

## Registration certificate

*Environmental Protection Act 1994*

# Registration certificate

**No: ENRE00802108**

This registration certificate is issued by the administering authority and is a replacement document for ENRE00773808, ENRE00937609 and the original approval ENRE00802108 issued on: 3 July 2008

The anniversary day for the purposes of the Annual Return remains: 3 July.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

**Registered Operator:-**

Bemcove Pty Ltd  
44 Jordan Terrace  
BOWEN HILLS QLD 4006

**Place:-**

Lot 2 Plan RP188298, Lot 4 Plan RP217765, Lot 906 Plan SL6911

**Located at:-**

146 Watson Road, ACACIA RIDGE QLD 4110

**Registered Activity/ies: -**

ERA 16 Extractive and screening activities Threshold 2(c) - extracting, other than by dredging, in a year, more than 100000t to 1000000t of material

ERA 16 Extractive and screening activities Threshold 3(b) - screening, in a year, more than 100000t to 1000000t of material

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ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

ERA 60 Waste disposal Threshold 2(f) - operating a facility for disposing of, in a year, more than 50000t to 100000t of only general waste or general waste and any or any combination of limited regulated waste that is no more than 10% of the total amount of waste received at the facility or - if the facility is in a scheduled area - no more than 5t of untreated clinical waste



Linda Gorman  
Department of Environment and Resource Management  
Environmental Protection Act 1994

11-JUL-2011

## Environmental Protection Act 1994

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**Licence No.**      **SR890**

### Section 45(1)

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Under the provisions of the *Environmental Protection Act 1994* this environmental authority is issued:

**To:**              Bemcove Pty Ltd

**Address:**      Unit 5/158 Moray Street  
NEW FARM QLD 4110

**In respect of carrying out the following environmentally relevant activity/ies at the following place(s):**

Lot 2 on RP188298; Lot 4 RP 217765; and Lot 906 SL 6911, County of Stanley Parish of  
Yeerongpilly

**located at:**    146 Watson Road  
ACACIA RIDGE QLD 4110

**ERA 75(a)(vi)** Waste disposal - operating a facility for - disposing of general waste or  
limited regulated waste, if the facility is designed to receive waste at the rate off - 50 000  
tonnes or more but less than 75 000 tonnes per year.

This environmental authority is issued subject to the conditions set out in the schedules attached to this  
environmental authority.

This licence takes effect from 20 April 1998.

signed.....

R Wolff  
Regional Manager (Environment)  
Delegate of Administering Authority  
*Environmental Protection Act (1994)*

date.....**27/3/98**

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*Environmentally Relevant Activity*  
75(a)(vi) - Waste disposal

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This environmental authority consists of the following schedules-

Schedule A - General Conditions

Schedule B - Air

\Schedule C - Water

Schedule D - Stormwater Management

Schedule F - Noise

Schedule G - Waste Management

Schedule H - Monitoring and Reporting

Schedule I - Definitions

Schedule J - Brisbane City Council Bimap



## **SCHEDULE A - GENERAL CONDITIONS**

### **Maintenance of plant and equipment**

(A1) The holder of this environmental authority must:

- (i) install all plant and equipment necessary to ensure compliance with the conditions; and
- (ii) maintain such plant and equipment in a proper and efficient condition; and
- (iii) operate such plant and equipment in a proper and efficient manner.

In this condition, "plant and equipment" includes:

- (i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;
- (ii) devices and structures to contain foreseeable escapes of contaminants and waste;
- (iii) vehicles used to transport waste;
- (iv) devices and structures used to store, handle, treat and dispose of waste;
- (v) monitoring equipment and associated alarms; and
- (vi) backup systems that act in the event of failure of a primary system.

### **Display of Environmental Authority**

(A2) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.

### **Records**

- (A3) Any record or document required to be kept by a condition of this environmental authority must be kept at the registered office of Bemcove Pty Ltd located at Unit 5/158 Moray Street New Farm Brisbane 4110 for a period of at least five years (except as otherwise provided) and be available for examination by an authorised person.
- (A4) Notwithstanding condition A3, the baseline environmental monitoring data and any report or records arising from the collection of that data must be kept during the time the environmentally relevant activity is carried out, during the time any rehabilitation works are carried out and during the period that any post-closure care of the facility is conducted.
- (A5) Copies of any record or document required to be kept by a condition of this environmental authority must be provided to any authorised person or the administering authority on request.

### **Alterations**

- (A6) 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 by this environmental authority.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant released into the environment.



**Calibration**

- (A7) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority must be calibrated, and appropriately operated and maintained.

**Waste Segregation Line**

- (A8) By 1 May 1998, a designated waste segregation line must:
- (i) be surveyed and appropriately marked and defined for the life of the waste disposing operation (with permanently marked posts);
  - (ii) be submitted in a survey plan format to the administering authority;
  - (iii) to the extent practicable match the levels of the flood regulation line as depicted in the Brisbane City Council BIMAP in Schedule J); and
  - (iv) be clearly signposted to show the 'clean fill' area (inside or on the Oxley creek side of the line) and the 'mixed waste' area (outside or away from the Oxley creek side of the line).

**Other requirements**

- (A9) Any landfill liner design and leachate management system must be developed by a person possessing appropriate qualifications and experience in the field of waste management including hydrogeology and geotechnical engineering to be able to competently make recommendations about these matters.

**End of Conditions for Schedule A**

**SCHEDULE B- AIR**

- (B1) Dust or particulate matter that will have or is likely to have an adverse effect on people living in or using the surrounding area shall not be permitted to emanate beyond the boundaries of the licensed place.
- (B2) The holder of this environmental authority must undertake all reasonable and practicable measures to minimise wind-borne dust and particulate emissions to the atmosphere from the waste disposal facility. Such measures may include, but are not necessarily limited to:
- (i) minimising the area of land disturbed at any one time;
  - (ii) use of appropriate dust suppressants;
  - (iii) revegetation of disturbed areas;
  - (iv) handling dusty waste and earthen materials in calm weather conditions;
  - (v) treating unsealed roads or areas with a chemical dust suppressant;
  - (v) watering unsealed roadways or exposed areas.
- (B3) The following materials must not be used for dust suppression purposes:
- (i) any leachate;
  - (ii) waste oil; and
  - (iii) stormwater which has become contaminated following contact with waste.
- (B4) Any earthen material stockpiles must be maintained to minimise wind-blown emissions to the atmosphere from these sources.
- (B5) Any sealed traffic areas within the waste disposal facility must be kept clean so as to minimise the release of dust and particulate matter to the atmosphere.

**Rehabilitation - Dust Control**

- (B6) Any filled areas must be revegetated on the completion of waste disposal operations.
- (B7) Rehabilitation must be carried out in such a manner as to minimise releases of wind-blown dust and erosion.
- (B8) Access to areas awaiting rehabilitation or being rehabilitated must be restricted by suitable barriers to prevent disturbance of these areas.

**End of Conditions for Schedule B**

Environmentally Relevant Activity  
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### **SCHEDULE C - WATER**

#### **Release of Contaminants to Waters**

- (C1) Contaminants must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters except:
- (i) as permitted under the stormwater management schedule; or
  - (ii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.
- (C2) On or before 1 July 1998, the holder of this environmental authority must:
- (i) submit to the administering authority documentation detailing
    - (a) the practices and procedures implemented or proposed to be implemented that will ensure compliance with the conditions of this environmental authority in so far as they relate to release of leachate to groundwater and surface waters at this licensed place; and
    - (b) the data/information relied upon to demonstrate the likelihood of compliance with the requirements mentioned in subclause (i) of this condition; and
    - (c) applicable design plans for any liner system and leachate management system that is proposed to be installed at the licensed place.
  - (ii) have due regard to any comments made by the administering authority on that documentation in implementing appropriate and effective practices and procedures to ensure such compliance.

#### **Leachate Collection and Disposal**

- (C3) For any waste disposal unit outside the waste segregation line, a liner system and leachate collection system must be installed and maintained to effectively and efficiently:
- (i) minimise the likelihood of any release of contaminants to groundwater;
  - (ii) collect leachate generated in the waste disposal unit(s);
  - (iii) convey the collected leachate out of the waste disposal unit(s) to an appropriate leachate storage facility; and
  - (iv) minimise the height of the leachate above the floor of any waste disposal unit .
- (C4) Leachate and stormwater runoff which has been in contact with waste materials in any waste disposal unit outside the waste segregation line must be collected in the leachate storage facility and be:
- (i) discharged to sewer in accordance with the requirements of the relevant Local Government; or
  - (ii) recirculated through waste disposed in the waste disposal unit by a method other than spray irrigation.

#### **End of Conditions for Schedule C**





## **SCHEDULE D -STORMWATER MANAGEMENT**

### **Release of Contaminated Stormwater Runoff**

- (D1) Except as otherwise provided by the conditions of the stormwater management schedule and the water schedule of this environmental authority, the environmentally relevant activity 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 licensed 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.

### **Cleaning and Spillages**

- (D2) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas where contaminants cannot be released into any waters, roadside gutter or stormwater drain.
- (D3) 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 stormwater drainage system, roadside gutter or waters.

### **Erosion Protection Measures and Sediment Controls**

- (D4) A system of diversion drains and/or embankments must be constructed and maintained to divert surface waters away from any area of the licensed place where contact with waste or contaminants may occur.
- (D5) Drainage through and from all trafficable areas must be designed to minimise surface flow velocities.
- (D6) Erosion control and sediment control structures must be maintained at all times during the periods of operation or rehabilitation and checked, repaired or replaced as required after each rain event.

### **Pond conditions**

- (D7) Any ponds and/or tanks used for the storage or treatment of contaminants or waste must be installed and maintained to minimise any release of the stored contaminants or waste through the bed or banks of the pond(s) and/or tank(s) such that the likelihood of environmental harm being caused to any waters (including groundwater) is minimised.
- (D8) Any ponds used for the storage or treatment of contaminants or waste must be installed and maintained so that a freeboard of not less than 0.5 metre is maintained at all times.
- (D9) Any ponds used for the storage or treatment of contaminants or waste must be installed and maintained to ensure the stability of the ponds construction.
- (D10) Any sediment retention pond(s) must be maintained on the site at all times the environmentally relevant activities are carried out and until all remaining disturbed areas are rehabilitated.

