

Concurrence Agency Response

Section 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*

DERM Permit¹ number: IPCE01132408

This document replaces the document issued on 22-APR-2009

DERM Permit ¹ number:	IPCE01132408
Assessment Manager reference:	STJ/190/000
Date application received by DERM:	15-JUL-2008
Permit ¹ Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	10-JUNE-2009
Decision:	Granted
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description

Property	Lot/Plan	Aspect of Development
Tully River, TULLY QLD 4854	Land adjacent to Lot 1 Plan RP744816 and Lot 85 Plan RP908586	ERA 16(1)(a) Extractive or screening activities - >1,000 – 10,000 t/yr.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) 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 Department of Environment and Resource Management 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 permit for an environmentally relevant activity are in accordance with section 73B of the *Environmental Protection Act 1994*.

Additional information for applicants

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

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

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becoming so aware, give notice to the Department of Environment and Resource Management.

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*.

Ingrid Fomiatti Minnesma
Manager
Far Northern Region
Regional Services
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10-JUNE-2009

CONDITIONS OF APPROVAL

General Permit Condition

Agency Interest: General

- PG1 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.
- PG2 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.
- PG3 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.
- PG4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
- PG5 Records.
Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- PG6 All records required by this approval must be kept for 5 years.
- PG7 The only areas permitted to be dredged under this approval are those shown on the site plan in Attachment 1 and described as land adjacent to lot 85 RP908586 and lot 1 RP744816.
- PG8 Acid Sulphate Soils.
The latest edition of the Queensland Department of Environment and Resource Management's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the Instructions') must be complied with when treating and managing acid sulfate soils.

- PG9 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters.
- PG10 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.
- PG11 Information About Spills.
A written notice detailing the following information must be provided to the DERM within 14 days of any advice provided in accordance with condition PG10:
- the name of the operator, including their approval / registration number;
 - the name and telephone number of a designated contact person;
 - quantity and substance released;
 - vehicle and registration details;
 - person/s involved (driver and any others);
 - the location and time of the release;
 - the suspected cause of the release;
 - a description of the effects of the release;
 - the results of any sampling performed in relation to the release,
 - actions taken to mitigate any environmental harm caused by the release; and
 - proposed actions to prevent a recurrence of the release.
- PG12 Monitoring.
A competent person(s) must conduct any monitoring required by this approval.
- PG13 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.
- PG14 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.
- PG15 Spill Kit Training.
Anyone operating under this approval must be trained in the use of the spill kit.

Agency Interest: Air

- PA1 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.
- PA2 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.
- PA3 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
- 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
 - 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.

- PA4 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: Coastal

- PC1 The permit holder must employ a Registered Surveyor to carry out a survey of the allocation area, in July each year. The survey of the allocation area shall be in accordance with the following requirements:
1. Cross-sections spaced every 200 metres along the entire allocation area and extend 20 metres downstream of the allocation area.
 2. The locations of the cross-sections should be marked with pegs and GPS to allow repeated surveys in subsequent years;
 3. Each cross-section must extend from the bank adjacent to the allocation area across the channel to the opposite bank;
 4. Levels shall be taken at each section and at every change in gradient so as to accurately define the profile of the bed and banks along the cross-section survey line;
 5. Each cross-section plotted to a scale of not less than 1:2000 horizontal and 1:100 vertical;
 6. The datum for levels shall be Australian Height Datum.
- PC2 After a major flood event that entirely inundates the allocation area, an additional survey is to be carried out by a Registered Surveyor along the same cross-section locations as surveyed in PC1 above (to a maximum of 1 survey in total).

Agency Interest: Land

- PL1 Land Rehabilitation.
At cessation of activities, 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.
- PL2 Preventing Contaminant Release to Land.
Contaminants must not be released to land.
- PL3 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

PN1 Noise Nuisance.

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

PN2 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:

- [- airblast overpressure (dB (Lin) Peak);]
- 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.

PN3 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	50	45	35	50	45	35
L _{A1} , adj, 10 mins	55	50	40	55	50	40
	Noise measured at a 'Commercial place'					
L _{A10} , adj, 10 mins	55	50	45	55	50	40
L _{A1} , adj, 10 mins	60	55	45	60	55	45

PN4 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: Social

PS1 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.

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Agency Interest: Water

- PWA1 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- PWA2 Release to Waters.
Contaminants must not be released from the site to any waters or the bed and banks of any waters.
- PWA3 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.

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 Department of Environment and Resource Management 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.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"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*.

"high water mark" means the ordinary high water mark at spring tides.

"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.

"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

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- 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.

"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