COPY

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00296005

This registration certificate is issued by the administering authority and takes effect from: 11-APR-2011.

The anniversary day for the purposes of the Annual Return remains: 4 January.

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

Registered Operator:-
Queensland Power (Australia) Pty Ltd
Queensland Power Company Limited
Millmerran Investment Company I Pte Ltd
Millmerran Investment Company II Pte Ltd
Millmerran Investment Company III Pte Ltd
Millmerran Investment Company IV Pte Ltd
Millmerran Investment Company V Pte Ltd
Millmerran Investment Company VI Pte Ltd
c/- Intergen (Australia Pty Ltd),
Level 18 Comalco Place
12 Creek Street,
BRISBANE QLD 4000

Place:-
Lot 1 Plan RL5040, Lot 1 Plan RP111214, Lot 49 Plan DY151, Lot 50 Plan DY326, Lot 52 Plan DY326, Lot 54 Plan DY240
Located at:-
Moffat Reserve,MILLMERRAN QLD 4357
Registered Activities: -
ERA 14 Electricity generation Threshold 2(b) - generating electricity by using a fuel, other than gas, at a rated capacity of more than 150MW electrical
ERA 63 Sewage treatment Threshold 2(b) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of more than 100 to 1500EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme
ERA 8 Chemical storage Threshold 1- storing a total of 50t or more of chemicals of

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

Queensland Government

dangerous goods class 1 or class 2, division 2.3 in containers of at least 10m3
ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

C. C. Birt .

Cathy Birt
Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

11-APR-2011

158 Hume Street, Toowoomba, Qld 4350 - PO Box 731, Toowoomba, Qld 4350
Telephone (07) 4639 8333 • Facsimile (07) 4639 4524 • www.env.qld.gov.au

Development Approval No.	**WT0341**
Applicant	Queensland Power (Australia) Pty Ltd, Queensland Power Company Limited, Millmerran Investment Company I, Pty Ltd, Millmerran Investment Company II, Pty Ltd, Millmerran Investment Company III, Pty Ltd, Millmerran Investment Company IV, Pty Ltd, Millmerran Investment Company V, Pty Ltd, Millmerran Investment Company VI, Pty Ltd
Date Received By EPA	**28 March 2003**
Date Of Decision	**30 April 2003**
Jurisdiction	*ENVIRONMENTAL PROTECTION ACT 1994*
Role	ASSESSMENT MANAGER

Description: The operation of a coal-fired power station and a sewage treatment plant on land listed below:

Lot/ Plan	County	Parish	Title Reference
Lot 1 on RP111214	Merivale	Gore	13997213
Lot 1 on RL5040	Derby/Merivale	Domville/Gore	17699149
Lot 49 on DY151	Derby	Domville	11951078
Lot 50 on DY326	Derby	Domville	16234221
Lot 52 on DY326	Derby	Domville	14626247
Lot 54 on DY240	Derby	Domville	12852035

located at: Moffat Reserve, Rocky Creek Road
Millmerran QLD 4357

Queensland Government

Enquiries Dominic Groth
Telephone (07) 4639 8342
Your reference
Our reference

Environmental Protection Agency

Incorporating the
Queensland Parks and Wildlife Service

29 April 2003 Latest.

Millmerran Operating Company Pty Ltd
Level 18 Comalco Place
12 Creek Street
Brisbane QLD 4000

Attn: Brendan Monckton

Dear Brendan

Re: Request to change condition

The EPA received your application for a request to change an existing approval in accordance with section 3.5.33 of the *Integrated Planning Act 1997* on the 28 March 2003. The EPA has assessed the application and approves the request.

Condition NS 12 now reads "The sulphur content of coal burned in industrial fuel burning equipment is not to exceed 0.65 percent by weight based on 85 percentile compliance on a representative number of samples over a twelve (12) month period. The sulphur content of the fuel required for the purpose of this condition is calculated on an 'as received' basis at the power station".

I have attached a copy of the latest version of WT0341 for your information.

Should you have any questions about this matter, Dominic Groth of the EPA can be contacted on telephone (07) 4639 8342 to assist you.

Yours sincerely

Sarah Fenaughty
District Manager (South West)
Southern Region



158 Hume Street Toowoomba QLD
Queensland 4350 Australia
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Website www.epa.qld.gov.au
ABN 87 221 158 786

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Type of environmentally relevant activity(s) (ERA(s))

The development application relates to the following ERA(s):

ERA 15(b) Sewage treatment - operating - a standard sewage treatment works having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1500 equivalent persons.

ERA 18(b) Power station - generating power by consuming fuel at a rated capacity of 10 MW electrical or more - for any other fuel.

Assessment manager

Organisation: Environmental Protection Agency
Southern Region

Postal Address: PO Box 731
TOOWOOMBA QLD 4350

.....
Sarah Fenaughty
District Manager - South West
Southern Region, EPA

Conditions of the development approval

The development application is approved as a development permit subject to conditions. The conditions in the following schedules are the assessment managers conditions.

