

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*EPA Permit<sup>1</sup> number: IPCE01318608

|                                          |                                                                                   |
|------------------------------------------|-----------------------------------------------------------------------------------|
| <b>EPA Permit<sup>1</sup> number:</b>    | IPCE01318608                                                                      |
| <b>Assessment Manager reference:</b>     | TP100/08C                                                                         |
| <b>Date application received by EPA:</b> | 17 December 2008                                                                  |
| <b>Permit<sup>1</sup> Type:</b>          | Concurrence Response for a MCU involving an ERA                                   |
| <b>Date of Decision:</b>                 | 6 February 2009                                                                   |
| <b>Decision:</b>                         | Level 1                                                                           |
| <b>Relevant Laws and Policies:</b>       | <i>Environmental Protection Act 1994</i> and any subordinate legislation          |
| <b>Jurisdiction:</b>                     | Item 1 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> |

## Development Description

| Property                                                    | Lot/Plan                  | Aspect of Development                                                                                                                                                           |
|-------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "Valencia"<br>Capella/Rubyvale<br>Road, Capella,QLD<br>4723 | Lot 4 on Plan<br>SP193694 | ERA 16(1)(a) dredging, in a year, the following quantity of material—1000t to 10000t.<br>ERA 16(3)(a)screening, in a year, the following quantity of material—5000t to 100000t. |

## Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the *Integrated Planning Regulation 1998* for the purposes of the *Environmental Protection Act 1994*.
- 2) Any development conditions placed on this permit<sup>1</sup> for the environmentally relevant activities are in accordance with section 73B of the *Environmental Protection Act 1994*.

## Additional comments or advice about the application

Nil

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

## Additional information for applicants

### Contaminated Land

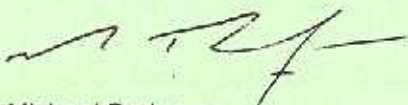
It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

### Environmentally Relevant Activities

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

This permit authorises the ERA's. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA's must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.



Michael Rodgerson  
Delegate  
Environmental Protection Agency  
6 February 2009

## CONDITIONS OF APPROVAL

### Agency Interest: General

#### A1 Display of development approval

A copy of this development approval must be kept in a location readily accessible to persons carrying out the activities.

#### A2 Prevent and/or minimise likelihood of environmental harm

In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

#### A3 Site based management plan

From commencement of the ERA's 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; and
- k) periodic review of environmental performance and continual improvement.

A4 The SBMP plan must not be implemented or amended in a way that contravenes any condition of this approval.

A5 A copy of the SBMP must be kept at the approved place to which the plan relates and be produced for examination by an authorised person upon request.

**A6 Trained / experienced operator(s)**

The daily operation of the ERA's and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of the activities and control equipment.

**A7 Maintenance of measures, plant and equipment**

The operator of the ERA's to which this approval relates must:

- a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval;
- 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.

**A8 Records**

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

**A9** All records required by this approval must be kept for a minimum of 5 years.

**A10 Monitoring**

Where monitoring is a requirement of this development approval, ensure that a competent person(s) conducts all monitoring.

**A11 Equipment Calibration**

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

**A12 Notification**

All reasonable actions are to be taken to minimise environmental harm, or potential environmental harm, resulting from any emergency, incident or circumstances not in accordance with the conditions of this development approval.

**A13** As soon as practicable after becoming aware of any emergency, incident or information about circumstances which results or may result in environmental harm not in accordance with the conditions of the development approval, the administering authority must be notified by telephone.

**A14** A written notice detailing the following information must be provided to the EPA within **fourteen (14) days** of any advice provided in accordance with condition A13:

- a) the name of the operator, including their approval and 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.

**A15 Operating times**

Notwithstanding any other condition of this development approval, no operation in association with the approved activities involving the movement of equipment, loading of vehicles or movement of vehicles onto or off the approved place shall be carried out:

- a) outside the hours of 7am to 5pm Mondays to Fridays inclusive;
- b) on Saturdays and Sundays; and
- c) on public holidays.

**A16 Permissible dredging**

Dredging is only authorised between locations AMTD 52.5 and AMTD 52.3 in Theresa Creek at the licenced place as per the Department of Natural Resources and Water notice of decision, dated 20 October 2008 that was sent to the approval holder.

