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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00681107

This amended registration certificate is issued by the administering authority and takes effect from: 24 November 2009.

The anniversary day for the purposes of the Annual Return remains: 3 July.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following place; subject to the conditions set out in a development approval IPCE00650107 attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-
Queensland Bulk Handling Pty Limited
PO Box 348
WYNNUM CENTRAL QLD 4178

Place:-
Lot 23 Plan SL9909.
Located at:-
Bulk Terminals Drive, FISHERMAN ISLANDS QLD 4178.
Registered Activities:-
ERA 50 Bulk material handling Threshold 2 - loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials at a Port
ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Delegate
Administering authority
Environmental Protection Act 1994

24-NOV-2009

Environmental Protection Act 1994

Licence No. SR479

Section 45(1)

Under the provisions of the *Environmental Protection Act 1994* this environmental authority is issued:

To: Queensland Bulk Handling Pty Limited

Address: Bulk Terminals Drive
FISHERMAN ISLANDS QLD 4178

in respect of carrying out the environmentally relevant activity at the following place:

Por 23, Plan SL9909, County of Stanley, Parish of Noogoon

located at: Bulk Terminals Drive
FISHERMAN ISLANDS QLD 4178

ERA 74 - Stockpiling, loading or unloading goods in bulk -- commercially loading, unloading or stockpiling materials or goods, in association with an activity mentioned in item 71, using a crane, conveyor, pump or other similar way at a rate of more than 100 t per day.

This environmental authority is issued subject to the conditions set out in the schedules attached to this environmental authority.

This licence takes effect from 8 December 1999.

signed .....

Alan Feely
Regional Service Director
Delegate of Administering Authority
Environmental Protection Act (1994)

date 24.11.99

This environmental authority consists of the following schedules-

Schedule A - General Conditions

Schedule B - Air

Schedule C - Water

Schedule D - Stormwater Management

Schedule E - Land Application

Schedule F - Noise

Schedule G - Waste Management

Schedule H - Monitoring and Reporting

Schedule I - Definitions

SCHEDULE A - GENERAL CONDITIONS

Release of Contaminants not otherwise provided for

(A1) In carrying out the environmentally relevant activity, the holder of this environmental authority must take all reasonable and practicable measures to prevent and/or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, may cause environmental harm, in a manner that could be prevented, shall be carried out in a proper manner by a competent person in accordance with the conditions of this authority.

Display of Environmental Authority

(A2) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.

Records

(A3) Any record or document required to be kept by a condition of this environmental authority must be kept at the licensed place for a period of at least five years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

(A4) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental authority.

Nuisance

(A5) Notwithstanding any other condition of this environmental authority, this environmental authority does not authorise any release of contaminants which cause or are likely to cause an environmental nuisance beyond the boundaries of the licensed place.

End of Conditions for Schedule A

SCHEDULE B - AIR

General Air Emission Control / Contaminant Minimisation and Management Conditions

(B1) Dust or particulate matter that will have or is likely to have an adverse effect on people living in or using the surrounding area shall not be permitted to emanate beyond the boundaries of the licensed place.

Noxious or Offensive Odour

(B2) Notwithstanding any other condition of this environmental authority no release of contaminants from the licensed place is to cause a noxious or offensive odour beyond the boundaries of the licensed place.

Materials Handling

(B3) All high level transfer conveyers of material must be roofed and enclosed on two sides.

Dust Control

(B4) Water sprays must be installed at the unloading system and stockpile area, and operated as necessary to minimise the release of dust and particulate matter to the atmosphere.

(B5) All sealed traffic areas must be cleaned as necessary to minimise the release of dust and particulate matter to the atmosphere.

Dust Minimisation: Traffic Movements

(B6) All areas intended to carry vehicular traffic must be adequately maintained to avoid the generation of dust.

End of Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) Contaminants must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters except:

(i) as permitted under the water schedule; or
(ii) as permitted under the stormwater management schedule; or
(iii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

(C2) The only contaminants permitted to be released from the licensed place at the release point W1 are effluents from the coal stockpile runoff settlement pond.

Release Point

(C3) Contaminants must not be directly or indirectly released from any source on the licensed place to any waters at any location other than the contaminants and sources at the location indicated below:

Release point W1 - weir overflow from the settlement pond to a low lying area which drains to waters described as the Brisbane River at approximately 2 km AMTD as shown in drawings 20 - 10 - 100, and 20 - 04 - 010 in the application.