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

Access to Copy of Environmental Authority

(A3) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.

Records

(A4) Any record or document required to be kept by a condition of this environmental authority must be kept at the licensed place for a period of at least five years and be available for examination by an authorised person. For daily and weekly records, the record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

(NS1) Copies of any record or document required to be kept by a condition of this environmental authority must be provided to any authorised person or the administrating authority on request.

Alteration

(NS2) Any change to, replacement or operation of any plant or equipment which will or is likely to substantially increase the risk of environmental harm above that expressly provided by this environmental authority, must be approved by the administering authority.

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.

Maintenance of Plant and Equipment

(NS3) The holder of this environmental authority must:

(i) install all plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
(ii) maintain such plant and equipment in a proper and efficient condition; and
(iii) operate such plant and equipment in a proper and efficient manner.

In this condition, "plant and equipment" includes:

(i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused, for example fabric filter dust collectors, demineraliser plants, wastewater treatment systems, oil centrifuges, cooling systems;
(ii) devices and structures to contain forseeable escapes of contaminants and waste for example bunds, containment weirs;
(iii) pipework, ducting and associated structures used for transfer of oil, fuel, ash, cooling water blow down, demineraliser effluent, effluents, gases;

(iv) devices and structures used to store, handle, treat and dispose of waste and ash;
(v) monitoring equipment and associated alarms for example high level alarms on tank storage, pH sensors, and opacity meters;
(vi) backup systems that act in the event of failure of a primary system, for example stand-by pumps; and
(vii) fuel burning equipment, for example boilers.

Monitoring and Measurements

(A7) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority must be calibrated, and appropriately operated and maintained.

(A25) All determinations of the quality of contaminants released to the environment and all measurement and reporting of noise levels that are required by this environmental authority must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

End of Conditions for Schedule A

SCHEDULE B- AIR

Release of Contaminants to the Atmosphere

(B1) Contaminants resulting from the operation of the sources described in Table 1 of the air schedule must only be released to the atmosphere from those release points specified in Table 1 of the air schedule.

(B2) Contaminants released from each release point specified in Table 1 of the air schedule must be directed vertically upwards without any impedance or hindrance.

(B3) Contaminants must be released to the atmosphere from a release point at a height not less than the corresponding height stated for that release point in Table 1 of the air schedule.

(B4) Contaminants must be released to the atmosphere from a release point at a velocity not less than the corresponding velocity stated for that release point in Table 1 of the air schedule.

(NS6) The concentration of solid particles in the effluent gas, under normal operating conditions, at the release points A1-1 and A1-2 (Table 1 of air schedule) is not to exceed 80 mg in each normal cubic metre of effluent gas corrected to 12 percent by volume of carbon dioxide.

(NS7) The emission limit set out for solid particles in Schedule B is not applicable during the determination/testing of correlation between dust burden and opacity meters.

(NS8) The concentration of oxides of nitrogen (NO_X) in the effluent gas at the release points A1-1 and A1-2 (Table 1 of air schedule), under normal operating conditions, is not to exceed 800 mg in each normal cubic metre of effluent gas calculated as NO_2 at a 7 percent oxygen reference level.

(NS9) The emission limits set out for solid particles and oxides of nitrogen for release points A1-1 and A1-2 (NS6 and NS8) and for efflux velocity in "Schedule B - Table 1" is not applicable before commencement of the Millmerran Power Station.

Dust from Coal Stockpile

(NS10) (a) The holder of this environmental authority must use all reasonable and practicable means to limit dust emissions which emanate from activities associated with coal stockpile and transportation system;

(b) For the purpose of this condition, examples of reasonable and practicable measures for the control of dust emissions include but not limited to:

(i) maintaining coal stockpile in a conditioned state; and
(ii) watering gravel traffic areas.

Fuel Burning

(NS11) The only type of fuel to be burnt in the coal fired boiler under normal operating conditions is coal.

(NS12) The sulphur content of coal burned in industrial fuel burning equipment is not to exceed 0.65 percent by weight based on 85 percentile compliance on a representative number of samples over a twelve (12) month period. The sulphur content of the fuel required for the purpose of this condition is calculated on an 'as received' basis at the power station

(NS13) The sulphur content of any fuel other than coal burned in industrial fuel burning equipment is not to exceed 0.5 percent by weight.

(NS14) The fuels which may be burned in the auxiliary boiler are natural gas or fuel oil.

Air Pollution Control System

(NS15) All exhaust gases leaving the coal fired boilers (release points A1-1 and A1-2) must be treated by fabric filter dust collectors prior to being released to the atmosphere.

(NS16) An audible and visual alarm must warn the operator when filter medium breakthrough occurs.

(NS17) Automatic Total Suspended Particulate (TSP) analysers are to be installed and operated at the coal fired boilers (release points A1-1 and A1-2) to indicate to the plant operator the total suspended solid concentration of the effluent gas at all monitoring points and to produce a record of this data.

