

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00622506

This registration certificate is issued by the administering authority and takes effect from: 27-JUL-2012.

The anniversary day for the purposes of the Annual Return remains: 21-DEC.

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 places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:

All Coast Recyclers Pty Ltd
GQR Accountants
Suite 10, 29 Commerce Drive
ROBINA QLD 4226

Place:

Lot 17 Plan RP903698, Lot 18 Plan S182137.

Located at:

41-45 Bailey Crescent, SOUTHPORT QLD 4215.

Registered Activities:

Development Approval: IPDE00069704A11.

ERA 16 Extractive and screening activities Threshold 3(a) - screening, in a year, 5000t to 100000t of material.

Development Approval: SPCE00999710

ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year.

ERA 62 Waste transfer station operation - operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day.

Registration certificate

No: ENRE00622506

Place:

No fixed place. The activity is a mobile and temporary activity as defined in Schedule 4 of the Environmental Protection Act 1994.

Located at:

Various locations within the State of Queensland.

Registered Activity:

Development Approval: IPDE01493909

ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year.



Brett Glosko

Delegate

Department of Environment and Heritage Protection
Environmental Protection Act 1994

27-JUL-2012

Section 3.5.15 Integrated Planning Act 1997

EPA Permit number:	IPDE00069704A11
Assessment Manager reference:	as above
Date application received by EPA:	05-NOV-2004
Permit Type:	Development permit for making a material change of use of premises for an environmentally relevant activity ("ERA")
Date of Decision:	17 December 2004
Decision:	Application approved subject to attached assessment manager conditions.
Relevant laws and policies:	Environmental Protection Act 1994.
Jurisdiction:	Schedule 8A Table 3 Item 1 Integrated Planning Act 1997.

Permit Holder Details

Name:
All Coast Recyclers Pty Ltd

Registered Address:
41 Bailey Crescent
SOUTHPORT QLD 4215

Postal Address:
PO Box 2584
NERANG QLD 4211

Development Description

Property/Location

Lot/Plan:
Lot 17 Plan RP903898

Street address:
41 Bailey Crescent
SOUTHPORT QLD 4215

Development:

ERA 22(a) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority, lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of more than 50 t, but less than 5 000 t, a year.

Lawrie Wado
Delegated
Environmental Protection Agency
17-DEC-2004

File No:

BS12009/2090

06-Oct-2009

C1808927



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

Environmental Protection Agency
www.epa.qld.gov.au AIN 87 221 166 785



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

CONDITIONS OF APPROVAL

Agency Interest: General

- General 1: Prevent and /or minimise likelihood of environmental harm. In carrying out the ERA, the holder must take reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused.
- General 2: Maintenance of measures, plant and equipment. The holder must:
- install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval;
 - maintain such measures, plant and equipment in a proper and efficient condition; and
 - operate such measures, plant and equipment in a proper and efficient manner.
- General 3: Site based management plan. Prior to commencement of the ERA, 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 thereof 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 the ERA.
- General 4: A SBMP required by condition General 3 must address the following matters:
- the holder's commitment to achieve specified and relevant environmental goals;
 - identification of environmental issues and potential impacts;
 - control measures for routine operations to minimise likelihood of causation of environmental harm;
 - contingency plans and emergency procedures for non-routine situations which may cause environmental harm;
 - organisational structure and responsibility;
 - effective communication;
 - monitoring of contaminant releases;
 - conducting environmental impact assessments;
 - staff training;
 - record keeping; and
 - periodic review of environmental performance and continual improvement.
- General 5: Nature and location of activities. This approval does not authorise the conduct of the ERA at the site for any purpose other than screening earthen material commingled with construction and demolition waste material received at the site.
- General 6: The conduct of the ERA must only occur between 0700 hours and 1700 hours Mondays to Fridays inclusive and between 0800 hours and 1300 hours Saturdays, and at no time on Sundays and public holidays, unless otherwise approved in writing by the administering authority.
- General 7: All materials received at the site must be stockpiled and screened within the area shown delineated on Figure 1 in Attachment Figures.

Node

CONDITIONS OF APPROVAL

- General 8:** Records
Record, compile and keep all results of monitoring required by or under this approval and present this information in a specified format to the administering authority when requested to do so.
- General 9:** Acid sulphate soils
The holder must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001.
- General 10:** Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters or to the bed or banks of any waters.

Agency Interest: Air

- Air 1:** An effective dust suppression system (eg. water sprays) must be installed, operated and maintained on equipment and stockpiles to minimise release of dust to the atmosphere.
- Air 2:** Any unsealed ground areas must be maintained at all times in a condition that minimises the release of windblown or traffic generated dust to the atmosphere, including by:
- placing and maintaining gravel;
- dust suppression by water spraying when required; and
- stabilisation by establishment of vegetation.
- Air 3:** Trafficable areas must be sealed with concrete or asphalt.
- Air 4:** Effective measures must be taken to ensure that 100 metres either side of the entrance and exit to the site on Bailey Crescent is kept clean at all times so as to minimise the release of windblown or traffic generated dust and stormwater contamination.

Agency Interest: Air - nuisance

- Air - nuisance 5:** The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the ERA must not cause a nuisance at any sensitive place in the opinion of an authorised person.
- Air - nuisance 6:** The release of dust or other particulate matter resulting from the ERA must not cause an environmental nuisance at any sensitive place in the opinion of an authorised person.
- Air - nuisance 7:** For the purposes of condition Air - nuisance 6 and without limiting the applicability of other criteria relevant in particular circumstances, the ERA would cause environmental nuisance where dust or other particulate matter resulting from the ERA exceeds the following limits when measured at a relevant sensitive place:
- dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method; or
- a concentration of suspended particulate matter with an aerodynamic diameter of less than 10 micrometres (µm) (PM10) of

Arch 17/12/04

CONDITIONS OF APPROVAL

150 micrograms per cubic metre over a 24 hour averaging time at a sensitive place downwind, when monitored in accordance with:

- Australian Standard AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of particulate matter - PM (sub) 10 high-volume sampler with size-selective inlet - Gravimetric method; or
- any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

Air - nuisance
8: Dust or other particulate monitoring must be undertaken as directed by the administering authority to investigate any complaint about dust nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, dust monitoring must be carried out by a competent person at a site relevant to the potentially affected sensitive place and at upwind control site(s) and must include:
- for a complaint alleging dust nuisance, dust deposition; and
- for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of suspended PM10 over a 24hr averaging time.

Air - nuisance
9: If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by dust or other particulate matter from the ERA, the holder must:
- address the complaint including the use of appropriate dispute resolution if required; or
- immediately implement abatement measures so that emission of dust or other particulate matter from the ERA does not result in further environmental nuisance.

