

# Permit

Environmental Protection Act 1994

## Environmental authority EPPR02121814

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

**Environmental authority number: EPPR02121814**

**Environmental authority takes effect on 14 May 2019**

### Environmental authority holder(s)

Name(s)	Registered address
FN KLAN INVESTMENTS PTY LTD	1221 Ipswich Boonah Road PEAK CROSSING QLD 4306

### Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 16 - Extraction and Screening, 3: Screening, in a year, the following quantity of material, (a) 5,000t to 100,000t	Lot 2/RP21465
Prescribed ERA, ERA 16 - Extraction and Screening, 2: Extracting, other than by dredging, in a year, the following quantity of material, (a) 5,000t to 100,000t	Lot 2/RP21465

### Additional information for applicants

#### Environmentally relevant activities

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

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

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

#### Contaminated land

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

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or

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

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

For further information, including the form for giving written notice, refer to the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au), using the search term 'duty to notify'.

### Take effect

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

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

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

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

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

Clancy Mackaway  
Department of Environment and Science  
Delegate of the administering authority  
Environmental Protection Act 1994

**Enquiries:**  
Extraction, Energy and Chemical Industries  
Assessment  
Department of Environment and Science  
Phone: 1300 130 372  
Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au)

**Date issued: 14 May 2019**

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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

Agency interest: General	
Condition number	Condition
G1	In carrying out the authorised activity 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	<p>The registered operator for the authorised activity to which this approval relates must:</p> <ul style="list-style-type: none"> <li>(a) install all measures, plant and equipment necessary to ensure compliance with the administering authority's conditions;</li> <li>(b) maintain such measures, plant and equipment in a proper and efficient condition; and</li> <li>(c) operate such measures, plant and equipment in a proper and efficient manner.</li> </ul> <p>In this condition, 'plant and equipment' includes:</p> <ul style="list-style-type: none"> <li>(i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;</li> <li>(ii) devices and structures to contain foreseeable escapes of contaminants and waste;</li> <li>(iii) devices and structures used to store, handle, treat and disposed waste;</li> <li>(iv) monitoring equipment and associated alarms; and</li> <li>(v) backup systems that act in the event of failure of a primary system.</li> </ul>
G3	From commencement of the authorised activities to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify, in relation to the activities, 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 authorised activities that are carried out.
G4	<p>The SBMP must address the following matters:</p> <ul style="list-style-type: none"> <li>(a) environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals;</li> <li>(b) identification of environmental issues and potential impacts;</li> <li>(c) control measures for routine operations to minimise the likelihood of environmental harm;</li> <li>(d) contingency plans and emergency procedures for non-routine situations;</li> <li>(e) organisational structure and responsibility;</li> <li>(f) effective communication;</li> <li>(g) monitoring of contaminant releases;</li> <li>(h) conducting environmental impact assessments;</li> <li>(i) staff training;</li> </ul>

	<p>(j) record keeping; and</p> <p>(k) periodic review of environmental performance and continual improvement.</p>
G5	A copy of the SBMP and any amendment of the SBMP must be kept in a location readily accessible to personnel carrying out the authorised activity and must be available to the administering authority upon request.
G6	A copy of this development approval must be kept in a location readily accessible to personnel carrying out the authorised activity.
G7	A copy of this development approval must be kept at the approved place and be available to the administering authority on request.
G8	A copy of this development approval must be kept in a location readily accessible to personnel carrying out the authorised activity.
G9	Any record or document required to be kept by this approval must be kept at the approved place and be available to the administering authority on request.
G10	All records required by the development approval must be kept for at least five (5) years, except where stated otherwise in a condition of this approval.
G11	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided for by the administering authority's conditions. An example of a substantial increase in the risk of environmental harm is an increase of ten percent (10%) or more in the quantity of the contaminant to be released to the environment.
G12	The registered operator for the authorised activity to which this approval relates must telephone the administering authority's Pollution Hotline or otherwise contact the administering authority as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this development approval or any event where environmental harm has been caused or may be threatened.
G13	<p>A written notice detailing the following information must be provided to the administering authority within 14 days of any request provided pursuant to condition G12 above:</p> <ul style="list-style-type: none"> <li>(a) the name of the entity responsible for the works;</li> <li>(b) the name and telephone number of a designated contact person;</li> <li>(c) quantity and substance released;</li> <li>(d) vehicle and registration details (if applicable);</li> <li>(e) persons involved (driver and any others, if applicable);</li> <li>(f) the location and time of the release;</li> <li>(g) the time the registered operator became aware of the release;</li> <li>(h) the suspected cause of the release;</li> <li>(i) a description of the effects of the release;</li> </ul>

