

Mooney Chris

From: Hertslet Bryce
Sent: Thursday, 9 January 2014 12:35 PM
To: Mooney Chris
Subject: FW: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"
Attachments: Reassess DA_Quarry Extension_Mt Cotton.pdf; Section 424 Reply.doc
Importance: High

Bryce Hertslet

Regional Manager - Southern Region
Department of Environment and Heritage Protection
Environmental Services and Regulation

sch4pM.6) Personal information

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P. GPO Box 2454, Brisbane, Qld 4001.



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YouTube: <http://YouTube.com/user/QldEHP>

RTI DL RELEASE - EHP

From: Murphy Shari
Sent: Thursday, 29 August 2013 12:19 PM
To: Armstrong Kate
Cc: Hertslet Bryce; DeHaan Rebecca
Subject: FW: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"
Importance: High

Hi Kate – as discussed, sorry that we missed you out on this. I have included both you and Allen in the MECS item (CTS 20072/13) so you should be able to access the BN and our response and adjust the wording of your response accordingly. Please let me know if you require anything further
Again apologies
Shari

From: Johns Allen
Sent: Thursday, 29 August 2013 11:50 AM
To: ESR - Brisbane; Hawas Olga; Murphy Shari
Cc: Armstrong Kate

Subject: FW: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"
Importance: High

Hi Guys,

Could you please confirm if you are coordinating the above attached request as it is due on **30 Aug 2013**. If you are attached is WLCA response which you can cut and paste into a whole of an agency response. If you are not coordinating the response we will send it out Friday thanks Allen

Regards

Allen Johns

Principal Environmental Officer | Waste and Land Contamination Assessment Unit |
Environmental Services & Regulation | Department of Environment and Heritage Protection
Phone +61 (07) 3330 5694

Email: allen.johns@ehp.qld.gov.au

Level 9, 400 George Street, Brisbane, QLD 4001

GPO Box 2454, Brisbane QLD 4001



Please consider the environment before printing this email

From: Johns Allen **On Behalf Of** WLCA

Sent: Thursday, 29 August 2013 11:21 AM

To: Armstrong Kate

Subject: FW: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"

Importance: High

Hi Kate,

WLCA response to the attached request to Allen (due date 30/8/2013)

Regards

Allen Johns

Principal Environmental Officer | Waste and Land Contamination Assessment Unit |
Environmental Services & Regulation | Department of Environment and Heritage Protection
Phone +61 (07) 3330 5694

Email: allen.johns@ehp.qld.gov.au

Level 9, 400 George Street, Brisbane, QLD 4001

GPO Box 2454, Brisbane QLD 4001



Please consider the environment before printing this email

From: Armstrong Kate

Sent: Monday, 19 August 2013 2:44 PM

To: WLCA

Subject: FW: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"

From: Mortleman Amy

Sent: Monday, 12 August 2013 4:11 PM

To: Armstrong Kate

Cc: Franco Mark; Brackenbury Jodie

Subject: "Reassessing Contaminated Land Development Application for a Quarry Extension at Mount Cotton"

Hi Kate,

As we discussed earlier, I have attached a copy of a letter from the Minister, it's about ;

"Reassessing a Contaminated Land Development Application - It's for a Quarry Extension at Mount Cotton"

Note: Left hardcopy with Jodie Brackenbury, as I'm not in tomorrow.

I know you were going to follow up on this, with Mark Franco

If you have any questions, please contact me on 3330 5684.

Kind Regards,

Amy Mortleman
Administration Officer
Permit and License Management (PALM)
Environmental Regulatory Practice and Support
Environmental Performance & Coordination Branch

Telephone: 07 3330 5684

Hotline: 1300 130 372 (option 4)

Facsimile: 07 3330 5875

Email: amy.mortleman@ehp.qld.gov.au

Department of Environment and Heritage Protection

Level 9, 400 George Street, Brisbane Q 4000

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RTI DL RELEASE - EHP



Hon Jeff Seeney MP

Deputy Premier

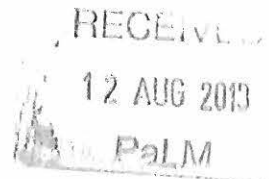
Minister for State Development, Infrastructure and Planning

Our ref: MCI3/2114

8 August 2013

Mrs Kylie Coleman

Team Leader, Waste and Land Contamination Assessment
Department of Environment and Heritage Protection
GPO Box 2454, BRISBANE QLD 4001



Dear Mrs Coleman

I am writing to advise you that I am considering exercising my power under section 424 of the *Sustainable Planning Act 2009* (SPA) to call in, and re-assess and re-decide, a development application made by Groundwork Plus on behalf of Barro Group Pty Ltd to the Redland City Council for the extension of a quarry at Mount Cotton.

Pursuant to section 424A of the SPA, please find enclosed the proposed call in notice for your consideration. The purpose of the notice is to advise you of my intentions for calling in this development application and to invite written representations from you, as an affected party. I am specifically interested in finding out if you believe the proposed development involves a state interest, and if I should exercise my reserve powers under section 424 of the SPA and call in the development application.

The effect of calling in a development application is that I reassess and re-decide the development application in the place of the assessment manager. My decision on the development application is taken to be the original assessment manager's decision, however a person may not appeal my decision. Further, any appeals made to the Planning and Environment Court before the application is called in will cease to have effect.

Please address your representations to:

Deputy Premier

Minister for State Development, Infrastructure and Planning

C/- Director, Planning Services

Department of State Development, Infrastructure and Planning

Email: planning@dsdip.qld.gov.au

Fax: (07) 3235 4563

Post: PO Box 15009

CITY EAST QLD 4002

Please be advised that any representations you wish to make must be received by the Department of State Development, Infrastructure and Planning by 5.00 pm on 30 August 2013.

Yours sincerely

Section 78B(2) RTI Act

JEFF SEENEY MP

DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

Enc

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3210 2185
Email deputypremier@ministerial.qld.gov.au

PROPOSED CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER
THE SUSTAINABLE PLANNING ACT 2009

Pursuant to Section 424A of the *Sustainable Planning Act 2009* (SPA), I hereby give notice that I am proposing to call in, and re-assess and re-decide a development application lodged by Groundwork Plus on behalf of Barro Group Pty Ltd (Barro Group) for the extension of a quarry at Mount Cotton (Barro Quarry). The development application was decided by the assessment manager, Redland City Council (council), on 5 June 2013.

Details of the development application I am proposing to call in are provided below:

Applicant: Groundwork Plus on behalf of Barro Group Pty Ltd

Type of Application: Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERA) 8 - (Chemical Storage), 16 - (Extractive and Screening Activities) and 21 - (Motor Vehicle Workshop Operations)

Location: 1513 and 1515-1521 Mount Cotton Road and 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 S31962; Lot 238 SP218968; Lot 370 S311071; Lots 1 RP108970; 17 RP108970; the land comprising that part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968, which is the property of the state; The unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962).

Reasons for the Proposed Call In

State interests

Under Section 424 of the SPA, I may call in a development application only if the development involves a state interest. It is open to me, as the Planning Minister, to consider whether the development involves a state interest.

A state interest is defined in Schedule 3 of the SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

A regional plan is a state interest under Section 25 of the SPA, and a SPRP is a state interest under Section 18 of the SPA.

I consider the Barro Quarry development involves state interests, namely economic and environmental interests to the state or part of the state. On this basis, I have decided to propose a call in of the development application for the following reasons:

Economic

- The proposed development is identified in the *State Planning Policy 2/07: Protection of Extractive Resources* (SPP2/07), Mount Cotton Key Resource Area - 71 (Mount Cotton KRA 71). The policy outcomes sought by SPP 2/07 are directed at identifying extractive resources of state or regional significance and protecting those resources from future potential land use conflict.

The draft key resource area report for the Mount Cotton KRA 71 in Appendix 4 of the *draft State Planning Policy Guideline: Mining and extractive resources* (April 2013) states that the Mount Cotton KRA 71 meets the criteria for state significance (as outlined in Appendix 1 of the guideline). The site is identified as a key resource area on the basis that the resource is large and conveniently located to supply to Brisbane, Logan, Redland and northern Gold Coast markets for many years.

Further, the temporary State Planning Policy 2/12 - Planning for Prosperity (TSPP 2/12) identifies that the state's interests in economic growth include "promoting the state's mineral and extractive resource industries by preserving mineral and extractive resource industries and resolving at a regional and local level potential land use conflicts". The proposed development and the site relate to the state's interest in economic growth, particularly in respect of extractive resource industries, as identified in the TSPP 2/12.

- A fundamental issue for extractive industry is that aggregate material is a high-volume, low-cost product and transportation costs can significantly impact on the cost of the product. As the material is predominantly used in the building and construction industry, higher transportation costs can have an impact on housing affordability and infrastructure costs to government and industry.
- Projected population growth and resource demand estimates are identified in the applicant's economic need assessment and the independent economic state interests review. These reports indicate that there will be a sustained and significant increase in demand for quarry products to service population growth, investment in infrastructure and property development in selected parts of South East Queensland for the foreseeable future.
- South East Queensland's extractive resources are dispersed across the region. Mount Cotton is identified as a major hard rock resource deposit. Desired Regional Outcome (DRO) 4 of the *South East Queensland Regional Plan 2009 - 2031* seeks to ensure that regional natural resources are protected, managed, enhanced and used sustainably. Specifically DRO 4.2, which relates to extractive resources, amongst other resources, indicates that the region's natural economic resources are to be managed sustainably and efficiently to meet the needs of existing and future communities.
- Additional information provided by the applicant identifies that the proposed development would involve an initial direct investment of in excess of \$30 million in plant and equipment. In the long term, the applicant advises that proposed development would be anticipated to provide an economic benefit of an estimated \$400 million over its 50 year life.

Environment

- The proposed development is located on land identified as being within the Priority Koala Assessable Development Area under the *South East Queensland Koala Conservation State Planning Regulatory Provision* (Koala SPRP). The Koala SPRP seeks to achieve a net benefit of koala habitat in South East Queensland through the protection of existing habitat and where practicable, the offset of the loss of habitat through rehabilitation. The site also contains areas of regional ecosystem vegetation under the *Vegetation Management Plan 1999* (VMA) that are to be protected or offset.

The development application states that no net loss of koala habitat is expected as a result of the development, and, in time, a net gain in koala habitat should be achieved both in terms of increased food resources and enhanced habitat connectivity. The information supporting the development application states that a proposed offset package will result in 65,971 new koala trees.

Integrated Development Assessment System

If I decide to call in the development application, the Integrated Development Assessment System (IDAS) process for the development application is proposed to restart from the start of the decision stage.

Re-assessing and Re-deciding the Development Application

If I decide to call in the development application, I propose to re-assess and re-decide the development application under the normal assessment and decision provisions under Sections 314, 324 and 326 of the SPA.

Planning and Environment Court Appeals

If I decide to call in the development application, my decision on the development application is taken to be the original assessment manager's decision, however, a person may not appeal my decision. If I decide to call in the development application, any appeals made to Planning and Environment Court before the development application is called in will cease to have effect.

Representation Period

I invite written representations about the proposed exercise of my power under Section 424 of the SPA. Representations are specifically sought about whether the proposed development involves a state interest and if I should exercise my powers and call in the development application.

Representations must be made by 5pm on 30 August 2013 to:

Deputy Premier
Minister for State Development, Infrastructure and Planning
C/- Director, Planning Services
Department of State Development, Infrastructure and Planning

Email: planning@dsdip.qld.gov.au
Fax: (07) 3235 4563
Post: PO Box 15009
CITY EAST QLD 4002

Findings on Material Questions of Fact

Development application

In 2011, Barro Group lodged a development application for a Material Change of Use for Extractive Industry with the council again seeking to extend the quarry operations to Lot 162 S31962, Lot 238 SP218968 and Lot 370 S311071; while maintaining and utilising existing ancillary facilities at the current quarry site (on Lots 1 and 17 RP108970). The development application was properly made on 2 February 2011.

The development application also sought approval for a number of ERAs, including:

- ERA 8(3)(a) Chemical storage - Storing 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3;
- ERA 16(2)(c) Extractive and screening activities threshold - extracting, other than by dredging, in a year, more than 100,000t to 1,000,000t of material;
- ERA 16(3)(b) Extractive and screening activities threshold - screening, in a year, more than 100,000t to 1,000,000t of material; and
- ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles.

Proposed expansion

As outlined in the Groundwork Plus report, the application proposes to extract meta-greywacke source rock from a pit to be developed on Lot 238 SP218968 and Lot 370 S311071 by conventional quarrying techniques; and transport the material to a primary crushing and conveyor loading plant located on Lot 162 S31962 and adjacent to the meta-greywacke pit. From here, crushed rock will be transported by a conveyor to the existing crushing and screening operations on Lot 17 RP108970.

As indicated, the material will be processed into a wide range of quarried products and stockpiled at the current quarry site. Product delivery to markets will continue via the existing entrance to the site on Mount Cotton Road. The quarry expansion is proposed to be developed in four stages, as detailed in Table 1 and Figure 1.

Stage	Detail
Stage 1A	Construction of crushing and loading plant, conveyor line to processing plant, a new access road to extraction site, and stormwater management features.
Stage 1B	First stage of quarry development - producing an estimated 10 million tonnes of resource.
Stage 2	Expansion of the new quarry further to the west - producing an estimated 7 million tonnes of resource.
Stage 3	Expansion of the new quarry further to the west - producing an estimated 12 million tonnes of resource.
Stage 4	Expansion of the new quarry further to the west - producing an estimated 13.5 million tonnes of resource.

Table 1 - Proposed stages of development

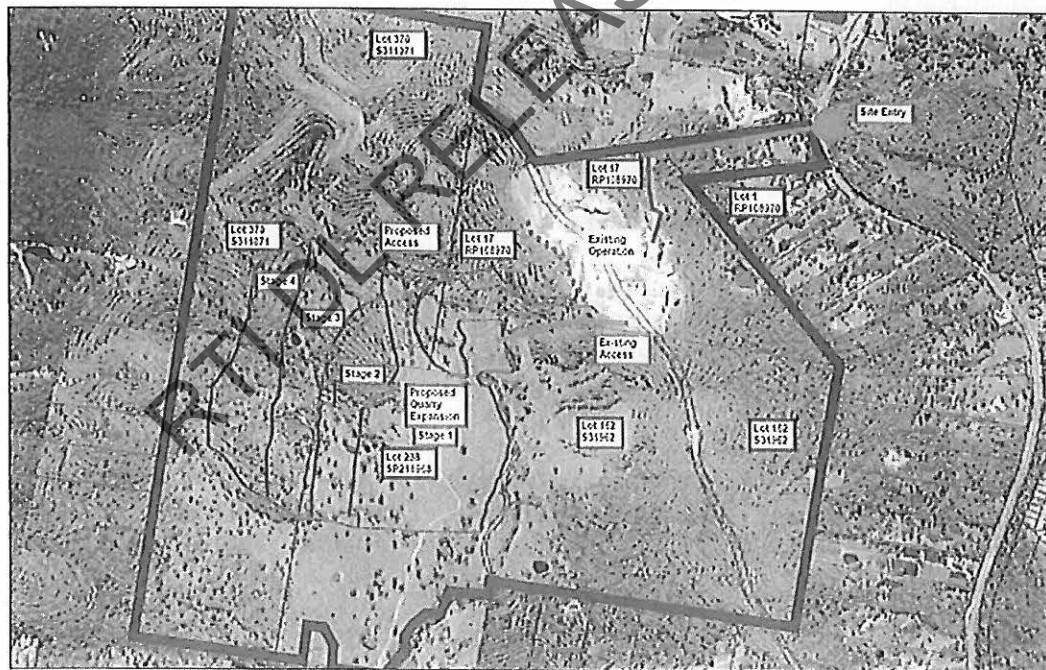


Figure 1 - Proposed expansion and existing operation

Access to the site will remain via the existing site entry point from Mount Cotton Road at a location approximately 400 metres south of Hillview Road and 900 metres north of Valley Way. According to the *Traffic Report for Barro Group - March 2006*, prepared by Viney Traffic Engineering, traffic volumes on Mount Cotton Road are estimated to increase in volume by less than 5% for any movement as a consequence of the proposed development. Internally, access from the existing quarry site to the proposed meta-greywacke extraction area and associated primary crushing and conveyor loading plant will be via a new internal haul road. The proposed internal haul road is outlined in green on Figure 1.

Information and referral

The development application triggered a number of state agencies for concurrence and advice agency assessment. This is detailed in Table 2.

Agency name at time of lodgement	Agency name as a result of Machinery of Government (MoG) 2012	Referral trigger	Referral role
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Environmentally Relevant Activities - Schedule 7, table 2, item 1, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Natural Resources and Mines (NRM)	Clearing Vegetation - Schedule 7, table 3, item 10, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Contaminated Land - Schedule 7, table 2, item 23, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Land in or near Wetlands - Schedule 7, table 3, item 21, SPR	Advice
Department of Transport and Main Roads (TMR)	Department of Transport and Main Roads (TMR)	State Controlled Road - Schedule 7, table 2, item 3, SPR	Concurrence
Energex Energy (Energex)	Energex Energy (Energex)	Electricity Infrastructure - Schedule 7, table 3, item 9, SPR	Advice
<i>Table 2 - Referral triggers</i>			

The development application was also referred to the Commonwealth Government, Department of Sustainability, Environment, Water, Population and Communities (DSEWPC), to determine whether the application involved a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). The onus is on the Barro Group to seek a determination on whether or not the proposal will cause any significant impact on a Matter of National Environmental Significance.

On 21 May 2013, the DSEWPC responded to Barro Group, identifying that the proposed development did not involve a controlled action.

Redland City Council information request

After extending its information request period, on 15 March 2011, council issued an information request to Groundwork Plus (on behalf of Barro Group). The information request sought further information relating to:

- the proposal's compliance with the hierarchy of planning instruments referred to in the SPA; and where conflicts or inconsistencies arose, detail of how those conflicts or inconsistencies could be overcome
- environmental assessment requirements in terms of habitat protection, waterways and wetlands, stormwater management, leachable contaminants and post operation rehabilitation
- noise assessment requirements air quality and dust requirements through the preparation of dust modelling, a dust impact assessment and information on the predicted levels of ultrafine particulates arising from the quarry use
- visual amenity requirements and information on the visibility and scale of the dust plumes that occur as a result of the quarrying operations. Scale drawings that illustrate the visual sensitivity of the site to the proposed development at the present time and at each stage of the development were also requested.

After a number of agreed extensions to the information response period between council and the applicant, on 27 April 2012, Groundwork Plus provided its response to council's information request dated 15 April 2011.

DERM referral agency response

On 16 March 2011, DERM received the development application for concurrence agency assessment.

After extending its information request period, on 13 April 2011, DERM wrote to Barro Group and advised that further information was required in relation to vegetation management on the site. DERM advised in its letter that the development application did not provide adequate information to meet the performance requirements of the *Regional Vegetation Management Code for Southeast Queensland Bioregion (Version 2)*.

On 16 March 2012, Groundwork Plus responded to DERM's information request relating to vegetation management. The response provided further information about compliance with the performance requirements of the *Regional Vegetation Management Code for Southeast Queensland Bioregion (Version 2)*.

As a result of the MoG changes in 2012, DERM split into a number of separate agencies including NRM and EHP. The referral agencies triggered for the development application changed as outlined in Table 2.

After a number of extensions to the referral agency assessment period, on 15 January 2013, NRM and EHP provided a referral response for the development application. The response contained a number of attachments addressing the former DERM's jurisdiction, detailed as follows:

Contaminated Land (Concurrence agency response from EHP received 15 January 2013)

The development application was referred to EHP as a concurrence agency for assessment against matters relating to contaminated land. EHP's Waste and Land Contamination Assessment Unit undertook an assessment of the development application and supporting information and concluded that an exemption stated in the SPR (Reprint No. 4A), Schedule 3, Part 1, Table 2, item 6(b) applied:

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.

ERAs (Concurrence agency response from EHP received 15 January 2013)

The development application proposes to carry out a number of ERAs on site. As a result, EHP was triggered as a concurrence agency for ERAs under the SPR. EHP's assessment of the ERAs concluded that all proposed ERAs could be approved, subject to conditions.

The conditions on the ERAs relate to general agency interest matters; air matters including dust control, nuisance and monitoring; land matters in terms of site rehabilitation; noise matters including noise monitoring, explosive blasting nuisance and vibration monitoring; social matters in terms of complaint response, water monitoring matters, and waste matters in terms of waste removal.

Referrable wetlands (Advice agency response from EHP received 15 January 2013)

A small portion of the eastern part of Lot 1 RP108970 is affected by wetlands of general ecological significance (Figure 2). As such EHP was triggered as an advice agency for referrable wetlands under the SPR. EHP's assessment of the trigger concluded that no advice was recommended in its advice agency response.