Agency Interest: Land - rehabilitation and subsequent use

Land - rehabilitation and subsequent use
1: Land rehabilitation
Prior to permanent cessation of the ERA, the site must be rehabilitated (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) in a manner relevant to subsequent use such that:
- suitable native species of vegetation are planted and established;
- potential for erosion of the site is minimised;
- the quality of stormwater, other water and seepage released from the site does not contain contaminants including suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium or total manganese so as to be likely to cause environmental harm;
- the likelihood of environmental nuisance being caused by release of dust is minimised;
- the water quality of any residual water bodies meets criteria for subsequent uses and does not have potential to cause environmental harm;
- the final landform is stable and not subject to slumping; and
- any actual and potential acid sulfate soils in or on the site

Back 17/12/16

CONDITIONS OF APPROVAL

are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

Agency Interest: Noise

- Noise 1: Noise from the ERA must not cause an environmental nuisance at any sensitive place in the opinion of an authorised person.
- Noise 2: Subject to the effect or operation of Noise 1, noise from the ERA must not exceed the levels specified in Table 1 - Noise limits at any sensitive place.
- Noise 3: Noise monitoring must be undertaken as directed by the administering authority to investigate any complaint of noise nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, noise monitoring must be done in accordance with the latest edition of the Environmental Protection Agency Noise Measurement Manual and include:
- LA, max adj. T., LA10, adj, 10 mins, LA1, adj, 10 mins;
 - relevant background sound level;
 - the level and frequency of occurrence of impulsive or tonal noise;
 - atmospheric conditions including wind speed and direction; and
 - location, date and time of measurements.
- Noise 4: If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by noise from the ERA, the holder must:
- address the complaint including the use of appropriate dispute resolution if required; or
 - immediately implement noise abatement measures so that emissions of noise from the ERA do not result in further environmental nuisance.

Agency Interest: Social

- Social 1: All complaints received by the holder must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.
- Social 2: In consultation with the administering authority, cooperate with and participate in any community organisation established in respect of either the site specifically or the industrial estate where the site is located.

Agency Interest: Water

- Water 1: Water quality and erosion protection controls
- Effective erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment from the site. Such measures can include drainage of

Week 17/12/04

CONDITIONS OF APPROVAL

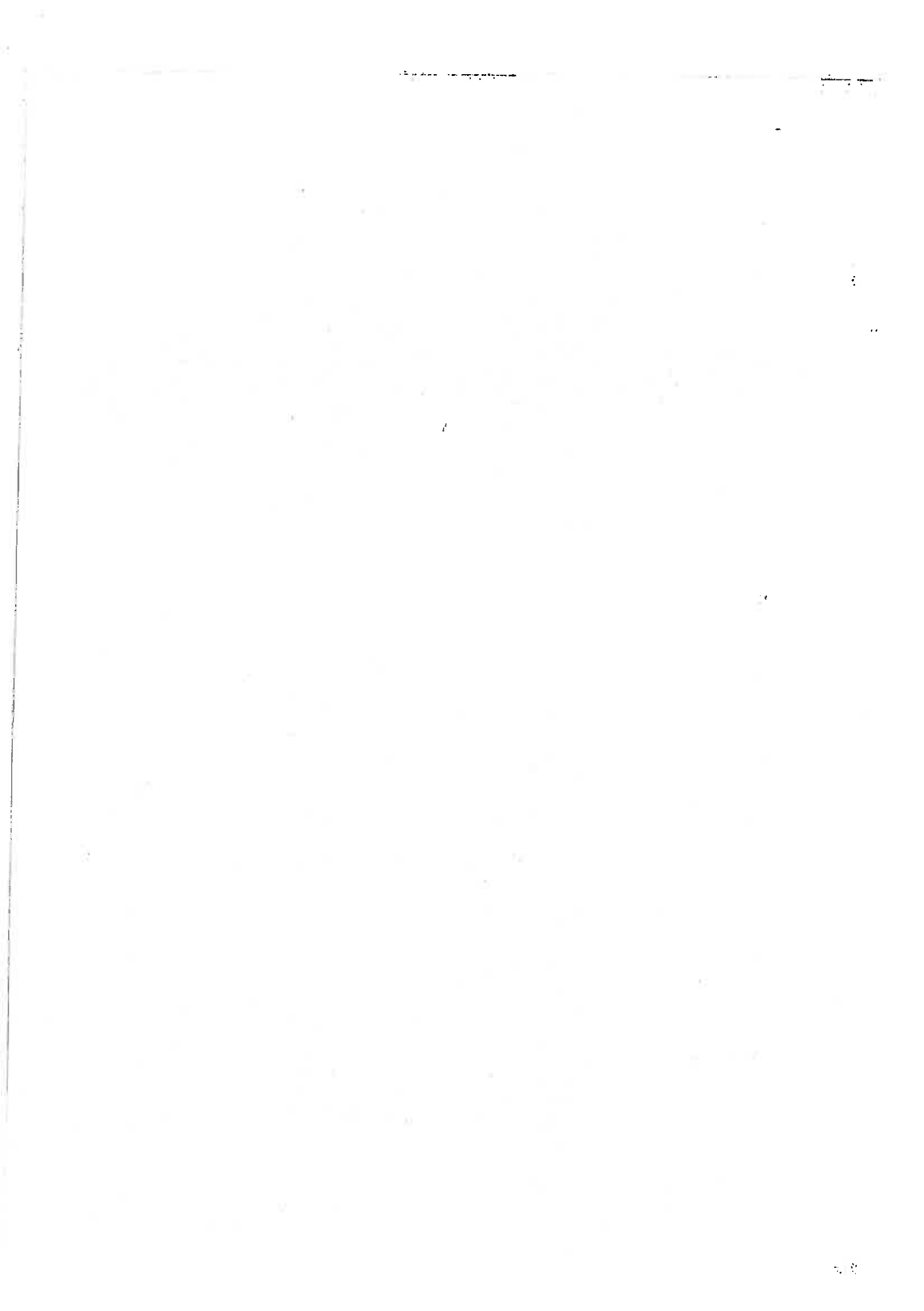
the whole site to specific discharge location(s), a silt trap at the discharge location(s) such as a gravel lined pit, a silt retention fence around the site and a settlement pond into which water runoff from the site drains.

Water 2:

Release to waters

Contaminants must not be released from the site to any waters or to the bed and banks of any waters whereby environmental harm is or may be caused.

17/12/12



Attachment - Tables

Table 1 - Noise limits

$L_{A, max, eq, T}$	Background + 5 dB(A)	Background + 5 dB(A)	Background + 5 dB(A)	Background + 5 dB(A)	No audible noise	No audible noise
$L_{A, max, eq, T}$	Background + 10 dB(A)	Background + 10 dB(A)	Background + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)	Background + 3 dB(A)

Where "T" is 10 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the Environmental Protection Agency Noise Measurement Manual. Table 1 does not purport to set operating hours for the ERA.