(NS18) After synchronisation of the generating unit, detection by Total Suspended Particulate (TSP) analysers of total suspended solid concentrations indicating a trend toward a potential exceedence of the particulate concentration limits as stated in condition NS6 is to activate an audible and visible alarm on the plant operator's console.

SCHEDULE B - Table 1

Unit 1 - Flue Gas of Coal Fired Boiler # 1	A1-1	141	24
Unit 2 - Flue Gas of Coal Fired Boiler # 2	A1-2	141	24
Auxiliary Boiler	A1-3	15	15

* Sampling Point A1-1 - Between "air pollution control device" and Unit 1 Main Stack exit
Sampling Point A1-2 -Between "air pollution control device" and Unit 2 Main Stack exit

End of Conditions for Schedule B
SCHEDULE C - WATER

Release of Contaminants to Waters

(NS19) Contaminants that will or may cause environmental harm must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters except as permitted under another schedule of this environmental authority.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Stormwater Management Plan

(NS20) The holder of this environmental authority must:

(a) develop and implement a stormwater management plan which address at least the following issues:

- minimise incident stormwater and stormwater runoff from contacting wastes or contaminants; and
- diversion of upstream runoff away from areas containing wastes or contaminants; and
- minimisation of the size of contaminated areas; and
- cleaning of contaminated areas without water; and
- installation of pollution control equipment such as oil separators, silt and rubbish traps, and stormwater diversion systems, sedimentation ponds and settling pits; and
- bunding of chemical and fuel storage areas.

(b) 6 months before the commencement of the Millmerran Power Station, lodge a detailed description of the stormwater management plan and its documentation with the administering authority for its review and comment; and

(c) have due regard to that comment in the finalisation of the stormwater management plan; and

(d) on or before the commencement of Millmerran Power Station, have completed and implemented the stormwater management plan.

(D4) In developing the Stormwater Management Plan and periodically updating it to incorporate changing practices and future options, the holder of the environmental authority must have regard to the following hierarchy of preferred methods of dealing with stormwater. Where reasonable and practicable, the method of dealing with stormwater which is higher in the hierarchy must be adopted over another method which lower in the hierarchy.

Hierarchy of methods of dealing with stormwater

The most preferred method (method (1)):

(1) Avoid the contamination of stormwater in the first place, for example by roofing areas where contaminants and or wastes are stored or handled, diverting uncontaminated stormwater runoff away from areas where contaminants or wastes are stored or handled, by preventing the contact of incident rainfall with contaminants or wastes and utilising alternate materials and or processes.
(2) Minimise the quantity and or hazardous nature of the contaminated stormwater generated, for example by minimising the size of areas where contaminants or wastes are stored or handled and by utilising alternate materials and or processes.
(3) Recycling of contaminated stormwater produced, for example by incorporating reuse, reprocessing, and utilisation of the stormwater for a worthwhile purpose.
(4) Treatment of any contaminated stormwater to render it less or non-hazardous.
(5) Release of the contaminated stormwater as a last resort.

Spillage Control

(NS21) 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 or roadside gutters.

(NS22) Cleaning of any spillage, equipment, floors, areas or structures on the licensed place must be undertaken using dry cleaning methods where practicable and to the greatest extent practicable.

(NS23) Where it is not practicable to utilise dry methods of cleaning as required by condition NS22 practicable steps must be taken to minimise the volume of wash down water produced, for example by use of high pressure - low volume water spray equipment.

Bunding

(NS24) All chemical and fuel drums up to 250 l capacity must be stored in a bunded area so that the capacity of the bund is sufficient to contain at least 25% of the volume of containers within the bund.

(NS25) Each tank more than 250 l capacity which is used only for storage of oil or chemical must be enclosed by bunding so that the capacity of each bunded area is not less than 110% of the capacity of the tank or tanks it encloses.

(NS26) All bunding must be constructed and maintained so as to be sufficiently impervious to allow retention and recovery of any materials being stored within the bund.

(NS27) The base and walls of all bunded areas must be maintained and kept free from gaps and cracks.

(NS28) Where vehicle access to a bunded area is required, the access must be by way of a rollover bund.

(NS29) All empty drums must be stored on a hardstand area with their closures in place.

(NS30) Contaminated water collected within any bunded area must be directed to an oil-water separator prior to any release.

Runoff from the Coal Stockpile

(NS31) A system of suitable diversion drains or embankments must be constructed and maintained to divert surface waters away from the area used for coal stockpiling.

(NS32) Run off from the coal stockpile area must be directed to the sedimentation ponds and settling pits.

