Permit

Environmental Protection Act 1994

Environmental authority EPPR00907513

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

Environmental authority number: EPPR00907513

Environmental authority takes effect on 28-04-2021

Environmental authority holder(s)

Name(s)	Registered address
ELGAS LTD	Riverside Corporate Park 10 Julius Avenue NORTH RYDE NSW 2113

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 08 - Chemical Storage 5: storing 200 cubic metres or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)	Lot 846 on SP135226

Additional information for applicants

Environmentally relevant activities

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

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

Queensland Government

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

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

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or

b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or

c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Tristan Roberts
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 28 April 2021

Enquiries:
Extraction, Energy and Chemical Industries Assessment
Department of Environment and Science

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Conditions of environmental authority

Agency interest: General	
Condition number	**Condition**
G1	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G2	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G3	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G4	Environmental monitoring results must be kept until surrender of this environmental authority. All other information and **records** that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request**,** within the required timeframe and in the specified format.
G5	An appropriately qualified person(s) must monitor, record, and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G6	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses. The only exception to this condition is the in situ monitoring of turbidity, pH, electrical conductivity, and dissolved oxygen.
G7	When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G8	The activity must be undertaken in accordance with written procedures that: 1. identify potential risks to the environment from the activity during routine operations, closure, and an emergency 2. establish and maintain control measures that minimise the potential for environmental harm 3. ensure plant, equipment and measures are maintained in a proper and effective condition 4. ensure plant, equipment and measures are operated in a proper and effective manner 5. ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994* 6. ensure that reviews of environmental performance are undertaken at least annually.

G9	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
Agency interest: Waste	
Condition number	**Condition**
W1	All waste generated in carrying out the activity must be reused, recycled, or removed to a facility that can lawfully accept the waste.
Agency interest: Air	
Condition number	**Condition**
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place 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 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
Agency interest: Land	
Condition number	**Condition**
L1	Contaminants must not be released to land.
L2	Spillage of all chemicals and fuels must be contained within an on-site contaminant system and controlled in a manner that prevents environmental harm.
Agency interest: Acoustic	
Condition number	**Condition**
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.

N2	When required by the administering authority, noise monitoring must be undertaken in accordance and the results notified within 14 days to the administering authority. Monitoring must include: 1. LAeq, adj, T 2. Background noise (Background) as LA 90, adj, T 3. MaxLpA,T 4. the level and frequency of occurrence of any impulsive or tonal noise 5. atmospheric conditions including wind speed and direction 6. effects due to extraneous factors such as traffic noise 7. recording of location, date, and time of measurements.
N3	Generation of substantial low frequency noise is not permitted.
Agency interest: Water	
Condition number	**Condition**
WA1	Contaminants must not be released to any waters.
WA2	Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity. Stormwater that is contaminated by the activity must be directed to a treatment system.

Definitions

Key terms and/or phrases in this environmental authority are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

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

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

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

Background means noise, measured in the absence of the noise under investigation, as $\mathbf{L_{A\ 90,\ adj,\ T}}$ being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

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

Disturbed areas include areas:

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

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

Environmental value –

- a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

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

$\mathbf{L_{Aeq, adj, T}}$ means the adjusted A weighted equivalent continuous sound pressure level measured on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the **activity** is causing a steady state noise, and no shorter than one hour when the approved **activity** is causing an intermittent noise.

$\mathbf{Max_{LpA,T}}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

Measures has the broadest interpretation and includes:

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

NATA means National Association of Testing Authorities.

Nominated delegate means another government agency that provides services to the **administering authority**.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure; is unreasonably disagreeable to the senses; disgusting, nauseous or repulsive.

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

Release of a contaminant into the environment means to:

1. deposit, discharge, emit or disturb the contaminant
2. cause or allow the contaminant to be deposited, discharged, emitted, or disturbed
3. fail to prevent the contaminant from being deposited, discharged emitted or disturbed
4. allow the contaminant to escape
5. fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed, and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

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

1. a dwelling, residential allotment, mobile home or caravan park, residential marina, or other residential premises; or
2. a motel, hotel, or hostel; or
3. a kindergarten, school, university, or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.

Stormwater that is not contaminated by the activity includes stormwater runoff from external or undisturbed catchments.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55 dB(Z).

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

You means the holder of the environmental authority.

END OF ENVIRONMENTAL AUTHORITY

Obligations under the *Environmental Protection Act 1994*

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

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