Registration certificate

No: ENRE00786708

This registration certificate is issued by the administering authority and takes effect from: 12-SEP-2012.

The anniversary day for the purposes of the Annual Return remains: 1st SEPTEMBER.

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 IPCE00625507 & IPDE01675009 attached to the premises.

Registered Operator:-
Queensland Breweries Pty Ltd
T/A Carlton & United Breweries
'Yatala Brewery', Pacific Highway
YATALA QLD 4207

Place:-
Lot 10 Plan SP149304
Located at:-
11 Darlington Drive,YATALA QLD 4207

Development Approval:-
DERM Permit No: IPCE00625507 (SR2643)

Registered Activities: -
ERA 15 Fuel burning - using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour

ERA 22 Beverage production Threshold 2 - producing 1ML or more of alcoholic beverages in a year

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

Development Approval:-
DERM Permit No: IPDE01675009

Registered Activities: -
ERA 8 Chemical storage Threshold 3(b) - storing more than 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Delegate
Department of Environment and Heritage Protection
Environmental Protection Act 1994

13-SEP-2012

ENVIRONMENTAL PROTECTION ACT 1994

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

Integrated Authority No. SR2643

Section 311 *Environmental Protection Act 1994*

This integrated authority, issued in accordance with section 311 of the Environmental Protection Act 1994 (the EP Act), provides for the carrying out of different Environmentally Relevant Activities or Environmentally Relevant Activities at different places managed in an integrated way. This integrated authority comprises one or more type of environmental authority in accordance with sections 86, 93, 95, 104, 113 and 311, of the EP Act, and this integrated authority details the conditions that are relevant to each stated type of environmental authority.

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

Queensland Breweries Pty Ltd
Pacific Highway
YATALA QLD 4207

in respect of carrying out the Environmentally Relevant Activities (ERAs) at the same place and under the type of environmental authority described in the following parts.

This integrated authority is subject to the conditions set out in the attached schedules for each part.

The anniversary date of this integrated authority is 1 September each year.

This integrated authority takes effect from 1 September 2003.

Signed

1/9/03
Date

Nerida Budd
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994

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

THIS INTEGRATED AUTHORITY CONSISTS OF THE FOLLOWING PART(S):

Each part consists of conditions relevant to various issues.

Licence With Development Approval (Section 86) Part

17 Fuel burning - Any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour

29(b) Beverage production - Commercially producing(a) any non-alcoholic beverage in works having a production output of any beer or other alcoholic beverage in works having a design production capacity of more than 400 000 l per year

at premises / place described as:

Lot 10 on SP149304, Parish of Albert, County of Ward

located at:

Darlington Drive, YATALA QLD 4207

The aforementioned description of the ERA(s) for which this authority is issued is simply a restatement of the ERA(s) as prescribed in the legislation at the time of issuing the authority. Where there is any conflict between the above description of the ERA(s) 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(s) then such conditions prevail to the extent of the inconsistency.

The authority is issued subject to conditions as set out in the schedule(s) attached that form part of the integrated authority.

Licence With Development Approval (Section 86) Part 1

This part and its conditions must be considered in conjunction with any conditions imposed on development approval(s) granted under the Integrated Planning Act 1997 or its equivalent for the activities under this part.

Schedule A - General conditions

Integrated Environmental Management System (IEMS)

(A1) Prior to the commencement of any environmentally relevant activity ('the activities') under this environmental authority, the holder of this environmental authority must:

- develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and
- implement and maintain the IEMS from the commencement of carrying out the activities.

(A2) The IEMS must provide for at least the following functions:

- Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least:
  - The environmental policy of the holder, so that all persons that carry out the activities are aware of all relevant commitments to environmental management; and
  - Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and
  - Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
  - Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation); and
  - Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
  - Effective communication to ensure two-way communication on environmental matters between operational staff and higher management;
  - Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and
- Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
- Conducting assessment of the environmental impact of any release of contaminants into the environment;
- Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than every five (5) years; and
- Waste prevention, treatment and disposal; and
- A program for continuous improvement.

(A3) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out the activities.

END OF CONDITIONS FOR SCHEDULE A

END OF Licence With Development Approval (Section 86) Part 1

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this authority is sought and the term is not defined within this authority the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

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

"this authority" means this environmental authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994*.

