

EHP Permit ¹ number: SPCE05066012

Assessment manager reference (if any):	4168/12
Date application received:	4 December 2012
Permit type:	Development Permit
Date of decision:	23 January 2013
Decision:	The application is approved subject to conditions stated in this permit.
Relevant laws and policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction(s):	Material Change of Use – Environmentally relevant activities <i>Sustainable Planning regulation 2009</i> – Schedule 7, table 2, item 1 EHP ref no. SPCE05066012

Development Description(s)

Property/Location		Development
Quarries Road, Rubyvale – approximately 50km W of Emerald	Lot 6 on Plan CLM447	ERA 16 2(c) – extracting, other than by dredging, in a year, the following quantity of material 100000t – 1000000t. ERA 16 3(b) – screening, in a year, the following quantity of material 100000t – 1000000t. ERA 8 3(a) – storing of chemicals of class C1 or C2 combustible liquids, the following quantity 10m³ to 500m³. ERA 21 – operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the assessment manager response for the application are as follows. Any development conditions placed on this permit for an environmentally relevant activity are in accordance with section 73B of the *Environmental Protection Act 1994*.

Additional information for applicants

Contaminated Land

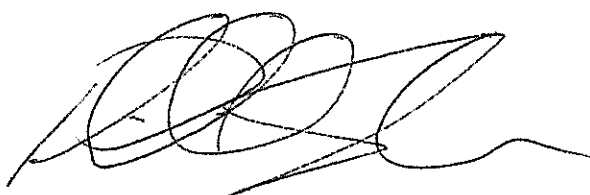
It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 3 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the administering authority.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.



Delegate

Phil Steer

Delegate, Chief Executive administering the *Environmental Protection Act 1994*

Department of Environment and Heritage Protection

23 January 2013

CONDITIONS

This development approval consists of the following schedules of conditions relevant to various issues:

The aforementioned description of the environmentally relevant activity (ERA) for which this development approval is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing this development approval. Where there is any conflict between the above description of the ERA for which this development approval is issued and the conditions as specified in this development approval as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this development approval explicitly authorises that harm. Where there is no condition or the development approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

This development approval consists of the following schedules of conditions relevant to various issues:

- Schedule A – General
- Schedule B – Air
- Schedule C – Land
- Schedule D - Water
- Schedule E – Noise
- Schedule F – Community
- Schedule G – Waste
- Schedule H – Appendices
- Schedule I – Definitions

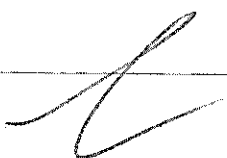
Schedule A - General

Scale and Intensity of Activity

- A1 This approval authorises the operation of plant and equipment associated with the extraction. The amount of extracted material from the quarry in any **one (1) year** is to be no more than **600 000 tonnes**.
- A2 This development approval does not authorise blasting.
- A3 This development approval is to be conducted within the boundaries identified in the Site Layout Plan in **Appendix A**, prepared by Ausrocks dated August 2012.

Prevent and/or minimise likelihood of environmental harm

- A4 A person carrying out an environmentally relevant activity (ERA) to which this approval relates, must take all reasonable and practicable measures to prevent and/or to minimise the likelihood of environmental harm being caused.
- A5 A copy of this development approval must be kept in a location for each site approved readily accessible to personnel carrying out the activity.



Record Keeping

- A6 The operator of an ERA authorised by this development approval must record, compile and keep all data required by this approval. These data must be made available to the administering authority upon request.
- A7 All records required by this approval must be kept for **five (5) years**.

Notification

- A8 Any emergency, incident or event, which results in the release of contaminants not in accordance with, or reasonably expected to be in accordance with the conditions of this approval, must be reported by telephone to the administering authorities' Pollution Hotline²² or the district office located in the area where the release occurred. Any such release must be reported as soon as the holder of the development approval becomes aware of the emergency incident or event.