Attachment - Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined by this permit¹ the definitions provided in relevant legislation or ordinary meaning shall be used.

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

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

"approval" means development permit or preliminary approval decision notice or referral agency response under the *Integrated Planning Act 1997*.

"authorised person" means a person holding office as an authorised person under an appointment under the *Environment Protection Act, 1994* by the chief executive.

"authorised place" means the place, premises or land authorised under this authority or approval for the carrying out of the specified environmentally relevant activities.

"background sound level" means that as defined by the Noise Measurement Manual published by the administering authority.

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

"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

"contaminant" under section 11 of the *Environmental Protection Act 1994* means:

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

"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.

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

"dwelling" means any of the following structures or vehicles that is principally used as a place for human habitation -

- 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; and
- a water craft in a marina.

"authority holder" or "holder" means the person to whom an authority or approval is issued or transferred to, or a person acting under an authority or approval.

"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.

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

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

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

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"noise sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises;
 - a motel, hotel or hostel;
 - a kindergarten, school, university or other educational institution;
 - a medical centre or hospital;
 - a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; and
 - a public thoroughfare, park or gardens;
- and includes the curtilage of any such place.

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

"sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises;
 - a motel, hotel or hostel;
 - a kindergarten, school, university or other educational institution;
 - a medical centre or hospital;
 - a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area;
 - a public thoroughfare, park or gardens; and
 - a commercial place;
- and includes the curtilage of any such place.

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

"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.

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



ecoraccess

environmental licences and permits

"waters" includes any watercourse, lake, lagoon, pond, swamp, wetland, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off or groundwater.

END OF CONDITIONS

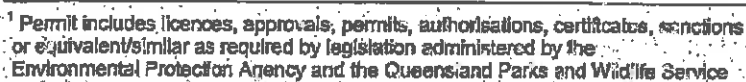
Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

Environmental Protection Agency
www.epa.qld.gov.au ABN 67 721 194 796



Wade Hilder
Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Figure 1: All Coast Recyclers – 41 Bailey Crescent Southport



File No:

BST439
BST2011/1192

C1890014

20-Jun-2011



Department of Environment
and Resource Management

Notice

Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Gold Coast City Council
PO Box 5042
Gold Coast MC QLD 9729
Attention: Shailendra Singh

cc. Sirpro Management Pty Ltd
PO Box 710
Biggera Waters QLD 4216
Attention: Glenn Harris

REGISTERED POST - SENDER TO KEEP
483917607010

Our reference: 241505 BST439 Vol 5

Re: Concurrence Agency Response

1. Application Details

Assessment Manager ref.: PN35202/01/DA2 MCU 201000524

Date application referred to DERM:

27 October 2010

Development approval applied for:

Development permit

Aspect of development:

Material change of use - Environmentally relevant activities -
Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1

Development description:

ERA62 & 8
ERA 33 Crushing, milling, grinding or screening - crushing,
grinding, milling or screening more than 5000t of material in a year

Property/Location description:

Lot 17 Plan RP903698, Lot 18 Plan S182137, 41 - 43 and 45
Bailey Crescent, SOUTHPORT QLD 4215

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows.

Notice
Concurrence Agency Response

- (a) Conditions must attach to any development approval, and those conditions are attached to this Notice.

SPCE00999710 (replacing IPDE00510806B11)

3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

4. **Approved plans / specifications**

Document No.	Document Name	Date
C01 Revision C	Catchment Plan, Stormwater Drainage and Proposed Contour Plan	12 May 2011
Sketch 1	Subject Site Layout and Recommended Acoustic Barriers / Berms contained within Appendix A of the CRG Environmental Noise Impact Report	2 February 2011

5. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at Department of Environment and Resource Management Gold Coast, PO Box 4244, Robina Town Centre, QLD 4230 and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

6. **Additional comments or advice about the application**

Nil

7. **Additional information for applicants**

Notice
Concurrence Agency Response



Delegate

Brett Glosko
Delegate, Chief Executive administering the *Environmental Protection Act 1994, Vegetation Management Act 1999*
Department of Environment and Resource Management

17/06/11

Enquiries:

Megan Davis
Department of Environment and Resource Management
Environmental Services – Gold Coast
PO Box 4244
ROBINA TOWN CENTRE QLD 4230
Phone: 07 5583 2147
Fax: 07 5583 2136
Email: megan.davis@derm.qld.gov.au

Attachment(s)

Permit - SPCE00999710

DERM Permit number: SPCE00999710

Sustainable Planning Act 2009

DERM Permit ¹ number: SPCE00999710

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

This permit replaces previous permit IPDE00510806B11.

Assessment manager reference (if any):	MCU201000524				
Date application received:	29 September 2010				
Permit type:	Concurrence agency response				
Date of decision:	17 June 2011				
Decision:	The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows Concurrence Response for a MCU involving an ERA. Conditions must attach to any development approval, and those conditions are attached to this Notice.				
Relevant laws and policies:	Sustainable Planning Act				
Jurisdiction(s):					
<table border="1"> <tr> <td>Jurisdiction</td> </tr> <tr> <td>Concurrence Response for a MCU involving an ERA.</td> </tr> </table>	Jurisdiction	Concurrence Response for a MCU involving an ERA.	<table border="1"> <tr> <td>Legislation</td> </tr> <tr> <td><i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1</td> </tr> </table>	Legislation	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1
Jurisdiction					
Concurrence Response for a MCU involving an ERA.					
Legislation					
<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1					

Development Description(s)

Property	Lot/Plan	Aspect of Development
41 – 43 and 45 Bailey Crescent, SOUTHPORT QLD 4215	Lot 17 Plan RP903698, Lot 18 Plan S182137	ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year ERA 62 Waste transfer station operation - operating, on a commercial basis or in the course of

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.

DERM Permit number: SPCE00999710

		carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m ³ of waste on any day.
--	--	---

Reason(s) for inclusion of conditions

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

General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at *ES-RSD-SER-Gold Coast PO Box 4244, Level 3, 232 Robina Town Centre Drive, ROBINA TOWN CENTRE, QLD 4230* and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Additional information for applicants



17/06/11

Delegate
Brett Glósco
Delegate, Chief Executive administering the
Department of Environment and Resource Management

CONDITIONS

Condition for: ERA 62 Waste transfer station operation - operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day

Condition for: ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

Agency Interest: General

General 1 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.

General 2 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;
- (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.

General 3 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; and
- (k) Periodic review of environmental performance and continual improvement.

