

Permit

Environmental Protection Act 1994

Environmental authority EPPR00436613

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

Environmental authority number: EPPR00436613

Environmental authority takes effect on 14-02-2020

Environmental authority holder(s)

Name(s)	Registered address
LION-BEER SPIRITS & WINE PTY LTD	Level 7 68 York St SYDNEY NSW 2000 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 22 - Beverage production 2: Producing 1ML or more of alcoholic beverages in a year	Lot 35 on SL805565

Additional information for applicants

Environmentally relevant activities

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

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

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

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

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or

Environmental authority

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

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

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

Take effect

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

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

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

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

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

Mark Franco
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

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Date issued: 14 February 2020

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Schedule of conditions

The aforementioned description of the ERA for which this 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 approval is issued and the conditions as specified in this 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 licence 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 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 approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition or the approval is silent on a matter, the lack of a conditions or silence shall not be constructed as authorising harm.

Maintenance of measures, plant and equipment

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

Records

- (A3) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

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.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

Calibration

- (A5) All instruments and measuring devices used for the measurement or monitoring of any parameter under any condition of this approval must be calibrated, and appropriately operated and maintained.

Integrated Environmental Management Systems (IEMS)

- (A6) The registered operator must ensure that relevant aspects of the Integrated Environmental Management System are implemented in relation to the environmentally relevant activities carried out at the licensed place.
- (A7) The holder of this environmental authority must keep available for inspection by the administering authority, a record of any amendments to the content of the Integrated Environmental Management System.

END OF CONDITIONS FOR SCHEDULE A

Schedule B: Air**Non-specified Releases**

- (B1) Except as otherwise provided by the conditions of this approval, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to prevent the release or likelihood of release of contaminants to the atmosphere.
- (B2) Where it is not practicable to prevent a release of contaminants to the atmosphere as required by condition B1, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to minimise the release or likelihood of any such release of contaminants to the atmosphere.

Specified Releases of Contaminants to the Atmosphere

- (B3) 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 must:
- (a) only be released to the atmosphere from those release points specified in Table 1 of Schedule B; and
 - (b) be direction 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 Schedule H, in excess of those values stated in Table 2 of Schedule B.

Schedule B - Table 1

RELEASE POINT NUMBER AND STACK DESCRIPTION	SOURCE DESCRIPTION	MINIMUM RELEASE HEIGHT (metres)	MINIMUM EFFLUX VELOCITY (metres/second)
RP2. (Milton Road Common Stack)	No. 1 gas-fired boiler - Easteel No.2 gas-fired boiler - Easteel	38	5
RP3	Flare	28	4.6

Schedule B - Table 2

RELEASE POINT NUMBER	CONTAMINANT	RELEASE LIMIT	RELEASE LIMIT UNITS
RP2.	Nitrogen Oxides (as NO ₂)	150	mg/Nm ³
	Nitrogen Oxides (as NO ₂)	150	g/min

Fuel Burning

- (B4) The only types of fuel to be burned in the gas fired boilers (No.1 and No.2 Easteel boilers at RP2) are natural gas or a blend of natural gas and bio-gas.

Materials Handling

- (B5) 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 point, shielding and wind breaks.

Odour Management - Wastewater Recycling Plan*Nuisance*

- (B6) Notwithstanding any other condition of this approval, the release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause any environmental nuisance at any odour sensitive place.

Flare Operation

- (B7) Contaminants released to the atmosphere from the flare at a height not less than the 28 m above ground.
- (B8) Contaminants must not be release to the atmosphere from the flare at a velocity not less than 4.6m/s
- (B9) The flare must be equipped with a flare tip design to provide good mixing with air, flame stability and achieve a minimum Volatile Organic Compound (VOC) removal efficiency of 98% under varied gas flow rate and meteorological conditions.
- (B10) The flare must be equipped with a continuously burning pilot or other automatic ignition system that assures gas ignition and provides immediate notification of appropriate personnel when the ignition system ceases to function.

Air Contaminant Control Equipment

- (B11) The registered operator must operate and maintain all source equipment and control devices as specified in the manufacturer's specifications and in a manner to prevent or minimise the release of contaminants to the atmosphere. The odour producing areas must be covered and operated under negative pressure to collect and direct the odours gases to the treatment units.
- (B12) Within 3 months of commissioning the Wastewater Recycling Plant, the registered operator must conduct a post-commissioning review of the plant including a review of the likely operational risks taking into account the locations of various sensitive receivers, application of identified controls and results of odour sampling to identify actual emissions. The results of this review are to inform the content of an Odour Management Plan for the Wastewater Recycling Plant.