END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF INTEGRATED AUTHORITY

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This 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.

Enquiries to : Adam Burt
Telephone : (07) 3225 1079
Your reference : ON249731/01/DA(P1)
Our reference : SR0425DA-STH3920

Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

CC Applicant
Queensland Breweries Pty Ltd
C/- Humphreys Reynolds Perkins Planning Consultants
Level 20, 344 Queen Street
BRISBANE QLD 4000

Attention: Mr D Perkins,

Re: Application (No. PN249731/01/DA4(P1)) for development approval by Queensland Breweries Pty Ltd for assessable development to be carried out at a place situated at Corner of Cuthbert Drive and Darlington Drive YATALA QLD 4207

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 4 of Schedule 2 of the *Integrated Planning Regulation 1998*

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

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
Southern Regional Office (Brisbane)
GPO Box 2771
BRISBANE QLD 4001

The electronic copy for the electronic register can be e-mailed in this instance to the Environmental Support Officer, Cathy Ufer at e-mail address: cathy.ufer@epa.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.

Should you require any further information please do not hesitate to contact Adam Burt on either phone (07) 3225 1079 or e-mail: adam.burt@epa.qld.gov.au

Signed

1/9/03
Date

Nerida Budd
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994

Concurrence Agency Response

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant:	Queensland Breweries Pty Ltd
Assessment Manager Application number:	PN249731/01/DA4(P1)
EPA Development Application number:	SR0425DA
Date application received by EPA:	23 July 2003
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction::	Item 6 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

17 Fuel burning - Any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour

29(b) Beverage production - Commercially producing(a) any non-alcoholic beverage in works having a production output of any beer or other alcoholic beverage in works having a design production capacity of more than 400 000 l per year

at the following place(s):

Lot 10 on SP149304 Parish of Albert County of Ward

located at:

Corner of Cuthbert Drive and Darlington Drive YATALA QLD 4207

Type of development

Material change of use of premises is:

- a material change in the intensity or scale of the use of the premises

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

Nil

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.

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*.

Signed

1/9/03
Date

Nerida Budd
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994

Conditions of the development approval

As part of the concurrence agency response the following schedules of development conditions are to be attached to the development approval:

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

This development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition 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 no be construed as authorising harm.

- 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 - Maps / Plans

Schedule A - Activity

Release of Contaminants not otherwise provided for

(A1) In carrying out the environmentally relevant activities, the holder of this authority must take all reasonable and practicable measures to prevent and/or minimise the likelihood of environmental harm being caused. Any activities conducted in or on the premises that, if carried out incompetently, may cause environmental harm, in a manner that could be prevented, shall be carried out in a proper manner by a competent person in accordance with the conditions of this authority.

(A2) The holder of this authority must:
(a) install and operate all works and control equipment, and
(b) take all measures, perform all acts and do all things,
necessary to ensure compliance with the conditions of this authority.

Display of Authority

(A3) A copy of this 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 authority must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least five (5) years and these records are then kept in the form of annual summaries after that period.

(A5) Copies of any record or document required to be kept by a condition of this authority must be provided to any authorised person or the administering authority on request.

Alterations

(A6) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this authority.

Calibration

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

Nuisance

(A8) Notwithstanding any other condition of this authority, this authority does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the authorised place.

Site-Based Management Plan

(A9) The holder of this authority must:

(a) develop and implement a Site-Based Management Plan which provides for the following functions:
- routine operating procedures to prevent or minimise environmental harm;
- maintenance practices and procedures;
- contingency plans and emergency procedures to deal with foreseeable risks and hazards;
- monitoring of the release of contaminants into the environment;
- assessment of the environmental impact of any releases of contaminants into the environment;
- handling of environmental complaints;
- keeping and production of environmental records and reports; and
- staff training and awareness of environmental issues.

(b) before operations have commenced at the new facility must have completed and implemented the Site-Based Management Plan.

(A10) No amendment to the Site-Based Management Plan, which will cause a significant increase in contaminants to be released from the site is permitted without authorisation from the administering authority.