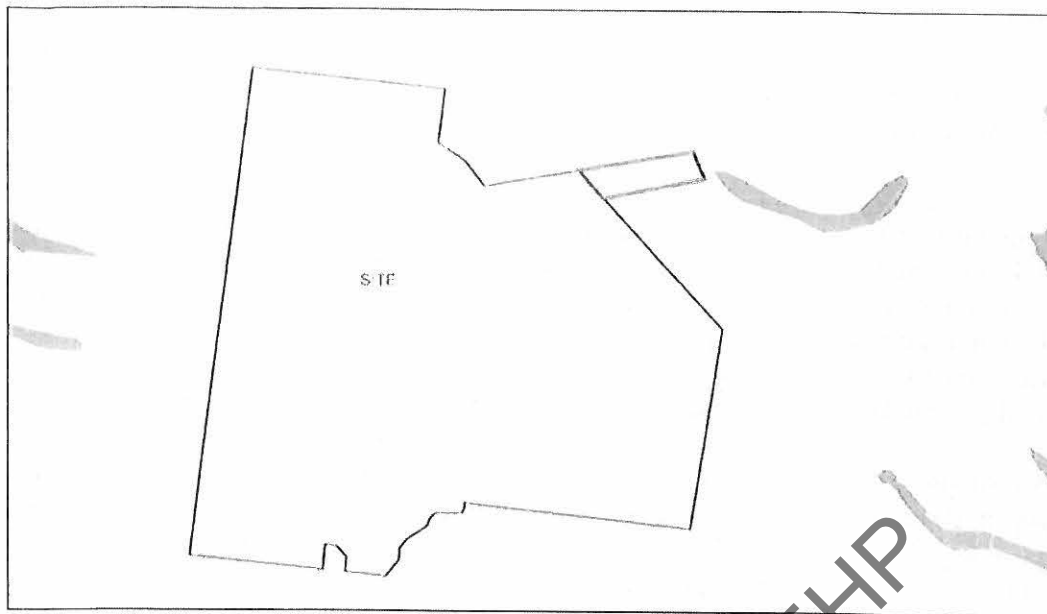


Figure 2 - Referrable wetlands map

Vegetation clearing (Concurrence agency response from NRM received 4 January 2013)

The site includes areas of mapped remnant vegetation. As stated in the Groundwork Plus report, the only areas of mapped remnant vegetation (predominantly regrowth vegetation that has attained the canopy structural and floristic characteristics that meet the criteria for remnant vegetation under the VMA) that will be negatively impacted by the proposed works, are areas of the dry open forest and woodland of regional ecosystem 12.11.5. The Groundwork Plus report outlines that this regional ecosystem is listed as least concern under the VMA.

As such, NRM was triggered as a concurrence agency for vegetation clearing under the SPR. NRM's assessment of the development application resulted in NRM providing development conditions to be imposed on any council issued approval. NRM's conditions related to vegetation offsets to mitigate land degradation and loss of biodiversity and ecological processes; and the parameters around vegetation clearing on site.

On 19 February 2013, EHP provided an amended referral agency response for matters relating to its jurisdiction for the ERAs, referrable wetlands and contaminated land. The amended response included the same requests and information from the original referral agencies responses, as provided on 15 January 2013.

TMR referral agency response

The development is located along part of Mount Cotton Road which is a state-controlled road. As a result, the application was referred to TMR for assessment against the impacts of the proposed development on the state-controlled road network, land use and transport coordination and the operational safety and integrity of railways and future railways.

On 19 April 2011, TMR provided its referral agency response for matters relating to the state-controlled road network. TMR advised that it considered the following in its assessment of the proposal:

- the safety of road users through material provided by the applicant and documents commissioned by TMR
- the efficiency of Mount Cotton Road and other state controlled roads (Beenleigh-Redland Bay Road and Mount Gravatt-Capalaba Road). The efficiency of the road including such aspects as ease of traffic movements, capacity of the roads and intersections and quality of the pavement have drawn from material provided by the applicant and acquired by TMR
- the impact that the development will have on the planning for the state controlled roads, through material provided by the applicant and acquired by TMR.

In its response, TMR provided conditions to be imposed on any approval given for the proposed development. The development conditions provided by TMR related to upgrading the existing vehicular, road network impacts, stormwater runoff, environmental nuisance and conditions compliance.

Energex referral agency response

The proposed development triggered Energex as an advice agency for electricity infrastructure. On 22 June 2011, Energex provided its advice agency response recommending conditions to be imposed on any approval given for the proposed development. The development conditions provided by Energex require the applicant to enter a Works Project Contract with Energex, comply with all existing easement conditions and provide for approval civil design drawings showing any proposed cut and fill levels on the easement and the location of Energex assets.

Energex also provided general conditions to be complied with when considering quarry construction.

Third party advice request to Logan City Council

In response to council's request for third party advice, on 30 May 2012, Logan City Council provided third party advice to the council about the development application. Logan City Council provided advice on matters relating to traffic, blasting and vibration, visual amenity, air quality, water management, SPP2/07 and compatible land use.

In its response, Logan City Council provided a number of proposed conditions to be imposed on the development, should it be approved, and requested that further analysis be carried out in relation to water management on the site.

Logan City Council advised that it considered "the development will intensify the quarry operations carried out on the subject premises and that quarrying/mining operations are uses which have the greatest likelihood to impact on surrounding land uses and must be considered in the context of surrounding land uses, not only within Redland Shire Council but also within Logan City Council."

As advised by Logan City Council, "the land within Logan City boundaries that is within a two kilometre radius of the proposed quarrying operations is zoned for conservation purposes under the Logan Planning Scheme 2006. Land within this zone is intended to have a bushland character and amenity and is intended to be developed in a manner that will provide for the protection and enhancement of environmental values of the area. The applicant has provided documentation addressing the potential impacts of the proposal in a generic sense but not in the context of the Logan Planning Scheme 2006. The proposal will interfere with the land use intention of land located in Logan City."

Logan City Council also advised that the proposal is inconsistent with the outcomes intended for land subject to the *Logan Planning Scheme 2006*. Figure 1 identifies the local government boundary between Redland (to the north) and Logan (to the south).

Public notification

Between 25 May 2012 and 12 July 2012, the development application underwent public notification. During the public notification period, council received 1139 properly made submissions; and 85 not properly made submissions. Council has advised that all submissions received were opposed to the proposed development going ahead. A summary of the key matters raised in the submissions provided by the council, in the Portfolio 7 Report, are outlined below:

- the development will have significant impacts upon the environmental values of the local area by removing significant native vegetation, fragmenting native habitats and restricting fauna movement
- the development will remove significant native vegetation that is a food resource for native fauna
- the development will remove habitat for a range of vulnerable and threatened fauna and flora; including the koala, native jute, macadamia integrifolia, powerful owl, glossy black cockatoo and the tusked frog
- the application does not demonstrate overriding need for the resource to be extracted, given other operations already in existence in the locality
- there are insufficient buffers between the quarry and surrounding properties to suitably mitigate noise and air quality impacts
- there is insufficient information to demonstrate that the risks associated with blasting, vibration and flyrock can be managed to protect the local community
- there is insufficient information to identify the impacts of the development on hydrology, including surface and groundwater flows, outside of the quarry pit area. Therefore, there is insufficient information to demonstrate that it will not impact on downstream properties with regard to flooding
- there is insufficient information to demonstrate that the water quality of California Creek and other associated drainage lines will be preserved
- there is insufficient information to identify the impacts of the development on the stability of land surrounding the quarry
- there is insufficient information to assess the potential exposure and the health risks of surrounding residents to toxic silica dust and other micro particulates from the quarry operation
- the quarry is incompatible with approved and planned urban development surrounding the site
- the development will result in increased traffic, which will increase the risk of traffic accidents and have an unacceptable impact on the local community

- the haulage routes are not clearly identified and could potentially include the use of local roads. This would result in unacceptable impacts with regard to noise, residential amenity, traffic safety and damage to local roads
- conditions should be imposed to ensure that Gramzow Road is not used by quarry traffic
- the quarry will sterilise large areas of surrounding rural land, by reducing any impetus for pursuing uses such as tourist accommodation. It will also impact on existing tourist accommodation uses surrounding the site
- the quarry will be visible from surrounding properties and public places, which will impact on the amenity of residents and the public
- the extraction rate should remain at current rates (500,000 tonnes per annum)
- the development will impact on the microclimate and airflows by the destruction of orographic clouds, which will affect the patch of rainforest on the site.

In response to the submissions received, council prepared a summary of submissions and provided a response to each of the matters. A review of the submissions against council's summary identified three additional issues that council did not provide a response. These are opening hours, predicted employment impacts and condition compliance enforcement.

Redland City Council decision

After extending its decision making period, council officers put forward the development application for consideration by Full Council at a Coordination Committee Meeting on 5 June 2013. In their report to the Coordination Committee Meeting, council officers found that the application had been assessed against the planning scheme and relevant state instruments and was considered to comply with the planning instruments. Council officers therefore recommended the development application be approved, subject to conditions.

Despite council officers recommending that Full Council approve the development application, the application was refused by Full Council (nine to one) on the following grounds:

- the proposed extension is actually a new quarry, extracting new material from a different location on the site, with a significantly greater scale than the existing quarry
- the proposed development is not consistent with the reasonable expectations of the local community, because the proposal is for a completely separate quarry which is of a significant scale and will operate in close proximity to adjoining rural residential properties
- the applicant has failed to demonstrate that the new quarry can be constructed and operated in such a manner as to protect the amenity of the surrounding sensitive receptors
- the applicant has failed to adequately define and apply suitable noise criteria to assess protection of amenity for the surrounding sensitive receptors
- the proposal will not maintain or enhance the rural residential amenity of the surrounding area through the minimisation of environmental nuisance occurring through the operation and construction of the quarry
- the proposal adversely impacts on and limits the future enhancement of the surrounding economic tourism opportunities

- a large number of submissions have been received objecting to the proposal, which raise valid planning grounds
- the proposed development is in conflict with the following provisions of the Redlands Planning Scheme:
 - Part 3.1.4, Desired Environmental Outcome No. 3 – Community Health and Wellbeing
 - Part 3.1.7, Desired Environmental Outcome No. 6 – Economic Development
 - Overall Outcomes 2(a)(i) and 2(c) for the Rural Non-Urban Zone
 - Overall Outcome 2(a)(iv) for the Extractive Industry Code
 - Specific Outcomes S2.1 to S2.4 of the Extractive Industry Code.
- there are not sufficient grounds to warrant approval of the proposed development having regard to the nature and extent of the conflict with the Redlands Planning Scheme
- that the development proposal be immediately referred to the relevant state Minister to assess the proposal, in particular the decisions of the state agencies, under the SPA.

Council issued a decision notice on 12 June 2013 refusing the development application.

The department notes that in council's reasons for refusal it is stated that *"the development proposal be immediately referred to the relevant State Minister to assess the proposal, in particular the decisions of the state agencies, under the SPA"*.

Request for call in

On 6 June 2013, Barro Group wrote to me about the development and requested that I consider calling in the application. In its request, Barro Group outlined that the proposed development involved a number of state interests, including:

- an interest that affects an economic interest of the state
- an interest that affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system
- the existing quarry and the proposed expansion is an identified Key Resource Area (KRA 71) under *State Planning Policy 2/07: Protection of Extractive Resources (SPP2/07)* and the current draft State Planning Policy.

Barro Group advised that in order to obtain an approval for the development application, they will be required to lodge an appeal in the Planning and Environment Court which will incur significant cost, time and resources.

On 2 July 2013, the Department of State Development, Infrastructure and Planning (the department) engaged an economist to undertake an independent review of the development proposal to determine whether the development involves economic state interests. The independent report concluded that the proposed development satisfied economic state interests under the SPA for the reasons outlined in the report.

On 11 July 2013, council wrote to me requesting a *"Ministerial review"* of the development application and state referral agency approvals. The request identifies that *"Redland City Council has significant concerns about the inadequacy of the conditions proposed by the state, and the competing state interests that affect the subject land"*. Council identified that it seeks support *"for its decision refusing the application"*.

On 16 July 2013, the department responded to Barro Group seeking clarification on matters relating to the likely investment value of the proposed extension to the quarry and its current (and likely future) economic contribution in terms of employment and wages.

On 18 July 2013, Barro Group responded to the department's request with additional information regarding the expected economic contribution of the proposed development. Barro Group identified in their response that the proposed development is expected to involve an initial direct investment of in excess of \$30 million in plant and equipment. Barro Group state that the development is also anticipated to provide a long term economic benefit of an estimated \$400 million over its 50 year life. This information was provided to the economist for their consideration as part of their independent review of the economic state interests of the proposed development.

The economist considered the information provided by Barro Group. The economist identified that the additional information provided by Barro Group presented "*a more complete picture of the economic contribution of the quarry's proposed expansion. The proposed initial direct investment in the quarry expansion and on-going employment represent only a fraction of Redland City's estimated Gross Regional Product of \$4.375b and over 44,500 jobs as at 2012 (source: Redland City Economic Profile, <http://economy.id.com.au/Redland/home>). Such a comparison, however, does not reflect the pervasive and on-going community and economic need for readily accessible quarry products*".

Appeal

On 28 June 2013, Barro Group filed an appeal (appeal number: 2335/2013) in the Planning and Environment Court against council's decision to refuse the development application. The notice of appeal was received by the Chief Executive of the department on the same day the appeal was filed.

Preliminary review

The development application was properly made on 2 February 2011. As such the relevant planning scheme is *Redlands Planning Scheme (Version 3.1)* (planning scheme). Under the planning scheme, the site is located within the Conservation, Environmental Protection and Rural Non-Urban zones (Figure 3) and a material change of use for extractive industry in these zones is subject to impact assessment. Regard can also be given to the current version of the *Redlands Planning Scheme, Version 5.3* which sets the same planning intent for the site.



Figure 3 - Planning scheme zones

As demonstrated above, the majority of the proposed expansion area is located in the Rural Non-Urban zone. As outlined in the planning scheme, one of the overall outcomes sought for development in the Rural Non-Urban zone is that development provides for uses that "recognise identified extractive resources". This, coupled with specific outcome S1.2 of the Rural Non-Urban zone code which promotes development that "involves the winning of extractive resources", identifies that while it is subject to impact assessment the proposed use is generally consistent with the land use intent for the area.

As further stated by council officers in the report to the Coordination Committee Meeting on Wednesday 5, June 2013, "...the fact that the land is identified as within KRA 71 of SPP2/07; which in turn is reflected in the Extractive Resources Overlay code of the planning scheme - [it is considered that] there is a clear direction that the land is generally appropriate for quarrying activity". Despite this, council officers acknowledged that the proposed development "needs to be assessed and balanced against the other codes and state policies in relation to its amenity and environmental outcomes".

As demonstrated in Figure 3, the remainder of the site is located in either the Conservation or Environmental Protection Zone of the planning scheme. Under the Conservation Zone Code, the purpose of the zone is to ensure "uses and other development identifies, protects and provides for the long-term management and enhancement of the environmental values associated with the zone". The code also outlines that development and uses in the zone "should minimise adverse impacts on environmental and scenic values".

Council officers advised in their report to the Coordination Committee Meeting on Wednesday 5, June 2013 that the "majority of the conservation area (other than the portion affected by the access road and conveyor belt) will remain free of development. This will retain the existing vegetation cover".

Council officers further advised that *"a rehabilitation plan formed part of the application, which proposes to rehabilitate the existing cleared areas outside of the quarry pit extent. As well as addressing the outcomes in the Conservation Code, this rehabilitation is intended to offset the loss of remnant vegetation and koala habitat trees that are proposed to be removed from the quarry pit area."*

Council's review of the development application against the planning scheme triggered assessment against a number of codes as outlined in Table 3.

Applicable Codes
Zone Code(s) Rural Non-Urban Zone Code Conservation Zone Code Environmental Protection Zone Code
Use Code Extractive Industry Code
Overlay Code(s) Bushfire Hazard Overlay Code Extractive Resources Overlays Code Flood Prone, Storm Tide and Drainage Constrained Land Overlay Code Landslide Hazard Overlay Code Protection of the Poultry Industry Overlay Code Road and Rail Noise Overlay Code Water Supply Catchment Overlay Code Waterways Wetland and Moreton Bay Overlay Code
Other Development Code(s) Excavation and Fill Code
General Code(s) Access and Parking Code Development Near Underground Infrastructure Code Erosion Prevention and Sediment Control Code Infrastructure Works Code Landscape Code Stormwater Management Code
<i>Table 3 - Relevant planning scheme codes</i>

State matters

My initial review of the development application and supporting material has identified that the following state planning instruments apply to the application:

South East Queensland Regional Plan 2009-2031

The site is located within the Regional Landscape and Rural Production Area of the SEQ Regional Plan. The site is also identified within DRO 4 - Natural Resources, Map 8: Rural production and natural resources as an Extractive Resource location.

South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions

Under the *South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* (SEQRP SPRP), Extractive Industry is included in the definition of "primary industry". Primary industry is not an urban activity under the SEQRP SPRP, and as such, Division 2 of the SEQRP SPRP does not apply to the proposed development.

South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP)

The site is included within the Priority Koala Assessable Development Area of the Koala SPRP. Council officers, in the report to the Coordination Committee Meeting, acknowledged that the provisions of the Koala SPRP and the Habitat Protection Overlay code in the Redlands Planning Scheme apply to the site; however stated that they *"do not consider that either the Koala SPRP or the Overlay removes the ability to establish a quarry on the site, rather potentially constrains the development in terms of its extent and operation"*. The council officers' report advised that *"it is considered that while altering fauna movement and habitat extent, the development outcome will still ensure that the site has equivalent conservation values with losses in some sections and significant ecosystem enhancement in other sections"*.

State Planning Policy 2/07 Protection of Extractive Resources (SPP 2/07)

The development site is included in the Mount Cotton KRA – 71 in SPP 2/07. The policy outcomes sought by SPP 2/07 are directed at identifying extractive resources of state or regional significance and protecting those resources from future potential land use conflict.

Temporary State Planning Policy 2/12 Planning for Prosperity (TSPP 2/12)

The department notes that the purpose of the TSPP 2/12 is to ensure that economic growth is facilitated by local and state plans, and is not adversely impacted by planning processes. The policy identifies that the state's interests in economic growth include *"promoting the state's mineral and extractive resource industries by preserving mineral and extractive resource industries and resolving at a regional and local level potential land use conflicts"*. The policies about the matters of state interest further states the need to *"identify known mineral, petroleum, gas, hard rock and geothermal reserves and protect these reserves from incompatible development"*. The proposed development and the site relate to the state's interest in economic growth, particularly in respect of extractive resource industries, as identified in the TSPP.

draft State Planning Policy (draft SPP)

The draft SPP was released for public consultation in April 2013. There are a number of proposed interests outlined in the draft SPP which are considered to relate to the proposed development. The draft SPP seeks to outline the state's interests for the purposes of making and amending local planning instruments, making or amending a regional plan, local government development assessment and for the designation of land for community infrastructure. The department considers the following interests are relevant to the proposed development:

- *Amenity and community wellbeing – Encourage amenity and community wellbeing in new communities and when redevelopment occurs within existing communities*
- *Mining and extractive resources – Significant mineral, coal, petroleum, gas and extractive resources are appropriately considered in order to support the:*
 - *Productive use of mining resources and a strong resource industry, and*
 - *Supply of energy and construction materials, and*
 - *Avoidance and management of current and potential land use conflicts.*

While the draft SPP outlines the importance of identifying and protecting KRAs, the associated draft SPP guideline specifically outlines those areas considered to meet the criteria for state significance and lists the existing KRAs across the state. Included in the guideline is a description of each KRA, including the Mount Cotton KRA – 71.

- *Biodiversity – Matters of national and state environmental significance are valued and appropriately safeguarded to support healthy and resilient ecosystems and ensure the sustainable, long-term conservation of biodiversity and the social, economic, cultural and environmental benefits it provides*
- *State transport infrastructure and networks – The benefits of investment in state infrastructure and services are maximised through integrated state and local land use planning.*

As previously stated, the development application triggered a number of concurrence and advice agencies for referral assessment. The matters subject to these assessments are also considered to be state matters.