General 4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

General 5 Records.

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

General 6 All records required by this approval must be kept for 5 years.

General 7 Waste Records.

A record of all waste (excluding trackable wastes) must be kept detailing the following information:

- a) date of pickup of waste;
- b) description of waste;
- c) quantity of waste;
- d) origin of the waste; and
- e) destination of the waste.

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

General 8 Notification.

Telephone the Department of Environment and Resource Management's Pollution Hotline (1300 130 372) or local office (07 5583 2130) as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

General 9 Monitoring.

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

General 10 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.

General 11 Trained / Experienced Operator(s).

The daily operation of the waste water treatment system and pollution control equipment 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.

General 12 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.

General 13 Spill Kit Training.

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

Agency Interest: Air

Air 1 Odour 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.

Air 2 Dust Nuisance.

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

Air 3 The registered operator of this development approval must ensure that dust and/or particulate matter must not exceed any of the following levels when measured at any nuisance sensitive or commercial place –

- (a) Dust deposition of 120 milligrams per square metre per day over a thirty (30) day averaging period, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions);
- (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 24hr averaging time.

The concentration of particulate matter as stated above must be monitored in accordance with:

- Australian Standard AS 3580.10.1 of 2003 (or the latest edition);
- 'Ambient air – Particulate matter – Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method'; or
- Any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published by the administering authority.

Air 4 Dust Monitoring

As noted
06/11/11
When requested by the administrative authority, the registered operator of this development approval must undertake monitoring of dust or particulate matter to investigate any complaint of environmental nuisance caused by dust and/or particulate matter.

The monitoring of dust or particulate matter as stated above must be carried out at place(s) relevant to the potentially affected nuisance sensitive place and at upwind control sites. A minimum monitoring period of 3 consecutive months is required unless the administering authority requests a longer monitoring period.

The monitoring of dust or particulate matter as stated above must include –

- (a) for a complaint determined by the administering authority to be non-vexatious alleging dust nuisance: dust disposition; and/or ✓
- (b) ~~(a)~~ 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.

X The registered operator must provide the monitoring results to the administering authority in writing within 14 days after completion of monitoring. *X*

Air 5 All determinations of ambient particulate monitoring must be performed by a person or body possessing appropriate experience and qualifications to perform the required determinations.

- Air 6 The registered operator of this development approval must undertake all reasonable and practicable measures to minimise wind-borne dust and particulate emissions to the atmosphere from the Waste approved place. The reasonable and practicable measures adopted must be incorporated into the relevant procedure(s) implemented under the relevant site based environmental management plan for the approved place.
- Air 7 Stockpiles must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust and particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- use of water spray as required during winds likely to generate such releases; and
 - use of dust-suppressant shielding.
- Air 8 Trafficable areas must be maintained to prevent or minimise the release of windblown or traffic generated dust to the atmosphere.
- Air 9 A system of water sprays must be installed and operated over operational, material storage and material handling areas of the site as necessary in such a manner that prevents the liberation of dust.
- Air 10 A vehicle wheel wash is to be operated and maintained at the approved place.
- Air 11 If material is deposited on any public road by vehicles leaving the approved place, the clean-up of such material is to occur immediately.
- Air 12 In the event that dust control methods implemented at the site prove ineffective in preventing the offsite release of dust, at the request of the administering authority the operator must construct where required suitable roofed enclosed(s) as directed and approved by the administering authority.
- Air 13 Boundary fences must be constructed to a height of four and a half (4.5) metres so as to reduce the potential for windblown dust emissions to emanate beyond the boundary of the approved place.

Agency Interest: Land

Land 1 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

Land 2 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

- Noise 1 Nuisance
Noise from the approved place must not cause an environmental nuisance at any noise sensitive place or commercial place.
- Noise 2 Notwithstanding condition Noise 1, noise from the approved place must not exceed the levels specified in Table 1 – Noise limits.

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday				Sundays and public holidays		
	6.30am – 7am	7am – 6pm	6pm – 10pm	10pm – 7am	9am – 6pm	6pm – 10pm	10pm – 9am
	Noise measured at a 'Noise sensitive place'						
L _{Aeq} , adj, 15 mins	46	51	46	42	51	46	42
	Noise measured at a 'Commercial place'						
L _{Aeq} , adj, 15 mins	54	55	46	42	55	46	42

- Noise 3 Operating Hours
The crusher(s) to be used at the approved place (including the Terex XR400s and the Linetrak 643 or upgraded equipment) and the screener(s) to be used at the approved place (including the Powerscreen 1400 or upgraded equipment) must not be operated:
- (a) before 7am or after 6pm Monday to Friday;
 - (b) before 7am or after 12pm on Saturday;
 - (c) on Sundays.
- Noise 4 The ERA(s), other than the crushers and screeners, must not be operated:
- (a) before 6.30am or after 6pm Monday to Friday
 - (b) before 6.30am or after 12pm on Saturday;
 - (c) on Sundays.
- Noise 5 Acoustic barriers must be constructed in accordance with Figure 2 – *Subject Site Layout and Recommended Acoustic Barriers / Berms*.
- Noise 6 Monitoring
Noise monitoring must be undertaken as requested by the administering authority to investigate any complaint of noise nuisance being caused by the ERA(s) (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results thereof notified to the administering authority within 14 days following completion of the monitoring.
- For the purpose of this condition, noise monitoring must be conducted by a person(s) with appropriate experience and / or qualifications in accordance with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual, and include:

- (a) L A eq, adj, 15 mins;
- (b) L A bg, 15 mins or L A 90, 15 mins;
- (c) L A 10, adj, 15 mins;
- (d) relevant background sound level (bg);
- (e) level and frequency of occurrence of impulsive or tonal noise;
- (f) atmospheric conditions including wind speed and direction;
- (g) location, date and time of measurements;
- (h) effects due to extraneous factors such as traffic noise; and
- (i) details of measurement instrumentation and measurement procedure.

Noise 7 Where it is determined by an authorised person that noise from the approved activity is causing an environmental nuisance, you must:

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

Agency Interest: Social

Social 1 Complaint Response.

The operator of the ERA(s) 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.

Agency Interest: Waste

Waste 1 General.

Except as otherwise provided by the development conditions, the registered operator of the ERA(s) must not:

- (a) allow waste to burn or be burned at or on the premises to which this development approval relates; nor
- (b) remove waste from the premises to which this development approval relates and burn such waste elsewhere.

Waste 2 Waste Acceptance.

