

Permit

Environmental Protection Act 1994

Environmental authority EPPR03257115

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

Environmental authority number: EPPR03257115

Environmental authority takes effect on 23 November 2017

Environmental authority holder(s)

Name(s)	Registered address
ROMA EARTHMOVING PTY LTD	420 Dargal Road ROMA QLD 4455

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, (b) more than 100,000t but not more than 1,000,000t	Lot 3/SP180959
Prescribed ERA, ERA 16 - Extraction and Screening, 2: Extracting, other than by dredging, in a year, the following quantity of material, (b) more than 100,000t but not more than 1,000,000t	Lot 3/SP180959

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
- a change in the condition of the contaminated land (notice must be given within 24 hours); or

Environmental authority

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

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

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

Take effect

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

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

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

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

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

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

Date issued: 23 November 2017

Enquiries:
Extraction, Energy and Chemical Industries
Assessment
Department of Environment and Heritage Protection
Phone: 1300 130 372
Email: palm@ehp.qld.gov.au

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)

Environmental authority

- 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)



Legislative Requirements and Conditions of Environmental Authority

Condition

General

- G1 Activities conducted under this environmental authority must be conducted in accordance with the following limitations:
1. Extraction and Screening in a year up to a maximum of 1,000,000 tonnes.
 2. Subject to any buffer distances specified, activities associated with this approval are to be conducted within the boundaries identified in Attachment 1 – “Site Plan”, Drawing No. 3049-SPO2 drafted by Wolter Consulting Group within Lot 3 on SP180959.
- G2 Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system.
- G3 All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
- G4 Any breach of a condition of this environmental authority, must be reported to the administering authority as soon as practicable, or at most, within 24 hours of you becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
- G5 All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the administering authority upon request.
- G6 An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
- G7 All analyses required under this environmental authority must be carried out by a laboratory that has NATA certification, or an equivalent certification, for such analyses.
- G8 When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint that is not considered by the administering authority to be frivolous or vexatious, of environmental nuisance arising from the activity. The monitoring results must be provided to the administering authority upon request.
- G9 The activity must be undertaken in accordance with written procedures that:
1. identify potential risks to the environment from the activity during routine operations, closure and an emergency;
 2. establish and maintain control measures that minimise the potential for environmental harm;
 3. ensure plant, equipment and measures are maintained in a proper and effective condition;
 4. ensure plant, equipment and measures are operated in a proper and effective manner;
 5. ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*; and
 6. ensure that reviews of environmental performance are undertaken at least annually.
- G10 A minimum buffer distance of 25m must be maintained between extraction areas and the high banks of any watercourse, lake or wetland.
- WA1 All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

Acoustic

- N1 Noise from the activity must not exceed the levels identified in Table 1—Noise limits when measured in accordance with the associated monitoring requirements.

Table 1—Noise limits

Noise level measured in dBA	Monday to Saturday				Sunday and Public Holidays		
	6am - 7am	7am - 6pm	6pm - 10pm	10pm - 6am	7am - 6pm	6pm - 10pm	10pm- 7am
	Noise measured at the nearest sensitive place (dBA)						
$L_{Aeq, 1 \text{ hour (adj, T)}}$	40	45	35	30	45	35	30

Associated monitoring requirements

All monitoring devices must be correctly calibrated and maintained.

1. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.
 2. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.
- N2 When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of Table 1 - *Noise Limits*, and the results notified within 14 days to the administering authority. Monitoring must include:
1. $L_{Aeq, adj, T}$;
 2. Background noise (Background) as $L_{A 90, adj, T}$;
 3. $MaxL_{pA, T}$;
 4. the level and frequency of occurrence of any impulsive or tonal noise;
 5. atmospheric conditions including wind speed and direction;
 6. effects due to extraneous factors such as traffic noise; and
 7. location, date and time of recording.
- N3 Blasting or the generation of substantial low frequency noise is not permitted.

Air

- A1 Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any sensitive place or commercial place.

Land

- L1 Contaminants must not be released to land.
- L2 Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:
 - 1. suitable vegetation for the location is established and sustained for earthen surfaces;
 - 2. potential for erosion is minimised;
 - 3. the quality of water, including seepage, released from the site does not cause environmental harm;
 - 4. potential for environmental nuisance caused by dust is minimised;
 - 5. the water quality of any residual water body does not have potential to cause environmental harm; and
 - 6. the final landform is stable and protects public safety.
- L3 Rehabilitation of disturbed areas required under condition L2, must take place progressively as works are staged and new areas of extraction are commenced.

Water

- W1 Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment.
- W2 Contaminants must not be released to waters, including any buffer as required by condition G10.
- W3 Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- W4 The stormwater runoff from disturbed areas, generated by (up to and including) a 24 hour storm event with an average recurrence interval of 1 in 5 years must be retained on site or managed to remove contaminants before release.

Definition

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

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

'Administering authority' means the Department of Environment and Heritage Protection or its successor or predecessors.

'Appropriately qualified person(s)' means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

'Background' means noise, measured in the absence of the noise under investigation, as L_{A90T} being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

'Blasting' is the use of explosives to fracture:

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

'Boundary' means within 1m of the cadastral boundary of the approved place.

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

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

'Groundwater' means water that occurs naturally in, or is introduced artificially into, an aquifer.

' $L_{Aeq\ adj, T}$ ' means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

'Land' does not include 'waters'.

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

'Measures' has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

'NATA' means National Association of Testing Authorities.

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

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

'Prescribed contaminants' means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

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

'Release of a contaminant into the environment' means to:

- deposit, discharge, emit or disturb the contaminant;
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed;
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed;
- allow the contaminant to escape; or
- fail to prevent the contaminant from escaping.

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

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

- 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
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

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

'24 hour storm event with an average recurrence interval of 1 in 5 years' means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years. *For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.09mm/hour. The rainfall depth for this event is therefore 24 hour x 7.09mm/hour = 170.16mm.*

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

'You' means the holder of the environmental authority.

Appendices

Attachment 1

