Integrated Planning Act 1997

IDAS C - 6 Concurrence Agency Response

Sections 3.3.16 & 3.3.18

Assessment Manager:	Mareeba Shire Council
Application No:	MC98/49
Applicant Name:	Cairns Earthmoving Contractors
Applicant Address:	c/- C & B Consulting Group PO Box 1949 CAIRNS QLD 4870
Date Received by DEH:	24 December 1998
Jurisdiction:	Environmental Protection Act 1994 Environmentally Relevant Activity
Role:	Concurrence
Property Description:	Springmount Road Lots 13 and 14, SP103361 Parish of Culgar, County of Hodgkinson located at: Springmount Road MAREEBA QLD 4870
Approval Type:	DEVELOPMENT APPROVAL

1. TYPE OF DEVELOPMENT

The start of a new use of the premises and a material change in the intensity or scale of the use of the premises.

2. TYPE OF ERA(S)

The development application relates to the following environmentally relevant activities (ERA(s)):

- ERA 20(b) Extraction of rock, etc. - 5,000 tonnes or more but < 100,000 tonnes per year
- ERA 22(b) Screening etc. materials - 5,000 tonnes or more but < 100,000 tonnes per year

3. RESPONSE TO DEVELOPMENT APPLICATION

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997,* provides its response to the application detailed above.

The concurrence agency response is that the following conditions must attach to any development approval.

4. CONDITION(S)

The following concurrence agency condition(s) is/are to be attached to any development approval:

SCHEDULE A - GENERAL CONDITIONS

Access to Copy of Development approval

(A1) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

Records

(A2) Any record or document required to be kept by a condition of this development approval must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. For daily and weekly records, the record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

(A3) 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 harm above that expressly provided by this development approval.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

END OF CONDITIONS FOR SCHEDULE A

SCHEDULE B - AIR

Material Stockpiles

(B1) All material stockpiles must be maintained in a manner which minimises the release of wind blown dust.

Dust Minimisation

(B2) Trafficable areas must be maintained in a condition which minimises the release of wind blown or traffic generated dust beyond the boundaries of the licensed place.

(B3) The holder of this development approval must ensure that trucks hauling material are in a condition which prevents the deposition of material on any sealed public road, prior to leaving the licensed place.

Loss of Materials During Transit

(B4) The holder of this development approval must ensure the tailgates of all trucks leaving the premises are securely fixed prior to loading and as soon as practicable after unloading to prevent loss of materials.

(B5) The holder of this development approval must ensure trucks transporting material from the premises are covered as soon as practicable after loading, to prevent wind-blown releases and spillage. The covering must be maintained until prior to unloading the trucks.

END OF CONDITIONS FOR SCHEDULE B

SCHEDULE C - WATER

(C1) Nil conditions.

END OF CONDITIONS FOR SCHEDULE C

SCHEDULE D - STORMWATER MANAGEMENT

General

(D1) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in a manner which prevents the release of petroleum products and/or sediments into any waters, roadside gutter, stormwater drainage system, groundwater or onto land.

(D2) Any spillage of petroleum products and/or sediments must be cleaned up as quickly as practicable by dry means without hosing, sweeping or otherwise releasing such petroleum products and/or sediments into any waters, stormwater drainage system, roadside gutter, groundwater or land.

(D3) All petroleum product storage tanks must be bunded so that the capacity of the bund is sufficient to contain at least 100 % of the largest storage tank plus 10% of the second largest tank within the bund.

Sediment and Erosion Control

(D4) The holder of this development approval must implement the erosion and sediment control plan for the Springmount Quarry as submitted with the Integrated Environmental Management System (IEMS) on 28 January 1999 and subsequent amendment dated 9 March 1999.

(D5) Each sediment retention pond on the licensed place must be:

(a) established and maintained to contain runoff from disturbed areas, for at least a 1 in 10 year, time of concentration rainfall event; and

(b) emptied of sediment, as often as is necessary, to maintain their design capacity; and

(c) established and maintained on the licensed place until all disturbed areas are rehabilitated.

(D6) Sediment removed from sediment and erosion control structures must not be stored or used in a manner which would be likely to release such sediment to a watercourse.

Re-Vegetation Management

(D7) The holder of this development approval must ensure that for any area of the licensed place where extraction of material has been completed, rehabilitation of any such area must commence:

(a) within seven (7) days, if extraction has been completed during the months of December, January, February or March in any year; or

(b) within one (1) month, at all other times.

(D8) The holder of this development approval must ensure all extraction areas are rehabilitated in the following manner:

(a) re-profiling of worked out areas to a maximum gradient of 25 percent; and

(b) spreading of topsoil; and

(c) seeding to provide at least 70% groundcover to minimise erosion.

(D9) Where vegetative regrowth has not adequately occurred (ie vegetation survival rate of less than 70% within six (6) months of planting), the holder of this development approval must undertake supplementary seeding/planting.

(D10) Topsoil stockpiles must be a maximum of two (2) metres high and battered down to a maximum slope of 1:3. The topsoil stockpiles must be protected to prevent erosion with plant species which are not declared as noxious weeds.

END OF CONDITIONS FOR SCHEDULE D

SCHEDULE E - LAND APPLICATION

(E1) Nil conditions.

END OF CONDITIONS FOR SCHEDULE E

SCHEDULE F - NOISE

(F1) In the event of a complaint made to the administering authority (which is neither frivolous or vexatious) about noise generated in carrying out the environmentally relevant activity, and the noise is considered by the administering authority to be an unreasonable release, the holder of this development approval must take steps to ensure that noise is no longer an unreasonable release.