End of Conditions for Schedule D

SCHEDULE F - NOISE

Emission of Noise

(NS33)The licensee must take all reasonable and practicable measures to minimise noise which could cause environmental nuisance. In the event of a complaint about noise that the Administering Authority considers neither frivolous or vexatious, the cause of the complaint must be investigated and recorded in a Complaints Register. The investigation must include a measure of the sound pressure level of the noise at the location where the complaint arises. The measured noise level must be compared with the noise level given below:

NOISE AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a noise sensitive place measured as the adjusted maximum sound pressure level $L_{Amax, adj, T}$
7.00 am - 6.00 pm	Background noise level plus 5 dB(A)
6.00 pm - 10.00 pm	Background noise level plus 5 dB(A)
10.00 pm - 7.00 am	Background noise level plus 3 dB(A)
NOISE AT A COMMERCIAL PLACE	
Period	Noise Level at a commercial place measured as the adjusted maximum sound pressure level $L_{Amax, adj, T}$
7.00 am - 6.00 pm	Background noise level plus 10 dB(A)
6.00 pm - 10.00 pm	Background noise level plus 10dB(A)
10.00 pm - 7.00 am	Background noise level plus 8 dB(A)

If the noise level exceeds the above values, then an appropriate action must be taken to overcome this problem, including consultation with the complainant, and the action recorded in the Complaint Register.

End of Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

General

(G1) The holder of this environmental authority must not:

(i) allow waste to burn or be burned at or on the licensed place; nor
(ii) remove waste from the licensed place and burn such waste elsewhere.

Destination of Ash

(NS34) Ash from the power station, if transported for disposal, must be transported only to the facility/facilities licensed under the Environmental Protection Act 1994 to receive such waste for subsequent handling or disposal.

Destination of Effluent from the Wastewater Treatment Plant

(NS35) Effluent from the wastewater treatment plants (including but not limited to the sewage treatment plant, reverse osmosis plant and demineralisation plant), if transported off site for disposal, must be transported only to the facility/facilities licensed under the Environmental Protection Act 1994 to receive such waste for subsequent handling or disposal.

Off Site Movement

(NS36) Where regulated waste is removed from the licensed place (other than fly ash, bottom ash or any waste material permitted under any schedule of this environmental authority), the holder of this environmental authority must monitor and keep records of the following:

(a) the date, quantity and type of waste removed; and
(b) name of the waste transporter and/or disposal operator that removed the waste; and
(c) the intended treatment/disposal destination of the waste.

Ash Handling

(NS37) (a) The holder of this environmental authority must use all reasonable and practicable means to limit dust emissions which emanate from activities associated with fly ash and bottom ash collection, transportation and disposal;

(b) For the purpose of this condition, examples of reasonable and practicable measures for the control of dust emissions include but not limited to:

(i) maintaining bottom ash in a wet condition; and
(ii) maintaining fly ash in a conditioned state (>10 % moisture).

Sewage Treatment Plant

(NS38) All ponds or dams used for the storage or treatment of wastewater at the sewage treatment plant must maintain a suitable freeboard at all times to minimise the overflow of contaminated liquid during periods of excessive rainfall.

Information on the freeboard must be submitted to the administering authority with the Stormwater Management Plan as required in condition NS20.

(NS39) The holder of this environmental authority shall operate and maintain wastewater treatment plant in such a manner to minimise the release of odour causing contaminants to the atmosphere.

End of Conditions for Schedule G

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

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

(a) time, date and nature of complaint;
(b) type of communication (telephone, letter, personal etc.);
(c) 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);
(d) response and investigation undertaken as a result of the complaint;
(e) name of person responsible for investigating complaint; and
(f) action taken as a result of the complaint investigation and signature of responsible person.

Evaluation of Ambient Air Quality

(NS40) Within 6 months of commencement of the Millmerran Power Station, the holder of this environmental authority must commence a study to determine the ambient air quality of the neighbouring environment and compare results with the model predictions specified in the report entitled: "Impact Assessment Study - Millmerran Power Project, November 1998". This monitoring must be conducted for at least 12 months. The samples obtained in accordance with this condition must be analysed for at least:

(i) sulphur dioxide
(ii) nitrogen dioxide
(iii) total suspended particulate
(iv) particulate matters less than 10 micron in size (PM10)

A report on the study must be lodge with the administering authority with the annual return which follows completion of the study.

(NS41) Prior to the commencement of the Millmerran Power Station, the holder of this environmental authority must submit to the administering authority an air quality monitoring protocol, as required by condition NS40 which must address at least the following:

(i) sampling practices and procedures for contaminant testing,
(ii) the selection of sampling locations to demonstrate that samples collected will be representative of the air quality of the area;
(iii) the frequency of sampling to be undertaken at each locations including the number of samples to be taken, the time spent in collecting each samples (the sampling time); and
(vi) meteorological data collection including at least the wind speed and wind direction during the air quality monitoring program at the monitoring locations.

(NS42) The holder of this environmental authority must have due regard to comments made by the administering authority regarding the submitted air quality monitoring protocol as required by condition NS41.

