



B0377905

Department of Environment
and Resource Management

Notice

Concurrence and Advice Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 and section 292 of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560

cc. Downer Edi Works Pty Ltd
C/- JT Environmental Pty Ltd
PO Box 1057
MUDGEERABA QLD 4213

Attention: Barry Volp

Attention: Tyson Dodd

DERM references: IC0111NAM0004_SC14211_452965
Assessment Manager ref.: MCU10/2096

1. **Application details**

Assessment Manager reference: MCU10/2096

Box: 16279 R: 20 (27)

Date properly referred to DERM: 18 January 2011

Development approval for: Development permit for a material change of use

Aspects of development:

- Material change of use - Contaminated land. *Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23*
- Material change of use - Environmentally relevant activities. *Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1*
- Various aspects of development - Acid sulfate soils. *Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 3*
- Material change of use - Land in or near a wetland. *Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21*
- Material change of use - Land in or near a conservation estate. *Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 22*



Property/Location description: Lots 3 & 4 SP193049; 66 & 110 Cooney Road, Bli Bli

2. The Chief Executive, Department of Environment and Resource Management (DERM), concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

2.1 Material change of use - Contaminated land. *Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23*

- This activity is exempt development and the exemption letter is attached.

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2.2 Material change of use - Environmentally relevant activities. Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

The applicant applied for ERA 15 Fuel Burning as well as Asphalt Manufacturing and Chemical Storage. The fuel burning ERA has not been listed as a separate ERA on the permit as it is not required as per the definition of fuel burning in the *Environmental Protection Regulation 2008* (see below).

The fuel burning aspect of the proposal has been assessed and conditioned for as part of the asphalt manufacturing ERA.

15 Fuel burning

- (1) Fuel burning (the **relevant activity**) consists of using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour.
- (2) The relevant activity does not include burning fuel for—
 - (a) **carrying out an activity to which another section applies or would apply if it were carried out within a stated threshold under that section; or**
 - (b) operating a stand-by generator for fewer than 200 hours in a year; or
 - (c) operating mobile equipment to respond, or for training to respond, to an emergency.
- (3) The aggregate environmental score for the relevant activity is 35.

3. The Chief Executive, Department of Environment and Resource Management (DERM), advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows:

3.1 Various aspects of development - Acid sulfate soils. Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 3

- Conditions should attach to any development approval, and those conditions are attached to this Notice.

3.2 Material change of use - Land in or near a wetland. Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21

- The advice agency has provided recommendations to the Assessment Manager and those recommendations are attached to this Notice.

3.3 Material change of use - Land in or near a conservation estate. Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 22

- The advice agency has provided recommendations to the Assessment Manager and those recommendations are attached to this Notice.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at PO Box 573, Nambour QLD 4560.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

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5. Additional information for applicants

Aboriginal Cultural Heritage Act 2003

DERM also takes this opportunity to advise the Assessment Manager of the responsibilities of applicants under the *Aboriginal Cultural Heritage Act 2003*. The Assessment Manager may wish to include this information as an Advisory Note on the Decision Notice issued for the application.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage

Delegate



Daniel Leo
Senior Planning Officer
Regional Planning and Coordination (Nambour)
Planning and Assessment – SEQ

Enquiries:

Department of Environment and Resource Management
Centenary Square Building,
Currie Street, Nambour. QLD 4560
PO Box 573, Nambour. QLD 4560

Telephone + 61 7 5451 2256
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Email DACoordinationSEQNorth@derm.qld.gov.au
Website www.derm.qld.gov.au

27 June 2011

- Attachment**
- DERM Concurrence Referral Agency Response (Contaminated Land Exemption Letter)
 - DERM Concurrence Referral Agency Response (Environmentally Relevant Activity)
 - DERM Advice Referral Agency Response (Acid Sulfate Soils)
 - DERM Advice Referral Agency Response (Wetlands and Conservation Estate)

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Queensland
Government

Enquiries Paul Ritchie
Telephone (07) 3330 5688
Your reference
Our reference Approval No.: SPCL01500011/ Ecotrack No: 358769/ File No: BNE40568

11 February 2011

Department of
Environment and Resource
Management

Downer Edi Works Pty Ltd
c/- JT Environmental Pty Ltd
PO Box 1057
MUDGEERRABA QLD 4213

Sustainable Planning Act 2009 (Material Change of Use) for development approval for assessable development to be carried out at 66 & 110 Cooney Road Bli Bli (lots 3 & 4 on SP193049).

