

Notice

Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009.

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

cc. CSR Building Products Limited
C/- Groundwork Plus
PO Box 1779
MILTON QLD 4064
Attention: Andrew Lyndon

Our reference: 398263 / SPCE05212613

Re: Concurrence Agency Response

1. Application details

Applicant: CSR Building Products Limited C/- Groundwork Plus

Assessment Manager ref: MCU12/0216

Date application referred to the concurrence agency: 6 February 2013

Development approval applied for: Development Permit

Aspect(s) of development:

Assessable development		Referral agency reference
Material change of use – Environmentally relevant activities	Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 1	EHP ref. no. – SPCE05212613

Development description(s):

ERA 16 Extractive and screening activities - Threshold (2c) extraction, other than by dredging, in a year, 100,000t to 1,000,000t of material

ERA 16 Extractive and screening activities - Threshold 16(3b) screening, in a year, 100,000t to 1,000,000t of material

Property/Location description(s): Lots 2 & 3 on Plan SP108094, 271 Lake MacDonald Drive & 300 Kennedy Road, LAKE MACDONALD QLD 4563

2. Concurrence jurisdiction

The 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:

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
 - i) Attachment 01 - SPCE05212613

3. General advice to assessment manager

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to the Department of Environment and Heritage Protection PO Box 362 MAROOCHYDORE QLD 4558 **and** an electronic copy to palm@ehp.qld.gov.au.

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.



Delegate
Ben Sale
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Heritage Protection
24 March 2013

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Enquiries
Joe Winzenberg
Department of Environment and Heritage Protection
PO Box 362
MAROOCHYDORE QLD 4558
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Attachment(s)

Attachment 01 – SPCE05212613

EHP Permit ¹ number: SPCE05212613

Assessment manager reference:	MCU12/0216
Date application received:	06 February 2013
Permit type:	Concurrence agency response
Date of decision:	21 March 2013
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation
Jurisdiction(s):	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1

Development Description(s)

Property/Location		Development
271 Lake MacDonald Drive & 300 Kennedy Road, LAKE MACDONALD QLD 4563	Lots 2 & 3 on Plan SP108094	ERA 16 Extractive and screening activities - Threshold (2c) extraction, other than by dredging, in a year, 100,000t to 1,000,000t of material ERA 16 Extractive and screening activities - Threshold 16(3b) screening, in a year, 100,000t to 1,000,000t of material

Additional comments or advice about the application

This approval does not remove the need to obtain any further approval for this development, which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

General Environmental Duty

Under the *Environmental Protection Act 1994*, a person must not undertake an activity that causes, or may cause, environmental harm (including environmental nuisance) unless the person takes all reasonable and practicable measures to reduce or minimise the harm. This obligation is referred to as the General Environmental Duty (GED). The GED applies irrespective of any condition of this approval.

Duty to notify environmental harm

Section 320A of the *Environmental Protection Act 1994* requires a person to notify the administering authority if the person becomes aware that an activity (whether by act or omission) has caused, or threatened, unlawful material or serious environmental harm. It is an offence to fail to notify in accordance with this section, and the duty extends to all persons (including employers and employees).

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



Reason(s) for inclusion of development 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:

- 1) The Department of Environment and Heritage Protection is a concurrence agency under the *Sustainable Planning Regulation 2009* for the purposes of the *Environmental Protection Act 1994*.
- 2) The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

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 3 and Schedule 4 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 22 business days after becoming so aware, give written notice to the Department of Environment and Heritage Protection (EHP).

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, for a person to carry out this ERA they 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*.



Delegate

Ben Sale

Delegate, Chief Executive administering the *Environmental Protection Act 1994*

Department of Environment and Heritage Protection

21 March 2013

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CONDITIONS

Schedule A - General

- A1 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.
- A2 The registered operator of an ERA to which this approval relates must:
- install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
 - maintain such measures, plant and equipment in a proper and efficient condition; and
 - operate such measures, plant and equipment in a proper and efficient manner.

Limitations of permit

- A3 Extractive activities are only permitted to be conducted generally in accordance with extraction areas shaded grey in Attachment One. The total extent of extraction areas must not exceed 9 hectares.

Blasting

- A4 No blasting is permitted under this approval.

Site Based Management Plan

- A5 From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented.
- A6 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.
- A7 The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.
- A8 The SBMP must address the following matters:
- Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
 - Identification of environmental issues and potential impacts.
 - Control measures for routine operations to minimise likelihood of environmental harm.
 - Contingency plans and emergency procedures for non-routine situations, including flood events.
 - Organisational structure and responsibility.
 - Effective communication.
 - Monitoring of contaminant releases.
 - Conducting environmental impact assessments.
 - Staff training and awareness of environmental issues related to the operation of the environmentally relevant activities.
 - Record keeping.
 - Periodic review of environmental performance and continual improvement.
- A9 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Equipment Calibration

- A10 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.