### **End of Conditions for Schedule D**



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## SCHEDULE F - NOISE

### Emission of Noise

- (F1) The environmentally relevant activity must be carried out by such reasonable and practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes an unreasonable intrusive noise. The reasonable and practicable measures adopted for the licensed place must be incorporated into the relevant procedure(s) implemented under the integrated environmental management system.
- (F2) In the event of a complaint about noise that constitutes an unreasonable intrusive noise being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the licensed place must not result in levels greater than those specified in Table 1 of the Noise Schedule.

Schedule F - Table 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax, adj T}$
7 am - 6 p.m.	Background noise level plus 5 dB(A)
6 p.m. - 10 p.m.	Background noise level plus 5 dB(A)
10 p.m. - 7 am	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level $L_{Amax, adj T}$
7 am - 6 p.m.	Background noise level plus 10 dB(A)
6 p.m. - 10 p.m.	Background noise level plus 10 dB(A)
10 p.m. - 7 am	Background noise level plus 8 dB(A)

End of Conditions for Schedule F



## **SCHEDULE G - WASTE MANAGEMENT**

### **General**

- (G1) The only wastes accepted for disposal at the licensed place after 1 July 1998 and prior to the commissioning of a managed waste disposal unit located outside the waste segregation line must be free of contamination and limited to:
- (i) naturally occurring clay, sand or soil; or
  - (ii) glass, ceramic products, bricks or masonry; or
  - (iii) crushed rock, concrete (including reinforcing rods).

### **Waste Acceptance Criteria - Landfill Units (outside the waste segregation line)**

- (G2) The only wastes accepted for disposal in the waste disposal unit(s) located outside the waste segregation line must be general wastes being demolition and building wastes and commercial and industrial wastes excluding the following wastes:
- (i) any liquescent waste (other than any leachate or landfill gas condensate generated within the waste disposal unit);
  - (ii) any regulated waste;
  - (iii) any putrescible waste;
  - (iv) chemically impregnated timber with the exception of minor amounts of chemically impregnated timber incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (5) percent of the total waste mass received in any one year at the waste disposal facility;
  - (v) metals with the exception of minor amounts of metals incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (5) percent of the total waste mass received in any one year at the waste disposal facility;
  - (vi) plasterboard, paper and/or cardboard with the exception of plasterboard, paper and/or cardboard incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (5) percent of the total waste mass received in any one year at the waste disposal facility;
  - (vii) plastic products with the exception of minor amounts of plastics incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (10) percent of the total waste mass received in any one year at the waste disposal facility;
  - (viii) garden and/or green waste with the exception of garden and/or green waste incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (5) percent of the total waste mass received in any one year at the waste disposal facility;
  - (ix) paper product sludges; or
  - (x) textiles including carpets and carpet underlay with the exception of minor amounts of carpets and carpet underlay incidental to or commingled with other wastes in mixed waste loads and in quantities totaling no more than (1) percent of the total waste mass received in any one year at the waste disposal facility.

### **Waste Acceptance Criteria - Landfill Units (inside the waste segregation line)**

- (G3) The only wastes accepted for disposal in the waste disposal unit(s) located inside the waste segregation line must be free of contamination and limited to:
- (i) naturally occurring clay, sand or soil; or
  - (ii) glass, ceramic products, bricks or masonry; or
  - (iii) crushed rock, concrete (including reinforcing rods).

(G4) Waste must not be deposited:

- (i) closer than 60 metres from any adjacent Oxley creek bank; and
- (ii) closer than 20 metres to any ephemeral stream on the site; and
- (iii) outside a final relief that concurs within 10% of survey contours (pre sand mining contours in accordance with Department of Minerals and Energy data/maps).

**Waste Facility Design and Operational Criteria**

(G5) In the event of the holder of this environmental authority becoming aware of the prohibited wastes being commingled in any waste stream the holder of this environmental authority must:

- (i) cease the depositing of such waste if depositing of such waste is occurring;
- (ii) remove the prohibited waste and store in a proper and efficient manner;
- (iii) notify the person who sent the prohibited waste to the licensed place of the detection of prohibited waste in the waste received;
- (iv) as soon as practicable arrange for a person who can lawfully transport such waste to collect such waste;
- (v) arrange for the person transporting the prohibited waste to transport such waste to a facility that can lawfully accept such waste;
- (vi) produce the following records:
  - (a) type of prohibited waste;
  - (b) quantity of prohibited waste;
  - (c) date of disposal;
  - (d) **name and address of the person(s) transporting the prohibited waste to the facility;**
  - (e) name and address of the person(s) who generated the prohibited waste (if such person(s) can be reasonably identified).

For the purpose of this condition, "prohibited waste" means a waste (including a proportion of waste) which is not permitted to be accepted at the facility by a condition of this environmental authority.

- (G6) Every lift of waste deposited within the waste disposal facility must be evenly and properly consolidated by mechanical plant to the greatest extent practicable.
- (G7) Large metal articles permitted to be buried at the waste disposal facility as provided by condition number G2(v) must be compacted to the greatest extent practicable prior to being deposited in the waste disposal unit. Compacted metal articles must be deposited at the base of the operating face of the waste disposal unit.
- (G8) Exposed wastes must be limited to the working face of the waste disposal unit and the area of exposure must be minimised to the greatest extent practicable.
- (G9) Where litter is blown or washed from the facility in amounts which are not insignificant in scale or extent, the holder of this environmental authority must take all reasonable and practicable actions to retrieve the litter and ensure that it is disposed of in an appropriate manner.



### **Record of Deposited Wastes**

- (G10) The holder of the environmental authority must monitor and record the following information in relation to wastes to be deposited at the waste disposal facility:
- (i) type of waste (if a mixed waste load is received and waste type(s) can not be reasonably identified, the waste should be recorded as "mixed waste");
  - (ii) quantity of waste;
  - (iii) date of disposal;
  - (iv) name and address of the person(s) transporting the waste to the facility; and
  - (v) name and address of the person(s) who generated the waste (if such person(s) can be reasonably identified).

### **Periodic Waste Composition Surveys**

- (G11) By 1 July 1998, the holder of this environmental authority must implement practices and procedures including biannual waste composition surveys, covering a period of 20 hours in one week, such that the holder of this environmental authority can demonstrate to the administering authority in a competent manner using factually correct information that the waste disposal facility complies with the waste acceptance criteria for the facility.
- (G12) By 1 January 1999, the holder of this environmental authority must submit details of the practices and procedures proposed to be implemented so as to comply with condition number G11.
- (G13) The holder of this environmental authority must have due regard to any comments made by the administering authority on the proposed practices and procedures referred to in condition G12 prior to the implementation.

### **Security**

- (G14) The holder of this environmental authority must ensure that, at all times while the environmentally relevant activity is open, at least one person is present who is responsible for the control and operation of the facility and whose duties must include but are not limited to:
- (a) controlling the reception, storage and removal of waste;
  - (b) maintaining the facility to an appropriate environmental standard;
  - (c) controlling all employees working in the facility;
  - (d) supervising all persons entering the facility; and
  - (e) supervising that waste acceptance criteria is being maintained.
- (G15) The waste disposal facility must be enclosed by a security fence (or equivalent measures to prevent vehicular access) with lockable gate(s) installed and maintained to a standard that will prevent unauthorised access.
- (G16) The holder of this environmental authority must ensure that all access gates are locked when the licensed activity is unattended.



### Signage

- (G17) The holder of this environmental authority must prominently display at the licensed place appropriate signs specifying:
- (i) that unlawful entry and unauthorised scavenging is prohibited;
  - (ii) the appropriate locations at which specified waste may be deposited and any requirements as to the deposition of such waste;
  - (iii) the waste which is permitted to be deposited at the facility and advising that other waste must not be deposited at the facility;
  - (iv) that lighting of fires is prohibited; and
  - (v) the hours and days the facility will be open for the receipt of wastes;

### Fire Prevention

- (G18) Clear access to the water supply for fire fighting vehicles must be provided at all times.
- (G19) An effective fire break must be provided and maintained for any waste disposal unit. Fire management practices must comply with any requirements of the Regional Fire Commander.
- (G20) The holder of this environmental authority must not:
- (i) allow waste to burn or be burned at or on the licensed place; nor
  - (ii) remove waste from the licensed place and burn such waste elsewhere.

### Public Health Issues

- (G21) The holder of this environmental authority must take all reasonable and practicable measures necessary to ensure that the carrying out of the environmentally relevant activity does not cause any adverse effect on public health or any nuisance, particularly in relation to propagation of diseases, fly breeding, mosquito breeding, and harbourage and/or breeding of rats and other pest organisms and/or vectors.
- (G22) In the event of any adverse effect upon public health and/or any nuisance arising from the conduct of the environmentally relevant activity, the holder of the environmental authority must take all reasonable and practicable measures necessary to:
- (i) abate such adverse effects and such nuisance; and
  - (ii) prevent the likelihood of any recurrence of the circumstances that gave rise to such adverse effects and/or such nuisance.

### Off Site Movement

- (G23) Where regulated waste is removed from the licensed place, the holder of this environmental authority must monitor and record the following:
- (a) the date, quantity and type of waste removed; and
  - (b) name of the waste transporter and/or disposal operator that removed the waste; and
  - (c) the intended treatment/disposal destination of the waste.





**Closure and Post-Closure Care - (outside the waste segregation line)**

- (G24) When the deposition of waste to the waste disposal unit (outside the waste segregation line) ceases, the holder of this environmental authority must install a final cover system for the waste disposal unit which effectively minimises:
- (i) infiltration of water into the waste disposal unit; and
  - (ii) the likelihood of any erosion occurring to either the final cover system or the landfilled materials.
- (G25) The final cover system (outside the waste segregation line) must include at least a layer of material of sufficiently low permeability to minimise infiltration.
- (G26) The final cover system must be terraced and/or graded to a sufficiently gradual slope and revegetated as soon as practicable with suitable species so as to prevent erosion from this source.
- (G27) The final cover system must be graded to such an extent that water does not pond on the final cover system.