The Department of Environment and Resource Management (DERM) – Contaminated Land Unit (CLU) has reviewed the supporting information for the above application and considers that an exemption stated in the *Sustainable Planning Regulation 2009*, Schedule 3, Part 1, Table 2, item 6(b) applies:

Item 6 - Making a material change of use of premises if all or part of the land forming part of the premises is on the environmental management register or contaminated land register, unless—

(b) there is currently a notifiable activity on the land and the activity is continuing.

The removal of any contaminated soil from this site requires prior approval from DERM-CLU under the section 424 of the *Environmental Protection Act 1994* (EP Act).

Should you require any further information in relation to the above please do not hesitate to contact the above officer on the telephone number listed above.

Yours sincerely

Kim Barry

**Team Leader (Contaminated Land Unit)
Department of Environment and Resource Management**

Permit

Sustainable Planning Act 2009

DERM Permit ¹ number: SPCE01520411

This concurrence agency response is issued by the Department of Environment and Resource Management pursuant to section 285 of the Sustainable Planning Act 2009 ("the Act").

Assessment manager reference:	MCU10/2096
Date application received:	18 January 2011
Permit type:	concurrence agency response
Date of decision:	23 June 2011
Decision:	Concurrence Response for a MCU involving an ERA. Conditions must attach to any development approval, and those conditions are included in this permit.
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction(s):	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1

Development Description(s)

Property	Lot/Plan	Aspect of Development
66 & 110 Cooney Road, Bli Bli QLD	Lot 3 Plan SP193049, Lot 4 Plan SP193049	ERA 6 Asphalt manufacturing Threshold (b) - manufacturing in a year 1000t or more of asphalt and ERA 8 Chemical storage Threshold 3(a) - storing 10m ³ to 500m ³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows:

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

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Permit

DERM Permit number: SPCE01520411

Additional information for applicants

Environmentally relevant activities

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

A development permit authorising the carrying out of an ERA does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

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 in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.



Ben Sale
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management
23 June 2011

CONDITIONS

Agency Interest: General

(G1) Limitations of approval.

This approval is for an asphalt manufacturing plant with a maximum capacity of 320 tonnes per hour.

(G2) 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.

(G3) 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.

(G4) 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.

(G5) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

(G6) Records.

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

(G7) All records required by this approval must be kept for 5 years.

(G8) Third Party Environmental Auditing.

Compliance with the conditions of this approval must be audited within 28 days of commencement of the activity.

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- (G9) The audit detailed in condition [G8] must be conducted by a suitably qualified third party auditor, nominated by the approval holder and accepted by the administering authority.
- (G10) In relation to the audit required by condition [G8], the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.
- (G11) The total financial cost of the audit will be the responsibility of the holder of this approval.
- (G12) Notification.
- Telephone the administering authority'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.
- (G13) A written notice detailing the following information must be provided to the administering authority within 14 days of any advice provided in accordance with condition [G12]:
- 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.
- (G14) Monitoring.
- A competent person(s) must conduct any monitoring required by this approval.
- (G15) 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.
- (G16) Spill Kit.
- An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site.
- (G17) Spill Kit Training.
- Anyone operating under this approval must be trained in the use of the spill kit.
- (G18) Emergency Response/Contingency Plan.
- The registered operator must develop and implement an Emergency/Contingency Plan to manage any environmental impacts of an uncontrolled release of contaminants to the environment.
- (G19) The Emergency / Contingency Plan must address at least the following matters:
- a) response procedures to be implemented to reduce the likelihood of any release of contaminants to the environment;
 - b) response procedures to prevent any further release or if such is not practicable, minimise the extent and duration of any release to the greatest practicable extent;

