Permit

Environmental Protection Act 1994

Environmental authority P-EA-100388452

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

Environmental authority number: P-EA-100388452

Environmental authority takes effect on the date that your related development approval DA202/01/01 takes effect**.** This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

Environmental authority holder

Name	Registered address
GLADSTONE PORTS CORPORATION LIMITED	Kullaroo House 40 Goondoon Street GLADSTONE DC QLD 4680

Environmentally relevant activity and location details

Environmentally relevant activities	Location
ERA 50 - Mineral and bulk material handling - 1(a) - Loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals - within 5km of the highest astronomical tide or 1km of a watercourse ERA 50 - Mineral and bulk material handling - 2 - Loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials	1/RP122698 Lot 1 Wharf Drive, BURNETT HEADS QLD 4670

Queensland Government

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
- 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.

	19/01/2023
Signature	Date

Rebecca Griffiths
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Utilities and Government Organisations Assessment
GPO Box 2454, Brisbane QLD 4001
Phone: 1300 130 372
Email: palm@des.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)
- 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)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Environmentally relevant activities	Location
ERA 50 - Mineral and bulk material handling - 1(a) - Loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals - within 5km of the highest astronomical tide or 1km of a watercourse ERA 50 - Mineral and bulk material handling - 2 - Loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials	1/RP122698 Lot 1 Wharf Drive, BURNETT HEADS QLD 4670

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site-specific conditions of the approval.

Ref	Condition
Schedule: General	
G1	**Activities** under this environmental authority must be undertaken in accordance with *Appendix 1: Site Layout*. The only exception to this is the **temporary activity** which must be undertaken in accordance with the following: 1. Operated in accordance with *Appendix 2: Temporary Activity*, and 2. The **temporary activity** must not be operated for more than 28 **days** per calendar year; and 3. The **temporary activity** must only be operated for a maximum of two calendar years from the take effect date.
G2	**Activities** under this environmental authority must be undertaken in accordance with the following: 1. The **activity** must not accept Silica Sand that has a respirable crystalline silica content of 10% or higher; and 2. The amount of bulk materials and minerals handled under this environmental authority must not exceed 475,000 tonnes per year; and 3. **Records** must be kept of the daily quantity of material or minerals handled; and 4. The commodities that are authorised to be stored and handled under this environmental authority are: (a) Silica sand; and (b) Kaolin; and (c) Feldspar; and (d) Ilmenite; and (e) Organic Soils; and (f) Wood pellets and chips; and

Ref	Condition
	(g) Feed Grains; and (h) Sorghum; and (i) Maize; and (j) Corn.
G3	All reasonable and practicable **measures** must be taken to prevent or minimise **environmental harm** caused, or likely to be caused, by the **activity**.
G4	Any contravention of a condition of this environmental authority must be reported to the **administering authority** as soon as practicable and within 24 hours of becoming aware of the contravention.
G5	Within 14 **days** of providing the notification under condition G4, or a longer period agreed to in writing by the **administering authority,** an investigation must be completed into any contravention of a condition of the environmental authority to determine: a) the potential circumstances and actions that may have contributed to the contravention; and b) the environmental impact of the contravention; and c) reasonable **measures** that could be implemented to address the cause of the contravention to prevent future contraventions of this nature.
G6	**Measures** identified under condition G5 must be implemented within: a) 28 **days** of the investigation required by condition G5 being completed; or b) a longer period agreed to in writing by the **administering authority**.
G7	The following details must be recorded for all contraventions of conditions within the environmental authority: (a) date and time the contravention occurred; and (b) nature and details of the contravention; and (c) investigations carried out in response to the contravention as required by condition G5; and (d) the results of investigations; and (e) **measures** implemented under condition G5.
G8	Other than as permitted by this environmental authority, the **release of a contaminant into the environment** must not occur.
G9	All **records** required by the conditions of this environmental authority must be kept for a minimum of five years, and all **monitoring results** and **raw data** must be kept until surrender of this environmental authority.