	<ul style="list-style-type: none"> <li>(j) the results of any sampling performed in relation to the release;</li> <li>(k) actions taken to mitigate any environmental harm caused by the release;</li> <li>(l) outcomes of the actions taken to mitigate any environmental harm caused by the release; and</li> <li>(m) proposed actions to prevent a recurrence of the release</li> </ul>
G14	The registered operator for the authorised activity to which this approval relates, including but not limited to employees and contract staff, must be trained in the procedures and practices necessary to comply with the conditions of this approval and prevent environmental harm during normal operation and emergencies.
G15	A suitably qualified and competent person/s must conduct any monitoring required under this approval.
G16	<p>A record must be maintained of at least the following events:</p> <ul style="list-style-type: none"> <li>(a) the time, date and duration of equipment malfunctions where the failure of the equipment resulted in the release of contaminants reasonably likely to cause environmental harm; and</li> <li>(b) any uncontrolled release of contaminants reasonably likely to cause environmental harm.</li> </ul>
G17	The registered operator for the authorised activity to which this approval relates must ensure the monitoring data gathered in accordance with conditions of this approval is analysed and interpreted by an expert in the field of each monitoring program, to assess the nature and extent of any environmental impact.
G18	All instruments, equipment and measuring devices used for the measurement or monitoring of any parameter in accordance with any condition of this approval must be calibrated, recorded and appropriately operated and maintained
G19	An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the authorised activity to which this approval relates must be kept at the approved place at all times and made readily accessible to personnel carrying out the activity.
G20	Anyone operating under this approval must be trained in the use of the spill kit.
G21	<p>The registered operator for the authorised activity to which this approval relates must record the following details for all complaints received and provide this information to the administering authority on request:</p> <ul style="list-style-type: none"> <li>(a) time, date, name and contact details of the complainant;</li> <li>(b) reasons for the complaint;</li> <li>(c) any investigations undertaken;</li> <li>(d) conclusions formed;</li> <li>(e) any actions taken; and</li> <li>(f) whether the actions taken resolved the complaint.</li> </ul>

G22	All analyses and tests required to be conducted under this approval must be carried out by a laboratory that has National Association Testing Authorities certification to conduct such analyses and tests.
G23	The registered operator for the activity to which this approval relates must ensure that the results of all the monitoring performed in accordance with the conditions of this approval are kept at the approved place and are available to the administering authority on request.
<b>Agency interest: Air</b>	
Condition number	Condition
A1	Except as otherwise provided for by the conditions of this approval, the authorised activity to which this approval relates must be carried out by such practicable means necessary to prevent or minimise the release or likelihood of release of contaminants to the atmosphere.
A2	The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the authorised activity to which this approval relates must not cause an environmental nuisance at any nuisance sensitive or commercial place.
A3	<p>The release of dust and/or particulate matter resulting from the authorised activity to which this approval relates must not cause an environmental nuisance at any nuisance sensitive or commercial place. An environmental nuisance caused by dust and/or particulate matter includes a release to a nuisance sensitive place that exceeds either of the following limits at that place:</p> <ul style="list-style-type: none"> <li>(a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with <i>Australian Standard AS 3580.10 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method</i>; or</li> <li>(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 place downwind of the approved place, when monitored in accordance with: <ul style="list-style-type: none"> <li>(i) <i>Australian Standard AS 3580.9.6 Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method</i>; or</li> <li>(ii) any alternative method of monitoring PM10 which may be permitted by the latest edition of the administering authority's <i>Air Quality Sampling Manual</i>.</li> </ul> </li> </ul>
A4	<p>Stockpiled material must be maintained using all reasonable and practicable measures to minimise the generation and release of windblown dust to the atmosphere. Reasonable and practicable measures may include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) minimising the size of stockpile areas;</li> <li>(b) provisions for windbreaks and sediment fences; and</li> <li>(c) water truck or sprays to dampen product stockpiles when necessary.</li> </ul>
A5	Crushing and screening equipment and material conveyor systems must be maintained and operated using all reasonable and practicable measures to minimise the generation and release of windblown dust to the atmosphere. Reasonable and practicable measures may include, but