**Closure and Post-Closure Care - (all waste disposal units at the licensed place)**

- (G28) For the purposes of preventing and/or minimising the likelihood of environmental harm being caused as a result of deposition of waste in the facility, the holder of this environmental authority must, following cessation of deposition of waste in the waste disposal unit, conduct post closure care of the waste disposal unit until it is demonstrated to the administering authority in a competent manner using factually correct information that the waste disposal unit and surrounding site are geotechnically stable and that no release of waste materials, leachate, landfill gas or other contaminants to the environment is likely.
- (G29) The program of post closure care implemented must be effective in preventing and/or minimising the likelihood of environmental harm being caused or allowed. The program must include measures to:
- (i) maintain the structural integrity and effectiveness of the final cover system;
  - (ii) maintain the groundwater monitoring system and monitor quality of groundwater at a frequency sufficient to detect any release of contaminants to groundwater where required; and
  - (iii) provide a final cover system with at least an upper layer of earthen material that is capable of sustaining native plant growth.
- (G30) The holder of this environmental authority must develop and provide to the administering authority a waste disposal unit rehabilitation plan at least two (2) months before the anticipated final receipt of wastes in the waste disposal unit. The rehabilitation plan must detail the actions the holder of this environmental authority intends to take to implement the requirements of this environmental authority in respect of the final cover system and the program of post-closure care.
- (G31) The holder of this environmental authority must have due regard to any comments made by the administering authority on the waste disposal unit rehabilitation plan.
- (G32) The holder of this environmental authority must begin closure activities of the waste disposal unit no later than 28 days after the date on which the waste disposal unit receives the recorded final receipt of wastes.



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- (G33) Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this environmental authority.

**End of Conditions for Schedule G**





## **SCHEDULE H - MONITORING AND REPORTING**

### **Complaint Recording**

- (H1) All complaints received by the holder of this environmental authority relating to releases of contaminants from operations at the licensed place must be recorded and kept in a log book with the following details:
- (i) time, date and nature of complaint;
  - (ii) type of communication (telephone, letter, personal etc.);
  - (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
  - (iv) response and investigation undertaken as a result of the complaint;
  - (v) action taken as a result of the complaint investigation and signature of responsible person;
  - (vi) name of person responsible for investigating complaint.

### **Incident Recording**

- (H2) A record must be maintained of events including but not limited to:
- (i) any fire at the licensed place;
  - (ii) any release of leachate or stormwater runoff which has been in contact with any raw materials, wastes and contaminants used for, and/or resulting from, carrying out any activity on the licensed place to the receiving waters;
  - (iii) detection by the environmental monitoring program of any release of contaminants not likely to be in accordance with the conditions of this environmental authority; and
  - (iv) incidents which have adverse public health consequences and/or cause nuisance including time, date, duration and nature of the incident.

### **Notification of Emergencies and Incidents**

- (H3) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone or facsimile.
- (H4) The notification of emergencies or incidents as required by condition number H3 must include but not be limited to the following:
- (i) the holder of the environmental authority;
  - (ii) the location of the emergency or incident;
  - (iii) the number of the environmental authority;
  - (iv) the name and telephone number of the designated contact person;
  - (v) the time of the release;
  - (vi) the time the holder of the environmental authority became aware of the release;
  - (vii) the suspected cause of the release;
  - (viii) the environmental harm and/or environmental nuisance caused, threatened, or suspected to be caused by the release; and
  - (ix) actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.



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- (H5) Not more than 14 days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with condition number H4 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident;
  - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and/or environmental nuisance.
- (H6) As soon as practicable, but not more than 3 months following the conduct of any environmental monitoring performed in relation to the emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must provide written advice of the results of any such environmental monitoring performed.

### Noise Monitoring

- (H7) For the purposes of checking compliance with condition number F1 of the noise schedule, monitoring and recording the noise levels from the activity must be undertaken for the following descriptors, characteristics and conditions:
- (i)  $L_{Amax, adj T_i}$ ;
  - (ii)  $L_{Aeq, T}$  or  $L_{A90, T_i}$ ;
  - (iii)  $L_{AN, T}$  (where N equals statistical levels of 1, 10, 50, 90 and 99);
  - (iv) The level and frequency of occurrence of impulsive or tonal noise;
  - (v) Atmospheric conditions including temperature, relative humidity and wind speed and direction; and
  - (vi) Effects due to extraneous factors such as traffic noise.
- (H8) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition, March 1995, or more recent additions or supplements to that document as become available.
- (H9) All measurement and reporting of noise levels must be performed by a person of body possessing appropriate experience and qualifications to perform the required measurements.

### Groundwater Monitoring

- (H10) A groundwater monitoring system must be installed for each waste disposal unit developed outside the waste segregation line. The system must include a sufficient number of wells installed at locations and depths which yield representative groundwater samples from the uppermost aquifer and that establish:
- (i) background groundwater quality in hydraulically up-gradient or background well(s) that have not been affected by any potential leakage of contaminants to groundwater from the licensed place; and
  - (ii) quality of groundwater down-gradient of any potential leakage of contaminants to groundwater from the licensed place including groundwater passing the relevant point(s) of compliance referred to in condition H13.
- (H11) The groundwater monitoring system referred to in condition H10 must be developed by a person possessing appropriate qualifications and experience in the fields of hydrogeology and groundwater monitoring program design to be able to competently make recommendations about these matters.
- (H12) Locations referred to in condition H10 for groundwater monitoring facilities must be given with reference to horizontal coordinates of such facilities accurate to 1.0 metre.

*Environmentally Relevant Activity*  
75(a)(vi) - Waste disposal

- (H13) The point(s) of compliance referred to in condition H10 for the groundwater monitoring system must be situated not more than 150 metres from the waste disposal unit or the boundary of the waste disposal facility whichever is the closest.
- (H14) Commencing on or before 1 August 1997, the holder of this environmental authority must monitor and record quality of groundwater to detect any possible release(s) of contaminants in accordance with the Detection Groundwater Monitoring Program. The Detection Groundwater Monitoring Program must be undertaken for, at least, the following water quality characteristics:

(1) Ammonia (as N)	(7) pH
(2) Calcium	(8) Sodium
(3) Copper	(9) Sulphate
(4) Iron (total)	(10) Specific conductance
(5) Lead	(11) Total Organic Carbon (TOC)
(6) Nitrate (as N)	(12) Zinc.

- (H15) The holder of this environmental authority must monitor and record groundwater quality as often as is necessary but not less frequently than every 6 months.
- (H16) The holder of this environmental authority must determine whether or not there has been any statistically significant increase over background values at locations hydraulically down-gradient of the waste disposal unit for any water quality characteristic required to be monitored under the Detection Groundwater Monitoring Program referred to in condition H14.
- (H17) On any occasion that samples are obtained in accordance with condition H14, the holder of this environmental authority must measure and record standing groundwater levels in metres, accurate to 0.01 metre. The elevation of the reference point, relative to Australian Height Datum, for use in any groundwater level measurement must be determined to an accuracy of 0.005 metre.
- (H18) Measurement of groundwater levels required in condition H17 must be undertaken prior to any disturbance by sampling, and must be reported as the depth in metres from the established reference point to the water surface within the bore.
- (H19) All determinations of the quality of groundwater must be performed by a person or body possessing appropriate experience and qualifications to perform the required determinations.
- (H20) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Heritage Water Quality Sampling Manual, 2nd Edition, February 1995, or more recent additions or supplements to that document as such become available.
- (H21) Any monitoring facility must be maintained in an operative condition and be reasonably accessible at all times to any authorised person.
- (H22) Each groundwater monitoring bore must be fitted with a locked cap at all times other than at the time of sampling.

#### **Environmental Monitoring Program/Record Keeping**

- (H23) The holder of this environmental authority must on or before 1 June 1998, develop and implement an effective environmental monitoring program as required by this environmental authority for any groundwater monitoring and any receiving surface water monitoring.



*Environmentally Relevant Activity*  
75(a)(vi) - Waste disposal

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(H24) The environmental monitoring program required by condition H23 must address at least:

- (i) the type and location of all environmental monitoring facilities;
- (ii) monitoring frequencies;
- (iii) sampling and monitoring procedures;
- (iv) clear and understandable explanation of the methodology to be used in the assessment of the monitoring results (including statistical tests to be used in the interpretation of data collected in the groundwater quality monitoring program); and
- (v) the proposed responses in the event of detection by the environmental monitoring program of any release of contaminants not likely to be in accordance with the conditions of this environmental authority.

(H25) On or before 31 December 1998, the holder of this environmental authority must submit a proposed environmental monitoring program and any technical documentation necessary to assess its appropriateness, to the administering authority for its review and comment and have due regard to that comment in the finalisation of the environmental monitoring program.

#### **Annual Monitoring Report**

(H26) Any monitoring data compiled, collected or recorded as required by conditions of this environmental authority must be reported to the administering authority on an annual basis. Each annual Monitoring Report must be given to the administering authority with the annual report in a clear summarised format as follows:

- Results of the required determinations of the groundwater quality reporting period must be reported:
  - (i) in a tabular format, showing:
    - (a) date sampled;
    - (b) **any statistically** shown differences in groundwater quality (compared to baseline data) as detected from the groundwater monitoring system results; and
  - (ii) graphically showing data referred to in part (i)(b) of this condition versus time

#### **Periodic Waste Composition Surveys**

(H27) In the first annual return and each annual return thereafter, the holder of this environmental authority must submit a summary of the waste composition surveys required in condition G11 to the administering authority.

#### **Exception Reporting**

(H28) The holder of this environmental authority must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within 28 days of completion of analysis.

(H29) The written notification required by condition number H28 above must include:

- (i) the full analysis results, and
- (ii) details of investigation or corrective actions taken, and
- (iii) any subsequent analysis.

