Permit

Environmental Protection Act 1994

Environmental authority EPPR00420013

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

Environmental authority number: EPPR00420013

Environmental authority takes effect on 02 October 2019

Environmental authority holder(s)

Name(s)	Registered address
Adrian Michael Azzopardi	740 Murdering Point Rd KURRIMINE BEACH QLD 4871 Australia
Justin Eric Azzopardi	Unit 3 9 Haig St COORPAROO QLD 4151 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 01 - Aquaculture, 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of, (a) more than 100 square metres	Lot 4/CP906666

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or

ABN 46 640 294 485

Queensland Government

- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Mark Franco
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 02 October 2019

Enquiries:
Coastal and Marine Assessment
Department of Environment and Science
Phone: 1300 130 372
Email: palm@des.qld.gov.au

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

SCHEDULE A - GENERAL CONDITIONS

Access to Copy of Environmental Authority

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

Records

(A2) Any record or document required to be kept by a condition of development approval must be kept at the approved place for a period of at least five (5) years and be available for examination by an authorised person. For daily and weekly records, the record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

(A3) 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

(A4) All determinations of the quality of contaminants released to the environment 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.

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

Number and Area of Ponds

(A6) This development approval applies to the operation and maintenance of:

(a) twenty (20) nursery ponds with a total combined area of not more than 2.25hectares,for the production of barramundi fingerlings; and

(b) forty-three (43) barramundi growout ponds with a total combined area of not more than 38.5 hectares for the production of barramundi; and

(c) an on-farm wastewater retention and treatment system consisting of at least four (4) settlement ponds with a total combined area of not less than 5.7ha.

Pond Construction

(A7) The bed and banks of the aquaculture and settlement ponds must have a permeability of not more than 1×10^{-8} metres/second.

END OF CONDITIONS FOR SCHEDULE A

SCHEDULE B - AIR

Noxious or Offensive Odour

(B1) Notwithstanding any other condition of this development approval, no release of contaminants from the carrying out of the environmentally relevant activity is to cause a noxious or offensive odour at any odour sensitive place.

END OF CONDITIONS FOR SCHEDULE B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) The only contaminants permitted to be released from the approved place at Release Points W1, W2, and W3 are aquaculture wastewater**.**

Release Points

(C2) Contaminants that may cause environmental harm must not be directly or indirectly released to any waters in any period at any location other than the contaminants and sources at the locations and periods listed below:

Discharges Permitted for the Months of July to November Inclusive

(a) Release Point W1 (shown in condition number (J1): daily exchange only from 7 growout ponds in Rows A and B, via a settlement pond to Cowley Creek.

(b) Release Point W2 (shown in condition number (J1): daily exchange only from 16 growout ponds in Rows C and D, via a settlement pond to Cowley Creek

(c) Release Point W3 (shown in condition number (J1): nursery pond daily exchange and drainage waters, via a settlement pond to Liverpool Creek

(d) Release Point W3 (shown in condition number (J1): daily exchange and drainage waters, from 17 growout ponds in Rows A and B, via a settlement pond to Liverpool Creek.

Discharges Permitted for the Months of December to June Inclusive

(a) Release Point W1 (shown in condition number (J1): daily exchange and pond drainage waters from 7 growout ponds in Rows A and B, via a settlement pond to Cowley Creek.

(b) Release Point W2 (shown in condition number (J1): daily exchange and pond drainage waters from 16 growout ponds in Rows C and D, via a settlement pond to Cowley Creek

(c) Release Point W3 (shown in condition number (J1): nursery pond daily exchange and drainage waters, via a settlement pond to Liverpool Creek

(d) Release Point W3 (shown in condition number (J1): daily exchange and pond drainage waters, from seventeen (17) growout ponds in Rows A and B, via a settlement pond to Liverpool Creek.

Settlement Ponds

(C3) All wastewaters released from the barramundi ponds must be treated in settlement ponds having the design criteria and minimum retention times specified in Schedule C- Table 1.

Schedule C - Table 1

Settlement Pond Specifications	**Source and Release Point**			
	Nursery	**Rows AB to W1**	**Rows AB to W3**	**Rows CD to W2**
Pond area (m^2)	3600	17 000	22 000	15 000
Pond volume (m^3)	6480	30 600	39 600	27 000
Retention time - exchange only (days)	9.5	13	7.5	7
Retention time - pond drainage and exchange (days)	4.0	4.5	4	3.5

Quantity of Contaminants Released

(C4) With the exception of periods when excessive rainfall causes aquaculture ponds to overflow, the total quantity of contaminants released via Release Points W1 - W3 must not exceed the daily values specified in Schedule C - Tables 2 and 3

Schedule C - Table 2

Maximum daily discharge (m^3/day) permitted July to November inclusive.

Discharge Type	**Release Point**		
	W1	**W2**	**W3**
exchange	1155	1913	5955
exchange + drainage	1155	1913	10925

Schedule C - Table 3

Maximum daily discharge (m^3/day) permitted December to June inclusive.

Discharge Type	Release Point		
	W1	W2	W3
Exchange	2310	3825	5955
Exchange + drainage	6435	7013	10925

Quality Characteristics of Release to Waters

(C5) 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 4 for each quality characteristic.