Monitoring

- A11 A suitably qualified and competent person(s) with appropriate training must conduct and report on any monitoring required by this approval.

Records

- A12 Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- A13 All records required by this approval must be kept for a minimum of 5 years.

Notification

- A14 Telephone the administering authority's Pollution Hotline (1300 130 372) as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

Spill Kit

- A15 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.
- A16 Anyone operating under this approval must be trained in the use of the spill kit.

Schedule B - Air

Nuisance

- B1 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 place.

Dust Nuisance

- B2 The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive place.
- B3 Dust suppression measures must be implemented and maintained on site to prevent the movement of dust, created as a result of the activity, past the site boundaries.
- B4 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.



Schedule C - Land**Land Rehabilitation**

- C1 The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:
- (a) suitable species of vegetation (native species where practicable) are planted and established or such that the land is returned to a use suitable for the area;
 - (b) weed species of vegetation are removed;
 - (c) potential for erosion of the site is minimised;
 - (d) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
 - (e) the likelihood of environmental nuisance being caused by release of dust is minimised;
 - (f) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
 - (g) the final landform is stable and not subject to slumping; and
 - (h) 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.
- C2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.
- C3 Rehabilitation works must take place as soon as practicable after extraction works are completed.

Preventing Contaminant Release to Land

- C4 Contaminants other than settled / treated stormwater from the stormwater collection system must not be released to land.
- C5 Refuelling, washing, degreasing, servicing, cleaning or other maintenance of vehicles, equipment or plant must be carried out in designated areas where contaminants cannot be released to any waters, roadside gutter or stormwater drainage system.
- C6 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
- C7 All petroleum product storage must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.
- C8 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.
- C9 The base and walls of all hydrocarbon and chemical storage bunds must be maintained free from gaps or cracks.
- C10 All hydrocarbon and chemical storage bunds must be roofed where practicable. Where it is impractical to completely roof a bunded area, the registered operator must ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.



Schedule D - Noise

- D1 Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place.
- D2 When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance and the results are to be provided within 14 days to the administering authority.
- D3 The method of measurement and reporting of noise levels must comply with the latest edition of the Queensland Government Noise Measurement Manual.

Schedule E - Water

- E1 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- E2 Suitable diversion drains and/or contour banks must be designed, installed and maintained to minimise the potential for stormwater runoff to enter areas disturbed by the activities.
- E3 Sediment basin(s) must be installed and maintained to collect and treat stormwater runoff from all disturbed areas of the approved place and areas in which any earthen material is stored.
- E4 Any sediment basin(s) must be designed, constructed and maintained to contain the run-off expected from a 24 hour storm event with an average recurrence interval of 1 in 10 years.
- E5 Any sediment basin(s) must be operated in such a manner that within 5 days of the most recent rainfall event, the required design capacity of the storage volume is available for capture and storage of stormwater runoff from the next rainfall event.
- E6 Contaminants other than settled or treated stormwater from the stormwater collection system must not be released to any waters (including the bed or banks of any waters).
- E7 Notwithstanding condition E6, settled or treated stormwater released must not have any properties nor contain any organisms or contaminants in concentrations that are capable of causing environmental harm.
- E8 There must be no controlled discharge of contaminated site waters to any waters, roadside gutter or stormwater drain other than in compliance with Table 1 – Water Quality Release Criteria.
- E9 Extraction activities must be conducted in a manner that avoids disturbance of groundwater.

Table 1 – Water Quality Release Criteria

Quality Characteristics	Release Limit	Monitoring Frequency
pH	6.5 – 8.0	Prior to and daily during discharge ¹
Total Suspended Solids	50 mg/L	Prior to and daily during discharge ¹

¹ Discharge waters are to be monitored within sediment basin(s) at the point of discharge.

Schedule F - Waste

- F1 Procedures must be implemented to ensure that wastes are minimised, recycled, stored, handled and transferred in a proper and efficient manner and that any disposal of waste (except any release of waste provided for by a condition of this development approval) is to a facility authorised to accept such waste.
- F2 All regulated waste must be removed from the site by a person who holds a current approval to transport such waste under the provisions of the *Environmental Protection Act 1994* and must be sent to a facility licensed to accept such waste.
- F3 A record of all regulated waste must be kept detailing the following information:
- a) date of pickup of waste;
 - b) description of waste;
 - c) quantity of waste;
 - d) origin of the waste; and
 - e) destination of the waste.

NOTE: Trackable wastes as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000* are not covered by this condition. Trackable wastes have similar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

Schedule G - Social

- G1 All complaints must be recorded including the following details and be provided 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.



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 Heritage Protection or its successor.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

"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.

"Department of Environment and Heritage Protection" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

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

"noxious" means harmful or injurious to health or physical wellbeing.

"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 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.

"registered operator" means the holder of a registration certificate for the activity to which this Development Approval relates, issued under Section 73F of the *Environmental Protection Act 1994* and in force.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (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.



END OF CONDITIONS

