Replacement Development Approval

Section 621(4) *Environmental Protection Act 1994*

EPA Development Application (Converted Environmental Authority) number:	ENDC00248405 SR2326
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation

Under the provisions of the Environmental Protection Act 1994 this development approval is issued to:

East Coast Stevedoring Pty Ltd
Croxley Stud
MS 212
OAKEY QLD 4401

Development Description:

Carrying out of Environmentally Relevant Activity (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.

at the following place(s):

Port Authority areas of Townsville, Mackay and Brisbane

located at:

Port Authority areas of Townsville, Mackay and Brisbane

The environmentally relevant activity must be constructed, operated and maintained in accordance with the conditions as set out in the attached schedule of conditions.

Further development permits required

Nil

Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30

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[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

days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Appeal

This development approval is issued pursuant to section 621 of the Environmental Protection Act 1994. The rights of review and appeal are attached to this notice.

This development approval takes effect 10 Business days after you receive this notice, or if there is an appeal from the day the appeal is finally decided or is otherwise ended.

Lawrie Wade
Signed

11 August 2005
Date

Lawrie Wade
Manager (Licensing)
Delegate of Administering Authority
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

Conditions of the development approval

This development approval consists of the following schedules of conditions relevant to various issues:

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

This Authority incorporates the following schedules of conditions relevant to various issues:

- 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 - Self Monitoring and Reporting
- Schedule I - Definitions

SCHEDULE A - GENERAL CONDITIONS

Prevent and /or minimise likelihood of environmental harm

(A1) In carrying out the environmentally relevant activities, you 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, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this authority.

NOTE: This authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Maintenance of measures, plant and equipment

(A2) The holder must:
- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

Scope of Environmental Authority

(A3) The scope of this Environmental Authority is for the operation of the itinerant Environmentally Relevant Activity of stockpiling, loading or unloading goods in bulk.

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

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Designated Unloading Area

(A4) Unloading of material must only be conducted at safe port berths in the Ports of Townsville, Mackay and Brisbane as designated by the relevant Port Authority.

Integrated Environmental Management System (IEMS)

(A5) The holder of this environmental authority must implement the IEMS entitled "East Coast Stevedoring Pty Ltd – Integrated Environmental Management System" prepared by the applicant and received by the administering authority on 21 May 2002.

(A6) The holder of this environmental authority must not implement or amend the IEMS where such implementation or amendment would result in a contravention of any condition of this environmental authority.

Records

(A7) Any record or document required by this document must be recorded, compiled, kept and presented to the administering authority when requested, in a specified format. Records must be kept for a period of at least five (5) years.

End of Conditions for Schedule A

SCHEDULE B - AIR

Noxious or Offensive Odour

(B1) 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 odour sensitive place.

Dust nuisance

(B2) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

(B3) Excedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2.

- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR
- A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the site, when monitored in accordance with:
  - Australian Standard AS 3580.9.6 '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.

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(B4) 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:

- for a complaint alleging dust nuisance, dust deposition; and
- 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.

Dust Control – Trafficable Areas

(B5) Trafficable areas must be maintained, at all times, in a condition that minimises the release of wind-blown or traffic-generated dust.

(B6) All sealed traffic areas must be cleaned as necessary to minimise the release of dust and particulate matter to the atmosphere.

Dust Control – Transport Trucks

(B7) The holder of this environmental authority must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting materials from the licensed place. Reasonable and practicable measures may include but are not limited to:

(i) having the entire load covered with a tarpaulin or similar material for the duration of transport;and

(ii) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the licensed place.

End of Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) Contaminants that will or may cause environmental harm must not be released from the site to any waters or the bed and banks of any waters.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Contamination of Rainfall and Stormwater Runoff

(D1) 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 the bed or banks of any such waters. "Contaminated runoff" for the purposes of this condition means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

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General Conditions

(D2) No unloading of material is permitted during any rainfall events (including fine mist).

(D3) 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.

(D4) Any spillage of waste, contaminants or other materials in the licensed place 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.

