

Section 3.5.15 Integrated Planning Act 1997

EPA Permit¹ number: IPDE00657507

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Assessment Manager reference:	242442
Date application received by EPA:	22-JUN-2007
Permit¹ Type:	Development Approval for a MCU involving an ERA
Date of Decision:	23-JUL-2007
Decision:	Granted with conditions.
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
Bruce Highway – Pit 1 (previously Bosnich & Sons Pty Ltd Quarry 1) TULLY QLD 4854	Lot 4 Plan RP898582	ERA 20(c) Extracting rock or other material - extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or petroleum authority) from a pit or quarry using plant or equipment having a design capacity of 100 000 t or more a year.
Bruce Highway – Pit 2 (previously Bosnich Quarry 2 and 3) TULLY QLD 4854	Lot 4 Plan RP898582	ERA 20(c) Extracting rock or other material - extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or petroleum authority) from a pit or quarry using plant or equipment having a design capacity of 100 000 t or more a year.

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 comments or advice about the application

This permit authorises the extraction of rock or other material at the following production capacities:

Daily rate of extraction: 8000t per day.

Total amount of extraction by 31 December 2009: 600,000 tonnes per year.

Hours of Operation: 06:00am to 17:30pm, 7 days per week.

The owner of the land and the registered operator of this development approval must note that any increase in the area of the site by 20%, or an increase in the 'peak design capacity' by 10% may constitute a material change of use under the *Integrated Planning Act 1997*. The owner or occupier of the land must seek approval from the EPA for that material change of use.

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* or the nominated currency period, apply to each aspect of development in this permit¹. For information on when this permit¹ takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

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 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*.

Robin Little
District Manager
Cairns District, Northern Region
Delegate
Environmental Protection Agency

23 -JUL-2007

CONDITIONS OF APPROVAL

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) Erosion and Sediment Control Plan.

From commencement of an ERA to which this approval relates, an erosion and sediment control plan (ESCP) must be implemented. The ESCP 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 ESCP must also provide for the review and 'continual improvement' in the overall environmental performance of all erosion and sediment control measures.

The ESCP 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 including a plan showing where control measures will be located and supporting information showing the specification, construction or installation guidelines and calculations for sizing where applicable;
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication including specifying authority for the maintenance of and any change to control measures.
- (g) Monitoring of contaminant releases in accordance with this approval.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

- (G4) Records.

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

(G5) All records required by this approval must be kept for 5 years.

(G6) 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.

(G7) Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G6:

- a) the name of the operator, including their approval / registration number;
- b) the name and telephone number of a designated contact person;
- c) quantity and substance released;
- d) vehicle and registration details;
- e) person/s involved (driver and any others);
- 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) the results of any sampling performed in relation to the release,
- j) actions taken to mitigate any environmental harm caused by the release;
and
- k) proposed actions to prevent a recurrence of the release.

(G8) Monitoring.

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

(G9) 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.

(G10) 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.

(G11) 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.

(G12) Spill Kit Training.

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

Agency Interest: Air

- (A1) 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.
- (A2) 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.
- (A3) 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.
- (A4) 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.

Agency Interest: Land

- (L1) Land Rehabilitation.
The site (including all disturbed areas such as pit walls and benches, access and haul roads, stockpile areas) must be progressively rehabilitated in a manner such that:
- (a) native and endemic species of vegetation are planted and established to provide aesthetic rehabilitation;
 - (b) potential for erosion of the site is minimised by providing 70% ground cover;
 - (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;

- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
 - (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
 - (f) the final landform is stable and not subject to slumping; and
 - (g) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.
- (L2) Condition L1 does not apply to disturbed areas such as the pit floor area, erosion and sediment control measures, access roads and haul roads where the land owner has provided written advice to the administering authority that outlines an agreement made with the registered operator regarding the transfer of any infrastructure, and disturbed land management or maintenance commitments.
- (L3) Land Disturbance
No more than 4.6214 ha of land may be disturbed. Land must be rehabilitated progressively to ensure that the total area of disturbance is progressively reduced in accordance with the approved plans.
- (L4) All land disturbance activities including rehabilitation required by condition L1 must be completed by 31 December 2009.
- (L5) All disturbed land surfaces within the site, in addition to areas rehabilitated as required by condition (L1) and (L3), must have erosion control measures applied within 2 weeks of works ceasing on that surface in the wet season.
- (L6) All overland flow paths with a design life of greater than 6 months within the disturbed areas must convey stormwater at a non-erosive flow velocity for a design storm event with a recurrence interval of a one in two year, time of concentration duration.
- (L7) Financial Assurance. Financial assurance covers 4.6214 hectares of disturbance. The registered operator must provide a financial assurance of \$85,683 in the form of a bank guarantee prior to the commencement of activities proposed under this development approval. The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.
- (L8) Written advice by the land owner is to accompany any application for surrender of a registration certificate that authorises carrying out of the development approved under this development approval. The advice must address the following:
- (a) details any agreement made with the registered operator regarding the transfer of any infrastructure, and disturbed land management or maintenance commitments;
 - (b) the level of the landowner's satisfaction with the rehabilitation of the disturbed areas; and
 - (c) that knowledge of how to manage and or maintain transferred disturbed land areas and rehabilitated areas has been received by the landowner.
- (L9) Preventing Contaminant Release To Land.
Contaminants must not be released to land.

- (L10) 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.

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) All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.
- (N3) 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;
 - 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

- (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 investigations undertaken;
 - d) conclusions formed; and
 - e) any actions taken,

Agency Interest: Water

- (W1) Sediment control measures must be implemented and maintained to intercept and settle / treat all actual and potential sediment contaminated stormwater to minimise the release of sediment off site.
- (W2) The size of any sedimentation pond must be sufficient to treat the run-off expected from a 6 hour storm with an average recurrence interval of 1 in 10 years or otherwise approved by a Certified Practitioner in Erosion and Sediment Control.
- (W3) Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.

- (W4) Suitable banks and/or diversion drains must be installed and maintained to exclude upslope stormwater runoff from entering the pit areas or structures used for the settling or treatment of contaminants.
- (W5) Waters discharging from any sediment pond must be monitored for the parameters at the locations and frequencies defined in Table 2. All determinations of the quality of contaminants released must be:
- (a) performed by a person or body possessing appropriate experience and qualifications to perform the required measurements; and
 - (b) made in accordance with methods prescribed in the Environment Protection Agency Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent additions or supplements to that document as such become available.
- (W6) If suspended solids in sediment pond discharge waters defined in Table 2, exceed 50 mg/L in any one sample the registered operator must:
- (a) complete an investigation of the site erosion and sediment controls in accordance with the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites June 1996 (section A1 – Investigation Procedure); and
 - (b) provide a written report to the administering authority within 2 months of the date of the original exceedence, outlining:
 - i. details of the investigations carried out; and
 - ii. actions taken to prevent environmental harm.
- (W7) If suspended solids in sediment pond discharge waters defined in Table 2, exceed 70mg/L, the development approval holder must:
- (a) complete an investigation in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 methodology (section 3.3 and 8.2.1.3), into the potential for environmental harm; and
 - (b) complete an investigation of the site erosion and sediment controls in accordance with the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites June 1996 (section A1 – Investigation Procedure); and
 - (c) provide a written report to the administering authority within 2 months of the date of the original exceedence, outlining:
 - iii. details of the investigations carried out; and
 - iv. actions taken to prevent environmental harm.

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.

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

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

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

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"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.

"Environmental Protection Agency" 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.

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

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

" $L_{A, \text{max adj}, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"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.

"**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.

"**quarry material**" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"**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.

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

"**watercourse**" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"**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.

"**wet season**" means the period of time between 01 December to 30 March each year.

"**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

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	Background + 5	Background + 5	Background + 0	Background + 5	Background + 5	Background + 0
L _{A1} , adj, 10 mins	Background + 10	Background + 10	Background + 5	Background + 10	Background + 10	Background + 5
	Noise measured at a 'Commercial place'					
L _{A10} , adj, 10 mins	Background + 10	Background + 10	Background + 5	Background + 10	Background + 10	Background + 5
L _{A1} , adj, 10 mins	Background + 15	Background + 15	Background + 10	Background + 15	Background + 15	Background + 10

Table 2 Water monitoring locations and frequency.

Monitoring point	Parameter	Units	Monitoring frequency
Sediment (Pond 1 and 2, Pit 1 and Pit 2) Release Point	Suspended Solids	mg/L	Weekly when waters from sediment ponds are discharging.