Queensland Government

Reference NOR/086766 – CR53334

3 July 2012

David Peet
Group Business HSEQ & Compliance Manager
Ostojic Group Pty Ltd
PO Box 38915 Winnellie NT 0821

Dear Sir,

Warning Letter - Stormwater Pond Overflow Incident at Ostojic Bulk Handling Facility

This warning letter is issued to you by the Department of Environment and Heritage Protection (EHP) in respect to the activities of Ostojic Group Pty Ltd at the Ostojic Bulk Handling Facility on land described as Lot 138 and Lot 142 on RP905659 situated at Sir Hudson Fysh Drive, Cloncurry (the "said premises").

During the site inspection conducted by officers of EHP on 31 January 2012, it was confirmed that Ostojic Group Pty Ltd has contravened conditions WA1 and WA3 of Development Approval (DA) SPDE01054010.

Under Section 435(2) of the *Environmental Protection Act (EP Act) 1994*, it is an offence to contravene a development condition of a development approval.

The facts and circumstances forming the basis for issuing this warning letter are:

- As the holder of DA SPDE01054010, Ostojic Group Pty Ltd is required to comply with all conditions of the DA;
- On the night of 27 January 2012, the Ostojic Bulk Handling Facility stormwater pond overflowed releasing waters into the creek located downstream of the pond;
- Conditions WA1 and WA3 of DA SPDE01054010 require sampling of waters related to the release within 2 hours of commencement of release from the stormwater settling pond and within 24 hours of the discharge event from the receiving waters within 500m downstream of the release point;
- Ostojic Group Pty Ltd did not take water samples in accordance with the DA conditions during the stormwater release. These samples are important in identifying contaminants present in the water and determining if the release will cause, or is likely to cause, environmental harm to the receiving environment;
- Section 435(2) of the EP Act 1994, creates an offence and provides penalty for contravention of a development condition of a development approval. Maximum penalty is 1665 penalty units.

As a result of the events surrounding this matter please be advised that you have been **formally**

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Cnr Camooweal & Mary Streets
Mount Isa Queensland 4825

PO Box 2316 Mount Isa
Queensland 4825 Australia
Telephone (07) 4744 7888
Facsimile (07) 4744 7800
ABN 46 640 294 485

Released

warned that it is a breach under section 435(2) of the *EP Act 1994* to contravene a development condition of a development approval. In addition, you are reminded of your obligations to comply with your general environmental duty under section 319 of the *Environmental Protection Act 1994* which states that *"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 harm".*

In this instance, it has been determined that no further action will be taken in respect of the matters giving rise in this warning. If additional evidence becomes available, or if continuation of this breach and/ or other more serious matters comes to light in the future, EHP may consider taking further action, including prosecution in accordance with its Enforcement Guidelines. A copy of the guidelines is available on our website at: http://www.ehp.qld.gov.au/environmental_management/pdf/enforcement-guidelines.pdf.

Should you have any questions in relation to this matter, please contact Alex Apostol on (07) 4744 7814.

Yours faithfully,

s.49 - Signature

Warwick Fegan
A/Manager
Mining and Heavy Industry - Northern Region
Department of Environment and Heritage Protection

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ITEM 2054896.
NOR/ 086766

Queensland Government

Department of
Environment and Heritage Protection

DISPATCHED
15 MAR 2013
TCollins.
498618371016

Ref SPDE01054010, NOR/086766

14 March 2013

Debra Marks
HSEQ & Compliance Manager
Ostojic Group Pty Ltd
PO Box 38915
Winnellie NT 0821

Dear Debra,

Compliance Inspection, Ostojic Bulk Loading Facility-Development Approval SPDE01054010 and Transitional Environmental Program MAN14060

I refer to the compliance inspection carried out by officers of the Department of Environment and Heritage Protection (EHP) on 14 February 2013 for the activities conducted at Ostojic Bulk Loading Facility located within Lot 138 and 142 RP905659, Sir Hudson Fysh Drive, Cloncurry.