- c) the practices and procedures to be employed to restore the environment, or if such is not practicable, mitigate any environmental impacts of the release;
- d) a description of the resources to be used in response to the release;
- e) the training of staff that will be called upon to respond to a release;
- f) procedures to investigate the cause of any release, and where necessary, implement remedial actions to reduce the likelihood of reoccurrence of a similar event;
- g) the provision and availability of documented procedures to staff attending any release to enable them to effectively respond; and
- h) timely and accurate reporting of the circumstance and nature of release events to the administering authority.

(G20) A copy of the Emergency/Contingency Plan and any subsequent amendment of the Emergency/Contingency Plan must be kept at the approved place and be available for examination by Emergency Services Personnel or an authorised person on request.

(G21) Overfill Protection

The fill point of all bulk storage tanks shall be fitted with an overfill protection device.

(G22) Alarm / Isolation System

An integrated alarm and fuel closure system shall be provided and shall be activated in the following circumstances:

- a) When an emergency stop device is activated; and/or
- b) When any leak or loss of integrity is detected.

(G23) All filler silos, hot bitumen tanks and hot aggregate bins must be fitted with high level alarms which are capable of providing the operator in charge of the materials transfer with an audible alarm and visible warning the maximum operative vessel capacity has been reached.

Agency Interest: Air

(A1) Nuisance.

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

(A2) The Release of Contaminants to the Atmosphere.

The release of contaminants to the atmosphere from a point source must only occur from the release point identified in Table 1 - Contaminant release limits to air and must be directed vertically upwards without any impedence or hindrance.

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Table 1 – Contaminant release limits to air

Release point number	Minimum release height (metres)	Minimum velocity (m/sec)	Contaminant release	Maximum release limit
RP1 – Baghouse Filter Stack	12	11	Total suspended particulates (TSP)	50 mg/Nm ³ (dry) at 15% O ₂
			Particulate matter <10 microns (PM10)	20 mg/Nm ³ (dry) at 15% O ₂
			Carbon monoxide (CO)	100 mg/Nm ³ (dry) at 15% O ₂
			Hydrogen sulphide (H ₂ S)	1 mg/Nm ³ (dry) at 15% O ₂
			Sulphur dioxide	5 mg/Nm ³ (dry) at 15% O ₂
			Oxides of nitrogen (NO _x)	50 mg/Nm ³ (dry) at 15% O ₂
			Volatile organic compounds (VOC)	50 mg/Nm ³ (dry) expressed as total carbon at 15% O ₂
			Odour	1600 ou (wet)
			Smoke	Ringelmann 1 or 20% opacity
			Polycyclic Aromatic Hydrocarbons (BaP)	20 µg/ Nm ³ (dry) at 15% O ₂
			Total heavy metals*	100 µg/ Nm ³ (dry) at 15% O ₂

*The above total heavy metals limit is for the total of lead, cadmium, mercury, chromium, arsenic, nickel and beryllium.

- (A3) Contaminants must not be released to the atmosphere from a release point at a mass emission rate/concentration, as measured at a monitoring point, in excess of that stated in Table 1 - Contaminant release limits to air.
- (A4) Contaminants must be released to the atmosphere from a release point at a height and a flow rate not less than the corresponding height and velocity stated for that release point in Table 1 - Contaminant release limits to air.
- (A5) Contaminants must be monitored not less frequently than specified in Table 2 – Required Release Point Determinations.

