DERM Permit [1] number: SPCE01960011

Sustainable Planning Act 2009

Assessment manager reference (if any):	PM/008/00160
Date application received:	27 April 2011
Permit type:	Material Change of Use
Date of decision:	6 June 2011
Decision:	The application is approved subject to conditions, and the concurrence agency's conditions are stated in this permit
Relevant laws and policies:	*Environmental Protection Act 1994* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 2, item 1

Development Description(s)

Property/Location		Development
Hamilton Drive, Outer Harbour, Mackay, QLD, 4740	Lease lot "BC" on Lot 58 Plan SP123751	Environmentally Relevant Activity 8 Chemical Storage, Threshold 3(b) storing more than 500m^3 of dangerous goods class 3 or class C1 or C2 combustible liquids under AS1940

Reason(s) for inclusion of conditions

The Department of Environment and Resource Management is recognised as a Concurrence Agency under the *Sustainable Planning Regulation 2009* for Environmentally Relevant Activities. Development conditions placed on the development approval for this application are pursuant to sections 344 and 345 of the *Sustainable Planning Act 2009* and section 73B of the *Environmental Protection Act 1994*.

The description of any environmentally relevant activity (ERA) for which development approval 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 a development approval as to the scale, intensity or manner of carrying out the ERA, then the conditions prevail to the extent of the consistency.

A development permit authorising the carrying out of an ERA does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm. Where there is no condition or the development approval is silent on the matter, the lack of condition or silence shall not be construed as authorising harm.

As part of the Development Approval, the following development conditions apply:

Delegate
Sandra Flanagan
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management

CONDITIONS

Environmentally Relevant Activity 8 Chemical Storage, Threshold 3(b) storing more than 500m^3 of dangerous goods class 3 or class C1 or C2 combustible liquids under AS1940

This development approval consists of the following Schedules of conditions:

Schedule A – Activity

Schedule B – Air

Schedule C – Water

Schedule D – Noise

Schedule E – Waste

Schedule F – Land

Schedule G – Community

Schedule H – Definitions

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

(A1-1) In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Maintenance of measures, plant and equipment

(A2-1) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

Site based management plan

(A3-1) From commencement of the activity, 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 Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Stormwater management.
- Waste management.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

Records

(A5-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

(A5-2) Records must be kept for five years, and must include the following information:

- date of pickup of waste;
- description of waste;
- cross reference to relevant waste transport documentation;
- quantity of waste;
- origin of the waste;
- destination of the waste; and
- intended fate of the waste, for example, type of waste treatment, reprocessing or disposal.

NOTE: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition.

Annual monitoring report

(A8-1) An annual monitoring report for wastewater releases and groundwater monitoring must be provided to the administering authority with the annual return. This report shall include but not be limited to:

- a summary of the previous twelve (12) months' monitoring results obtained under any monitoring programs required under this authority and, in graphical form showing relevant limits, a comparison of the previous twelve (12) month's monitoring results to both this authority limits and to relevant prior results;
- an evaluation/explanation of the data from any monitoring programs; and
- a summary of any record of quantities of releases required to be kept under this authority; and
- a summary of the record of equipment failures or events recorded for any site under this authority; and
- an outline of actions taken or proposed to minimise the environmental risk from any deficiency identified by the monitoring or recording programs.

Industry guidelines, action plans & codes

(A9-1) The holder of this approval must:

- comply with the International Safety Guide for Oil Tankers and Terminals (ISGOTT); and
- satisfy the roles and responsibilities specified in;

  (a) the Australian Maritime Safety Authority's National Plan,
  (b) the Queensland Coastal Contingency Action Plan, and
  (c) any plans developed by the Mackay Port Authority.

Tank integrity testing

(A10-1) The holder of this approval must conduct a tank monitoring, testing and maintenance program (including integrity testing) on all petroleum storage tanks and related pipes, in accordance with:

- The Petroleum Industry Code of Practice CP16 – Inspection and Integrity Monitoring of Large Steel Vertical Petroleum Storage Tanks (APICP16 - 1993),
- Petroleum Industry Code of Practice 653 – Tank Inspection, Repair Alternation and Reconstruction (API653-2001),
- AS1692 – Tanks for flammable and combustible liquids and
- AS1940 – The storage and handling of flammable and combustible liquids.

