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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00821508

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 16 September 2008.

The anniversary day for the purposes of the Annual Return remains: 16 September.

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 places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-
Barrett Burston Malting Co. Pty Ltd
1 Gough Street
RICHMOND VIC 3121

Place:-
Lot 759 Plan SL2914
Located at:-
39 Soutter Street, Pinkenba QLD 4008
Registered Activity/ies: -
ERA 15 Fuel burning - using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour

Place:-
Lot 454 Plan SP129470
Located at:-
48 Radio Street, Pinkenba QLD 4008
Registered Activity/ies: -
ERA 15 Fuel burning - using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour

Shari Murphy

Delegate
Administering authority
Environmental Protection Act 1994
Date: 28.9.09

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Notice

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Brisbane City Council
GPO Box 1434
Brisbane
QLD 4001

CC: Barrett Burston Malting Co Pty Ltd
C/- Sinclair Knight Merz
PO Box 246
SPRING HILL QLD 4004
F.A.O Ms Anne Meijer

Our reference: 311317

F.A.O Mr Alessio Zancolich

Dear Mr Zancolich

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response for ERA 17- Fuel Burning DA Number A002111332, received on 11-SEP-2008, has been assessed, and on 02-FEB-2009 it was decided that conditions must be attached to any development approval.

The advice and/or conditions relevant to this response are attached. They are clearly identified to indicate which referral trigger they apply to.

1. Property/Location:

Lot/Plan - Lot 759 Plan SL2914

Lot/Plan - Lot 454 Plan SP129470

Lot/Plan - Lot 1171 Plan SP172732

Lot/Plan - Lot 451 Plan SP129470

Lot/Plan - Lot 3 Plan RP219507

Lot/Plan - Lot 458 Plan SP129470

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

2. Details of the recommendation

Aspect of Development
- Concurrence Response for a MCU involving contaminated land
- All or part of the land forming part of the premises is on the environmental management register or contaminated land register
- All or part of the land forming part of the premises is/was last used for a notifiable activity, or an industrial activity (other than a mining or petroleum activity) and the proposed use for a child care, educational, recreational or residential purposes including a caretaker residence on industrial land.

Recommendation
- Granted in full with conditions

EPA Ref Number
- IPCL01198708

Aspect of Development
- Concurrence Response for a MCU involving an ERA
- ERA 17 Fuel burning - any process involving the use of fuel burning equipment (including for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel an hour.

Recommendation
- Granted in full with conditions

EPA Ref Number
- IPCE01198808

3. Currency period

This approval will lapse unless substantially started within section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval AND/OR the following currency periods applying to aspects of development in this approval.

4. The approved plans

The approved plans and/or documents for this approval are:

Plan/Document No.	Plan/Document Name	Date
	Proposed Malting Plant for Barrett Burston Malting Co Pty Ltd; Development Approval Report	30 April 2008

5. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

6. 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 the EPA's concurrence response) for this application issued by the Brisbane City Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@epa.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, the EPA has not provided a notification to native title parties.

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

Yours sincerely

Delegate
Environmental Protection Agency
02-FEB-2009

Enquiries:
ES - Reg Serv - Bne North - Bne
GPO Box 2771
BRISBANE QLD 4001
Phone: (07) 3872 0996
Fax: (07) 3225 8723

Attachment - Concurrence Agency Response

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Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE01198808

EPA Permit[1] number:	IPCE01198808
Assessment Manager reference:	311317
Date application received by EPA:	11-SEP-2008
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	02-Feb-2009
Decision:	Approved with conditions
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
	Lot 1171 Plan SP172732, Lot 3 Plan RP219507, Lot 451 Plan SP129470, Lot 454 Plan SP129470, Lot 458 Plan SP129470 and Lot 759 Plan SL2914	ERA 17 Fuel burning - any process involving the use of fuel burning equipment (including for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel an hour.

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 Environmental Protection Agency 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 permit1 for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

Additional 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 Environmental Protection Agency.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the Environmental Protection Act 1994. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the Environmental Protection Act 1994.

Shari Murphy
Delegate
Environmental Protection Agency
02-Feb-2009

CONDITIONS OF APPROVAL

Condition for: ERA 17 Fuel burning - any process involving the use of fuel burning equipment (including for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel an hour.

The licence incorporates the following schedules of conditions relevant to various issues:

- Schedule A – General Conditions
- Schedule B – Air
- Schedule C – Land
- Schedule D – Noise
- Schedule E – Social
- Schedule F – Water
- Schedule G – Waste
- Schedule H – Attachments
- Schedule I - Definitions

Schedule A: General

A1 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.