Ref	Condition
G10	All **records** required by the conditions of this environmental authority must be provided to the **administering authority:** a) within the timeframe specified by the **administering authority**; and b) in the format requested by the **administering authority**.
G11	An **appropriately qualified person(s)** must **monitor**, record and interpret all parameters that are required to be monitored by this environmental authority.
G12	The following details must be recorded for all **environmental complaints** received: (a) date and time the complaint was received; and (b) if authorised by the person making the complaint, their name and contact details; and (c) nature and details of the complaint; and (d) investigations carried out in response to the complaint as required by condition G13; and (e) the results of investigations; and (f) **measures** implemented under condition G14.
G13	An investigation must be undertaken within 28 **days** (or a longer period agreed to in writing by the **administering authority**) into all **environmental complaints** received to determine**:** (a) the potential circumstances and actions on site that may have contributed to the basis of the complaint; and (b) reasonable **measures** that could be implemented to address the complaint.
G14	**Measures** identified under condition G13 must be implemented within: (a) 28 **days** of the investigation required by condition G13 being completed; or (b) a longer period agreed to in writing by the **administering authority.**
G15	When requested by the **administering authority**, **monitoring** must be undertaken in the manner and within the timeframe prescribed by the **administering authority,** to investigate any alleged **environmental harm** caused by the **activity**.
G16	The results, including an analysis of the results, of **monitoring** required by condition G15 must be provided to the **administering authority:** (a) within 10 **days** after receipt of **monitoring results**; or (b) a longer period agreed to in writing by the **administering authority**.
G17	Written procedures must be developed which: (a) identify all potential risks to the environment from the **activity**, including:

Ref	Condition
	(i) during routine operations; and (ii) outside routine operations; and (iii) during closure; and (iv) in an emergency; and (b) identify **measures** to prevent or minimise the potential for **environmental harm** for each of the potential risks identified; and (c) establish an inspection and maintenance program for plant and equipment including calibration and servicing that is in accordance with manufacturer's instructions; and (d) establish a staff training program on obligations under this environmental authority and the *Environmental Protection Act 1994* to be conducted as part of staff inductions and at least annually thereafter; and (e) establish processes to review environmental risks, incidents, performance, and **environmental complaints**.
G18	Written procedures required by condition G17 must be: (a) implemented; and (b) reviewed at least every two years; and (c) provided to the **administering authority** upon request and within a timeframe specified by the **administering authority**.
G19	Plant and equipment necessary to comply with the conditions of this environmental authority must be installed, operated, calibrated and maintained: (a) in a proper and effective manner; and (b) in accordance with the written procedures developed under condition G17 for the plant and equipment.
G20	Chemicals and fuels in containers of greater than 15 litres must be stored within a **secondary containment system.**
Schedule: Air	
A1	Other than as approved in this environmental authority, odours or airborne contaminants from the **activity** must not cause **environmental harm** or **environmental nuisance** at any **sensitive place** or **commercial place**.
A2	Dust and particulate matter emissions from the **activity** must not exceed the following concentrations at any **sensitive place** or **commercial place**: a) dust deposition of 120 milligrams per square metre per **day**, averaged over 30 **days**, when monitored in accordance with the latest edition of Australian Standard AS/NZS 3580.10.1 *Methods for sampling and analysis of ambient air, Method 10.1:*