**A17 Definitions**

Words and phrases used throughout this development approval are defined in the section "Definitions". Where a definition for a term used in this development approval is sought and the term is not defined within this development approval, the definitions in the *Environmental Protection Act 1994*, its Regulations and Environmental Protection Policies must be used.

**Agency Interest: Air**

**B1 Odour nuisance**

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

**B2** When requested by the administering authority, odour monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of the environmental nuisance at any sensitive or commercial place, and the results must be notified within **fourteen (14) days** to the administering authority following completion of monitoring.

**B3** If monitoring indicates condition B1 is not being met then the development approval holder must:

- a) address the complaint including the use of appropriate dispute resolution if required; and
- b) immediately implement odour abatement measures so that emissions of odour from the activities do not result in further environmental nuisance.

**B4 Dust nuisance**

The release of dust and/or particulate matter resulting from the ERA's must not cause an environmental nuisance at any nuisance sensitive or commercial place

**B5** The ERA's must be managed using all reasonable and practicable measures to minimise the release of wind blown dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:

- a) restriction of vehicular movement within the approved place to designated access routes;
- b) minimisation of exposed surface area to that within the current areas of operation;
- c) rehabilitation of completed areas as soon as reasonable and practicable following completion of excavation or other earthworks;
- d) transfer of materials in a moist state where possible;
- e) adoption of best industry practice environmental management for the ERA's; and
- f) use of a water cart(s) as necessary on site access roads.

- B6** 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); and
  - b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre ( $\mu\text{m}$ ) (PM10) suspended in the atmosphere of 50 micrograms ( $\mu\text{g}$ ) 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:
    - i) *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
    - ii) 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.
- B7** 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 **fourteen (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 ( $\mu\text{m}$ ) (PM10) suspended in the atmosphere over a 24hr averaging time.
- B8** If monitoring indicates exceedance for the relevant limits in Condition B6, then the development approval holder must:
- a) address the complaint including the use of appropriate dispute resolution if required; and
  - b) immediately implement dust abatement measures so that emissions of dust from the activities do not result in further environmental nuisance.
- B9** Water sprays, covers or dust suppressants must be employed as required on stockpiles and dredging plant to minimise dust during the operation of the ERA's and material handling.

**B10 Dust control – transport trucks**

The registered operator of this development approval must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting aggregates from the approved place. Reasonable and practicable measures may include but are not limited to:

- a) wetting down the load prior to transport;
- b) having the entire load covered with a tarpaulin or similar material for the duration of transport; and
- c) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the approved place and prior to departure from the premises to which the load has been transported.

**B11** Unsealed trafficable areas must be maintained at all times in a condition which minimises the release of wind-blown or traffic-generated dust.

**Agency Interest: Land****C1 Preventing contaminant release to land.**

Contaminants must not be released to land in a manner that constitutes nuisance, material or serious environmental harm.

**C2** The Material Safety Data Sheet for chemicals stored onsite must be readily accessible at all times.

**C3 Storage and handling of flammable and combustible liquids**

All flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm and maintained in accordance with the current version of AS 1940 – *Storage and Handling of Flammable and Combustible Liquids*.

**C4** Spillage of all flammable and combustible liquids must be controlled in a manner that prevents environmental harm.

**C5 Storage and handling of chemicals**

All chemicals must be contained within an on-site containment system and controlled in a manner that prevents environmental harm and maintained in accordance with the current version of the relevant Australian Standard.

**C6** Spillage of all chemicals must be controlled in a manner that prevents environmental harm.

**C7 Spill kit**

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes, chemicals and flammable and combustible liquids associated with the ERA's must be kept at the site.

**C8 Bunding**

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.

**C9** The base and walls of all bunded areas must be maintained free from gaps or cracks.

**C10** A collection sump must be provided in the floor of the bunding to facilitate the removal of liquids. The bund floor must be graded so that the fall is towards the collection sump.

**C11 Erosion and land contouring**

The registered operator of this development approval must take reasonable and practicable measures to prevent erosion of creek banks as a result of carrying out the environmentally relevant activities.

**C12** Where extraction of material or associated activities, for example bank access, may cause erosion of any banks of Theresa Creek, the registered operator of this development approval must restore the banks to the pre-worked profile to prevent and minimise any such erosion.

**C13** The registered operator of this development approval must take reasonable and practicable measures to prevent any significant damage to riparian vegetation.

