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Notice

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 5.8A.12, 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Chief Executive Officer
Isaac Regional Council
Broadsound Business Unit
PO Box 1
St Lawrence Qld 4707

CC: Mr Matt West
Australian Prawn Farms Pty Ltd
47 Cinderella Drive
SPRINGWOOD QLD 4127

Our reference: 225313
Your reference: DA07060

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 23 January 2008, has been assessed, and on 11 November 2008 it was Granted in full with conditions.

The advice and/or conditions relevant to this response are attached. They are clearly identified to indicate which referral trigger they apply to.

Pursuant to section 5.8A.12 this concurrence agency response replaces the concurrence agency response (IPCE00845008) previously issued and dated 13 June 2008.

1. Property/Location:

Street address - Marion Creek ILBILBIE QLD 4738
Lot/Plan - Lot 11 Plan RP826114, Lot 12 Plan RP826114, Lot 46 Plan MC376.

2. Details of the recommendation

Aspect of Development
- Concurrence Response for a material change of use (MCU) involving an environmentally relevant activity (ERA).

- ERA 1(e) 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 20 ha or more and wastes are released to waters.

- ERA 34 Seafood processing - commercially processing seafood, including removing the scales, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 t a year.

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Recommendation
- Granted in full with conditions

EPA Ref Number
- IPCE01258008

3. Currency period

This approval will lapse unless substantially started within the currency period/s set by the Assessment Manager.

4. The approved plans

The approved plans and/or documents for this approval are:

Plan/Document No.	Plan/Document Name	Date
07027-002	Notch Point Prawn Farm Site Plan	5/5/2008

5. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

6. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by the Isaac Regional Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Mackay District Office, PO Box 623, MACKAY 4740 and an electronic copy to kathy.cant@epa.qld.gov.au.

In addition, 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. Therefore in this instance, the EPA has not provided a notification to native title parties.

If you require more information, please contact Shantele Ianna, the Project Manager, on the telephone number listed below.

Yours sincerely

OLangham
Odette Langham
Delegate
Environmental Protection Agency
11 November 2008

Attachment – Concurrence Agency Response

Enquiries:
ES - Reg Serv - Whitsunday Coalfields - Mackay
PO Box 623
MACKAY QLD 4740
Phone: (07) 4944 7812
Fax: (07) 4944 7836

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Concurrence Agency Response

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE01258008

EPA Permit[1] number:	IPCE01258008
Assessment Manager reference:	DA07060
Date application received by EPA:	23 January 2008
Permit[1] Type:	Concurrence Response for a material change of use (MCU) involving an environmentally relevant activtiy (ERA)
Date of Decision:	11 November 2008
Decision:	Granted in full with conditions
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description

Property	Lot/Plan	Aspect of Development
Marion Creek, ILBILBIE QLD 4738	Lot 12 Plan RP826114, Lot 11 Plan RP826114 and Lot 46 Plan MC376	ERA 1(e) 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 20 ha or more and wastes are released to waters. ERA 34 Seafood processing - commercially processing seafood, including removing the scales, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 t a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

1) The Environmental Protection Agency is a concurrence agency under the *Integrated Planning Regulation 1998* for the purposes of the *Environmental Protection Act 1994*.
2) Any development conditions placed on this permit1 for an environmentally relevant activity are in accordance with section 73B of the *Environmental Protection Act 1994*.

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Additional comments or advice about the application

This development permit replaces the development permit (IPCE00845008) issued on 13 June 2008 pursuant to Part 8A section 5.8A.12 of the *Integrated Planning Act 1997*.

Additional information for applicants

Contaminated Land

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

Environmentally Relevant Activities

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

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

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

OLangham
Odette Langham
Delegate
Environmental Protection Agency
11 November 2008

CONDITIONS OF APPROVAL

Activities: **ERA 1(e) 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 20 ha or more and wastes are released to waters.

ERA 34 Seafood processing - commercially processing seafood, including removing the scales, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 t a year

Agency Interest: General

Prevent and/or minimise likelihood of environmental harm

General 1: In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or minimise the likelihood of environmental harm being caused

Maintenance Of Measures, Plant and Equipment

General 2: The operator of an ERA to which this approval relates must:

(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and

(b) maintain such measures, plant and equipment in a proper and efficient condition; and

(c) operate such measures, plant and equipment in a proper and efficient manner.

