Environmental Protection Act 1994

Environmental authority EPPR00453613

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

Environmental authority number: EPPR00453613

Environmental authority takes effect on 14-01-2020

Environmental authority holder(s)

Name(s)	Registered address
EMMETT CONTRACTING PTY LTD	34 Christie Ave NANUM QLD 4874 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (a) 5,000t to 100,000t	Lot 339 on MP36367

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
- 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

Date issued: 15 January 2020

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Obligations under the *Environmental Protection Act 1994*

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

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

Legislative Requirements and Conditions of Environmental Authority

Legislative Requirements

PLR025 General obligations for environmental authority holders

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

Responsibilities under the Environmental Protection Act 1994

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

General environmental duty

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

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

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

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

More information is available on the Department of Environment and Science (DES) website www.des.qld.gov.au.

Duty to notify

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

The duty to notify arises where:

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

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

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

Some relevant offences under the Environmental Protection Act 1994

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

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

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

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

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

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

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2008.

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

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

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

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

Littering (section 103)

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

Illegal dumping of waste (section 104)

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

Relevant offence under the Environment Protection Regulation 2008

Waste tracking (Chapter 5, Part 9)

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

Responsibilities under other legislation

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

(a) *Aboriginal Cultural Heritage Act 2003*

(b) Australian Dangerous Goods Code

(c) Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition - April 2003

(d) Contaminated land provisions of the Environmental Protection Act 1994

(e) *Fisheries Act 1994*

(f) *Forestry Act 1959*

(g) *Nature Conservation Act 1992*

(h) *Petroleum and Gas (Production and Safety) Act 2004* / *Petroleum Act 1923*

(i) *Queensland Heritage Act 1992*

(j) Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions

(k) *Planning Act 2016*

(l) Waste Reduction and Recycling Regulation 2011

(m) *Water Supply (Safety and Reliability) Act 2008*

(n) *Water Act 2000*

(o) *Work Health and Safety Act 2011*, Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

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

Condition

General

G1 All reasonable and practicable **measures** must be taken to prevent or minimise environmental harm caused by the **activities**.

G2 Any breach of a condition of this environmental authority must be reported to the **administering authority** as soon as practicable within 24 hours of becoming aware of the breach. **Records** must be kept including full details of the breach and any subsequent actions taken.

G3 Other than as permitted by this environmental authority, the **release of a contaminant into the environment** must not occur.

G4 Environmental monitoring results, all other information and **records** that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and **records** required by the conditions of this environmental authority must be provided to the **administering authority**, or **nominated delegate** upon request, within the required timeframe and in the specified format.

G5 An **appropriately qualified person(s)** must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.

G6 All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (**NATA**) certification, or an equivalent certification, for such analyses. The only exception to this condition is for ***in situ*** monitoring of **pH**.

G7 When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority** to investigate a complaint of **environmental nuisance** arising from the **activity**. The monitoring results must be provided within 10 business days to the **administering authority** upon its request.

G8 The **activity** must be undertaken in accordance with written procedures that:

1. identify potential risks to the environment from the **activity** during routine operations, closure and an emergency
2. establish and maintain control **measures** that minimise the potential for environmental harm
3. ensure plant, equipment and **measures** are maintained in a proper and effective condition

4. ensure plant, equipment and **measures** are operated in a proper and effective manner
5. ensure that staff are trained in and aware of their obligations under the *Environmental Protection Act 1994*
6. ensure that reviews of environmental performance are undertaken at least annually.

Air

A1 Other than as permitted within this environmental authority, odours or airborne contaminants must not cause **environmental nuisance** at a **sensitive place** or **commercial place**.

A2 Exceedance of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purpose of **A1**:

- Dust deposition of 120 milligrams per square metre per day, when monitored on 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:

o Australia AS 3580.9.6 'Ambient air – Particulate matter – Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method; OR

o 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**.

A3 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 dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (um)(PM10) suspended in the atmosphere over a 24hr averaging time.

Water

W1 **Release of Contaminants to Waters**

Contaminants must not be released from the site to any waters or the bed and banks of any waters except in accordance with *Table 1 – Surface water release limits* and with the associated monitoring requirements in *Table 2 – Background Release Monitoring Point Description.*

Table 1 – Surface water release limits

Discharge Location		Quality characteristics	Release limit*	Monitoring Point	Monitoring Frequency
Latitude	**Longitude**				
12.660172°	141.862070°	Total suspended solids	50 mg/L or 10% above background[#]	Release Point 1 *Latitude*: *12.660172°* *Longitude: 141.862070°*	Within 2 hours of commencement of the release event and weekly thereafter
		pH	6.5-9		

*Whichever is higher.

[#]Refer to **Table 2 - Background Release Monitoring Point Description** for a description of the background surface waters

Table 2 - Background Release Monitoring Point Description

Background Monitoring Description	Latitude	Longitude	Monitoring Frequency
Upstream 1 (background)	12.659186°	141.860284°	Within 2 hours of commencement of the release event and weekly thereafter
Downstream 1	12.662447°	141.859523°	

Associated Monitoring Requirements

1. Release points and monitoring points must be in accordance with Appendix 1 – Water Monitoring Points of this environmental authority.

2. Monitoring must be in accordance with methods prescribed in the current edition of the administering authority's Monitoring and Sampling Manual.

3. Samples must be representative of the general condition of the water body.

4. Monitoring must be undertaken during a release and at the frequency stated.

5. All monitoring devices must be correctly calibrated and maintained according to the manufacturer's instruction manual.

Note: the administering authority will take into consideration any extenuating circumstances prior to determining an appropriate enforcement response in the event condition C1 is contravened due to a temporary lack of safe or practical access. The administering authority expects the environmental authority holder to take all reasonable and practicable measures to maintain safe and practical access to designated monitoring locations.

W2 Stormwater runoff from **disturbed areas** of the site, generated by (up to and including) a **24 hour storm event with an average recurrence interval of 1 in 5 years** must be retained on site or managed to remove contaminants prior to release.

Acoustic

N1 Noise generated by the **activity** must not cause **environmental nuisance** to any **sensitive place** or **commercial place**.

N2 When requested by the **administering authority**, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the **administering authority**. Monitoring must include:

- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and,
- location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the **administering authority's** Noise Measurement Manual.

Waste

WS1 All waste generated in carrying out the **activity** must be reused, recycled or removed to a facility or designated onsite location(s) that can lawfully accept the waste.

Land

L1 Contaminants must not be released to **land**.

L2 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

Note: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Definition

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.

24 hour storm event with an average recurrence interval of 1 in 5 years means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years.
For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.09mm/hour. The rainfall depth for this event is therefore 24 hour x 7.09mm/hour = 170.16mm.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successor or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Disturbed areas includes areas:

- that are susceptible to erosion;
- that are contaminated by the activity; and/or
- upon which stockpiles of soil or other materials are located.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

Land means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes tidal land).

Measures has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for **dredging** operations, environmental risk assessment, management actions, departmental direction and competency expectations under relevant guidelines
- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

NATA means National Association of Testing Authorities.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Site means the place to which this environmental authority relates.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- 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 2004* or a World Heritage Area; or
- a public park or garden; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

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 the environmental authority.

Appendices

Appendix 1 – Water Monitoring Points