- (B13) Within 4 months of commissioning the Wastewater Recycling Plant, the registered operator must develop and implement an Odour Management Plan which details how the registered operator will effectively manage the carrying out of the Wastewater Recycling Plant. The Odour Management Plan should include but not be limited to:
- practices and procedures for preventing and/or minimising the generation of odours causing an environmental nuisance at an odour sensitive place;
 - practices and procedures for maintenance, repair and replacement of plant and equipment including triggers for the replacement of activated carbon filters based on the post commissioning review in condition xxx;
 - developing and implementing a plan for the monitoring of plant emissions;
 - developing and implementing a set of work instructions for plant performance;
 - developing emergency procedures and contingency plans to deal with most likely risks including those identified in the post commissioning review; and
 - reviewing and reporting requirements

- (B14) An up to date copy of the Odour Management Plan and any subsequent amendments of the plan must be kept at the licenced premises and be available for review by an authorised person upon request.

Odour Complaint Investigation and Monitoring

- (B15) In the event of a complaint made to the administering authority from an odour sensitive place about a noxious or offensive odour which the administering authority considers is not frivolous, vexatious or based on a mistaken belief, the registered operator must, upon receipt of a written request from the administering authority, investigate the complaint, determine the possible cause and report back to the administering authority within a timeframe nominated by the administering authority.
- (B16) Subject to condition B15 when requested by the administering authority, monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate a complaint of environmental nuisance. The results of such monitoring must be notified to the administering authority within 14 days following completion of monitoring.
- (B17) If the administering authority requests monitoring to determine contaminant releases to the atmosphere, all monitoring must be performed by an independent person or body possessing appropriate experience and qualifications to perform the required measurements. Odour stack monitoring must be conducted in accordance with Australian and New Zealand Standard AS/NZS 4323.3:2001, Stationary source emissions - Determination of odour concentration by dynamic olfactometry; and a method as approved by Queensland, New South Wales or Victorian EPAs.

- (B18) If monitoring indicates that environmental nuisance is being/has been caused as a result of an odour release from the wastewater recycling facility, then the registered operator must:
- (a) address the complaint including the use of appropriate dispute resolution as required; and/or
 - (b) as soon as practicable implement odour abatement measures such that the release of odour from the activity will not result in further environmental nuisance.

(Note: where the results of odour monitoring are provided under a notification given to the administering authority under either sections 320 or 350 of the Environmental Protection Authority Act 1994, then notification of monitoring results under conditions B16 is not also required)

END OF CONDITIONS FOR SCHEDULE B

Schedule C: Water**Release of Contaminants to Water**

- (C1) The registered operator must, in carrying out the environmentally relevant activities, take all reasonable and practicable measures to ensure that contaminants are not directly or indirectly released from the licenced place to any waters or the bed and banks of any waters except:
- (i) as permitted by the conditions of the approval; or
 - (ii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

END OF CONDITIONS FOR SCHEDULE C

Schedule D: Stormwater Management**Release of Contaminated Stormwater Runoff**

- (D1) Except as otherwise provided by the conditions of this approval, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to prevent 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.
- (D2) Where it is not practicable to prevent any release of contaminated runoff as required by condition D1, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to minimise any such release or the likelihood of any such release.
- (D3) The registered operator must, as part of the company Integrated Environmental Management System maintain a Stormwater Management Plan relevant to the environmentally relevant activities carried out at the licensed place.
- (D4) The registered operator must keep available for inspection by the administering authority details of any amendments to the Stormwater Management Plan.

END OF CONDITIONS FOR SCHEDULE D

Schedule E: Land Application**Release of Contaminants to Land**

- (E1) Except as otherwise provided by the conditions of this approval, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to prevent the release or likelihood of release of contaminants to land.
- (E2) Where it is not practicable to prevent any release of contaminants to land as required by condition E1, the environmentally relevant activities must be carried out by all reasonable and practicable means necessary to minimise the release or likelihood of any such contaminants to land.

END OF CONDITIONS FOR SCHEDULE E

Environmental authority

Schedule F: Noise

- (F1) Subject to conditions F3 and F4, noise from the carrying out of the environmentally relevant activities must not cause an environmental nuisance at any noise-affected premises.
- (F2) In the event of a noise complaint being made to the administering authority, which it considers is neither frivolous nor vexatious nor based on mistaken belief, the registered operator must investigate the complaint, determine the possible cause and report back to the administering authority within 7 days, together with any action taken.
- (F3) Subject to condition F2, when requested by the administering authority, noise monitoring must be undertaken within a reasonable and practicable timeframe, nominated by the administering authority, to investigate any complaint, which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer, of environmental nuisance, at any noise-affected place and the results must be notified within 14 days to the administering authority following completion of monitoring.
- (F4) If the approval holder can provide evidence through monitoring that the limits defined in *Schedule F - Table 1* are not being exceeded and that monitoring does not conflict with any monitoring conducted by the administering authority, then the holder is not in breach of Condition FI. 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 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'					
LA10, adj, 10 mins	65	55	50	65	55	50
LA1, adj, 10 mins	70	60	55	70	60	55
	Noise measured at a 'Commercial place'					
LA10, adj, 10 mins	70	60	55	70	60	55
LA1, adj, 10 mins	55	65	60	75	65	60

(F5) Noise monitoring

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

- (F6) If monitoring indicates exceedance of the limits in Schedule F- Table 1, in the carrying out of the environmentally relevant activities then the approval holder must:
1. address the complaint, including the use of appropriate dispute resolution if required; or
 2. within 14 days implement noise abatement measures so that emissions of noise from the activity do not result in further environmental nuisance.
- (F7) For the purpose of compliance with condition F1, if the administering authority conducts monitoring and that monitoring indicates exceedance of the limits in Schedule F - Table 1, then condition F4 shall not apply.

