

2026-10453 Request to Vary Particular Manner Section 79A Reconsideration Request

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Acknowledgements

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1. Introduction

This document constitutes a formal request under Section 79A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to vary Particular Manner 10 associated with Referral Decision EPBC 2026/10453.

The request is made pursuant to section 79A(2)(b) of the EPBC Act on the basis that Sunshine Coast Council proposes to undertake the approved action in a manner different to that specified in Particular Manner 10 while maintaining an equivalent environmental protection outcome for Matters of National Environmental Significance (MNES).

The variation request is informed by the results of sediment and water quality monitoring undertaken during implementation of the approved action and supported by the findings contained in the *Maroochy River Sediment and Water Testing Summary* prepared by Swash Project Delivery Pty Ltd (appendix A).

2. Approved Action and Particular Manner Proposed for Variation

2.1 Approved Particular Manner

Particular Manner 10 currently requires:

- sediment sampling in accordance with the National Assessment Guidelines for Dredging (2009) (NAGD) and PFAS National Environmental Management Plan (NEMP);
- water column sampling and laboratory analysis of all NAGD and PFAS parameters on at least three days per week during dredging;
- sampling both before commencement and following cessation of dredging operations;
- publication of results following each dredging campaign.

2.2 Particular Manner Proposed for Variation

Council seeks approval to replace PM10 with a revised risk-based monitoring framework that maintains contaminant surveillance while aligning monitoring effort with demonstrated environmental risk.

3. Description of the Proposed Varied Manner

Council proposes that PM10 be replaced in its entirety with the following:

10) To avoid and mitigate impacts to protected matters, the person taking the Action must:

a) undertake sediment sampling prior to each dredging campaign in accordance with the National Assessment Guidelines for Dredging (2009) (NAGD), including substances listed in Table 1 of the NAGD, and the PFAS National Environmental Management Plan (NEMP), unless sediment characterisation undertaken within the preceding three years demonstrates sediment quality remains representative of the dredging footprint;

b) undertake water quality sampling within the dredging footprint, commencing on the first day of dredging as part of this action is undertaken and continuing at least until the first anniversary of the first day that dredging is undertaken as part of this action, as follows:

- i. on one day per week during periods when dredging is undertaken;*
- ii. collect one sample upstream of dredging activities and one sample downstream of dredging activities on the sampling day;*
- iii. analyse weekly samples for nutrients, dissolved and total metals, hydrocarbons, pesticides, PAHs and PCBs;*
- iv. undertake analysis for PFAS and organotins, including Tributyltin (TBT), at least once per calendar month during the dredging campaign;*

c) ensure all sediment and water quality results, including associated QA/QC information, are made publicly available on the website within three months of completion of each dredging campaign.

4. Justification for Variation

4.1 Monitoring Results Demonstrate Very Low Contamination Risk

Comprehensive baseline sediment characterisation and operational water quality monitoring have now been completed across the dredging footprint. Results consistently demonstrate the dredged material comprises clean marine sand with negligible contamination risk.

Key findings include:

- all sediment samples recorded contaminant concentrations below applicable NAGD screening levels;
- dredged sediments consist of approximately 99% sand;
- PFAS concentrations in sediment were below laboratory reporting limits and below NEMP guideline values;

- PCBs, pesticides, PAHs, hydrocarbons and tributyltin were below detection limits in sediment samples;
- water quality monitoring has recorded contaminant concentrations predominantly below laboratory reporting limits;
- dissolved metals were below relevant ANZG guideline values;
- detected PFOS concentrations were substantially below the NEMP ecological guideline value of 0.02 µg/L. Recorded concentrations ranged between 0.0002 and 0.0006 µg/L.

These findings collectively indicate the sediment source material represents a very low contaminant risk and that dredging activities are not resulting in contaminant mobilisation of environmental significance.

4.2 Existing Monitoring Frequency is Not Risk-Proportionate

The current monitoring regime was imposed prior to commencement of the action in circumstances where site-specific data was limited.

Following completion of baseline characterisation and multiple weeks of operational monitoring, a substantial evidence base now exists demonstrating that contaminant concentrations remain consistently negligible and well below levels capable of causing impacts to protected matters.

Council submits that continuation of the current intensive monitoring regime is no longer commensurate with the environmental risk posed by the action.