Monitoring of Contaminant Releases to the Atmosphere

(H2) The holder of this environmental authority 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) or by a person or body possessing appropriate experience and qualifications to perform 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" or more recent additions or supplements to that document as such become available.

(c) The following tests must be performed for each required determination of NO_X and SO_2 specified in Table 1:
(i) gas velocity and volume flow rate;
(ii) temperature; and
(iii) water vapour concentration.

(d) Where practicable samples taken must be representative of the contaminants discharged under normal operating conditions.

(e) During the non-continuous sampling period the following additional information must be gathered:
- (i) time, date and duration of sampling;
- (ii) electricity generation rate during sampling period;
- (iii) hourly consumption of fuel for the sampling period;

(f) Monitoring and analysis must be carried out in accordance with the methods specified in the "Air Quality Sampling Manual", November 1997, published by the Department of Environment or any revised editions of that document..

SCHEDULE H TABLE 1
Required Release Point Determinations

Mass emission rate and concentration of total suspended particulates (TSP)	A1-1 and A1-2	Continuous
Mass emission rate and concentration of nitrogen oxides (NO_X)	A1-1 and A1-2	At the time of commencement of the Millmerran Power Station and not less than once every month for the first twelve months and not less than once every three months thereafter
Mass emission rate and concentration of sulphur dioxide (SO_2)	A1-1 and A1-2	At the time of commencement of the millmerran Power Station and not less than once every month for the first twelve months and not less than once every three months thereafter

* Sampling Point A1-1 - Between "air pollution control device" and Unit 1 Main Stack exit

Sampling Point A1-2 - Between "air pollution control device" and Unit 2 Main Stack exit

(NS43) Within 3 months of commencement of the Millmerran Power Station, the holder of this environmental authority must conduct a monitoring program of contaminant releases to the atmosphere at release point A1-3 (Auxiliary Boiler). The samples obtained in accordance with this condition must be analysed for at least:

- (i) sulphur dioxide
- (ii) nitrogen dioxide
- (iii) total suspended particulate
- (iv) particulate matters less than 10 micron in size (PM10)

A report on the study must be lodge with the administering authority with the annual return which follows completion of the study.

(NS44) The holder of this environmental authority must calculate the carbon dioxide emissions from the licensed place at a frequency not less than annually and lodge a report with annual return.

Monitoring of Back Creek

(NS45) The holder of this environmental authority is responsible for ensuring the Back Creek impact monitoring program is performed which complies with the following requirements:

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

(b) Representative samples of surface water must be taken from two locations in Back Creek; one upstream and one downstream of the Millmerran power station.

(c) The samples obtained in accordance with paragraph (b) of this condition must be analysed for:

(i) pH
(ii) electrical conductivity
(iii) total dissolved salts (calculated)
(iv) total boron
(v) total selenium
(vi) total molybdenum
(vii) chloride (Cl)
(viii) sulphate (SO_4)
(ix) fluoride (F)

Noise Monitoring

(NS46) In order to evaluate noise modelling predictions, the holder of this environmental authority shall monitor noise levels and meteorological conditions over a representative number of samples, during the first 12 months of operation of the Millmerran Power Station.

(NS47) In the event of a complaint about noise that the administering authority considers is reasonable, then the holder of this environmental authority must monitor and record the "L(Amax adj,T)" and "Background" noise level at the place from where the complaint originates during the operation period.

(H11) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition,

March 1995, or more recent additions or supplements to that document as become available.

(H12) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Report Submission

(H14) The holder of this environmental authority must ensure that a summary of the results of all monitoring performed in accordance with this environmental authority for the period covered by the return are submitted with the Annual Return.

Incident Recording

(H16) A record must be maintained of at least the following events:

(a) the time, date and duration of equipment malfunctions where the failure of the equipment resulted in the release of contaminants reasonably likely to cause environmental harm;
(b) any uncontrolled release of contaminants reasonably likely to cause environmental harm and
(c) any emergency involving the release of contaminants reasonably likely to cause material or serious environmental harm requiring the use of fire fighting equipment.

Notification of Emergencies and Incidents

(H18) Where the holder of this environmental authority has not given notification to the administering authority under section 37 of the Environmental Protection Act, 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.

(H19) Where the holder of this environmental authority has not given notification to the administering authority under section 37 of the Environmental Protection Act, the notification of emergencies or incidents as required by condition number H18 must include but not be limited to the following:

(a) The holder of the environmental authority;
(b) the location of the emergency or incident;
(c) the number of the environmental authority;
(d) the name and telephone number of the designated contact person;
(e) the time of the release;
(f) the time the holder of the environmental authority became aware of the release;
(g) the suspected cause of the release;

(h) the environmental harm and or environmental nuisance caused, threatened, or to be caused by the release; and
(i) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

(H20) Where the holder of this environmental authority has not given notification to the administering authority under section 37 of the Environmental Protection Act, 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 H19 in addition to:

(a) proposed actions to prevent a recurrence of the emergency or incident;
(b) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

Exception Reporting

(H21) The holder of this environmental authority must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within 28 days of completion of analysis.