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Table 2 – Required Release Point Determinations

Determination Required	Release Point Numbers	Frequency
Total Suspended Particulates	RP1 – Baghouse Filter Stack	Within three (3) months of the commencement of the operation of the asphalt plant, the holder of this development approval must conduct air emission monitoring to demonstrate compliance with air emission limits listed in Table 1. Air emission monitoring must be undertaken annually thereafter.
Particulate Matter <10 microns (PM10)		
Carbon Monoxide (CO)		
Hydrogen Sulphide (H ₂ S)		
Sulphur Dioxide		
Oxides of Nitrogen (NO _x)		
Volatile Organic Compounds (VOC)		
Odour		
Smoke		
Polycyclic Aromatic Hydrocarbons (BaP)*		
Total Metals (total of lead, cadmium, mercury, chromium, arsenic, nickel and beryllium).		

* The above PAH limit is for total of the 16 priority PAH pollutants namely, Naphthalene, Acenaphthylene, Acenaphthene, Fluorene, Phenanthrene, Anthracene, Fluoranthene, Pyrene, Benz(a) anthracene, Chrysene, Benzo(β)fluoranthene, Benzo(κ)fluoranthene, Benzo(α)pyrene, Indeno[123cd] pyrene, Dibenz[ah]anthracene and Benzo[ghi] perylene, expressed as Benzo(α)pyrene equivalents using the potency equivalence factors specified by the World Health Organisation (WHO Environmental Health Criteria: 202).

- (A6) The release point referred to in Table 1 and Table 2 must be conspicuously marked with the corresponding release point number.
- (A7) When requested by the administering authority, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by a release to the atmosphere from a release point at the site, and the results thereof notified to the administering authority within 14 days following completion of monitoring.
- (A8) Monitoring of any releases to the atmosphere required by a condition of this approval must be carried out in accordance with the following requirements:
- a) Monitoring provisions for the release point listed in Table 1 - Contaminant release limits to air must comply with the Australian Standard AS 4323.1 - 1995 'Stationary source emissions Method 1: Selection of sampling positions' (or more recent editions).
 - b) All determinations of contaminant releases to the atmosphere must be made in accordance with methods prescribed in the most recent version of the administering authority's Air Quality Sampling Manual. If monitoring requirements for specific contaminants are not described in the administering authority's Air Quality Sampling Manual, monitoring protocols must be in accordance with:
 - (i) for odour, Australian and New Zealand Standard AS/NZS 4323.3:2001, *Stationary source emissions - Determination of odour concentration by dynamic olfactometry*; and
 - (ii) for other contaminants, a method as approved by New South Wales DEC/EPA, Victorian EPA or United States EPA.
 - c) The following tests must be performed for each required determination specified in Table 1 - Contaminant release limits to air:
 - i. gas velocity and volume flow rate;
 - ii. temperature and oxygen content;
 - iii. water vapour concentration (moisture content).
 - d) Samples must be representative of the contaminants discharged when emissions are expected to be at maximum rates.
 - e) During the sampling period the following additional information must be gathered:
 - i. plants throughput rate at the time of sampling;

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- ii. fuel type and consumption rate;
- iii. any atypical factors that may influence odour and particulates emissions;
 - the odour and particulates treatment system operating, system status and rate; and
 - reference to the actual test methods and accuracy's.

(A9) Drier exhaust.

All effluent gases, dust and vapours from the dryer must be effectively collected by the extraction systems serving the plant and must be treated by a Fabric Filter Dust Collector (FFDC) to effectively minimise the release of air pollutants and ensure compliance with this development approval.

- (A10) For the purpose of avoiding any release of combustion gases and other air contaminants from the dryer which could cause an environmental nuisance, the following measures must be taken as a minimum:
- (a) timely calibration and maintenance of the dryer burner;
 - (b) the burner must be operating at maximum efficiency at all times to ensure complete combustion;
 - (c) A device (e.g. differential pressure sensor) which is capable of detecting filter medium breakthrough must be installed in the outlet of the FFDC;
 - (d) An alarm system must warn the operator of the rotary drum mixer of the possibility that filter medium breakthrough has occurred; and
 - (e) The FFDC is maintained in accordance with the manufactures operating specifications/instructions.