Site Based Management Plan

General 3: From commencement of an ERA to which this approval relates, 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 ERAs that are carried out.

The SBMP must address the following matters:

(a) Environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals.

(b) Identification of environmental issues and potential impacts.

(c) Control measures for routine operations to minimise likelihood of environmental harm.

(d) Contingency plans and emergency procedures for non-routine situations.

(e) Organisational structure and responsibility.

(f) Effective communication.

(g) Monitoring of contaminant releases.

(h) Conducting environmental impact assessments,

(i) Staff training.

(j) Record keeping

(k) Periodic review of environmental performance and continual improvement.

General 4: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Annual Monitoring Report

General 5: An annual monitoring report must be prepared each year and presented to the administering authority with the annual return. This report shall include but not be limited to:

(a) a summary of the previous twelve (12) months monitoring results obtained under any monitoring programs required under this approval and, in graphical form showing relevant limits, a comparison of the previous twelve (12) months monitoring results to both this approvals limits and to relevant prior results;

(b) an evaluation/explanation of the data from any monitoring programs;

(c) a summary of any record of quantities of releases required to be kept under this approval;

(d) a summary of the record of equipment failures or events recorded for any site under this approval; and

(e) an outline of actions taken or proposed to minimise the environmental risk from any deficiency identified by the monitoring or recording programs.

Trained / Experienced Operator(s).

General 6: The daily operation of the waste water treatment system and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of that treatment system and control equipment.

Monitoring

General 7: A competent person(s) must conduct any monitoring required by this approval.

Equipment Calibration.

General 8: All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

Records.

General 9: Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

General 10: All records required by this approval must be kept for 5 years.

Notification.

General 11: Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

Information About Spills

General 12: A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition General 11:

(a) the name of the operator, including their approval / registration number;

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

(c) quantity and substance released;

(d) vehicle and registration details;

(e) person/s involved (driver and any others);

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(f) the location and time of the release;
(g) the suspected cause of the release;
(h) a description of the effects of the release;
(i) the results of any sampling performed in relation to the release,
(j) actions taken to mitigate any environmental harm caused by the release; and
(k) proposed actions to prevent a recurrence of the release.

Spill Kit

General 13: An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

Spill Kit Training

General 14: Anyone operating under this approval must be trained in the use of the spill kit.

Alterations

General 15: 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 for by this approval.

Number and Area of Ponds

General 15: This approval applies to the operation of not more than ninety three (93) production ponds having a combined total area of not greater than 79.6 hectares, and settling area of not less than 34.6 hectares.

Chemical Use

General 16: 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.

Disease Management

General 17: Notify the administering authority of any disease outbreak requiring treatment and/or drainage of pond and/or tank contents. The written approval of the administering authority must be granted prior to disposing of any diseased organisms, or water which has come into contact with diseased organisms.

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

(1) the date, quantity and type of waste disposed of
(2) name of the waste transporter and/or disposal operator that removed the waste, and
(3) the intended treatment/disposal destination of the waste.

Pond Construction

General 18: All ponds, channels and containment structures used for the storage, use or treatment of aquaculture waters at or on the authorised place must be constructed, installed and maintained:

(a) so as to minimise the likelihood of any release of water through the bed or banks of the pond, channels or containment structures to any waters (including groundwater);and

(b) so as to ensure the stability of the ponds, channels or containment structures' construction; and

(c) in accordance with the Department of Primary Industries and Fisheries, *Guidelines for constructing and maintaining aquaculture containment structures (2007)* or more recent editions.

Acid sulfate soils (ASS)

General 19: Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters or to the bed or banks of any waters.

General 20: The latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the Instructions') must be complied with when treating and managing acid sulfate soils.

General 21: Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants including acid sulfate soils or wastes.

General 22: Any temporary or permanent dewatering ponds or water bodies used to contain or treat acid sulfate soils must not be constructed on a watercourse.

General 23: Records must be kept of the removal of any acid sulfate soils and must include the following information:-

(i) the quantity, including a soil type description and geochemical characteristics of the material removed;

(ii) the date and time of material removed;

(iii) the destination of the material;

(iv) the name of company responsible for transport; and

(v) the results of all soil testing and treatment undertaken including verification testing

General 24: The environmental assessment of the impact of releases required by condition General 3 must include, as a minimum:

(i) the design and implementation of an Environmental Impact Monitoring Program at least two (2) months prior to the first release permitted by the development approval issued under the *Integrated Planning Act 1997* for the land on which this environmental authority permits the activity to be carried out.