(H22) The written notification required by condition number H21 above must include:

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

End of Conditions for Schedule H

SCHEDULE I - DEFINITIONS

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

(I2) "mg/L" means milligrams per litre.

(NS48) "normal cubic metre" ("Nm^3") means the volume of dry gas which occupies 1 cubic metre at a temperature of zero degrees Celsius and at an absolute pressure of 101.3 kiloPascals.

(NS49) "normal operating conditions" is the normal operating state of a unit, and means that the Unit is operating on a stable coal flame (oil/gas support no longer necessary).

(NS50) "commencement" means, for the purposes of this authority, the first date that the Contractor gives the Owners of the Millmerran Power Station complete operational control of the Unit.

(NS51)"85 percentile" means that the measured values of the sulphur content of the fuel at any instant must not be greater than the release limit in any more than 15 percent of the samples collected over a period of previous 365 days.

(I17) "Background noise level" means either:

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

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

(I19) "noise sensitive place" means -

(a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
(b) a motel, hotel or hostel; or
(c) a kindergarten, school, university or other educational institution; or
(d) a medical centre or hospital; or
(e) a protected area; or
(f) a public park or gardens.

(I20) "commercial place" means a place used as an office or for business or commercial purposes.

(NS52)"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

(a) is clearly audible to, or can be felt by, an individual; and
(b) annoys the individual.

in determining whether a noise annoys an individual and is unreasonably intrusive, regard must be had to Australian Standard 1055.2 - 1989 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.

End of Conditions for Schedule I

Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

Appeals by applicants

4.1.27 (1) An applicant for a development application may appeal to the court against any of the following -

(a) the refusal, or the refusal in part, of a development application;
(b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
(c) the decision to give a preliminary approval when a development permit was applied for;
(d) the length of a currency period;
(e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **"applicant's appeal period"**) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Appeals by submitters

4.1.28(1) A submitter for a development application may appeal to the court about -

(a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
(b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the **"submitter's appeal period"**) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

Appeals by advice agency submitters

4.1.29(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -

(a) the development application involves impact assessment; and
(b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.

Appeals for matters arising after approval given (co-respondents)

4.1.30(1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request for an extension of the currency period for an approval;
(b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

4.1.31(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request to change or cancel a condition of a development approval;

(b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Appeals against enforcement notices

4.1.32(1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.

(2) The appeal must be started within 20 business days after the day notice is given to the person.

Stay of operation of enforcement notice

4.1.33(1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -

(a) the court, on the application of the entity issuing the notice, decides otherwise; or

(b) the appeal is withdrawn; or

(c) the appeal is dismissed.

(2) However, subsection (1) does not apply if the enforcement notice is about -

(a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or

(b) carrying out development that is the demolition of a work.

Appeals against decisions on compensation claims

4.1.34(1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -

(a) the decision; or

(b) a deemed refusal of the claim.

(2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals against decisions on requests to acquire designated land under hardship

4.1.35(1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -

(a) the decision; or

(b) a deemed refusal of the request.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals from tribunals

4.1.37(1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -

(a) of error or mistake in law on the part of the tribunal; or
(b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

(2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

Court may remit matter to tribunal

4.1.38 If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

Division 10 - Making an appeal to court

How appeals to the court are started

4.1.39(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

Certain appellants must obtain information about submitters

4.1.40(1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.

(2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

Notice of appeal to other parties (div 8)

4.1.41(1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to -

(a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
(b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal - the assessment manager, the applicant and any concurrence agency; or
(c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.

(2) The notice must state -

(a) the grounds of the appeal; and
(b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

Notice of appeal to other parties (div 9)

4.1.42(1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -

(a) if the appellant is a person to whom a notice mentioned in section 4.1.31[73] has been given - the entity that gave the notice;
(b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
(c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
(d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
(e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
(f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

Respondent and co-respondents for appeals under div 8

4.1.43(1) This section applies to appeals under division 8 for a development application.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

(5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.

(6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

(7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

Respondent and co-respondents for appeals under div 9

4.1.44(1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.

(2) The entity given written notice is the respondent for the appeal.

(3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.

(4) The second entity mentioned in the provision may elect to be a co-respondent.

How a person may elect to be co-respondent

4.1.45(1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.

