

Sustainable Planning Act 2009**EHP Permit ¹ number: SPCE05525313**

Assessment manager reference (if any):	PA 13025NH
Date application received:	26 April 2013
Permit type:	Concurrence agency response
Date of decision:	1 August 2013
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Material change of use of premises – For an environmentally relevant activity, <i>Sustainable Planning Regulation 2009</i> - Schedule 3, Part 1, Table 2, item 1

Development Description(s)

Property/Location		Development
9566 Peak Downs Highway, Moranbah	Lot 22 on GV148 and Isaac River adjacent to Lot 22 on GV148	ERA 16 Extractive and screening activities Threshold 1 dredging, in a year the following quantity of material – (c) 100000 to 1000000t
		ERA 16 Extractive and screening activities Threshold 3 screening, in a year, the following quantity of material – (b) 100000 to 1000000t

Reason(s) for inclusion of conditions

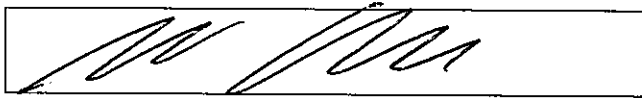
In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department of Environment and Heritage Protection is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for Environmentally Relevant Activities (ERAs). Development conditions placed on the development permit for this application are pursuant to section 345 of the *Sustainable Planning Act 2009* and section 73B of the *Environmental Protection Act 1994*.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

The description of any ERA for which a development permit is issued is a restatement of the ERA as defined by legislation at the time the permit is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development permit as to the scale, intensity or manner of carrying out the ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorising the carrying out of an ERA does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm. Where there is no condition or the development approval is silent on the matter, the lack of condition or silence shall not be construed as authorising harm.



Signature

1-8-13

Date

Delegate

Mark Evans
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

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CONDITIONS

G1 Scope.

This development approval authorise the dredging of a maximum of 65,000 cubic metres of quarry material per annum from the Isaac River, shown as 'Site Layout' on Attachment A. GPS points of extent of extraction area are Downstream Limit – Lat: 22° 02' 47" Long: 148° 08' 48". Upstream Limit – Lat: 22° 03' 04" Long: 148° 08' 05".

G2 Access to river bed.

Only four entry access points to Isaac River, is permitted, shown as 'Figure 1 – Site Layout' on Attachment A.

G3 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.

G4 Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

- G5 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Notification of Incidents / Emergencies

G6

The registered operator must telephone the administering authority's Pollution Hotline or local office as soon as practicable, but within 24 hours, after becoming aware of any release of contaminants or monitoring results not in accordance with the conditions of this approval.

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G7 Information to Follow Notification

A written notice detailing the following information must be provided to the administering authority within fourteen (14) days of any advice provided in accordance with condition (G6):

- (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(s) 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.

G8 Maintenance Of Measures and Equipment.

The operator of an ERA to which this approval relates must:

- (a) install all measures and equipment necessary to ensure compliance with the conditions of this approval; and
- (b) maintain such measures and equipment in a proper and efficient condition; and
- (c) operate such measures and equipment in a proper and efficient manner.

G9 Records.

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

G10 All records required by this approval must be kept for 5 years.

Agency Interest: Air**A1 Dust Nuisance.**

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

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A2 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.

A3 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- a) for a complaint alleging dust nuisance, dust deposition; and
- b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

A4 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:

- (a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
- (b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'; or
 - 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.

Agency Interest: Land**L1 Preventing Contaminant Release To Land.**

Contaminants must not be released to land

L2 Land Rehabilitation.

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

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) the likelihood of environmental nuisance being caused by release of dust is minimised; and
- (d) the final landform is stable and not subject to slumping.

Agency Interest: Noise**N1 Noise Nuisance.**

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

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N2 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a Noise sensitive place					
L _{A10} , adj, 10 mins	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
L _{A1} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a Commercial place					
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a Commercial place					
L _{A10} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
L _{A1} , adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

N3 Noise Monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

- [- airblast overpressure (dB (Lin) Peak);]
- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

Agency Interest: Social

S1 Complaint Response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken.

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Agency Interest: Waste

W1 Waste General

Waste generated in the carrying out of an ERA to which this approval relates must be stored, handled and transferred in a proper and efficient manner so as to prevent spillage or contamination of land or waters.