Evidence or other material on which findings of material questions of fact were based

In forming my decision to propose to call in the development application, I had regard to the following material:

Document	Ref No.
Departmental Briefing Note (signed 8 August 2013)	MBN13/691
Attachment 1 – correspondence dated 6 June 2013 addressed to and received by me on 11 June 2013 from Barro Group Pty Ltd requesting I exercise my ministerial call in powers.	D13/53475
Attachment 2 – correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application.	D13/64642
Attachment 3 – Preliminary Assessment Report of Request for Call in – Barro Group Quarry dated July 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/51521
▪ Schedule 1 – Mount Cotton Quarry – Barro Group Pty Ltd Planning Assessment Report dated 6 December 2010, prepared by Groundwork Plus	F13/4546-1
▪ Schedule 2 – Correspondence dated 21 May 2013, prepared by the Department of Sustainability, Environment, Water, Population and Communities	D13/62778
▪ Schedule 3 – Information Request Response dated 27 April 2012, prepared by Groundwork Plus	D13/62785
▪ Schedule 4 – All referral agency responses for MCU012421: <ul style="list-style-type: none"> ▪ concurrence agency response (clearing vegetation) dated 4 January 2013 and prepared by the Department of Natural Resources and Mines ▪ concurrence agency response (ERA) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ advice agency response (land in or near a wetland) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ correspondence (contaminated land exemption) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection 	D13/62929

<ul style="list-style-type: none"> ▪ amended concurrence agency response (ERA, referable wetlands and contaminated land) dated 19 February 2013 and prepared by Department of Environment and Heritage Protection ▪ concurrence agency response (state controlled road) dated 19 April 2011 and prepared by the Department of Transport and Main Roads ▪ advice agency response (electricity infrastructure) dated 22 June 2011 and prepared by Energex Limited 	
▪ Schedule 5 - Third party advice response dated 30 May 2012 and prepared by Logan City Council	D13/63004
▪ Schedule 6 - Submission Summary, undated and prepared by Redland City Council	D13/63008
▪ Schedule 7 - Submissions received during public notification, dated between 25 May and 12 July 2012 and prepared by various parties	WR13/7542
▪ Schedule 8 - Correspondence dated 22 March 2011 to Redland City Council, prepared by Councillor Cherie Dalley, Member for Division 8, Logan City Council	D13/63012
▪ Schedule 9 - Report - Coordination Committee Meeting dated 5 June 2013 and prepared by Redland City Council	D13/63013
▪ Schedule 10 - Decision Notice dated 12 June 2013 and prepared by Redland Shire Council	D13/63015
▪ Schedule 11 - Correspondence requesting call in, dated 6 June 2012 and prepared by Barro Group, received by the Department of State Development, Infrastructure and Planning on 11 June 2013	D13/63016
▪ Schedule 12 - Proposed Quarry Extension Mount Cotton, Redland City, Economic State Interest Report dated July 2013, prepared by Foresight Partners Pty Ltd	D13/63017
▪ Schedule 13 - correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application.	D13/65488
▪ Schedule 14 - Correspondence to Barro Group dated 16 July 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/63018
▪ Schedule 15 - Notice of appeal (2335/2013), filed with the Planning and Environment Court on 28 June 2013, prepared by Barro Group	D13/63019
▪ Schedule 16 - Various correspondence to the state government about Redland City Council's decision: <ul style="list-style-type: none"> ▪ correspondence dated 23 May 2013, prepared by a representative of Barro Group ▪ correspondence dated 30 May 2013, prepared by a community member ▪ correspondence dated 1 June 2013, prepared by a community member ▪ correspondence dated 8 June 2013, prepared by a community member ▪ correspondence dated 10 June 2013, prepared by a community member ▪ correspondence dated 10 June 2013, prepared by a community member ▪ correspondence dated 11 June 2013, prepared by a community member ▪ correspondence dated 19 June 2013, prepared by a representative of Cement Concrete and Aggregates Australia ▪ correspondence dated 11 July 2013, prepared by representative of the Koala Action Group Qld Inc 	D13/63021

Attachment 4 - Draft proposed notice of call in, dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/52604
Attachment 5 - Draft ministerial correspondence to affected parties including the assessment manager, applicant, submitters for the application and each concurrence agency dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	OUT13/2703
Attachment 6 - Estimated statutory timeframes for a potential call in, dated 27 June 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/53587
Legislation	
<i>Sustainable Planning Act 2009</i>	
Other Planning Instruments	
<i>Redland City Council Planning Scheme (Version 3)</i>	
<i>South East Queensland Regional Plan 2009-2031</i>	
<i>South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions</i>	
<i>South East Queensland Koala Conservation State Planning Regulatory Provisions</i>	
<i>State Planning Policy 2/07 - Protection of Extractive Resources</i>	
<i>Temporary State Planning Policy 2/12- Planning for Prosperity</i>	
<i>Draft State Planning Policy</i>	

Dated 8 August 2013

Section 78B(2) RTI Act

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning



Department of
**Environment and
Heritage Protection**

Date ????

Deputy Premier
Minister for State Development, Infrastructure and Planning
C/- Director, Planning Services
Department of State Development, Infrastructure and Planning
PO Box 15009
CITY ESAT QLD 4002
E-mail: planning@dsdip.qld.gov.au

Dear Mr Jeff Seeney MP

RE: Section 424 of the Sustainable Planning Act 2013 regrading a development (extension of a quarry) located at Mount Cotton.

The Department of Environment and Heritage and Protection acknowledges the receipt of your correspondence dated 8 August 2013 requesting written submission for the below development regarding state interests:

Applicant: Groundwork Plus on behalf of Barro Group Pty Ltd

Type of Application: Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERA) 8 – (Chemical Storage), 16 – (Extractive and Screening Activities) and 21 – (Motor Vehicle Workshop Operations).

Location: 1513 and 1515-1521 Mount Cotton Road and 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 on S31962; Lot 238 on SP218968; Lot 370 on S311071; Lot 1 on RP108970; Lot 17 on RP108970; the land comprising that part of Greenhide (California) Creek located between Lot 162 on SP31962 and Lot 238 on SP218968, which is the property of the state; The unformed road bisecting and adjoining Lot 17 on RP108970, Lot 370 on S311071 and Lot 1 on S31962.

A. Submission / Advice:

The information provided has been examined with regard to the contaminated land component and please be advised that:-

(i) Site History:

Preliminary examination of (Lot 17 on RP108970) concerned indicates to be listed on the Environmental Management Register (EMR) being subjected to a notifiable activity (PETROLEUM PRODUCT OR OIL STORAGE) under Schedule 3 of the *Environmental Protection Act 1994*.

(ii) Contaminated Land Requirements

As part of the original assessment it is recognised that EHP was referral agency for this development under Schedule 3, Part 1, Table 2, item 6 of the *Sustainable Planning Regulation 2009*. Further assessment of the development application indicated that there was a notifiable activity on the land and the activity is continuing, under *Sustainable Planning Regulation 2009* Schedule 3, Part 1, Table 2, item 6(b) applied.

B. State Interests.

The matters involving state interests as mentioned in your correspondence will not having any bearing on contaminated land matters.

Should you require any further information in relation to the above please do not hesitate to contact Allen Johns (07) 3330 5694 or e-mail allen.johns@ehp.qld.gov.au

Kate Armstrong
Team Leader (Contaminated Land Unit)
Environmental Services
Environmental Protection Agency
Yours sincerely

Mooney Chris

From: Hertslet Bryce
Sent: Thursday, 9 January 2014 12:39 PM
To: Mooney Chris
Subject: FW: Mt cotton quarry

Bryce Hertslet

Regional Manager - Southern Region
Department of Environment and Heritage Protection
Environmental Services and Regulation

sch4(6) Personal information

E. bryce.hertslet@ehp.qld.gov.au
P. GPO Box 2454, Brisbane, Qld 4001.



Web: www.ehp.qld.gov.au
Twitter: <http://twitter.com/QldEHP>
Facebook: <http://facebook.com/QldEHP>
YouTube: <http://YouTube.com/user/QldEHP>

From: Connor Andrew
Sent: Wednesday, 5 June 2013 5:06 PM
To: Michaels Paul
Cc: Ellwood Dean; Hertslet Bryce
Subject: RE: Mt cotton quarry

Correct.

Andrew Connor
Executive Director, Southern Region
Environmental Services & Regulation Division
Department of Environment and Heritage Protection
Telephone (07) 3330 6335
www.ehp.qld.gov.au

From: Michaels Paul
Sent: Wednesday, 5 June 2013 5:03 PM
To: Connor Andrew
Cc: Ellwood Dean; Hertslet Bryce
Subject: FW: Mt cotton quarry

Andrew,
I am 99.9% sure the answer to this question is "yes". But can you confirm please.

Paul

From: Lynette Keep [mailto:Lynette.Keep@ministerial.qld.gov.au]
Sent: Wednesday, 5 June 2013 4:54 PM
To: Michaels Paul
Cc: media; Brooke Hargraves
Subject: FW: Mt cotton quarry

Hi Paul,
I suspect we were a concurrence agency – can you please tell me what EHP's involvement in this matter has been.
I have had a call from ABC 7PM news wanting to know.
Sorry, but need it asap.
Apologies for tight turnaround.



Lynette Keep
Senior Media Advisor
Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage Protection
Phone: 07 3239 0818 | Fax: 07 3224 2496 | Mobile: (6) Personal information
400 George Street | Brisbane | QLD 4000
GPO Box 2454 | Brisbane | QLD 4001
Great State. Great Opportunity

From: John Taylor [mailto:Taylor.John@abc.net.au]
Sent: Wednesday, 5 June 2013 4:30 PM
To: Lynette Keep
Subject: Mt cotton quarry

<http://www.heraldsun.com.au/news/redlands-council-rejects-barro-groups-25-million-mount-cotton-quarry-project/story-fnii5tth-1226657820629>

A QUEENSLAND council this morning flew in the face of State and Federal governments, knocking back a \$25 million quarry development that would have created 50 new jobs.

The Redlands City Council was under vocal local pressure to reject the Barro Group's Mount Cotton Quarry extension project when the matter was put to a vote in the Redlands City Council general meeting Wednesday morning. Redlands City councillors rejected the project nine to one.

Barro Group general manager Ian Ridoutt said they also rejected the council's own officers' strong recommendation for approval.

"Most disappointing that every possible approval had been sort and got and approved, and the council has chosen to ignore all that information and head off on their own track," he said.

No immediate comment could be obtained from Redlands Mayor Karen Williams, who was still in the council meeting.

Best John



John Taylor
Journalist

P +61 7 3377 5452 E taylor.john@abc.net.au
\$th4p4(6) Personal information @_JohnTaylor_



Best John



John Taylor
Journalist

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RTI DL RELEASE - EHP

Mooney Chris

From: Hawas Olga
Sent: Thursday, 17 October 2013 7:22 AM
To: Mooney Chris; DeHaan Rebecca
Subject: FW: Mt Cotton Visit - dust

FYI

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Anthony Moloney sch4p4(6) Personal information
Sent: Wednesday, 16 October 2013 11:36 AM
To: Hawas Olga; Hertslet Bryce
CC: sch4p4(6) Personal information Section 78B(2) RTI Act judith.kerr@ruralpress.com
Subject: Mt Cotton Visit - dust

Good morning,

Many thanks for your time yesterday – we appreciate you are constrained by regulations and legislation. However the community is not so much concerned about a distant dust plume – but what likely to happen next to their homes and its impact on their lives.

- As you saw and as per attached photo, how will residents around the proposed development be protected against this almost daily dust (and noise) given that we know from your reports this existing quarry does not exceed licence thresholds yet clearly has a significant dust issue?
- If monitors are put in place and the licence conditions are repeatedly shown not to be exceeded, at what point will complaints then be considered frivolous or vexatious?
- Our understanding of the legislation is that additional conditions that are “reasonable and necessary” can be applied. Why have they not been included when it is obvious from the evidence we have presented in submissions and as you confirmed, residents will be significantly adversely affected and the licence conditions are inadequate to protect them from what we observed and as per attached photo?
- As I recall there is a 3 month “trial period” – if that is the case it is grossly inadequate to either reflect or predict whether the impact models by the applicant are valid over the life of the quarry. Can you please confirm?
- What will the health impact be from what you saw on children and adults with sensitivity to sinusitis and other respiratory conditions/allergies who live around the proposed development?

Again we appreciate your time, but for residents this will have an enormous impact on their lives. We look forward to your response.



Best regards,

Anthony

.....

Anthony Moloney

sch4p4(6) Personal information

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Mooney Chris

From: Hawas Olga
Sent: Tuesday, 22 October 2013 4:00 PM
To: Hertslet Bryce
Cc: Murphy Shari; DeHaan Rebecca; Mooney Chris
Subject: FW: Mt Cotton Visit - dust

Bryce

Below is a draft response to Anthony Moloney's e-mail sent last week after our visit to Mount Cotton for your review and approval. The response has been reviewed by Bec DeHaan and Shari.

Best regards

Olga Hawas

Principal Environmental Officer

Brisbane North

Southern Region (East) | Environmental Services and Regulation

Telephone: 07 3330 5540

Department of Environment and Heritage Protection

Level 8, 400 George Street Brisbane Q 4000

PO Box 2554 GPO Brisbane Q 4001

e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

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From: Anthony Moloney sch4p4(6) Personal information

Sent: Wednesday, 16 October 2013 11:36 AM

To: Hawas Olga; Hertslet Bryce

Cc: sch4p4(6) Personal information Section 78B(2) RTI Act judith.kerr@ruralpress.com

Subject: Mt Cotton Visit - dust

Good morning,

Many thanks for your time yesterday – we appreciate you are constrained by regulations and legislation. However the community is not so much concerned about a distant dust plume – but what likely to happen next to their homes and its impact on their lives.

- As you saw and as per attached photo, how will residents around the proposed development be protected against this almost daily dust (and noise) given that we know from your reports this existing quarry does not exceed licence thresholds yet clearly has a significant dust issue?

The conditions set out in the Concurrence Agency Response are designed to maintain and protect the environmental values of the air environment being the qualities of the air environment that are conducive to human health and wellbeing. The department is satisfied that the approved conditions contain a set of standards which, when met, will protect local environmental values. The responsibility for meeting these standards sits with the operator.

- If monitors are put in place and the licence conditions are repeatedly shown not to be exceeded, at what point will complaints then be considered frivolous or vexatious?

The department will assess the compliance of the activity and use enforcement tools if necessary to ensure that standards prescribed by environmental authority conditions are met. If these standards are not met, and any monitoring or inspection indicates a breach of the standards, the department will take appropriate and proportionate enforcement action against the operator of the activity to rectify the breach. Furthermore, any changes which would result in an increase in environmental harm would trigger an amendment process and require review and approval by the department.

Conditions prescribed in the environmental authority require monitoring to be undertaken at the location relevant to the complaint (sensitive location). Once monitoring is undertaken the department will assess the results and if there is no exceedance at the sensitive place no action will be taken against the operator and complaint investigation will be closed.

In considering a complaint frivolous or vexatious the department is guided by the process outlined in "Managing unreasonable complainant conduct practice manual 2nd edition" (2012, NSW Ombudsman) adopted by the QLD Ombudsman which states that "unreasonable complainant conduct ('UCC') can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint. The parties to a complaint that might be detrimentally impacted by UCC include, the organisation responsible for handling a complaint, the case officer(s) tasked with dealing with a complaint, the subject of complaint, a complainant himself or herself (potentially including members of their families and friends) and other complainants and service users.

- Our understanding of the legislation is that additional conditions that are "reasonable and necessary" can be applied. Why have they not been included when it is obvious from the evidence we have presented in submissions and as you confirmed, residents will be significantly adversely affected and the licence conditions are inadequate to protect them from what we observed and as per attached photo?

The proposed calling in of the application presented an opportunity for the department to formally amend the CAR to reflect the concerns raised by the community in relation to the current CAR conditions and EHP's new regulatory strategy. Considering the significant concerns which persist within the neighbouring community, as well as the department's new Regulatory Strategy, which requires operators of ERAs to manage their environmental risk and demonstrate compliance with the *Environmental Protection Act 1994* (the Act) and the conditions of their environmental authority, the department advised the Deputy Premier and Minister for State Development, Infrastructure and Planning, the Honourable Jeff Seeney, MP on proposed amendments to the air and noise interest of the CAR. Specifically, a proactive Ambient Dust Monitoring Program is proposed which must be developed and implemented by the proponent. The department is of the opinion that this ADMP will provide the proponent with more certainty of the department's expectations in terms of managing impacts to the air environment. As a result of the ADMP, the proponent will be able to

demonstrate compliance with the objectives of the Act but also more effectively communicate the impacts of their activity to the local community.

In addition, the department also advised that the current noise limits in Table 1 of the CAR should be amended to reflect the new data provided during the community meeting which provides better protection for nearby sensitive receptors from potential noise impacts associated with the proposed quarry expansion.

- As I recall there is a 3 month “trial period” – if that is the case it is grossly inadequate to either reflect or predict whether the impact models by the applicant are valid over the life of the quarry. Can you please confirm?

At this stage the department cannot confirm that the requirement to conduct a validation study will be included in the final set of conditions as it is a subject to approval by the Deputy Premier and Minister for State Development, Infrastructure and Planning, the Honourable Jeff Seeney, MP.

However, if departmental advice is accepted, the following condition will be imposed on the proponent:

"Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition A4(a), a model validation study must be undertaken to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Conditions A2 and A3. The model validation study must be undertaken in accordance with NSW DECC Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (DECC, 2005), and specific requirements of the administering authority."

- What will the health impact be from what you saw on children and adults with sensitivity to sinusitis and other respiratory conditions/allergies who live around the proposed development?

The department's role is to act as a strong environmental regulator which supports sustainable long-term economic development of Queensland through administering a range of environmental regulations and laws, providing timely approval authorities and ensuring compliance with them. The department is responsible for ensuring that environmental values are enhanced and protected. The environmental values to be enhanced or protected under the Air policy are— the qualities of the air environment that are conducive to human health and wellbeing. Departmental jurisdiction is to ensure that the air quality objectives prescribed to protect those values are not exceeded. These levels are designed to protect health and therefore for so as long as these levels are not exceeded, the general health should not be affected. Assessment of the actual health implications for highly sensitive individuals/allergies is outside departmental jurisdiction. If you have concerns about health impacts and dust sensitivity you should seek advice from QLD Health or from your family general practitioner.

Again we appreciate your time, but for residents this will have an enormous impact on their lives. We look forward to your response.



Best regards,

Anthony

.....

Anthony Moloney

sch4p4(6) Personal information

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Mooney Chris

From: Hawas Olga
Sent: Tuesday, 22 October 2013 3:22 PM
To: Murphy Shari; DeHaan Rebecca
Cc: Mooney Chris
Subject: RE: Mt Cotton Visit - dust

Thank you, Shari. Bryce discussed our advice to DSIP during the visit to Mount Cotton. While he agreed to provide the draft proposed conditions to A. Moloney he emphasised that we do not know if our advice will be adopted or not.

Just waiting for Bec to respond and will be sending to Bryce.

Best regards

From: Murphy Shari
Sent: Tuesday, 22 October 2013 3:19 PM
To: Hawas Olga; DeHaan Rebecca
Cc: Mooney Chris
Subject: RE: Mt Cotton Visit - dust

Olga – I am happy for you to forward this to Bryce in its current format; I do not think we would be able to disclose details our recommendations to Mr Seeney though will leave that to Bryce to decide thanks shari.

From: Hawas Olga
Sent: Tuesday, 22 October 2013 2:42 PM
To: DeHaan Rebecca; Murphy Shari
Cc: Mooney Chris
Subject: FW: Mt Cotton Visit - dust

Could you please cast your eye over this before I send this to Bryce. Some of the response is taken from the letter to DSIP.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Anthony Moloney [[mailto:sch4p4\(6\)@ehp.qld.gov.au](mailto:sch4p4(6)@ehp.qld.gov.au)] (Personal information)
Sent: Wednesday, 16 October 2013 11:36 AM

To: Hawas Olga; Hertslet Bryce

Re: 4(6) Personal information Section 78B(2) RTI Act judith.kerr@ruralpress.com

Subject: Mt Cotton Visit - dust

Good morning,

Many thanks for your time yesterday – we appreciate you are constrained by regulations and legislation. However the community is not so much concerned about a distant dust plume – but what likely to happen next to their homes and its impact on their lives.

- As you saw and as per attached photo, how will residents around the proposed development be protected against this almost daily dust (and noise) given that we know from your reports this existing quarry does not exceed licence thresholds yet clearly has a significant dust issue?

The conditions set out in the Concurrence Agency Response are designed to maintain and protect the environmental values of the air environment being the qualities of the air environment that are conducive to human health and wellbeing. The department is satisfied that the approved conditions contain a set of standards which, when met, will protect local environmental values. The responsibility for meeting these standards sits with the operator.

- If monitors are put in place and the licence conditions are repeatedly shown not to be exceeded, at what point will complaints then be considered frivolous or vexatious?

The department will assess the compliance of the activity and use enforcement tools if necessary to ensure that standards prescribed by environmental authority conditions are met. If these standards are not met, and any monitoring or inspection indicates a breach of the standards, the department will take appropriate and proportionate enforcement action against the operator of the activity to rectify the breach. Furthermore, any changes which would result in an increase in environmental harm would trigger an amendment process and require review and approval by the department.

In considering a complaint frivolous or vexatious the department is guided by the process outlined in "Managing unreasonable complainant conduct practice manual 2nd edition" (2012, NSW Ombudsman) adopted by the QLD Ombudsman which states that "unreasonable complainant conduct ('UCC') can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint. The parties to a complaint that might be detrimentally impacted by UCC include, the organisation responsible for handling a complaint, the case officer(s) tasked with dealing with a complaint, the subject of complaint, a complainant himself or herself (potentially including members of their families and friends) and other complainants and service users.

- Our understanding of the legislation is that additional conditions that are "reasonable and necessary" can be applied. Why have they not been included when it is obvious from the evidence we have presented in submissions and as you confirmed, residents will be significantly adversely affected and the licence conditions are inadequate to protect them from what we observed and as per attached photo?

The proposed calling in of the application presented an opportunity for the department to formally amend the CAR to reflect the concerns raised by the community in relation to the current CAR conditions and EHP's new regulatory strategy. Considering the significant concerns which persist within the neighbouring community, as well as the department's new Regulatory Strategy, which requires operators of ERAs to manage their environmental risk and demonstrate compliance with the *Environmental Protection Act 1994* (the Act) and the conditions of their environmental authority, the department advised the Deputy Premier and Minister for State Development, Infrastructure and Planning, the Honourable Jeff Seeney, MP on proposed amendments to the air and noise interest of the CAR. Specifically, a proactive Ambient Dust Monitoring Program is proposed which must be developed and implemented by the proponent. The department is of the opinion that this ADMP will provide the proponent with more certainty of the department's expectations in terms of managing impacts to the air environment. As a result of the ADMP, the proponent will be able to demonstrate compliance with the objectives of the Act but also more effectively communicate the impacts of their activity to the local community.

In addition, the department also advised that the current noise limits in Table 1 of the CAR should be amended to reflect the new data provided during the community meeting which provides better protection for nearby sensitive receptors from potential noise impacts associated with the proposed quarry expansion.

- As I recall there is a 3 month "trial period" – if that is the case it is grossly inadequate to either reflect or predict whether the impact models by the applicant are valid over the life of the quarry. Can you please confirm?

At this stage the department cannot confirm that the requirement to conduct a validation study will be included in the final set of conditions as it is a subject to approval by the Deputy Premier and Minister for State Development, Infrastructure and Planning, the Honourable Jeff Seeney, MP.