<table>
<tr><th>Ref</th><th>Condition</th></tr>
<tr><td></td><td>Determination of particulate matter – Deposited matter – Gravimetric method; or
b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (µm) (PM_{10}) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, when monitored in accordance with the latest edition of the relevant Australian Standards.</td></tr>
<tr><td>A3</td><td>When requested by the administering authority, dust, particulate matter and/or odour monitoring and investigation must be undertaken by an appropriately qualified person(s) to investigate a complaint of environmental nuisance caused by dust, particulate matter and/or odour.</td></tr>
<tr><td colspan="2">Schedule: Land</td></tr>
<tr><td>L1</td><td>Contaminants from the activity must not be released to land.</td></tr>
<tr><td>L2</td><td>Any spillage of wastes, contaminants, products or other materials must be cleaned up immediately. Such spillages must be cleaned up using methods that prevent the release of waste, contaminants, products or other materials to air and waters.</td></tr>
<tr><td colspan="2">Schedule: Waste</td></tr>
<tr><td>W1</td><td>All waste generated by the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.</td></tr>
<tr><td colspan="2">Schedule: Noise</td></tr>
<tr><td>N1</td><td>Other than as approved in this environmental authority, noise generated by this activity must not cause environmental harm or environmental nuisance at any sensitive place or commercial place.</td></tr>
<tr><td>N2</td><td>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in Table 3 – Noise limits at any sensitive place or commercial place.
Table 3 – Noise limits
<table>
<tr><td rowspan="2">Noise level measured in dB(A)</td><td colspan="3">Monday to Saturday</td><td colspan="3">Sunday and Public Holidays</td></tr>
<tr><td>7am–6pm</td><td>6pm–10pm</td><td>10pm–7am</td><td>9am–6pm</td><td>6pm–10pm</td><td>10pm–9am</td></tr>
<tr><td></td><td colspan="6">Noise measured at a sensitive place</td></tr>
<tr><td>$L_{Aeq\ adj,\ 1\ hr}$</td><td>40</td><td>40</td><td>40</td><td>40</td><td>40</td><td>40</td></tr>
<tr><td>$L_{Amax,\ 1\ hr}$</td><td>not applicable</td><td>not applicable</td><td>49</td><td>not applicable</td><td>not applicable</td><td>49</td></tr>
<tr><td></td><td colspan="6">Noise measured at a commercial place</td></tr>
<tr><td>$L_{Aeq\ adj,\ 1\ hr}$</td><td>50</td><td>50</td><td>50</td><td>50</td><td>50</td><td>50</td></tr>
</table></td></tr>
</table>

Ref	Condition
	Associated Requirements 1. All **monitoring** devices must be correctly calibrated and maintained. 2. All **monitoring** of noise emissions from the **activity** must be undertaken when the **activity** is in operation. 3. All **monitoring** of noise emissions from the **activity** must be undertaken in accordance with the latest edition of the *Noise measurement manual* (available on the Queensland government website), the relevant Australian Standard and the *Environmental Protection Regulation 2019* (Chapter 5, Part 4).
N3	The following must be recorded when undertaking **monitoring** of noise emissions from the **activity**: a) All equipment in operation at the time of the noise measurement; and b) The **mode of operation** of all active equipment at the time of the noise measurement. *Note: results and **monitoring** reports are **records** that must be kept in accordance with condition G8.*
N4	When requested by the **administering authority**, noise **monitoring** must be undertaken by **appropriately qualified person(s)** in the manner prescribed by the **administering authority**, to investigate a complaint of **environmental nuisance** arising from the **activity**. The noise **monitoring** data must be provided within 10 days to the **administering authority** upon request.
Schedule: Water	
WT1	Contaminants must not be released to **waters**.
WT2	Stormwater runoff must be managed to: a) prevent stormwater from entering **disturbed areas**; or b) direct stormwater that has entered **disturbed areas** or a **first flush diversion system**, to **stormwater treatment and retention measures**.
WT3	Stormwater contained within **stormwater treatment and retention measures**, may only be released to surface **waters** where: a) beneficial reuse of contained stormwater runoff on site is not viable; and b) **first flush diversion systems** are installed, operated and maintained in a proper and effective manner; and c) the release is necessary to prevent an exceedance of the stormwater retention capacity required by condition WT6; and d) the release complies with conditions WT4 and WT5.
WT4	Releases of contained stormwater in accordance with condition WT3 must not:

Ref	Condition
	a) produce any slick or other visible evidence of oil or grease; and/or b) contain visible floating oil, grease, scum, litter, or other visually objectionable matter; and/or c) contain any other properties at a concentration capable of causing **environmental harm**.
WT5	Releases of contained stormwater in accordance with condition WT3 must not cause: a) erosion of the bed and banks of the receiving **waters**; and/or b) disturbance to vegetation; and/or c) a build-up of sediment.
WT6	**Stormwater treatment and retention measures** must have capacity to retain stormwater runoff from **disturbed areas** generated by a rainfall event up to and including a **24-hour rainfall event with an Annual Exceedance Probability (AEP) of 10%**.

