Permit

Environmental Protection Act 1994

Environmental authority EA0001591

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

Environmental authority number: EA0001591

Environmental authority takes effect on 04 December 2018

Environmental authority holder(s)

Name(s)	Registered address
VIVA ENERGY AUSTRALIA PTY LTD	Level 16 720 Bourke Street DOCKLANDS VIC 3008

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 50 - Bulk Material Handling, 1: Loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals, (a) within 5km of the highest astronomical tide or 1km of a watercourse	Lot 40/SP113657
Prescribed ERA, ERA 50 - Bulk Material Handling, 1: Loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals, (a) within 5km of the highest astronomical tide or 1km of a watercourse	Lot 16/SP199206
Prescribed ERA, ERA 50 - Bulk Material Handling, 1: Loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals, (a) within 5km of the highest astronomical tide or 1km of a watercourse	Lot 1/SP113642

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.

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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
- 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.

Rebecca Griffiths
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 04 December 2018

Enquiries:
Heritage, Utilities and Government Assessment
Department of Environment and Science
Phone: 1300 130 372
Email: palm@des.qld.gov.au

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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)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site.

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at www.dnrm.qld.gov.au, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Environmentally relevant activity	Location
ERA 50 Bulk material handling – Threshold 1(a) loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse.	Wharf 7 and Wharf 8, Dutton Street, Portsmith – Lot 40 on SP113657, Lot 16 on SP199206 and Lot 1 on SP113642.

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

Agency interest: General	
Condition number	**Condition**
G1	Any breach of a condition of this environmental authority must be reported to the **administering authority** as soon as practicable within 24 hours of becoming aware of the breach. **Records** must be kept including full details of the breach and any subsequent actions taken.
G2	**Activities** under this environmental authority must be conducted in accordance with the following limitations: a) The permitted **activity** is limited to loading/unloading of petroleum products at the approved place, which is depicted in *Attachment 1 – Site plan*. b) All petroleum products loaded/unloaded on site must be loaded/unloaded via pipelines. c) All pipeline connection points must have a **secondary containment system** while being used for loading/unloading.
G3	The **activity** must be undertaken in accordance with written procedures that: a) identify potential risks to the environment from the **activity** during routine operations and emergencies; and b) establish and maintain control **measures** that minimise the potential for environmental harm; and c) ensure plant, equipment and **measures** are maintained in a proper and effective condition; and d) ensure plant, equipment and **measures** are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*; and f) ensure that reviews of environmental performance are undertaken at least annually.
G4	All **records** must be kept for a period of at least five years and provided to the **administering authority** upon request.
G5	All reasonable and practicable **measures** must be taken to prevent or minimise environmental harm caused by the **activities**.
G6	The design, installation, operation and integrity testing of the infrastructure associated with the loading and unloading of petroleum products must comply with the most recent version of *Australian Standards AS 1940 The storage and handling of flammable and combustible liquids* and *AS 3846-2005 The handling and transport of dangerous cargoes in port areas.*

G7	Chemicals and fuels in containers of greater than 15 litres must be stored within a **secondary containment system**.
G8	When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority** to investigate a complaint of **environmental nuisance** arising from the **activity**. The monitoring results must be provided within 10 business days to the **administering authority** upon its request.
G9	All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the **administering authority** on request.
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**
W1	Contaminants must not be released from the site to any **waters** or the bed and banks of any **waters**.
W2	There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any **waters**.
W3	All spilled material on roadways and other hardstand areas or in the bunded areas must be cleaned up as soon as practicable by the use of dry absorbent material or by other means which prevent such spilled materials entering **waters**.
Agency interest: Land	
Condition number	**Condition**
L1	Contaminants must not be released to **land**.
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**
WT1	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 Science or its successors or predecessors

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.

Environmental nuisance as defined in Chapter 1 of the Environmental Protection Act 1994.