Schedule C - Table 4

Release Quality Characteristic Limits

QUALITY CHARACTERISTICS	RELEASE POINT NUMBER	RELEASE LIMIT	LIMIT TYPE
Suspended Solids (mg/l)	W1, W2 & W3	15 25	80th percentile maximum
pH (pH Units)	W1, W2 & W3	6.5 - 8.7	range
Dissolved Oxygen (mg/l)	W1, W2 & W3	4.0	minimum
Total Nitrogen (mg/l)	W1, W2 & W3	0.6 0.8	80th percentile maximum
Chlorophyll 'a' (µg/l)	W1, W2 & W3	30 50	80th percentile maximum
Total Phosphorus as P (mg/l)	W1, W2 & W3	0.05 0.08	80th percentile maximum

Note: the 80th percentile and maximum values are to be calculated using consecutive results for the previous (5) months for the characteristic)

Wastewater release velocities

(C6) Wastewaters must be released from each Release Point in a manner which does not cause bed and/or bank erosion of the receiving waters.

END OF CONDITIONS FOR SCHEDULE C

SCHEDULE D - STORMWATER MANAGEMENT

Bunding

(D1) Pond sediment removed from the aquaculture or settlement ponds must be stored and/or disposed of in a manner which does not cause the release of contaminants into a waterway or stormwater drain.

(D3) All bulk chemical and petroleum product storage containers must be bunded so that the capacity of the bund is sufficient to contain at least 100 % of the largest storage container plus 10% of the second largest container within the bund.

(D4) All bunding must be constructed and maintained so as to be impervious to the materials being stored within it.

(D5) All bunding of chemical or petroleum product storage containers must be roofed where practicable.

(D6) Where it is impractical to completely roof a bunded area the holder of the development approval must ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.

(D7) All required pipework from the bunded areas 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

(F1) Nil conditions

END OF CONDITIONS OF SCHEDULE F

SCHEDULE G - WASTE MANAGEMENT

Disease Management

(G1) The holder of this environmental authority shall notify the administering authority of any disease outbreak requiring treatment and/or drainage of pond and/or tank contents.

(G2) The holder of this environmental authority 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.

(G3) The holder of this environmental authority must keep and maintain records for all waste disposed on the premises, including aquaculture pond sludge other than that sludge which is used in the maintenance of ponds. The records must include the following information:

(a) description of the material;

(b) quantity of the material;

(c) date of disposal of the material;

(d) disposal location;

(e) disposal methods.

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 approved place 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.

Sampling and Monitoring Point Details

(H3) 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 points described as Release Points W1-W3.

(H4) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Heritage Water Quality Sampling Manual, 2nd Edition, February 1995, or more recent additions or supplements to that document as such become available.

Monitoring of Volume of Release

(H5) The daily quantity of contaminants released must be monitored and records must be kept of the results of all determinations of the daily quantity of contaminants released to waters.

Report Submission

(H6) The results of the monitoring of contaminant releases to waters carried out on a monthly basis must be submitted to the administering authority as soon as practicable after the results become available.

(H7) The results of all other monitoring performed in accordance with this development approval must be submitted with the Annual Return for the environmental authority issued to the operator of the environmentally relevant activity.

Schedule H - Table 1

QUALITY CHARACTERISTIC DETERMINATION	RELEASE POINTS	FREQUENCY
Suspended Solids	W1-W3	monthly (when a release is occurring)
PH	W1-W3	daily (when a release is occurring)
Dissolved Oxygen	W1-W3	daily (when a release is occurring)
Total Nitrogen	W1-W3	monthly (when a release is occurring)
Chlorophyll a	W1-W3	monthly (when a release is occurring)
Total Phosphorus as P	W1-W3	monthly (when a release is occurring)

Environmental Impact Monitoring Program

(H8) A benthic macroinvertebrate monitoring program (using a 'control' versus 'impact' experimental design) must be undertaken in Cowley Creek adjacent to the approved place to determine any change in benthic macroinvertebrate population structure due to the operation of the activity.

(H9) Within six (6) months of the commencement of the approved aquaculture activity the holder of this development approval must:

(a) lodge a detailed description of the Environmental Impact Monitoring Program detailing the content and plans to the administering authority, for its review and comment; and

(b) have due regard to that comment in the finalisation of the Environmental Impact Monitoring Program; and

(c) develop and implement the Environmental Impact Monitoring Program.

Notification of Emergencies and Incidents

(H10) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.

(H11) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, the notification of emergencies or incidents as required by condition number (H10) 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 environmental authority;

(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.

(H12) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, 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 (H11) 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.

Exception Reporting

(H13) The holder of this development approval must notify the administering authority in writing within twenty-eight (28) days of completion of analysis of any result of a monitoring program required by a condition of this development approval which indicates an exceedance of any limit specified in this development approval.

(H14) The written notification required by condition number (H13) above must include:

(a) the full analysis results; and

(b) details of investigation or corrective actions taken; and

(c) any subsequent analysis.

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) "The Act" means the *Environmental Protection Act 1994*

(I3) "Total Nitrogen" means the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen

(I4) "mg/l" means milligrams per litre.

(I5) "median" means the middle value, where half the data are smaller, and half the data are larger. If the number of samples is even, the median is the arithmetic average of the two middle values.

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

(I7) "minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(I8) "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.

(I9) "$L_{Amax\ adj,T}$" 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.

(I10) "background noise level" means $L_{Abg,T}$ 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 fifteen (15) minutes, using Fast response.

(I11) "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.

(I12) "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.

(I13) "commercial place" means a place used as an office or for business or commercial purposes.

(I14) "approved place" means Lot 1, NR5347, Lot 2 & 295, RP814124, Lot 1, RP721594 Parish of Cowley, County of Nares, located at Cowley Creek Road, Cowley Creek Qld 4871.

END OF CONDITIONS FOR SCHEDULE I

SCHEDULE J - SITE PLAN

(J1) **Pond Layout and Release Points W1, W2 & W3**

END OF CONDITIONS FOR SCHEDULE J

END OF CONDITIONS