	<p>are not limited to:</p> <ul style="list-style-type: none"> <li>(a) enclosure or partial enclosure of the crushing and lawning equipment;</li> <li>(b) installation of windshields or barriers;</li> <li>(c) water sprays; and</li> <li>(d) keeping material moist.</li> </ul>
A6	<p>The registered operator for the authorised activity to which this approval relates must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter and windblown dust from trucks used for transporting aggregates from the approved place. Reasonable and practicable measures may include but are not limited to:</p> <ul style="list-style-type: none"> <li>(a) wetting down the load prior to transport;</li> <li>(b) having the entire load covered with a tarpaulin or similar material for the duration of transport; and</li> <li>(c) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the approved place and prior to departure from the premises to which the load has been delivered.</li> </ul>
A7	<p>Trafficable areas must be maintained using all reasonable and practicable measures to minimise the generation and release of windblown or traffic-generated dust to the atmosphere. Reasonable and practicable measures may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(a) sealing with bitumen or other suitable material;</li> <li>(b) keeping surface clean;</li> <li>(c) use of water sprays;</li> <li>(d) installing an effective truck body and wheel wash facility;</li> <li>(e) adoption and adherence to speed limits; and</li> <li>(f) use of dust suppressants and windbreaks.</li> </ul>
A8	<p>Waste oils or effluent resulting from washing trucks, plant or equipment must not be used for dust suppression purposes.</p>
A9	<p>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:</p> <ul style="list-style-type: none"> <li>(a) for a complaint alleging dust nuisance, dust deposition; and</li> <li>(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 (<math>\mu\text{m}</math>) (PM10) suspended in the atmosphere over a 24 hr averaging time.</li> </ul>
A10	<p>The method of measurement and reporting of dust and/or particulate matter levels must comply with the latest edition of the administering authority's <i>Air Quality Sampling Manual</i>.</p>
A11	<p>Should dust or other particulate matter levels be exceeded and monitoring results indicate environmental nuisance, the registered operator for the authorised activity to which this approval relates must:</p>

	<p>(a) address the complaint, including the use of appropriate dispute resolution if required; and</p> <p>(b) immediately implement effective abatement measures so that emission of dust or other particulate matter from the authorised activity does not result in further environmental nuisance.</p>		
Agency interest: Land			
Condition number	Condition		
L1	Contaminants must not be released to land except in accordance with the conditions of this approval.		
L2	All refuelling and transfer of chemicals must be conducted in a manner that prevents environmental harm.		
L3	All empty drums must be stored on a concrete hardstand area with their closures in place.		
L4	Extraction must be undertaken in approximate accordance with the following Plan:		
	Drawing Number	Plan Description	Date
	Figure 003	Entitled 'Figure 3: Proposed Quarry Area', prepared by EGC Pty Ltd for Harrisville Deco Pty Ltd	15/07/2009
L5	The total quantity of material extracted from the approved place (not including vegetation) must not exceed 100,000 tonnes per year.		
L6	No extraction is to occur below groundwater level.		
L7	The topsoil in each subsequent extraction area must be removed and stockpiled prior to commencing extraction in that area.		
L8	Rehabilitation of areas disturbed by the authorised activity, apart from those areas currently being utilised for the authorised activity, must take place progressively and must commence within three months of cessation of the authorised activity in that area.		
L9	The approved place (including ail disturbed areas such as slopes, sedimentation dam/s and stockpile areas) must be rehabilitated in a manner such that:		
	<p>(a) suitable endemic species of vegetation are planted and established;</p> <p>(b) effective erosion control measures are implemented;</p> <p>(c) the quality of stormwater, other water and seepage released from the approved place is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium and total manganese are not likely to cause</p>		