#### **End of Conditions for Schedule H**



### SCHEDULE I - DEFINITIONS

For the purposes of this environmental authority the following definitions apply:

- (11) "Act" means the Environmental Protection Act 1994.
- (12) "administering authority" means the Department of Environment or its successor.
- (13) "background noise level" means either:
- (i)  $L_{A90, T}$  being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response, or
  - (ii)  $L_{Aeq, T}$  being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response.
- (14) "commercial place" means a place used as an office or for business or commercial purposes.
- (15) "geotechnical stability of a waste disposal unit" means a situation where instability related to the excessive settlement and subsidence caused by decomposition and consolidation of the wastes deposited in the waste disposal unit, and sliding instability of the unit slope has ceased.
- (16) "groundwater monitoring system" means a system of groundwater monitoring devices, such as monitoring bores, used to provide data in respect to the level and quality of groundwater in the uppermost aquifer where the location of the groundwater monitoring devices is such that comparisons of groundwater quality and groundwater level can be made between groundwater flowing from beneath the site (down-gradient flow) of the waste disposal unit and groundwater flowing towards the site of the waste disposal unit (up-gradient flow).
- (17) "Intrusive Noise" - means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -
- (a) is clearly audible to, or can be felt by, an individual; and
  - (b) annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be had to Australian Standard 1055.2 - 1989 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.
- (18) " $L_{Amax adj, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response.
- (19) "leachate" means a liquid that has passed through or emerged from, or is likely to have passed through or emerged from, a material stored, processed or disposed of at the licensed place which contains soluble, suspended or miscible contaminants likely to have been derived from the said material.
- (110) "noise sensitive place" means -
- (a) a dwelling, 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; or
  - (f) a park or gardens.

*Environmentally Relevant Activity*75(a)(vi) - Waste disposal

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- (111) "public health problem" means an adverse effect or likely adverse effect on the health of any person(s) which results from the carrying out of the environmentally relevant activity and includes transmission of disease(s), and breeding and/or harbourage of flies, mosquitoes, rodents and other pests.
- (112) "putrescible waste" means waste food or waste animal matter (including dead animals and animal parts), and includes any mixtures of such wastes.
- (113) "regulated waste" means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 and includes:
- (a) for an element - any chemical compound containing the element; and
  - (b) anything that has contained a regulated waste; and
  - (c) regulated waste that has been treated or immobilized.
- (114) "rehabilitation" means to restore to a former capacity or former physical condition.
- (115) "managed waste disposal unit" means a waste disposal unit incorporates a liner and leachate management system that is designed to manage leachate production from the waste disposal unit.
- (116) "waste disposal unit" means a discrete area of land or an excavation that receives waste.
- (117) "waste disposal facility" means all contiguous land and structures, other appurtenances, and improvements on the licensed place used for the disposal of waste.
- (118) "waste segregation line" means a surveyed and appropriately marked boundary that to the extent practicable matches the levels of the flood regulation line as depicted in the Brisbane City Council BIMAP in Schedule J and is clearly signposted to show the 'clean fill' area (inside or on the Oxley creek side of the line) and the 'mixed waste' area (outside or away from the Oxley creek side of the line)
- (119) "uppermost aquifer" means the geologic formation nearest to the natural ground surface that is an aquifer. The term includes any aquifers that are likely to be hydraulically interconnected with this aquifer within the waste disposal facility property boundary.

**End of Conditions for Schedule I**



Schedule J.



Date: 5-Jun-97  
 Time: 16:59:35  
 Userid: bd3  
 Username: JARO BRIZA

Job: Local  
 Scale: 1:20000  
 Location: 500197 6948028  
 Themes: CADASTRE\_2500  
 FLOOD\_REG\_LINES

### Warnings:

While every endeavour has been made to ensure that the material here produced is as accurate as possible in what it conveys, the Council takes no responsibility for any errors therein, nor for any acts or omissions that may occur due to its use.

Areas suppressed above 1:5000  
 RP & Lot Numbers suppressed above 1:5000  
 House numbers suppressed above 1:5000  
 Street names suppressed above 1:15000  
 Flood Reg line dimensions suppressed above 1:3000  
 Confirmation of the Flood Regulation Line location can only be achieved after submission of a certified survey contour plan to the satisfaction of Manager, Dept of Works.



## Notice of development application decision

### Sections 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

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*This statutory notice is issued by the administering authority pursuant to sections 3.5.11 and 3.5.15 of the Integrated Planning Act 1997, to advise you of a decision or action.*

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Enquires to : Parma Nand  
Telephone : 3224 6039  
Our reference : DA157 - STH2907 Vol 1

Bemcove Pty Ltd  
PO Box 770  
NEW FARM QLD 4005

**Attention: Balfour Irvine**

#### **Re: Application for development approval.**

The Environmental Protection Agency, acting as assessment manager under the *Integrated Planning Act 1997* for your application, advises that the Development application decision notice about development prescribed under a regulation under the *Environmental Protection Act 1994* for schedule 8 part 1 item 6 of the *Integrated Planning Act 1997* is attached.

#### **Applicant details**

Application Received by EPA : 10 April 2001  
EPA no.: SR0157DA  
Applicant: Bemcove Pty Ltd  
Description: ERA 20(c) - Extracting rock or other material  
Street Address: 146 Watson Road, ACACIA RIDGE QLD 4110

Lot: 2 on RP188298  
4 on RP217765  
906 on SL6911

#### **Assessment Manager information**

Assessment Manager office : Environmental Protection Agency  
Southern Region  
Postal address: GPO Box 2771  
BRISBANE QLD 4001  
Telephone: (07) 3224 6039  
Facsimile: (07) 3225 8723



Development application decision notice

<b>Application number:</b>	SR0157DA
<b>Applicant:</b>	Bemcove Pty Ltd
<b>Date received by EPA</b>	10 April 2001
<b>Date of decision:</b>	25 May 2001
<b>Relevant Laws and Policies:</b>	<i>Environmental Protection Act 1994</i> and associated policies
<b>Role:</b>	Assessment Manager

## Description

Development application for a material change of use for the development of a quarry.

## At the following place

Lot	Plan	Parish	County
2	RP188298	Yeerongpilly	Stanley
4	RP217765	Yeerongpilly	Stanley
906	SL6911	Yeerongpilly	Stanley

## located at

146 Watson Road  
ACACIA RIDGE QLD 4110

## Type of development

Material change of use of premises (tick whichever is applicable) -

- ☒ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ☐ a material change in the intensity or scale of the use of the premises; or
- ☐ the holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

## Type of environmentally relevant activity(s) (ERA(s))

The development application relates to the following ERA(s):

*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*



Should you require any further information, please do not hesitate to contact Mr Parma Nand on (07) 3224 6039.

Signed

25/5/01

Date

**R T Anderson**  
**Manager - Licensing**  
Delegate of Administering Authority  
*Environmental Protection Act 1994*





or bentonite), gravel, loam or other material (other than loam, gravel or other material under a mining authority) for a pit or quarry using plant or equipment having a design capacity of - 100 000 t or more per year.

## Decision on development application

In deciding the application, the Environmental Protection Agency, as assessment manager

- Approves all of the application subject to conditions decided by the assessment manager.

## Further development permits required

Nil

## Referral agencies

Concurrence Agencies: Nil  
Advice Agencies: Nil  
Referral Agencies: Nil

## Additional information for applicants

This approval pursuant to under the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

## Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (section 3.5.15(2)(h)). The rights of appeal are attached to the back of this notice.

Signed

Date

**R T Anderson**  
**Manager Licensing**  
**Southern Region**  
Delegate of Administering Authority  
*Environmental Protection Act 1994*





## Conditions of the development approval

The following schedules are the assessment manager's conditions:

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste Management
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Site Plans

### Schedule A - Activity

- (A1) Notwithstanding any other requirements of this document, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused when carrying out the environmentally relevant activity.

#### Site Management Plan

- (A2) From commencement of the activity, implement the Site Based Management Plan (SBMP) entitled "*Environmental Management Plan - 146 Watson Road, Acacia Ridge*" dated 6 April 2001 that identifies the actual and potential release of ALL contaminants, their subsequent environmental impacts and what corrective and preventive measures will be taken to prevent and / or minimise the likelihood of environmental harm. The SBMP must also provide for the review and "continual improvement" in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

#### Notification

- (A3) Notify the administering authority as soon as practicable when the release of contaminants is not in accordance with the conditions of this document or any event where environmental harm may be threatened.

Written advice of the following information must be provided within fourteen (14) days following any event as identified in condition number A1:

- the location of the event;
- the time of the event;
- the time the holder of this document became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of the event;
- actions taken to mitigate any environmental harm and or environmental nuisance caused by the event; and
- proposed actions to prevent a recurrence of the event.

Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

#### Extraction

- (A4) Extraction of material is limited to the extent shown in the Figure 1 of Schedule I of this development approval.
- (A5) Any storage of excavated material must be above the expected flood level of a 1 in 1 year flood event.



### Acid Sulphate Soils (ASS)

- (A6) You must comply with "Guidelines For the Treatment and Management of Acid Sulphate Soils 2000", Queensland Government Environmental Protection Agency.

### END OF CONDITIONS FOR SCHEDULE A

### Schedule B - Air

#### Dust and Particulate Emissions

- (B1) Prevent the release of dust and/or particulate matter, which causes or is likely to cause a nuisance at any dust sensitive place. Nuisance includes dust that is or is likely to be offensive to a person or a nuisance in the opinion of an authorised person.

Dust is not considered to be a nuisance under condition B1 if monitoring shows that dust and / or particulate matter does NOT exceed the following limits at the boundary of any affected dust sensitive place:

- dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; and
- a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre ( $\mu\text{m}$ ) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the licensed place, when monitored in accordance with:
- Australian Standard AS 3580.9.6 *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.

### END OF CONDITIONS FOR SCHEDULE B

### Schedule C - Water

- (C1) Contaminants that will or may cause environmental harm must not be directly from the premises to which this development approval relates to any waters of the bed or banks of any waters except as permitted under Schedule C - Water of this development approval or to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.
- (C2) Prevent erosion that may result in the release of sediment to waters.
- (C3) Spillage of all chemicals and fuels must be captured within an on-site containment system.

