Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE02681211

This registration certificate is issued by the administering authority and takes effect from: 29-APR-2011.

The anniversary day for the purposes of the Annual Return is: 29th APRIL.

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 SPDE00141710 attached to the premises.

Registered Operator:-
Peabody (Wilkie Creek) Pty Ltd
Bank of Queensland Building, Level 13
259 Queen Street, BRISBANE QLD 4000

Place:-
Lot 25 Plan RP865876

Registered Activity/ies: -
ERA 50 Bulk material handling Threshold 1(b) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals at another place that is not within 5km of the highest astronomical tide or 1km of a watercourse

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

Delegate
Marie Hayes
Department of Environment and Resource Management
Environmental Protection Act 1994

29-APR-2011

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

Queensland Government

Department of Environment
and Resource Management

Notice

Decision notice

This notice is issued by the Department of Environment and Resource Management pursuant to section 334 (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Peabody (Wilkie Creek) Pty Ltd
PO Box 646
DALBY QLD 4405

Our reference: 344 368

Re: Application for development approval

1. **Application Details**

Date application made to DERM:

28-JAN-2010

Development approval applied for:

Development permit

Aspect of development:

Material change of use of premises – For an environmentally relevant activity	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 2, item 1	DERM ref. no.: 344 368 DERM Permit No.: SPDE00141710

Development description:

ERA 50 Bulk material handling Threshold 1(b) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals at another place that is not within 5km of the highest astronomical tide or 1km of a watercourse

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

Property/Location description:

Lot 25 on plan RP865876
1245 Macalister-Wilkie Creek Road,
MACALISTER QLD 4406

2. The Chief Executive, Department of Environment and Resource Management (DERM) decision notice, for the aspect of development involved with the application the subject of this Notice is as follows.

(a) The application was decided on 25-JUN-2010 and is approved subject to conditions.

(b) The application is approved subject to the conditions attached to this Notice, and the conditions are stated to be assessment manager conditions.

3. Information about the rights of appeal for the applicant any submitters are attached to this Notice.



Delegate
Rob Spalding
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Resource Management
25- JUN-2010

Enquiries:
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Department of Environment and Resource Management
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Attachments
DERM Permit No.: SPDE00141710
Information Sheet – Appeals – Sustainable Planning Act 2009 (extract from the Sustainable Planning Act 2009)

Department of Environment and Resource Management

Permit

Sustainable Planning Act 2009

DERM Permit [1] number: SPDE00141710

This notice is issued by the Department of Environment and Resource Management pursuant to section 334 (decision notice) section 363 of the Sustainable Planning Act 2009 ("the Act").

Assessment manager reference:	344368
Date application received:	28-Jan-2010
Permit type:	Development permit
Date of decision:	25-JUN-2010
Decision:	Development Approval for a MCU involving an ERA
Relevant laws and policies:	*Sustainable Planning Act 2009*

Jurisdiction(s):

Jurisdiction	Legislation
Development Approval for a MCU involving an ERA.	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 2, item 1

Development Description(s)

Property	Lot/Plan	Aspect of Development
124 Macalister Wilkie Creek Road, MACALISTER QLD 4406	Lot 25 Plan RP865876	ERA 50 Bulk material handling Threshold 1(b) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals at another place that is not within 5km of the highest astronomical tide or 1km of a watercourse 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

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

CONDITIONS

Condition for: ERA 50 Bulk material handling Threshold 1(b) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals at another place that is not within 5km of the highest astronomical tide or 1km of a watercourse.

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.

General Permit Condition

Agency Interest: General

G1 **Prevent and/or minimise likelihood of environmental harm.**
In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

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

G2 A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

G3 **Maintenance Of Measures, Plant and Equipment.**
The operator of an ERA to which this approval relates must:
(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
(b) maintain such measures, plant and equipment in a proper and efficient condition; and
(c) operate such measures, plant and equipment in a proper and efficient manner.

G4 **Site Based Management Plan.**
From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

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

G5 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G6 **Records.**
Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G7 All records required by this approval must be kept for 5 years.

G8 **Notification.**
Telephone the DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

G9 A written notice detailing the following information must be provided to the DERM within 14 days of any advice provided in accordance with condition [G11]:

a) the name of the operator, including their approval / registration number;
b) the name and telephone number of a designated contact person;
c) quantity and substance released;
d) vehicle and registration details;
e) person/s involved (driver and any others);
f) the location and time of the release;
g) the suspected cause of the release;
h) a description of the effects of the release;
i) the results of any sampling performed in relation to the release,
j) actions taken to mitigate any environmental harm caused by the release; and
k) proposed actions to prevent a recurrence of the release.

G10 **Monitoring.**
A competent person(s) must conduct any monitoring required by this approval.

G11 **Equipment Calibration.**
All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

G12 **Spill Kit.**
An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

G13 **Spill Kit Training.**
Anyone operating under this approval must be trained in the use of the spill kit.

Scope of Activities

G14 Annual throughput tonnages are to be reported to the administering authority, with the annual return.

G15 **Fire Prevention**
Clear access to a water supply for fire fighting vehicles must be provided at all times.

G16 An effective fire management plan must be maintained. Procedures must comply with any requirements of the Regional Fire Commander.

G17 **Development Area Restrictions**
Environmentally Relevant Activities under this approval are restricted to Lot 25 Plan RP865876 & within the area identified in Table 1 – Development Area Restrictions on Lot 82 on Plan SP129778.