	<p>environmental harm;</p> <p>(d) the likelihood of environmental nuisance being caused by release of dust is minimised;</p> <p>(e) the water quality of any residual water body meets relevant criteria for the post- authorised activity use and does not have the potential to cause environmental harm; and</p> <p>(f) the final land form is stable and not subject to slumping.</p>
L10	Excavations that are to remain after cessation of the authorised activity at the approved place must be made safe and accessible to native animals.
L11	The water quality of any residual water bodies must comply with the water quality guidelines for livestock drinking water stated in the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000</i> .
L12	At least six (6) months prior to ceasing the authorised activity at the approved place, the registered operator must submit a Draft Site Rehabilitation and Decommissioning Report to the administering authority addressing the matters prescribed in condition L14.
L13	At least three (3) months prior to ceasing the authorised activity at the approved place, the registered operator must submit a Final Site Rehabilitation and Decommissioning Report to administering authority. The Final Site Rehabilitation and Decommissioning Report must include any amendments made to the Draft Site Rehabilitation Report arising from consultation with the administering authority.
L14	<p>The Site Rehabilitation and Decommissioning Report must address at least the following matters:</p> <p>(a) description of what land use is ultimately proposed for the site;</p> <p>(b) appropriate revegetation of the site, including ground preparation, species used, methods, density, irrigation, weed control, use of native species endemic to the area, staging and timing of revegetation works;</p> <p>(c) the proposed landform design to be implemented, including design profile and batter slopes;</p> <p>(d) nature of materials utilised and techniques to be employed for any proposed backfilling of extracted areas such as filling, compaction, topsoiling, overburden return and any other soil amelioration leading to vegetation establishment;</p> <p>(e) stability of the final landform, including assessment of any changes to the flood gradient, assessment of the stability of slopes and susceptibility to soils slumping;</p> <p>(f) stability of the final land surface (i.e. erosion control) including assessment of susceptibility of soils to erosion and anticipated erosion control measures;</p> <p>(g) provision and protection of riparian and wildlife corridor widths and any appropriate linkages to other habitat areas;</p> <p>(h) identification of any habitat areas that have been formed either directly or indirectly as a result of the extractive works or associated activities that may be adversely affected by decommissioning works, for example, any habitat pools upstream and downstream of a weir a causeway, and measures to protect these areas;</p> <p>(i) potential long term impacts on environmental values and measures proposed to address these, for example, restoration of desired environmental values;</p> <p>(j) expected short term and long term water quality within any lakes or ponds, with</p>

	<p>reference to likely uses of the waters, environmental values, appropriate water quality criteria, proposed remedial measures in the event that criteria are not met, and who will be responsible for maintenance of the water bodies in the long term</p> <p>(k) a proposed maintenance program, including maintenance of erosion control measures, vegetation being established (e.g. watering, weed control, fencing, site security) and water quality of any lakes or ponds;</p> <p>(l) in the event that actual or potential acid sulfate soils are present, appropriate management measures for the soils including avoidance, submergence and treatment;</p> <p>(m) prevention or minimisation of windblown dust from overburden stockpiles, remnant raw material stockpiles and rehabilitation earthworks;</p> <p>(n) prevention or treatment of the release of contaminated stormwater runoff from remnant material stockpiles, disturbed areas and any lakes or ponds created to the bed or banks of any watercourse;</p> <p>(o) a proposed monitoring program, for example, plant growth, plant health, stormwater quality, water body water quality, erosion protection measures and stability;</p> <p>(p) records to be kept and reporting of outcomes, including the monitoring program results and rehabilitation outcomes achieved;</p> <p>(q) the staging and timing of the expected work;</p> <p>(r) any bonds kept for rehabilitation, for example, by the local authority; and</p> <p>(s) submission of written advice to the administering authority within fourteen (14) days of completion of site rehabilitation and decommissioning works.</p>
L15	The registered operator for the authorised activity to which this approval relates must provide a written report to the administering authority at the completion of site rehabilitation and decommissioning works within thirty days of completing the works.
L16	<p>The only material to be used for the filling of voids must be clean rock, clay, gravel, sand or soil (excluding any contaminated rock, clay, gravel, sand or soil):</p> <p>(a) obtained from the approved place; or</p> <p>(b) another uncontaminated source.</p>
<b>Agency interest: Biodiversity</b>	
Condition number	Condition
B1	<p>All reasonable and practicable measures must be taken to prevent and/or to minimise the likelihood of harm being caused to native wildlife. These measures may include, but not be limited to:</p> <p>(a) adherence to a speed limit of 40km/hr or less, at the site and along the associated access roads;</p> <p>(b) not operating vehicles during the hours of darkness, with the exception of security vehicles;</p> <p>(c) not allowing domesticated animals access to the site;</p> <p>(d) thoroughly washing all plant and earthmoving or quarrying equipment prior to arrival and departure to prevent the import and export of weeds; and</p>