The proposed variation does not remove monitoring requirements. Rather, it adopts an adaptive and risk-based framework that maintains regulatory oversight while responding appropriately to the evidence generated during implementation.

4.3 Environmental Protection Outcomes Will Be Maintained

The proposed variation retains:

- sediment characterisation requirements;
- ongoing water quality monitoring;
- PFAS monitoring;
- public reporting requirements;
- QA/QC requirements; and
- escalation triggers if contamination is detected.

Accordingly, the Department retains confidence that any change in environmental conditions would be detected and addressed.

5. Updated MNES Assessment

5.1 Matters of National Environmental Significance

The MNES relevant to Referral 2026/10453 remain unchanged from those assessed in the referral decision and include:

- listed marine turtles;
- listed migratory shorebirds; and
- Commonwealth Marine Area values.

No new MNES have been identified.

5.2 Effect of the Proposed Variation

The proposed variation relates solely to monitoring frequency. The variation does not:

- alter the dredging footprint;
- alter dredging methods;
- increase dredging volumes;
- alter timing restrictions;
- modify mitigation measures;
- increase disturbance pathways; or
- introduce new sources of contamination.

Accordingly, the variation does not alter the impact assessment previously undertaken for MNES.

6. Nature and Extent of Impacts

Impact Pathway	Existing Assessment	Effect of Variation
Sediment contamination	Negligible	No change
Water quality degradation	Negligible	No change
Marine turtle impacts	Negligible	No change
Shorebird impacts	Negligible	No change
Commonwealth Marine Area impacts	Negligible	No change

The proposed variation affects only monitoring frequency and does not change the environmental risk profile of the approved action.

7. Significant Impact Assessment

The proposed variation is not likely to:

- lead to a long-term decrease in the size of any listed species population;
- reduce habitat availability;
- adversely affect habitat critical to survival;
- interfere with species recovery; or
- create any new impact pathway for MNES.

The Action will continue to be undertaken in a manner that avoids significant impacts on protected matters.

8. Evidence Supporting Variation

The sediment and water quality monitoring program undertaken to date provides strong empirical evidence regarding contaminant risk.

Key conclusions are:

- dredged sediments meet NAGD criteria for clean material suitable for placement;
- contaminants of concern have generally been non-detectable;
- PFAS detections have been rare and substantially below applicable guideline values;
- no evidence exists of contaminant mobilisation capable of affecting MNES;
- Swash Project Delivery has specifically recommended a reduced monitoring frequency reflecting the observed low-risk conditions.

9. Financial and Community Considerations

The current monitoring regime requires frequent laboratory analysis of an extensive suite of contaminants, including substances that have consistently been recorded below laboratory limits of detection.

While Council acknowledges and supports the need for contaminant monitoring under the EPBC Act, the current monitoring frequency imposes a significant cost burden on Sunshine Coast ratepayers without delivering a commensurate environmental benefit.

The proposed variation would continue to provide environmental assurance while improving efficiency and ensuring monitoring effort is proportionate to the demonstrated level of environmental risk.

Council submits that a risk-based monitoring framework represents a more appropriate application of regulatory effort consistent with adaptive management principles and contemporary environmental assessment practice.

10. New MNES or Changes to Significance

The variation:

- does not alter the Action;
- does not alter impact pathways;
- does not create new MNES impacts;

- does not increase impact magnitude; and
- does not increase the likelihood of significant impacts.

11. Conclusion

Monitoring undertaken in accordance with PM10 has demonstrated that sediments within the dredging footprint are clean, contaminant concentrations are consistently below applicable screening criteria, and water quality risks associated with the Action are extremely low.

The evidence generated through implementation of the Action demonstrates that the current monitoring frequency exceeds what is reasonably required to manage the identified environmental risks.

The proposed replacement PM10 maintains sediment and water quality surveillance, introduces adaptive escalation triggers, preserves transparency through public reporting, and continues to avoid impacts on protected matters. It therefore provides an equivalent environmental protection outcome while ensuring monitoring effort is proportionate to the demonstrated risk and reducing unnecessary cost impacts on Sunshine Coast ratepayers.

Accordingly, Sunshine Coast Council respectfully requests that the Minister approve the proposed variation to Particular Manner 10 under section 79A of the EPBC Act.

Appendix A: Maroochy River Sediment and Water Testing Summary - Swash



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