(A11) A copy of the Site-Based Management Plan must be kept in a location readily accessible to personnel carrying out the activity.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Non-regulated releases

(B1) Except as otherwise provided by the conditions of the Air Schedule of this authority, the environmentally relevant activities must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to the atmosphere.

(B2) Where it is not practicable to prevent a release of contaminants to the atmosphere as required by condition B2, the environmentally relevant activities must be carried out by such practicable means necessary to minimise the release or likelihood of any such release of contaminants to atmosphere.

Noxious or Offensive Odour

(B3) Notwithstanding any other condition of this authority, no release of contaminants from the authorised place is to cause a noxious or offensive odour beyond the boundaries of the authorised place.

Release of Contaminants to the Atmosphere

(B4) Contaminants resulting from the operation of the sources described in Schedule B - Table 1 must only be released to the atmosphere from those release points specified in Schedule B - Table 1.

(B5) Contaminants released from each release point specified in Schedule B - Table 1 must be directed vertically upwards without any impedance or hindrance.

(B6) 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 Schedule B - Table 1.

(B7) 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 Schedule B -Table 1.

Wastewater Treatment Plant

(B8) The flare must be equipped with a continuous ignition system incorporated with a back-up power supply (battery).

SCHEDULE B - TABLE 1

SOURCE DESCRIPTION	RELEASE POINT NUMBER AND STACK DESCRIPTION	MINIMUM RELEASE HEIGHT (metres)	MINIMUM EFFLUX VELOCITY (metres/second)
Natural Gas / Biogas-Fired Boiler - Capacity	C1	4m above the highest point on the engine room rooftop	8m/sec at Maximum Continuous Rating (M.C.R.)
Natural Gas / Biogas-Fired Boiler	C2	4m above the highest point on the engine room rooftop	8m/sec at M.C.R.
Natural Gas / Biogass-Fired Boiler	C3	4m above the highest point on the engine room rooftop	8m/sec at M.C.R.
Brewing Plant	C4	4m above the highest point of the brew house roof	n/a

Fuel Burning

(B9) The fuels, which may be burned in the industrial fuel burning equipment, are biogas and natural gas.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Release of Contaminants to Waters

(C1) Contaminants must not be directly or indirectly released from the authorised place to any waters or the bed and banks of any waters except:
(i) as permitted under the Water Schedule; or
(ii) as permitted under the Stormwater Management Schedule; or
(iii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

END OF CONDITIONS FOR SCHEDULE C

Schedule D – Stormwater Management

Contaminant Releases Caused by Rainfall

(D1) The environmentally relevant activities must be carried out by such practicable means necessary to prevent the contact of incident rainfall and stormwater runoff with wastes or other contaminants.

(D2) Where it is not practicable to prevent contact as required by condition D1, the environmentally relevant activities must be carried out by such practicable means necessary to minimise any such contact.

Release of Contaminated Stormwater Runoff

(D3) Except as otherwise provided by the conditions of the Stormwater Management Schedule and the Water Schedule of this authority, the environmentally relevant activities must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminated runoff from the licensed place to any stormwater drain or waters or the bed or banks of any such waters.

(D4) Where it is not practicable to prevent any release of contaminated runoff as required by condition D3, the environmentally relevant activities must be carried out by such practicable means necessary to minimise any such release or the likelihood of any such release.

(D5) Any spillage of waste, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminant or other material to any stormwater drainage system, roadside gutter or waters.

(D6) Any discharges from tanks containing beer in various states of processing, must not discharge to the bed or bank of any watercourse or any stormwater drainage system.

Stormwater Management Plan

(D7) The holder of this authority must:
(a) develop and implement a Stormwater Management Plan which provides for the following functions:
- avoidance or minimisation of contaminated stormwater; and
- reuse, treatment and disposal of contaminated stormwater; and

(b) before the expanded operations have commenced the Stormwater Management Plan must be updated and implemented.

(D8) A copy of the Stormwater Management Plan must be kept at the authorised place.

Bunding

(D9) All chemical tank storages must be bunded so that the capacity of the bund is sufficient to contain at least 110% for a single tank bund and 100% of the largest storage tank plus 10% of the next largest tank for a multiple tank bunded area.

(D10) All chemical drum storages must be bunded so that the capacity of the bund is sufficient to contain at least 25 % of the maximum design storage volume within the bund.