Table 1 - Development Area Restrictions

Latitude (GDA94)	Longitude (GDA94)
S 27°02'08.168"	E 151°04'05.6"
S 27°02'08.030"	E 151°04'05.425"
S 27°02'06.201"	E 151°04'07.444"
S 27°02'06.471"	E 151°04'07.835"
S 27°02'06.152	E 151°04'08.179"
S 27°02'05.709"	E 151°04'07.693"
S 27°02'05.887"	E 151°04'07.479"

Agency Interest: Air

A1 **Nuisance.**
The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

A2 **Dust Nuisance.**
The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

A3 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'; or
- any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

A4 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
a) for a complaint alleging dust nuisance, dust deposition; and
b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.

Dust Control

A5 The holder of this development approval must install barriers and equipment and implement operational procedures for the minimisation and abatement of wind blown particulates generated from the carrying out of the activity. The procedures must provide for:
- a) control of dust from stockpiles;
- b) dust control at conveyors, transfer points and loading/unloading equipment; and
- c) induction training of all relevant new employees (and retraining every two years) in the nature of all coal types and the methods to be applied and accountability for controlling dust emissions.

A6 Water sprays must be operated for stockpiles and train loading facilities as necessary to minimise the release of dust and particulate matter to the atmosphere.

A7 All sealed traffic areas must be cleaned as necessary to minimise the release of dust and particulate matter to the atmosphere.

A8 Watering of unsealed roads shall be carried out so as to minimise the release of dust and particulate matter to the atmosphere.

A9 All buildings, conveyors and transfer points are to be designed, constructed, maintained and operated so as to minimise the generation or release of dust to air.

Environmental barriers

A10 Vegetated barriers are to be installed at sufficient height and width to provide a wind break and visual screening along all boundaries between stockpiles and nuisance sensitive places.

Agency Interest: Light

H1 The emission of light resulting from the mining activity must not cause an environmental nuisance at any nuisance sensitive place.

H2 When requested by the administering authority, an assessment of the light nuisance* must be undertaken with a reasonable and practicable timeframe nominated by the administering authority to investigate any compliant (with in neither frivolous nor vexatious based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any nuisance sensitive place, and the results must be notified within 14 days of the administering authority following completion of the assessment.
(* = Assessment to be conducted according to and with reference to the limits specified in AS 4282-1997 Control of the Obstructive Effects of Outdoor Lights).

H3 If the assessment indicates condition H2 is not being met then the environmental authority holder must:
- a) address the complaint including the use of appropriate dispute resolution if requires; or
- b) immediately implement light abatement measures so the emissions of the light from the activity do not result in further environmental nuisance.

Agency Interest: Land

L1 **Preventing Contaminant Release To Land.**
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.

Land rehabilitation

L3 Land must be rehabilitated in a manner such that:

a) suitable species of vegetation, preferably native are planted and established;
b) potential for erosion of the site is minimised;
c) the quality of stormwater, water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
d) the likelihood of environmental nuisance being caused by release of dust is minimised;
e) the water quality of any residual water bodies meets criteria for subsequent uses and does not have potential to cause environmental harm; and
f) the final landform is stable and not subject to slumping.

Agency Interest: Noise

N1 **Noise Nuisance.**
Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

N2 Noise is NOT considered to be a nuisance under condition N1 if monitoring shows that noise does NOT exceed the Acoustic Quality Objectives stated in the *Environmental Protection (Noise) Policy 2008.*

N3 **Noise Monitoring.**
When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Waste

W1 **Waste management**
Waste generated in carrying out the activities must be stored, handled and transferred in a proper and efficient manner. Waste must not be released to the environment, stored, transferred or disposed contrary to any condition of this development approval.

W2 **Notification of Improper Disposal of Regulated Waste**
If the holder of this development approval becomes aware that a person has removed regulated waste from the licensed place and disposed of the regulated waste in a manner which is not authorised by this development approval or improper or unlawful, then the holder of this development approval must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the improper disposal.

Agency Interest: Water

WA1 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

WA2 **Pond Conditions.**
All ponds used for the storage or treatment of contaminants or wastes at or on the authorised place must be constructed, installed and maintained:
a) so as to minimise the likelihood of any release of effluent through the bed or banks of the pond to any waters (including ground water);
b) so that a freeboard of not less than 0.5 metres is maintained at all times, except in emergencies; and
c) so as to ensure the stability of the ponds' construction.

WA3 Suitable banks and/or diversion drains must be installed and maintained to exclude uncontaminated stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants or wastes.

WA4 The maintenance and cleaning of any vehicles, plant or equipment must not be carried out in areas from which contaminants can be released into any receiving waters.

WA5 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable to minimise the release of wastes, contaminants or materials to any stormwater drainage system or receiving waters.

Agency Interest: Social

S1 **Complaint Response.**
The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:
a) Time, date, name and contact details of the complainant;
b) reasons for the complaint;
c) any investigations undertaken;
d) conclusions formed; and
e) any actions taken.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

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

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

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

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

"commercial premises" means any of the following types of premises—

(a) a hotel, motel, caravan park, cafe, food store or canteen;
(b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
(c) premises where a sport or game is ordinarily played in public;
(d) an exhibition ground, show ground or racecourse;
(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

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

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

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

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

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

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

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

"mg/L" means milligrams per litre.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or

- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

"works" or "operation" means the development approved under this development approval.

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

END OF CONDITIONS

Additional comments or advice about the application

Additional information for applicants

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

A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.
A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

Delegate
Rob Spalding
Delegate, Chief Executive administering the
Department of Environment and Resource Management