Quality Characteristics Of Release to Waters

(C4) The release of contaminants to waters must comply, at the sampling and in situ monitoring point specified in Schedule H, with each of the limits specified in schedule C Table 1 for each quality characteristic.

SCHEDULE C TABLE 1 - RELEASE QUALITY CHARACTERISTIC LIMITS

QUALITY CHARACTERISTICS	RELEASE POINT NUMBER	RELEASE LIMIT	LIMIT TYPE
pH (pH Units)	W1	6.5 - 9.0	range
Suspended Solids (mg/l)	W1	100	maximum

Quality Characteristics Of Release to Waters

(C5) The release must not produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other objectionable matter.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Contaminant Releases Caused by Rainfall

(D1) Except as otherwise provided by the conditions of the stormwater management schedule and the water schedule of this environmental authority, the environmentally relevant activity must be carried out by such practicable means necessary to prevent and/or minimise the release or likelihood of release of contaminated runoff from the licensed place to any stormwater drain or waters or bed or banks of any such waters. "Contaminated runoff" for the purpose of this condition means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

General Conditions

(D2) The licensed place must be sealed and/or graded to ensure that water does not "pond" on site.

(D3) Stormwater and sprayed water runoff from the stockpiling area must be directed to the settling pond.

(D4) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas from where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.

(D5) Any spillage of waste, contaminants or other materials onshore must be cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminants or material to any stormwater drainage system, roadside gutter or waters.

(D6) Any spillage of waste, or other materials on the wharf must be cleaned up as quickly as practicable using dry cleaning methods wherever possible.

(D7) Stormwater runoff and wash-down water from the dump hopper area must be collected in a sump and used as a dust suppressor in the unloading system or stockpile area.

Fuel and Chemical Storage Bunding

(D8) All fuel and chemical tank storage must be bunded so that the capacity of the bund is sufficient to contain at least 100 % of the largest storage tank plus 10 % of the second largest tank within the bund.

(D9) All bunding must be constructed of materials which are impervious to the materials stored.

(D10) All bunding must be roofed where practicable.

(D11) Where it is impractical to completely roof a bunded area the holder of this environmental authority must ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.

(D12) A collection sump must be provided in the floor of the bunding to facilitate the removal of liquids. The bund floor must be graded so that the fall is towards the collection sump.

(D13) All bunding must be maintained free from gaps or cracks.

(D14) The bunded areas must be kept clean.

End of Conditions for Schedule D

SCHEDULE E- LAND APPLICATION

Release of Contaminants to Land

(E1) There must be no release nor likelihood of release of any contaminants to land.

End of Conditions for Schedule E

SCHEDULE F - NOISE

Emission of Noise

(F1) In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the licensed place must not result in levels greater than those specified in Table 1 of the Noise Schedule.

SCHEDULE F TABLE 1

Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,\ T}$	Period
Background noise level plus 10 dB(A)	7 am - 6 pm
Background noise level plus 10 dB(A)	6 pm - 10 pm
Background noise level plus 8 dB(A)	10 pm - 7 am

End of Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

Waste Management Plan (WMP)

(G1) The holder of this environmental authority must:

(a) develop and implement a waste management plan which provides for the following functions:

- prevention of waste; and
- treatment of waste; and
- disposal of waste; and

(b) on or before 1 December 1997, have completed and implemented the waste management plan.

(G2) A copy of the Waste Management Plan must be kept at the licensed place.

(G3) The holder of this environmental authority must not implement a Waste Management Plan or amend a Waste Management Plan where such implementation or amendment would result in a contravention of any condition of this environmental authority.

Security:

(G4) The premises must be enclosed by security fence of at least 1.8 meters in height. The fencing must be maintained to a standard that will prevent unauthorised access to the premises.

(G5) Lockable gates at least 1.8 metres high must be provided.

Emergency Precautions:

(G6) An adequate water supply and distribution system must at all times be provided to the site so that water can be discharged by means of a hose to extinguish a fire at any part of the site.

(G7) Clear access to a water supply for fire fighting vehicles must be provided at all times.

End of Conditions for Schedule G

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

(H1) All complaints received by the holder of this environmental authority relating to releases of contaminants from operations at the licensed place must be recorded and kept in a log book with the following details:

(i) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.