	(e) actively removing all weed infestations observed on site during the period of operations.																																										
B2	A qualified fauna spotter is to be engaged to work ahead of the site clearing works.																																										
B3	<p>In the event that native fauna is present, clearing works are to cease until such time as the fauna spotter is able to safely relocate the native fauna.</p> <p><i>Note:</i> For this condition, 'native fauna' does not include koalas. If the fauna spotter finds that a koala is present in the clearing area, the fauna spotter must not remove the koala; the koala must be left to move out of the clearing area of its own volition.</p>																																										
Agency interest: Acoustic																																											
Condition number	Condition																																										
N1	<p>Noise from the authorised activity to which this approval relates must not cause an environmental nuisance at any nuisance sensitive or commercial place. For the purposes of this condition, the authorised activity will not have caused environmental nuisance where noise from the authorised activity does not exceed the limits specified in Table 1.</p> <p style="text-align: center;"><b>Table 1* – Noise limits</b></p> <table><tr><th>Noise level dB(A) measured as</th><th colspan="3">Monday to Saturday</th><th colspan="3">Sundays and public holidays</th></tr><tr><th></th><th>7am – 6pm</th><th>6pm – 10 pm</th><th>10pm – 7am</th><th>9am – 6pm</th><th>6pm – 10 pm</th><th>10pm – 9am</th></tr><tr><th></th><th colspan="6">Noise measured at a ‘Noise sensitive place’</th></tr><tr><td>L<sub>A</sub>, max, adj, 10 mins</td><td>Bkg + 5</td><td>Bkg + 3</td><td>Bkg + 0</td><td>Bkg + 0</td><td>Bkg + 0</td><td>Bkg + 0</td></tr><tr><th></th><th colspan="6">Noise measured at a ‘Commercial place’</th></tr><tr><td>L<sub>A</sub>, max adj, 10 mins</td><td>Bkg + 10</td><td>Bkg + 5</td><td>Bkg + 3</td><td>Bkg + 0</td><td>Bkg + 0</td><td>Bkg + 0</td></tr></table> <p>Bkg – background sound pressure level, LA90,15min.</p> <p>*Table 1 does not purport to set operating hours for the authorised activity.</p>	Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays				7am – 6pm	6pm – 10 pm	10pm – 7am	9am – 6pm	6pm – 10 pm	10pm – 9am		Noise measured at a ‘Noise sensitive place’						L <sub>A</sub> , max, adj, 10 mins	Bkg + 5	Bkg + 3	Bkg + 0	Bkg + 0	Bkg + 0	Bkg + 0		Noise measured at a ‘Commercial place’						L <sub>A</sub> , max adj, 10 mins	Bkg + 10	Bkg + 5	Bkg + 3	Bkg + 0	Bkg + 0	Bkg + 0
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L <sub>A</sub> , max adj, 10 mins	Bkg + 10	Bkg + 5	Bkg + 3	Bkg + 0	Bkg + 0	Bkg + 0																																					
N2	<p>Notwithstanding Table 1, the operation of rock breaking, rock hammering, crushing or screening equipment which result in impulsive or tonal noise must not be carried out:</p> <p>(a) outside the hours of 7:00 am to 5:00 pm Mondays to Fridays;</p> <p>(b) outside the hours of 7:00 am to 12:00 pm Saturdays;</p> <p>(c) on Sundays; and</p> <p>(d) on public holidays.</p>																																										
N3	All mobile and stationary plant and equipment must be operated and maintained in a manner which minimises noise emissions.																																										