Definitions
Where a word or phrase in this document is defined in this Schedule or within the document, it has its corresponding meaning. Where a word or phrase in this document is not defined in this Schedule, it has the meaning given to it in (in order of priority):

- the *Environmental Protection Act 1994* (EP Act), its regulations or its environmental protection policies;
- the *Acts Interpretation Act 1954*;
- the Macquarie Dictionary (taking account of the context in which the word or phrase is used in this document).

For example, environmental value, **environmental harm**, **environmental nuisance**, material environmental harm, serious environmental harm and relevant act are defined in the EP Act and groundwater is defined in the *Environmental Protection Regulation 2019*.

Defined words or phrases in the singular include the plural and vice versa.

24-hour rainfall event with an Annual Exceedance Probability of 10% means the maximum Design Rainfall Depth (mm) from a 24-hour duration precipitation event with an annual exceedance probability of 10%.

The Design Rainfall Depth (mm) for an AEP probability of 10% over a 24-hour duration can be calculated for your location using the Intensity–Frequency–Duration (IFD) Design Rainfall Data System on the Bureau of Meteorology website.

Activity means the environmentally relevant activities to which this environmental authority relates and, unless otherwise stated, includes both the **activity** as shown in *Appendix 1: Site Layout* and the **temporary activity** as shown in *Appendix 2: Temporary Activity*.

Administering authority means the Chief Executive administering the *Environmental Protection Act 1994*.

Appropriately qualified person(s) means a person (or persons) who has professional qualifications, training, skills or experience relevant to the environmental authority (EA) requirements and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Commercial place means a place, or part 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.

Day(s) means any 24-hour period of a calendar day.

Disturbed areas means areas disturbed by the carrying out of the **activity** including areas:

a) that are susceptible to erosion; and/or

b) that are contaminated by the **activity**; and/or

c) upon which stockpiles of soil, minerals, or other materials are located.

Environmental complaints means an expression of dissatisfaction, concern or report, whether written or verbal, about the **activity** and/or its impact on the environment.

Environmental harm as defined in Section 14 of the *Environmental Protection Act 1994*.

Environmental nuisance as defined in Section 15 of the *Environmental Protection Act 1994*.

First flush diversion system means a system that diverts the initial 10mm of rainfall from roofed structures to the **stormwater treatment and retention measures**.

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

$L_{Amax,\ 1\ hr}$ means the maximum A-weighted sound pressure level over the 1-hour measurement period.

Land means land excluding **waters** and the atmosphere.

Measures has the broadest interpretation and includes plant, equipment, physical objects, **monitoring**, procedures, actions, directions and competency.

Mode of operation means a condition or manner in which a unit may operate or function while on location or in transit.

Monitoring results includes analysis results (laboratory and in situ) and **monitoring** reports.

Monitor, monitored and monitoring means monitoring the impact of an **activity** on the receiving environment and includes analysing, assessing, examining, inspecting, measuring, modelling or reporting any of the following matters—

(a) the quantity, quality, characteristics, timing and variability of the release of any contaminant; and

(b) the effectiveness of any control measure; and

(c) the characteristics of, and impact on, the receiving environment; and

(d) the effectiveness of remedial or rehabilitation **measures** (if applicable to the relevant monitoring requirement).

Raw data means primary data collected from a source that has not been processed and includes **monitoring** sheets, **monitoring** device readings, laboratory analysis results and certificate of analysis.

Records include any written procedures, plans, **monitoring** results, and **monitoring** programs required under a condition of this environmental authority.

Release of a contaminant into the environment means to:

(a) deposit, discharge, emit or disturb the contaminant; or

(b) cause or allow the contaminant to be deposited, discharged, emitted or disturbed; or

(c) fail to prevent the contaminant from being deposited, discharged emitted or disturbed; or

(d) allow the contaminant to escape; or

(e) 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** or **waters**.