### END OF CONDITIONS FOR SCHEDULE C

## Schedule D - Noise

- (D1) Prevent the emission of noise, which causes or that is likely to cause a nuisance at any noise affected premises. Nuisance includes noise that is or is likely to be annoying, intrusive or offensive to a person or a nuisance in the opinion of an authorised person.
- (D2) Noise is NOT considered to be a nuisance under condition D1 if monitoring shows that noise does NOT exceed the following levels in the time periods specified in Schedule D Tables 1 and 2.

**Schedule D - TABLE 1 - NOISE LIMITS (Noise Sensitive Place)**

Noise Level dB(A) measured as	Noise measured at a "Noise Sensitive Place"					
	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm -10pm	10pm - 7am	9am - 6pm	6pm -10pm	10pm - 9am
L <sub>A</sub> 10, adj, 10mins	50	45	35	50	45	35
L <sub>A</sub> 1, adj, 10mins	55	50	40	55	50	40

**Schedule D - TABLE 2 - NOISE LIMITS (Commercial Place)**

Noise Level dB(A) measured as	Noise measured at a "Commercial Place"					
	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm -10pm	10pm - 7am	9am - 6pm	6pm -10pm	10pm - 9am
L <sub>A</sub> 10, adj, 10mins	55	50	40	55	50	40
L <sub>A</sub> 1, adj, 10mins	60	55	45	60	55	45

- (D3) When requested by the Administering Authority noise monitoring must be undertaken to investigate any complaint of noise annoyance. Monitoring must include:
- L<sub>A</sub> 10, adj, 10 mins;
  - L<sub>A</sub> 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;
  - location, date and time of recording; and
  - the method of measurement and reporting of noise levels must comply with the *Environmental Protection Agency's Noise Measurement Manual*, Third Edition, 1 March 2000, or more recent editions or supplements to that document as they become available.

END OF CONDITIONS FOR SCHEDULE D

## Schedule E - Waste

No conditions are prescribed in this schedule.

### END OF CONDITIONS FOR SCHEDULE E

## Schedule F - Land

(F1) All disturbed areas (eg. borrow pits, stockpile and screening areas) must be progressively re-profiled and stabilised to ensure that at the cessation of activities, erosion is minimised.

### END OF CONDITIONS FOR SCHEDULE F

## Schedule G - Community

(G1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

(G2) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the premises to which this development approval relates, or the area where the premises to which this development approval relates is located.

### END OF CONDITIONS FOR SCHEDULE G

## Schedule H - Definitions

Some of the words and phrases used throughout this licence are defined below:

(H1) “administering authority” means the Environmental Protection Agency or its successor.

(H2) “commercial place” means a place used as an office or for business or commercial purposes.

(H3) “dust sensitive place” means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

(H4) “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.



(H5) **“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.

Note: 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*.

(H6) **“land”** in the **“land schedule”** of this document means land excluding waters and the atmosphere.

(H7) **“noise affected premises”** means a “noise sensitive place” or a “commercial place”

(H8) **“noise sensitive place”** means -

- a dwelling, 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; or
- a park or gardens.

(H9) **“noxious”** means harmful or injurious to health or physical well being.

(H10) **“offensive”** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

(H11) **“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.

(H12) **“regulated waste”** means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained a regulated waste; and
- regulated waste that has been treated or immobilised.

(H13) **“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 any under groundwater, any part thereof.

#### Noise Definitions

(H14) **“ $L_{A 10, adj, 10 mins}$ ”** 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.





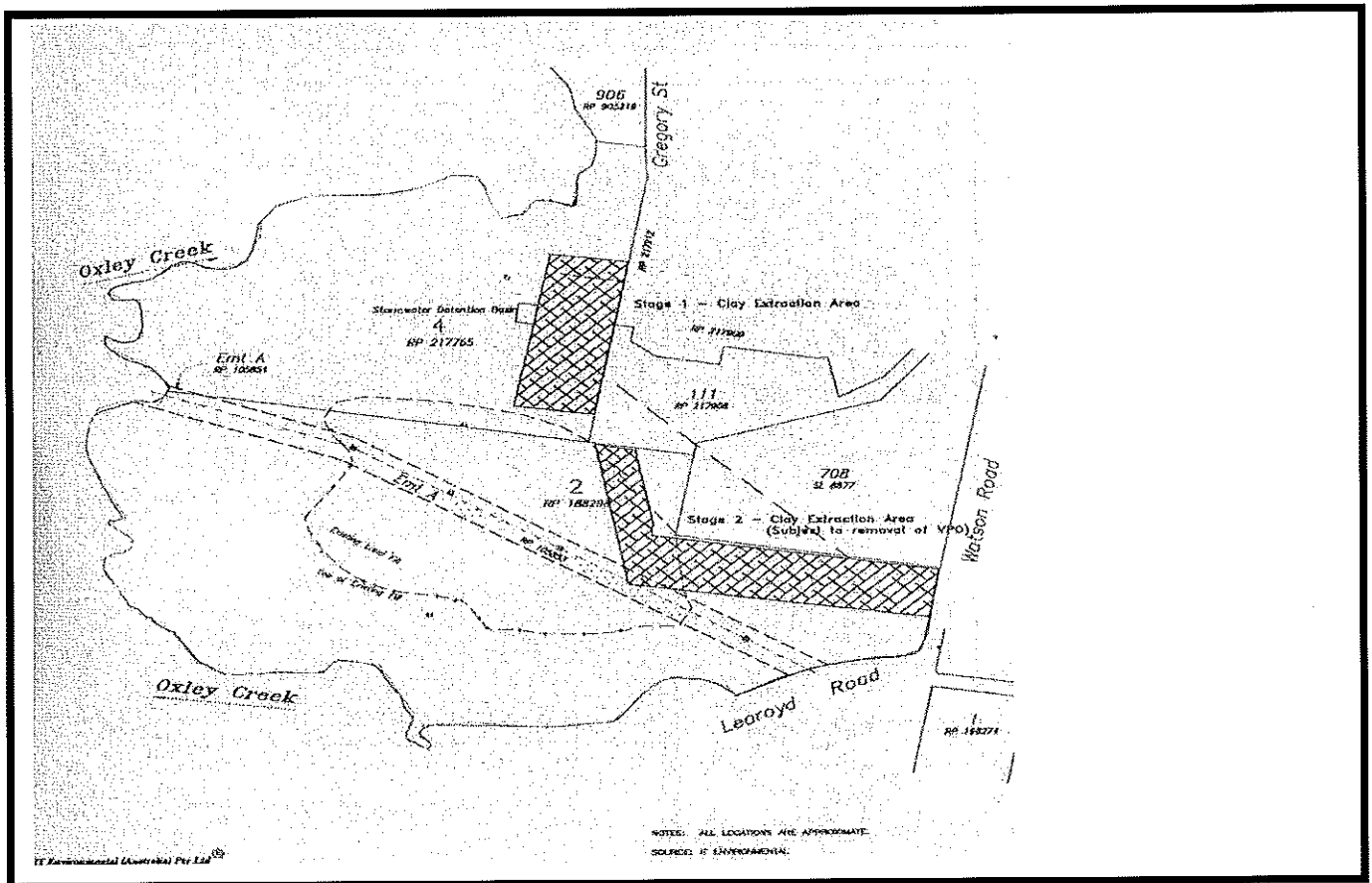


- (H15) “ $L_{A1, \text{adj}, 10 \text{ mins}}$ ” means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

**END OF CONDITIONS FOR SCHEDULE H**

## Schedule I - Location Plans

Figure 1: Plan of development



END OF CONDITIONS FOR SCHEDULE I

END OF DEVELOPMENT APPLICATION DECISION

**Extract from the Integrated Planning Act 1997**

**Division 8—Appeals to court relating to development applications**

**Appeals by applicants**

- 4.1.27 (1)** An applicant for a development application may appeal to the court against any of the following -
- (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a currency period;
  - (e) a deemed refusal.

**(2)** An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.

**(3)** An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**Appeals by submitters**

- 4.1.28(1)** A submitter for a development application may appeal to the court about -
- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
  - (b) the length of a currency period for the approval.

**(2)** The appeal must be started within 20 business days (the “**submitter’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the submitter.

**(3)** If a person withdraws a submission before the application is decided, the person may not appeal the decision.

**(4)** If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

**Appeals by advice agency submitters**

- 4.1.29(1)** An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -

- (a) the development application involves impact assessment; and
- (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

**(2)** The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.

### **Appeals for matters arising after approval given (co-respondents)**

**4.1.30(1)** For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
- (b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

## **Division 9 - Appeals to court about other matters**

### **Appeals for matters arising after approval given (no co-respondents)**

**4.1.31(1)** A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

- (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
- (b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Appeals against enforcement notices**

**4.1.32(1)** A person who is given an enforcement notice may appeal to the court against the giving of the notice.

(2) The appeal must be started within 20 business days after the day notice is given to the person.

### **Stay of operation of enforcement notice**

**4.1.33(1)** The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -

- (a) the court, on the application of the entity issuing the notice, decides otherwise; or
- (b) the appeal is withdrawn; or
- (c) the appeal is dismissed.

(2) However, subsection (1) does not apply if the enforcement notice is about -

- (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
- (b) carrying out development that is the demolition of a work.

### **Appeals against decisions on compensation claims**

**4.1.34(1)** A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -

- (a) the decision; or
- (b) a deemed refusal of the claim.

(2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **Appeals against decisions on requests to acquire designated land under hardship**

**4.1.35(1)** A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -

- (a) the decision; or
- (b) a deemed refusal of the request.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **Appeals from tribunals**

**4.1.37(1)** A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -

- (a) of error or mistake in law on the part of the tribunal; or
- (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

(2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

#### **Court may remit matter to tribunal**

**4.1.38** If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

### **Division 10 - Making an appeal to court**

#### **How appeals to the court are started**

**4.1.39(1)** An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **Certain appellants must obtain information about submitters**

**4.1.40(1)** If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name

and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.

(2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

#### **Notice of appeal to other parties (div 8)**

**4.1.41(1)** An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to -

- (a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal - the assessment manager, the applicant and any concurrence agency; or
- (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.