(A10-2) Records of tank tests and maintenance records must be kept on site and must contain the following information:

- tank and equipment identification numbers;
- location of tests;
- date of tests;
- result of tests;
- test method;
- certification by testing company or individual;
- maintenance as a result of tests and
- name and address of approved testing company or individual.

(A10-3) A copy of the records of any tank monitoring and testing undertaken must be submitted to the administering authority with the Annual Return.

Notification

(A11-1) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonable expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release in writing (such as via Email or Facsimile).

(A11-2) The notification and recording of emergencies or incidents must include but not be limited to the following:

a) the holder of the environmental authority;
b) the location of the emergency or incident;
c) the number of the environmental authority;
d) the name and telephone number of the designated contact person;
e) the time of the release;
f) the time the holder of the environmental authority became aware of the release;
g) the suspected cause of the release;
h) the environmental harm and or environmental nuisance caused, threatened, or suspected to be cause by the release, and
i) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

(A11-3) Not more than 7 days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with condition number A11-2 in addition to:

a) proposed actions to prevent a recurrence of the emergency or incident;

b) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and

c) the results of any environmental monitoring performed.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(B1-2) 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 odour sensitive place.

Dust nuisance

(B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

(B2-2) Excedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.

- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR
- 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 dust sensitive place downwind of the site, when monitored in accordance with:
  - Australian Standard AS 3580.9.6 '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.

(B2-3) 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:

- for a complaint alleging dust nuisance, dust deposition; and
- 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.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Department of Environment and Resource Management's Monitoring and Sampling Manual (2009) or more recent editions or supplements to that document as such become available; and
- carried out on samples that are representative of the discharge.

Schedule C - Table 1 (Release limits)

			Release limit				
Monitoring points	Discharge locations	Quality characteristics	Minimum	50th Percentile	80th Percentile	Maximum	Monitoring frequency
W1, W2 & W3	W1, W2 & W3	5-day Biochemical Oxygen Demand				20 mg/L	Monthly during a discharge event
W1, W2 & W3	W1, W2 & W3	Suspended Solids				30 mg/L	Monthly during a discharge event
W1, W2 & W3	W1, W2 & W3	pH	6.5			8.5	Monthly during a discharge event
W1, W2 & W3	W1, W2 & W3	Dissolved Oxygen	2 mg/L				Monthly during a discharge event
W1 & W2	W1 & W2	Total Petroleum Hydrocarbons (C6-C9)				15mg/L	Monthly during a discharge event
W1 & W2	W1 & W2	Total Petroleum Hydrocarbon (C10-C36)				15mg/L	Monthly during a discharge event
W3	W3	Total Petroleum Hydrocarbons (C6-C9)				10mg/L	Monthly during a discharge event
W3	W3	Total Petroleum Hydrocarbon (C10-C36)				10mg/L	Monthly during a discharge event

Release to waters

(C3-2) Contaminants must only be released to waters from the discharge location and in compliance with the release limits listed in Schedule C Table 1.

Discharge Location W1 - namely release of treated stormwater runoff from Oil Separator No.1 to the stormwater drain that flows into Bassett Creek.

Discharge Location W2 - namely release of treated stormwater runoff from Oil Separator No.2 to the stormwater drain that flows into Bassett Creek.

Discharge Location W3 - namely release of treated stormwater runoff from Oil Separator No.3 to the stormwater drain that flows into Bassett Creek

(C3-5) The monthly volume of contaminants released to waters must be determined or estimated by an appropriate method, for example a flow meter, and records kept of such determinations and estimates.

(C3-6) The quantity of contaminants discharged during any day from the discharge point Oil Separator No.1 must not exceed 80 cubic metres per hour. The quantity of contaminants from Oil Separator No.2 and Oil Separator No.3 must not exceed 100 cubic metres per hour respectively.

Petroleum & oil separation

(C8-1) All petroleum and oil contaminated or potentially contaminated waters generated on the licensed place must be treated by appropriate oil separation methods prior to release at release points W1, W2 & W3.