(D5) The holder of this environmental authority must ensure that all stormwater outlets servicing the wharf deck are effectively blocked whilst the bulk material is being unloaded at the wharf.

End of Conditions for Schedule D

SCHEDULE E - LAND APPLICATION

Preventing contaminant release 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

Noise nuisance

(F1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(F2) All noise from activities must not exceed the levels specified in Schedule F - Table 1 at any noise affected premises.

Schedule F - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	50	45	40	50	45	40
$L_{A1, adj, 10 mins}$	55	50	45	55	50	45
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	60	55	45	60	55	45
$L_{A1, adj, 10 mins}$	65	60	50	65	60	50

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Noise monitoring

(F3) 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:

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

(F4) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

End of Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

(G1) Procedures must be implemented to ensure that the disposal of wastes generated in carrying out the environmentally relevant activity is to an appropriate facility that accepts such waste, except as specifically provided for under the conditions of this environmental authority.

(G2) The holder of this environmental authority must not:

(i) burn waste at or on the licensed place; or
(ii) allow waste to burn or be burnt at or on the licensed place; or
(iii) remove waste from the licensed place and burn such waste elsewhere.

End of Conditions for Schedule G

SCHEDULE H - SELF 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.

Notification of Emergencies and Incidents

(H2) 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.

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

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(H3) The notification of emergencies or incidents as required by condition number H2 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.

(H4) 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 H3 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.

Community

(H5) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically, or the industrial estate where the site is located.

End of Conditions for Schedule H

SCHEDULE I - DEFINITIONS

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this authority is sought and the term is not defined within this authority the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

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

"this authority" means this environmental authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994.*

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

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

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"dust sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

"odour sensitive place" has the same meaning as a "dust sensitive place"

"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.

"noxious" means harmful or injurious to health or physical well being.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"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.

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

"noise affected premises" means a "noise sensitive place"or a "commercial place"

"noise sensitive place" means -

- a dwelling, 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; or
- a park or gardens.

and includes the curtilage of such place.

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

"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.

"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.

"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.

"land" in the "land schedule"of this document means land excluding waters and the atmosphere.

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

End of Conditions for Schedule I

END OF CONDITIONS

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

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22.6.09 CNS1812

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23 JUN 2009
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Certificate of Registration

No: ENRE00248405

This certificate is issued by the Department of Environment and Resource Management and is a replacement document for the original approval issued on 26-June-2002

The certificate takes effect from 22-June-2009.

The anniversary day for the purpose of the Annual Return is 26-June each year.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity/ies listed below at the following place/places subject to the registered operator holding a current development approval for the activity/ies stated to be carried out at the place/places as stated in this certificate, or the relevant code of environmental compliance.

TAKE NOTICE: The granting of this registration certificate does not exempt the registered operator from the need to obtain such other approvals as may be required under other legislation

Registered Operator:

EC Stevedoring Pty Ltd
Croxley Stud
MS212, OAKEY QLD 4401

Registered Location & Activities:

Development Approval No	Place	Located at	ERA
IPCE00586507	Wharf 7 & 8 Dutton Street Cairns Qld 4870	Lot 1, SP113642, Lot 16, SP122868, Lot 40 & 41, Plan SP113657, Lot 771, SP113657	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
SR2326	Townsville, Mackay and Brisbane	Port Authority Areas	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

Delegate
Environmental Protection Agency

Date: 22-June-2009

Queensland Government

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DESPATCHED
29 MAY 2007
Form 2 - 4100
RP340842S9

CNS 181-2

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.

Cairns Port Authority
PO Box 594
CAIRNS QLD 4870

CC: EC Stevedoring Pty Ltd
Croxley Stud
MS212
OAKEY QLD 4401

Our reference: 311264

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 15-MAR-2007, has been assessed, and on it was granted with conditions.

1. Property/Location:

Lot/Plan - Lot Lot 1 Plan SP113642, Lot Lot 16 Plan SP122868, Lot Lot 40 Plan SP113657, Lot Lot 41 Plan SP113657, Lot Lot 771 Plan SP113657

2. Details of the recommendation

Aspect of Development

- Concurrence Response for a MCU involving an ERA

- 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 or pump or other similar way at a rate of more than 100 t a day.