**C14** The surface of the area of operation and the bed of the watercourse must be kept at an even longitudinal grade, smooth and free from holes and ridges

**C15** Clay or rock bars or riffle areas that create natural pools in the bed of the watercourse must not be lowered or disturbed.

**C16 Disturbance to land**

Activities must be conducted in a manner that, as far as reasonable and practicable, minimises the area of land that is subject to disturbance

**C17 Land rehabilitation**

The authorised place must be rehabilitated (including all disturbed areas such as slopes and stockpile areas) in a manner such that:

- a) suitable native species of vegetation 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 and trace metals 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.

**C18** Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

**C19** Site rehabilitation work must be carried out in such a manner as to minimise releases of wind blown dust and erosion.

**C20** The holder of this development approval must submit a final rehabilitation report to the administering authority providing evidence that rehabilitation has been undertaken in accordance with condition C17 within **twelve (12) months** of final decommissioning of each site.

**C21 Activities within Endangered Regional Ecosystem (ERE) area**

Dredging and screening activities must not be undertaken within the ERE on Lot 4 on Plan SP193694.

**C22 Activities surrounding ERE area**

In carrying out dredging and screening, all reasonable and practicable measures must be taken to prevent and minimise harm to the ERE buffer areas.

**Agency Interest: Noise****D1 Noise nuisance**

Noise from activities must not cause an environmental nuisance at any noise sensitive or commercial place.

**D2** All noise from activities must not exceed the levels specified in Table D1 - Noise limits at any noise affected place.

**D3** Noise is not considered to be a nuisance under condition D1 if monitoring shows that noise does not exceed the following levels in the time periods specified in Table D1 – Noise limits at any nuisance sensitive or commercial place.

**Table D1 - Noise limits**

| Noise level<br>dB(A)<br>measured as                | Monday to Saturday |            |            | Sundays and public holidays |            |            |
|----------------------------------------------------|--------------------|------------|------------|-----------------------------|------------|------------|
|                                                    | 7am - 6pm          | 6pm - 10pm | 10pm - 7am | 9am - 6pm                   | 6pm - 10pm | 10pm - 9am |
| <b>Noise measured at a 'Noise sensitive place'</b> |                    |            |            |                             |            |            |
| LA10, adj, 10 mins                                 | B/g + 5            | B/g + 5    | B/g + 0    | B/g + 5                     | B/g + 5    | B/g + 0    |
| LA1, adj, 10 mins                                  | B/g + 10           | B/g + 10   | B/g + 5    | B/g + 10                    | B/g + 10   | B/g + 5    |
| <b>Noise measured at a 'Commercial place'</b>      |                    |            |            |                             |            |            |
| LA10, adj, 10 mins                                 | B/g + 10           | B/g + 10   | B/g + 5    | B/g + 10                    | B/g + 10   | B/g + 5    |
| LA1, adj, 10 mins                                  | B/g + 15           | B/g + 15   | B/g + 10   | B/g + 15                    | B/g + 15   | B/g + 10   |

**D4 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 **fourteen (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; and
- location, date and time of recording.

**D5** The method of measurement and reporting of noise levels must comply with the current edition of the Environmental Protection Agency's *Noise Measurement Manual*.

- D6** If monitoring indicates exceedance of the relevant limits in Table D1, then the registered operator must:
- a) address the complaint including the use of appropriate dispute resolution if required; and
  - b) immediately implement noise abatement measures so that emissions of noise from the activities do not result in further environmental nuisance.

**Agency Interest: Waste**

- E1** Waste must not be burned or allowed to be burned on the licensed site unless by approval of the administering authority.
- E2** **Regulated waste**  
All regulated waste removed from the site must be removed by a person who holds a current approval to transport such waste under the provisions of the *Environmental Protection Act 1994*.
- E3** **Waste tracking**  
Records of trade and regulated wastes or material leaving the premises for recycling or disposal, including the final destination and method of treatment, must be in accordance with the *Environmental Protection (Waste Management) Policy 2000*.
- E4** Except as otherwise provided by the conditions of this authority, all waste removed from the site must be taken to a facility that is lawfully allowed to accept such waste under the provisions of the *Environmental Protection Act 1994*.
- E5** **Waste records**  
A record of all waste materials generated and removed from the site must be kept detailing the following information:
- a) date of pickup of waste;
  - b) description of waste;
  - c) quantity of waste;
  - d) origin of the waste; and
  - e) destination of the waste.