Tank dewatering/maintenance

(C9-1) Contaminants arising from tank dewatering or tank maintenance operations must not be released into any spillage control compound.

(C9-2) Contaminants arising from tank dewatering operations must not be released or disposed to waters except in accordance with the requirements of this environmental authority.

Plant and equipment maintenance

(C10-1) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas from where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.

Overfill protection measures

(C11-1) The holder of this approval must ensure that effective and appropriate measures are used to prevent the overfilling of vessels or containers and prevent the spillage of material during material transfer operations. Effective and appropriate measures may include but are not limited to the use of high level alarms and operator diligence.

Monitoring of Groundwater Quality

(C12-1) The holder of this approval is responsible for ensuring a groundwater monitoring program is performed which complies with the following requirements:

(a) all determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Environmental Protection Agency Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent editions or supplements to that document as such become available;

(b) all on-site or in-situ measurements or analyses must be made for a contaminant or characteristic if so recommended in the document referred to in paragraph (a) of this condition;

(c) all determinations of the quality of contaminants released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements;

(d) standing water levels in metres must be measured and recorded on each occasion that samples are obtained. Such measurement must be undertaken prior to any disturbance by sampling and must be reported as the depth in metres from the top edge of the casing collar to the water surface within the bore;

(e) samples of groundwater must be taken from each of the bores at least every three (3) months; and

(f) the samples obtained in accordance with paragraph (e) of this condition must be analysed for:

(i) total petroleum hydrocarbons, C6 – C9;

(ii) total petroleum hydrocarbons, C10 – C36;

(iii) benzene;

(iv) toluene;

(v) ethyl benzene;

(vi) xylene;

(vii) polynuclear aromatic hydrocarbons;

(viii) lead; and

(ix) phenol's.

Groundwater monitoring analysis reporting

(C13-1) The holder of this approval must ensure that the groundwater monitoring data gathered in accordance with this environmental authority is analysed and interpreted to assess the nature and extent of any environmental impact of the environmentally relevant activity.

General water conditions

(C14-1) Except as otherwise provided by the conditions of the Water Schedule of this environmental authority the environmentally relevant activity/activities must be carried out by such practicable means necessary to prevent or minimise the release or likelihood of release of contaminants to waters.

(C14-2) Contaminants must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters except as permitted under the water schedule or to a sewer as permitted or otherwise agreed from time to time by the Local Government.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 at any noise affected premises.

Schedule D - 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'					
$L_{A10, adj, 10 mins}$	55	50	45	50	45	35
$L_{A1, adj, 10 mins}$	60	55	50	55	50	40
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	60	55	50	55	50	40
$L_{A1, adj, 10 mins}$	65	60	55	60	55	45

Noise monitoring

(D2-1) 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:

- $L_{A\ 10, adj, 10 mins}$
- $L_{A\ 1, adj, 10 mins}$
- 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.

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

Waste handling

(E5-1) All regulated waste removed 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.*

(E6-1) Waste must not be released to the environment, stored, transferred or disposed contrary to any condition of this environmental authority.

(E7-1) Waste must not be burnt or allowed to burn at the approved site or removed and burnt elsewhere.

(E8-1) A suitably bunded area must be set aside for the segregation and storage of recyclable wastes (such as waste oil).

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Preventing contaminant release to land

(F3-2) 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.

(F3-3) All bunds (including block work) and bases of on-site containment systems must be impervious to the liquid stored within the on-site containment system (with a infiltration rate not greater than 1×10^{-9} m/s).

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

(G1-1) The holder of this approval 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.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Registration Certificate or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place or the premises to which this development approval relates.

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

"this authority" means this development approval.

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

"dust sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

"odour sensitive place" has the same meaning as a "dust sensitive place"

"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.

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

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

"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.

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

"noise affected premises" means a "noise sensitive place"or a "commercial place"

"noise sensitive place" means -

- a dwelling, 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; or
- a park or gardens.

and includes the curtilage of such place.

"commercial place" means a place used as an office or for business or commercial purposes.

"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.

"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.

"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.

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

"mg/L" means milligrams per litre.

"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.

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE H

END OF CONDITIONS