N4	<p>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 following completion of monitoring. Monitoring must include:</p> <ul style="list-style-type: none"> <li>(a) <math>L_A</math>, max adj, 10 mins;</li> <li>(b) <math>L_A</math> 90, 15min;</li> <li>(c) the level and frequency of occurrence of impulsive or tonal noise;</li> <li>(d) atmospheric conditions including wind speed and direction;</li> <li>(e) effects due to extraneous factors such as traffic noise;</li> <li>(f) location, date and time of recording; and</li> <li>(g) details of measurement instrumentation and measurement procedure.</li> </ul>
N5	<p>Should noise levels be exceeded and monitoring results indicate environmental nuisance, the registered operator for the authorised activity to which this approval relates must:</p> <ul style="list-style-type: none"> <li>(a) address the complaint including the use of appropriate dispute resolution if required; and</li> <li>(b) immediately implement effective abatement measures so that emissions of noise from the authorised activity does not result in further environmental nuisance.</li> </ul>
N6	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's <i>Noise Measurement Manual</i> .
N7	No blasting is to occur at the approved place.
<b>Agency interest: Water</b>	
Condition number	Condition
WA1	Contaminants must not be released from the approved place to any waters, bed and banks of any waters, roadside gutter or stormwater drain outside the approved place except in accordance with the conditions of this approval.
WA2	Any chemicals and/or flocculent/s used to treat turbid water must not directly or indirectly cause environmental harm either during the operation of the authorised activity or post-operation.
WA3	The authorised activity to which this approval relates (including activities necessarily associated with the authorised activity) must not have a detrimental impact on groundwater quality or levels.
WA4	<p>Stormwater runoff from the site must be managed in accordance with the following hierarchy:</p> <ul style="list-style-type: none"> <li>(a) avoidance, e.g. prevent the amount of contaminated stormwater generated;</li> <li>(b) reuse, e.g. reuse contaminated stormwater;</li> <li>(c) recycle, e.g. treat contaminated stormwater for reuse; and</li> <li>(d) disposal, e.g. dispose of contaminated stormwater in a way that causes the least environmental harm and in accordance with the conditions of this approval.</li> </ul>

WA5	Except as otherwise provided by the conditions of this approval, the authorised activities must be carried out by such practicable means necessary to prevent and/or minimise the release or likelihood of release of contaminated runoff from the approved place to any stormwater drain or waters or the bed or banks of any such waters. "Contaminated runoff" for the purposes of this condition means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.
WA6	Within three (3) months of the commencement of the authorised activity to which this approval relates, the registered operator of the authorised activity to which this approval relates must implement an effective Stormwater Management Plan which details how the registered operator will manage the actual and potential impacts resulting from the contamination of stormwater at the approved place.
WA7	The Stormwater Management Plan must address at least the following matters: (a) prevention of stormwater and stormwater runoff from contacting contaminants and minimising runoff from the extraction area during overburden removal; (b) minimisation of the amount of soil disturbed by staging works; (c) details of sediment control measures; (d) separation of clean and contaminated storm waters; (e) measures for continuous improvement; and (f) measures for periodic reporting and implementation of continuous improvement measures.
WA8	A copy of the Stormwater Management Plan and any amendment of the Stormwater Management Plan must be kept at the approved place and be available for examination by an authorised person under the <i>Environmental Protection Act 1994</i> , on request.
WA9	The registered operator of the authorised activity to which this approval relates must not implement or amend the Stormwater Management Plan where such implementation or amendment would result in a contravention of any condition of this approval.
WA10	All maintenance and clean up of vehicles and other equipment or plant must be carried out in areas which minimise the risk of contaminants being released into any waters, bed and banks of any waters, roadside gutter or stormwater drain.
WA11	Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any waters, bed and banks of any waters, roadside gutter or stormwater drain
WA12	Effective erosion and sediment control structures must be designed, installed and maintained wherever necessary to prevent the erosion of disturbed areas and the release of sediment to any waters, bed and banks of any waters, roadside gutter or stormwater drain.
WA13	Erosion control and sediment control structures must be maintained at all times during operation and checked, repaired or replaced as required after each rain event.
WA14	All sedimentation basins must be designed by a suitably qualified and experienced engineer.