NOTE: Trackable wastes as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000* are not covered by this condition. Trackable wastes have similar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

**Agency Interest: Water****F1 Release to waters**

Except as otherwise provided by the conditions of this approval, the registered operator of this development approval must take all reasonable and practicable measures to prevent releases and the likelihood of releases of contaminated stormwater runoff from the approved place to any stormwater drain or waters or the bed or banks of any such waters.

NOTE: Contaminated stormwater runoff for the purposes of this condition means stormwater and/or stormwater runoff that contains contaminants which may cause environmental harm.

**F2** Dredging within the watercourse is not permitted if there is waterflow in the watercourse.

**F3** No stockpiling of material is to be undertaken within bed and banks of any waters.

**F4 Stormwater management**

Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from areas upstream of any disturbed area from entering the disturbed area.

**F5** Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

**F6** Water velocities through temporary watercourse diversions around the works area must be maintained similar to pre-work velocities during such diversions, and must be re-instated once dredging works are completed.

**F7 Roadways and other trafficked areas**

All unsealed roadways and other trafficked areas associated with the operation of the ERA's must be formed and maintained so that contamination of stormwater by soils from those areas is minimised.

**F8 Maintenance and cleaning**

All machinery used in the works are to be stored, refuelled and maintained outside the high banks of the watercourse.

**F9** 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 stormwater drain.

**Agency Interest: Social**

**G1 Complaint response**

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** The holder of this development approval 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.

**G3** In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the licensed place specifically or the industrial estate where the licensed place is located.

## END OF CONDITIONS

## DEFINITIONS

Words and phrases used throughout this licence are defined below except where identified in the *Environmental Protection Act 1994* or subordinate legislation. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the Macquarie Dictionary.

**"acceptance criteria"** means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly been disturbed by the mining activities. Acceptance criteria may include information regarding:

- a) vegetation establishment, survival and succession;
- b) vegetation productivity, sustained growth and structure development;
- c) fauna colonisation and habitat development;
- d) ecosystem processes such as soil development and nutrient cycling, and the recolonisation of specific fauna groups such as collembola, mites and termites which are involved in these processes;
- e) microbiological studies including recolonisation by mycorrhizal fungi, microbial biomass and respiration;
- f) effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development;
- g) resilience of vegetation to disease, insect attack, drought and fire;
- h) vegetation water use and effects on ground water levels and catchment yields.

**"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*.

**"approval holder"** for this approval means Central Hire and Contracting Pty Ltd.

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

**"bed and banks"** for a waters, river, creek, stream, lake, lagoon, pond, swamp, wetland or dam means land over which the water of the waters, lake, lagoon, pond, swamp, wetland or dam normally flows or that is normally covered by the water, whether permanently or intermittently; but does not include land adjoining or adjacent to the bed and banks that is from time to time covered by floodwater.

**"chemical"** means –

- a) an agricultural chemical product or veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth); or
- b) a dangerous good under the dangerous goods code; or
- c) a drug or poison in the 'Standard for the Uniform Scheduling of Drugs and Poisons' compiled by the Australian Health Ministers' Advisory Council and published by the Commonwealth; or
- d) a substance intended for use as—
  - (i) a fertiliser for agricultural, horticultural or garden use, other than mushroom growing substrate or compost; or
  - (ii) a paint solvent, pigment, dye, printing ink, industrial polish, adhesive, sealant, food additive, bleach, sanitiser, disinfectant, or biocide; or
  - (iii) a pesticide, insecticide, fungicide, herbicide, rodenticide, nematocide, miticide, fumigant or related product; or
  - (iv) a surface active agent, including, for example, soap and detergent; or
- e) class 1 or 2 combustible liquids under AS 1940.

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

**"competent person"** means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

**"construction"** includes building a new dam and modifying or lifting an existing dam.

**"contaminate"** means to render impure by contact or mixture.

**"contaminated"** means the substance has come into contact with a contaminant.

**"contaminant"** A contaminant can be –

- a) a gas, liquid or solid; or
- b) an odour; or
- c) an organism (whether alive or dead), including a virus; or
- d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- e) a combination of contaminants.

**"control measure"** means any action or activity that can be used to prevent or eliminate a hazard or reduce it to an acceptable level.