(Note: Where the results of noise monitoring are provided under a notification given to the administering authority under either sections 320 or 350 of the Environmental Protection Act 1994, then notification of noise monitoring results under condition F4 is not also required.)

END OF CONDITIONS FOR SCHEDULE F

Schedule G: Waste Management**(G1) General**

The registered operator must, as part of the company Integrated Environmental Management System maintain a Waste Management Plan relevant to the environmentally relevant activities carried out at the licensed place.

- (G2)** The registered operator must keep available for inspection by the administered authority details of any amendment to the Waste Management Plan.

END OF CONDITIONS FOR SCHEDULE G

Schedule H: Self Monitoring and Reporting**(H1) Complaint Recording**

All complaints received by the registered operator relating to operations at the licensed place must be recorded with the following details:

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

(H2) Incident Recording

A record must be maintained of events that have the potential to cause or have caused environmental harm, including but not limited to:

- (i) the time, date and duration of equipment malfunctions that may affect the environmental performance of the site;
- (ii) any shut-downs of equipment upon which the environmental performance of the site depends;
- (iii) any changes to the hours of operation of the plant;
- (iv) spillage of liquid and solid materials including wastes discharged or likely to be discharged to the environment.

(H3) Notification of Emergencies and Incidents

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 approval, the registered operator must notify the administering authority of the release by telephone and / or facsimile.

(H4) The notification of emergencies or incidents as required by condition number H3 must include, but is not limited to, the following:

- (i) the name of the holder of the approval;
- (ii) the location of the emergency or incident;
- (iii) the number of the approval;
- (iv) the name and telephone number of the designated contact person;
- (v) the time of the release;
- (vi) the time the holder of the approval 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.

- (H5) Not more than 28 days following the initial notification of an emergency or incident, the holder of the approval must provide written advice of the information supplied in accordance with condition number H4 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.

(Note: Where a notification is given to the administering authority under either sections 320 or 350 of the Environmental Protection Act 1994 for an event, then notification under conditions H3 to H5 is not also required)

H6 **Monitoring of Contaminant Releases to the Atmosphere**

The registered operator must conduct a monitoring program of contaminant releases to the atmosphere at the release points, frequency, and for the parameters specified in *Schedule H Table 1* and which complies with the following:

- (a) All determinations must be made by a person or body registered by the National Association of Testing Authorities (NATA) for the required determinations.
- (b) Monitoring provisions for the release points listed in *Schedule H Table 1* must comply with the Australian Standard AS 4323.1 - 1995 "Stationary source emissions Method 1: Selection of sampling provisions".
- (c) The following testes must be performed for each required determination specified in Table 1:
 - (i) gas velocity and volume flow rate;
 - (ii) temperature;
 - (iii) water vapour concentration.
- (d) Where practicable samples taken must be representative of the contaminants discharged when emissions are expected to be normal
- (e) During sampling period the following additional information must be gathered:
 - (i) Steam demand on boiler/s; and
 - (ii) Boiler firing status; and
 - (iii) Fuel type and sulphur content.

Schedule H Table 1

Required Release Point Determinations

RELEASE POINT NUMBERS	DETERMINATION REQUIRED	FREQUENCY
RP2	Mass rate and concentration of Nitrogen Oxides as NO ₂ at a 7% oxygen level.	Annually

H7 Report Submission

The registered operator must keep available for inspection by the administering authority copies of all monitoring reports and monitoring records under this approval, relevant to each reporting period.

H8 Exception Reporting

The registered operator must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within 28 days of the completion of analysis.

H9 The written notification required by conditions number H8 above must include:

- (i) the full analysis results; and
- (ii) details of investigation or corrective actions taken; and
- (iii) any subsequent analysis.

(Note: Where a notification is given to the administering authority under either sections 320 or 350 of the Environmental Protection Act 1994 for an event, then notification under conditions H8 and H9 is not also required.)

END OF CONDITIONS FOR SCHEDULE H

Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provide 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.

“ $L_{A\ 10, \text{adj}, 10 \text{ mins}}$ ” means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

“ $L_{A\ 1, \text{adj}, 10 \text{ mins}}$ ” means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

“ $L_{A, \text{max adj}, T}$ ” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

“Land” means 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 characteristics 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