Information to follow notification

- A9 A written notice detailing the following information must be provided to the administering authority within **seven (7) days** of any advice provided in accordance with condition A10:
- a) The name of the operator, including their approval/registration number;
 - b) The name and telephone number of a designated contact person;
 - c) The quantity and nature of the substance released;
 - d) Vehicle and registration details;
 - e) The names of person/s involved in the release and/or cleanup;
 - f) The location and time of the release;
 - g) The suspected cause of the release;
 - h) A description of the effects of the release;
 - i) Details of the area of impact;
 - j) The results of any sampling performed in relation to the release,
 - k) Actions taken to mitigate any environmental harm caused by the release and details of the success of these actions; and
 - l) Proposed actions to prevent a recurrence of the release.

Alterations

- A10 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental impact above that expressly provided by this development approval.

Spill Kit

- A11 An appropriate spill kit must be kept on site.

End of Conditions for Schedule A

²² At the time of issuing this permit the number for the Pollution Hotline was 1300 130 372. This number may change at any time in the future and should be checked prior to use.

Schedule B - Air

Odour Nuisance

- B1 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 nuisance sensitive place.

Dust Nuisance

- B2 The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any nuisance sensitive place.
- B3 Dust suppression measures must be implemented and maintained on site to prevent the movement of dust created as a result of the activity past the site boundaries.
- B4 Release of dust or particulate, exceeding the following levels, when measured at any nuisance sensitive place, is considered as an environmental nuisance:
- a) Dust deposition of 4.0 grams per square metre per month, when measured in accordance with Australian Standard AS 3580.10:2003 Methods of sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method (or more recent edition); or
 - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging period, at a nuisance 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 that may be permitted by the Air Quality Sampling Manual as published periodically by the administering authority.
- B5 When requested by the administering authority, dust and particulate monitoring must be undertaken within a reasonable timeframe nominated by the administering authority, to investigate any complaint of environmental nuisance caused by dust and/or particulate matter. The results of the monitoring must be notified to the administering authority within **seven (7) days** following completion of the monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected nuisance sensitive place and at upwind control sites and must include:
- a) For a complaint alleging dust nuisance, dust deposition;
 - b) 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 24 hour averaging time.

End of Conditions for Schedule B

Schedule C – Land

- C1 Topsoil management must involve:
- a) Progressively removing topsoil prior to extraction from any active extraction areas;
 - b) Stockpiling topsoil on the site in a manner that will preserve the soils profile, biological and chemical integrity (e.g. uncompacted less than 1.5 m high).

Protecting Land from Contaminants

- C2 Activities on site must be conducted in a way that prevents any potential or actual release of contaminants to land.
- C3 Any liquid held in a container such as a tank or drum that has the potential to cause environmental harm if released to the environment must be stored in a manner that ensures such a release cannot occur (e.g. bunding).

Rehabilitation

- C4 As soon as practicable, but no later than **six (6) months** after completing extraction in each stage, disturbed areas must be rehabilitated. This includes rehabilitating all disturbed areas such as slopes, borrow pits, stockpile storage, and sediment basins.
- C5 The holder of the development approval must rehabilitate areas disturbed by the activity to a stable landform that is not subject to slumping and that is similar to surrounding undisturbed areas.
- C6 The holder of the development approval must rehabilitate areas disturbed by the activity in a manner that minimises the potential for erosion.

End of Conditions for Schedule C

Schedule D – Water

- D1 **All waters** flowing over disturbed areas including but not limited to the extraction area and storage areas, must be diverted and captured in an appropriate containment area.
- D2 Sediment basins must be constructed and maintained:
- a) So as to minimise the likelihood of any release of contaminants through the bed or banks of the structure,
 - b) So that a freeboard of not less than 0.5 metres is maintained at all times, except in the event of exceptional weather conditions where the maintenance of such is impossible.
- D3 Contaminants must **not** be released to any waters, including groundwater, or the bed or banks of any waters, with the exception of stormwater released from locations specified in **Table 1 – Discharge Point Locations** and in accordance with Site Drainage Plan in **Appendix B**, prepared by Ausrocks dated August 2012.