(2) The notice must state -

- (a) the grounds of the appeal; and
- (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

#### **Notice of appeal to other parties (div 9)**

**4.1.42(1)** An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -

- (a) if the appellant is a person to whom a notice mentioned in section 4.1.31<sup>73</sup> has been given - the entity that gave the notice; or
- (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
- (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
- (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
- (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
- (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

#### **Respondent and co-respondents for appeals under div 8**

**4.1.43(1)** This section applies to appeals under division 8 for a development application.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

- (5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

#### **Respondent and co-respondents for appeals under div 9**

- 4.1.44(1)** This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.
- (2) The entity given written notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

#### **How a person may elect to be co-respondent**

- 4.1.45(1)** An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.
- (2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

#### **Minister entitled to be represented in an appeal involving a State interest**

- 4.1.46** If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

#### **Lodging appeal stops certain actions**

- 4.1.47(1)** If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

## Decision – Development Approval

*This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.*

Bemcove Pty Ltd  
PO Box 2117  
FORTITUDE VALLEY QLD 4006  
Attention: Balfour Irvine

Our reference: 240450

Dear Mr Irvine

### Re: Application for Development Approval

The Environmental Protection Agency, acting as assessment manager, wishes to advise that your application for development approval, received on 19 June 2008, has been assessed, and on 17 February 2009 it was approved.

#### 1. Property/Location:

Street address - 146 Watson Road, ACACIA RIDGE QLD 4110

Lot/Plan - Lot 2 Plan RP188298, Lot 4 Plan RP217765, Lot 906 Plan SL6911

#### 2. Details of the decision

Aspect of Development

- Development Approval for a MCU involving an ERA
- ERA 16(3)(b) Extractive and screening activities – screening in a year the following quantity of material – more than 100000t to 1000000t.
- ERA 33 Crushing, milling, grinding or screening.

Decision

- Granted in full with conditions

EPA Ref Number

- IPDE01243308

#### 3. Effectiveness and currency periods

This development approval takes effect -



## Notice of Decision – Development Approval

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- ° From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- ° When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
- ° Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse unless substantially started within 4 years.

### 4. The approved plans

Nil

### 5. Other necessary development permits

This approval pursuant to the Integrated Planning Act 1997 does not remove the need to obtain any further approval for this development, required by this or other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required. Applicants should also comply with all relevant legislation.

### 6. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

### 7. Conflict with laws and policies and reasons for the decision despite the conflict

N/A

### 8. IDAS referral agencies

The IDAS referral agencies and their response to each approval type required for this application are:

Concurrence Agencies: Nil

Advice Agencies: Nil

### 9. Submissions

This application did not trigger Public Notification.

### 10. Appeal rights

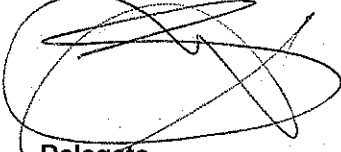
An attached extract from the *Integrated Planning Act 1997* details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

If you require more information, please contact Paul Butcher, the Project Manager, on the telephone number listed below.

**Notice of Decision – Development Approval**

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Yours sincerely

**Delegate**Environmental Protection Agency  
17-FEB-2009**Enquiries:**Environmental Services - Brisbane South Region  
GPO Box 2771  
BRISBANE QLD 4001  
Phone: 07 3225 8416  
Fax: 07 3225 8723**Attachment – Appeal Rights (extract from the *Integrated Planning Act 1997*)**

**APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997***

**Division 8—Appeals to court relating to development applications**

**4.1.27 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following -
  - (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a currency period;
  - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**4.1.28 Appeals by submitters**

- (1) A submitter for a development application may appeal to the court only against -
  - (a) the part of the approval relating to the assessment manager’s decision under section 3.5.14 or 3.5.14A; or
  - (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
  - (a) the giving of a development approval;
  - (b) any provision of the approval including-
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a currency period for the approval.
- (3) However, a submitter may not appeal if the submitter-
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the “**submitter’s appeal period**”) after the decision notice or negotiated decision notice is given to the submitter.

**4.1.29 Appeals by advice agency submitters**

- (1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (1A) The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager’s decision under section 3.5.14 or 3.5.14A.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

**4.1.30 Appeals for matters arising after approval given (co-respondents)**

- (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
  - (a) a notice giving a decision on a request for an extension of the currency period for an approval;
  - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

## Notice of Decision – Development Approval

### Division 9 - Appeals to court about other matters

#### 4.1.31 Appeals for matters arising after approval given (no co-respondents)

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
  - (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
  - (b) a notice under section 3.5.33A(9)(b) or 6.1.44 giving a decision to change or cancel a condition of a development approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

#### 4.1.32 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

#### 4.1.33 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -
  - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
  - (b) the appeal is withdrawn; or
  - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about -
  - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
  - (b) carrying out development that is the demolition of a work.

#### 4.1.34 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -
  - (a) the decision; or
  - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### 4.1.35 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -
  - (a) the decision; or
  - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### 4.1.37 Appeals from tribunals

- (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -
  - (a) of error or mistake in law on the part of the tribunal; or
  - (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

#### 4.1.38 Court may remit matter to tribunal

If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

**Notice of Decision – Development Approval****Division 10 - Making an appeal to court****4.1.39 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**4.1.41 Notice of appeal to other parties (div 8)**

- (1) An appellant under division 8 must give written notice of the appeal to-
  - (a) if the appellant is an applicant-
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal-
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    - (i) the chief executive; and
    - (ii) the deciding entity; and
    - (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
- (2) The notice must be given within-
  - (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  - (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
- (3) The notice must state-
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 -
  - (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

**4.1.42 Notice of appeal to other parties (div 9)**

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -
  - (a) if the appellant is a person to whom a notice mentioned in section 4.1.31<sup>73</sup> has been given - the entity that gave the notice; or
  - (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
  - (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
  - (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
  - (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
  - (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

## Notice of Decision – Development Approval

### **4.1.43 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent to the appeal.
- (5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 4.1.30-
  - (a) the assessment manager is the respondent; and
  - (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

### **4.1.44 Respondent and co-respondents for appeals under div 9**

- (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.
- (2) The entity given written notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

### **4.1.45 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

### **4.1.46 Minister entitled to be represented in an appeal involving a State interest**

If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

### **4.1.47 Lodging appeal stops certain actions**

- (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
  - (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.
- (1)



## Section 3.5.15 Integrated Planning Act 1997

**EPA Permit<sup>1</sup> number: IPDE01243308**

<b>EPA Permit<sup>1</sup> number:</b>	IPDE01243308
<b>Assessment Manager reference:</b>	as above
<b>Date application received by EPA:</b>	19-JUN-2008
<b>Permit<sup>1</sup> Type:</b>	Development Approval for a MCU involving an ERA
<b>Date of Decision:</b>	17 February 2009
<b>Decision:</b>	Granted with conditions
<b>Relevant Laws and Policies:</b>	<i>Environmental Protection Act 1994</i> and any subordinate legislation

### Development Description

Property	Lot/Plan	Aspect of Development
146 Watson Road, ACACIA RIDGE QLD 4110	Lot 2 Plan RP188298, Lot 4 Plan RP217765, Lot 906 Plan SL6911	ERA 16 (3)(b) Extractive and screening activities – screening in a year the following quantity of material – more than 100000t to 1000000t.  ERA 33 Crushing, milling, grinding or screening.

### Additional comments or advice about the application

This development approval pertains to the above Environmentally Relevant Activities undertaken on this site and provides for the appropriate management of environmental issues. It does not constitute approval of site operations under the town planning scheme. Clarification of planning scheme approval should be sought through consultation with the relevant local government authority.

### Additional information for applicants

The standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* or the nominated currency period, apply to each aspect of development in this permit<sup>1</sup>. For information on when this permit<sup>1</sup> takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service



### **Contaminated Land**

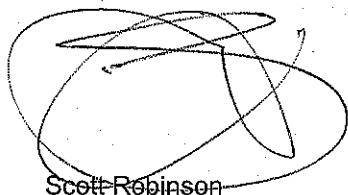
It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, 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*.



Scott Robinson  
Delegate  
Environmental Protection Agency  
17-Feb-2009

## CONDITIONS OF APPROVAL

### General Permit Condition

#### Agency Interest: General

G1 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.

G2 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.

G3 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.

G4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G5 Records.

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

G6 All records required by this approval must be kept for 5 years.

*17.02.09*

G7 Acid Sulphate Soils.

The latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the Instructions') must be complied with when treating and managing acid sulfate soils.

G8 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters.

G9 Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

G10 Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G9:

- a) the name of the operator, including their approval / registration number;
- b) the name and telephone number of a designated contact person;
- c) quantity and substance released;
- d) vehicle and registration details;
- e) person/s involved (driver and any others);
- f) the location and time of the release;
- g) the suspected cause of the release;
- h) a description of the effects of the release;
- i) the results of any sampling performed in relation to the release;
- j) actions taken to mitigate any environmental harm caused by the release; and
- k) proposed actions to prevent a recurrence of the release.

G11 Monitoring.

A competent person(s) must conduct any monitoring required by this approval.

G12 Equipment Calibration.

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

G13 Alterations

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 by this development approval.

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 released into the environment.

17.02.09

**G14 Nuisance**

Notwithstanding any other condition of this development approval, the development approval does not authorise any release of contaminants which cause or are likely to cause an environmental nuisance beyond the boundaries of the approved place.

**Agency Interest: Air**

- A1 Any earthen material stockpiles must be maintained to minimise wind-blown emissions to the atmosphere from these sources.
- A2 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);
  - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre ( $\mu\text{m}$ ) ( $\text{PM}_{10}$ ) 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  $\text{PM}_{10}$  high-volume sampler with size-selective inlet - Gravimetric method'; or
    - any alternative method of monitoring  $\text{PM}_{10}$  which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.
- A3 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- a) for a complaint alleging dust nuisance, dust deposition; and
  - b) for a complaint alleging adverse health effects caused by dust
    - the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre ( $\mu\text{m}$ ) ( $\text{PM}_{10}$ ) suspended in the atmosphere over a 24hr averaging time;
    - the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 2.5 micrometre ( $\mu\text{m}$ ) ( $\text{PM}_{2.5}$ ) suspended in the atmosphere over a 24hr averaging time.