Sensitive place is any part of the following:

a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or

b) a motel, hotel or hostel; or

c) a kindergarten, school, university or other educational institution; or

d) a medical centre or hospital; or

e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or

f) a public park or garden; or

g) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2019*; or

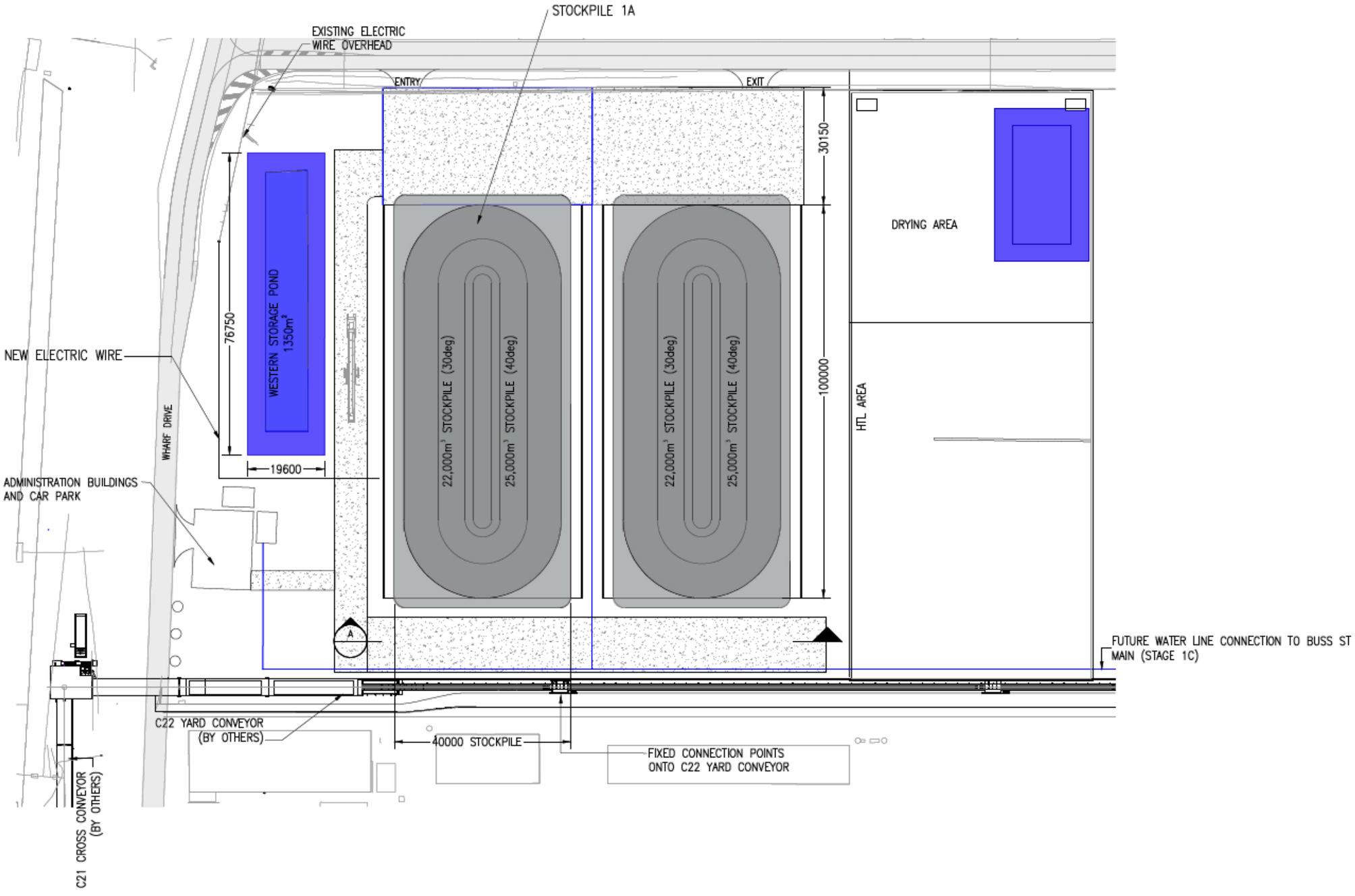
h) the area within the curtilage of any of the above places.

Stormwater treatment and retention measures include stormwater dams/ponds and sediment dams/ponds, and other sediment management infrastructure both temporary and permanent, operated as part of the **activity**.