Table 1 – Discharge Point Location³

Name	Location (Latitude/Longitude)
Discharge Point 1	23°42'51 147°43'53
Discharge Point 2	23°25'20 147°44'10
Discharge Point 3	23°25'26 147°44'23

Discharge requirement

- D4 Discharges in accordance with condition D3 are only permitted when Policeman's Creek is flowing at the upstream reference points.
- D5 Water quality monitoring of Policeman's Creek upstream and downstream of Discharge Points must be conducted daily during discharge events and the locations recorded with GPS co-ordinates and a physical site description be recorded.
- D6 If, as a result of monitoring in accordance with condition D5, downstream Policeman's Creek monitoring exceeds the trigger values stated in **Table 2 – Water Quality Monitoring Points and Trigger Levels**, an investigation must be conducted. The investigation must include:
- Possible contamination sources; and
 - Remedial actions to be developed and implemented where necessary.

Table 2 – Water Quality Monitoring Points and Trigger Levels

Monitoring point	Parameter	Units	Trigger Levels	Frequency
Downstream of Discharge Points	Turbidity	NTU	10% or greater of upstream levels	First flush and weekly during flow events.
Downstream of Discharge Points	pH	-	<6 or >9	First flush and weekly during flow events.
Downstream of Discharge Points	Electrical Conductivity (EC)	µs/cm	10% or greater of upstream levels	First flush and weekly during flow events.

- D7 Monitoring required by condition D5 must be:
- Conducted in accordance with methods prescribed in the latest edition of the Environmental Protection Agency Water Quality Sampling Manual; and
 - Carried out on representative samples.

³ Co-ordinates for the Discharge Points were taken from Google Earth.

Stormwater Management

- D8 Stormwater runoff from stockpiling, screening and extraction areas must be directed to a sediment basin or sump within the extraction area shown in **Appendix B**: and
- D9 Suitable banks and/or diversion drains must be installed and maintained so that all stormwater originating from land up-gradient of disturbed areas, including extraction and storage areas is diverted away from entering these areas and any ponds or other structures used for the storage or treatment of contaminants.

Groundwater

- D10 The extent of extraction must be limited to the top of the groundwater table. No extraction is to be carried out within the underlying aquifer. Any interference with groundwater through extraction is not permitted.
- D11 If free flowing groundwater is encountered during the extraction process, excavation must cease.

End of Conditions for Schedule D**Schedule E – Noise****Nuisance**

- E1 Noise resulting from the activity must not cause an environmental nuisance at any sensitive place.
- E2 Noise from the activity must not result in levels greater than those specified in **Table 3 – Noise Limits** at any noise sensitive place or commercial place.

Table 3 - Noise Limits

Noise level dB(A) measured as	Monday to Saturday		Sundays and public holidays	
	7am – 10pm	10pm - 7am	9am – 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'			
L _{A10} , adj, 15 mins	b/g + 5	b/g + 0	b/g + 5	b/g + 0
L _{A1} , adj, 15 mins	b/g + 10	b/g + 5	b/g + 10	b/g + 5

Note 1: b/g = background noise level, L_{A90}, 15 mins. In no case is the background noise level, L_{A90}, 15 mins to be less than 25 dB(A). In the event that measured b/g is less than 25 dB(A), then 25 dB(A) is to be used.

Note 2: The noise levels specified for L_{A90}, adj, 15 mins are measured outdoors in the free field at a location at least 4m from the external facade of a building at the nuisance sensitive or commercial place and 1.2m to 1.5m above ground level.

- E3 When requested by the administering authority, noise monitoring must be undertaken within a reasonable timeframe nominated by the administering authority, to investigate any complaint of environmental nuisance caused by noise. The results of the monitoring must be notified to the administering authority within **seven (7) days** following completion of the monitoring.
- E4 The method of measurement and reporting of noise levels in response to any noise monitoring conducted under this approval must be in accordance with most recent edition of the Environmental Protection (Noise) Policy.