Agency Interest: Water

WA1 Contaminants must not be released to waters

WA2 Stockpile Areas

Stockpiles are to be located a minimum of 50m from the river bank.

WA3 Stormwater Management.

Erosion protection measures and sediment control measures must be implemented and maintained to minimise:

- a) erosion of soils in areas disturbed by the activity; and
- b) the release of sediment to any waters.

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 Heritage Protection 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.

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

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

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

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

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

"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.

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

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

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

"land" in the "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 wellbeing.

"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.

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

"suitably qualified person" means a person with qualifications in the relevant area or field and at least 5 years' experience in that relevant technical area or field.

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

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

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

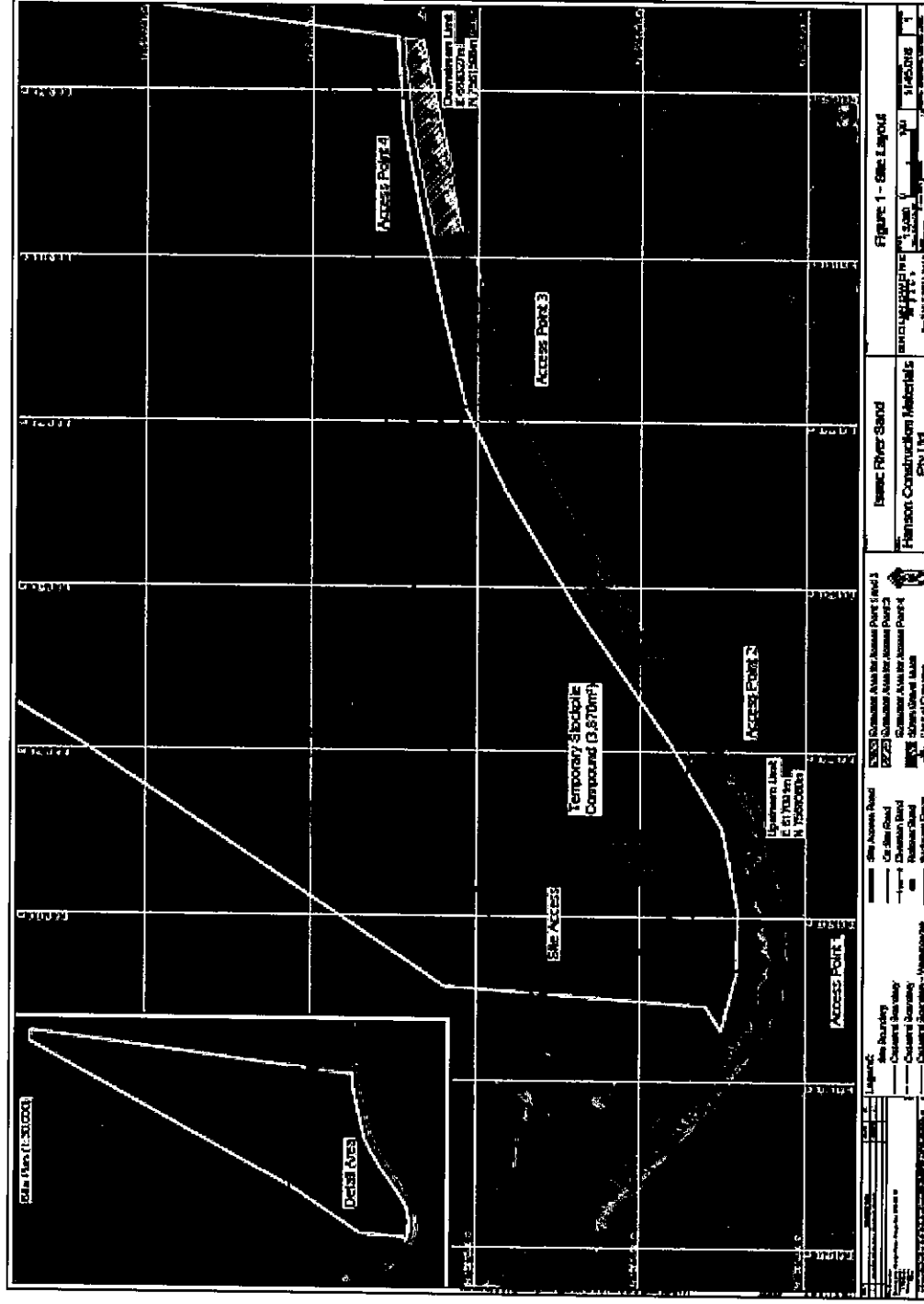
"works" or "operation" means the development approved under this development approval.

