

Permit

Environmental Protection Act 1994

Environmental authority EPPR00418213

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

Environmental authority number: EPPR00418213

Environmental authority takes effect on 06 October 2017

Environmental authority holder(s)

Name(s)	Registered address
ACN 159 108 782 Pty Ltd	7 Production St MARYBOROUGH QLD 4650

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 47 - Timber Milling and Woodchipping, Milling, in a year, the following total quantity of timber, (c) more than 20,000t but not more than 100,000t	Lot 2/MPH34961
Prescribed ERA, ERA 47 - Timber Milling and Woodchipping, Milling, in a year, the following total quantity of timber, (c) more than 20,000t but not more than 100,000t	Lot 9/MPH34961
Prescribed ERA, ERA 47 - Timber Milling and Woodchipping, Milling, in a year, the following total quantity of timber, (c) more than 20,000t but not more than 100,000t	Lot 10/SP175495
Prescribed ERA, ERA 47 - Timber Milling and Woodchipping, Milling, in a year, the following total quantity of timber, (c) more than 20,000t but not more than 100,000t	Lot 3/MPH34961
Prescribed ERA, ERA 46 - Chemically treating timber, Using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	Lot 2/MPH34961
Prescribed ERA, ERA 46 - Chemically treating timber, Using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	Lot 9/MPH34961
Prescribed ERA, ERA 46 - Chemically treating timber, Using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	Lot 10/SP175495

Environmental authority

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 46 - Chemically treating timber, Using copper chromium arsenic, creosote or a chemical not listed in AS1604.1, appendix B, to treat timber for preservation on a commercial basis	Lot 3/MPH34961

Additional information for applicantsEnvironmentally relevant activities

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

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

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

Environmental authority

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Amanda Gray
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

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Date issued: 06 October 2017

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)

Legislative Requirements and Conditions of Environmental Authority

Legislative Requirements

PLR025

General obligations for environmental authority holders

This is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and holders are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

Separate to the requirements of the eligibility criteria and standard conditions, the holder of the environmental authority must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act. For example, the holder must be aware of the following provisions of the *Environmental Protection Act 1994* which may apply unless the environmental harm is authorised by the conditions of the environmental authority.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes, or is likely to cause, environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- (a) the nature of the harm or potential harm
- (b) the sensitivity of the receiving environment
- (c) the current state of technical knowledge for the activity
- (d) the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- (e) the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

- (a) an act that causes serious or material environmental harm or an environmental nuisance
- (b) an act that contravenes a noise standard
- (c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Heritage Protection (EHP) website www.ehp.qld.gov.au.

Duty to notify

Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:

- (a) a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm
- (b) while carrying out activities a person becomes aware of the happening of one or both of the following events:
 - (i) the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
 - (ii) the activity has caused the unauthorised connection of two or more aquifers.
- (c) the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994* becomes aware of:
 - (i) the happening of an event involving a hazardous contaminant on the contaminated land; or
 - (ii) a change in the condition of the contaminated land; or
 - (iii) a notifiable activity having been carried out, or being carried out, on the contaminated land;that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (available at www.qld.gov.au using the publication number ESR/2016/2271 as a search term).

Some relevant offences under the *Environmental Protection Act 1994*

Non-compliance with a condition of an environmental authority (section 430)

Section 430 of the *Environmental Protection Act 1994* requires that a person who is the holder of, or is acting under, an environmental authority must not wilfully contravene, or contravene a condition of the authority.

Environmental authority holder responsible for ensuring conditions complied with (section 431)

Section 431 of the *Environmental Protection Act 1994* requires that the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority. If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.

Causing serious or material environmental harm (sections 437-39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also

include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)
Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2008.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some of the relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Relevant offence under the Environment Protection Regulation 2008

Waste tracking (Chapter 5, Part 9)

Waste handlers must submit waste tracking information to the Department of Environment and Heritage Protection as part of the process for tracking waste types as listed in Schedule 2E of the Environmental Protection Regulation 2008. The waste tracking enables the department to track waste from its source to the place of storage, recycling, treatment or disposal.

Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to, the:

- (a) *Aboriginal Cultural Heritage Act 2003*
- (b) Australian Dangerous Goods Code
- (c) Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition - April 2003
- (d) Contaminated land provisions of the *Environmental Protection Act 1994*
- (e) *Fisheries Act 1994*
- (f) *Forestry Act 1959*
- (g) *Nature Conservation Act 1992*
- (h) *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*
- (i) *Queensland Heritage Act 1992*
- (j) Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions
- (k) *Planning Act 2016*
- (l) Waste Reduction and Recycling Regulation 2011
- (m) *Water Supply (Safety and Reliability) Act 2008*
- (n) *Water Act 2000*
- (o) *Work Health and Safety Act 2011*, Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

Environmental authority holders are advised to check with all relevant statutory authorities and comply with all relevant legislation.

Conditions

General

- PMG008 All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
- PMG007 Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
- PMG009 When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
- PMG015 An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.