(D11) All tanker loading/unloading areas must be bunded so that the capacity of the bund is sufficient to contain 100 % of the largest compartment of any tanker using the area.

(D12) Where an automatic sprinkler system is required to be installed the bunded volume must be increased by a volume equivalent to 20 minutes of maximum output from that system.

(D13) All bunding must be constructed of materials that are impervious to the materials stored.

(D14) All bunding must be roofed where practicable.

(D15) Where it is impractical to completely roof a bunded area the holder of this authority must ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.

(D16) 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.

(D17) All required pipework from the bunded areas must be directed over the bund wall and not through it.

END OF CONDITIONS FOR SCHEDULE D

Schedule E – Land Application

General

(E1) Except as otherwise provided by the conditions of the Land Schedule of this authority, the environmentally relevant activities must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to land.

(E2) Where it is not practicable to prevent any release of contaminants to land as required by condition E1, the environmentally relevant activities must be carried out by such practicable means necessary to minimise the release or likelihood of release of any such contaminants to land.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Noise

Emission of Noise

(F1) Noise from the environmentally relevant activities must not cause an environmental nuisance at any noise affected premises.

(F2) All noise from the environmentally relevant activities must not exceed the levels specified in Schedule F – Table 1 at any noise affected premises.

Schedule F - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	60	55	45	60	55	45
$L_{A1, adj, 10 mins}$	65	60	50	65	60	50
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	65	60	50	65	60	50
$L_{A1, adj, 10 mins}$	70	65	55	70	65	55

END OF CONDITIONS FOR SCHEDULE F

Schedule G – Waste Management

General

(G1) The holder of this authority must not:
- (i) allow waste to burn or be burned at or on the authorised place; nor
- (ii) remove waste from the authorised place and burn such waste elsewhere.

Waste Management Plan (WMP)

(G2) The holder of this authority must:
- (a) develop and implement a Waste Management Plan which provides for the following functions:
  - prevention of waste; and
  - treatment of waste; and
  - disposal of waste; and
- (b) prior to the expanded operations commencing, the Waste Management Plan must be completed and implemented.

(G3) A copy of the Waste Management Plan must be kept at the authorised place.

Off Site Movement

(G4) Where regulated waste is removed from the authorised place (other than by a release as permitted under another Schedule of this authority), the holder of this 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.

END OF CONDITIONS FOR SCHEDULE G

Schedule H – Monitoring and Reporting

Complaint Recording

(H1) All complaints received by the holder of this authority relating to releases of contaminants from operations at the authorised place must be recorded and kept in a log book with the following details:

(i) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) 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);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.

Noise Recording

(H2) 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:

- $L_{A\ 10,\ adj,\ 10\ mins}$
- $L_{A\ 1,\ adj,\ 10\ mins}$
- 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.

(H3) The method of measurement and reporting of noise levels must comply with the 'Environmental Protection Agency Noise Measurement Manual, third edition,' March 2000, or more recent editions or supplements to that document as they become available.

(H4) 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.

(H5) The holder of this authority must ensure that the results of all monitoring performed in accordance with this authority for the period covered by the return are submitted with the Annual Return.

Incident Recording

(H6) A record must be maintained of at least the following events:

(i) 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;
(ii) any uncontrolled release of contaminants reasonably likely to cause environmental harm; and
(iii) 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

(H7) 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 authority, the holder of this authority must notify the administering authority of the release by telephone or facsimile.

(H8) The notification of emergencies or incidents as required by conditions number (H7) must include, but is not limited to, the following:

(i) the name of the holder of this authority;
(ii) the location of the emergency or incident;
(iii) the number of this authority;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the holder of this environmental authority became aware of the release;
(vii) the suspected cause of the release;
(viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

(H9) Not more than 28 days following the initial notification of an emergency or incident, the holder of this authority must provide written advice of the information supplied in accordance with condition number (H9) in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and
(iii) the results of any environmental monitoring performed.

END OF CONDITIONS FOR SCHEDULE H

Schedule I - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this authority relates or the premises to which this development approval relates.

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

"this authority" means this authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994*.

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

"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.

"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.

"$L_{A\ 10,\ adj,\ 10\ mins}$" 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

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

"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.

"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.

