4.1.06 / ROK5092-b

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Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Livingstone Shire Council
PO Box 600
YEPPOON QLD 4703

CC: Mr Robert James Lang
PO Box 5648
CENTRAL QUEENSLAND MC QLD
4702

Our reference: 270053

Attention: Ms Linda Hine

Dear Ms Hine

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 21-JUL-2005, has been assessed, and on 4 January 2006 it was granted.

1. **Property/Location:**
   Street address - 610 Emu Park Road NANKIN QLD 4701
   Lot/Plan - Lot 2 Plan RP601092

2. **Details of the recommendation**

   Aspect of Development
   - Concurrence Response for a MCU involving an ERA
   - ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom growing substrate by a mushroom grower) by receiving and blending, storing, processing, drying, or composting organic material or organic waste, including for example, animal manures, sewage, septic sludges and domestic waste, in works having a design production capacity of 200 t or more a year.

   Recommendation
   - granted

   EPA Ref Number
   - IPCE00235605A11

3. **Currency period**
   This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans
(nil)

5. Codes for self-assessable development
Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

6. Assessment Manager Responsibilities
Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the *Integrated Planning Act 1997* that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by the Livingstone Shire Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit at PO Box 155, Brisbane Albert Street, 4002 and an electronic copy to eco.access@epa.qld.gov.au.
In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

If you require more information, please contact Neil Hoy, the Project Manager, on the telephone number listed below.

Yours sincerely

Jon Womersley
Delegate
Environmental Protection Agency

04-JAN-2006

Enquiries:

Rockhampton District Office (EPA)
PO Box 3130
ROCKHAMPTON SHOPPING FAIR QLD 4701
Phone: (07) 4936 0509
Fax: (07) 4936 0508

ecoaccess
environmental licences and permits

Section 3.3.16 and 3.3.18
Integrated Planning Act 1997

EPA Permit[1] number:	IPCE00235605A11
Assessment Manager reference:	270053
Date application received by EPA:	21-JUL-2005
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	4 January 2006
Decision:	Granted
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

Development Description

Property/Location

Lot/Plan:
Lot 2 Plan RP601092

Street address:
610 Emu Park Road NANKIN QLD 4701

Aspect of Development:
ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom growing substrate by a mushroom grower) by receiving and blending, storing, processing, drying, or composting organic material or organic waste, including for example, animal manures, sewage, septic sludges and domestic waste, in works having a design production capacity of 200 t or more a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
2) Any development conditions placed on this permit1 for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional comments or advice about the application:
(nil)

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

Additional information for applicants
(nil)

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 2 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 Environmental Protection Agency.

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 prevai 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.

Jon Womersley
Delegate
Environmental Protection Agency

04-JAN-2006

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

CONDITIONS OF APPROVAL

Activity: ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom growing substrate by a mushroom grower) by receiving and blending, storing, processing, drying, or composting organic material or organic waste, including for example, animal manures, sewage, septic sludges and domestic waste, in works having a design production capacity of 200 t or more a year.

Agency Interest: General

General 1: Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

General 2: Maintenance Of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:
(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
(b) maintain such measures, plant and equipment in a proper and efficient condition; and
(c) operate such measures, plant and equipment in a proper and efficient manner.

General 3: Records.

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

General 4: All records required by this approval must be kept for 5 years.

General 5: Waste Records.

A record of all waste must be kept detailing the following information:
a) date of pickup of waste;
b) description of waste;
c) quantity of waste;
d) origin of the waste; and
e) destination of the waste.

CONDITIONS OF APPROVAL

Note: Trackable wastes as listed in Schedule 1 of the Environmental Protection (Waste Mangement) Regulation 2000 are not covered by this condition. Trackable wastes have simliar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

General 6: Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

General 7: Equipment Calibration.

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

General 8: From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP is required to be reviewed by the EPA prior to implementation. 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 the ERA carried out.

General 9: The Site Based Management Plan must address at least the following matters:

(i) Routine operating procedures to prevent or minimise environmental harm, however occasioned or caused during normal operations;

(ii) Maintenance practices and procedures;

(iii) Contingency plans and emergency response procedures to deal with foreseeable risks and hazards, including corrective responses to prevent and mitigate environmental harm. The contingency plans and emergency response procedures must include but not be limited to the following:
(a) procedures to be implemented to deal with any fire, any malfunction of dust collection or dust supression equipment, any spills of raw

material, partially processed material or final product in a manner that means it is likely to be released to waters and any accidental release of leachate or contaminated stormwater;
(b) a description of the resources to be used in response to a release;
(c) the training of staff that will be called upon to respond to a release;
(d) the provision and availability of documented procedures to staff attending a release to enable them to effectively respond;
(e) procedures to investigate the cause of any release, and where necessary, implement remedial actions to reduce the likelihood of recurrence of a similar event;
(f) timely and accurate reporting of circumstances and nature of release events to the administering authority;
(g) practices and procedures to prevent any further release,

(iv) Procedures and practices to minimse, reuse and appropriatelydispose of waste generated;

(v) A stormwater management plan as required under the conditions of this development approval;

(vi) Effective odour response and management procedures as required under the conditions of this development approval.

(vii) Staff training and awareness of environmental issues related to the operation of the environmentally relevant activities.

General 10: The Site Based Management Plan must not be implemented or amended in a way that contravenes any condition of this approval.

General 11: Quality characteristics of final products.

Finished soil conditioning products manufactured from paunch material and allowed for restricted and unrestricted use (see notes below) must not exceed the following quality characteristics:

- E. coli: 100 MPN/gram (see note below);
- Faecal coliforms: 1000 MPN / gram; and
- Salmonella sp.: Not Detected / 50 grams of final product.