However, if departmental advice is accepted, the following condition will be imposed on the proponent:

"Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition A4(a), a model validation study must be undertaken to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Conditions A2 and A3. The model validation study must be undertaken in accordance with NSW DECC Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (DECC, 2005), and specific requirements of the administering authority."

- What will the health impact be from what you saw on children and adults with sensitivity to sinusitis and other respiratory conditions/allergies who live around the proposed development?

The department's role is to act as a strong environmental regulator which supports sustainable long-term economic development of Queensland through administering a range of environmental regulations and laws, providing timely approval authorities and ensuring compliance with them. The department is responsible for ensuring that environmental values are enhanced and protected. Assessment of health impacts is outside departmental jurisdiction. If you have concerns about health impacts and dust sensitivity you should seek advice from QLD Health or from your family general practitioner.

Again we appreciate your time, but for residents this will have an enormous impact on their lives. We look forward to your response.



Best regards,

Anthony

.....

Anthony Moloney

sch4p4(6) Personal information

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Mooney Chris

From: Hawas Olga
Sent: Thursday, 7 November 2013 9:24 AM
To: melissa.hector@dsdip.qld.gov.au
Cc: Murphy Shari; Mooney Chris; Yoshino Toshi
Subject: FW: Information for DSDIP required ASAP in the morning

Dear Melissa

Anthony Moloney was a co-respondent to the original appeal in 2008. Anthony and other residents commissioned Savery and Associates to conduct independent noise assessment. The other contact is Ian Bridge.

Anthony Moloney:

sch4p4(6) Personal information

Best regards

Olga Hawas

Principal Environmental Officer

Brisbane North

Southern Region (East) | Environmental Services and Regulation

Telephone: 07 3330 5540

Department of Environment and Heritage Protection

Level 8, 400 George Street Brisbane Q 4000

PO Box 2554 GPO Brisbane Q 4001

e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

Great state.
Great opportunity.



**Queensland
Government**

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

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to report littering
or illegal dumping**



From: Mooney Chris
Sent: Wednesday, 6 November 2013 4:54 PM
To: Yoshino Toshi
Cc: Murphy Shari; Hawas Olga; melissa.hector@dsdip.qld.gov.au
Subject: Information for DSDIP required ASAP in the morning
Importance: High

Hey Toshi,

Melissa Hector (3225 8023 – melissa.hector@dsdip.qld.gov.au) of DSDIP requires the contact details for whomever submitted the Community's noise report for the Barro application. They need to contact the 'owner' of the report to ensure it is OK for them to make it publicly available (due to intellectual property rights). If you get in before me, could you please send the name and contact details to Melissa as soon as possible in the morning. This is URGENT.

Cheers

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au



RTI DL RELEASE - EHP

Mooney Chris

From: Yoshino Toshi
Sent: Friday, 1 November 2013 9:21 AM
To: Mooney Chris
Subject: RE: Background Noise - 451 West MT Cotton

The 2 weeks of results are [here](#)

Toshi YOSHINO

Senior Environmental Officer
Environmental Services- Brisbane North
Department of Environment and Heritage Protection
Ph: (07) 3330 5054
E-mail: toshi.yoshino@ehp.qld.gov.au

Visit us online at www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:

<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Yoshino Toshi
Sent: Friday, 1 November 2013 9:19 AM
To: Mooney Chris
Subject: FW: Background Noise - 451 West MT Cotton

This is the summary of background noise done by Savery in 2006.
There is also 2 weeks of logging data from 2008.

Toshi YOSHINO

Senior Environmental Officer
Environmental Services- Brisbane North
Department of Environment and Heritage Protection
Ph: (07) 3330 5054
E-mail: toshi.yoshino@ehp.qld.gov.au

Visit us online at www.ehp.qld.gov.au

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<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Yoshino Toshi
Sent: Wednesday, 16 October 2013 2:10 PM
To: DeHaan Rebecca
Subject: FW: Background Noise - 451 West MT Cotton

Toshi YOSHINO

Senior Environmental Officer

Environmental Services- Brisbane North
Department of Environment and Heritage Protection
Ph: (07) 3330 5054
E-mail: toshi.yoshino@ehp.qld.gov.au

Visit us online at www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:

<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Anthony Moloney [mailto:sch4p4(6) Personal information]
Sent: Wednesday, 22 May 2013 10:35 PM
To: Yoshino Toshi
Subject: FW: Background Noise - 451 West MT Cotton

Dear Toshi,

I am still waiting for the consultants full report and hope to get it to you shortly.
For your background, the information on 451 background noise was first sent through back in November 2011 after we had discussed it on the phone in relation to the quarry DA.

Best regards,

Anthony

From: Anthony Moloney [sch4p4(6) Personal information]
Sent: Friday, 18 November 2011 3:24 PM
To: 'Yoshino Toshi'
Subject: Background Noise - 451 West MT Cotton

Dear Mr Yoshino,

Thank you for your time earlier today. Please find attached independent background noise report taken from our house by Savery & Associates.

Best regards,

Anthony

.....
Anthony Moloney

[Redacted]
sch4p4(6) Personal information

From: Mooney Chris
Sent: Wednesday, 4 December 2013 12:05 PM
To: melissa.hector@dsdip.qld.gov.au
Cc: DeHaan Rebecca
Subject: Information as requested
Attachments: ERA 16_model_conditions_DRAFT_FOR_CONSULTATION_v3.docx

Hi Melissa,

I have attached a copy of the DRAFT ERA 16 Model Operating conditions which went out for industry consultation. This was sent to CCAA, LGAQ, and DTMR, amongst others. The blasting conditions are based on the Australian standard.

I have the following information regarding the transitional provisions:

A DA application was made prior to 31 March 2013 and is granted post the commencement of the amended EP Act.

If the DA application in progress is approved, the client will be issued a DA. However, once the DA is issued, they will need to use the transitional conversion application to convert the DA to an EA under s.678A of the EP Act. This document is EM1100. No fees are required to make this application.

The conditions on the DA (imposed by the administering authority under the EP Act) will be removed from the DA and placed on the EA. These conditions (imposed due to the trigger requiring an MCU for an ERA) become the EA and are no longer part of the DA, they become the operational conditions for the activity and will be subject to enforcement provisions under the EP Act. It is an offence to conduct an ERA without an EA therefore the client will need to convert the DA conditions to an EA (per s678A) prior to commencing the activity. The application is available on the BIP website and the document is EM1100. No fees are required to make this application.

Conversion of DA conditions

Do DA conditions which have been transitioned from a registration certificate and a development approval remain on the DA so that if the EA is ever cancelled it can still be enforced via the DA?

If the registration certificate did not contain any deleted ERAs on it, then all the conditions on the DA (imposed by the administering authority under the EP Act) will be removed from the DA and placed on the EA. This means that if the EA is cancelled, then all the conditions that moved from the DA to the EA will also be cancelled and will no longer be enforceable under the EP Act.

Note: During the transition, conditions are conceptually 'cut and pasted' from the DA to the EA. However, as the DA is not physically amended, the conditions will appear to be on the DA but they will not be enforceable.

Converting a transitioned DA application and creating an amalgamated EA Amendments in progress for an existing EA

A client already has an active DA and registration certificate on a site (which has become an transitioned EA). In addition they have a DA application in progress to amend the existing EA. When the new amended DA is approved, how do we convert to an EA and integrate with the existing EA on site?

If the DA amendment application in progress is approved, the client will be issued a DA. However, once the DA is issued, they will need to use the transitional conversion application to convert the DA to an EA under s.678A of the EP Act. This document is EM1100. No fees are required to make this application.

Amalgamating the 2 EAs will not be an ideal process as you could end up **with** conflicting conditions and/or thresholds (depending on the amendment sought). There is no provision **during** an amalgamation to make any changes to conditions imposed.

Instead, the definition in Schedule 4 of the EP Act will apply to this scenario as it allows the cancellation of an existing EA where a replacement EA has been issued. In this case, we **will** issue a replacement EA with all the conditions of the newly converted DA.

By following this process, the client will continue to only pay the one annual fee. However, if the amendment is to increase the threshold of the activity, a supplementary annual fee will be payable.

I hope this helps!

Cheers

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au



RTI DL RELEASE - EHP

Model operating conditions

Dredging—ERA 16(1)

Extraction—ERA 16(2)

Version: DRAFT FOR CONSULTATION



Prepared by: Environmental Regulatory Practice, Department of Environment and Heritage Protection

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November 2013

CCI job number

Contents

Summary	1
1 Introduction	2
2 How to use this guideline	2
2.1 New project applications	2
2.2 Amendments	2
2.3 Transfer of environmental authority holder	2
3 Obligations under the EP Act.....	3
3.1 General environmental duty	3
3.2 Duty to notify of environmental harm	3
4 Offences under the legislation	3
4.1 Contravention of a condition of an environmental authority.....	3
4.2 Causing material or serious environmental harm	3
4.3 Causing environmental nuisance	4
4.4 Depositing a prescribed contaminant in waters	4
5 Model operating conditions	5
5.1 Additional model operating conditions—blasting	9
5.2 Additional model operating conditions—inland dredging	10
5.3 Additional model operating conditions—coastal dredging	10
5.4 Additional model operating conditions—extraction, other than dredging	11
6 Definitions	12

Summary

This document provides advice to potential environmental authority holders on the model operating conditions that will be applied to their environmental authority for environmentally relevant activity (ERA) 16 operations if a site specific application is made for the following thresholds:

- ERA16(1)—**dredging** operations
- ERA 16(2)—extractive operations, other than **dredging**

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1 Introduction

The *Environmental Protection Act 1994* (EP Act) provides for the granting of environmental authorities for **dredging** activities and extractive operations, other than **dredging** (i.e. ERA 16 extractive activities).

In giving approval under the EP Act for extractive activities, the **administering authority** must address the regulatory requirements set out in the Environmental Protection Regulation 2008 and the standard criteria contained in the EP Act. The **administering authority** will give consideration to these regulatory requirements in the context of specific information about the environmental impacts of a particular project provided through application documentation for an environmental authority.

These model operating conditions will only be used if the two criteria listed below are met:

1. The ERA 16 **activity** is for either of the following thresholds listed in Schedule 2 of the Environmental Protection Regulation 2008
 - a. ERA 16(1)
 - b. ERA 16(2)
2. The ERA 16 **activity** requires a site specific application for an environmental authority i.e. cannot meet the eligibility and standard conditions prescribed for ERA 16(1) or (2).

The model operating conditions will be applied to each environmental authority issued for an ERA16 **activity** that meets the above two criterion. However, the model operating conditions can be modified to suit the specific circumstances of an extractive or **dredging** operation subject to the assessment criteria outlined above. In such circumstances, variants of these conditions and/or differing conditions will be applied at the discretion of the **administering authority** to address issues that are specific to a particular operation or a particular site (e.g. where specific **environmental values** may be impacted).

In some circumstances, payment of financial assurance may also be required. If financial assurance is required, it will be stated as a condition on the environmental authority at the discretion of the **administering authority**.

Conditions in your environmental authority will generally state what is and what isn't permitted as part of the **activity**. They will relate to the operation of the **activity** and also cover rehabilitation requirements. Where **you** also require a development permit for your **activity** under the *Sustainable Planning Act 2009*, the conditions in your environmental authority will not deal with land-use issues, as these will have been assessed and conditioned in your development approval.

An environmental authority authorises the carrying out of an **activity** and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

The **administering authority** may amend the conditions in this guideline from time to time to ensure they are current and appropriate (although conditions in your approval will only change in the circumstances set out in the EP Act).

2 How to use this guideline

2.1 New project applications

These model operating conditions will be applied to all new environmental authorities for an environmental authority for ERA 16(1) or ERA 16(2), where a site specific application is made.

2.2 Amendments

For amendment applications where the amendment involves altering activities covered by the model operating conditions, negotiation with **you** should take place before the original conditions are amended to reflect the model operating conditions to the extent of the changed impacts. If there is no increase in impacts or only a trivial increase in impacts as a result of the change, this is not an opportunity for the **administering authority** to impose these model operating conditions on an existing project, except to the extent that **you** seek to adopt the model operating conditions.

2.3 Transfer of environmental authority holder

The model operating conditions should not be imposed upon a transfer, unless at the request of the transferee.

3 Obligations under the EP Act

At all times **you** must meet your obligations under the EP Act. The following information is provided to help **you** understand some of the key environmental obligations under the EP Act which may relate to the operation of your **activity**. This is not an exhaustive list of all of the environmental obligations. Environmental obligations which **you** must comply with include:

- general environmental duty—section 319
- duty to notify environmental harm—sections 320-320G.

3.1 General environmental duty

A person must not carry out any **activity** that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable **measures** to prevent or minimise the harm. This is a person's general environmental duty.

You have the responsibility to work out what **you** need to do to make sure that **you** manage your environmental risk and achieve the outcomes set out in your environmental authority.

Failure to comply with the general environmental duty is not, itself, an offence. An offence occurs if you cannot prove that the environmental nuisance or harm was done whilst carrying out an activity that is lawful apart from the EP Act and that you complied with the general environmental duty.

3.2 Duty to notify of environmental harm

The duty to notify requires a person to give notice where serious or material environmental harm is caused or there is a risk of such harm and that harm is not authorised by the **administering authority**.

For more information on the duty to notify requirements, including who must be notified, how and when to notify, refer to the guideline The Duty to Notify of Environmental Harm (EM467).

4 Offences under the legislation

This section sets out some of the offences that **you** should be aware of as **you** are carrying out your **activity**. If **you** commit one of these offences, **you** could be fined, prosecuted, or required by the **administering authority** to take some action. This is not an exhaustive list of all of the environmental offences under the legislation.

If **you** do commit an offence while carrying out your **activity**, the **administering authority** will take enforcement action in accordance with its Enforcement Guidelines.

4.1 Contravention of a condition of an environmental authority

It is a legal requirement for **you** to comply with the conditions in your environmental authority. **You** must also ensure that anyone operating under the environmental authority also complies with the conditions. This might include contractors visiting the site temporarily or transport operators loading and unloading materials on site, and all staff employed at the site. Multiple people may be prosecuted if an offence is committed.

If **you** think that **you** have breached a condition of your environmental authority, it is your responsibility to fix the problem and bring yourself back into compliance with the condition. **You** should not wait for the **administering authority** to tell **you** what to do. **You** may be required to contact the **administering authority** by the conditions in your environmental authority and the duty to notify.

Penalties for a breach of a condition of an environmental authority vary from penalty infringement notices (PIN) for one-off offences that are easily rectified to the issuing of statutory notices such as an environmental evaluation, transitional environmental program or an environmental protection order. In serious cases the **administering authority** may initiate court proceedings to have a court order issued or may prosecute those responsible for the breach.

4.2 Causing material or serious environmental harm

Material environmental harm has the meaning as defined in s.16 of the EP Act. In summary, material environmental harm is environmental harm that costs more than \$5,000 to clean up, or that causes (or has the potential to cause) more than \$5,000 worth of damage to property.

Serious environmental harm has the meaning as defined in s.17 of the EP Act. In summary, it is harm that is irreversible; has a high impact or widespread effects to the environment; is caused to an area of high conservation significance; or causes clean-up costs or property damage worth more than \$50,000. Material and serious environmental harm excludes environmental nuisance.

4.3 Causing environmental nuisance

Environmental harm includes environmental nuisance. Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, **offensive** or unsightly condition because of contamination. For activities that need an environmental authority, the most common causes of environmental nuisance are dust, noise and odour.

4.4 Depositing a prescribed contaminant in waters

Prescribed contaminants includes a wide variety of contaminants from the inert substances such as earth, clay, gravel and sediment to substances such as chemicals, contaminants with a high or low pH, construction and building waste, gas, oil and sewage. For a full list of **prescribed contaminants** see Schedule 9 of the EP Act.

It is your responsibility to ensure that **prescribed contaminants** are not left in a place where they could enter a waterway roadside gutter or stormwater drain and to make sure that they do not actually get into one of those places. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs **you** must ensure that it is treated to remove contaminants. **You** should also consider where and how **you** store material used in your processes onsite to reduce the chance of water contamination.

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DRAFT - FOR CONSULTATION

5 Model operating conditions

Model operating conditions for all dredging or extractive ERA 16 activities

GENERAL

G1	Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations: a) <INSERT extent, nature or limitations of the activity approved and if relevant the maximum limit e.g. tonnes of material extracted per year> b) <REPEAT for all relevant activities approved>
G2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G3	Any breach of a condition of this environmental authority must be reported to the administering authority within 24 hours of you becoming aware of the breach. Upon request of the administering authority, you must provide full details of the breach and any subsequent actions undertaken.
G4	Other than as permitted within this environmental authority, the release of a contaminant into the environment must not occur.
G5	All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years and provided to the administering authority upon request.
G6	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored, in the manner provided, as specified in this environmental authority.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has NATA certification, or an equivalent certification, for such analyses. <The only exception to this condition is for <i>in situ</i> monitoring of <INSERT relevant parameters>.>
G8	When requested by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority , to investigate a complaint of environmental nuisance caused by the activity . The monitoring results must be provided to the administering authority upon request.
G9	The activity must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> • identify potential risks to the environment from the activity during routine operations and emergencies • establish and maintain control measures that minimise the potential for environmental harm • ensure plant, equipment and measures are maintained in a proper and effective condition • ensure plant, equipment and measures are operated in a proper and effective manner • ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> • ensure that reviews of environmental performance are undertaken at least annually.

AIR

A1	Odours, dust or airborne contaminants which are noxious or offensive or otherwise cause environmental nuisance must not be released to any sensitive place or commercial place .
----	--

NOISE

N1 *INSERT this condition for general industrial noise. Where an activity includes blasting and resultant ground borne vibration or pronounced low frequency noise, noise conditions in section 5.1 will also apply.*

Two options are included below to be used according to relevant to individual circumstances for general industrial noise. These options are setting acceptable noise limits at affected places (Option 1 –Table 1) and setting noise limits at the site boundary (Option 2- Table 1). The latter option requires characterisation of all noise sources and reliable modelling by a recognised acoustical consultant.

Other than as permitted within this environmental authority, noise from the **activity** must not occur from **blasting** or include **substantial low frequency noise** components and must not exceed the levels identified in *Table 1 – Noise limits* at any noise **sensitive place** or **commercial place**. Measurements must be in accordance with the associated monitoring requirements.

Option 1 Table 1 – Noise limits

<NOTE: If you are completing this table prior to April 2014, insert the table as it is stated below. If you are completing this table in April 2014 or beyond, refer to the latest edition of the Planning for Noise Control Guideline on EHP website. This guideline will set the standard background limits for sites according to their zone classification. Zone classifications are defined in the Queensland Planning Policy and the relevant Local Planning Scheme.>

Compliance noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am
	Noise measured at a nuisance sensitive place					
LAeq adj,T	Background +5	Background +3	Background +0	Background +5	Background +3	Background +0
MaxLpA,T	N/A	N/A	Background +5	Background +10	Background +8	Background +5
Noise measured at a commercial place						
LAeq adj,T	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
MaxLpA,T	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10

Associated monitoring requirements

1 The compliance noise level must be measured as the component noise level. For detail on how calculate the component noise level, refer to the most recent relevant version of the **administering authority's** Noise Measurement Manual.

<INSERT the following as relevant >

- Monitoring location OR release points/areas must be in accordance with plan <INSERT plan title, version and date> attached.
- Monitoring must be in accordance with the most recent relevant version of the **administering authority's** Noise Measurement Manual.
- Monitoring must be undertaken any time the **activity** is in operation.
- Monitoring must be undertaken during a release.
- All monitoring devices must be correctly calibrated and maintained.
- <INSERT any other associated monitoring requirements>

Option 2 Table 1 – Noise limits

Compliance noise level measured in <INSERT units>	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	7am-6pm	6pm-10pm	10pm-7am
	Noise measured at the <INSERT boundary of the site or set locations (Latitude and Longitude)>					

	MaxLpA,T	N/A	N/A	N/A	N/A	N/A	<INSERT>
	<INSERT noise descriptor>	<INSERT>	<INSERT>	<INSERT>	<INSERT>	<INSERT>	<INSERT>

Associated monitoring requirements

1 The compliance noise level must be measured as the component noise level. For detail on how calculate the component noise level, refer to the most recent relevant version of the administering authority's Noise Measurement Manual.

<INSERT the following as relevant >

2 Monitoring location OR release points/areas must be in accordance with plan <INSERT plan title, version and date> attached.

3 Monitoring must be in accordance with the most recent relevant version of the **administering authority's** Noise Measurement Manual.

4 Monitoring must be undertaken any time the **activity** is in operation.

5 Monitoring must be undertaken during a release.

6 All monitoring devices must be correctly calibrated and maintained.

7 <INSERT any other associated monitoring requirements>>

N2 When requested by the **administering authority**, noise monitoring must be undertaken and the results notified within 14 days to the **administering authority**. Monitoring must include:

- LAeq, adj, T
- Background noise (Background) as LA 90, adj, 15 mins
- MaxLpA, 15 mins
- the level and frequency of occurrence of any 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 administering authority's Noise Measurement Manual.

WATER

WT1 Other than as permitted within this authority, contaminants must not be released to any **waters** or the bed and banks of any **waters**.

WT2 The only contaminants to be released to surface **waters** are <describe permitted release e.g. settled treated stormwater runoff waters from areas of the site not likely to be contaminated with waste materials> to waters described as < Describe waterway and location> in accordance with Table 2 – Surface water release limits and the associated monitoring requirements and WT3.