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

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes:

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

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

"vibration sensitive place" means a noise sensitive place or a commercial place.

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE I

Schedule J - Maps / Plans

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE J

END OF CONCURRENCE AGENCY RESPONSE

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Notice

Decision – Development Approval

This notice is issued by the Department of Environment and Resource Management pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.

Mr Charlie Foxall
Queensland Breweries Pty Ltd
Carlton & United Beverages
PO Box 618
BEENLEIGH QLD 4207

CC: Mr Dirk ten Bohmer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Our reference: 240608 /BST579V3

Dear Mr Foxall,

Re: Application for development approval from the Department of Environment and Resource Management for a chemical storage facility Fosters Australia located at Darlington Drive, Yatala.

The Department of Environment and Resource Management, acting as assessment manager, wishes to advise that your application for development approval, received on 02 November 2009, has been assessed, and on 22 December 2009 it was approved.

1. Property/Location:

Street address 11 Darlington Drive,YATALA QLD 4207

Lot/Plan Lot 10 Plan SP149304

2. Details of the response

Aspect of Development	Activity (Referral Triggers)	Recommendation	DERM Decision Number
Development Approval for a MCU involving an ERA	ERA 8 Chemical storage Threshold 3(b) - storing more than 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3	Approval granted subject to the attached conditions	IPDE01675009

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

3. Effectiveness and currency periods

This development approval takes effect –

- From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
- Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

4. The approved plans

The approved plans and/or documents for this approval are:

Plan/Document No.	Plan/Document Name	Date
52339-SA-STE	Yatala Brewery alcohol storage locality plan for manifest	15/02/2007

5. Other necessary development permits

This approval pursuant to the *Integrated Planning Act 1997* does not remove the need to obtain any further approval for this development, required by this or other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required. Applicants should also comply with all relevant legislation.

6. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

7. IDAS referral agencies

The IDAS referral agencies and their response to each approval type required for this application are:

Concurrence Agencies: Nil

Advice Agencies: Nil

8. Submissions

This application did not trigger Public Notification.

9. Appeal rights

An attached extract from the Integrated Planning Act 1997 details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

Yours sincerely

Brett Glosko 22/12/2009
Manager
South East Region – Gold Coast
Environmental Services
Department of Environment and
Resource Management

Enquiries:
South East Region
Environmental Services
Department of Environment and
Resource Management
PO Box 4244
ROBINA TOWN CENTRE
ROBINA QLD 4230
Phone: 5583-2134
Fax: 5583 2136

Attachment – Appeal Rights (extract from the *Integrated Planning Act 1997*)

Attachment – Conditions of Approval

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

4.1.27 Appeals by applicants

(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.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court only against -
  (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
  (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
  (a) the giving of a development approval;
  (b) any provision of the approval including-
    (i) a condition of, or lack of condition for, the approval; or
    (ii) the length of a currency period for the approval.

(3) However, a submitter may not appeal if the submitter-
  (a) withdraws the submission before the application is decided; or
  (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).

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

4.1.29 Appeals by advice agency submitters

(1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(1A)The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

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

(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

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

(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 3.5.33A(9)(b) or 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.

4.1.32 Appeals against enforcement notices

(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.

4.1.33 Stay of operation of enforcement notice

(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.

4.1.34 Appeals against decisions on compensation claims

(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.

4.1.35 Appeals against decisions on requests to acquire designated land under hardship

(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.

4.1.37 Appeals from tribunals

(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.

4.1.38 Court may remit matter to tribunal

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

4.1.39 How appeals to the court are started

(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).

4.1.41 Notice of appeal to other parties (div 8)

(1) An appellant under division 8 must give written notice of the appeal to-
  (a) if the appellant is an applicant-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any concurrence agency; and
    (iv) any principal submitter whose submission has not been withdrawn; and
    (v) 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-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any referral agency; and
    (iv) the applicant; or
  (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    (i) the chief executive; and
    (ii) the deciding entity; and
    (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
(2) The notice must be given within-
  (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
(3) 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 -
  (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

(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; or
  (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.

4.1.43 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
(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) Any submitter may elect to become a co-respondent to the appeal.
(5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
(6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
(8) 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.
(9) For an appeal under section 4.1.30-
  (a) the assessment manager is the respondent; and
  (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

(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.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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

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

4.1.47 Lodging appeal stops certain actions

(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.