- (A11) All collected material removed from a FFDC must be recycled, or removed and disposed of to a facility that can lawfully accept such wastes.

(A12) Dust Nuisance.

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

- (A13) When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- a) for a complaint alleging dust nuisance, dust deposition; and
 - b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

- (A14) Dust and particulate matter must not exceed any of the following levels when measured at any nuisance sensitive or commercial place:

(a) Dust deposition of 120 milligrams per square metre per day over a 30-days averaging period, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); **OR**

(B) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre (with five days exceedances allowed in any one year period). These 5 days exceedances per year are based on the natural events such as bushfires and dust storm.

when monitored in accordance with:

- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
- any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling

Manual' as published from time to time by the administering authority.

(A15) General Dust Control.

For the purpose of avoiding any release of dust or particulate matter from the approved place which could cause an environmental nuisance, the following measures must be taken:

- (a) stockpiles must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include, but are not limited to, anemometer switching systems which trigger operation of effective water spray systems during winds likely to generate such releases; use of approved dust suppressants; shielding and storage in bunkers; and
- (b) trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include, but are not limited to, sealing with bitumen or other suitable material; keeping surfaces clean; use of water sprays; adoption and adherence to speed limits; use of approved dust suppressants; and wind breaks; and
- (c) raw material preparation plants and external transfer conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include, but are not limited to, transfer of materials in a moist state; enclosure or sealing of conveyors; use of water sprays at transfer points; shielding; and wind breaks.

(A16) Dust Control - Aggregate and Sand Transport Trucks.

The registered operator must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter and windblown dust from trucks used for transporting aggregates and sand to the approved place. 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 prior to departure to the approved place, and
- (c) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure to the approved place.

(A17) Dust Control - 'Filler: Fly Ash and Lime' Transport Trucks.

The registered operator must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter and windblown dust from trucks used for transporting 'fly ash and lime' to the approved place. Reasonable and practicable measures may include but are not limited to the use of pneumatic tankers.

(A18) Dust Control - 'Asphalt' Transport Trucks.

The registered operator must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter and windblown dust and/or odour from trucks used for transporting 'asphalt' from the approved place. Reasonable and practicable measures may include but are not limited to the use of fabric load covers. The spilled material must be clean up as quickly as possible.

(A19) Dryer Fuel Type.

The only type of fuel to be burnt in the drier under normal operating conditions is low sulphur/ low nitrogen content natural gas/light oil/bio-diesel fuel or LPG.

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(A20) Odour and VOC Control.

The ducting and extraction systems that transfer odorous gases and vapours from one location to another must be constructed, operated and maintained so that no leakage of odorous gases and vapours to the atmosphere occurs from these sources.

(A21) Gases and vapours from the bitumen tanks must be effectively collected using the gas extraction systems and efficiently treated using activated carbon filter to minimise the concentration of noxious and/or offensive gases and odours prior to any release to the atmosphere.

(A22) The activated carbon filter(s), the bitumen tanks and other source equipment; and control device must be maintained as specified in the manufacturer's specifications and in a manner to prevent or minimise the release of contaminants to the atmosphere. A carbon filter maintenance procedure must be prepared and implemented in accordance with the manufactures operating instructions/ specifications.

(A23) The activated carbon filter must be replaced when it is saturated with the VOCs and its efficiency is reduced below the manufacturers' specifications.

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.

(L3) All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

(L4) Bunding.

All chemical storage at the approved place must be bunded such that the capacity of the bund is sufficient to contain at least 100% of the storage tank plus 10% of the second largest storage tank.

(L5) All chemical drum storages must be bunded so that the capacity of the bund is sufficient to contain at least 25% of the maximum design storage volume within the bund.