End of Conditions for Schedule E

Schedule F – Social

Complaint Response

- F1 The operator of the activity 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) The allegation made by the complainant;
 - c) Details of communications with the complainant;
 - d) Any investigations undertaken;
 - e) Conclusions formed; and any actions taken.
- F2 The operator of the activity must attempt to make contact with any complainant within **24 hours** of a complaint being received and initiate complaint resolution measures.

End of Conditions for Schedule F

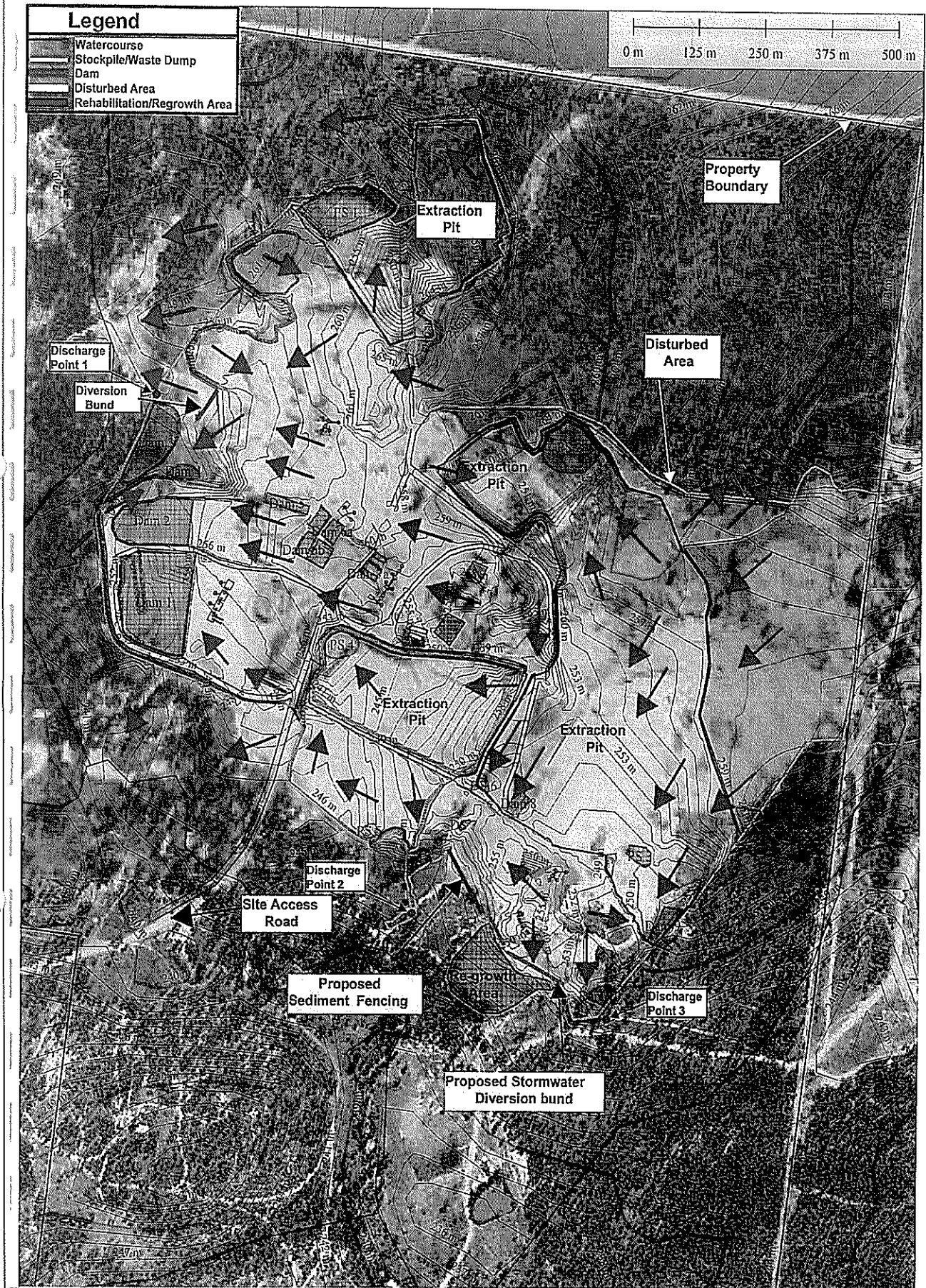
Schedule G – Waste

- G1 All waste (not including overburden) generated in carrying out the activity must be disposed of at a facility that can lawfully accept that waste. No waste is to be disposed of on site.
- G2 Waste, including vegetation matter, must not be burnt on site.
- G3 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any waters.