(2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

Minister entitled to be represented in an appeal involving a State interest

4.1.46 If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

Lodging appeal stops certain actions

4.1.47(1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

ENVIRONMENTAL PROTECTION ACT 1994

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

South-West District Office (Toowoomba)
PO Box 731 TOOWOOMBA QLD 4350
Phone: (07) 4639 4599 Fax: (07) 4639 4524
www.env.qld.gov.au ABN: 87221158786

COPY

Licence No. WT0462 (with development approval)

Section 86 *Environmental Protection Act 1994*

This licence, issued under the Environmental Protection Act 1994, *allows the administering authority to make conditions with regard to financial assurances and matters relating to an Integrated Environmental Management System (IEMS). The licence and its conditions must be considered in conjunction with any conditions imposed on your development approval granted under the* Integrated Planning Act 1997 *or its equivalent.*

Under the provisions of the *Environmental Protection Act 1994* this licence is issued to:

Queensland Power Company (Australia) Pty Ltd
Queensland Power Company Limited
Millmerran Investment Company I, Pte Ltd
Millmerran Investment Company II Pte Ltd
Millmerran Investment Company III Pte Ltd
Millmerran Investment Company IV Pte Ltd
Millmerran Investment Company V Pte Ltd
Millmerran Investment Company VI PteLtd

P O Box 196
Millmerran Qld 4357

in respect of carrying out the environmental relevant activity:

7(a) Chemical storage - Storing chemicals (other than crude oil, natural gas and petroleum products), including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers having a design storage volume of more than 10 m 3 but less than 1 000 m3

at the following place:

Lot 49 DY151
Lot 3 SP134901.

located at:

Moffat Reserve Road (Road 55)
Millmerran QLD 4357.

00062

This licence is subject to the conditions set out in the attached schedules.

The anniversary date of this licence is 9 October.

This licence takes effect from 9 October 2001.

S. D Skull — Signed

24/9/2001 — Date

Dr Stephen Skull
District Manager - South West
Southern Region, EPA
Delegate of Administering Authority
Environmental Protection Act 1994

Note: This licence document is not proof of the current status of the licence. The current status of the licence may be ascertained by contacting the Environmental Protection Agency.

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Schedule of conditions

The aforementioned description of the ERA for which this authority is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing the authority. Where there is any conflict between the above description of the ERA for which this authority is issued and the conditions as specified in this authority 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 I - Definitions

Schedule A - General conditions

No conditions are prescribed under this schedule.

END OF CONDITIONS FOR SCHEDULE A

Schedule I - Definitions

No definitions in this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF ENVIRONMENTAL AUTHORITY

00064

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

South-West District Office (Toowoomba)
PO Box 731 TOOWOOMBA QLD 4350
Phone: (07) 4639 4599 Fax: (07) 4639 4524
www.env.qld.gov.au ABN: 87221158786

COPY

Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This statutory notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, *to advise you of a decision or action.*

Enquires to : Kapila Bogoda
Telephone : (07) 4639 4599
Your reference :
Our reference : TWB 752

Millmerran Shire Council
P O Box 42
Millmerran QLD 4357

Attention: Mr Brendan Monckton ,

Re: Application for development approval.

Application information

Application number:
Application received by EPA: 1 August 2001
EPA no: WT0462DA
Description: 7(a) Chemical storage

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that:

- Conditions must attach to any development approval.

Pursuant to the following items of Schedule 2 of the *Integrated Planning Regulation 1998,* the Environmental Protection Agency is the concurrence agency for the development application:

- Item 3 (*Environmental Protection Act 1994* environmentally relevant activities)
- Item 4 (*Environmental Protection Act 1994* contaminated land)

ERA 7(a) Chemical storage - storing chemicals (other than crude oil, natural gas and petroleum products),including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers having a design storage volume of more than $10m^3$ but less than $1000m^3$.

00054

The Environmental Protection Agency, as the administering authority for the *Environmental Protection Act 1994* is required by section 540 to maintain a register of development approvals for environmentally relevant activities.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions), and an electronic copy of that development approval. The signed "hard copy" can be posted to the Agency's Environmental Support Officer.

Environmental Support Officer
Environmental Protection Agency
South West District Office
P O Box 731
Toowoomba Qld 4350

The electronic copy for the electronic register can be e-mailed in this instance to the Applicant Responsible Officer, Erin Dooley at e-mail address: erin.dooley@env.qld.gov.au.

The EPA has not provided a notification to native title parties for this application. 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. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

More detailed information about the Environmental Protection Agency's assessment is enclosed.

Should you require any further information please do not hesitate to contact Kapila Bogoda on either phone 07 46 394599 or email: kapila.bogoda@env.qld.gov.au

Signed

3 September 2001
Date

Dr Stephen Skull
District Manager - South West
Southern Region, EPA
Delegate of Administering Authority
Environmental Protection Act 1994

00055

Concurrence Agency Response

Application number:	
EPA number:	WT0462DA
Applicant:	Queensland Power Company (Australia) Pty Ltd Queensland Power Company Limited Millmerran Investment Company I Pte Ltd Millmerran Investment Company II Pte Ltd Millmerran Investment Company III Pte Ltd Millmerran Investment Company IV Pte Ltd Millmerran Investment Company V Pte Ltd Millmerran Investment company VI Pte Ltd
Date received:	1 August 2001
Relevant Laws and Policies:	*Environmental Protection Act 1994* and associated policies
Description:	7(a) Chemical storage

