



Department of
**Environment and
Heritage Protection**

07-JUL-2014

To: Mr Malcom McIntyre
'Wainui' 1566 Glenhaughton Road
TAROOM QLD 4420

Email: mcintyre.taroom@bigpond.com

Attention: Mr Malcom McIntyre

Our reference: 330809

Application details

I refer to the application that was received by the administering authority on 03-JUL-2014.

Land description: Waverley Plains near St Lawrence Lot 3 Plan RP602327.

Decision

Your application has been approved and your environmental authority (reference EPPR00373213) is attached.

Should you have any further enquiries, please contact Nathan Sirl on telephone 1300 130 372 (option 4).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jodie Brackenbury', enclosed within a rectangular box.

Signature

07/07/2014

Date

Jodie Brackenbury
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Nathan Sirl
Permit and Licence Management
Department of Environment and
Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Enclosed

Permit - environmental authority (reference EPPR00373213)

Permit¹

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: EPPR00373213

Environmental authority takes effect on 07-JUL-2014.

The anniversary date of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder

Name	Registered address
Mr Malcom McIntyre	'Wainui' 1566 Glenhaughton Road TAROOM QLD 4420

Environmentally relevant activity and location details

Environmentally relevant activity	Location
16-(2a) Extractive >5000t but <100000t yr	Waverley Plains near St Lawrence - Lot 3 Plan RP602327

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

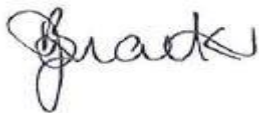
A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation



It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

Jodie Brackenbury
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

07/07/2014

Date

Enquiries:
Nathan Sirl
Permit and Licence Management
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Location: Waverley Plains near St Lawrence - Lot 3 Plan RP602327

Relevant activity/ies:

16-(2a) Extractive >5000t but <100000t yr

The environmentally relevant activity(ies) conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

CONDITIONS OF APPROVAL

ERA 20(b) 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 5 000 t or more, but less than 100 000 t, a year.

General Permit Condition

Agency Interest: General

G1 Extraction.

The only areas permitted to be extracted under this approval is that shown in attachment B1 Figure 1 entitled *Co-ordinates for the extent of proposed borrow pit* and attachment B2 Figure 2 entitled *Dimensions of the existing pit and proposed pit* (GPS Co-ordinates 27, 17, 18 and 19 located on Lot 3, Portion 221 RP 602327) found in the *Site Based Management Plan for the St Lawrence Rail Bridge Project – Borrow Pit (ERA 20b) dated 13 October 2008*.

G2 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.

G3 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.

G4 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 ERAs 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.

G5 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G6 Records.

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

G7 All records required by this approval must be kept for 5 years.

G8 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.

G9 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 G8:

- 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.

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 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.

G13 Spill Kit Training.

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

G14 Acid sulphate soils

You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Water and Mines and the Department of Primary Industries and Fisheries.

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 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

- L2 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.

- L3 Land Rehabilitation.

The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (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.

- L4 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

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.

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	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
L _{A1} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Commercial place'					
L _{A10} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
L _{A1} , adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

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.

N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

N5 Blasting activities.

No blasting activities is authorised under this approval.

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: Waste

G7 Waste Records.

A record of all waste materials generated and removed from the site 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.

Agency Interest: Water

WA1 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.

WA2 Erosion Protection Measures And Sediment Controls.

Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

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 The size of any sedimentation dam must be sufficient to contain the run-off expected from a 24 hour storm with an average recurrence interval of 1 in 5 years.

WA5 Pond Conditions.

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 0.5 metres is maintained at all times, except in emergencies; and
- c) so as to ensure the stability of the ponds' construction.

WA6 Acid sulphate soils must be managed such that contaminants are not being directly and indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

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.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

"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*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"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.

"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

END OF PERMIT