Notwithstanding any condition of this approval, the only waste accepted at the premises must be Construction and Demolition (C&D) waste excluding the following waste:

- (a) any liquescent waste;

- (b) any regulated waste;
- (c) any putrescible waste
- (d) chemically impregnated timber with the exception of minor amounts of chemically impregnated timber commingled with other waste;
- (e) metals with the exception of minor amounts of metals incidental to or commingle with other waste;
- (f) paper product sludges except those with a moisture content of less than 30%;
- (g) garden and/or green waste with the exception of minor amounts of garden and/or green waste incidental to or commingled with other waste;
- (h) textiles including carpets and carpet underlay with the exception of minor amounts of carpets and carpet underlay incidental to or commingled with other waste;
- (i) plastic products with the exception of minor amounts of plastics incidental to or commingled with other waste;
- (j) contaminated soils; and
- (k) material that is smouldering or aflame.

Waste 3 All general waste resulting from sorting C&D waste that requires off-site disposal must be appropriately contained in waste containers or storage areas.

Waste 4 All waste containers and storage areas used for temporary storage of the general waste for off-site disposal must be:

- (a) maintained in a proper and efficient state of repair to effectively contain the deposited wastes;
- (b) cleaned regularly; and
- (c) cleared of all material within 48 hours of being received on site.

Waste 5 The registered operator of the ERA(s) must use all practicable means to exclude access of birds, dogs and other pest species to that extent necessary to ensure that such birds, dogs and other pest species do not cause any:

- (a) nuisance to occupiers of neighbouring premises; or
- (b) any nuisance or danger to aircraft; or
- (c) any danger or risk to the health of any persons; or
- (d) environmental harm.

Waste 6 In the event of the registered operator of the ERA(s) becoming aware of prohibited waste being commingled in any waste stream the registered operator of the ERA(s) must:

- (a) cease accepting such waste;
- (b) remove the prohibited waste and store in a proper and efficient manner;
- (c) notify the person who sent the prohibited waste to the premises to which this development approval relates of the detection of prohibited waste into the waste received;
- (d) as soon as practicable arrange for a person who can lawfully transport such waste to collect

such waste;

- (e) arrange for the person transporting the prohibited waste to transport such waste to a facility that can lawfully accept such waste;
- (f) produce the following records;
 - (i) type of prohibited waste;
 - (ii) quantity of prohibited waste;
 - (iii) date of disposal;
 - (iv) name and address of the person(s) transporting the prohibited waste to the facility;
 - (v) name and address of the person(s) who generated the prohibited waste (if such person(s) can be reasonably identified).

For the purpose of this development condition, "prohibited waste" means a waste that is not permitted to be accepted at that approved place by a development condition.

Waste 7 Regulated waste must not be released to the environment, stored, transferred or disposed of contrary to any development condition.

Waste 8 Notification of Improper Disposal of Regulated Waste

If the registered operator of the ERA(s) becomes aware that a person has removed regulated waste from the premises to which this development approval relates (or approved vehicles) and disposed of the regulated waste in a manner that is not authorised by this development approval or is improper or unlawful, then the registered operator of the ERA(s) must, as soon as practicable notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

Agency Interest: Water

Water 1 Release To Waters.

Stormwater which has been in contact with wastes must not be directly or indirectly released from the premises to which this development permit relates to any waters or the bed and banks of any waters except:

- (a) as permitted under the water conditions of this development permit; or
- (b) as permitted or otherwise agreed from time to time by the relevant Local Government in accordance with a trade waste agreement.

Water 2 Treated stormwater must only be released to surface waters in compliance with the release limits and discharge locations listed in Table 2 – Contaminant release limits to water:

Table 2 - Contaminant release limits to water

Quality Characteristics	Release Point	Release Limit	Limit Type	Monitoring Frequency
pH (pH Units)	W1, W2	6.5 – 8.5	Range	In the event of a release.

Dissolved Oxygen (mg/L)	W1, W2	6	Minimum	In the event of a release.
Suspended Solids (mg/L)	W1, W2	50	Maximum	In the event of a release.
Petroleum Products (Including oil and grease)	W1, W2	No visible scum	NA	In the event of a release.

W1 – discharge point at the north-eastern corner of the site from Catchment A as per Figure 1 – 'Catchment Plan, Stormwater Drainage and Proposed Contour Plan', Drawing Number: C01 Revision C, dated 12 May 2011.

W2 - discharge point to Council's stormwater system on Bailey Crescent from Catch C as per Figure 1 – 'Catchment Plan, Stormwater Drainage and Proposed Contour Plan', Drawing Number: C01 Revision C, dated 12 May 2011.

Water 3 Monitoring

In the event of a release of contaminants to water in accordance with Condition Water 2, monitoring must be undertaken in accordance with *Table 2 - Contaminant release limits to water*, and the results provided to the administering authority in writing within 14 days following completion of the monitoring.

Water 4 Sediment and Erosion Control

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

Water 5 The size of any sedimentation pond must be sufficient to contain the run-off expected from a 24 hour rainfall event with an average recurrence interval of 1 in 5 years.

Water 6 All reasonable and practicable measures must be taken to minimise surface run off from undisturbed areas from entering disturbed areas, ponds or other structures used for the storage or treatment of contaminants or wastes.

Water 7 Diversion drains, appropriate grades or equivalent must be installed to ensure surface waters from areas subject to processing and stockpiling activities are directed to the sediment control system.

Water 8 Sediment and erosion control must be inspected within 24 hours of all rainfall events and maintained where appropriate.

Water 9 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.

Water 10 Pond Conditions.

All ponds used for the storage or treatment of contaminants or wastes at or on the authorised place must be constructed, installed and maintained:

- so as to minimise the likelihood of any release of contaminated stormwater through the bed

- or banks of the pond to any waters (including ground water);
- b) so that a freeboard of not less than 0.5 metres is maintained at all times, except in events of greater than a 24 hour rainfall event with an average recurrence interval of 1 in 10 years;
- c) so as to ensure the stability of the ponds' construction; and
- (d) so as to ensure that treated stormwater released from the basin does not come in contact with contaminants prior to leaving the site.

Water 11 Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants or wastes.

Water 12 Reasonable and practicable measures must be taken to prevent short-circuiting in the stormwater pond. These measures are to include:

- (a) Ensuring relatively uniform velocities through the pond; and
- (b) Ensuring that the pond inlet and outlet are located at opposite ends of the pond along the long axis; and
- (c) Ensuring that the pond is periodically desludged to maintain efficiency in the settlement of solids; and
- (d) Ensuring that sufficient capacity is available within the pond system such that stormwater flows do not flush out settled solids; and
- (e) Ensuring that there are no obstructions, such as vegetation within the pond that materially alters the velocities of water flowing through the different sections of the basin.

Water 13 Cleaning and Spillage.

