Queensland Government

Department of
Environment and Heritage Protection

17-DEC-2014

To: Torres Strait Island Regional Council
C/- RPS (Cairns)
PO Box 1949
CAIRNS QLD 4870

Your reference: SDA-1014-015351
Our reference: 375207

Application details

I refer to the application that was received by the administering authority on 13-NOV-2014.

Land description: Lot 6 on TS166 Poruma Island.

Decision

Your application has been approved and your environmental authority (reference EPPR02658414) is attached.

Should you have any further enquiries, please contact Permits and Licensing Management on telephone 1300 130 372.

Yours sincerely

	24/12/14.
Signature	Date

Kerynne Birch
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enclosed

Permit - environmental authority (reference EPPR02658414)

Website **www.ehp.qld.gov.au**
ABN 46 640 294 485

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: EPPR02658414

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

Environmental authority holder(s)

Name	Registered address
Torres Strait Island Regional Council	C/- RPS (Cairns) PO Box 1949 CAIRNS QLD 4870

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
16-(1b) Dredging >10000t but <100000t yr	Lot 6 on TS166 Poruma Island - Lot 6 Plan TS166

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,

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

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
	24/12/14.

Kerynne Birch
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Permits and License Management
Environmental Services and Regulation
Department of Environment and Heritage Protection
Phone: 1300 130 372
Email: palm@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

Location: Lot 6 on Plan TS166

Relevant activity:

Environmentally Relevant Activity – 1(b) Dredging material: >10,000-100,000t/yr associated with the construction of a sea wall.

The environmentally relevant activity 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: **ERA 16- DREDGING 1000T OR MORE IN A YEAR, IN ASSOCIATION WITH THE CONSTRUCTION OF A SEA WALL ON LAND LOCATED AT PORUMA ISLAND DESCRIBED AS LOT 6 ON TS166** specified in the following plans : LOCALITY PLAN AND DRAWING INDEX, E. Slattery, 01.09.14, 41-27379-K001, Revision D SEAWALL ALIGNMENT PLAN, E. Slattery, 01.09.14, 41-27379-K002, Revision C TYPICAL SECTION , E. Slattery, 01.09.14, 41-27379-K003, Revision D LONGITUDINAL SECTION - SEA WALL 1, E. Slattery, 01.09.14, 41-27379-K004, Revision C LONGITUDINAL SECTION - SEA WALL 2, E. Slattery, 01.09.14, 41-27379-K005, Revision C CROSS SECTIONS - SEA WALL 1 - SHEET 1 OF 4, E. Slattery, 01.09.14, 41-27379-K006, Revision C CROSS SECTIONS - SEA WALL 1 - SHEET 2 OF 4, E. Slattery, 01.09.14, 41-27379-K007, Revision C CROSS SECTIONS - SEA WALL 1 - SHEET 3 OF 4, E. Slattery, 01.09.14, 41-27379-K008, Revision C CROSS SECTIONS - SEA WALL 1 - SHEET 4 OF 4, E. Slattery, 01.09.14, 41-27379-K009, Revision C CROSS SECTIONS - SEA WALL 2 - SHEET 1 OF 3, E. Slattery, 01.09.14, 41-27379-K010, Revision C CROSS SECTIONS - SEA WALL 2 - SHEET 2 OF 3, E. Slattery, 01.09.14, 41-27379-K011, Revision C CROSS SECTIONS - SEA WALL 2 - SHEET 3 OF 3, E. Slattery, 01.09.14, 41-27379-K012, Revision C
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.
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.

Agency interest: Land	
Condition number	**Condition**
L1	Treatment and management of acid sulfate soils must comply with the current edition of the *Queensland Acid Sulfate Soil Technical Manual.*

Agency interest: Noise	
Condition number	**Condition**
N1	Noise generated by the **activity** must not cause **environmental nuisance** to any **sensitive place** or **commercial place.**

Agency interest: Waste	
Condition number	**Condition**
WS1	All waste generated in carrying out the **activity** must be reused, recycled or removed to a facility that can lawfully accept the waste.

Agency interest: Air	
Condition number	**Condition**
A1	Odours or airborne contaminants must not cause **environmental nuisance** to any **sensitive place** or **commercial place**.
Agency interest: Water	
Condition number	**Condition**
WT1	Contaminants must not be released to any **waters**.

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.

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.

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

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

END OF PERMIT