End of Conditions for Schedule G

Schedule H – Appendices

- **Appendix A – Site Layout Plan**
- **Appendix B – Site Drainage Plan**



EMERALD QUARRIES PTY LTD



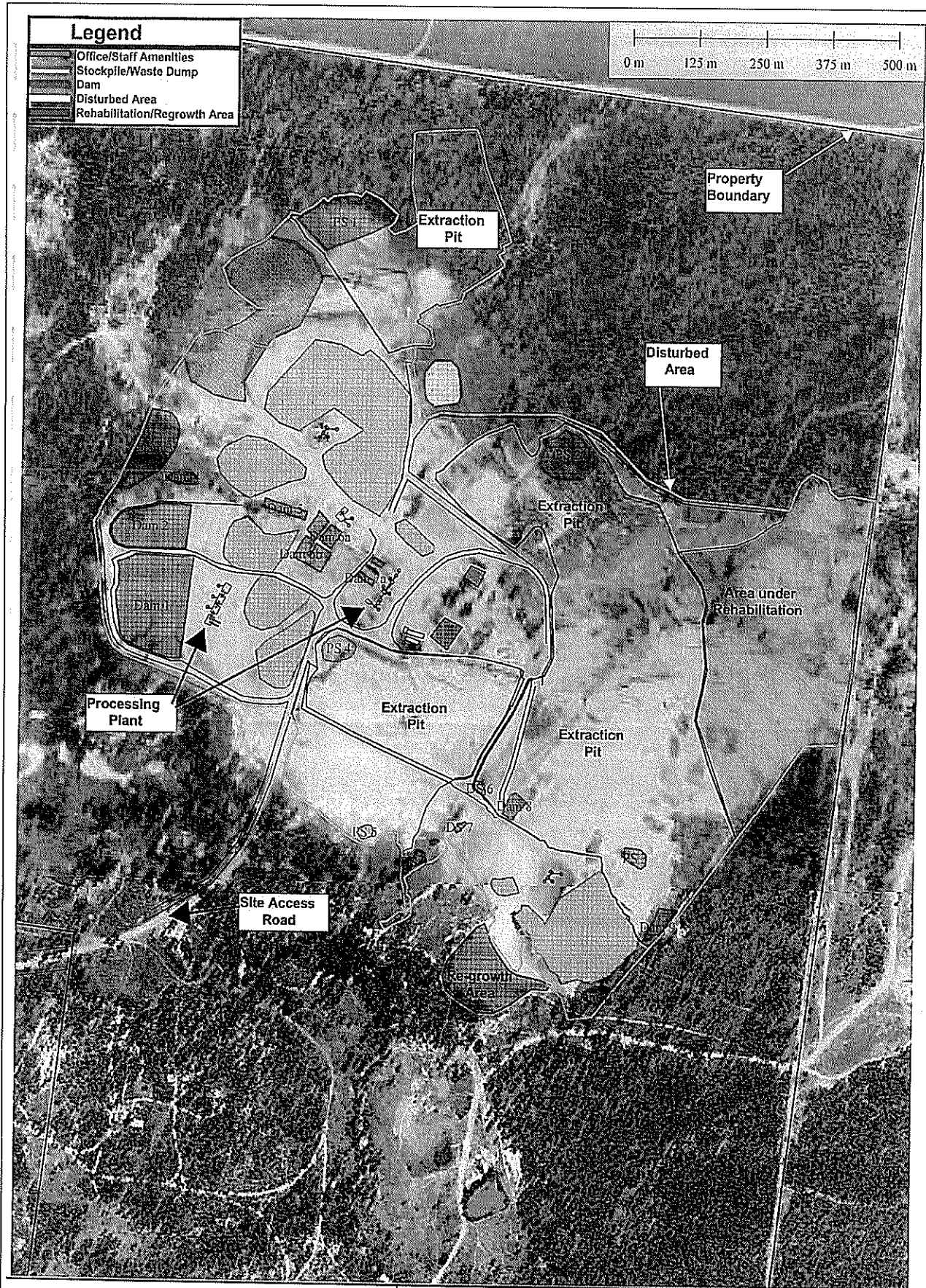
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Site Drainage Plan