A2 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.

A3 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.

A4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

A5 Records.

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

A6 All records required by this approval must be kept for 5 years.

A7 Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

A8 Information About Emergencies and Incidents.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition A7:
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 of any release relating to the incident;
d) vehicle and registration details;
e) person/s involved (driver and any others);
f) the location and time of the incident;
g) the suspected cause of the incident;
h) a description of the effects of the incident;
i) the results of any sampling performed in relation to the incident,
j) actions taken to mitigate any environmental harm caused by the incident; and
k) proposed actions to prevent a recurrence of the incident.

A9 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,

A10 Spill Kit Training.

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

Schedule B: Air

B1 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.

B2 When requested by the administering authority, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by a release to the atmosphere from a release point at the site, and the results thereof notified to the administering authority within 14 days following completion of monitoring.

B3 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.

B4 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.

B5 Materials Handling

External transfer conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to transfer of materials in a moist state, enclosure or shielding of conveyors, use of water sprays at transfer points, shielding and wind breaks.

B6 **Specified Releases of Contaminants to the Atmosphere**

The registered operator, in carrying out the environmentally relevant activities to which this authority relates, must ensure that contaminants resulting from the operation of the sources described in Table 1 of Schedule B (See attachments) must:

(a) only be released to the atmosphere from those release points specified in Table 1 of Schedule B; and
(b) be directed vertically upwards without any impedance or hindrance; and
(c) be released from a release point at a height and velocity not less than the height and the velocity stated for that release point in Table 1 of Schedule B; and
(d) not be released to the atmosphere from a release point at a mass emission rate and concentration rate, as measured at a monitoring point specified in excess of those values stated in Table 2 of Schedule B (see attachments).
(e) be monitored to be in compliance with the limits set in Table 2 of Schedule B annually from start of operation.

Schedule C: Land

C1 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

Schedule D: Noise

D1 Noise Nuisance.

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

D2 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

D3 All noise from activities must not exceed the levels specified in Table 3 (see attachments)- Noise limits at any nuisance sensitive or commercial place.

D4 Noise Monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

Schedule E: Social

E1 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.

Schedule F: Water

F1 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.

F2 The registered operator must, as part of the company Site Based Management Plan maintain a Stormwater Management Plan relevant to the environmentally relevant activities carried out at the licensed place.

Schedule G: Waste

G1 Do not cause or permit incompatible wastes to be mixed in the same container.

G2 Any loss or spillage of regulated wastes must be cleaned up forthwith.

Schedule H – ATTACHMENTS:

Schedule B Table 1

RELEASE POINT NUMBER AND STACK DESCRIPTION	SOURCE DESCRIPTION	MINIMUM RELEASE HEIGHT (metres)	MINIMUM EFFLUX VELOCITY (metres/ second)
RP1	No. 1 – Burner Model Weishaupt G50/2-AZN-NR	**22**	**5.5**
RP2	No. 2 - Burner Model Weishaupt G50/2-AZN-NR	**22**	**5.5**
RP3 (RP1-3 located at rear of kilning plant)	No. 3 - Burner Model Weishaupt G50/2-AZN-NR	**22**	**5.5**

Schedule B Table 2

RELEASE POINT NUMBER	CONTAMINANT	RELEASE LIMIT	RELEASE LIMIT UNITS
RP 1	**Nitrogen Oxides (as NO_2)**	**350**	**mg/Nm^3**
RP 2	**Nitrogen Oxides (as NO_2)**	**350**	**mg/Nm^3**
RP 3	**Nitrogen Oxides (as NO_2)**	**350**	**mg/Nm^3**

Schedule D; Table 3 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	Background +5	Background +5	Background + 0	Background +5	Background +5	Background + 0
$L_{A1, adj, 10 mins}$	Background + 10	Background + 10	Background +5	Background + 10	Background + 10	Background +5
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	Background + 10	Background + 10	Background +5	Background + 10	Background + 10	Background +5
$L_{A1, adj, 10 mins}$	Background + 15	Background + 15	Background + 10	Background + 15	Background + 15	Background + 10

Schedule I - 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 Environmental Protection Agency or its successor.

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

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

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

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

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

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"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.

"Environmental Protection Agency" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

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

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

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"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.

"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.

"ponded pasture" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

"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