WA15	The storage design criteria of any stormwater containment dam must be sufficient to contain the runoff expected from a 1 in 10 year annual exceedance probability 24h rainfall event.
WA16	Sediment must be removed from the sedimentation basins when accumulated sediment reaches 33% of the total volume of that sedimentation basin. A depth indicator for 33% must be set into the internal banks of all sedimentation basins.
WA17	Stockpile areas must be bunded to direct runoff from such areas to the sedimentation basins.
WA18	Clear and uncontaminated stormwater must be diverted away from disturbed areas, and not be allowed to enter the sedimentation ponds.
WA19	Any releases of water from the sedimentation basins must not exceed 40 NTU.
<b>Agency interest: Waste</b>	
Condition number	Condition
W1	Procedures must be implemented to ensure that wastes are minimised, recycled, stored, handled and transferred in a proper and efficient manner and that any disposal of waste (other than by a release permitted by this approval) is to a facility appropriate to accept such waste.
W2	<p>The registered operator for the authorised activity to which this approval relates must not:</p> <ul style="list-style-type: none"> <li>(a) burn waste on the site;</li> <li>(b) allow waste to be burned on the site; or</li> <li>(c) remove waste from the site for burning elsewhere.</li> </ul> <p><i>Note:</i> This condition does not apply to material that is required to be burnt under quarantine regulations. Notwithstanding this, the burning of such materials is to be carried out in a way that does not cause environmental harm. This condition also does not refer to activities carried out under the provision of the <i>Fire Services Act 1990</i>.</p>
W3	Within three (3) months of commencement of the authorised activity to which this approval relates, a Waste Management Plan must be developed and implemented.
W4	<p>The Waste Management Plan must address at least the following matters:</p> <ul style="list-style-type: none"> <li>(a) the types and amount of waste generated by the activity;</li> <li>(b) how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each of the waste management practices mentioned in the waste management hierarchy (section 10 of the <i>Environmental Protection (Waste Management) Policy 2000</i>);</li> <li>(c) procedures for identifying and implementing opportunities to improve the waste management practices employed e.g. opportunities for beneficial reuse of biosolids;</li> <li>(d) procedures for dealing with accidents, spills and other incidents that may impact on the waste management;</li> </ul>



	<p>(e) details of any accredited management system employed, or planned to be employed, to deal with the waste;</p> <p>(f) how often the performance of the waste management practices will be assessed (at least annually); and</p> <p>(g) the indicators or other criteria on which the performance of the waste management practices will be assessed.</p>
W5	A copy of the Waste Management Plan and any amendment of the Waste Management Plan must be kept at the approved place and be available for examination by an authorised person under the <i>Environmental Protection Act 1994</i> , on request.
W6	The registered operator of the authorised activity to which this approval relates must not implement or amend the Waste Management Plan where such implementation or amendment would result in a contravention of any condition of this approval.
W7	Waste generated in the course of conducting the approved activity must be stored, handled and transferred in proper and efficient manner.
W8	All regulated waste removal from the approved place must be removed by a person who holds a current approval to transport such waste under the provisions of the <i>Environmental Protection Act 1994</i> .
W9	<p>Where regulated waste is removed from approved place (other than by a release permitted by this approval), the registered operator for the authorised activity to which this approval relates must monitor and keep records of the following:</p> <p>(a) the date, quantity and type of waste removed;</p> <p>(b) name of the waste transporter and/or disposal operator that removed the waste; and</p> <p>(c) the intended treatment/disposal destination of the waste.</p> <p><i>Note:</i> Records of documents maintained in compliance with a waste tracking system established under the <i>Environmental Protection Act 1994</i> or any other law for regulated waste will be deemed to satisfy this condition.</p>
W10	If a person removed regulated waste associated with the authorised activity to which this approval relates from the approved place and disposes of such waste in a manner which is unlawful, the registered operator for the authorised activity must notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal as soon as practicable.
W11	Vegetation including trees, shrubs and undergrowth should be recycled where possible, including selling any millable timber and mulching of suitable vegetation (non-weed) for rehabilitation and erosion control at the approved place.

## Definitions

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

**"AEP"** means "annual exceedance probability" in relation to a given rainfall event, and is the probability that the given event will be exceeded within a one year period. The AEP is usually expressed as '1 in n' (years) or as a percentage. The *given rainfall* event comprises a stated depth of rainfall received during a stated period: for example, 750 mm in one year, or 95 mm in 24 hours. If the 24-hour rainfall event having an AEP of 5% is, say, 120 mm, this means that for each year there will be 5% chance that the 24-hour rainfall will be 120 mm, or greater. Another way of expressing this is to say the Average Recurrence Interval is 20 years (this does not mean only 1 occurrence in every 20 years, or only 5 occurrences per century).

**"authorised activity"** means the environmentally relevant activity (ERA), or aspect of the ERA (including activities necessarily associated with the ERA) to which this approval relates.

**"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 *Environmental 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 place"** means the place authorised under this development approval for the carrying out of the specified ERAs.

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

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

**"background noise or sound level"** means either:

- $LA_{90, T}$  being the A-weighted sound pressure level exceeded for a relevant the time period measured in the absence of the noise under investigation, using fast response, or
- $L_{A_{bg, T}}$  being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a relevant time period, using fast response.

