Queensland Government

Department of
Environment and Heritage Protection

05-MAR-2015

To: Moreton Bay Regional Council
2 Hasking St
CABOOLTURE QLD 4510

Email:
Freyja.VanWoerden@moretonbay.qld.gov.au

cc. C/- GHD
PO Box 1540
BUDDINA QLD 4575

Email: shelley.wilkins@ghd.com

Attention: Ms Freyja VanWoerden

Your reference: 41/27387/456005
Our reference: 342440

Application details

I refer to the application that was received by the administering authority on 28-JUL-2014. A decision notice in relation to the application dated 27-JAN-2015 was issued Moreton Bay Regional Council (MBRC) stating the decision as refused for the following reason: the decision making period for the application was exceeded.

An application for review of the original decision was subsequently received on 09-FEB-2015 from MBRC.

Land description: Spitfire Channel Resource Area, Moreton Bay.

Decision

This notice is given in accordance with section 521(8) of the *Environmental Protection Act 1994* (EP Act) and the *review decision* is: to vary the original decision in a way the administering authority considers appropriate.

Your site specific application for an environmental authority (EA) has been approved and your EA (reference EPPR02395814) is attached.

Dot Rosiak
Government Organisations and Utilities Assessment
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: (07) 1300 130 372
Email: Dorota.Rosiak@ehp.qld.gov.au
Website **www.ehp.qld.gov.au**
ABN 46 640 294 485

Reasons

The application was supported with sufficient information for the administering authority to make a decision by having regard to the criteria for decision in the EP Act.

The original decision was made on the basis of the administering authority not deciding the application within the decision period and the decision to refuse was an automatic decision in compliance with s179 of the EP Act.

The application satisfies the criteria for decision which the administering authority must consider when making a decision for a site specific application.

It is appropriate to vary the decision to approve the application subject to conditions.

Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

Additional comments or advice

You are advised that if you are not the owner of the land to which the environmental authority relates, you have 10 business days from receipt of this environmental authority to give each owner of the land, written notice that you have been issued this environmental authority.

Should you have any further enquiries, please contact Dot Rosiak on telephone (07) 1300 130 372.

Yours sincerely

C Mooney	5/3/15
Signature	Date

Chris Mooney
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enclosed

Permit - environmental authority (reference EPPR02395814)

Information Sheet: Internal Review and appeal of the Planning and Environment Court.

Permit[1]

Environmental Protection Act 1994

Environmental authority

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

Permit[1] number: EPPR02395814

Environmental authority takes effect

Upon award of a Dredging Contract

Written notification must be given to the Department of Environment and Heritage Protection when the event occurs.

Please send written notification to Permit and Licence Management at the following address:

Permit and Licence Management

Department of Environment and Heritage Protection

GPO Box 2454 BRISBANE QLD 4001

OR

Email: palm@ehp.qld.gov.au

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name	Registered address
Moreton Bay Regional Council	2 Hasking Street CABOOLTURE QLD 4510

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
16-(1c) Dredging >100000t but <1000000t/yr	Spitfire Channel Resource Area (Sand Extraction Area) **Coordinates:** (Datum – GDA94) • E 526686.187 N 7008233.758 • E 529602.306 N 7007167.436 • E 530415.451 N 7004364.733

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

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Additional information for applicants

Environmentally relevant activities

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

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority 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 if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

Signature	Date
Chris Mooney	5/3/15

Chris Mooney
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Dot Rosiak
Government Organisations and Utilities Assessment
Depertment of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: (07) 1300 130 372
Email: Dorota.Rosiak@ehp.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)

Conditions of environmental authority

Relevant activity/ies:

16-(1c) Dredging >100000t but <1000000t/yr

Location: Spitfire Channel Resource Area (Sand Extraction Area)

Coordinates: (Datum – GDA94)

- E 526686.187
  N 7008233.758
- E 529602.306
  N 7007167.436
- E 530415.451
  N 7004364.733

The environmentally relevant activity(ies) conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: General	
Condition number	**Condition**
G1	Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations: 1. Environmentally relevant **activity** (ERA) 16 – **dredging** at threshold 1(c) – **dredging** more than 100,000 tonnes to 1,000,000 tonnes of material in a year; and 2. For the purpose of beach nourishment at Woorim, Bribie Island QLD 4507.
G2	All reasonable and practicable **measures** must be taken to minimise the likelihood of environmental harm being caused.
G3	Any breach of a condition of this **environmental authority**, must be reported to the **administering authority** as soon as practicable, or at most, within 24 hours of **you** becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.