**"dam"** means a land-based structure or a void that is designed to contain, divert or control flowable substances – including any substances that are thereby contained, diverted or controlled by that land-based structure or void; but does not mean a fabricated or manufactured tank or container designed to a recognised standard. In case there is any doubt, a levee dyke or bund is a dam.

**"development approval"** means a development approval under the *Integrated Planning Act 1997* in relation to a matter that involves an environmentally relevant activity under the *Environmental Protection Act 1994*.

**"domestic waste"** means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

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

- a) a house, unit, motel, nursing home or other building or part of a building;
- b) a caravan, mobile home or other vehicle or structure on land;
- c) 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*.

**"environmentally relevant activity"** means an environmentally relevant activity as defined under Section 18 of the *Environmental Protection Act 1994* and listed under Schedule 2 of the *Environmental Protection Regulation 2008*.

**"floodwater"** means water overflowing, or that has overflowed, from waters, river, creek, stream, lake, pond, wetland or dam onto or over riparian land that is not submerged when the watercourse or lake flows between or is contained within its bed and banks.

**"foreseeable future"** is the period used for assessing the total probability of an event occurring. Permanent structures and ecological sustainability should be expected to still exist at the end of a 150 year foreseeable future with an acceptable probability of failure before that time.

**"general waste"** means waste other than regulated waste.

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

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

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

**"land"** in the "Agency Interest: Land " section of this document means land excluding waters and the atmosphere.

**"levee"** means a dam, dyke or bund that is designed only to provide for the containment and diversion of stormwater or flood flows from a contributing catchment, or containment and diversion of flowable materials resulting from unplanned releases from other works of infrastructure, during the progress of those stormwater or flood flows or those unplanned releases; and does not store any significant volume of water or flowable substances at any other times.

**"mg/L"** means milligrams per litre.

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

**"nuisance sensitive place"** includes –

- a) a dwelling, residential allotment, 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 under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- f) a public thoroughfare, park or gardens; or
- g) 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 reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

**"process water"** means water used or produced during the mineral development activities.

**"regulated waste"** means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (whether or not it has been treated or immobilised), and includes –

- a) for an element - any chemical compound containing the element; and
- b) anything that has contained the waste.

**"rehabilitation"** the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this development approval and, where relevant, includes remediation of contaminated land.

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

**"storm water"** means all surface water runoff from rainfall.

**"stable"** in relation to land, means land form dimensions are or will be stable within tolerable limits now and in the foreseeable future. Stability includes consideration of geotechnical stability, settlement and consolidation allowances, bearing capacity (trafficability), erosion resistance and geochemical stability with respect to seepage, leachate and related contaminant generation.

**"tolerable limits"** means a range of parameters regarded as being sufficient to meet the objective of protecting relevant environmental values. For example, a range of settlement for a tailings capping, rather than a single value, could still meet the objective of draining the cap quickly, preventing pondage and limiting infiltration and percolation.

**"trackable waste"** means a waste or combination of waste stated in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000*.

**"trivial harm"** means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than \$5,000.

**"void"** means any man-made, open excavation in the ground.

**"waste"** as defined under s13 of the *Environmental Protection Act 1994*.

**"waste water"** means used water from the activities, process water or contaminated storm water.

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

- a) in a natural channel, whether artificially improved or not; or
- b) in an artificial channel that has changed the course of the watercourse.

**"water"** means –

- a) water in waters or spring;
- b) underground water;
- c) overland flow water; or
- d) water that has been collected in a dam.

**"water quality"** means the chemical, physical and biological condition of water.

**"waters"** includes –

- a) river, creek, stream in which water flows permanently or intermittently either:
- b) in a natural channel, whether artificially improved or not; or
- c) in an artificial channel that has changed the course of the river, creek or stream; or
- d) lake, lagoon, pond, swamp, wetland, dam; or
- e) unconfined surface water; or
- f) storm water channel, storm water drain, roadside gutter; or
- g) bed and banks and any other element of a river, creek, stream, lake, lagoon, pond, swamp, wetland, storm water channel, storm water drain, roadside gutter or dam confining or containing water; or
- h) groundwater; or
- i) non-tidal or tidal waters (including the sea); or
- j) any part thereof.

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

## END OF CONCURRENCE AGENCY RESPONSE