**"Code of environmental compliance"** means a code of environmental compliance approved or made under a regulation of the *Environmental Protection Act 1994*.

**"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.

**"disturbed areas"**, or words to that effect, means:

- (a) contaminated land; or
- (b) land that has been disturbed and human intervention is needed to rehabilitate it;
  - (i) including:
    - mining or quarrying areas including processing plant, stockpiles and tailings areas;
    - areas where soil has been compacted, removed, covered, exposed or stockpiled;
    - areas where vegetation has been removed or destroyed to an extent where the land is susceptible to erosion;
    - areas where land use suitability or capability has been diminished;
    - areas within waters where mining/quarry activities occur;

- areas submerged by tailings or hazardous contaminant storage dams in all cases;
  - areas under temporary infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which is to be removed after mining/quarrying has ceased; and
- (ii) not including:
- areas off mining lease or quarry site (eg. roads or tracks which provide access to the mining lease or quarry site);
  - areas previously significantly disturbed which have achieved rehabilitation outcomes;
  - by agreement with the administering authority, areas previously significantly disturbed which have not achieved rehabilitation objectives due to circumstances beyond the control of the authority/approval holder (such as climatic conditions);
  - areas under permanent infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which are to be lawfully left on the site after cessation of mining/quarrying.

**"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; or
- a water craft in a marina.

**"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*.

**"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*.

**" $L_{A, 90, 15 \text{ mins}}$ "** means the A-weighted sound pressure level exceeded for 90% of any 10 minute measurement period, obtained using Fast response.

**" $L_{A, \text{max, adj, } T_{10}}$ "** means the arithmetic 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 section of this **approval** means land excluding waters and the atmosphere.

**"noise 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; or

- that part of the curtilage of a building or structure used for purposes usually or reasonably associated with the building or structure.

**"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;
- 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; 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, nauseating or repulsive.

**"progressive rehabilitation"** means rehabilitation (defined below) undertaken progressively or in stages as mining or quarrying activities are ongoing.

**"protected area"** means -

- a protected area under the *Nature Conservation Act 1992*;
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

**"quarry material"** means material extracted from the land including, for example, stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

**"reference site"** (or analogue site) may reflect an original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be recorded as photographs, computer generated images and vegetation models etc.

**"registered operator"** mean a entity (usually a person) holding a Registration Certificate given under section 73F of the *Environmental Protection Act 1994*.

**"Registration Certificate"** means a Registration Certificate given under section 73F of the *Environmental Protection Act 1994* to the registered operator for the authorised activity.

**"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.

**"rehabilitation"** means the process of reshaping and revegetating land to restore it to a stable post mining or quarry state and in accordance with acceptance criteria or rehabilitation conditions, and where relevant includes remediation of contaminated land.

**"release"** of a contaminant into the environment, includes:

- to deposit, discharge, emit or disturb the contaminant;
- to cause or allow the contaminant to be deposited, discharged, emitted or disturbed;
- to allow the contaminant to escape; and

- to fail to prevent the contaminant from escaping.

**"rigid vehicle"** means a vehicle the load carrying area of which is fixed to the vehicle's chassis or frame (as defined in the *Australian Dangerous Goods Code*).

**"risk phrase"** means a phrase stated in the National Occupational Health and Safety Commission's (NOHSC's) document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about the substance's hazards.

**"road tank vehicle"** means a truck, trailer or semi-trailer or unit in a road train, incorporating a tank, or having a tank or tanks mounted thereon, either permanently or temporarily (as defined in *AS 2809.1-1999 — Road tank vehicles for Dangerous Goods*).

**"representative"** means a sample set, which covers the variance in monitoring or other data either due to natural changes or to different phases of mining/quarrying activities.

**"standard environmental conditions"** for a code of environmental compliance, means the standard environmental conditions approved for the ERA, or aspect of the ERA, under section 549 of the *Environmental Protection Act 1994*.

**"self sustaining"** means an area of land, which has been rehabilitated and has maintained the acceptance criteria or rehabilitation conditions outcomes without human intervention for a period nominated by the administering authority.

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

**"stable"** means geotechnical stability of a rehabilitated landform where instability caused by settlement and subsidence has ceased.

**"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 watercourse, 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 department approved under this development approval.

## END OF ENVIRONMENTAL AUTHORITY