Table 2 – Surface water release limits

Release Point(s) Description (GDA94 decimal degrees)		Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency
Latitude	Longitude				
<INSERT>	<INSERT>	<INSERT relevant quality characteristics for activity affected waterway and environmental values. Minimum likely to include pH, dissolved oxygen, suspended solids, turbidity, and conductivity.>	<INSERT>	<INSERT> e.g. Maximum Minimum Range	<INSERT>

*Decimal degrees to be provided to a minimum of 5 decimal places

Associated monitoring requirements

<INSERT the following as relevant >

	<p>1 Monitoring location OR release points/areas must be in accordance with plan <INSERT plan title, version and date> attached.</p> <p>2 Monitoring must be in accordance with the methods prescribed in the latest edition of the Department of Environment and Heritage Protection Water Quality Sampling Manual</p> <p>3. Samples must be taken using representative samples</p> <p>4. All determinations must employ analytical practical quantification limits sufficiently low enough to enable comparisons to be made against water quality objectives/limits relevant to the particular water quality characteristic</p> <p>5 Monitoring must be undertaken any time the activity is in operation.</p> <p>6 Monitoring must be undertaken during a release.</p> <p>7 All monitoring devices must be correctly calibrated and maintained.</p> <p>6 <INSERT any other associated monitoring requirements></p>
WT3	Monitoring must be undertaken and records must be kept of contaminant releases to waters authorised in Table 2 – Surface water release limits.
WT4	<p>In addition to WT2, the release to waters must comply with the following qualitative characteristics:</p> <ul style="list-style-type: none"> the release must not have any other properties or other contaminants at a concentration that is capable of causing environmental harm; and the release must not produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.
WT5	The stormwater runoff generated by a 24 hour storm event with an average recurrence interval of one in 10 years must be retained on site and treated to remove contaminants before release
LAND	
L1	Contaminants from the activity must not be released to land.
L2	Treatment and management of acid sulfate soils must comply with the latest edition of the administering authority's manual <i>Instructions for the Treatment and management of acid sulfate soils</i> .
L3	All chemicals and fuels in bulk or in containers of greater than 15 litres must be stored within a secondary containment system.
L4	<p>Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:</p> <ol style="list-style-type: none"> suitable native species of vegetation are planted and established; potential for erosion of the site is minimised; the quality of water, including seepage, released from the site does not cause environmental harm; potential for environmental nuisance caused by dust is minimised; the water quality of any residual water body does not have potential to cause environmental harm; and the final landform is stable and protects public safety.
L5	Rehabilitation required under condition L4 must be started for each staged area shown in the plan <INSERT title, number, version, date>, prior to undertaking any disturbance within the next staged area.
L6	No more than <INSERT number> staged area(s) may be rehabilitated at the same time
WASTE	
WS1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Waste must not be burnt.

5.1 Additional model operating conditions—blasting

These conditions are to be used, only if blasting is proposed.

AIR

A2 Dust and particulate matter emissions must not exceed of the any of the limits in *Table 3 - Dust and particulate matter monitoring program* when measured at any **sensitive place** or **commercial place**.

Table 3 - Dust and particulate matter monitoring program

Parameters	Method	Limit	Averaging Periods	Minimum Monitoring Frequency
Total suspended Particulate matter	High volume sampler gravimetric method	90 µg/m ³	24 hour	<INSERT>
Particulate matter less than 10 µm in aerodynamic diameter (PM10)	PM10 continuous direct mass method using TEOM or High volume sampler gravimetric method	50 µg/m ³	24 hour	<INSERT>
Dust deposition (total insoluble solids)	Deposited matter - Gravimetric method	120mg/m ² /day	30 days	Monthly

Associated monitoring requirements

<INSERT the following as relevant>

1 The following relevant Australian Standards (or more recent editions if relevant) are to be used in Table 3 unless otherwise agreed to in writing by the administering authority.

- AS/NZS 3580.1.1:2007 Methods for sampling and analysis of ambient air - Part 1.1: Guide to siting air monitoring equipment.
- AS/NZS 3580.9.8:2001 Method 9.8: Determination of suspended particulate matter – PM10 continuous direct mass method using a tapered element oscillating microbalance analyser.
- AS/NZS 3580.9.3:2003 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - Total suspended particulate matter (TSP) - High volume sampler gravimetric method.
- AS/NZS 3580.10.1:2003 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method.
- Australian Standard AS 3580.9.6 of 2003 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'.

2 All monitoring devices must be correctly calibrated and maintained.

3 <INSERT any other associated monitoring requirements>

A3 *INSERT the below condition only if there is no suitable Bureau of Meteorology monitoring nearby to provide meteorological data to aid in assessment of dust monitoring results.*

A meteorological station must be sited, operated and maintained in accordance with the requirements of *Australian Standard AS3580.14 - 2011, "Methods for sampling and analysis of ambient air. Part 14: Meteorological monitoring for ambient air quality applications* and must make daily representative measurements of:

1. temperature
2. barometric pressure
3. wind speed and direction
4. relative humidity
5. precipitation.

NOISE

N4	A blast management plan must be developed for each blasting activity in accordance with Australian Standard 2187.						
N5	Blasting is only permitted during the hours of 9am to 3pm, Monday to Friday, and from 9am to 1pm on Saturdays, except on public holidays, and must be carried out in accordance with the latest edition of the administering authority's , 'Noise and vibration from blasting guideline'.						
N6	<p>Blasting activities must not exceed the limits for peak particle velocity and air blast overpressure in <i>Table 4 – Blasting noise limits</i> when measured at a sensitive place or commercial place and must be undertaken in accordance with the associated monitoring requirements.</p> <p>Table 4 - Blasting noise limits</p> <table> <tr> <th>Blasting noise limits</th><th>9am to 3pm (Monday to Friday) & 9am to 1pm (Saturday)</th></tr> <tr> <td>Airblast overpressure</td><td>115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 bB (Linear) Peak at any time</td></tr> <tr> <td>Ground vibration peak particle velocity</td><td>5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time</td></tr> </table> <p>Associated monitoring requirements</p> <ol style="list-style-type: none"> Monitoring must be in accordance with the most recent editions of the administering authority's 'Noise and Vibration from Blasting' guideline and Noise Measurement Manual <INSERT the following as relevant > Monitoring location OR release points/areas must be in accordance with plan <INSERT plan title, version and date> attached, maintained. All monitoring devices must be correctly calibrated and maintained. <INSERT any other associated monitoring requirements> 	Blasting noise limits	9am to 3pm (Monday to Friday) & 9am to 1pm (Saturday)	Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 bB (Linear) Peak at any time	Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time
Blasting noise limits	9am to 3pm (Monday to Friday) & 9am to 1pm (Saturday)						
Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 bB (Linear) Peak at any time						
Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time						
N7	<p>A blast monitoring program must be developed and implemented to monitor compliance with <i>Table 4 - Blasting noise limits</i> for:</p> <ol style="list-style-type: none"> at least <INSERT number> % of all blasts undertaken on this site in each <INSERT period for example, month or year> at the nearest sensitive place or commercial place <at insert a place nominated in this authority> all blasts conducted during any time period specified by the administering authority at the nearest sensitive place or commercial place. 						

5.2 Additional model operating conditions—inland dredging

These conditions are to be used on ERA 16(1) threshold activities only if inland dredging is proposed.

G10	All machinery used to conduct the activity must be stored, refuelled and maintained outside the high banks of any watercourse .
-----	---

5.3 Additional model operating conditions—coastal dredging

These conditions are to be used on ERA 16(1) threshold activities only if coastal dredging is proposed.

G11	From commencement of activities authorised under this environmental authority, a Dredge Management Plan (DMP), must be implemented. The DMP must identify all sources of potential environmental harm, related to dredging and spoil disposal, the potential impact of these sources and actions that will be taken to prevent the likelihood of environmental harm being caused.
G12	Provide to the administering authority written notification of the date when dredging will commence at least 5 business days prior to starting the dredging activity .

5.4 Additional model operating conditions—extraction, other than dredging

These conditions are to be used on ERA 16(2) threshold activities only if extraction, other than dredging, is proposed.

G13	A minimum buffer distance of 50 metres must be maintained between extraction areas and the high banks of any watercourse , lake or wetland.
-----	--

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6 Definitions

Key terms and/or phrases used in this document are defined in this section and bolded throughout this document. Note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successor or predecessors.

Airblast overpressure (or airblast level) is the energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The pressure wave consists of both audible (noise) and inaudible (concussion) energy. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels using the linear frequency-weighting.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as L A90,T being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

Blasting is the use of explosives to fracture –

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

Boundary means within one metre of the cadastral boundary of the approved place.

Commercial place means 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.

Dredging includes extraction of mud, sand, coral, ballast, shingle, gravel, clay, earth and other material from the bed of Queensland tidal and non-tidal **waters**. Dredging does not include the banks of a waterway.

L_{Aeq adj,T} means the adjusted A weighted equivalent continuous sound pressure level **measures** on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

MaxL_{pA,T} means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

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

NATA means National Association of Testing Authorities.

Noxious means harmful or injurious to health or physical well-being.

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

Prescribed contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

Release of a contaminant into the environment means:

- to deposit, discharge, emit or disturb the contaminant; and
- to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- to fail to prevent the contaminant from being deposited, discharged emitted or disturbed; and
- to allow the contaminant to escape; and
- to fail to prevent the contaminant from escaping.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- 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
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

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.

You means the holder of the environmental authority.

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DRAFT - FOR CONSULTATION

Mooney Chris

From: Mooney Chris
Sent: Friday, 1 November 2013 11:26 AM
To: 'melissa.hector@dsdip.qld.gov.au'
Cc: Murphy Shari; Hertslet Bryce; Yoshino Toshi; DeHaan Rebecca
Subject: Information for Barro Quarry call in application
Attachments: old S725 - 1541 Mt Cotton Rd - 12 Aug 2008.xls; S622 Mt Cotton 060802.pdf; S725 - 115 Gramzow Rd Week 2 - 22 Aug 2008.xls; S725 - 451 West Mt Cotton Rd - 12 Aug 2008.xls; S725 - 451 West Mt Cotton Rd Week 2 - 22 Aug 2008.xls; S725 - 1541 Mt Cotton Rd - 12 Aug 2008.xls; S725 - 1541 Mt Cotton Rd Week 2 - 22 Aug 2008.xls; S725 - 1697 Mt Cotton Rd - 12 Aug 2008.xls; S725 - 1697 Mt Cotton Rd Week 2 - 22 Aug 2008.xls; Information relating to revised Barro conditions.docx

Hi Melissa,

Sorry for the delay in getting this to you, I wanted to make sure that I attached the correct report so as not to confuse matters. There is a copy of the all the data in the various spreadsheets and a summary report which is the Noise report submitted by the community. I have also provided a word document with EHP's reasons for decision to modify the conditions, based on the new information and assessment of the application documents.

Please do not hesitate to contact me if you have any queries.

Regards

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

RTI DL RELEASE - EHP

Mooney Chris

From: Hertslet Bryce
Sent: Thursday, 8 August 2013 5:43 PM
To: Mooney Chris; Connor Andrew
Cc: DeHaan Rebecca; Hawas Olga; Murphy Shari
Subject: Re: Barro Quarry call-in to be considered

Thanks Chris

Can you please generate a new BN to the Minister to outline our concerns with the conditions in the CAR. Can you also spark to Litigation and see whether or not we need to be involved in SDIP Ministerial call in submissions.

Bryce Hertslet
Regional Manager, Southern Region (East)

sch4p4(6) Personal information

On 08/08/2013, at 4:01 PM, "Mooney Chris" <Chris.Mooney@ehp.qld.gov.au> wrote:

Have a look at this!

Chris Mooney | Principal Environmental Officer I
Brisbane North | Southern Region | Environmental Services and Regulation I
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

From: Media Statements QLD [<mailto:statements@qld.gov.au>]
Sent: Thursday, 8 August 2013 3:52 PM
To: Rayner Carole
Subject: Barro Quarry call-in to be considered



Media release

Deputy Premier, Minister for State Development,
Infrastructure and Planning
The Honourable Jeff Seeney

Barro Quarry call-in to be considered

The Queensland Government will consider a ministerial call-in of Barro Group's Mount Cotton Quarry extension project after it was rejected by Redland City Council in June.

Deputy Premier and Minister for State Development, Infrastructure and Planning Jeff Seeney said he had issued a proposed call-in notice to allow interested parties 15 business days to have their say on whether or not the development involved state interests and should be called in.

"The Barro Group contends that the quarry extension is in the state's economic interest, so I will consider all submissions put forward and make a decision on what is best for the state," Mr Seeney said.

"I have also received a request from the Redland City Council CEO requesting a Ministerial Review of the development application and state referral agency approvals of the development application."

Mr Seeney said if he called in and re-assessed the application, the current appeal in the Planning and Environment Court would have no further effect.

The Deputy Premier's decision cannot be appealed on planning grounds.

Closing date for submissions is 30 August 2013 and the Deputy Premier is required by legislation to make a decision about whether or not to call in the development by 26 September 2013.

[ENDS] 8 August 2013

Media contact: Kate Hadden 4p4(6) Personal information

[Unsubscribe](#)

RTI DL RELEASE - EHP

Mooney Chris

From: DeHaan Rebecca
Sent: Monday, 19 August 2013 10:35 AM
To: Hertslet Bryce
Cc: Mooney Chris
Subject: FW: Barro Quarry, Mt Cotton - Notice of proposed call in

Hi Bryce,

I contacted the Koala Conservation Unit last Friday to discuss the Koala SPRP State Interest and forwarded them the Proposed Call In Notice for their consideration. I suggested that any comments they have can be included in our submission as a whole of agency response from EHP. We will follow up with them today.

Cheers,
Bec

REBECCA DEHAAN

Senior Environmental Officer (Brisbane North)
Southern Region Environmental Services and Regulation
Department of Environment and Heritage Protection

📍 Level 8, 400 George St, Brisbane
✉️ GPO Box 2454, Brisbane Q 4001
☎️ 07 3330 6112
🌐 Visit us online at www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Hertslet Bryce
Sent: Friday, 16 August 2013 4:54 PM
To: Hoult Liana
Subject: Re: Barro Quarry, Mt Cotton - Notice of proposed call in

Thanks Liana

Chris, can you please liaise with the Biodiversity team to see what that want to do regarding the Koala Habitat. They can include it in out BN if they want.

In regards to the CAR can you prepare an explanatory BN as well as a draft submission to DSDIP.

Bryce Hertslet
Regional Manager - Southern Region (East)

sch4p4(6) Personal information

On 16/08/2013, at 4:21 PM, "Hoult Liana" <Liana.Hoult@ehp.qld.gov.au> wrote:

Mooney Chris

From: Murphy Shari
Sent: Monday, 19 August 2013 11:38 AM
To: Mooney Chris
Cc: Jeuda Adi
Subject: FW: Proposed Min Seeney call-in Correspondence
Attachments: IN_J.Seeney_MinisterialCall-in_Barro_9.8.13.pdf

Chris – I understand you are preparing out response to this. Pls liaise with Adi as necessary.
Thanks
Shari

From: Jeuda Adi
Sent: Thursday, 15 August 2013 4:26 PM
To: Murphy Shari
Cc: Glosko Brett
Subject: Proposed Min Seeney call-in Correspondence

Shari –

I'll be covering the Veg and KRA aspects of the 'State Interests' in a Briefing Note from our DG and a letter of response, but won't be responding in terms of the ERA's or the other matters (Cont Land and Wetlands) that are no longer under our jurisdiction.

I presume you have also received a letter like this from Minister Seeney?

Hi Brett – sorry I bothered you - wrong locality! It's Shari's (it's in Redland CC).

Kind regards

Adi

Adi Jeuda
Senior Planning Officer, Land Services, South Region
Department of Natural Resources and Mines (DNRM)

Telephone 07 3884 8052 **Fax** 07 3884 8024

email adi.jeuda@dnrm.qld.gov.au

address 32 Tansey Street, Beenleigh Qld 4207
PO Box 1164, Beenleigh Qld 4207

Please consider the environment before printing this email

Mooney Chris

From: Murphy Shari
Sent: Wednesday, 2 October 2013 10:03 AM
To: Hawas Olga
Cc: Mooney Chris; DeHaan Rebecca
Subject: Barro call in

Importance: High

Olga – can you pls ensure that we make contact with the relevant officer in relation to this matter and advise them of contact details of our PM and our desire to engage in future dialogue regarding this process. Thanks shari

Shari Murphy
Manager (Brisbane North)
Southern Region
Environmental Services and Regulation

Department of Environment and Heritage Protection

Tel: 07 3339 5840 Fax: 07 3330 5754

E-mail: shari.murphy@ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

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Mooney Chris

From: Murphy Shari
Sent: Thursday, 29 August 2013 12:58 PM
To: DeHaan Rebecca
Cc: Mooney Chris
Subject: Barro call in

Importance: High

Hi Bec – can you pls call Mel Hector on 3225 8023 and arrange a meeting asap to give her some background on the Barro Quarry. Bryce would also like to attend that meeting though pls discount him if you can't accommodate his schedule.

thanks

Shari Murphy
Manager (Brisbane North)
Southern Region
Environmental Services and Regulation

Department of Environment and Heritage Protection

Tel: 07 3339 5840 Fax: 07 3330 5754

E-mail: shari.murphy@ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

Mooney Chris

From: Mooney Chris
Sent: Monday, 26 August 2013 3:00 PM
To: Murphy Shari
Subject: Koala contact

Hi Shari,

This is the manager's contact details for the Koala unit

Cheers

Chris

From: Mullens Andrew
Sent: Tuesday, 20 August 2013 1:43 PM
To: Mooney Chris
Subject: RE: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Chris. Further to this. We have no specific input we need to tender at this point to SDIP, other than that we are happy for them to approach us for technical information, or assistance with interpretation of the SPRP as they see fit.

Regards

Andrew Mullens
Manager, Koala Conservation Operations
Department of Environment and Heritage Protection
Floor 5, 400 George Street
GPO Box 2454
BRISBANE Qld 4001
Phone 07 3330 6172
Mobile 04 (6) Personal information
Fax 07 3330 5515
www.ehp.qld.gov.au
Please consider the environment before printing this email

From: Rayner Carole
Sent: Tuesday, 20 August 2013 12:41 PM
To: Mooney Chris
Cc: Mullens Andrew; Stirrat Simon
Subject: RE: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Chris,

I have spoken to Andrew Mullens and Simon Stirrat. As discussed with you the EHP interests are Koalas and the concurrence role for the EA. As our Planning and Biodiversity group has no State interest in this matter, I suggest that Andrew Mullens' Koala group is best placed to offer advice relating to the application of the SPRP Koalas for DSDIP's deliberation into your Brief.

Andrew has indicated that he will provide advice directly to you for inclusion in the BN to our minister.

Carole Rayner
Acting Manager

State Interest Assessments
Environmental Standards & Compliance Branch
Southern Region
Dept Environment and Heritage Protection
400 George Street, Brisbane
(07)3330 5048
carole.rayner@ehp.qld.gov.au
www.ehp.qld.gov.au

From: Stirrat Simon
Sent: Tuesday, 20 August 2013 10:59 AM
To: Rayner Carole
Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

From: Mooney Chris
Sent: Monday, 19 August 2013 2:53 PM
To: Stirrat Simon
Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Simon,

As discussed, please find attached the notice proposing to call in the quarry DA. We are preparing a BN for our Minister and a submission for DSDIP. We have a very tight timeframe as the submission is due by 30 August. Could you could take a quick look and let me know if you think there will be anything to add to the BN and submission, even if you need more time to prepare it, so that we can update Bryce with the progress.

Cheers

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

From: DeHaan Rebecca
Sent: Monday, 19 August 2013 9:29 AM
To: Mooney Chris
Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

From: DeHaan Rebecca
Sent: Friday, 16 August 2013 12:12 PM
To: Fitzgibbon Pauline
Subject: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Pauline,

Please find attached the proposed call in notice for the Barro Quarry as discussed. Please let us know whether your section would like to provide a written representation or perhaps provide a joint response with us.

Thanks and kind regards,

REBECCA DEHAAN
Senior Environmental Officer (Brisbane North)
Southern Region Environmental Services and Regulation

Department of Environment and Heritage Protection

📍 Level 8, 400 George St, Brisbane

✉ GPO Box 2454, Brisbane Q 4001

☎ 07 3330 6112

🌐 Visit us online at www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

RTI DL RELEASE - EHP

Mooney Chris

From: Hawas Olga
Sent: Friday, 23 August 2013 12:48 PM
To: Anthony Moloney
Cc: Hertslet Bryce
Subject: RE: Barro Quarry Development - Dust

Dear Anthony

The department is currently drafting a response to the proposed call in notice for the Barro quarry development, received from Minister Seeney of the Depart. for State Development, Infrastructure and Planning. Once the response has been finalised and issued, we will be able to provide further details.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

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From: Anthony Moloney | sch4p4(6) Personal information
Sent: Thursday, 22 August 2013 8:51 PM
To: Hawas Olga
Cc: Hertslet Bryce; julie.talty@redland.qld.gov.au
Subject: RE: Barro Quarry Development - Dust

Dear Olga,

Can you please give me an update on the follow-up meeting. I have also attached a photo taken today of a dust plume from a local quarry. As you can see from the haze the whole valley downwind is adversely affected – we understand from Departmental testing that this quarry meets its licence conditions – how is anyone expected to live within a kilometre of this and not have their amenity adversely affected?

Best regards,

Anthony

From: Hawas Olga [<mailto:Olga.Hawas@ehp.qld.gov.au>]
Sent: Friday, 9 August 2013 8:46 AM
To: Anthony Moloney
Subject: RE: Barro Quarry Development - Dust

Dear Anthony

Bryce is away and asked me to reply on his behalf.

