakuba Pty Ltd

END OF CONDITIONS FOR SCHEDULE I

SCHEDULE J - SITE PLAN

(J1) Growout and Treatment Ponds and Release Point W1



REASONS FOR INCLUDING CONDITION(S) OR REFUSAL

State full reasons for including condition(s) listed above:

(a) condition numbers (A1) to (A6) are general conditions and are reasonably required in respect of the development;

(b) condition number (B1) relates to air management and are relevant to, but not an unreasonable imposition on the development;

(c) condition numbers (C1) to (C7) relate to water management and are relevant to, but not an unreasonable imposition on the development;

(d) condition numbers (D1) to (D3) relate to stormwater management and are relevant to, but not an unreasonable imposition on the development;

(e) condition numbers (F1) to relates to noise and is relevant to, but not an unreasonable imposition on the development;

(f) condition numbers (G1) to (G5) relate to issues relating to waste management and are relevant to, but not an unreasonable imposition on the development;

(g) condition numbers (H1) to (H19) relate to issues relating to monitoring and reporting and are relevant to, but not an unreasonable imposition on the development;

(h) conditions (I1) to (I13)are definitions for the above conditions

(i) schedule J is a site plan

6. ADDITIONAL COMMENTS OR ADVICE

Nil.

7. ADDITIONAL INFORMATION

Local Government Native Title Issues:
The Environmental Protection Agency 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 rests 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.

This concurrence response under the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

Other Environmental Protection Agency approvals, licences and/or sanctions (for example, *Harbours Act 1955, Beach Protection Act 1968, Marine Parks Act 1982, Queensland Heritage Act 1992, Nature Conservation Act 1992*) that are required by this development or works are listed below. This response does not infer that the other necessary approvals, licences and/or sanctions will be granted.

8 S86 Licence for Level 1 ERA(s) with Development Approvals

Under the *Environmental Protection Act 1994*, a licence (with development approval) from Environmental Protection Agency will be required:

☒ Yes ☐ No

signed .....

Rob Lawrence
District Manager
Cairns District, Northern Region
Delegate of Administering Authority
Environmental Protection Act 1994

dated 25 June 2003