Recommendation
- Granted with conditions

EPA Ref Number
- IPCE00586507

3. **Currency period**
This approval will lapse unless substantially started within the currency period/s set by the Assessment Manager OR the standard currency periods stated in 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
None	*E.C. Stevedoring – Site Based Management Plan for Berths 7 and 8 – Port of Cairns – For Environmental Protection Operations.* Date 1 March 2007	1 March 2007

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 , be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit at PO Box 155, Brisbane Albert Street, 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.

29.5.07
IS181.2

ecoaccess
environmental licences and permits

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE00586507

EPA Permit[1] number:	IPCE00586507
Assessment Manager reference:	IS07-01
Date application received by EPA:	15-MAR-2007
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	29-MAY-2007
Decision:	Granted 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
Wharf 7 and 8	Lot Lot 1 Plan SP113642, Lot Lot 16 Plan SP122868, Lot Lot 40 Plan SP113657, Lot Lot 41 Plan SP113657, Lot Lot 771 Plan SP113657	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 or pump or other similar way at a rate of more than 100 t a day.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) 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] 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

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

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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

Yours sincerely

Robin Little
Delegate
Environmental Protection Agency

29-MAY-2007

Enquiries:

Cairns District Office (EPA)
PO Box 2066
CAIRNS QLD 4870
Phone: (07) 4046 6734
Fax: (07) 4046 6606

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*.

Additional comments or advice about the application

None

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.

Robin Little
Delegate
Environmental Protection Agency
29-MAY-2007

CONDITIONS OF APPROVAL

Agency Interest: General

(PG1) Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

(PG2) Maintenance Of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:
(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
(b) maintain such measures, plant and equipment in a proper and efficient condition; and
(c) operate such measures, plant and equipment in a proper and efficient manner.

(PG3) Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:
(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
(b) Identification of environmental issues and potential impacts.
(c) Control measures for routine operations to minimise likelihood of environmental harm.
(d) Contingency plans and emergency procedures for non-routine situations.
(e) Organisational structure and responsibility.
(f) Effective communication.
(g) Monitoring of contaminant releases.
(h) Conducting environmental impact assessments.
(i) Staff training.
(j) Record keeping.
(k) Periodic review of environmental performance and continual improvement.

(PG4) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

(PG5) 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.

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*.

Additional comments or advice about the application

None

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 prevai 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.

Robin Little
Delegate
Environmental Protection Agency
29-MAY-2007

(PG6) Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition (PG5):

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.

(PG7) Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

(PG8) Spill Kit Training.

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

Agency Interest: Air

(PA1) 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.

(PA2) 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.

(PA3) 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: Social

(PS1) Complaint Response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

a) Time, date, name and contact details of the complainant;

b) reasons for the complaint;

c) any investigations undertaken;

d) conclusions formed; and

e) any actions taken.

Agency Interest: Waste

(PW1) Any loss or spillage of regulated wastes must be cleaned up forthwith.

Agency Interest: Water

(PW1) Contaminants that will or may cause environmental harm must not be released from the site to any waters or the bed and banks of any waters.

(PW2) 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 the bed or banks of any such waters. "Contaminated runoff" for the purposes of this condition means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

(PW3) Unloading of bulk fertilizer is not permitted during any rainfall event.

(PW4) 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.

(PW5) Any spillage of waste, contaminants or other materials in the licensed place 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.

(PW6) The holder of this environmental authority must ensure that all stormwater outlets servicing the wharf deck are effectively blocked whilst the bulk material is being unloaded at the wharf.

Agency Interest: Noise

(PN1) Noise Nuisance.

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

(PN2) All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

(PN3) Noise Monitoring.

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

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.

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

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

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

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

"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.

""noxious" means harmful or injurious to health or physical well being.

"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.

"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.

"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.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS

Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	50	45	40	50	45	40
$L_{A1, adj, 10 mins}$	55	50	45	55	50	45
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	60	55	45	60	55	45
$L_{A1, adj, 10 mins}$	65	60	50	65	60	50