**Agency Interest: Land**

- L1 Preventing Contaminant Release To Land.
- Contaminants must not be released to land.
- L2 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
- NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

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**Agency Interest: Noise**

N1 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

N2 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:

- 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.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

N4 Vibration Nuisance.

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

N5 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.

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**Agency Interest: Social**

**S1 Complaint Response.**

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

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

**Agency Interest: Water**

**WA1** Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

**WA2** Erosion control and sediment control structures must be maintained at all times during the periods of operation or rehabilitation and checked, repaired or replaced as required after each rain event.

**WA3** A system of diversion drains and/or embankments must be constructed and maintained to divert surface waters away from any area of the approved place where contact with waste or contaminants may occur.

**WA4** Drainage through and from all trafficable areas must be designed to minimise surface flow velocities.

**WA5** The size of any sedimentation dams associated with the screening and crushing operations must be sufficient to contain the run-off expected from a 24 hour storm with an average recurrence interval of 1 in 10 years.

**WA6 Release To Waters.**

Contaminants other than settled/treated stormwater runoff waters must not be released from the approved place to surface waters or the bed or banks of surface waters.

**WA7 Stormwater Management.**

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, other than settled/treated stormwater.

**WA8** Within three (3) months from the date of issue of this development approval, the registered operator, must develop and implement an effective stormwater management plan which details how the registered operator of this development approval will manage the actual and potential impacts resulting from the contamination of stormwater at the approved place.

**WA9** The Stormwater Management Plan must address at least the following matters:

- (i) wherever reasonable and practicable, prevention of stormwater and stormwater runoff from contacting contaminants;
- (ii) collection and treatment of contaminated stormwater by appropriate methods, for example, treatment of sediment laden stormwater runoff in settlement pond(s);
- (iii) directing stormwater runoff from areas outside the approved place away from settlement pond(s) and dredge pond(s).
- (iv) directing stormwater runoff from those areas of the approved place that are not likely to

generate stormwater runoff contaminated by sediment away from settlement pond(s) and dredge pond(s), except where that stormwater is necessary to provide water supplies and provided that that stormwater is not contaminated with contaminants other than sediment;

- (v) minimisation of the amount of soil disturbed by site operations;
- (vi) details of sediment control measures and maintenance;
- (vii) any sampling and monitoring of contaminated stormwater released from the approved place and assessment of the impact of any such release;

WA10 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 on request.

WA11 The registered operator of this development approval must not implement the Stormwater Management Plan where such implementation or amendment would result in a contravention of any condition of this development approval.

WA12 Prohibition Of Use Of Certain Materials For Dust Suppression.

The following materials must not be used for dust suppression purposes:

- used oil; and
- landfill gas condensate; and
- any other material such as leachate or stormwater contaminated by contact with wastes, when the use of the said material causes or is likely to cause unlawful environmental harm.

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## DEFINITIONS

Words and phrases used throughout this permit<sup>1</sup> are defined below. Where a definition for a term used in this permit<sup>1</sup> is sought and the term is not defined within this permit<sup>1</sup> 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.

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

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

**"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.

**"Environmental Protection Agency"** 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.

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

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

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

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

**"mg/L"** means milligrams per litre.

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

**"NTU"** means nephelometric turbidity units.

**"nuisance sensitive place"** includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.



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

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

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

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

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

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

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

**"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

17-02-09

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
	LA10, adj, 10 mins	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5
LA1, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
LA10, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
LA1, adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

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## Integrated Authority No. SR2847

### Section 311 *Environmental Protection Act 1994*

*This integrated authority, issued in accordance with section 311 of the Environmental Protection Act 1994 (the EP Act), provides for the carrying out of different Environmentally Relevant Activities at a place or Environmentally Relevant Activities at different places managed in an integrated way. This integrated authority comprises one or more type of environmental authority in accordance with sections 86, 93, 95, 104, 113 and 311, of the EP Act, and prescribes conditions relevant to each stated type of environmental authority.*

**Under the provisions of the *Environmental Protection Act 1994* this integrated authority is issued to:**

Bemcove Pty Ltd  
 c/- Hausler McDonald Whitelaw  
 Level 12a 307 Queen Street  
 BRISBANE QLD 4000

**in respect of carrying out the Environmentally Relevant Activity (ERA) at the different places and under the type of environmental authority described in the following parts.**

This integrated authority is subject to the conditions set out in the attached schedules for each part

The anniversary date of this integrated authority is 25 November each year.

This integrated authority takes effect from 25 November 2004.

Signed

Date

**Lawrie Wade**  
**Acting Manager (Licensing)**  
 Delegate of Administering Authority  
*Environmental Protection Act 1994*

Note: This document is not proof of the current status of the authority. The current status of the authority may be ascertained by contacting the Environmental Protection Agency.



## THIS INTEGRATED AUTHORITY CONSISTS OF THE FOLLOWING PART(S):

Each part is subject to conditions.

### Part 1 - Licence Without Development Approval (Section 93 *Environmental Protection Act 1994*) for:

*This part is for the carrying out of a level 1 environmentally relevant activity without a development approval, under chapter 4, part 3, division 2, subdivision 1 of the Environmental Protection Act 1994.*

#### Environmentally Relevant Activity (ERA) 45 - Crushing, milling or grinding

processing products (other than agricultural products and materials mentioned in item 22), including, for example, uncured rubber and chemicals, by crushing or grinding or milling in works having a design production capacity of 5 000 t or more a year;

#### Environmentally Relevant Activity (ERA) 22(b) Screening etc. materials

screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining authority) or by dredging using plant or equipment having a design capacity of 5 000 t or more, but less than 100 000 t, a year;

at premises / place described as:

n/a;

located within:

Brisbane and Sunshine Coast Districts of the Environmental Protection Agency.

The aforementioned descriptions of the ERA for which this authority is issued is a restatement of that ERA as defined by Schedule 1 of the Environmental Protection Regulation 1998 at the time of issuing this authority. Where there is any conflict between those descriptions of the ERA and the conditions of this authority as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

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

## Schedule A - Activity

### Prevent and /or minimise likelihood of environmental harm

- (A1-1) In carrying out the ERA, the holder must take reasonable and practicable measures to prevent or to minimise the likelihood of environmental harm being caused.

### Maintenance of measures, plant and equipment

- (A2-1) The holder must:
- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this authority;
  - (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.



## Records

- (A3-1) Record, compile and keep all information including monitoring results required by this authority and present this information in a specified format to the administering authority when requested to do so.

## Integrated Environmental Management System (IEMS)

- (A4-1) For the conduct of the ERA implement and maintain the Integrated Environmental Management System (IEMS) lodged in connexion with the application for this authority on 8 September 2004, or any amended version thereof.

## Duration of operations

- (A5-1) The ERA must only be operated at a particular site within the administering authority's Brisbane and Sunshine Coast Districts on a temporary basis, that is not at any one place for more than 28 days in a calendar year but not for more than 6 times in a calendar year at any such place, or only for the construction or demolition phase of a project where the ERA is incidental to and is exclusively used for that project.

## Exclusion of activities

- (A6-1) This authority does not authorise the conduct of the ERA at any time at 146 Watson Road, Acacia Ridge Qld 4110 being Lot 2 RP188298, Lot 4 RP 217765 and Lot 906 SL6911, County of Stanley and Parish of Yeerongpilly.

## Notification

- (A7-1) The holder must give written notification to the Brisbane District Office of the administering authority specifying the location of the ERA within 24 hours of commencement of the ERA at a site.
- (A7-2) The holder must keep a logbook of the conduct of the ERA. That logbook must specify:
- (a) name of the client(s) engaging the ERA;
  - (b) name of the employee(s) carrying out the ERA;
  - (c) date(s) and time(s) the ERA was carried out;
  - (d) the site(s) where the ERA was carried out;
  - (e) summary of the works undertaken; and
  - (f) the date(s) of notification(s) to the Environmental Protection Agency District Office as required by condition (A7-1) hereof.

END OF CONDITIONS FOR SCHEDULE A

*Handwritten signature and date: 18/1/04*

## Schedule B - Air

### Dust nuisance

- (B1-1) The release of dust or other particulate matter resulting from the ERA must not cause an environmental nuisance at any sensitive place.
- (B1-2) For the purposes of condition (B1-1) and without limiting the applicability of other criteria relevant in particular circumstances, the ERA would cause environmental nuisance where dust or other particulate matter resulting from the ERA exceeds the following limits when measured at a relevant sensitive place:
- (a) dust deposition of 120 milligrams per square metre per day or 4 grams per square metre per month, when monitored in accordance with Australian Standard 3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulates – Deposited matter – Gravimetric method ; or
  - (b) a concentration of suspended particulate matter with an aerodynamic diameter of less than 10 micrometres ( $\mu\text{m}$ ) (PM10) of 150 micrograms per cubic metre over a 24 hour averaging time at a sensitive place downwind, when monitored in accordance with:
    - (i) Australian Standard AS 3580.9.6 Methods for sampling and analysis of ambient air – Determination of particulate matter – PM (sub) 10 high-volume sampler with size-selective inlet - Gravimetric method; or
    - (ii) 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.
- (B1-3) Dust or other particulate monitoring must be undertaken as directed by the administering authority to investigate any complaint about dust nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, dust monitoring must be carried out by a competent person at a site relevant to the potentially affected sensitive place and at upwind control site(s) 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 suspended PM10 over a 24hr averaging time.
- (B1-4) If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by dust or other particulate matter from the ERA, the holder must:
- (a) address the complaint including the use of appropriate dispute resolution if required; or
  - (b) immediately implement abatement measures so that emission of dust or other particulate matter from the ERA does not result in further environmental nuisance.