Monitoring of Contaminant Releases to Waters

(H2) The holder of this environmental authority is responsible for the making of determinations and keeping of records of the quality of the contaminants released for the release points, quality characteristics, and at the frequency specified in Schedule H Table 1:

Schedule H - Table 1

QUALITY CHARACTERISTIC DETERMINATION	RELEASE POINTS	FREQUENCY
pH.	W1	At least four times in the wet season
Suspended Solids.	W1	At least four times in the wet season

Sampling and In Situ Monitoring Point Details

(H3) Determinations of the quality of contaminants released to waters to check conformity with the release quality characteristics specified in the Water Schedule of this environmental authority must be undertaken at the sampling and in situ monitoring point described as:

(i) the weir overflow from the effluent settling pond.

(H4) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Heritage Water Quality Sampling Manual, 2nd Edition, February 1995, or more recent additions or supplements to that document as such become available.

(H5) All determinations of the quality of contaminants released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Noise Monitoring

(H6) For the purposes of investigation of complaint of noise annoyance and for checking compliance with condition F1 of the noise schedule, monitoring and recording of the noise levels from the activity must be undertaken for the following descriptors, characteristics and conditions:

(i) $L_{Amax,\ adj\ T}$;
(ii) $L_{Abg,\ T}$ or $L_{A90,\ T}$;
(iii) Max $L_{pA\ T}$;
(iv) The level and frequency of occurrence of impulsive or tonal noise;
(v) Atmospheric conditions including temperature, relative humidity and wind speed and direction; and
(vi) Effects due to extraneous factors such as traffic noise.

(H7) In conjunction with noise measurement and recording, the following parameters and conditions must be recorded:

(i) Location, date and time of recording.

(H8) Noise monitoring must be undertaken to investigate any complaint of noise annoyance or upon receipt of a written request from the administering authority to carry out such monitoring.

(H9) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition, March 1995, or more recent additions or supplements to that document as become available.

(H10) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Ambient Particulate Monitoring

(H11) Monitoring must be undertaken to investigate any complaint of dust nuisance upon receipt of a written request from the administering authority to carry out such monitoring.

(H12) The dust fallout monitoring program must be carried out at a sufficient number of monitoring points to enable compliance with condition H11. Monitoring sites must be selected having regard to:

(I) locations of dust sources;
(ii) locations of persons potentially affected by any release of dust from the environmental relevant activity; and
(iii) prevailing wind conditions.

(H13) The samples must be collected and analysed in accordance with the requirements of Australian Standard AS 3580.10.1-1991 for Ambient Air - Particulate Matter.

(H14) The measurement and reporting of ambient particulate must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Report Submission

(H15) The holder of this environmental authority must ensure that the results of all monitoring performed in accordance with this environmental authority for the period covered by the return are submitted with the Annual Return.

Notification of Emergencies and Incidents

(H16) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone or facsimile.

(H17) The notification of emergencies or incidents as required by condition number H16 must include but not be limited to the following:

(i) the name of the holder of the environmental authority;
(ii) the location of the emergency or incident;
(iii) the number of the environmental authority;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the holder of the environmental authority became aware of the release;
(vii) the suspected cause of the release;
(viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

(H18) Not more than 14 days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with condition number H17 in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and
(iii) the results of any environmental monitoring performed.

Exception Reporting

(H19) The holder of this environmental authority must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within 28 days of completion of analysis.

(H20) The written notification required by condition number H19 above must include:

(i) The full analysis results, and
(ii) Details of investigation or corrective actions taken, and
(iii) Any subsequent analysis.

End of Conditions for Schedule H

SCHEDULE I - DEFINITIONS

For the purposes of this environmental authority the following definitions apply:

(I1) "Act" means the Environment Protection Act 1994.

(I2) "administering authority" means the Environmental Protection Agency or its successor.

(I3) "land" in the Land Application Schedule means land excluding waters and the atmosphere.

(I4) "mg/l" means milligrams per litre.

(I5) "maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(I6) "range" means that the measured value of the quality characteristic or contaminant must not be greater than the higher release limit stated nor lower than the lower release limit stated.

(I7) "wet season" means the period that starts on 1st October every year and finishes on 30th April of the following year.

Noise Definitions

(I8) "$L_{Amax\ adj,\ T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response.

(I9) "Background noise level" means either:

$L_{A90,\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response, or

$L_{Abg,\ T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response.