We are currently reviewing the implications of call-in powers for our referral agency response and investigating our options on approaching Minister Seeney's Department for State Development, Infrastructure and Planning.

I will contact you next week once we identify what options are available.

If you have any other questions please do not hesitate to contact me.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
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sch4p4(6) Personal information

sch4p4(6) Personal information

Section 78B(2) RTI Act

sch4p4(6) Personal information

Mooney Chris

From: Mooney Chris
Sent: Thursday, 22 August 2013 1:11 PM
To: DeHaan Rebecca
Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

Hey Bec,

Please use Andrew's details below as contact person in the corro

Cheers

From: Mullens Andrew
Sent: Tuesday, 20 August 2013 1:43 PM
To: Mooney Chris
Subject: RE: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Chris. Further to this. We have no specific input we need to tender at this point to SDIP, other than that we are happy for them to approach us for technical information, or assistance with interpretation of the SPRP as they see fit.

Regards

Andrew Mullens
Manager, Koala Conservation Operations
Department of Environment and Heritage Protection
Floor 5, 400 George Street
GPO Box 2454
BRISBANE Qld 4001
Phone 07 3330 6172
Mobile 04 (6) Personal information
Fax 07 3330 5515
www.ehp.qld.gov.au
Please consider the environment before printing this email

From: Rayner Carole
Sent: Tuesday, 20 August 2013 12:41 PM
To: Mooney Chris
Cc: Mullens Andrew; Stirrat Simon
Subject: RE: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Chris,

I have spoken to Andrew Mullens and Simon Stirrat. As discussed with you the EHP interests are Koalas and the concurrence role for the EA. As our Planning and Biodiversity group has no State interest in this matter, I suggest that Andrew Mullens' Koala group is best placed to offer advice relating to the application of the SPRP Koalas for DSDIP's deliberation into your Brief.

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Carole Rayner
Acting Manager
State Interest Assessments
Environmental Standards & Compliance Branch

Southern Region
Dept Environment and Heritage Protection
400 George Street, Brisbane
(07)3330 5048
carole.rayner@ehp.qld.gov.au
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Sent: Tuesday, 20 August 2013 10:59 AM
To: Rayner Carole
Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

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Subject: FW: Barro Quarry Mount Cotton - Proposed Call In Notice

Hi Simon,

As discussed, please find attached the notice proposing to call in the quarry DA. We are preparing a BN for our Minister and a submission for DSDIP. We have a very tight timeframe as the submission is due by 30 August. Could you take a quick look and let me know if you think there will be anything to add to the BN and submission, even if you need more time to prepare it, so that we can update Bryce with the progress.

Cheers

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

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Thanks and kind regards,

REBECCA DEHAAN
Senior Environmental Officer (Brisbane North)
Southern Region Environmental Services and Regulation
Department of Environment and Heritage Protection

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RTI DL RELEASE - EHP

Mooney Chris

From: DeHaan Rebecca
Sent: Friday, 11 October 2013 2:49 PM
To: Hawas Olga; Mooney Chris
Subject: FW: Barro Quarry - Request for third party advice
Attachments: Attachment 3 - Third Party Advice Request Letter - EHP - Mr Jon BLACK.PDF

FYI

From: Melissa Hector [<mailto:Melissa.Hector@dlqp.qld.gov.au>]
Sent: Friday, 11 October 2013 2:44 PM
To: DeHaan Rebecca
Cc: Amy Marsden; Tamara Cavallaro
Subject: Barro Quarry - Request for third party advice

Hi Rebecca,

Please find attached the letter that was sent to your DG today for the Barro Quarry call in.

Kind regards,

Melissa

Melissa Hector
Principal Planner
Planning Services Division
Department of State Development, Infrastructure and Planning
Queensland Government
tel +61 7 3225 8023 or ext 58023
post PO Box 15009 City East QLD 4002
visit Level 6, 63 George Street, Brisbane
melissa.hector@dsdip.qld.gov.au
www.dsdip.qld.gov.au
Please consider the environment before printing this email
Great state. Great opportunity.

Mooney Chris

From: Mooney Chris
Sent: Thursday, 17 October 2013 12:49 PM
To: Corro EHP ESR Southern; Canavan Maria
Cc: Hawas Olga; Murphy Shari; DeHaan Rebecca; Hertslet Bryce
Subject: Ministerial Letter to DSDIP - attachment
Attachments: Letter to DSDIP - attachment.docx

Hi Maria,

Please see attachment for the Barro Call-in ministerial. Andrew requested this attachment.

Regards

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

RTI DL RELEASE - EHP

Condition	Existing	Amendment
	<p>Advice regarding recommended changes to Air Schedule conditions:</p> <p>1.1. Issues have been raised by the community regarding the potential for dust nuisance and dust-related health concerns from the operation of the proposed quarry expansion.</p> <p>1.2. The following changes to conditions are recommended as additional conditions that may address these concerns, improve monitoring regime of quarry impacts and confirm the implementation of mitigation measures.</p> <p>1.3. Conditions A9, A10, A12, and A13 will place additional requirements on the operator than the existing Air Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.</p>	
A9	<p>Dust Monitoring</p> <p>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 that the administering authority considers is not frivolous or vexatious, 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:</p> <p>a) for a complaint alleging dust nuisance, dust deposition; and</p> <p>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 (PM₁₀) suspended in the atmosphere over a 24hr averaging time.</p>	<p>(Re-number as A4)</p> <p>Ambient Dust Monitoring Program</p> <p>(a) Prior to the commencement of the activity, an Ambient Dust Monitoring Program must be developed, to specify how the ambient dust impacts of the project will be monitored. This Program must then be implemented upon commencement of the activity. The Program must include, but not necessarily be limited to:</p> <p>(i) procedures for monitoring dust emissions from the project, in order to meet the requirements of this approval;</p> <p>(ii) locations, frequencies and methods for monitoring PM₁₀ and deposited particulate matter;</p> <p>(iii) provision for the use of at least one PM₁₀ monitoring station, five dust depositional gauges and one meteorological station capable of monitoring wind direction and speed;</p> <p>(iv) using air quality monitoring data to inform environmental management decisions associated with the project; and</p> <p>(v) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts.</p> <p>(b) Ambient dust monitoring must be conducted in accordance with the following</p>

		<p>standards:</p> <ul style="list-style-type: none"> (i) 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 (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. (iii) Australian Standard AS 3580.10.1:2003: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method. (iv) Australian Standard AS 2923:1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.
Insert	Nil.	<p>(Re-number as A5)</p> <p>Where monitoring at locations identified in the Ambient Dust Monitoring Program indicates that the air quality objectives detailed in Conditions A2 and A3 (existing conditions) have been exceeded, within 14 days the matter must be investigated and the following information reported to the administering authority:</p> <ul style="list-style-type: none"> (i) the concentration of PM₁₀ particulates or dust deposition rate recorded; (ii) a description of meteorological conditions occurring at the time; and (iii) the measures taken to reduce dust generated by the quarry activities.
Insert	Nil.	<p>(Re-number as A6)</p> <ul style="list-style-type: none"> (a) When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), an additional monitoring of dust deposition, PM₁₀, PM_{2.5} and crystalline silica must be undertaken, and the results thereof notified to the administering authority within 14 days following completion of monitoring. This includes providing interim reports if the monitoring lasts for more than one month. <p>Note: This monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place. Monitoring must be conducted in accordance with the appropriate standards.</p> <ul style="list-style-type: none"> (b) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Conditions A2 and A3 (existing conditions): <ul style="list-style-type: none"> (i) dust abatement measures must be implemented; and (ii) the complaint must be addressed through the use of appropriate dispute

		resolution if required.
Insert	Nil.	(Re-number as A7) The results of PM ₁₀ , dust deposition and meteorological monitoring must be reported to the administering authority on request.
Insert	Nil.	(Re-number as A8) Model Evaluation (a). Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition 1(a), a model validation study must be undertaken to review PM ₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Condition A2 and A3 (existing conditions). The model validation study must be undertaken in accordance with NSW DECC <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DECC, 2005), and specific requirements of the administering authority. (b) Within 28 days of conducting the dust validation study referred to under Condition 5 (a) of this approval a copy of the report must be provided to the administering authority. If the dust validation study identifies any exceedances to those permitted in the with ambient air quality objectives of Environmental Protection (Air) Policy 2008, details must be provided of the additional measures that would be implemented to further mitigate dust impacts. The report must also contain the following information: (i) who would implement these measures; and (ii) when these measures would be implemented; and (iii) how the effectiveness of these measures would be assessed and reported to the administering authority.

Advice regarding recommended changes to Noise Schedule conditions:

- 1.1. New information was provided to Environmental Services Brisbane North team (ES) in relation to background monitoring conducted by Savery and Associates between 12 August and 27 August 2008, on behalf of concerned community members.
- 1.2. This information differed from the Barro Group application noise impact assessment conducted by MWA in December 2010, based on noise monitoring conducted between 24 August and 02 September 2006.
- 1.3. ES has compared background monitoring data from both of these sources. The data provided with the new information more accurately represents the noise environment of the receiving environment than the data submitted by the applicant.

- 1.4. It is unknown whether Barro Group have access to the abovementioned background monitoring information prepared on behalf of concerned community members.
- 1.5. In the absence of a contemporary background noise monitoring report for the current application EHP proposes, based on the Savery and Associates report, a change to the limits contained in **Table 1: Noise limits at the boundary of the approved place**. Table 1 has been adjusted in consideration of the new information and could replace the current Table 1 in the concurrence agency response.
- 1.6. The proposed changes to Table 1 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.7. It is unknown whether the quarry operation will be able to comply with the proposed changes.

Table 1:
Noise limits
at the
boundary of
the
approved
place

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L10 adj-T	50	50	50	42	47	47	47	42
Leq adj-T	45	45	45	42	43	43	43	42

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L10 adj-T	43	45	38	32	38	42	35	32
Leq adj-T	40	40	35	32	35	37	33	32

Advice regarding recommended changes to General, Air, Land, Noise, Water, and Waste Schedule conditions:

- 1.1. Conditions have been updated to reflect contemporary EHP conditions.
- 1.2. In general these changes have not changed the intent of the conditions or the requirements of the operator to comply with the updated conditions.
- 1.3. Some conditions have been deleted due to being a replicated requirement with newly worded conditions.
- 1.4. The update to **Table 2: Explosive blasting nuisance at a nuisance sensitive place** aligns the limits with the EHP's proposed model operating conditions for ERA16 Extraction.
- 1.5. The proposed changes to Table 2 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.6. Conditions L3, L4, L5, WA5, WA6, WA7, and WA8 will place additional requirements on the operator than the existing Land and Water Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.

G1	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.	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G2	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; (b) maintain such measures, plant and equipment in a proper and efficient	Any breach of a condition of this approval or any adverse impact on an environmental value must be reported to the administering authority in writing within 24 hours of becoming aware of the breach or the impact and any subsequent actions undertaken.

	condition; and (c) operate such measures, plant and equipment in a proper and efficient manner.	
G3	A copy of this approval must be kept at the approved place and be available to the administering authority on request.	All information and records that are required by the conditions of this approval must be kept for a period of at least 5 years.
G4	<p>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.</p> <p>The SBMP must address the following matters:</p> <p>(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.</p> <p>(b) Identification of environmental issues and potential impacts.</p> <p>(c) Control measures for routine operations to minimise likelihood of environmental harm.</p> <p>(d) Contingency plans and emergency procedures for non-routine situations.</p> <p>(e) Organisational structure and responsibility.</p> <p>(f) Effective communication.</p> <p>(g) Monitoring of contaminant releases.</p> <p>(h) Conducting environmental impact assessments.</p> <p>(i) Staff training.</p> <p>(j) Record keeping.</p> <p>(k) Periodic review of environmental performance and continual improvement.</p>	<p>(Re-number as G9)</p> <p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> • identify potential risks to the environment from the activity during routine operations and emergencies; • establish and maintain control measures that minimise the potential for environmental harm; • ensure plant, equipment and measures are maintained in a proper and effective condition; • ensure plant, equipment and measures are operated in a proper and effective manner; • ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and • ensure that reviews of environmental performance are undertaken at least annually.
G5	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.	Deleted
G6	An appropriate spill kit, personal protective equipment and relevant operator training, instructions and procedures guide must be provided for the management of waste and chemicals associated with the authorised activities to which this approval relates, and must be kept at a location that is readily accessible to the personnel carrying out the activity.	Other than as permitted within this environmental authority, the release of a contaminant into the environment must not occur.
G7	Anyone operating under this approval must be trained in the use of the spill kits.	Deleted
G8	Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.	<p>(Re-number as G7)</p> <p>An appropriately qualified person(s) must monitor, interpret and record all parameters that are required to be monitored, in the manner provided, as specified in this approval.</p>
G9	All records required by this approval must be kept for 5 years.	Deleted
G10	Telephone or otherwise notify the department'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.	Deleted
G11	The Registered Operator must provide a financial assurance in the amount and form required by the administering authority prior to acting upon this approval.	<p>(Re-number as G4)</p> <p>The activity must not be carried out until financial assurance has been given to the administering authority as security for compliance with this approval and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Environmental Protection Act 1994.</p>
G12	The calculation of financial assurance for condition G11 is defined as the maximum total cost for rehabilitation of significantly disturbed areas.	Deleted

G13	The financial assurance is to remain in force until the administering authority is satisfied that no claim on the financial assurance is likely for rehabilitation purposes.	Deleted
G14	Where progressive rehabilitation is completed in accordance with the rehabilitation requirements condition L1 and to the satisfaction of the administering authority, progressive reductions to the financial assurance amount are applicable.	(Re-number as G5) If the administering authority increases the amount of financial assurance, the additional financial assurance must be given to the administering authority within 28 days of receiving written notice
Insert	Nil	(Re-number as G8) When requested by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance caused by the activity. The monitoring results must be provided to the administering authority upon request.
A1	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.	Odours, dust or airborne contaminants which are noxious or offensive or otherwise cause environmental nuisance must not be released to any sensitive place or commercial place.
A4	Stockpiled material must be in a manner that minimises the generation of windblown dust particles. Control measure may include, but not limited to: (a) minimising the size of stockpile areas; (b) provision of windbreaks and sediment fencing; and (c) water trucks or sprays to dampen the product stockpiles as required.	Deleted
A5	The registered operator for the authorised activities to which this approval applies must take all reasonable and practicable measures to prevent and minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems. Reasonable and practicable measures may include but not limited to: (a) enclosure or partial enclosure of permanent processing plants; (b) installation of windbreaks and barriers; (c) water sprays; and (d) keeping materials moist	Deleted
A6	Trafficable areas 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 measure may include but are not limited to: (a) keeping surfaces clean; (b) sealing with bitumen or other suitable material; (c) using water spray; (d) installing an effective truck body and wheel wash; and (e) using dust suppression and wind breaks.	Deleted
A7	Effective dust collectors must be used on the rock drilling equipment.	Deleted
A8	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.	Deleted
Insert	Nil	(Re-number as L3) For the purpose of demonstrating compliance with conditions L1 and L2, a land rehabilitation audit must be conducted within 3 months of completion of each stage of the quarry
Insert	Nil	(Re-number as L4) The audit detailed in condition L3 must be conducted by a suitably qualified third party auditor.
Insert	Nil	(Re-number as L5) In relation to the audit required by condition L3, the auditor must submit a final version

		of the auditor's report to the administering authority within 28 days of completing the audit.																						
N1	In the event a noise complaint that the administering authority determines is not frivolous or vexatious is made, noises from the approved activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.	Noise from the activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.																						
Change Table	Table 2: Explosive blasting nuisance at a nuisance sensitive place <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 4 out of 5 consecutive blasts	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 4 out of 5 consecutive blasts	No blasting to occur	Table 2: Explosive blasting nuisance at a nuisance sensitive place <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time	No blasting to occur
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N11	All third party blast records must be submitted to the administering authority annually with the Annual Return for review.	All third party blast records, including the location of the blast monitoring, must be kept and submitted to the administering authority upon request.																						
N12	The location of the blast monitoring must be kept with the blast record and submitted to the administering authority along with the blast records with the Annual Return.	Delete																						
WA2	Any chemical/s and/or flocculant/s used to treat turbid water must not directly or indirectly cause environmental harm either during the operation of the authorised activities or post-operation.	Delete																						
WA5	Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.	(Re-number as WA4) A stormwater management and erosion and sediment control audit must be conducted within 3 months of the completion of the stormwater treatment system.																						
Insert	Nil	(Re-number as WA5) The audit detailed in condition WA5 must be conducted by a suitably qualified third party auditor.																						
Insert	Nil	(Re-number as WA6) The audit detailed in condition WA5 must also be conducted within 3 months of the commencement of each stage of the quarry.																						

Insert	Nil	(Re-number as WA7) In relation to the audit required by condition WA5, the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.
WA7	Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.	Delete
WS1	All regulated waste removed from the site must be by a person who holds a current authority to remove regulated waste under the Environmental Protection Act 1994.	Delete
WS2	Effective procedures must be implemented to ensure that waste generated on the site are minimised, recycled, stored, handled and transferred in a proper and efficient manner, and so that the disposal of such waste is at a facility lawfully able to do so.	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
WS5	Where waste (other than waste rock, earthen material or clean fill) is disposed of on the premises, the holder of this license must monitor and record: (a) the date, type of waste and quantity of waste disposed; (b) the location of disposal; and (c) the method of disposal of the waste.	Delete

Mooney Chris

From: Mooney Chris
Sent: Tuesday, 29 October 2013 12:56 PM
To: Juergensen Christine
Subject: RE: Mount Cotton Quarry - KRA info

Hi Christine,

If the Mt Cotton quarry you are referring to is Barro Quarry then I believe the relevant KRA is Mount Cotton KRA 71.

Hope this helps :D

Cheers
Chris

From: Juergensen Christine
Sent: Tuesday, 29 October 2013 12:38 PM
To: Mooney Chris
Subject: Mount Cotton Quarry - KRA info

Dear Chris

I had an enquiry regarding the Mount Cotton Quarry from a colleague at NRM (via Eugene Immisch) who is looking for information on the relevant KRA.

Do you have information readily available on file?

Apparently he had difficulties obtaining KRA info internally.

Can you please get back to me?

Kind regards

Christine Juergensen
Principal Environmental Officer
Statewide Environmental Assessments
Environmental Performance and Coordination
Environmental Services and Regulation
Department of Environment and Heritage Protection

Level 9, 400 George Street, Brisbane
GPO Box 2454, Brisbane Qld 4001

Phone: 07 3330 5614
Fax: 07 3330 5875
Email: christine.juergensen@ehp.qld.gov.au
Website: www.ehp.qld.gov.au



Mooney Chris

From: Mooney Chris
Sent: Wednesday, 6 November 2013 4:54 PM
To: Yoshino Toshi
Cc: Murphy Shari; Hawas Olga; melissa.hector@dsdip.qld.gov.au
Subject: Information for DSDIP required ASAP in the morning

Importance: High

Hey Toshi,

Melissa Hector (3225 8023 – melissa.hector@dsdip.qld.gov.au) of DSDIP requires the contact details for whomever submitted the Community's noise report for the Barro application. They need to contact the 'owner' of the report to ensure it is OK for them to make it publicly available (due to intellectual property rights). If you get in before me, could you please send the name and contact details to Melissa as soon as possible in the morning. This is URGENT.

Cheers

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au



Memorandum

Enquiries	Brett Manning
Telephone	3330 5491
Email	Brett.manning@ehp.qld.gov.au
Our reference	

15 October 2013

To: Rebecca DeHaan, Environmental Services and Regulation, EHP

Through: Wade Oestreich, Director, Business Reform, Nature Conservation Services, EHP

From: Brett Manning, Principal Biodiversity Planning Officer, Business Reform, Nature Conservation Services, EHP

Subject: **SEQ Koala Conservation SPRP: Advice regarding expansion of the Barro Group Pty Ltd quarry at Mount Cotton and Gramzow Road, Mount Cotton.**

The Department of State Development, Infrastructure and Planning has requested advice in relation to the above quarry expansion's potential impact on the existing koala habitats and populations in the area, as well as the suitability of the proposed Koala Offset Strategy as outlined in the *Integrated Koala and Koala Habitat Report 2010*, prepared by Biodiversity Assessment and Management Pty Ltd.

The Business Reform Unit of the Nature Conservation Services Branch, EHP has conducted an initial assessment of the above application and provides the following advice:

- The proposed development site is located within a Priority Koala Assessable Development Area (PKADA) of the *South East Queensland Koala Conservation State Planning Regulatory Provisions* (Koala SPRP). The PKADA covers areas of the highest priority for koala conservation action in SEQ, including the Koala Coast (Redlands) region, in response to evidence showing a rapid decline in koala populations in these areas.
- The proposed development will impact on medium and high value koala bushland habitat and high value rehabilitation habitat. Therefore, the loss of this mature habitat is likely to impact on the local koala population, particularly individual animals that may have home ranges in, or overlapping the proposed quarry expansion zone.
- The Koala SPRP requires site design to provide for koala safe movement and habitat connectivity. Given the low level of threats associated with quarrying activities in comparison to urban development (i.e. higher traffic and dog mortality), and that the surrounding landscape contains large areas of intact koala bushland habitat, the

proposed quarry expansion will have minimal impact on safe koala movement opportunities and habitat connectivity.