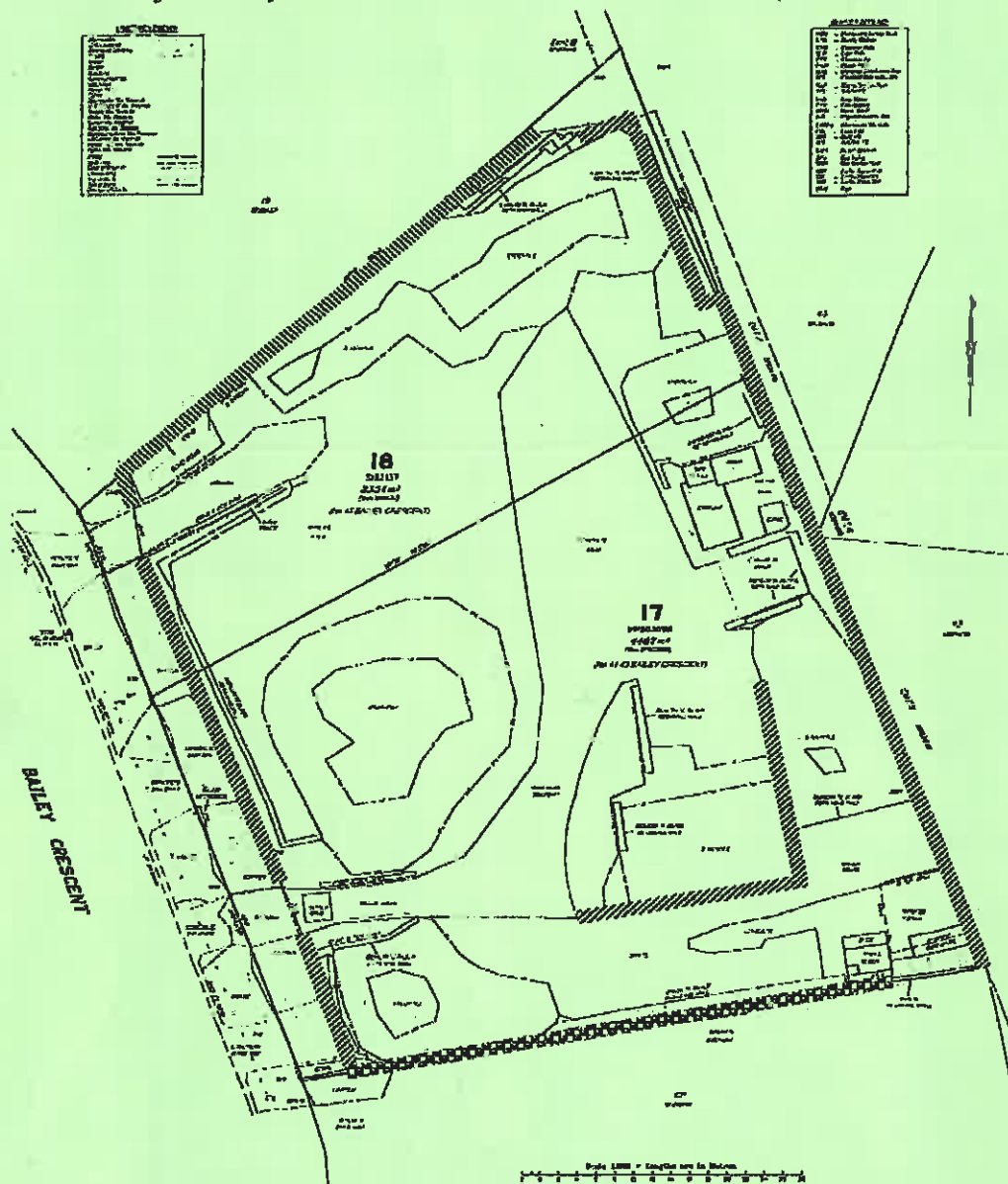
The maintenance and cleaning of any vehicles, and other equipment must be carried out in areas where contaminants cannot be released into any waters, roadside gutter or stormwater drain external to the approval place.

Water 14 A person carrying out an ERA to which this approval relates must ensure that:

- (a) any spillage of waste, contaminants or other materials must be cleaned up as quickly as practicable; and
- (b) any spillage of waste, must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminants or material to any stormwater drainage system, roadside gutter or waters external to the approved place.



Sketch 1: Subject Site Layout and Recommended Acoustic Barriers / Berms (not to scale).



ACOUSTIC BARRIER LEGEND

 Recommended 2.5m high acoustic barrier / berm. The barrier / berm is to be free of gaps and holes.

 Existing acoustic barriers. Gaps and holes in the barriers should be filled and upgraded where needed to the materials detailed below.

Typical materials include earth berms, tilt up panel concrete, 19mm lapped timber fence (40% overlap), 6mm FC sheet, two layers of Colorbond sheeting hard against each other, masonry, or a combination of the above (a minimum surface mass of 11 kg/m^2 is required).

Figure 2 – Subject Site Layout and Recommended Acoustic Barriers / Berms contained within Appendix A of the CRG Environmental Noise Impact Report dated 2 February 2011

END OF CONDITIONS

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ 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 *Sustainable Planning Act 2009*.

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

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

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

"crusher" means a machine designed to reduce large rocks or other material into smaller rocks or gravel.

"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.

"L_{A 1, adj, 15 mins}" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 15 minute measurement period, using Fast response.

"L_{A 10, adj, 15 mins}" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 15 minute measurement period, using Fast response.

"L_{A 90, 15 mins}" means the A-weighted sound pressure level, obtained using time-weighting 'F', that is exceeded for 90% of the 15 minute measuring period.

"L_{A eq, adj, 15min}" means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 15 minute period has the same mean square sound pressure of a sound that varies with time.

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

"noise sensitive place" means any of the following places –

- a dwelling;
- a library, childcare centre, kindergarten, school, college, university or other educational institution;
- a hospital, surgery or other medical institution;
- a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
- a marine park under the *Marine Parks Act 1982*;
- a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

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

"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.

"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.

"screener" means a machine designed to separate out large material including rocks, coarse soil or other material from smaller material.

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

"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.

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.

All Coast Recyclers Pty Ltd
26/2 Graham Street
Bilinga Qld 4225
Attention: Mr Ross Woodward

Our Reference: 241505
BST439

Dear Mr Woodward

Re: Application for Development Approval

The Department of Environment and Resource Management, acting as assessment manager, wishes to advise that your application for development approval, received on 19 May 2009, has been assessed, and is approved with conditions.

1. Property/Location:

Various temporary locations within the boundaries of Gold Coast City and Brisbane City.

2. Details of the decision

- Development Approval for Development involving a mobile and temporary ERA.
- ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year.
- DERM Ref Number – IPDE01493909

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.