(ii) the Environmental Impact Monitoring Program must be designed to allow for sufficient sample replication to achieve;

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a. an eighty percent (80%) chance of detecting an impact if one exists; and
b. detection of at least a twenty percent (20%) change from ambient conditions.

(iii) the impact monitoring program must include but not be limited to the following;

a. establishment of the existing environmental status (background) of Mosquito Creek, Marion Creek and near coastal environments including detailed assessments of:
• marine flora (mangroves, macroalgae, seagrass)
• water quality (physico-chemical parameters, nutrient concentrations)
• sediments (nutrient concentrations, organic matter content, particle size distribution).

b. a detailed assessment of the impacts of the aquaculture effluent discharge upon the receiving environment with respect to water quality and selected biological indicators.

c. descriptions of all the monitoring locations including, but not limited to, the monitoring locations described in the Notch Point Aquaculture Project Environmental Impact Statement, dated November 1998.

d. the frequency of sampling and analysis, taking into account the need to detect daily and seasonal variations in parameters.

e. a description of the statistical basis on which any conclusions are drawn.

Agency Interest: Air

Nuisance

Air 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 nuisance sensitive or commercial place.

Air 2: The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

Dust nuisance

Air 3: Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:

(a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR

(b) 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 nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:

17/12/03

- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) '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.

Air 4: 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:

(a) for a complaint alleging dust nuisance, dust deposition; and

(b) 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.

Agency Interest: Land

Preventing Contaminant Release to Land

Land 1: The only contaminants permitted to be released to land is aquaculture pond sludge.

Land 2: Any aquaculture pond sludge disposed of on the approved place must not be placed within 20 metres of any watercourse.

Land 3: The aquaculture pond sludge released to land must not have any properties nor contain any organisms or contaminants in concentrations or which, in the opinion of the administering authority, are capable of causing environmental harm and/or environmental nuisance.

Land 4: Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

Noise 1: Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

Noise 2: All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
$L_{A1, adj, 10 mins}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
$L_{A1, adj, 10 mins}$	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

Bkg = Background measured in accordance with the Environmental Protection Agencies Noise measurement manual.

Noise Monitoring

Noise 3: 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:

- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- 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.

Noise 4: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Social

Complaint Response

Social 1: The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

(a) Time, date, name and contact details of the complainant;
(b) reasons for the complaint;
(c) any investigations undertaken;
(d) conclusions formed; and
(e) any actions taken.

Agency Interest: Waste

Waste handling

Waste 1: All regulated waste removal 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.*

Waste Records

Waste 2: A record of all regulated waste must be kept detailing the following information:

a) date of pickup of waste;
b) description of waste;
c) quantity of waste;
d) origin of the waste; and
e) destination of the waste.

Note: Trackable wastes as listed in Schedule 1 of the Environmental Protection (Waste Management) Regulation 2000 are not covered by this condition. Trackable wastes have similar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

Waste 3: Pond sediment and sludge removed from any production or settlement ponds or settlement ponds must be stored and/or disposed of in a manner that does not cause the release of contaminants to any waters or stormwater drain.

Agency Interest: Water

Erosion Control

Water 1: Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

Water 2: 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.

Measurement of wastewater volume

Water 3: The daily volume of contaminants released to waters must be determined by use of a method with an accuracy of ± 5% of the actual amount released and records kept of such determinations.

Release to waters

Water 4: Contaminants must only be released to surface waters in compliance with the release limits listed in Table 2 - Contaminant release limits to water and the following discharge locations.

1. Discharge Location W1 - namely release of aquaculture discharge water to waters described as Mosquito Creek at the location shown drawing number 07027-002 – Notch Point Prawn Farm Site Plan attached to this notice.

Monitoring

Water 5: Monitoring must be undertaken and records kept of contaminant releases to waters from the locations, for the quality characteristics and at the frequently specified in Table 2 - Contaminant

release limits to water. All determinations of the quality of contaminants released must be:

a) made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and

b) carried out on samples that are representative of the discharge.