Land does not include **waters**.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

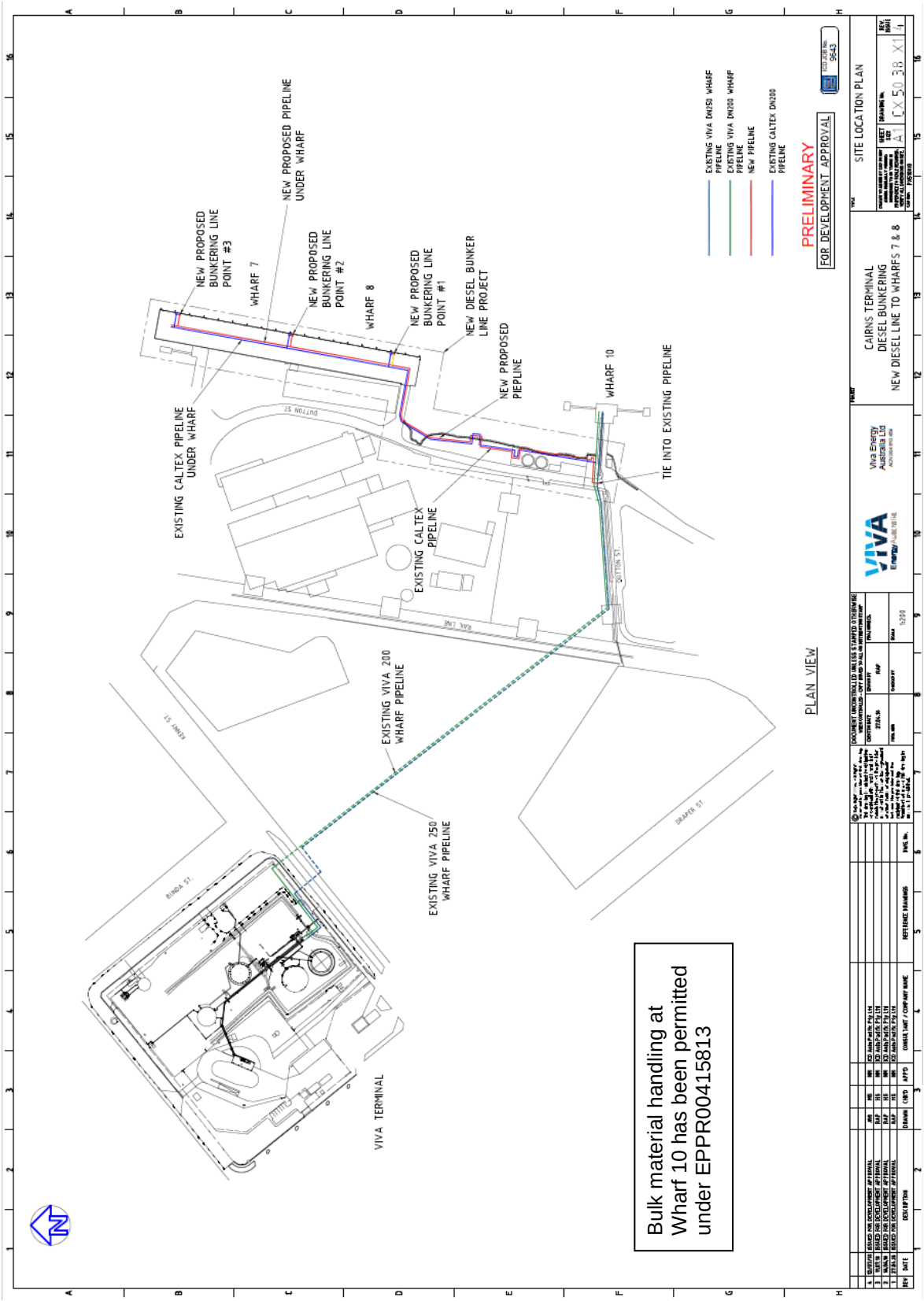
Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to **land**, groundwater, or surface **waters**.

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

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. 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

Attachment 1 – Site plan – Wharf 7 and Wharf 8, Dutton Street, Portsmith



END OF ENVIRONMENTAL AUTHORITY