The site inspection was conducted in the presence of Shane Noon who was representing Cloncurry Shire Council, Robbie Devlin and yourself from Ostojic Group Pty Ltd. The purpose of the inspection was to evaluate compliance with Development Approval (DA) SPDE01054010 and Transitional Environmental Program (TEP) MAN14060.

The compliance inspection identified both unlicensed Environmentally Relevant Activities and a non-compliance with Transitional Environmental Program (TEP) MAN14060, which are as follows:

Condition/Section	Details of Non-Compliance
section 427 of the *Environmental Protection Act 1994*	DA SPDE01054010 only covers ERA 50 (1a) Bulk Material Handling – loading or unloading minerals at a rate of 100t or more a day within Lot 138 on Plan RP905659. During the inspection, EHP officers identified a significant number of tyres stockpiled onsite, which is a potential fire hazard due to its proximity to the existing fuel storage on site. In addition, the current DA for the site does not cover regulated waste (tyres) storage. If Ostojic intend to continue storing tyres in the future, the current DA must be amended to cover ERA 56 (Regulated waste storage) and specific conditions will apply.
TEP MAN14060 Condition 4	Condition: *Dust emissions from the activity must not cause the ambient air quality limits listed in Table 1 of this approval to be exceeded when measured at a sensitive place in accordance with the receiving environment dust monitoring program.* *Table 1 – Ambient Air Quality Limits*

Air Quality Characteristics	*Limit*	*Averaging Period*
PM10 (Particulate matter with an aerodynamic diameter of less than 10 micrometres)	*50 µg/m^3*	*24 hours*

5b Sheridan Street Cairns
Queensland 4870
PO Box 937 Cairns
Queensland 4870 Australia
Telephone (07) 4222 5359
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Website www.ehp.qld.gov.au
ABN 46 640 294 485

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	Total Suspended Particles	*90 µg/m^3*	*Annual*
		100 µg/m^3	*24 hours*
	Dust Deposition (Total Insoluble Matter)	*120 mg/m^2/day*	*Monthly*

Justification:

EHP officers visited three (3) air quality monitoring stations during the inspection and reviewed the first Monthly Air Quality Monitoring Program (AQMP) Report covering the period 15 October ~ 27 November 2012.

The Report has indicated that dust deposition at two sampling sites (R1, Brisbane Street and R2, site office) exceeded the TEP limit of 120 mg/m^2/day. The report recommended an increase in the frequency of water truck movements in the area to mitigate the elevated dust levels.

Please be advised that under section 427 of the *Environmental Protection Act 1994* (EP Act) only registered operators may carry out a chapter four activity (e.g., regulated waste storage) while under section 432 of the EP Act the holder of an approved TEP must not contravene a requirement of the program.

On this occasion, EHP has decided to issue you a warning for failing to comply with a requirement of the TEP. Failure to obtain approval or ensure compliance with your TEP conditions in the future may result in further enforcement action in accordance with EHP's Enforcement Guideline.

Area of Concern

During the compliance inspection, EHP officers identified a number of areas of concern. An area of concern does not necessarily constitute a breach of the DA, however EHP considers action is required to ensure compliance with the site's General Environmental Duty as defined under section 319 of the *Environmental Protection Act 1994*. The following areas of concern were identified during the compliance inspection:

1. Unauthorised Release Point

   The current DA licensed release point is located at the end of the stormwater settling pond located north of the facility. EHP officers identified an additional release point east of the bulk handling facility discharging into a large grassed open channel. Any significant amount of rain may result in an overflow from this location potentially releasing contaminants from the bulk handling facility into the receiving environment.

   As the DA specifies that stormwater must only be released from the stormwater settling pond, it is recommended that the east release point be removed from the Ostojic site and all surface runoff be diverted into the stormwater settling pond. Alternatively, Ostojic can apply to have this point as a licensed discharge point in the DA.

2. Dust Generation

   EHP officers observed during the inspection dust being generated at the Ostojic operation. As identified in the TEP Action 1(c), operation of dust suppression measures such as watering systems must be undertaken. It was also recommended from the first AQMP Monthly Report to increase the frequency of water truck movements in the area to mitigate the elevated dust levels.