(I10) "Max $L_{pA,\ T}$" means the maximum A-weighted sound pressure level measured over a time period of not less than 15 minutes, using Fast response.

(I11) "commercial place" means a place used as an office or for business or commercial purposes.

(I12) "annoyance". In determining what constitutes "annoyance" regard must be had to Australian Standard 1055.2 - 1989 Acoustics - Description and Measurement of Environmental Noise Part 2 Application to specific situations.

End of Conditions for Schedule I

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Notice

Concurrence Agency Response

This notice is issued by Department of Environment and Resource Management pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Port of Brisbane Corporation
Locked Mail Bag 1818
FISHERMAN ISLANDS QLD 4178

CC: Queensland Bulk Handling Pty Limited
PO Box 348
WYNNUM CENTRAL QLD 4178

Our reference: 339957

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

Department of Environment and Resource Management (DERM), wishes to advise that the referral for a concurrence agency response, received on 21-AUG-2009, has been assessed, and on 9-DEC-2009 it was approved.

1. Property/Location:

Street address - 3 Bulk Terminals DR FISHERMAN ISLANDS QLD 4178
Lot/Plan - Lot 83 Plan SP108337, Lot 86 Plan SP108337

2. Details of the recommendation

Aspect of Development
- Concurrence Response for a MCU involving an ERA
- ERA 50 Bulk material handling Threshold 2 - loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials at a Port
- ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Recommendation
- approved with conditions

DERM Ref Number
- IPCE01697909

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Aspect of Development
- Advice Agency Response
- MCU of land in or within 100m of a conservation estate

Recommendation
- approved with advice

DERM Ref Number
- IPAR01695909

3. Currency period

This approval will lapse unless substantially started within four (4) years.

4. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes DERM's concurrence response) for this application issued by the Port of Brisbane Corporation, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to DERM's Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@derm.qld.gov.au.

In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, DERM has not provided a notification to native title parties.

If you require more information, please contact Ross Blake, the Project Manager, on the telephone number listed below.

Yours sincerely

R. Kirt

Delegate
Department of Environment and Resource Management
09-DEC-2009

Enquiries:
ES - Reg Serv - Bne South - Bne
GPO Box 2771
BRISBANE QLD 4001
Phone: (07) 3896 3368
Fax: (07) 3406 2578

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Section 3.3.16 and 3.3.18 or 3.3.17 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE01697909

This document replaces the document issued on 12 March 2008

EPA Permit[1] number:	IPCE01697909
Assessment Manager reference:	Assessment Manager application number: DA-16-09
Date application received by EPA:	21-AUG-2009
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Applicant:	Queensland Bulk Handling Pty Ltd
Date of Decision:	9 December 2009
Decision:	2
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description

Property	Lot/Plan	Aspect of Development
3 Bulk Terminals Dr, FISHERMAN ISLANDS QLD 4178	Lot 83 Plan SP108337 Lot 86 Plan SP108337	ERA 50 Bulk material handling Threshold 2 - loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials at a Port ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

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) Department of Environment and Resource Management is a concurrence agency under the Integrated

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Planning
Regulation 1998 for the purposes of the Environmental Protection Act 1994.
2) Any development conditions placed on this permit1 for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional comments or advice about the application

N/A

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 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.

R. Kent

For

Scott Robinson
Delegate
Department of Environment and Resource Management
09-DEC-2009

CONDITIONS OF APPROVAL

Condition for: ERA 50 Bulk material handling Threshold 2 - loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials at a Port

Condition for: ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Agency Interest: General

Prevent and/or minimise likelihood of environmental harm

G1 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.

Maintenance Of Measures, Plant and Equipment

G2 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.

Site Based Management Plan

G3 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.

G4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Records

G5 Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G6 All records required by this approval must be kept for 5 years.

Waste Records

G7 A record of all waste 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.

Notification

G8 Telephone 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.

Information About Spills

G9 A written notice detailing the following information must be provided to DERM 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.

Monitoring

G10 A competent person(s) must conduct any monitoring required by this approval.

Equipment Calibration

G11 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.

Spill Kit

G12 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.

Spill Kit Training

G13 Anyone operating under this approval must be trained in the use of the spill kit.

