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Permit[1] IPDE00855608

Development Approval

This permit replaces NW61 and is issued under section 3.5.33A (9)(b) of the *Integrated Planning Act 1997*

DERM Permit Number:	IPDE00855608
Assessment Manger reference:	As Above
Permit Type:	Development Approval for development involving ERA -8 (3b)
Decision:	Approved subject to attached conditions
Date of Decision:	12 November 2010
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation

Parties to the Permit

Permit Holder(s)	Name	Address
Principal Holder	Shell Company of Australia limited	385 Eaglefarm Road PINKENBA QLD 4008

Location	Activity
Lot 3A Plan 37914 Philips Lane, CLONCURRY QLD 4824	ERA 8 (3b) – Chemical storage Storing more than 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3.

The development approval is subject to the attached conditions of approval. The development permit applies to and binds any person carrying out the activity under the approval.

Delegate
Chris Buckingham
Delegate of the Chief Executive administering the
Environmental Protection Act 1994
12-NOV-2010

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

CONDITIONS OF APPROVAL

Condition for: ERA 8 (3b) Chemical storage - storing more than 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3.

Agency Interest: General

G1 **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.

G2 **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.

G3 **Site Based Management Plan.**

From commencement of an ERA to which this approval relates, 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 ERA's that are carried out.

The SBMP must address the following matters:
(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
(b) Identification of environmental issues and potential impacts.
(c) Control measures for routine operations to minimise likelihood of environmental harm.
(d) Contingency plans and emergency procedures for non-routine situations.
(e) Organisational structure and responsibility.
(f) Effective communication.
(g) Monitoring of contaminant releases.
(h) Conducting environmental impact assessments.
(i) Staff training.
(j) Record keeping.
(k) Periodic review of environmental performance and continual improvement.

G4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G5 **Records.**

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

G6 All records required by this approval must be kept for 5 years.

G7 **Waste Records.**

A record of all waste excluding trackable 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.

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

G8 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 including acid sulphate soils or wastes.

G9 **Notification.**

Telephone the DERM'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.

G10 **Monitoring.**

A competent person(s) must conduct any monitoring required by this approval.

G11 **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.

G12 **Trained / Experienced Operator(s).**

The daily operation of the waste water treatment system and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of that treatment system and control equipment.

G13 **Spill kit.**

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA

G14 **Spill Kit Training.**

Anyone operating under this approval must be trained in the use of the spill kit.

Agency Interest: Air

A1 **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.

A2 Dust and particulate mater 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 micrometer (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 Standards As3580.9.6 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.

A3 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

A4 **Nuisance.**

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 or commercial place.

Agency Interest: Noise

N1 **Noise Nuisance.**

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

N2 **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:
- $L_{A\ 10,\ adj,\ 10\ mins}$

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

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.

Agency Interest: Water

WA1 **Release to waters.**

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

WA2 **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.

WA3 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.

WA4 A leak detection system capable of determining whether leakage is occurring from all fuel storage tanks must be implemented and leak detection records must be maintained.

Agency Interest: Land

L1 **Land Disposal.**

The only contaminants to be released to land are treated waste water from the oil/water separator to Lot 3A on Plan 37914, Cloncurry in compliance with the limits levels stated in Table 1- Contaminant release limits to land and the conditions of this approval.

L2 Monitoring must be undertaken and records kept of a monitoring program of contaminant releases to the irrigation area at the monitoring points, frequency, and for the parameters specified in Table 2- Monitoring program.

L3 Spillage of all chemicals and fuels must be contained within an onsite containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storages must be designed, constructed and maintained in accordance with AS 1940- Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Social

S1 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 investigation undertaken;

d) conclusion formed; and

e) any actions taken.

Table 1 – Contaminant release limits to land

Quality characteristics	Release Limit				
	Minimum	50th Percentile	80th Percentile	Maximum	Median
Treated waste water (oil and grease)				20	

Table 2 – Monitoring Program

Monitoring point	Quality Characteristics	Units	Frequency
Release point from oil/water separator	Oil and grease	Mg/l	During discharge but not less frequently than twice annually

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"approval" means 'notice of development application decision' under the *Integrated Planning Act 1997.*

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

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

"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.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994.*

"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.*

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

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

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

"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.

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

"registered operator" means the holder of a registration certificate, for a chapter 4 activity, issued under section 73F of the *Environmental Protection Act 1994,* and in force.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (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.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"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.

"works" or "operation" means the development approved under this development approval.

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

END OF CONDITIONS