Project No	AUC00103_	Drawings	_003
Drawn	AB	Checked	AR
Scale	1:5000 (A3)	Design	AHD
Date	01-08-2012	Issue	V1



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Site Layout Plan

Project	AUQ00103_	Drawings	002
Drawn	AB	Checked	AR
Scale	1:5000 (A3)	Client	AHD
Date	01-08-2012	Version	V1

Schedule I – Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

Activity means – an environmentally relevant activity, or associated auxiliary activity to which this approval relates.

Administering authority means –

- a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 of the *Environmental Protection Act 1994* – the local government; or
- b) for all other matters – the Chief Executive of the Department of Environment and Resource Management; or
- c) another State Government Department, Authority, Storage Operator, Board or Trust, whose role is to administer provisions under another enacted legislation.

Approval means – 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

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

Bund means –

- a) an earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil etc.); or
- b) a structure to prevent or reduce soil erosion.

Contaminant means – (Section 11 of the EP Act)

- a) a gas, liquid or solid; or
- b) an odour; or
- c) an organism (whether alive or dead), including a virus; or
- d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- e) a combination of contaminants.

Deposit means – drop, place or throw a contaminant in waters or onto a place or releases the contaminant or otherwise cause it to move into waters or onto a 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.

Effective dust control system means – a method, process, procedure or course of action that if taken, will minimise the likelihood of environmental nuisance being caused.

Environmental nuisance means – (Section 15 of the EP Act)

unreasonable interference or likely interference with an environmental value caused by:

- a) noise, dust, odour, light; or
- b) an unhealthy, offensive or unsightly condition because of contamination; or
- c) another way prescribed by regulation (e.g. unreasonable noise or dust emissions).

Impulse adjustment means – an adjustment applied if impulsiveness is a significant characteristic of the sound within a measurement time interval. If impulsive components are clearly audible, the adjustment will be 5 dB(A). If the components are only just detectable, an adjustment of 2 dB(A) will be appropriate.

Nuisance sensitive place means –

any of the following places:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a library, childcare centre, kindergarten, school, college, university or other educational institution; or
- d) a hospital, surgery or other medical institution; or
- e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment); or
- f) a protected area; or
- g) a place used as an office, business or commercial purposes;

and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

Person means – as per Part 8 of the *Acts Interpretation Act 1954*

Prescribed water contaminant means - as per Schedule 9 of the *Environment Protection Regulation 2008*.

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.

Registration certificate means – a certificate given under section 73F of the EP Act to the principal holder of an ERA.

Release of a contaminant, includes –

- a) to deposit, discharge, emit or disturb the contaminant; and
- b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- c) to allow the contaminant to escape; and
- d) to fail to prevent the contaminant from escaping.

Site means land on or in which it is proposed to carry out the development approved under this development approval.

Topsoil means – the surface layer of a soil profile, which is usually more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth, depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.

Water means –

- a) water in a watercourse, lake or spring;
- b) underground water;
- c) overland flow water; or
- d) water that has been collected in a dam.

Watercourse means – the meaning assigned to it in schedule 4 of the *Water Act 2000*

Static screens means - rock screen, rock separator, aggregate separator or similar devices that do not utilise any mechanical screening methods.

END OF CONDITIONS