- The Koala SPRP requires that site design restricts clearing of koala habitat to the extent necessary for quarrying activities, and that any unavoidable clearing is minimised and offset in accordance with the Offsets for Net Gain of Koala Habitat in South East Queensland Policy (Offset Policy). The proposed Koala Offset Strategy meets the requirements of the Offset Policy through:
 - providing a 5:1 replanting ratio of koala habitat trees removed;
 - providing an on-site net gain in koala habitat; and
 - protecting the offset site for conservation purposes.

Please do not hesitate to contact me on 3330 5491 if you require any further information.

Brett Manning
Principal Biodiversity Planning Officer
Business Reform, Nature Conservation Services

RTI DL RELEASE - EHP

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;
- (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.

A copy of this approval must be kept at the approved place and be available to the administering authority on request.

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.

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

An appropriate spill kit, personal protective equipment and relevant operator training, instructions and procedures guide must be provided for the management of waste and chemicals associated with the authorised activities to which this approval relates, and must be kept at a location that is readily accessible to the personnel carrying out the activity

Anyone operating under this approval must be trained in the use of the spill kits

Records

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

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G11 Financial Assurance

The Registered Operator must provide a financial assurance in the amount and form required by the administering authority prior to acting upon this approval.

G12 The calculation of financial assurance for condition G11 is defined as the maximum total cost for rehabilitation of significantly disturbed areas.

G13 The financial assurance is to remain in force until the administering authority is satisfied that no claim on the financial assurance is likely for rehabilitation purposes.

G14 Where progressive rehabilitation is completed in accordance with the rehabilitation requirements condition L1 and to the satisfaction of the administering authority, progressive reductions to the financial assurance amount are applicable.

A4 Dust Control

Stockpiled material must be in a manner that minimises the generation of windblown dust particles. Control measure may include, but not limited to:

- minimising the size of stockpile areas;
- provision of windbreaks and sediment fencing; and
- water trucks or sprays to dampen the product stockpiles as required.

A5 The registered operator for the authorised activities to which this approval applies must take all reasonable and practicable measures to prevent and minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems. Reasonable and practicable measures may include but not limited to:

- enclosure or partial enclosure of permanent processing plants;
- installation of windbreaks and barriers;
- water sprays; and
- keeping materials moist

A6 Trafficable areas 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 measure may include but are not limited to:

- keeping surfaces clean;
- sealing with bitumen or other suitable material;
- using water spray;
- installing an effective truck body and wheel wash; and
- using dust suppression and wind breaks.

A7 Effective dust collectors must be used on the rock drilling equipment.

A8 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.

WA4

WA5 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

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DeHaan Rebecca

15/10/2013 11:25:00 AM

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 and 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 Heritage Protection.

Page Break

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DeHaan Rebecca

15/10/2013 10:17:00 AM

"AEP" means "annual exceedance probability" in relation to a given rainfall event, and is the probability that the given event will be exceeded within a one year period. The AEP is usually expressed as "1 in n" (years) or as a percentage. The *given rainfall event* comprises a stated depth of rainfall received during a stated period: for example, 750 mm in one year, or 95 mm in 24 hours. If the 24-hour rainfall event having an AEP of 5% is, say, 120 mm, this means that for each year there will be 5% chance that the 24-hour rainfall will be 120 mm, or greater. Another way of expressing this is to say the Average Recurrence Interval is 20 years (this does not mean only 1 occurrence in every 20 years, or only 5 occurrences per century).

Page 12: [14] Deleted

DeHaan Rebecca

15/10/2013 10:19:00 AM

means the environmentally relevant activities (ERAs), or aspect of the ERAs (including activities necessarily associated with the ERAs) to which this approval relates

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DeHaan Rebecca

15/10/2013 10:20:00 AM

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

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

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"Code of environmental compliance" means a code of environmental compliance approved or made under a regulation of the *Environmental Protection Act 1994*.

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"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

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"nuisance sensitive place" includes –

- 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 under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area, excluding any nature refuge under the *Nature Conservation Act 1992* which is within a key resource area;
- a public thoroughfare, park or gardens; or
- a commercial place.

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"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or in stages as mining or quarrying activities are ongoing.

"protected area" means –

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

"quarry material" means material extracted from the land including for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"reference site" (or analogue site) may reflect an original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be recorded as photographs, computer generated images and vegetation models etc.

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"registered operator" mean a entity (usually a person) holding a registration certificate given under section 73F of the *Environmental Protection Act 1994*.

"Registration Certificate" means a registration certificate given under section 73F of the *Environmental Protection Act 1994* to the registered operator for the authorised activities.

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"release" of a contaminant into the environment, includes:

- to deposit, discharge, emit or disturb the contaminant;
- to cause or allow the contaminant to be deposited, discharged, emitted or disturbed;
- to allow the contaminant to escape; and
- to fail to prevent the contaminant from escaping.

"rigid vehicle" means a vehicle the load carrying area of which is fixed to the vehicle's chassis or frame (as defined in the *Australian Dangerous Goods Code*).

"risk phrase" means a phrase stated in the National Occupational Health and Safety Commission's (NOHSC's) document entitled *National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012(1994)], or more recent versions, that gives information about the substance's hazards.

"road tank vehicle" means a truck, trailer or semi-trailer or unit in a road train, incorporating a tank, or having a tank or tanks mounted thereon, either permanently or temporarily (as defined in AS 2809.1-1999 — *Road Tank Vehicles for Dangerous Goods*).

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"standard environmental conditions" for a code of environmental compliance, means the standard environmental conditions approved for the ERA, or aspect of the ERA, under section 549 of the *Environmental Protection Act 1994*.

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"self sustaining" means an area of land which has been rehabilitated and has maintained the acceptance criteria or rehabilitation conditions outcomes without human intervention for a period nominated by the administering authority.

DeHaan Rebecca

From: Hawas Olga
Sent: Monday, 2 September 2013 12:41 PM
To: Anthony Moloney
Subject: RE: Assessment report EHP Report No: 240720

Dear Anthony,

Thank you for your email. Please be advised that the Department has considered all of the matters that were raised by yourself and other community representatives at the meeting on 20 May 2013. The Assessment Report you refer to in your email was written prior to this meeting and therefore the matters discussed and the additional information provided is not reflected in this document.

An update on the proposed call in notice is that the Department has issued a written submission to Deputy Premier Seeney which identifies the state interest of the Koala SPRP and the statutory interests of ERAs, contaminated land and refractable wetlands. The decision whether to call in the application rests with Deputy Premier Seeney, and the Department cannot take any further actions in relation to this matter until this decision has been made.

If you have any questions please do not hesitate to contact me.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Anthony Moloney [mailto:[sch4p4\(6\)@redland.qld.gov.au](mailto:sch4p4(6)@redland.qld.gov.au)] (Personal information)
Sent: Tuesday, 27 August 2013 12:29 AM
To: Hawas Olga
Cc: Hertslet Bryce; julie.talty@redland.qld.gov.au; infor@superquarry.org.au
Subject: Assessment report EHP Report No: 240720

Dear Olga,

We have been reviewing the above report and other responses your agency gave in response to the Barro Development application. The community is especially concerned with how the Department responded to some of these concerns and serious shortfalls in the licence conditions which we have already raised and seeking a response. With respect to the above report::

1. P8 - In order to alleviate the impact (noise), a target level of 40dB LAeq (less than 4 dB(A) above ambient LAeq at worst) was set at the nearest residential building. – We have previously identified that a) background noise determined by a data logger placed 15 metres from busy West Mt Cotton Rd and an

incline does not reflect the background at sensitive sites given that these sites are up to 1000 meters from any road (and 10 metres from the proposed development properties boundary) and b) background noise level used exceeds the agreed background levels detailed in the "Expert Report" to the E&P Court on the previous application. These issues were clearly detailed in the community's objections to this development and appear to have been ignored, why? Did the applicant seek an increase in background noise so they could comply?

2. P9 - *There has been a significant air quality monitoring program in 2008-2009 by QLD EPA and Department of health which deemed there were no dust of silica or dust problems in the area* – We have provided ample photo graphic evidence that there is a serious dust amenity issue even when quarries are operating in their licence limits including the above quarry during the monitoring program. The testing undertaken by EPA showing no dust of silica or dust problems is at odds with our photos showing serious nuisance dust problems, there is an issue contrary to the assertion here – why has this not been noted and taken into consideration?
3. P 11 – *The nearest neighbours are rural residential properties and although these will undoubtedly suffer some detrimental effects of dust, noise and vibration from the quarry, these impacts will be currently occurring as this is already an operating quarry* – this is fanciful and denies natural justice, how can "current impacts" be used as "justification" when the existing operation is half the size and over 1,000 metres further away from homes?
4. P12 – *EHP has no evidence of noise, vibration or dust causing environmental issues based on current operation and modelling done by the applicant* – this is factually incorrect, we have FOIs that clearly show numerous complaints against the Barro Quarry for blasting vibration and reported damage to structures.
5. Deposition Modelling Flaws – *Condition A3 is given in response to community concerns that PM10 of 50ug/m³/24hours does not protect amenity during operating hours* – Condition A3 does not address the community concerns on afternoon dust build up, we have provide numerous photos showing afternoon dust plumes which have a significant impact on amenity and dust is at its worst when children return from school. As recently as last week I provided you with a photo from a Mt Cotton quarry with the same licence conditions taken at 3.30pm late last week. By any measure the dust plume and accompanying haze was appalling – would you be happy for you family to be less than 200 metres from this quarry?

I would appreciate your response to these questions.

Best regards,

Anthony

.....
Anthony Moloney

sch4p4(6) Personal information

Assessment Report

Environmentally relevant activities

This assessment report is for environmentally relevant activities to be assessed via the Integrated Development Assessment System in the Integrated Planning Act 1997.

COUNCIL DA NUMBER:	EHP PROJECT NO: 240720
DERM DA NUMBER: SPCE01725511	FILE NO: BST303
APPLICATION TYPE: Concurrence Agency for a MCU involving an ERA	
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	
ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles	
ERA 8; 3(a) Chemical storage – Storing 10m3 or more of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3	
LOCATION DESCRIPTION: Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970 & Lot 238 on SP218968, the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state, and the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962	
APPLICANT: Barro Group Pty Ltd, c/- Groundwork Plus	
TRADING AS: Barro Group Pty Ltd	

1. Issues

Potential issues include:

1. Noise and vibration
2. Dust
3. Land contamination
4. Rehabilitation post-operations
5. Surface, groundwater and stormwater management
6. Waste management

2. Background

Barro Group Pty Ltd (Barro) originally properly applied for a material change of use in 2010, seeking to in expand the current footprint of the quarry. The application is to keep the current level of extraction (500,000t/yr) but expand the footprint. Vegetation management and contaminated lands sections of the department asked for further information during the information request period which followed.

Following a few extensions of the information request period initiated by the applicant, Barro group has finally submitted the required information on 16 March 2012.

This assessment is to identify if the environmentally relevant activity is acceptable to be expanded.

3. Description of operation

The subject site (Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970 & Lot 238 on SP218968, the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state, and the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962) is located on Mount Cotton Road, Mount Cotton. The quarry is located on a hill beside California creek and Greenhide Creek, with the tributaries running through the property.

The surrounding land uses are mainly rural residential, with some poultry farming, driver training centre and National Parks. It is this rural residential that poses the most concern as the proximity to the quarry will be detrimentally affected by noise, vibration and dust from the quarry operations to some degree. As the quarry is already operating at this site, this impact will already be occurring. If anything, the new expansion will remove the extraction site further away from most concentrated residential areas, are may even be beneficial to the residential properties in regards to the environmental impact.

The applicant proposes to extend quarry operations by conventional quarry techniques including blasting into the lots west to the existing sites (which they already have DAs for, this MCU is for increased capacity). The rocks extracted will then be transported using a conveyor to the existing processing and screening plant located on the existing site. The pit will be progressively developed by extending the existing quarry towards the west.

The processing plant comprises bins, feeders, crushers, screens and interconnection conveyors. Broken rock is fed into the plant which produces a range of graded products. No waste is produced from the processing as all material produced is a saleable product.

The processing plant is fitted with an array of water sprays for dust control. On occasions a transportable crushing and screening plant is also deployed on the site. Other machinery and plant include rubber-tyred front end loaders, tracked excavators, haul trucks and water trucks. Additional plant to be deployed on site on an 'as needs' basis includes bulldozers, graders, rock drills and rock breakers.

The applicant has supplied a comprehensive environmental management plan (EMP) as part of their application which includes the following Plans:

- Air Quality Management Plan
- Noise Management Plan
- Blasting Management Plan
- Stormwater Management Plan
- Waste Management Plan
- Oil, Grease, Fuel and Chemical Management Plan
- Koala and Koala Habitat Site Management Plan
- Vegetation Offset Rehabilitation Management Plan
- Habitat Management Plan
- Bushfire Management Plan
- Rehabilitation of Post Extraction Area Management Plan
- Cultural Heritage Plan
- Transport Management Plan
- Emergency and Incident Management Plan

The full SEMP, including these Plans, can be found in File BST303 vol2.

The proposed expansion of the footprint will be carried out in 4 stages over an approximate 40 year timeframe. Rehabilitation of the site will be conducted progressively over an overlapping approximate 45 year timeframe. Plans for both Extraction Stages and Rehabilitation Stages have been filed in BST303.

4. Emissions, discharges and environmental compliance

A summary of the environmental risks and mitigation/control measures identified by the applicant is provided below.

Noise and vibration

Equipment or activities that have the potential to generate significant noise have been identified and include:

- Bulldozers (clearing vegetation, stripping topsoil, landforming, rehabilitation)
- Crushing and screening plant (re-sizing and sorting of raw materials);
- Front end loaders (product haulage outloading, feeding crushing and screening plant);
- Off road haul trucks (haulage of raw materials to the crushing and screening plant);
- Face loaders/excavators (raw product handling);
- Rock drills (drilling holes in preparation for blasting);
- Light vehicle (employee vehicles, maintenance vehicles and service vehicles);
- Maintenance activities;
- Ancillary plant and equipment; and
- Blasting.

EHP acknowledges that the unmitigated noise level has a potential to impact on the near by residential properties. In order to alleviate the impact, a target level of 40dB LAeq (less than 4dB(A) above ambient LAeq at worst) was set at the nearest residential dwelling, Lot 2 on RP108970 and a boundary limit was set to appropriately achieve this level.

One of the key points regarding the noise causing activities is, the existing concrete plant will remain in operation as is (no change in noise levels) and the main quarrying operation will be moved further away from the main cluster of sensitive receptors, resulting in reduced noise level in the main.

The applicant acknowledges that poor blasting practices have the potential to generate unacceptable levels of ground vibration and air blast overpressure, and to a lesser extent, flyrock, noise, dust and fumes. Accordingly the applicant has also prepared and submitted a *Blasting Management Plan* which includes performance targets, management practices, monitoring and assessment, recording, reporting and responsibility, corrective actions and responsibility and training, and review sections.

The applicant currently has some noise walls installed in the areas worst affected by noise to mitigate the noise impact and plans to install further noise barriers to mitigate noise from affecting the properties on the southern boundary of the property.

Accordingly, more stringent noise limits have been conditioned, along with site-specific conditions restricting certain activities to certain times and standard conditions for noise and blasting nuisance, control and monitoring.

Dust

Activities that have the potential to impact on air quality of the locality include:

- Crushing, screening and blending operations (openings at bins and chutes, crusher openings, screening operations, material transfer points, conveyors, product stockpiling);
- Wind action on conveyors, stockpiles and disturbed areas;
- Drilling and blasting (air flushing of drill holes, drill cuttings piles, blasting activities) (blasting is not considered to have a significant impact on dust emissions unless conducted in a poor manner);
- Topsoil/overburden stripping, rock extraction and transportation (movement of earthmoving machinery, digging, loading and dumping, movement of haul trucks, unsealed roads, bench and face areas, material spillage from haul trucks);
- Product stockpiling and dispatch (stockpiles and stockpile pads, product loading, movement of trucks, material spillage from trucks); and
- Rehabilitation works.

The applicant acknowledges that dust from stripping, extraction, loading, hauling, crushing, screening, blending, stockpiling, product delivery, hardstands and rehabilitation activities at the site has the potential to cause nuisance at surround residential and commercial premises, to detract from the aesthetic values of vegetation and to wash into local watercourses. Accordingly the applicant has prepared and submitted an *Air Quality Management Plan* as part of their application, including appropriate performance targets, management practices, monitoring and assessment, recording and reporting, corrective actions, responsibility and training, and review sections.

There had been a significant air quality monitoring program in 2008-2009 by Queensland Environmental Protection Agency and Department of Health which deemed there are no dust or silica dust problems in the area.

Standard dust nuisance, control and monitoring conditions have been included in the development approval including PM10 and nuisance criterions.

Land contamination

The quarry proposes to use/store on site:

- Distillate (fuel for stationary and mobile engines)
- Oils (lubricants and hydraulic oils for stationary and mobile equipment)
- Greases (lubrication of equipment)
- Solvents (degreasing and cleaning of engine parts)
- Paints and pain thinners (maintenance of equipment, buildings and signs)
- Explosives (chemicals used in blasting)
- Miscellaneous chemicals (herbicides, additives to products, cleaning agents, etc)

The applicant acknowledges that quarry operations have the potential to contaminate land and water in and surrounding the site by the release of oils, greases, fuels and other hazardous substances. Accordingly the applicant has prepared and submitted an *Oil, Grease, Fuel and Chemical Management Plan* as part of their application, including appropriate performance targets, management procedures, monitoring and assessment, recording, reporting and responsibility, corrective actions, training, and review sections. The applicant has also stated in their IRR that the bunded fuel storage on site has recently been upgraded to comply with AS1940, that it dispenses automatically, is fitted with automatic shut off valves, and has a spill kit located nearby. There are no existing or proposed underground fuel storage facilities.

Standard land and water contamination conditions have been included in the development approval.

Rehabilitation post-operation

Extractive industries, by definition, cause land disturbance and modification, and have the potential to result in land degradation if not managed appropriately. The applicant acknowledges that there are many activities conducted on site that have the potential to detrimentally effect the land, and as such, have prepared and submitted Landcare, Bushfire and Rehabilitation Management Plans. The Landcare and Bushfire Management Plans each contain the standard performance targets, management practices, monitoring and assessment, recording, reporting and responsibility, corrective actions, training, and review sections. The Rehabilitation Management Plan, instead, contains planning, land use, landform, erosion and drainage control, topsoil management, species selection, species list, revegetation methods, ground preparation, fertilisation, watering, staging, weed and pest control, maintenance and monitoring sections. The Rehabilitation Management Plan also specifies that a minimum of 300 stems per hectare are to be established and that plant diversity will comprise a minimum of six different species per hectare of which at least four will be canopy species, one will be mid stratum species, two will be a shrub species, and grass species will comprise the ground cover layer (the future use is cattle grazing).

Conditions holding the applicant to these Plans, progressive rehabilitation and the stated rehabilitation stages and timeframes are included in the development approval. Financial reassurance is also conditioned into the DA.

Surface, groundwater and stormwater management

Although activities on site have the potential to produce contaminated surface and stormwater runoff, the quarry's bowl-shape landform acts as its own containment system, minimising the risk of contamination outside the quarry pit. Due to the collection of runoff at the lowest point in the quarry, however, groundwater contamination may be an issue. Accordingly conditions dictating the depth of excavations and impacts to groundwater have been included in the development approval along with standard water contamination, stormwater management and sediment control conditions.

The stormwater is settled in a pond, and the water may leave the site from the area via the creek going through the site on a severe storm event. The applicant has prepared and submitted a *Water Management Plan* as part of their application, including performance targets, management practices, monitoring and assessment, recording and reporting, corrective actions, responsibility and training, and review sections.

Conditions for the monitoring and water quality limits have been included in the development approval.

Waste management

Some waste will be produced on site due to the activities carried out. These include waste oils as well as general office waste and other consumables. The applicant has prepared and submitted a *Waste Management Plan* as part of their application, including performance targets, management practices, monitoring and assessment, recording, reporting and responsibilities, corrective actions, training, and review sections. The applicant also makes reference to the relevant sections of the *Environmental Protection (Waste) Policy 2000*, the *Environmental Protection (Waste Management) Regulation 2000*, the waste hierarchy and that disposal of waste will be to a licenced waste disposal facility.

Standard waste management, waste handling, regulated waste disposal and cleared vegetation disposal conditions have been included in the development approval.

5. Assessment considerations

Support and substantiation for the identified relevant considerations are given below under the appropriate headings:

i) **Standard criteria (as applicable)**

Ecological sustainable development

The applicant has demonstrated the principles of ecologically sustainable development by proposing cleaner production techniques, waste minimisation and best practice environmental management programs. The decision to issue the permit integrates the long and short term economic, environmental, social and equity considerations. Standard conditions for rehabilitation have been included within the development permit. The applicant is engaged with vegetation management section of the department to seek vegetation off set management plans and other required

Environmental protection policies (EPPs)

The EPPs on water, air, noise and waste have been considered during the assessment of this application. The objectives and standards of EPP water, air, noise and waste management are incorporated in the resulting conditions.