Notes:
- un-restricted use: products suitable for unrestricted use may be used on home lawns and gardens, public contact sites, urban landscaping, agriculture, forestry, soil and site rehabilitation, landfill disposal and

surface land disposal. These products may be applied in an unrestricted manner to all lands (excluding protected areas);
- restricted use: products suitable for restricted use may be used on public contact sites, urban landscaping, agriculture, forestry, soil and site rehabilitation, landfill disposal and surface land disposal;
- values are expressed on a dry weight basis; and
- MPN: means Most Probable Number.

General 12: Monitoring of Finished Products

Initial process verification for pathogen reduction for all finished soil conditioning products manufactured from paunch material to achieve the limits stated in condition G11 must be undertaken within 90 days following the issue of this development approval and six (6) monthly thereafter.

General 13: Every 1000 dry weight tonnes of finished soil conditioning products manufactured from paunch material must be appropriately sampled by obtaining one composite sample consisting of (5) five individual grab samples and analysed for the characteristics stated in condition G11 prior to leaving the licensed place.

General 14: All determinations of the quality of the characteristics must be performed by a person or body processing appropriate experience and qualifications to perform the required sampling and / or measurements.

General 15: Records must be kept of the monitoring of products as required by conditions G12 and G13.

General 16: In the event of any change to the process or procedures used to manufacture the finished soil conditioning products manufactured from paunch material the holder of this development approval must undertake further process verification in accordance with condition G11.

General 17: The results of the process verification must be submitted to the administering authority with the annual return which immediately follows the carrying out of the process verification.

CONDITIONS OF APPROVAL

Agency Interest: Air

Air 1: Dust Nuisance.

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

Air 2: Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
b) 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 nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) '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.

Air 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:
a) for a complaint alleging dust nuisance, dust deposition; and
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 24hr averaging time.

Air 4: Nuisance.

The release of noxious or offensive odours or any other noxious or

CONDITIONS OF APPROVAL

offensive airborne contaminants resulting from the activity must not cause an environmental nuisance at any nuisance sensitive or commercial place.

Air 5: From the commencement of the ERA to which this approval relates, the holder must maintain effective odour response and management procedures that include provision for:
- field assessment of odour during operations and in response to complaints;
- reporting of results to the manager or other person responsible for operations;
- recording of assessment results and responses;
- initiation of modification of activity on becoming aware of the event causing or potentially causing a nuisance through field observation of odour or receipt of a valid complaint; and
- continual improvement in odour management.

Agency Interest: Land

Land 1: Contaminants must not be released to land.

Land 2: The site must be fenced to prevent access by pigs and dogs.

Agency Interest: Noise

Noise 1: Noise Nuisance.

Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place

Noise 2: Noise Monitoring.

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:

- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;

CONDITIONS OF APPROVAL

- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

Agency Interest: Social

Social 1: Complaint Response.

The operator of the ERA 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.

Agency Interest: Waste

Waste 1: The only waste material permitted to be accepted is paunch.

Waste 2: All loading / unloading of waste materials must take place only within designated vehicle loading / unloading areas.

Agency Interest: Water

Water 1: Release To Waters.

Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Water 2: Stormwater Management.

There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

Water 3: Pond Conditions.

CONDITIONS OF APPROVAL

All ponds used for the storage or treatment of contaminants, sewage or wastes at or on the authorised place must be constructed, installed and maintained:
a) so as to minimise the likelihood of any release of effluent through the bed or banks of the pond to any waters (including ground water);
b) so that a freeboard of not less than metres is maintained at all times, except in emergencies; and
c) so as to ensure the stability of the ponds' construction.

Water 4: Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants or wastes.

Water 5: All bunding must be constructed and maintained so as to be impervious to the material stored to allow retention and recovery of any materials being contained within the bund.

Water 6: A collection sump must be provided in the floor of bunding to facilitate the removal of liquids. The bund floor must be graded so that the fall is towards the collection sump.

Water 7: Groundwater monitoring should be completed twice per year from at least two groundwater monitoring bores for the following parameters:
pH; standing water level (SWL); electrical conductivity: total nitrogen and total phosphorous.

Water 8: The ground water monitoring bores should be positioned so they accurately reflect:
- the background groundwater quality in hydraulically up-gradient bore(s) that have not been affected by any activities associated with the ERA and
- the quality of groundwater of all potentially affected acquifers hydraulically down gradient from the receiving and processing area.

Water 9: The groundwater monitoring as outlined in condition W8 above must be completed and the results submitted with the annual return.

Water 10: Prior to commencement of an ERA to which this approval relates, a Stormwater Manangement Plan must be implemented. The Stormwater Management Plan is required to be reviewed by the EPA prior to

implementation. The Stormwater Management Plan will address how the holder of this development approval will manage the actual and potentail environmental impacts resulting from the contamination of stormwater at the licensed place.

Water 11: The Stormwater Management Plan must address at least the following matters:
(i) preventing of incident stormwater and stormwater runoff from contacting waters or contaminants;
(ii) diversion of upstream runoff away from areas containing or potentially containing wastes or contaminants;
(iii) minimisation of the size of contaminated or potentially contaminated areas;
(iv) cleaning of contaminated areas without water.
(v) sampling and monitoring of contaminated or potentially contaminated stormwater released from the licensed place and assessment of the impact of any such release on the receiving environment.

Water 12: A copy of the Stormwater Management Plan and any subsequent amendments to the Stormwater Management Plan must be kept at the licensed place and be available for examination by an authorised person on request.

Attachment – 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.

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

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

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

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

"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.

"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 CONDITIONS

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service