(F2) Noise emanating from blasting operations must not exceed an over-pressure level of 115 dB (linear peak) for more than 20% of the total number of blasts when measured outside the most exposed part of an effected noise sensitive place.

(F3) Ground vibration caused by blasting operations, when measured outside the most exposed part of an effected noise sensitive place, must not exceed a peak particle velocity of:

(a) 25 millimetres per second, for vibrations of more than 35 Hz; or

(b) 10 millimetres per second, for vibrations of not more than 35 Hz.

END OF CONDITIONS FOR SCHEDULE F

SCHEDULE G - WASTE MANAGEMENT

Regulated Waste

(G1) All regulated waste generated as a result of carrying out the environmentally relevant activities (eg: oil, oil filters, tyres and batteries) must be:

(a) taken to a facility whose operator is licensed by the administering authority to accept such waste; or

(b) collected by an operator who is licensed to collect such wastes.

END OF CONDITIONS FOR SCHEDULE G

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

(H1) All complaints received by the holder of this development approval relating to releases of contaminants from operations at the licensed place must be recorded and kept with the following details:

(a) time, date and nature of complaint;

(b) type of communication (telephone, letter, personal etc.);

(c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);

(d) response and investigation undertaken as a result of the complaint;

(e) name of person responsible for investigating complaint; and

(f) action taken as a result of the complaint investigation and signature of responsible person.

Notification of Emergencies and Incidents

(H2) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.

(H3) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, the notification of emergencies or incidents as required by condition number (H2) must include but not be limited to the following:

(a) the holder of this development approval;

(b) the location of the emergency or incident;

(c) the number of the development approval;

(d) the name and telephone number of the designated contact person;

(e) the time of the release;

(f) the time the holder of this development approval became aware of the release;

(g) the suspected cause of the release;

(h) the environmental harm and or environmental nuisance caused, threatened, or to be caused 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.

(H4) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of this development approval must provide written advice of the information supplied in accordance with condition number (H5) in addition to:

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

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

END OF CONDITIONS FOR SCHEDULE H

SCHEDULE I - DEFINITIONS

For the purposes of this development approval the following definitions apply:

(I1) “administering authority” means the Environmental Protection Agency or its successor.

(I2) “licensed place” means the extraction area on Lot 14, SP103361, County of Hodgkinson, Parish of Culgar, as shown in condition number (J1).

(I3) “the holder of this development approval” means Cairns Earthmoving Contractors.

(I4) “development approval” means development prescribed under a regulation under the Environmental Protection Act 1994 for schedule 8, part 1, section 6 of the Integrated Planning Act 1997 for carrying out an environmentally relevant activity.

(I5) "noise sensitive place" means any of the following places:

(a) a dwelling;

(b) a library, childcare centre, kindergarten, school, college, university or other educational institution;

(c) a hospital, surgery or other medical institution;

(d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;

(e) a marine park under the *Marine Parks Act 1982*;

(f) 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.

END OF CONDITIONS FOR SCHEDULE I

SCHEDULE J - SITE PLAN

(J1) Site plan showing extraction area.

END OF CONDITIONS FOR SCHEDULE J

END OF CONDITIONS

5. REASONS FOR INCLUDING CONDITION(S) OR REFUSAL

State full reasons for including condition(s) listed above:

(a) condition numbers (A1) to (A3) are general conditions and are reasonably required in respect of the development.

(b) condition numbers (B1) to (B5) relate to air management and are relevant to, but not an unreasonable imposition on the development.

(c) condition numbers (D1) to (D3) relate to general stormwater management and are relevant to, but not an unreasonable imposition on the development.

(d) condition numbers (D4) to (D6) relate to sediment and erosion control and are relevant to, but not an unreasonable imposition on the development.

(e) condition numbers (D7) to (D10) relate to revegetation management and are relevant to, but not an unreasonable imposition on the development.

(f) condition number (F1) relates to noise management and is relevant to, but not an unreasonable imposition on the development.

(g) condition numbers (F2) and (F3) relate to blasting and are relevant to, but not an unreasonable imposition on the development.

(h) condition number (G1) relates to waste management and is relevant to, but not an unreasonable imposition on the development.

(i) condition numbers (H1) to (H4) are monitoring and reporting conditions and are reasonably required in respect of the development.

(j) condition numbers (I1) to (I5) are definitions for the above conditions.

(k) condition number (J1) relates to the site plan for the extraction area.

6. ADDITIONAL COMMENTS OR ADVICE

Nil

7. ADDITIONAL INFORMATION

This concurrence response under the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

Other Environmental Protection Agency approvals, licences and/or sanctions (for example, *Harbours Act 1955, Beach Protection Act 1968, Marine Parks Act 1982, Queensland Heritage Act 1992, Nature Conservation Act 1992*) that are required by this development or works are listed below. This response does not infer that the other necessary approvals, licences and/or sanctions will be granted.

8. PART 4A ENVIRONMENTAL AUTHORITY FOR LEVEL 1 ERA(S) WITH DEVELOPMENT APPROVALS

Under the *Environmental Protection Act 1994*, a Part 4A environmental authority from the Environmental Protection Agency will be required.

☒ Yes ☐ No

Note that, in order to undertake this activity, the operator is required to hold an environmental authority under Part 4A of the *Environmental Protection Act 1994*.

signed ....
Steve Ducksbury
Manager (Environmental Management)
Cairns District, Northern Region
Delegate of Administering Authority
Environmental Protection Act 1994

date 25 March 1999