- CGE001 All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
- PCG011 All records must be kept for a period of at least five years and provided to the administering authority upon request.
- PCG012 Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
- PCG037 All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

Acoustic

- PCN006 Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
- CAC001 Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in *Table: Noise limits* and the associated requirements at any nuisance sensitive place or commercial place.

Table: Noise limits

Period	Noise Level at a <u>Sensitive Place</u> Measured as the Adjusted Maximum Sound Pressure Level ($L_{Amax,adj,T}$)
7am – 6pm	Background noise level plus 5 dB(A)
6pm – 10pm	Background noise level plus 5 dB(A)
10pm – 7am	Background noise level plus 3 dB(A)
Period	Noise Level at a <u>Commercial Place</u> Measured as the Adjusted Maximum Sound Pressure Level ($L_{Amax,adj,T}$)
7am – 6pm	Background noise level plus 10 dB(A)
6pm – 10pm	Background noise level plus 10 dB(A)
10pm – 7am	Background noise level plus 8 dB(A)

Associated Monitoring Requirements

1. Limits are applied at the boundary of the sensitive or commercial place.
2. The location, date and time of monitoring must be recorded.
3. All monitoring devices must be correctly calibrated and maintained.
4. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.
5. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.

Air

- PMA001 Other than as permitted within this environmental authority, odours or airborne contaminants must not cause environmental nuisance at a sensitive place or commercial place.
- CAI001 The only fuel which may be burned in industrial fuel burning equipment is untreated wood waste.
- CAI002 You must not:
- (a) burn treated timber waste or other contaminated waste at or on the site; nor
 - (b) allow treated timber waste or other contaminated waste to burn or be burnt at or on the site; nor
 - (c) remove treated timber waste or other contaminated waste from the site and burn such waste elsewhere.
- CAI003 Untreated wood waste may be disposed of by burning provided:
- (a) for the purpose of minimising the release of contaminants to the environment, consideration is given to all other possibilities of recycling and disposing of wood waste. Some of these alternative methods of recycling and disposing include:
 - (i) chipping offcuts and selling or giving away the chips,
 - (ii) use of offcuts for landscaping, mulch or composting,
 - (iii) disposal to landfill,
 - (iv) pit burning, and
 - (v) selling or giving away offcuts for other purposes;
 - (b) the release of contaminants from such burning does not have an adverse effect on people living in or using the surrounding area or cause any other nuisance effect;
 - (c) the fire is confined to a small area and the start and finish time of the burn is controlled;
 - (d) you must have a person on the site to supervise all burning activities from beginning to end; and
 - (e) you must maintain a written record of the start and finish times of any burning activities.

Land

- PCL005 Other than as permitted within this environmental authority, contaminants must not be released to land.

Water

CWA001 Contaminants must only be released to surface waters in accordance with *Table: Contaminant release points and release limits* and the associated requirements.

Table: Contaminant release points and release limits

Quality Characteristics	Release Point	Release Limit (mg/L)	Monitoring Frequency
Total Copper (filtered and unfiltered)	SW1	0.2	6 monthly
Total Chromium (filtered and unfiltered)		1.0	
Total Arsenic (filtered and unfiltered)		0.1	

Associated Requirements

1. Release point SW1 is the release from the sediment trap.
2. All monitoring devices must be effectively calibrated and maintained
3. Water quality monitoring must be in accordance with the methods prescribed in the current edition of the administering authority's Monitoring and Sampling Manual.
4. Samples must be representative of the release.

CWA002 Treated timber must not be moved from the drip pads until the timber is drip free.

CWA003 The pressure vessel must be fitted with safety interlocks which comply with the Australian Standard 1210-2010.

Definitions

- PD077 Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.
- PD078 Administering authority means the Department of Environment and Heritage Protection or its successors or predecessors.
- PD085 Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.
- PD087 Background means noise, measured in the absence of the noise under investigation, as $L_{A90,adj,T}$ being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.
- PD093 Boundary means within 1m of the cadastral boundary of the approved place.
- PD099 Commercial place means 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.
- CD002 Drip free means the treatment solution has stopped dripping from the timber and that no further dripping occurs when timber is moved, tilted, or exposed to heat or sunlight.
- PD123 Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.
- PD135 $L_{Amax,T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.
- PD136 Land does not include waters.
- PD144 Measures have the broadest interpretation and include plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

- PD147 NATA means National Association of Testing Authorities.
- PD163 Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.
- PD172 Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.
- PD176 Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:
1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
 2. a motel, hotel or hostel; or
 3. a kindergarten, school, university or other educational institution; or
 4. a medical centre or hospital; or
 5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
 6. a public park or garden; or
 7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.
- PD185 Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise sensitive place exceeding 55 dB(Z).
- CD003 Treated timber means timber treated with either CCA (mixtures containing copper, chromium and arsenic compounds formulated using salt- or oxide-based components) or AQC (alkaline copper quaternary).
- PD199 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.
- PD202 You means the holder of the environmental authority.