Table 2 - Contaminant release limits to water

Monitoring point	Discharge location	Quality characteristics	Release limit			Monitoring frequency
			Minimum	Maximum	Mean[2]	
W1	W1	pH	6.5	8.7		Daily when discharging is occurring
W1	W1	Dissolved Oxygen (mg/L)	4			
W1	W1	Oil, grease, floating scum or litter		no visible or otherwise noticeable film or other matter		
W1	W1	Total Nitrogen (mg/L)		3.0		Monthly, when discharging to receiving waters, with a minimum of four (4) times per growing season. At least four (4) sampling events must be conducted during the later stages of the drain harvest.
W1	W1	Total Phosphorous (mg/L)		0.4		
W1	W1	Total Suspended Solids (mg/L)		75	40	
Impacted [1]		Total Nitrogen (mg/L), Total Phosphorous (mg/L), Total Suspended Solids (mg/L)				3 replicate samples monthly when dischargeing to receiving waters.
At the mouth of Mosquito Creek.		Total Nitrogen (mg/L), Total Phosphorous (mg/L), Total Suspended Solids (mg/L)				

1. Impacted is defined as a point 500 metres downstream from the discharge point W1 shown on shown drawing number 07027-002 – Notch Point Prawn Farm Site Plan attached to this notice.
2. Mean – must be determined based on a minimum of three and no more than ten samples.

Water 6: The load of contaminants released from the facility, averaged out over the growing season for the entire farm must not exceed the limits specified in Table 3 – Wastewater Load Limits.

Table 3 – Wastewater – net load limits

Total Suspended Solids	Total Nitrogen	Total Phosphorous
12 kg/ha/day	0.8 kg/ha/day	0.15 kg/ha.day

Volume of Release

Water 7: The total quantity of wastewater permitted to be released from release point W1 during any day must not exceed 64 500 cubic metres. The total quantity of wastewater released from release point W1 during one calendar year shall not exceed 11 000 000 cubic metres.

Should a staged development of the production ponds be undertaken or less than the full number of ponds be in operation at one time as part of the grow-out production cycle

(i) the volume of wastewater discharged during any day, and,

(ii) the total volume of wastewater discharged during one year, must be reduced proportionally according to the number of ponds in operation and the production cycle operating on site in relation to the full development of 79.6 hectares of prawn grow-out ponds.

Timing of releases

Water 8: The release of contaminants to waters is only permitted to occur as specified in Table 4 – Discharge release times.

Table 4 – Discharge release times

High tide height	Allowable times of discharge
Below 4.0m	½ hour before and 1 hour after local high water
4.0m to 4.5m	½ hour before and 1 ½ hours after local high water
4.5m – 5.0m	1 hour before and 2 hours after local high water
5.0m – 5.5m	2 hours before and 2 ½ hours after local high water
5.5m – 6.0m	2 hours before and 3 hours after local high water
6.0m – 6.5m	2 ½ hours before and 3 ½ hours after local high water
Above 6.5m	3 hours before and 4 ½ hours after local high water

Groundwater Monitoring

Water 9: A groundwater monitoring program to help detect and gauge the release of any water through the bed or banks of the ponds, channels or containment structures for both the construction phase and ongoing operations of the aquaculture facility must be developed and submitted to the Environmental Protection Agency for comment prior to the commencement of any construction works for the proposed expansion on Lot 11 plan RP826114 and lot 46 MC376.

If the Environmental Protection Agency provides the registered operator with any comment on the program within 21 business days of receiving the document the registered operator must have due regard to those comments prior to finalisation of the program.

The groundwater monitoring program must be able to determine the impacts of the approved facility on the groundwater quality and height of adjacent areas. The program must include, but not be limited to, the monitoring of salinity and pH.

The groundwater monitoring program must be implemented prior to commencement of construction works associated with the proposed expansion on Lot 11 plan RP826114 and lot 46 MC376.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

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

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

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

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

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

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.
"commercial place" means a place used as an office or for business or commercial purposes.

""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;
- a water craft in a marina.

"Environmental Protection Agency" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994.*

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995.*

"high water mark" means the ordinary high water mark at spring tides.
"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"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.

"$L_{A\ 10,\ adj,\ 10\ mins}$" 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.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"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.

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

"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.

"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.

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"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.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS

14/11/03