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Development Approval

Section 3.5.15 *Integrated Planning Act 1997*

DERM Permit[1] number: IPDE01675009

DERM Permit[1] number:	IPDE01675009
Assessment Manager reference:	240608
Date application received by DERM:	02 November 2009
Permit[1] Type:	Development Approval for a MCU involving an ERA
Date of Decision:	22 December 2009
Decision:	Approved subject to the attached conditions
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
11 Darlington Drive, YATALA QLD 4207	Lot 10 Plan SP149304	ERA 8 Chemical storage Threshold 3b – storing more than 500m^3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Additional comments or advice about the application

Nil

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* or the nominated currency period, apply to each aspect of development in this permit[1]. For information on when this permit[1] takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

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 3 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 Department of Environment and Resource Management.

[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 and the Queensland Parks and Wildlife Service

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

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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 for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. 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 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*.

Brett Glosko
Delegate
Department of Environment and Resource Management
22 December 2009

CONDITIONS OF APPROVAL

Condition for: ERA 8 Chemical storage Threshold 3(b) - storing more than 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3.

Agency Interest: General

A1G1 **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.

A1G2 **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.

A1G3 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

A1G4 **Records.**

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

A1G5 **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.

A1G6 **Operator Competency.**

The holder of this approval shall ensure that the operation and maintenance of plant and equipment is carried out by or under the supervision of a person competent to operate and maintain the plant and equipment.

A1G7 **Security.**

Measures must be taken to prevent unauthorised access to the site to which this approval relates.

A1G8 **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.

A1G9 **Spill Kit Training.**

Anyone operating under this approval must be trained in the use of the spill kit.

A1G10 **Alterations.**

No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm or environmental nuisance.

A1G11 **Notification.**

Telephone the Department'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.

A1G12 **Monitoring.**

All determinations of the quality of contaminants released to the environment and all measurement and reporting of emissions required by this permit must be undertaken by a competent person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

A1G13 **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.

A1G14 **Trained / Experienced Operator(s).**

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

Agency Interest: Air

A1A1 **Air Emission 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.

A1A2 **Odour Complaint Investigation and Monitoring**

When requested by the administering authority, odour monitoring must be undertaken to investigate any complaint of environmental nuisance caused by an odour, and the results thereof notified to the administering authority within 14 days following completion of monitoring.

A1A3 **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.

A1A4 Dust and particulate matter must not exceed 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), when measured at any nuisance sensitive or commercial place.

A1A5 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.

Agency Interest: Land

A1L1 **Preventing Contaminant Release To Land.**

Contaminants must not be released to land.

A1L2 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

A1L3 **Bunding.**

All chemical tank storages must be bunded so that the capacity of the bund is sufficient to contain at least 110% for a single tank bund and 100% of the largest storage tank plus 10% of the next largest tank for a multiple tank bunded area.

A1L4 All chemical drum storages must be bunded so that the capacity of the bund is sufficient to contain at least 25 % of the maximum design storage volume within the bund.

A1L5 All tanker loading/unloading areas must be bunded so that the capacity of the bund is sufficient to contain 100 % of the largest compartment of any tanker using the area.

A1L6 Where an automatic sprinkler system is required to be installed the bunded volume must be increased by a volume equivalent to 20 minutes of maximum output from that system.

A1L7 All bunding must be constructed of materials that are impervious to the materials stored.

A1L8 All bunding must be roofed where practicable.

A1L9 Where it is impractical to completely roof a bunded area the holder of this approval must ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.

A1L10 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.

A1L11 All required pipework from the bunded areas must be directed over the bund wall and not through it.

A1L12 A person carrying out an activity to which this approval relates must ensure effective and appropriate practical measures are used to prevent overfilling of vessels or containers (including storage tanks) and prevent spillage of stored products during transfer operations. These measures may include but are not limited to the use of high level audio and/or visual alarms and ensuring operator diligence.

Agency Interest: Noise

A1N1 **Noise Nuisance.**

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

A1N2 All noise from the ERA must not exceed the levels specified in Table 1 - *Noise limits* at any nuisance sensitive or commercial place.