(L6) All bunding must be constructed of materials which are impervious to the materials stored and transferred therein and must be roofed where practicable.

(L7) A collection sump must be provided in the floor of the bunding to facilitate the removal of liquids. The bund floor must be graded so that the fall is towards the collection sump.

(L8) All pipework in the bunded area must be directed over the bund wall and not through it.

(L9) Where vehicle access to the bunded area is required, access must be by way of a rollover bund.

(L10) All empty drums must be stored on a hardstand area with their closures in place.

(L11) All tanker loading and unloading areas, excluding bitumen tanker area, must be bunded so that the capacity of the bund is sufficient to contain 100% of the largest compartment of any tanker using the area.

(L12) Any area used to load or unload bitumen at the site must be designed to prevent off-site contamination in the event of a spill.

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Agency Interest: Noise

(N1) Noise Nuisance.

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

(N2) All noise from activities must not exceed the levels specified in Table 3 – Noise limits at any nuisance sensitive or commercial place.

Table 3 - Noise limits at any nuisance sensitive or commercial place

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 8am
Noise measured at a 'Noise sensitive place'						
LA10, adj, 10 mins	Bg + 5	Bg + 5	Bg + 3	Bg + 3	Not audible	Not audible
Noise measured at a 'Commercial place'						
LA10, adj, 10 mins	Bg + 10	Bg + 10	Bg + 5	Bg + 5	Not audible	Not audible

(N3) 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
- 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.

(N4) The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's Noise Measurement Manual.

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.

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Agency Interest: Water

(W1) Contaminants must not be released from the site to any waters or the bed and banks of any waters.

(W2) Quality Characteristics of Stormwater Released.

Notwithstanding any other condition of this approval, the release of stormwater from the approved place must not:

- (i) have any properties nor contain any organisms or other contaminants which are capable of causing environmental harm; and
- (ii) produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other objectionable matter.

(W3) **Stormwater Management Plan.**

The registered operator must develop and implement a Stormwater Management Plan which details how the registered operator will effectively and appropriately manage the operation of the ERA so as to prevent, as far as is practicable, any contamination of stormwater and any release of contaminated stormwater.

(W4) In developing the Stormwater Management Plan and periodically updating it to incorporate changing practices and future options, the registered operator must have regard to the following hierarchy of preferred methods of dealing with stormwater. Where reasonable and practicable, the method of dealing with stormwater which is higher in the hierarchy must be adopted over another method which is lower in the hierarchy.

Hierarchy of methods of dealing with stormwater

The most preferred method [method (1)]:

- (1) Avoid the contamination of stormwater in the first instance, for example by roofing areas where contaminants and or wastes are stored or handled, diverting uncontaminated stormwater runoff away from areas where contaminants or wastes are stored or handled, by preventing the contact of incident rainfall with contaminants or wastes and utilising alternate materials and or processes;
- (2) Minimise the quantity and/or hazardous nature of the contaminated stormwater generated, for example by minimising the size of areas where contaminants or wastes are stored or handled and by utilising alternate materials and/or processes;
- (3) Recycling of contaminated stormwater produced, for example by incorporating reuse, reprocessing, and utilisation of the stormwater for a worthwhile purpose;
- (4) Treatment of any contaminated stormwater to render it less or non-hazardous.

(W5) The Stormwater Management Plan must address at least the following matters:

- (i) prevention of incident stormwater and stormwater runoff from contacting wastes or contaminants;
- (ii) the separation of uncontaminated and potentially contaminated areas at the site;
- (iii) diversion of upstream runoff away from areas containing wastes or contaminants;
- (iv) minimisation of the size of contaminated areas;
- (v) cleaning of contaminated areas without water; and
- (vi) paving and roofing of contaminated areas.

(W6) A copy of the Stormwater Management Plan and any subsequent amendment of the Stormwater Management Plan must be kept at the approved place and be accessible to personnel that are carrying out the ERA.

(W7) Monitoring of Contaminant Releases to Waters.

For the purposes of checking conformity with Condition W1 the registered operator must be responsible for the determination of the quality of contaminants released. Such determinations must

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be performed for stormwater releases from the site and for at least the quality characteristics and the frequency depicted in Table 4: Required Stormwater Release Point Determinations.

Table 4: Required Stormwater Release Point Determinations.

Quality characteristics	Units	Frequency
pH	pH units	Quarterly on release
Suspended Solids	mg/L	
Total Petroleum Hydrocarbons	ug/L	
Polycyclic Aromatic Hydrocarbons	ug/L	
Phenolic Compounds	ug/L	
Total Arsenic	ug/L	
Total Cadmium	ug/L	
Total Chromium	ug/L	
Total Copper	ug/L	
Total Lead	ug/L	
Total Nickel	ug/L	
Total Zinc	ug/L	
Total Mercury	ug/L	
Five (5) day chemical oxygen demand	mg/L	

- (W8) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the latest edition of the administering authority's Water Quality Sampling Manual.

END OF CONDITIONS

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DEFINITIONS

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

"administering authority" means the Department of Environment and Resource Management or its successor.

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

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

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

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

"L_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.

"land" means land excluding waters and the atmosphere.

"LPG" means liquefied petroleum gas

"mg/L" means milligrams per litre.

"µg/L" means micrograms per litre.

"mg/Nm³" means milligram per normal cubic metre (measured at standard temperature and pressure).

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

"nuisance sensitive place" includes –

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

"O₂" means oxygen

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

"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.

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Department of Environment
and Resource Management

Permit

DERM Permit number: SPCE01520411

"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.

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Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit ¹ number: IC0111NAM0004

Assessment manager reference:	MCU10/2096
Date application received:	18 January 2011
Decision:	Conditions that should attach to any development approval
Relevant laws and policies:	State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils
Jurisdiction(s):	Various aspects of development - Acid sulfate soils. <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 3

Development Description(s)

Property/Location		Development
66 & 110 Cooney Rd, Bli Bli	Lots 3 & 4 SP193049	Material Change of Use

Reason(s) for inclusion of conditions

*State Planning Policy 2/02*² sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. An assessment of the development application indicates that there are significant environmental risks associated with disturbing acid sulfate soil (ASS) at this site. To satisfy the requirements of the SPP 2/02², detailed knowledge on the location of ASS and site specific management strategies should be a precursor to any site disturbance. This may impact on the project design and financial viability of the project.

The disturbance of ASS should be avoided wherever possible. Any negative environmental impact which occurs as a result of a development activity disturbing ASS and which does not comply with SPP 2/02² breaches the duty of care requirements as defined in the *Environmental Protection Act 1994*.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

² State Planning Policy 2/02: *Planning and Managing Development involving Acid Sulfate Soils*

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DERM Permit number: IC0111NAM0004

The obligation is on the developer to comply with SPP 2/02² and conditions of approval.



Delegate

PR Wilson

Principal Scientist (Resource Assessment & Information)

Bundaberg – South East Region

Delegate, Chief Executive administering the *Sustainable
Planning Act 2009*

Department of Environment and Resource Management

18 February 2011

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DERM Permit number: IC0111NAM0004

CONDITIONS

The Department recommends that the following conditions be attached to any development approval if SPP 2/12 is triggered:

1. Complete an ASS investigation in accordance with SPP 2/02 Guideline³.
2. Based on the results of the ASS investigation, formulate an ASS Environmental Management Plan (ASS EM Plan) consistent with Appendix 4 of the SPP2/02 Guideline and the Management Principles of the latest version of the *Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines*⁴.
3. The development must comply with the ASS EM Plan required in 2.

The Department further recommends that the above conditions be addressed prior to development commencing and suggests that the compliance stage of IDAS provides a suitable process for ensuring the technical reports are in accordance with SPP 2/02¹.