[refer to sections 3.5.19 and 3.5.20 of the Integrated Planning Act 1997 for further details]

This approval will lapse unless substantially started within four years.

4. The Approved Plans

Nil

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. Submissions

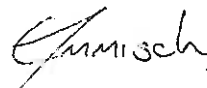
This application did not trigger Public Notification.

8. 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.

If you require more information, please contact Brooke McKenzie, the Project Manager, on the telephone number listed below.

Yours sincerely

 28.09.09

Eugene Immisch
Delegate
South East Region – Gold Coast
Environmental Services
Department of Environment and Resource Management

Enquiries:

South East Region – Gold Coast
Environmental Services
Department of Environment and Resource
Management
PO Box 4244
ROBINA TOWN CENTRE QLD 4230
Phone: (07) 5583 2146
Fax: (07) 5583 2136

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

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 4.1.31⁷³ 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.
- (1)

Development Approval

Section 3.5.15 Integrated Planning Act 1997

DERM Permit¹ number: IPDE01493909

EPA Permit ¹ number:	IPDE01493909
Assessment Manager reference:	241505/BST439
Date application received by EPA:	19 May 2009
Permit ¹ Type:	Development Approval for development involving a mobile and temporary ERA
Decision:	Granted in full with Conditions
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
Various locations within the boundary of Gold Coast City and Brisbane City.	N/A	ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year.

Additional comments or advice about the application

This development approval does not permit the activity to be carried out for more than 28 days in a year at the same location.

A relevant development approval and registration certificate are required to be held before crushing operations may be lawfully carried out for more than 28 days in a year at the same location.

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 permit¹. For information on when this permit¹ 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 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Department of Environment and Resource Management.

Environmentally Relevant Activities

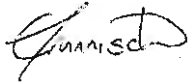
The aforementioned description of any environmentally relevant activity (ERA) for which this permit¹ is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit¹. Where there is any conflict between the abovementioned description of the ERA for which this permit¹ is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions

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

prevail to the extent of the inconsistency.

This permit¹ 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 permit¹ 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*.

 28.09.09

Eugene Immisch
Delegate
South East Region – Gold Coast
Environmental Services
Department of Environment and Resource Management

ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year.

Agency Interest: General

- (G1) **Prevent and/or minimise likelihood of environmental harm.**
In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and/or to minimise the likelihood of environmental harm being caused.
- (G2) **Site Based Management Plan.**
From commencement of an ERA to which this approval relates, at each approved place 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 ERA's that are carried out.
- (G3) The SBMP required under condition (G2) of this approval must address the following matters:
- a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals;
 - b) Identification of environmental issues and potential impacts;
 - c) Control measures for routine operations to minimise likelihood of environmental harm;
 - d) Contingency plans and emergency procedures for non-routine situations;
 - e) Organisational structure and responsibility;
 - f) Effective communication;
 - g) Monitoring of contaminant releases;
 - h) Conducting environmental impact assessments;
 - i) Staff training;
 - j) Record keeping; and
 - k) Periodic review of environmental performance and continual improvement.
- (G4) The SBMP as required by condition (G3) must be prepared:
- a) by a suitably qualified person with at least 5 years experience in the relevant area;
 - b) in a manner that is consistent with the requirements of condition (G3); and
 - c) having regard to, and appropriately applying, the relevant guidelines (being those applicable on a national, state or a regional basis).
- (G5) The Site Based Management Plan must not be implemented or amended in a way that contravenes any condition of this approval.
- (G6) **Maintenance of Measures, Plant and Equipment.**
The registered 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;
 - 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.
- (G7) **Monitoring**
Where monitoring is required by this development approval, ensure that a suitably qualified person(s) conducts all monitoring.
- (G8) Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- (G9) All records required by this approval must be kept for 5 years.

(G10) 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.

(G11) 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 readily available at any site at which the mobile ERA is operating.

(G12) Spill Kit Training

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

(G13) Notification

The registered operator of an ERA to which this approval relates must telephone the DERM's Pollution Hotline (1300 130 372) or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval or any event where environmental harm has been caused or may be threatened.

(G14) Information about any release of contaminants or spills

The registered operator of an ERA to which this approval relates must provide written advice detailing the following information which must be provided to the EPA within 14 days of any advice provided in accordance with condition (G13):

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

(G15) Exception Reporting

The registered operator of an ERA to which this approval relates must, as soon as practicable but not more than six (6) weeks following any environmental monitoring performed in relation to a condition of this approval, emergency or incident, provide written advice of the results of any environmental monitoring performed.

(G16) The written notification required by approval condition number (G15) must include:

- (i) the full analysis results; and
- (ii) details of investigation or corrective actions taken; and
- (iii) any subsequent analysis.

(G17) Emergency access

Clear access to plant and equipment used at the site must be provided at all times for emergency vehicles.

(G18) Where there are inconsistencies between the conditions of this approval (IPDE01493909) as to the scale, intensity or manner of carrying out the ERA and the conditions of approval relating to an approved site where the ERA is being conducted, the more stringent conditions of approval pertain.

(G19) Hours of operation

Plant operation is to be between the hours of 8.00am and 4.00pm Monday to Friday.

Agency Interest: Air

(A1) Nuisance

The release of dust and/or particulate matter, noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the carrying out of the environmentally relevant activity must not cause an environmental nuisance at any nuisance sensitive or commercial place.

(A2) All material stockpiles must be maintained to minimise wind-blown emissions to the atmosphere from the stockpiles.

(A3) Notwithstanding condition (A2) a system of water sprays must be installed and operated as necessary to prevent the release of dust from the approved place.

(A4) In the event that dust control methods already implemented at the site prove ineffective in preventing the release of dust, the operator must construct suitable roofed enclosures(s) and/or other suitable measures to ensure dust emissions are not causing environmental nuisance while carrying out the environmentally relevant activity in the approved place.

(A5) Trafficable areas within the approved place must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:

- (i) using water sprays and/or a water truck;
- (ii) adopting and adhering to speed limits;
- (iii) using dust suppressants and wind breaks; and
- (iv) sealing the areas.

(A6) Vehicle tyres and under bodies must be sufficiently free of dust and mud so as to ensure that dust and/or mud is not deposited on any sealed road/s by vehicles leaving the approved place.

(A7) If material is deposited on any sealed road/s by vehicles leaving the approved place, the clean-up of such material is to occur as soon as reasonable and practicable after the material has been deposited.

(A8) When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint or 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 sensitive place and upwind sites and the report must include:

- (a) dust deposition for a complaint alleging dust nuisance; 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 micrometres (PM10) suspended in the atmosphere over a 24 hour averaging period.