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{Aeq,adj,1hr}$	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
$L_{A1,adj,1hr}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
$L_{Aeq,adj,1hr}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
$L_{A1,adj,1hr}$	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

A1N3 **Noise Monitoring.**

When requested by the administering authority noise monitoring must be undertaken to investigate any complaint of environmental nuisance caused by noise, 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 noise sensitive place.

A1N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Administrating Authority's Noise Measurement Manual.

Agency Interest: Water

A1WA1 **Preventing Contaminant Release To Water.**

Contaminants must not be released from the site to waters, the bed or banks of any waters, or roadside gutter or stormwater drain.

A1WA2 **Stormwater Management.**

There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

A1WA3 Any spillage of waste, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminant or other material to any stormwater drainage system, roadside gutter or waters.

A1WA4 **Stormwater Management Plan.**

The holder of this approval must develop and implement a Stormwater Management Plan which provides for the following functions:

(a) prevention of incident stormwater and stormwater run-off from contacting wastes or contaminants;
(b) diversion of upstream run-off away from areas containing wastes or contaminants;
(c) minimisation of the size of external contaminated areas;
(d) cleaning procedures for spilled material;
(e) installation of oil separators, silt and rubbish traps, and stormwater diversion systems;
(f) paving and roofing of frequently contaminated areas where appropriate and cost effective; and
(g) limiting the impact of any acid sulphate soils or potential acid sulphate soils at the licensed place by:
(h) the maintenance in a submerged state of any acid sulphate soils or potential acid sulphate soils; and
(i) the maintenance of the height of the groundwater table where such lowering would be likely to expose any acid sulphate soil; and
(j) detail of any works proposed as a result of the stormwater management plan and a timetable for their completion.

A1WA5 In developing the Stormwater Management Plan and periodically updating it to incorporate changing practices and future options, the registered operator 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 is 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 instance, 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.

A1WA6 A copy of the Stormwater Management Plan and any subsequent amendment of the Stormwater Management Plan must be kept at the authorised place and be accessible to personnel that are carrying out the environmentally relevant activity.

Agency Interest: Waste Management

A1W1 The holder of this approval must not:

a) allow waste to burn or be burned at or on the authorised place; nor
b) remove waste from the authorised place and burn such waste elsewhere.

A1W2 **Offsite Movement.**

Where regulated waste is removed from the authorised place, the holder of this approval must monitor and keep records of the following:

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

Agency Interest: Monitoring and Reporting

A1S1 **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.

A1S2 **Incident Recording.**

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

(i) 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;
(ii) any uncontrolled release of contaminants reasonably likely to cause environmental harm; and
(iii) any emergency involving the release of contaminants reasonably likely to cause material or serious environmental harm requiring the use of fire fighting equipment.

A1S3 **Notification of Emergencies and Incidents.**

As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this approval, the holder of this approval must notify the administering authority of the release by telephone or facsimile.

A1S4 The notification of emergencies or incidents as required by condition A1S3 must include, but is not limited to, the following:

(a) the name of the holder of this Approval;
(b) the location of the emergency or incident;
(c) the number of this approval;
(d) the name and telephone number of the designated contact person;
(e) the time of the release;
(f) the time the holder of this approval became aware of the release;
(g) the suspected cause of the release;
(h) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(i) actions taken to prevent any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

A1S5 Not more than 28 days following the initial notification of an emergency or incident, the holder of this approval must provide written advice of the information supplied in accordance with condition number A1S3 in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and
(iii) the results of any environmental monitoring performed.

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 Department of Environment and Resource Management or its successor.

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

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

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

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

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

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

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

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

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

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

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995.*

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

"LAeq,adj,T" means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a measuring period (T) has the same mean square sound pressure as a sound level that varies with time.
" *LA1,adj,10 min"* means the A-weighted sound pressure level, adjusted for tonal character or impulsiveness, that is exceeded for 1% of a 10 minute period when measured using time-weighting 'F
"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

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

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

"ponded pasture" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.
"protected area" means –
- a protected area under the *Nature Conservation Act 1992*; or
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.
"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -
- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.
"watercourse" means a river, creek or stream in which water flows permanently or intermittently-
- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

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

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

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS