



Department of
**Environment and
Heritage Protection**

09-SEP-2013

To: Tru Blu Beverages
C/- LAS Lawyers & Consultants
PO Box K1077
HAYMARKET NSW 1240

Our reference: 241466

Application details

I refer to the application that was received by the administering authority on 03-SEP-2013.

Land description: 71 Ashburn Road, BUNDAMBA, Lot 22 Plan SP163216.

Decision

Your application has been approved and your environmental authority (reference EPPR01486213) is attached.

Should you have any further enquiries, please contact Christine Hall on 1300 130 372, option 4.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Burdett', enclosed within a rectangular box.

Signature

09-SEP-2013

Date

Kathryn Burdett
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Christine Hall
Permit and Licence Management
Department of Environment and
Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 3330 5875
Email: palm@derm.qld.gov.au
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Enclosed

Permit - environmental authority (reference EPPR01486213)

Environmental authority

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

Permit¹ number: EPPR01486213

Environmental authority takes effect on 09-SEP-2013.

The anniversary date of this environmental authority remains 29-AUG. An annual return and the payment of the annual fee which is currently \$12,144.00 will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
Tru Blu Beverages	C/- LAS Lawyers & Consultants PO Box K1077 HAYMARKET NSW 1240

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
22-(2) Beverage production >1ML alcoholic	71 Ashburn Road BUNDAMBA - Lot 22 Plan SP163216

Additional information for applicants

Environmentally relevant activities

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

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

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

Contaminated land

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

Kathryn Burdett
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

09-SEP-2013

Date

Enquiries:

Christine Hall
Permit and Licence Management
Department of Environment and Heritage
Protection
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BRISBANE QLD 4001
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Obligations under the *Environmental Protection Act 1994*

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

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

Conditions of environmental authority

CONDITIONS

General

- G1** The activity must be undertaken in accordance with written procedures that:
- a) identify potential risks to the environment from the activity during routine operations and emergencies including flooding;
 - b) establish control measures that minimise the potential for environmental harm;
 - c) ensure plant and equipment is maintained and operated in proper and effective condition;
 - d) ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*; and
 - e) ensure that reviews of environmental performance are undertaken at least annually.
- G2** The activity must not cause environmental nuisance at a nuisance sensitive place.
- G3** Processing operations must be carried out in an enclosed building.
- G4** All chemicals and fuels in bulk or in containers of greater than 15 litres must be stored within a secondary containment system and releases controlled in a manner that prevents environmental harm.

Air

- A1** Emissions, including combustion gases, released from vents or stacks must achieve sufficient dispersion to prevent environmental harm.

Noise

- N1** Noise from the activity must not exceed the levels identified in Table 1 – Noise limits and the associated requirements at the boundary of the site.

Table 1 – Noise limits

Noise level measured in dB	7am-6pm	6pm-10pm	10pm-7am
	Noise measured at the boundary of the approved place		
L _{Aeq} , adj 15 mins	60	55	50

Associated requirements

The method of measurement and reporting of noise levels must comply with the latest edition of the Noise Measurement Manual produced by the administering authority.

Water

- W1** Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Land

- L1** Contaminants from the activity must not be released to land.

Waste

- R1** All waste generated in carrying out the activity must be reused, recycled or lawfully disposed of offsite.
- R2** Waste must not be burnt.

Appendix 1: Terms and definitions

Words and phrases used in this environmental authority have the meanings given in the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008*. Where a word or term is not defined in the legislation or in this appendix, the ordinary English meaning applies and regard should be given to the Macquarie Dictionary.

Term	Definition
Activity	the environmentally relevant activity to which this environmental authority relates. An activity may be undertaken on the whole or a part of a site.
Chemical	as defined in Schedule 12, Part 2 of the <i>Environmental Protection Regulation 2008</i> .
Contaminant(s)	as defined in Section 11 of the <i>Environmental Protection Act 1994</i> .
Environmental harm	as defined in Section 14 of the <i>Environmental Protection Act 1994</i> .
Environmental nuisance	as defined in Section 15 of the <i>Environmental Protection Act 1994</i> .
Land	land excluding waters and the atmosphere. Land includes land on the authorised place.
Minimise	minimise by taking all reasonable and practical measures to minimise the adverse effect having regard to the following matters: a) the nature of the harm or potential harm; b) the sensitivity of the receiving environment; c) the current state of technical knowledge for the activity; d) the likelihood of successful application of different measures that might be taken to minimise the adverse effects; e) the financial implications of the different measures as they would relate to the type of activity; and f) if the adverse effect is caused by the location of the activity being carried out, whether it is feasible to carry out the activity at another location.
Nuisance sensitive place	nuisance sensitive place includes: a) within or outside of a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; b) within or outside of a motel, hotel or hostel; c) within or outside of a kindergarten, school, university or other educational institution; d) within or outside of a medical centre or hospital; e) within a protected area under the <i>Nature Conservation Act 1992</i>, within a marine park under the <i>Marine Parks Act 1992</i> or a world heritage area; f) within a public thoroughfare, park or gardens; g) within or outside of 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; or h) for noise, a place defined as a sensitive receptor for the purposes of the <i>Environmental Protection (Noise) Policy 2008</i>.
Site	a location as defined by the lot and plans, whether partial or whole, to which this environmental authority relates.
Waters	all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and underground water.

Appendix 2: General obligations under the *Environmental Protection Act 1994* and the *Waste Reduction and Recycling Act 2011*

Responsibilities under the *Environmental Protection Act 1994*

Separate to the requirements of the conditions, the holder of the environmental authority must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act. For example, the holder must be aware of the following provisions of the *Environmental Protection Act 1994*.

General environmental duty

The *Environmental Protection Act 1994*, section 319, states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to think about these issues:

- a) the nature of the harm or potential harm;
- b) the sensitivity of the receiving environment;
- c) the current state of technical knowledge for the activity;
- d) the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken; and
- e) the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However maintaining your general environmental duty is a defence against the following acts:

- a) an act that causes serious or material environmental harm or an environmental nuisance;
- b) an act that contravenes a noise standard; and
- c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Heritage Protection website www.ehp.qld.gov.au.

Duty to notify

Section 320 of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:

- a) a person carries out activities or becomes aware of an act of another person arising from or connected to those activities which causes or threatens serious or material environmental harm
- b) while carrying out activities a person becomes aware of the happening of one or both of the following events:
 - 1) the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer; and
 - 2) the activity has caused the unauthorised connection of two or more aquifers.

For more information on the duty to notify requirements refer to the guideline *Duty to notify of environmental harm (EM467)*.

Some relevant offences under the *Environmental Protection Act 1994*

Non-compliance with a condition of an environmental authority (section 430)

Section 430 of the *Environmental Protection Act 1994* requires that a person who is the holder of, or is acting under, an environmental authority must not wilfully contravene, or contravene a condition of the authority.

Environmental authority holder responsible for ensuring conditions complied with (section 431)

Section 431 of the *Environmental Protection Act 1994* requires that the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority. If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.

Causing serious or material environmental harm (sections 437–39)

Material environmental harm is environmental harm that is not trivial or negligible in nature. It may be great in extent or context or it may cause actual or potential loss or damage to property. The difference between material and serious harm relates to the costs of damages or the costs required to either prevent or minimise the harm or to rehabilitate the environment. Serious environmental harm may have irreversible or widespread effects or it may be caused in an area of high conservation significance. Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed contaminants include a wide variety of contaminants listed in Schedule 9 of the *Environmental Protection Act 1994*.

It is your responsibility to ensure that prescribed contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some of the relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Relevant offence under the *Environment Protection (Waste Management) Regulation 2000*

Trackable waste to be given only to licensed transporter (section 41)

A generator of trackable waste must not give the waste to another person to transport it commercially, or in a load of more than 250 kilograms, in a vehicle unless the other person holds, or is acting under, the required authority for transporting the waste in the vehicle.

Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes but is not limited to the:

- a) *Aboriginal Cultural Heritage Act 2003*;
- b) *contaminated land provisions of the Environmental Protection Act 1994*;
- c) *Fisheries Act 1994*;
- d) *Forestry Act 1959*;
- e) *Nature Conservation Act 1992*;
- f) *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*;
- g) *Queensland Heritage Act 1992*;
- h) *Sustainable Planning Act 2009*;
- i) *Water Supply (Safety and Reliability) Act 2008*; and
- j) *Water Act 2000*.

Applicants are advised to check with all relevant statutory authorities and comply with all relevant legislation.

END OF PERMIT