G4	Other than as permitted by this environmental authority, the **release of a contaminant into the environment** must not occur.
G5	All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this **environmental authority** must be provided to the **administering authority** upon request.
G6	An **appropriately qualified person(s)** must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has **NATA** certification, or an equivalent certification, for such analyses. The only exception to this condition is for *in situ* monitoring of turbidity.
G8	When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority**, to investigate a complaint that is not considered by the **administering authority** to be frivolous or vexatious, of environmental nuisance arising from the **activity**. The monitoring results must be provided to the **administering authority** upon request.
G9	The **activity** must be undertaken in accordance with written procedures that: 1. identify potential risks to the environment from the **activity** during routine operations, closure and an emergency 2. establish and maintain control **measures** that minimise the potential for environmental harm 3. ensure plant, equipment and **measures** are maintained in a proper and effective condition 4. ensure plant, equipment and **measures** are operated in a proper and effective manner 5. ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994* 6. ensure that reviews of environmental performance are undertaken at least annually.
G10	Provide to the **administering authority** written notification of the date when **dredging** will commence at least five (5) business days prior to establishing a new **dredging activity**.

Agency interest: Air	
Condition number	**Condition**
A1	Odours or airborne contaminants which are **noxious** or **offensive** or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any **sensitive place** or **commercial place**.

<table>
<tr><td colspan="2">Agency interest: Water</td></tr>
<tr><td>Condition number</td><td>Condition</td></tr>
<tr><td>WT1</td><td>The only contaminants to be released to surface waters are wastewaters which overflow from the vessel as a result of loading and unloading of dredged material.</td></tr>
<tr><td>WT2</td><td>In addition to WT1, the release to waters must not:
1. have any other properties at a concentration that is capable of causing environmental harm
2. produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.</td></tr>
<tr><td colspan="2">Agency interest: Noise</td></tr>
<tr><td>Condition number</td><td>Condition</td></tr>
<tr><td>N1</td><td>Noise from the activity must not exceed the levels identified in Table 1—Noise limits when measured in accordance with the associated monitoring requirements.
Table 1 – Noise limits
<table>
<tr><td rowspan="2">Sound pressure level dB(A)</td><td colspan="3">Monday to Saturday</td></tr>
<tr><td>7am-6pm</td><td>6pm-10pm</td><td>10pm-7am</td></tr>
<tr><td></td><td colspan="3">Noise measured at a nuisance sensitive place</td></tr>
<tr><td>$L_{A, max\ adj,T}$</td><td>Background +5 dB(A)</td><td>Background +5 dB(A)</td><td>Background +3 dB(A)</td></tr>
<tr><td></td><td colspan="3">Noise measured at a commercial place</td></tr>
<tr><td>$L_{A, max\ adj,T}$</td><td>Background +10 dB(A)</td><td>Background +10 dB(A)</td><td>Background + 5 dB(A)</td></tr>
</table>
Where "T" is 10 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the administering authority's Noise Measurement Manual. Table 1 does not purport to set operating hours for the activity.
Associated monitoring requirements
1. All monitoring devices must be correctly calibrated and maintained.
3. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.</td></tr>
</table>

N2	When required by the **administering authority**, noise monitoring must be undertaken in accordance with the associated monitoring requirements of *Table 1—Noise Limits*, and the results notified within 14 days to the **administering authority**. Monitoring must include: 1. LA, max adj, T 2. **Background** noise (**Background**) 3. the level and frequency of occurrence of any impulsive or tonal noise 4. atmospheric conditions including wind speed and direction 5. location, date and time of recording.
N3	If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by the noise from the **activity**, the holder must: 1. Address the complaint indicating the use of appropriate dispute resolution if required; or 2. Immediately implement noise abatement **measures** so that emissions of noise from the **activity** do not result in further environmental nuisance.
Agency interest: Land	
Condition number	**Condition**
L1	Treatment and management of acid sulfate soils must comply with the latest edition of the Queensland Acid Sulfate Soil Technical Manual.
Agency interest: Waste	
Condition number	**Condition**
WS1	All waste generated in carrying out the **activity** must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successor or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as L A90,T being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

Commercial place means 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.

Dredging includes extraction of mud, sand, coral, ballast, shingle, gravel, clay, earth and other material from the bed of Queensland tidal and non-tidal **waters**. Dredging does not include the banks of a waterway.

$L_{Aeq\ adj,T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

Measures has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

Noxious means harmful or injurious to health or physical well-being.

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

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- 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 2004* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008.*

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.

You means the holder of the environmental authority.

Schedules

Schedule 1—Approved plans

Drawing or document	Reference no.	Version	Date
DREDGE AREA FOR SAND SOURCING PLAN (Produced by GHD for Moreton Bay Regional Council)	41-27387-K001	A	05/03/2014

END OF PERMIT