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

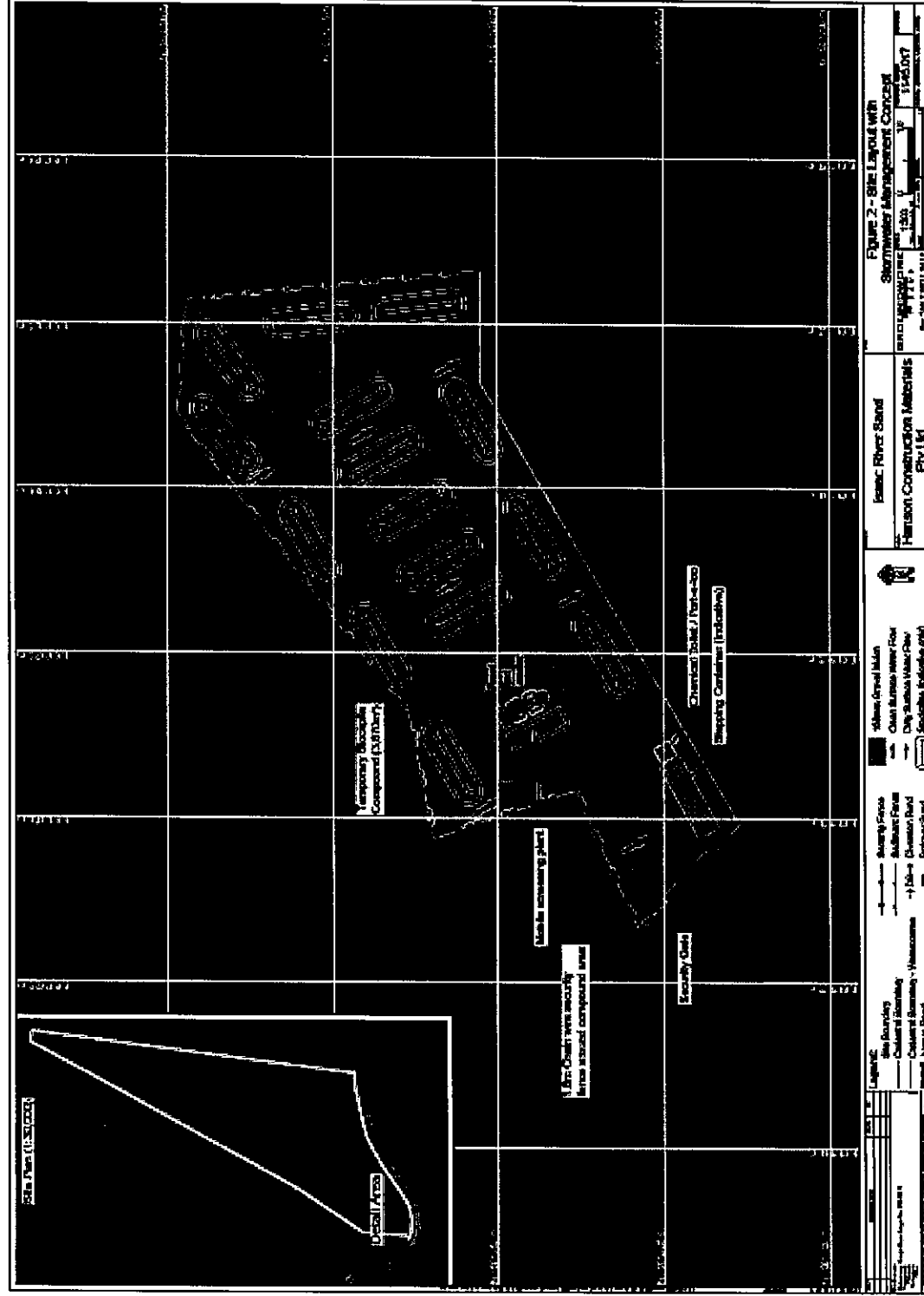
END OF CONDITIONS

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Attachment A



Attachment B



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