### Dust Control - material transport

- (B2-1) Take reasonable and practicable measures necessary to prevent release of windblown dust from vehicles used for transporting materials to or from any ERA site. Reasonable and practicable measures may include but are not limited to:
- (a) wetting down the load prior to transport;
  - (b) having the entire load covered with a tarpaulin or similar material for the duration of transport; and
  - (c) clearing of spillages from side rails, tail gates and draw bars of vehicles prior to and after delivery.

*Week 18/11/04*



## Schedule D - Noise and vibration

### Noise nuisance

- (D1-1) Noise from the ERA must not cause an environmental nuisance at any sensitive place.
- (D1-2) Noise monitoring must be undertaken as directed by the administering authority to investigate any complaint about noise nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, noise monitoring must be done by a competent person in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual* and include:
- (a)  $L_{A, \max \text{ adj, T}}$ ;
  - (b) relevant background sound level;
  - (c) the level and frequency of occurrence of impulsive or tonal noise;
  - (d) atmospheric conditions including wind speed and direction; and
  - (e) location, date and time of measurements.
- (D1-3) For the purposes of condition (D1-1), the ERA will not cause environmental nuisance where noise from the ERA does not exceed the limits specified in Schedule D - Table 1.
- (D1-4) If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by noise from the ERA, the holder must:
- (a) address the complaint including the use of appropriate dispute resolution if required; or
  - (b) immediately implement noise abatement measures so that emissions of noise from the ERA do not result in further environmental nuisance.

**Schedule D - Table 1 (Noise limits) \***

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
<b>Noise measured at a 'Noise sensitive place'</b>						
$L_{A, \max \text{ adj, T}}$	Background + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)	Background + 3 dB(A)	Background + 0 dB(A)	Background + 0 dB(A)
<b>Noise measured at a 'Commercial place'</b>						
$L_{A, \max \text{ adj, T}}$	Background + 10 dB(A)	Background + 10 dB(A)	Background + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)	Background + 3 dB(A)

Where "T" is 10 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual*.

\* Schedule D Table 1 does not purport to set operating hours for the ERA.

### Hours of operation

- (D2-1) Notwithstanding any other condition of this authority, activities associated with the ERA that may cause environmental nuisance at any sensitive place must not be carried out:
- (a) before 7am and after 6pm Monday to Friday;
  - (b) before 7am and after 2pm Saturday;
  - (c) at any time on Sunday and public holidays.

END OF CONDITIONS FOR SCHEDULE D

*18/11/04*



### **Dust control - trafficable areas**

- (B3-1) Trafficable areas of any ERA site must be maintained using reasonable and practicable measures necessary to minimise the release of wind blown or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- (a) keeping surfaces clean;
  - (b) sealing with bitumen or other suitable material;
  - (c) using water sprays;
  - (d) installing an effective truck body and wheel wash facility; and
  - (e) using dust suppressants and wind breaks.

### **Conveyor belts and screening equipment**

- (B4-1) Take reasonable and practicable measures necessary to minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems at any ERA site. Reasonable and practicable measures may include but are not limited to:
- (a) installation of windshields or barriers;
  - (b) water sprays; and
  - (c) keeping material moist.

### **Dust control – stockpiles**

- (B2-9) Stockpiles at any ERA site must be maintained using reasonable and practicable measures necessary to minimise the release of wind blown dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- (a) use of water sprays as required during winds likely to generate dust release;
  - (b) shielding and/or covering; and
  - (c) storage in enclosures.

END OF CONDITIONS FOR SCHEDULE B

## **Schedule C - Water**

### **Erosion protection measures and sediment controls**

- (C1-1) Effective erosion protection and sediment control measures must be implemented and maintained at any ERA site.
- (C1-2) At any ERA site prevent the release of sediment to waters or a build up of sediment in any stormwater drain.

### **Release to waters**

- (C2-1) Hazardous contaminants must not be released from any ERA site to any waters or the bed and banks of any waters.

END OF CONDITIONS FOR SCHEDULE C

## Schedule E - Waste

### Waste handling

- (E1-1) Any regulated waste removed from any ERA site must be removed by a person who holds a current environmental authority to transport such waste under the provisions of the *Environmental Protection Act 1994*.
- (E1-2) Effective procedures must be implemented to ensure that wastes generated on any ERA site are minimised, recycled, stored, handled and transferred in a proper and efficient manner, and so that disposal of such waste is at a facility lawfully able to do so.
- (E1-3) The holder must not:
  - (a) burn waste on any ERA site;
  - (b) allow waste to be burned on any ERA the site; or
  - (c) remove waste from any ERA site for burning elsewhere.

END OF CONDITIONS FOR SCHEDULE E

## Schedule F - Land

### Land rehabilitation

- (F1-1) Any ERA site must be rehabilitated (including all disturbed areas such as stormwater or waste water collection pits, temporary roads and tracks and hardstand areas, stockpile and screening areas) in a manner such that:
  - (a) if practical, suitable native species of vegetation are planted and established;
  - (b) potential for erosion of the site is minimised;
  - (c) stormwater, water and seepage released from the site does not contain contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium and total manganese 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 bodies 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; and
  - (g) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated so as to not be likely to cause environmental harm.

### Preventing contaminant release to land

- (F2-1) Hazardous contaminants must not be released to land at any ERA site.
- (F2-2) Spillages of any chemicals or fuels at any ERA site must be contained and controlled in a manner that prevents environmental harm.
- (F2-3) Petroleum product storage facilities at any ERA site must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

END OF CONDITIONS FOR SCHEDULE F

*Mark 18/11/04*

## Schedule G - Community

### Complaint response

- (G1-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

END OF CONDITIONS FOR SCHEDULE G

## Schedule H - Definitions

### Definitions

- (H1-1) Words and phrases used in this authority are defined in Schedule H – Definitions. Where a definition for a term used in this authority is sought and the term is not defined herein, the definitions in the Environmental Protection Act 1994, regulations made under that Act, Environmental Protection Policies as amended from time to time or ordinary meaning must 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 an authority.

**"approval"** means development permit or preliminary approval decision notice or referral agency response under the Integrated Planning Act 1997.

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

**"authorised place"** means the place, land or premises authorised under this authority or approval for the carrying out of the specified environmentally relevant activities.

**"authority"** means level 1 licence, level 1 approval, level 2 approval, environmental authority (mining activities), constituent part of an integrated authority or registration certificate under the Environmental Protection Act 1994.

**"commercial place"** means a place used as an office or for business or commercial purposes other than such a place on the land the subject of this environmental authority.

**"contaminant"** under section 11 of the *Environmental Protection Act 1994* means:

- a gas, liquid or solid;
- an odour;
- an organism (whether alive or dead), including a virus;
- energy, including noise, heat, radioactivity and electromagnetic radiation; or
- a combination of contaminants.

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

**"hazardous contaminant"** under schedule 3 of the *Environmental Protection Act 1994* means a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of:

- its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity, flammability; or
- its physical, chemical or infectious characteristics (eg. spills of mercury, cyanide, petrol, diesel or oil).



**"holder"** means the person to whom an approval or authority is issued to, or a person acting under an approval or authority.

**"environmental harm"** has the meaning given in 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, reference should be made to Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.

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

**"land"** includes waters and the atmosphere.

**"mg/L"** means milligrams per litre.

**"noise sensitive place"** means -

- a dwelling, 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; and
  - a public park or gardens;
- and includes the curtilage of any such place.

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

**"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;
- a marine park under the Marine Parks Act 1992; and
- a World Heritage Area.

**"regulated waste"** means non-domestic waste prescribed 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 and in accordance with relevant acceptance criteria, and where relevant includes remediation of contaminated land.

**"sensitive place"** means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises excluding accommodation for persons engaged in the ERA the subject of this approval or authority;
- a motel, hotel or hostel;
- an educational institution;
- a medical centre or hospital;
- a public park or gardens;
- a protected area; and
- a commercial place;

and includes the curtilage of any such place.

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

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

"**µs/cm**" means micro semen per centimetre.

"**waters**" includes any watercourse, lake, lagoon, pond, swamp, wetland, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off or groundwater.

END OF DEFINITIONS FOR SCHEDULE H

**End of Licence Without Development Approval**  
**END OF INTEGRATED AUTHORITY**



**Licence No. SR1938**  
**(with development approval)**  
**Section 86 Environmental Protection Act 1994**

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*This licence, issued under the Environmental Protection Act 1994, allows the administering authority to make conditions with regard to financial assurances and matters relating to an Integrated Environmental Management System (IEMS). The licence and its conditions must be considered in conjunction with any conditions imposed on your development approval granted under the Integrated Planning Act 1997 or its equivalent.*

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**Under the provisions of the**  
**Environmental Protection Act 1994 this licence is issued to:**

Bemcove Pty Ltd  
Unit 5  
158 Moray Street  
NEW FARM QLD 4005

**in respect of carrying out the following environmentally relevant activity:**

**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 gravel, loam or other material under a mining authority) from a pit or quarry using plant or equipment having a design capacity of 100 000 t or more per year.**

**at the following place/s:**

Lot 2 on RP188298  
Lot 4 on RP217765  
Lot 906 on SL6911

**located at**

146 Watson Road  
ACACIA RIDGE QLD 4110



This licence is subject to the conditions set out in the attached schedules.

This licence takes effect from 25 May 2001.

  
Signed

25/5/01  
Date

**R T Anderson**  
**Manager Licensing**  
Delegate of Administering Authority  
*Environmental Protection Act 1994*

Note: This licence document is not proof of the current status of the licence. The current status of the licence may be ascertained by contacting the Environmental Protection Agency.



## Schedule of conditions

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

This licence incorporates the following schedules of conditions relevant to various issues:

- Schedule A - General conditions
- Schedule B - Definitions
- Schedule C - Site plans

### Schedule A - General conditions

Nil Conditions are applicable to this Schedule

END OF CONDITIONS FOR SCHEDULE A

### Schedule B - Definitions

Some of the words and phrases used throughout this licence are defined below:

Nil Definitions

END OF CONDITIONS FOR SCHEDULE B

### Schedule C Site plans

Site plans are not required

END OF CONDITIONS FOR SCHEDULE C

**END OF ENVIRONMENTAL AUTHORITY**