Plans, standards and agreements

The information provided by the applicant has been considered in conjunction with the nature of the activities, the receiving environment and the following documents:

- *National Strategy for Ecologically Sustainable Development*
- *Australian Standard AS 3580.10 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*
- *Australian Standard AS 3580.9.6 Ambient air – Particulate matter – Determination of suspended particulate PM₁₀ high-volume sampler with size-selective inlet - Gravimetric method*
- *DERM's Air Quality Sampling Manual*
- *Australian Standard 1055.1 – Acoustics – Description and measurement of environmental noise – Part 1 General procedures*
- *Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations*
- *DERM's Noise Measurement Manual*
- *Australian Standard 2187.2 - Explosives Storage, Transport and Use - Part 2 Use of Explosives*
- *Fire Service Act 1990*
- *Australian Standard 1940 – Storage and Handling of Flammable and Combustible Liquids*
- *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*
- *SEQWater's guideline Water Quality Management in Drinking Water Catchments 2008*

Environmental impact statement EIS

N/A

Receiving environment

The nearest neighbours are rural residential properties and although these will undoubtedly suffer some detrimental effects from dust, noise and vibration from the quarry, these impacts will be currently occurring as this is already an operating quarry. There are considerable efforts made to minimise all impact to the surrounding environment as outlined in the application, and those

required through proposed development conditions will ensure that detrimental impacts caused by the increase in activity at the site, will be minimised.

Best practice environmental management

The applicant has demonstrated its commitment to conduct its activities in as environmentally responsible manner as can be expected of an extractive industry, by development of a Site Environmental Management Plan (incorporating various other management plans, as listed in section 3 above).

Financial implications

The applicant was sent a copy of the draft conditions for their review, and has not indicated concerns relating to financial implications of any approval requirements.

Public interest

Significant amount of public submissions have been made to the local government body concerned with noise, vibration and dust. EHP has no evidence of the noise, vibration or dust causing environmental issues based on current operation and modelling done by the applicant.

Site management plan

The applicant has demonstrated its commitment to conduct its activities in an environmentally responsible manner by development of a Site Environmental Management Plan. Their site rehabilitation and environmental monitoring program will commence upon receipt of SRRC's approval and in accordance with the issued conditions.

ii) Native title comments following notification (if applicable)

N/A

iii) Notifiable activity (if applicable)

N/A

iv) Wild river area consideration (if applicable)

N/A

6. Consultations

Advice from fellow Environmental Services personnel was taken into consideration and incorporated into the resulting approval conditions.

Discussion with the applicant and Redland City Council has been carried out to talk over any issues and the best environmental outcomes are achieved.

7. Project killers

No project killers have been identified.

8. Point source database

Copy of development approval or the original development approval and subsequent decision notices has been sent to: psd.help@epa.qld.gov.au

Yes

☐

No

X

9. Streamlined conditions

The following conditions are used:

Full streamlined conditions

Some streamlined conditions

No streamlined conditions

☐
☐
☒

10. Recommendation

It is recommended that the proposed development should be:

Select:	If approved select:	If approved, also select:
☒ Approved or	☒ With a development permit or	☒ With conditions or
☐ Refused	☐ With a preliminary approval or	☐ No conditions
	☐ In part only	

Assessing Officer: Toshi Yoshino

Signed:

Date:

11. Review and endorsement

Manager/Director: Mike Thomas

Signed:

Date:

Delegate: Mike Thomas

Signed:

Date:

DeHaan Rebecca

From: Hawas Olga
Sent: Tuesday, 27 August 2013 7:48 AM
To: DeHaan Rebecca; Mooney Chris; Hertslet Bryce; Murphy Shari
Subject: FW: Assessment report EHP Report No: 240720

Follow Up Flag: Follow up
Flag Status: Flagged

Shall we meet to discuss?

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

From: Anthony Moloney sch4p4(6) Personal information
Sent: Tuesday, 27 August 2013 12:29 AM
To: Hawas Olga
Cc: Hertslet Bryce; julie.talty@redland.qld.gov.au; infor@superquarry.org.au
Subject: Assessment report EHP Report No: 240720

Dear Olga,

We have been reviewing the above report and other responses your agency gave in response to the Barro Development application. The community is especially concerned with how the Department responded to some of these concerns and serious shortfalls in the licence conditions which we have already raised and seeking a response. With respect to the above report::

1. P8 - *In order to alleviate the impact (noise), a target level of 40dB LAeq (less than 4 dB(A) above ambient LAeq at worst) was set at the nearest residential building.* – We have previously identified that a) background noise determined by a data logger placed 15 metres from busy West Mt Cotton Rd and an incline does not reflect the background at sensitive sites given that these sites are up to 1000 meters from any road (and 10 metres from the proposed development properties boundary) and b) background noise level used exceeds the agreed background levels detailed in the "Expert Report" to the E&P Court on the previous application. These issues were clearly detailed in the community's objections to this development and appear to have been ignored, why? Did the applicant seek an increase in background noise so they could comply?
2. P9 - *There has been a significant air quality monitoring program in 2008-2009 by QLD EPA and Department of health which deemed there were no dust of silica or dust problems in the area* – We have provided ample photographic evidence that there is a serious dust amenity issue even when quarries are operating in their licence limits including the above quarry during the monitoring program. The testing undertaken by EPA showing no dust of silica or dust problems is at odds with our photos showing serious nuisance dust

problems, there is an issue contrary to the assertion here – why has this not been noted and taken into consideration?

3. P 11 – *The nearest neighbours are rural residential properties and although these will undoubtedly suffer some detrimental effects of dust, noise and vibration from the quarry, these impacts will be currently occurring as this is already an operating quarry* – this is fanciful and denies natural justice, how can “current impacts” be used as “justification” when the existing operation is half the size and over 1,000 metres further away from homes?
4. P12 – *EHP has no evidence of noise, vibration or dust causing environmental issues based on current operation and modelling done by the applicant* – this is factually incorrect, we have FOIs that clearly show numerous complaints against the Barro Quarry for blasting vibration and reported damage to structures.
5. Deposition Modelling Flaws – *Condition A3 is given in response to community concerns that PM10 of 50ug/m³/24hours does not protect amenity during operating hours* – Condition A3 does not address the community concerns on afternoon dust build up, we have provide numerous photos showing afternoon dust plumes which have a significant impact on amenity and dust is at its worst when children return from school. As recently as last week I provided you with a photo from a Mt Cotton quarry with the same licence conditions taken at 3.30pm late last week. By any measure the dust plume and accompanying haze was appalling – would you be happy for you family to be less than 200 metres from this quarry?

I would appreciate your response to these questions.

Best regards,

Anthony

.....
Anthony Moloney

sch4p4(6) Personal information

Section 78B(2) RTI Act

RTI DL RELEASE - EHP

DeHaan Rebecca

From: Hawas Olga
Sent: Friday, 23 August 2013 12:48 PM
To: Anthony Moloney
Cc: Hertslet Bryce
Subject: RE: Barro Quarry Development - Dust

Dear Anthony

The department is currently drafting a response to the proposed call in notice for the Barro quarry development, received from Minister Seeney of the Depart. for State Development, Infrastructure and Planning. Once the response has been finalised and issued, we will be able to provide further details.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

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From: Anthony Moloney [mailto:[sch4p4\(6\)@ehp.qld.gov.au](mailto:sch4p4(6)@ehp.qld.gov.au)] (Personal information)
Sent: Thursday, 22 August 2013 8:51 PM
To: Hawas Olga
Cc: Hertslet Bryce; julie.talty@redland.qld.gov.au
Subject: RE: Barro Quarry Development - Dust

Dear Olga,

Can you please give me an update on the follow-up meeting. I have also attached a photo taken today of a dust plume from a local quarry. As you can see from the haze the whole valley downwind is adversely affected – we understand from Departmental testing that this quarry meets its licence conditions – how is anyone expected to live within a kilometre of this and not have their amenity adversely affected?

Best regards,

Anthony

From: Hawas Olga [mailto:Olga.Hawas@ehp.qld.gov.au]
Sent: Friday, 9 August 2013 8:46 AM
To: Anthony Moloney
Subject: RE: Barro Quarry Development - Dust

Dear Anthony

Bryce is away and asked me to reply on his behalf.

We are currently reviewing the implications of call-in powers for our referral agency response and investigating our options on approaching Minister Seeney's Department for State Development, Infrastructure and Planning.

I will contact you next week once we identify what options are available.

If you have any other questions please do not hesitate to contact me.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
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sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Section 78B(2) RTI Act

sch4p4(6) Personal information

DeHaan Rebecca

From: Hawas Olga
Sent: Friday, 9 August 2013 8:46 AM
To: Anthony Moloney
Subject: RE: Barro Quarry Development - Dust

Follow Up Flag: Follow up
Flag Status: Completed

Dear Anthony

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Best regards

Olga Hawas
Principal Environmental Officer
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sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Section 78B(2) RTI Act

DeHaan Rebecca

From: Hertslet Bryce
Sent: Thursday, 8 August 2013 5:43 PM
To: Mooney Chris; Connor Andrew
Cc: DeHaan Rebecca; Hawas Olga; Murphy Shari
Subject: Re: Barro Quarry call-in to be considered

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Chris

Can you please generate a new BN to the Minister to outline our concerns with the conditions in the CAR.

sch3(7)

sch3(7)

sch3(7)

Bryce Hertslet
Regional Manager, Southern Region (East)

sch4p4(6) Personal information

On 08/08/2013, at 4:01 PM, "Mooney Chris" <Chris.Mooney@ehp.qld.gov.au> wrote:

Have a look at this!

Chris Mooney | Principal Environmental Officer |
Brisbane North | Southern Region | Environmental Services and Regulation |
Department of Environment and Heritage Protection | 3339 5839 | chris.mooney@ehp.qld.gov.au

From: Media Statements QLD [<mailto:statements@qld.gov.au>]
Sent: Thursday, 8 August 2013 3:52 PM
To: Rayner Carole
Subject: Barro Quarry call-in to be considered



Media release

Deputy Premier, Minister for State Development,
Infrastructure and Planning
The Honourable Jeff Seeney

Barro Quarry call-in to be considered

The Queensland Government will consider a ministerial call-in of Barro Group's Mount Cotton Quarry extension project after it was rejected by Redland City Council in June.

Deputy Premier and Minister for State Development, Infrastructure and Planning Jeff Seeney said he had issued a proposed call-in notice to allow interested parties 15 business days to have their say on whether or not the development involved state interests and should be called in.

"The Barro Group contends that the quarry extension is in the state's economic interest, so I will consider all submissions put forward and make a decision on what is best for the state," Mr Seeney said.

"I have also received a request from the Redland City Council CEO requesting a Ministerial Review of the development application and state referral agency approvals of the development application."

Mr Seeney said if he called in and re-assessed the application, the current appeal in the Planning and Environment Court would have no further effect.

The Deputy Premier's decision cannot be appealed on planning grounds.

Closing date for submissions is 30 August 2013 and the Deputy Premier is required by legislation to make a decision about whether or not to call in the development by 26 September 2013.

[ENDS] 8 August 2013

Media contact: Kate Hadden (b) (6) Personal information

[Unsubscribe](#)

RTI DL RELEASE - EHP

DeHaan Rebecca

From: Khan Suhail
Sent: Tuesday, 6 August 2013 12:56 PM
To: DeHaan Rebecca
Cc: Hawas Olga
Subject: RE: BARRO Dust Impact Assessment (MWA 2010)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rebecca,

Ideally, at least one year of ambient air quality monitoring data is required for model validation purpose. This is to cover all seasonal effects. About two years ago, Simtar was doing a model validation study for the Ace Waste incinerator site using NO2 monitoring program. Because of the limit funding and time frame we accepted about a three months of monitoring data. This is some thing we can negotiate with the client.

Regards,

Suhail..

From: DeHaan Rebecca
Sent: Tuesday, 6 August 2013 11:54 AM
To: Khan Suhail
Cc: Hawas Olga
Subject: RE: BARRO Dust Impact Assessment (MWA 2010)

Hi Suhail,

We were just wondering whether we should put a timeframe in Condition 2 Model Evaluation for the commencement of this evaluation – for example, would one year worth of results be meaningful enough to start the evaluation?

Regards,
Rebecca

From: Khan Suhail
Sent: Friday, 2 August 2013 10:20 AM
To: DeHaan Rebecca
Cc: Mooney Chris; Yoshino Toshi; Hawas Olga
Subject: RE: BARRO Dust Impact Assessment (MWA 2010)

Hi Rebecca,

I just made a minor correction. In one sentence "mining activities" is replaced by "quarry activities". See attached revised version.

Regards,

Dr Suhail Khan
Team Leader, Project Support Unit,
State-wide Environmental Assessments,
Environmental Performance & Coordination Branch,
Department of Environment & Heritage Protection, Queensland, Australia.
Tel: (617) 3330 5705, Fax: (617) 3330 5754
E-mail: [Mailto:suhail.khan@ehp.qld.gov.au](mailto:suhail.khan@ehp.qld.gov.au)

From: Khan Suhail
Sent: Friday, 2 August 2013 9:48 AM
To: DeHaan Rebecca
Cc: Mooney Chris; Yoshino Toshi; Hawas Olga
Subject: RE: BARRO Dust Impact Assessment (MWA 2010)

Hi Rebecca,

As discussed yesterday, I prepared few dust related conditions (see attached). We can negotiate with the applicant to replace the complaint driven existing Condition A9 with these Conditions 1 and 2. These are more stringent as required on going ambient air quality monitoring and model validation. Additional complaint driven conditions are proposed including PM2.5 and crystalline silica (which is a PM2.5 component).

Regards,

Dr Suhail Khan
Team Leader, Project Support Unit,
State-wide Environmental Assessments,
Environmental Performance & Coordination Branch,
Department of Environment & Heritage Protection, Queensland, Australia.
Tel: (617) 3330 5705, Fax: (617) 3330 5754
E-mail: [Mailto:suhail.khan@ehp.qld.gov.au](mailto:suhail.khan@ehp.qld.gov.au)

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

Condition 1. Ambient Dust Monitoring Program

- (a) Prior to the commencement of the quarry activities, the holder must develop and submit for approval to the administering authority, an Ambient Dust Monitoring Program, to specify how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to:
- (i) procedures for monitoring dust emissions from the project, in order to meet the requirements of this approval;
 - (ii) locations, frequencies and methods for monitoring PM₁₀ and deposited particulate matter;
 - (iii) provision for the use of at least one PM₁₀ monitoring station, five dust depositional gauges and one meteorological station capable of monitoring wind direction and speed;
 - (iv) the holder shall utilise air quality monitoring data to inform environmental management decisions associated with the project; and
 - (v) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;
- (b) Ambient dust monitoring must be conducted in accordance with the following standards:
- (i) 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
 - (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.
 - (iii) Australian Standard AS 3580.10.1:2003: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method.
 - (iv) Australian Standard AS 2923:1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.
- (c) Where monitoring at locations identified in Condition 1 (a) indicates that the air quality objectives detailed in Conditions A2 and A3 have been exceeded, the holder of this environmental authority must investigate the matter and report to the administering authority within 14 days:
- (i) the concentration of PM₁₀ particulates or dust deposition rate recorded;
 - (ii) a description of meteorological conditions occurring at the time; and
 - (iii) the measures taken to reduce dust generated by the quarry activities.
- (d) When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), an additional monitoring of dust deposition, PM10, PM_{2.5} and crystalline silica must be undertaken, and the results thereof notified to the administering authority within 14 days following completion of monitoring. This includes providing interim reports if the monitoring lasts for more than one month.
- Note: This monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place. Monitoring must be conducted in accordance with the appropriate standards.
- (e) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Conditions A2 and A3, the holder must:

- (i) implement dust abatement measures; and
 - (ii) address the complaint through the use of appropriate dispute resolution if required.
- (f) The results of PM₁₀, dust deposition and meteorological monitoring must be reported to the administering authority on request.

Condition 2. Model Evaluation

- (a) Following the collection of representative ambient dust monitoring data in accordance with Condition 1 (a), the holder shall undertake a model validation study to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: ".....(specify the modelling report)....." and with the ambient air quality objectives specified in Condition A2 and A3 (existing condition). The model validation study shall be undertaken in accordance with NSW DECC *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (DECC, 2005), and specific requirements of the administering authority.
- (b) Within 28 days of conducting the dust validation study referred to under Condition 2 (a) of this approval, the holder shall provide a copy of the report to the administering authority. If the dust validation study identifies any exceedances to those permitted in the with ambient air quality objectives of *EPP (Air 2008)*, the holder shall detail what additional measures would be implemented to further mitigate dust impacts. The holder shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the administering authority.

DeHaan Rebecca

From: Girdler Kerry on behalf of Regulatory Practice
Sent: Monday, 5 August 2013 10:32 AM
To: Birch Kerynne
Cc: DeHaan Rebecca; Regulatory Practice
Subject: RE: Question for ERPS

Follow Up Flag: Follow up
Flag Status: Completed

Kerynne

There is no specific requirement for EHP as a concurrence agency to consider submissions made to the assessment manager. Under section 314(3)(a) of SPA the assessment manager considers the common material in making a decision. The common material includes submissions.

The standard criteria in the EP Act includes any submissions. Submission is defined as a properly made submission, which is defined under section 161 of the EP Act and is limited to a submission for EP Act applications. So submissions made under SPA are not submissions that have to be considered as part of the standard criteria.

I don't think there is any hard and fast rule about considering submissions when they are made available to us. We would need to be very careful in how we considered any submissions and how we were given access to them. Are we being given access to all submissions or only some. We should consider the content of any submissions as it relates to the matters we are required to consider. We should not be swayed by the volume of submissions.

The standard criteria includes the public interest. The fact that there are a lot of submissions against a proposed development does not necessarily mean that a proposed development is not in the public interest.

It will be difficult to consider the public submissions fairly because the notification period and the referral agency assessment period are running at the same time. Not all submissions will be available in time for them to be considered.

Regards

Kerry Girdler
Principal Project Officer Regulatory Practice (Non-mining)
Environmental Performance & Coordination Branch
Department of Environment and Heritage Protection
Telephone 07 3330 5724 **Facsimile** 07 3330 5875 **Email:** kerry.girdler@ehp.qld.gov.au
www.ehp.qld.gov.au
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The Queensland Plan: A 30-year vision for Queensland

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Twitter: www.twitter.com/qldplan(<http://www.twitter.com/qldplan>) | #qldplan

From: Birch Kerynne
Sent: Monday, 29 July 2013 3:05 PM
To: Regulatory Practice
Cc: DeHaan Rebecca
Subject: FW: Question for ERPS

Good afternoon Regulatory Practices,

Please see the below query regarding consideration of public submissions by the concurrence agency during code assessable development assessment.

Please cc Rebecca DeHaan in your response.

Query for Regulatory Practices – Pre-Greentape Development Application

- Project: Barro Quarry – Material Change of Use for ERAs. EHP was a concurrence agency and Redlands City Council (RCC) was Assessment Manager (please refer to Acknowledgement Notice attached).
- The application was refused by RCC and is now being appealed by Barro in the P&E Court.
- Over 1,000 public submissions appear for this application on the Redlands PD Online website within the Notification Period.
- **Question:** For this application, should EHP have considered the public submissions that are relevant to EHP's jurisdiction? What were the legislative requirements of EHP as concurrence agency for this application in relation to public submissions?
- Our interpretation of the Sustainable Planning Act is that only the Assessment Manager considers public submissions for this application. EHP's trigger in this instance was 'code assessable' development which does not require notification.
- **Question:** Does this mean that we cannot or should not consider those public submissions that were relevant to our jurisdiction – even if the AM forwards them to us for consideration?

Kind regards

Kerynne

Kerynne Birch
Acting Manager (Brisbane North)
Southern Region
Environmental Services and Regulation
Department of Environment and Heritage Protection

Telephone 07 3339 5840

Mobile 04 611 4611 (6) Personal information

Email kerynne.birch@ehp.qld.gov.au

Website www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at:
<http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

DeHaan Rebecca

From: Hawas Olga
Sent: Tuesday, 23 July 2013 10:10 AM
To: DeHaan Rebecca
Cc: Birch Kerynne
Subject: FW: Barro Quarry Development - Dust

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

sch4p4(6) Personal information

sch4p4(6) Personal information

Section 78B(2) RTI Act

sch4p4(6) Personal information

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sch4p4(6) Personal information



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

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09 AUG 2013

PaLM

Our ref: MC13/2114

8 August 2013

Mr/Ms Shari Murphy, Permit and Licence Management, Implementation and Support
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Dear Mr/Ms Murphy

I am writing to advise you that I am considering exercising my power under section 424 of the *Sustainable Planning Act 2009* (SPA) to call in, and re-assess and re-decide, a development application made by Groundwork Plus on behalf of Barro Group Pty Ltd to the Redland City Council for the extension of a quarry at Mount Cotton.

Pursuant to section 424A of the SPA, please find enclosed the proposed call in notice for your consideration. The purpose of the notice is to advise you of my intentions for calling in this development application and to invite written representations from you, as an affected party. I am specifically interested in finding out if you believe the proposed development involves a state interest, and if I should exercise my reserve powers under section 424 of the SPA and call in the development application.

The effect of calling in a development application is that I reassess and re-decide the development application in the place of the assessment manager. My decision on the development application is taken to be the original assessment manager's decision, however a person may not appeal my decision. Further, any appeals made to the Planning and Environment Court before the application is called in will cease to have effect.

Please address your representations to:

Deputy Premier
Minister for State Development, Infrastructure and Planning
C/- Director, Planning Services
Department of State Development, Infrastructure and Planning

Email: planning@dsdip.qld.gov.au
Fax: (07) 3235 4563
Post: PO Box 15009
CITY EAST QLD 4002

RECEIVED / REGISTERED Dept of Environment and Heritage Protection ESR Southern Region 400G	
9 AUG 2013	
File #:	SOR116331
Item #:	2225603

Please be advised that any representations you wish to make must be received by the Department of State Development, Infrastructure and Planning by 5.00 pm on 30 August 2013.

Yours sincerely

Section 78B(2) RTI Act

JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

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