(A9) Notwithstanding condition A8, dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:

- (a) dust deposition of 90 milligrams per square metre per year, when monitored in accordance with Australian Standard AS3580.10.1 of 2003 (or more recent editions); or
- (b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time (with 5 one day exceedances allowable), at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with; Australian Standard AS3580.9.6 of 2003 (or more recent editions) "Ambient Air- Particulate Matter - Determination of suspended particulates PM10 high-volume sampler with size inlet gravimetric Method" or Any alternative method of monitoring PM10 which may be permitted by the "Air Quality Sampling Manual" as published from time to time by the administering authority

- (A10) Where it is determined by an authorised person that air monitoring results indicate environmental nuisance, you must:
- address the complaint, including the use of appropriate dispute resolution if required; and
 - immediately implement dust abatement measures so that emissions of dust from site activities do not result in further environmental nuisance.

Agency Interest: Land

- (L1) **Preventing Contaminant Release to Land**
Contaminants must not be released to land.
- (L2) Spillage of all chemicals and fuels must be contained within an on-site containment system which is impermeable to the material/s stored and controlled in a manner that prevents environmental harm.
NOTE: All petroleum product storages must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.
- (L3) All bunding must be roofed where practicable.

Agency interest: Noise

- (N1) **Noise Nuisance**
Noise from the ERA to which this approval relates must not cause an environmental nuisance at any noise sensitive place or commercial place.
- (N2) Notwithstanding condition N1, noise from the premises to which this approval relates must not exceed the criteria specified in the below table - Noise Limits.

Noise level measured at:	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	7am - 6pm	6pm - 10pm	10pm - 9am
Noise measured at a noise sensitive place						
L _{Aeq} , adj, 1 hour	Bkg + 5	Bkg + 0	Bkg + 0	No audible noise		
L _{A1} , adj, 1 hour	Bkg + 10	Bkg + 5	Bkg + 5			
Noise measured at a commercial place						
L _{Aeq} , adj, 1 hour	Bkg + 10	Bkg + 5	Bkg + 5	No audible noise		

- (N3) **Noise Monitoring**
When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results notified within 14 days to the administering authority.
For the purpose of this condition, noise monitoring must be conducted by a person(s) with appropriate experience and/or qualifications in accordance with the latest edition of the Environmental Protection Agency's Noise Measurement Manual, and include:
- L_{Aeq}, adj, 1 hr;
 - L_{A90}, T or L_{A90}, T;
 - L_{A10}, adj, 1 hour;
 - L_{A1}, adj, 1 hour;
 - the level and frequency of occurrence of impulsive or tonal noise;

- (f) atmospheric conditions including wind speed and direction;
 - (g) effects due to extraneous factors such as traffic noise; and
 - (h) location, date and time of recording.
- (N4) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.
- (N5) If noise monitoring indicates or where it is determined by an authorised person that environmental nuisance is being caused, you must:
- (a) address the complaint, including the use of appropriate dispute resolution if required; and
 - (b) immediately implement noise abatement measures so that emissions of noise from site activities do not result in further environmental nuisance.

Agency Interest: Waste

- (W1) **General**
Except as otherwise provided by the development approval conditions, the registered operator of the ERA(s) must not:
- (a) allow waste to burn or be burned at or on the premises to which this development approval relates; nor
 - (b) remove waste from the premises to which this development approval relates and burn such waste elsewhere.
- (W2) **General Waste**
All general waste resulting from sorting construction and demolition (C&D) waste that requires off-site disposal must be appropriately contained in waste containers or storage areas.
- (W3) All waste containers and storage areas used for temporary storage of the general waste for off-site disposal must be:
- (a) maintained in a proper and efficient state of repair to effectively contain the deposited wastes;
 - (b) cleaned regularly;
 - (c) covered prior to the contractor leaving the site each day and during rainfall; and
 - (d) cleared of all material within 48 hours of being received onsite.
- (W4) All general waste resulting from sorting C&D waste that requires off-site disposal must be disposed of to a facility which is approved to accept such waste.
- (W5) **Regulated waste**
All regulated waste removed from the site must be removed by a person who holds a current authority to do so under the *Environmental Protection Act 1994*.
- (W6) **Notification of Improper Disposal of Regulated Waste**
If the registered operator of the ERA(s) becomes aware that a person has removed regulated waste from the premises to which this development approval relates and disposed of the regulated waste in a manner that is not authorised or is improper or unlawful, then the registered operator of the ERA(s) must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the transport of and/or the disposal of the regulated waste.
- (W7) **Waste records**
Where regulated waste is removed from the site (other than by a release as permitted under another condition of this development approval), the registered operator of the ERA(s) 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.

NOTE: Trackable wastes as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000* are not covered by this condition. Trackable wastes have similar recording

requirements to this condition in accordance with a waste tracking system established under the above Regulation.

Agency Interest: Water

(WA1) Release to Waters

Contaminants must not be released from the site to any waters or to the bed and banks of any waters whereby environmental harm is or may be caused.

(WA2) Stormwater Management

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

(WA3) Cleaning and Spillages

The maintenance and cleaning of any vehicles, other equipment or plant must be carried out in areas where contaminants cannot be released into any waters, roadside gutter or stormwater drain.

- (WA4)** 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 waste, contaminants or material to any stormwater drainage system, roadside gutter or waters.

Agency Interest: Social

(S1) Complaint Response

The registered 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.

- (S2)** In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically or the industrial estate where the site is located.

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

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

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

"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.

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

"competent person" means a person who has acquired through training, qualification and experience the knowledge and skills necessary for undertaking the monitoring required by this approval.

"C&D" construction and demolition waste means waste resulting from carrying out a construction or demolition activity, but does not include paper, cardboard, unseasoned timber, vegetation, paper-covered plasterboard, metals (other than steel reinforcing rods) and regulated waste.

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

"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 nuisance" mean unreasonable interference or likely interference with an environmental value caused by-

- (a) noise, dust, odour, light; or
- (b) an unhealthy, offensive or unsightly condition because of contamination; or
- (c) another way prescribed by regulation.

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

" $L_{A, 1, \text{adj}, 1 \text{ hour}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) that is exceeded for 1% of any 1 hour measurement period, using time-weighting 'Fast'.

" $L_{A, 90 T}$ or $L_{A, 90 T}$ " means the A-weighted sound pressure level, obtained using time-weighting 'Fast' that is exceeded for 90% of the measuring period (T) (not less than 15minutes).

" $L_{A, \text{eq}, \text{adj}, 1 \text{ hr}}$ " means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character that within a 1hour period has the same mean square sound pressure of a sound that varies with time.

"land" means land excluding waters and the atmosphere.

"mobile and temporary environmentally relevant activity" means an activity as defined in the *Environmental Protection Act 1994*.

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

"noise 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.

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

"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.

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

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

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

END OF CONDITIONS