END OF CONDITIONS

³ State Planning Policy 2/02 Guideline: *Planning and Managing Development involving Acid Sulfate Soils*

⁴ Dear SE, Moore NG, Dobos SK, Watling KM and Ahern CR (2002). *Soil Management Guidelines*. In *Queensland Acid Sulfate Soils Technical Manual*. Department of Natural Resources and Mines, Indooroopilly

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Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Wetlands & Conservation Estate Referral Agency Response

Assessment manager reference:	MCU10/2096
Date application received:	18 January 2011
Permit¹ type:	Development permit for a material change of use
Date of decision:	27 June 2011
Decision:	For an advice agency response recommendations that should be considered when deciding any development approval
Relevant laws and policies:	<i>Coastal Protection and Management Act 1995, Environmental Protection Act 1994, and Nature Conservation Act 1992</i>
Jurisdiction(s):	<ul style="list-style-type: none">- Material change of use - Land in or near a wetland (<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21</i>)- Material change of use - Land in or near a conservation estate (<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 22</i>)

Development Description(s)

Property/Location		Development
66 & 110 Cooney Road, Bli Bli	Lots 3 & 4 SP193049	Material Change of Use to establish Asphalt Manufacturing

Recommendation

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:

Wetland

The Assessment Manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable,

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

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DERM Wetlands & Conservation Estate Referral Agency Response

the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural resources). An Implementation Guideline should be consulted:

http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=202304&topic_id=54.

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan – Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8.1, Areas of state significance (natural resources).

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland
- for 'significant coastal wetlands', a buffer width of 200m to wetland

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation / revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of the *Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009*².

² The Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009, is available at: http://www.derm.qld.gov.au/environmental_management/water/environmental_values_environmental_protection_water_policy/draft_urban_stormwater_qbpem_guideline_2009.html

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Conservation Estate

The Assessment Manager should consider the potential impacts of the proposed development on both the habitats and environmental values contained within the conservation estate, as well as to the management intent of the conservation estate. Development should ensure the following outcomes:

- **Maintain habitat and biodiversity values:** development avoids or minimises and mitigates adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate
- Development demonstrates there will be **no adverse impacts on the ecological values** and functioning of the conservation estate. An ecological report prepared by a suitably qualified professional may be one way that the Assessment Manager may choose to assess this outcome.
- Development **maintains, conserves and enhances the current extent and connectivity** within and between conservation estate areas
- Development **does not compromise the management intent** of the conservation estate.

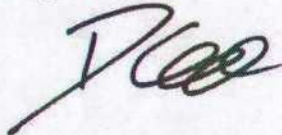
The Assessment Manager should ensure that there is a sufficient buffer distance between any proposed works including access tracks and roads and the conservation estate boundary in order to maintain the ecological functioning and integrity of the conservation estate. Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to avoid edge effects. The buffer may also assist in ensuring that stormwater, wastewater, dust and erosion from the development site can be appropriately managed to avoid adverse impacts on the conservation estate. A stormwater and wastewater management plan may be one way the assessment manager may choose to ensure off-site impacts of development are ameliorated. Revegetation of buffer zones using native species representative of the pre-clearing regional ecosystem is recommended.

Establishing building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

Neighbours to the conservation estate have a responsibility to keep dwellings and other infrastructure near Queensland Parks and Wildlife Service (QPWS) managed lands in a condition that minimises fire risk to themselves and their property as well as the protected estate and to appropriately ameliorate light and noise issues. Consultation with QPWS officers is recommended to ensure management objectives of the conservation estate including fire management, emergency services access and pest controls are met. A QPWS 'Good Neighbour Policy' may be of assistance and is available on the web at:

<http://www.derm.qld.gov.au/register/p01658aa.pdf>

Delegate



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Planning and Assessment – SEQ

27 Month 2011

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