

Development Permit

Section 3.3.15

Integrated Planning Act 1997

EPA Permit ¹ number:	IPDE00324405A11
Assessment Manager reference:	MCY1554
Date application received by EPA:	28-NOV-2005
Permit ¹ Type:	Recommencement of an ERA
Date of Decision:	06-FEB-2006
Decision:	Granted in full with conditions
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

The Development Permit applies to and binds any person carrying out the activity under the approval.

Applicant: Alberton Investments Pty Ltd
C/o Groundwork EMS Pty Ltd
9 McInroy Street
TARINGA QLD 4068

Development Description

Property/Location

Lot/Plan:
Lot 259 MCH 187

Street address:
150 Sheppersons Lane, Kin Kin, Qld 4571

Aspect of Development:
ERA 20(c) Extracting rock or other material
ERA 22(c) Screening etc. materials
ERA 11(a) Crude oil or petroleum product storing
ERA 28 Motor vehicle workshop

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in

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accordance with section 73B of the Environmental Protection Act 1994.

Additional comments or advice about the application

No additional comments.

Additional information for applicants

No additional information.

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.



Dr Glen Brown – District Manager
Delegate
Environmental Protection Agency

06-FEB-2006

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Approval Conditions

Activities:

ERA 20(c) Extracting rock or other material – extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or petroleum authority) from a pit or quarry using plant or equipment having a design capacity of 100 000 t or more a year.

ERA 22(c) Screening etc. materials – screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant or equipment having a design capacity of 100 000 t or more a year.

ERA 11(a) Crude oil or petroleum product storing – storing crude oil or a petroleum product in tanks or containers having a combined total storage capacity of 10 000L or more but less than 500 000L.

ERA 28 Motor vehicle workshop – operating a workshop or mobile workshop in the course of which motor vehicle mechanical or panel repairs are carried in the course of a commercial or municipal enterprise (other than on a farm or under a mining tenement) or on a commercial basis.

Agency Interest: General

General 1: Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and/or to minimise the likelihood of environmental harm being caused.

General 2: Maintenance of Measures, Plant and Equipment.

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

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

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General 3: Site Based Management Plan.

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

The SBMP must address the following matters:

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

General 4: Records

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

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Agency Interest: Air

Air 1: When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

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

Air 2: Nuisance

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

Air 3: Dust Nuisance

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

Air 4: Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:

- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003
(or more recent editions); OR
- b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'; or -
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

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Air 5: When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

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

Agency Interest: Land

Land 1: Land Rehabilitation

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

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) the quality of stormwater, other water and seepage released from the site 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 environmental harm;
- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is stable and not subject to slumping.

Land 2: Rehabilitation of the disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

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Agency Interest: Noise

Noise 1: Noise Nuisance

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

Noise 2: All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Noise 3: Noise Monitoring

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

- background noise;
- LA 10, adj, 10 mins;
- LA 1, adj, 10 mins;
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

Noise 4: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Noise 5: Vibration Nuisance

Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

Noise 6: Vibration emitted from activities must not exceed the levels specified in Table 2 – Vibration nuisance at a nuisance sensitive place.

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Noise 7: Vibration Monitoring

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

- a) peak particle velocity (mm/s);
- b) location of the blast/s within the site (including which bench level);
- c) atmospheric conditions including temperature, relative humidity and wind speed and direction;
- d) the level and frequency of occurrence of impulsive or tonal noise;
- e) atmospheric conditions including wind speed and direction;
- f) effects due to extraneous factors; and
- g) location, date and time of recording.

Agency Interest: Social

Social 1: The registered operator of the activity must record the following details for all complaints received and provide this information to the administering authority on request:

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

Agency Interest: Water

Water 1: Erosion Protection Measures and Sediment Controls

Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment. The size of any sedimentation dam must be sufficient to contain the runoff from disturbed areas from a 24 hour storm with an average recurrence interval of 1 in 5 years.

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Water 2: There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	6am - 6pm	6pm - 10pm	10pm - 6am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'nuisance sensitive place'					
L _{A10} , adj, 10 mins	55	50	40	55	50	40
L _{A1} , adj, 10 mins	60	55	45	60	55	45
	Noise measured at a 'Commercial place'					
	6am - 6pm	6pm - 10pm	10pm - 6am	9am - 6pm	6pm - 10pm	10pm - 9am
L _{A10} , adj, 10 mins	65	60	50	65	60	50
L _{A1} , adj, 10 mins	70	65	55	70	65	55

Table 2 - Vibration limits at a nuisance sensitive place

	Monday to Friday 7am - 6pm Saturday 9am - 1pm	Sundays and public holidays
Houses and low rise residential buildings and commercial and industrial buildings or structures of reinforced concrete or steel construction.	Airblast overpressure is no more than 115dB(Lin) peak for 4 out of any 5 consecutive blasts. Ground vibration is (i) for vibrations of more than 35 Hz – no more than 25mm a second ground vibration, peak particle velocity; and (ii) for vibrations of no more than 35 Hz – no more than 10mm a second ground vibration, peak particle velocity	No blasting to occur

End Tables Attachment

Attachment – Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"administering authority" means the Environmental Protection Agency or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

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"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

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

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

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- 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;
- a water craft in a marina.

"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.

" $L_{A10, adj, 10 mins}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $L_{A1, adj, 10 mins}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

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

"land" In the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or

and includes a place within the curtilage of such a place reasonably used by persons at that place.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"protected area" means –

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

"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.

"site" means the place to which this development approval relates or the premises to which this development approval relates.

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

- in a natural channel, whether artificially improved or not; or

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- in an artificial channel that has changed the course of the watercourse.

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

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

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