Spills and Clean Up Action

G14 Notwithstanding the other conditions of this approval, if a hazardous contaminant is released to waters or land, the operator must:
(a) take immediate action to stop any further release;
(b) take immediate action to contain the hazardous contaminant to the affected area taking particular care to protect environmentally sensitive areas;
(c) restore or rehabilitate the environment to its condition before the release occurred; and
(d) take necessary action to prevent a recurrence of the release.

Emergency Response/Contingency Plan

G15 The operator must develop, implement and maintain an Emergency/Contingency Plan to manage the environmental impacts of uncontrolled release of contaminants to the environment.

The Emergency Response/Contingency Plan must address at least the following matters:
(a) response procedures to be implemented to reduce the likelihood of any release of contaminants to the environment;
(b) response procedures to prevent any further release or if such is not practicable, minimise the extent and duration of any release to the greatest practicable extent;
(c) the practices and procedures to be employed to restore the environment, or if such is not practicable, mitigate any environmental impacts of the release;
(d) a description of the resources to be used in response to a release;
(e) the training of staff that will be called upon to respond to a release;
(f) procedures to investigate the cause of any release, and where necessary, implement remedial actions to reduce the likelihood of recurrence of a similar event;
(g) the provision and availability of documented procedures to staff attending any release to enable them to effectively respond; and
(h) timely and accurate reporting of the circumstance and nature of release events to the administering authority.

G16 A copy of the emergency Response/Contingency Plan and any subsequent amendment of the Emergency Response/Contingency Plan must be kept at the approved place and be available for examination by Emergency Services Personnel or an authorised person on request.

Nuisance

G17 Notwithstanding any other condition of this development approval, the development approval does not authorise any release of contaminants which cause or are likely to cause an environmental nuisance beyond the boundaries of the approved place.

Agency Interest: Air

A1 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.

A2 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

Preventing Contaminant Release To Land

L1 Contaminants must not be released to land.

Bunding

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 All bunding must be constructed and maintained so as to be sufficiently impervious to allow retention and recovery of any materials being stored within the bund.

L4 All required pipework from the bunded areas must where practicable be directed over the bund wall and not through it.

L5 Where it is not practicable to direct pipework over a bund wall the holder of this approval must ensure that an effective seal is maintained at all times between the pipe and the bund.

L6 Where vehicle access to a bunded area is required, the access must be by way of a rollover bund.

Agency Interest: Noise

N1 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Noise Monitoring

N2 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.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Noise Measurement Manual.

Agency Interest: Social

Complaint Response

S1 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 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.

W2 Settled/treated stormwater runoff waters from those areas of the site that drain to the sediment control system must only be released in compliance with the release limits listed in Table 2 - Contaminant release limits to water.

Table 2 - Contaminant release limits to water

Release Point	Water Quality Parameters	Release Limit		Monitoring Frequency
		Minimum	Maximum	
'W2' - stormwater discharge outlet	pH	6.5	8.4	When discharge event occurs
	Total Suspended Solids (TSS)	-	30mg/L or 10% above the concentration at any background point upstream in receiving waters, whichever is greater, for dry weather periods	
		-	90th percentile less than 100mg/L for wet weather periods	
	Total Phosphorus (TP)	-	0.06 mg/L	
	Total Nitrogen (TN)	-	1.0 mg/L	

Monitoring

W3 Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the quality characteristics and not less frequently than specified in Table 2 - Contaminant release limits to water. All determinations of the quality of contaminants released must be:
(a) made in accordance with methods prescribed in the latest edition of the Department of Environment and Resource Management Water Quality Monitoring and Sampling Manual; and
(b) carried out on samples that are representative of the discharge.

W4 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

W5 The settlement pond must be maintained to ensure it has a constant detention capacity for a 1 in 100 year event as designed for.

W6 Water velocities through temporary watercourse diversions around the works area must be maintained similar to pre-work velocities during such diversions, and must be re-instated once dredging works are completed.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] 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.

"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.

"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*.

"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.

"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*.

"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.

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

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

"$L_{A,\ max\ adj,\ T}$" 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.

"Noise Measurement Manual" refers to the Department of Environment and Resource Management (former Environmental Protection Agency) Noise Measurement Manual, third edition, March 2000, or more recent additions or supplements to that document as become available.

"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.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"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.

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

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'					
$L_{A10, adj, 10 mins}$	Bkg + 5	Bkg + 5	Bkg	Bkg + 5	Bkg + 5	Bkg
$L_{A1, adj, 10 mins}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	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

Bkg – Background Noise Level