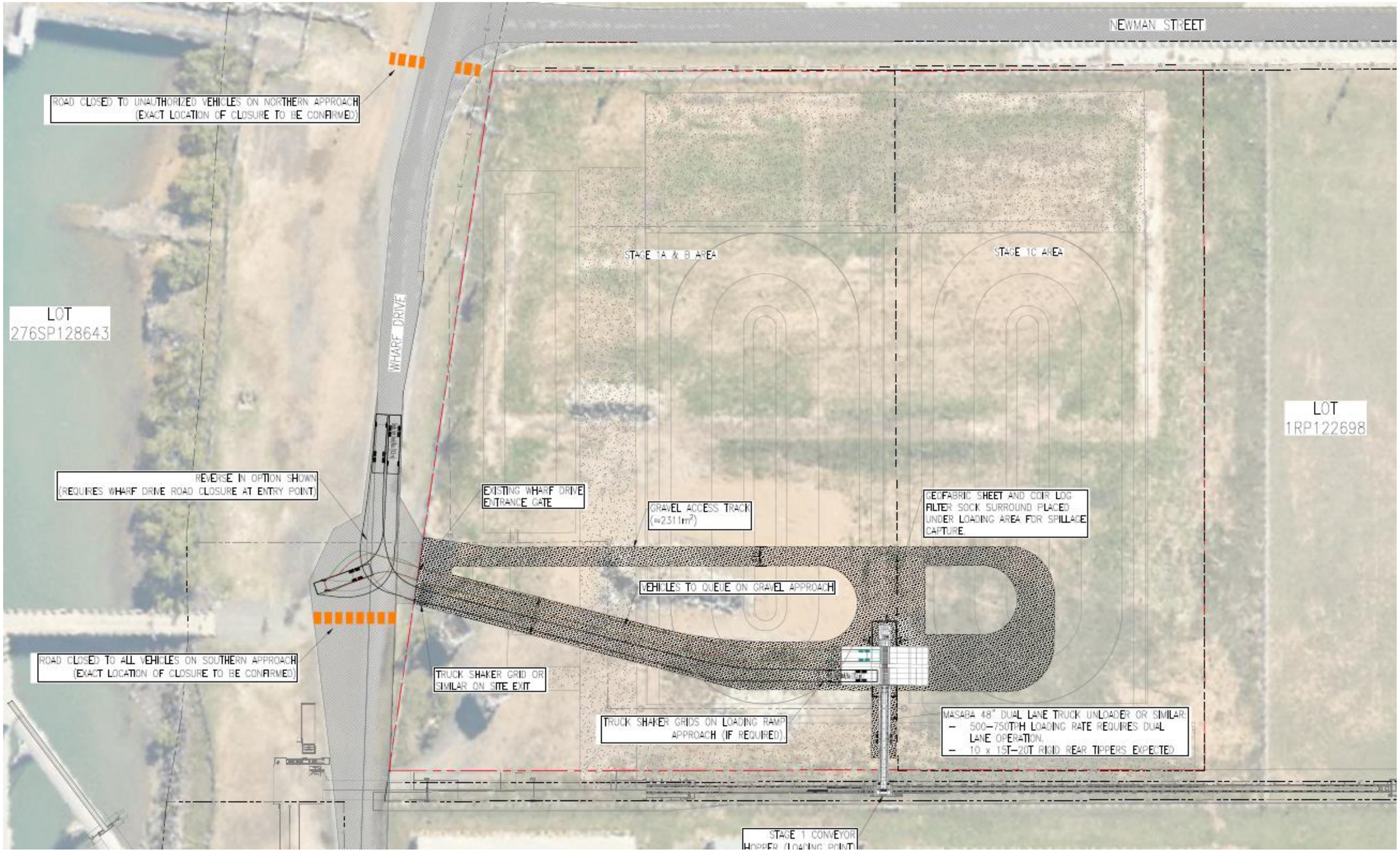
Temporary activity means the **activity** undertaken in accordance with the site layout shown in *Appendix 2: Temporary Activity*, which is authorised to be operated for no more than 28 **days** per calendar year.

Waters includes a 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.

Appendix 1: Site Layout



Appendix 2: Temporary Activity



END OF ENVIRONMENTAL AUTHORITY