At the following place(s):

Lot 49 DY151
Lot 3 SP134901

located at:

Moffat Reserve Road, Millmerran Qld 4357

Type of development

Material change of use of premises (tick whichever is applicable) -

- ☒ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ☒ a material change in the intensity or scale of the use of the premises; or
- ☐ the holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

Type of environmentally relevant activity(s) (ERA(s))

The development application relates to the following ERA(s):

7(a) Chemical storage

00056

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that:

- conditions must attach to any development approval.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 *and section 27B of the* Acts Interpretation Act 1954, *a concurrence response must include reasons for a refusal or for the inclusion of development conditions. The Environmental Protection Agency is recognised as a concurrence agency under the* Integrated Planning Amendment Regulation (No. 1) 1998 *for the protection of the environment against the release or potential release of contaminants that will or may cause environmental harm. Development conditions placed on the development approval for the environmentally relevant activity are in accordance with section 79 of the* Environmental Protection Act 1994 *('the EP Act').*

The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response, are required in accordance with section 92 of the EP Act and are relevant to the object and policies pertaining to the EP Act.

Additional comments or advice about the application

An environmental authority (Licence) under the Environmental Protection Act 1994 is required to operate the ERA 7(a).

ERA 7(a) Chemical storage - storing chemicals (other than crude oil, natural gas and petroleum products),including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers having a design storage volume of more than 10m3 but less than 1000m3.

Additional information for applicants

This concurrence response pursuant to section 79 the EP Act applies only to the environmentally relevant activity-ies component of the development and does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

09057

Schedule B - Air

(B1) Prevent the release of odour, dust and/or particulate matter, spray-drift, smoke, aerosols, or fumes which cause or are likely to cause a nuisance. Nuisance includes the release of contaminants that are likely to be offensive to a person or a nuisance in the opinion of an authorised person.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Stormwater Management

(C4) Prevent the release of stormwater runoff that has been in contact with any contaminants at the site to any waters.

(C5) Spillage of all chemicals and fuels must be captured within an on-site containment system.

(NS1) All chemicals must be stored in bunded areas in accordance with Australian Standards *AS 1940-1993* or more recent additions or supplements to that standards as become available.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise

No conditions are prescribed in this schedule

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste Management

No conditions are prescribed in this schedule

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

No conditions are prescribed in this schedule

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

(G1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

(G2) In consultation with the administering authority, cooperate with and participate in any community environmental group or organisation established in respect of either the premises to which this development approval relates specifically, or the industrial estate where the premises to which this development approval relates is located.

00060

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence are defined below:

(H1) **"administering authority"** means the Environmental Protection Agency or its successor.

(H3) **"odour sensitive place"** has the same meaning as a "dust sensitive place"

(H4) **"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.

(H5) **"noxious"** means harmful or injurious to health or physical well being.

(H6) **"offensive"** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

(H7) **"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.

(H8) **"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 any under groundwater, any part-thereof.

(H12) **"land"** in the **"land schedule"** of this document means land excluding waters and the atmosphere.

(H14) **"regulated waste"** means non-domestic waste in Schedule 7 of the *Environmental Protection Regulation 1998* and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained a regulated waste; and
- regulated waste that has been treated or immobilised.

END OF CONDITIONS FOR SCHEDULE H

Schedule I - Plan of development

No conditions are prescribed in this schedule

00061

END OF CONDITIONS FOR SCHEDULE I

END OF CONCURRENCE AGENCY RESPONSE

5.7.-

Conditions of the development approval

The following concurrence agency development conditions are to be attached to the development approval:

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Plan of development

Schedule A - Activity

Prevent and / or Minimise Likelihood of Environmental Harm

(A1) Notwithstanding any other requirements of this document, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused when carrying out the environmentally relevant activity.

Site Based Management Plan

(A2) From commencement of the activity, implement the Site Based Management Plan (SBMP) that identifies the actual and potential release of ALL contaminants, their subsequent environmental impacts and all corrective and preventive measures that will be taken to prevent and / or minimise the likelihood of environmental harm. The SBMP must also provide for the review and "continual improvement" in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

Notification

(A3) Notify the administering authority as soon as practicable when the release of contaminants is not in accordance with the conditions of this document or any event where environmental harm may be threatened

(A4) Written advice of the following information must be provided within fourteen (14) days following any event as identified in condition number (Notification A3):

- the location of the event;
- the time of the event;
- the time the holder of the development approval became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of the event;
- actions taken to mitigate any environmental harm and or environmental nuisance caused by the event; and
- proposed actions to prevent a recurrence of the event.

END OF CONDITIONS FOR SCHEDULE A

00059

S.P.S.

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 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*.

S. J Skull

Signed

3 September 2001

Date

Dr Stephen Skull
District Manager - South West
Southern Region, EPA
Delegate of Administering Authority
Environmental Protection Act 1994

00053