   EHP expects these actions and recommendations be implemented by Ostojic Group as soon as possible to address any excess dust issues. Any excess dust from the operation may contribute to the TEP limit of 120 mg/m^2/day being exceeded.

3. Water Used for Dust Suppression

   EHP received information that Ostojic may be sourcing water from the Cloncurry River for dust suppression purposes. EHP understands that dust suppression measures such as watering systems are needed to reduce the elevated dust levels and that this will require a significant volume of water.

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Should Ostojic plan to source water from the Cloncurry River for use on site, an application to take the water must be lodged in accordance with the Queensland *Water Act 2000*. EHP recommends that Ostojic liaise with the Department of Natural Resources and Mines in relation to this issue. EHP has also contacted Natural Resources and Mines and advised them of the current situation.

4. Land Remediation Plan

   EHP received and commented on the draft Land Remediation Plan for the Ostojic site submitted by GHD in October 2012. The plan proposes excavation of contaminated soil and backfilling of the excavation with clean soil.

   EHP would appreciate an update on the status of the remediation activities proposed in the Land Remediation Plan.

5. Noise

   EHP has received complaints that excessive noise is being generated from the Ostojic facility, particularly when loading activities are occurring and this is causing nuisance at sensitive locations.

   In accordance with DA SPDE01054010 Condition N3, EHP requests that Ostojic undertake noise monitoring at sensitive places surrounding the Ostojic facility, such as the residential dwelling located east of the facility, during concentrate loading activities within three weeks of the date of this letter. A report detailing the results must be provided to EHP within 14 days of completion of monitoring.

I would like to take this opportunity to acknowledge the work that Ostojic Group has undertaking to address the environmental concerns at site. EHP will continue to work closely with the Ostojic Group to achieve environmental improvements on site while balancing the ongoing operation of the facility.

EHP requests a response from Ostojic Group by 12 April 2013 on how the items listed in this letter will be addressed to ensure compliance.

If you have any queries, please contact Alex Apostol on (07) 4222 5359.

Yours sincerely

s.49 - Signature

Hamish Butler
Team Leader – Northern Region
Mining and Heavy Industry
Environmental Services and Regulation
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

From: Gonzo Gus [Gus.Gonzo@ehp.qld.gov.au]
Sent: Friday, 20 January 2012 2:22 PM
To: Butler Hamish
Subject: RE: Draft TEP

Hamish, I have conducted a cursory review. I would like to spend a bit of time with you on this one. What are our stat time frames?

Maybe you could book some time in on Monday to take me through it.

Gus

From: Butler Hamish
Sent: Thursday, 19 January 2012 1:32 PM
To: Gonzo Gus
Cc: Apostol Alex
Subject: Draft TEP

Gus,

Please find attached the supporting information regrading the decision to refuse the current TEP for the Ostojic site. Currently the TEP does not met the content requirements under section 331 of the *Environmental Protection Act 1994* for a number of reasons.

A notice has been prepared refusing the current TEP and requiring the client to lodge a new amened version.

Once you are happy with our decision I will have Alex organise a meeting with the client to explain why the TEP has been refused before sending them the notice.

Cheers.

Hamish Butler
Team Leader-Mount Isa
Mining & Industry
Regional Services
Department of Environment and Resource Management

Phone: (07) 4222 5333 (Cairns)
(07) 4744 7870 (Mount Isa)
Fax : (07) 4222 5070
Email: hamish.butler@derm.qld.gov.au

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file:///D|/Kerrie%20Sniffer/2012%2001%2020%201422.htm[30/04/2013 10:45:54 AM]

From: Jennifer.Constantinou@ghd.com [Jennifer.Constantinou@ghd.com]
Sent: Wednesday, 2 May 2012 11:02 AM
To: Fegan Warwick
CC: Apostol Alex; david.peet@ostojic.com.au; Jenny.Gream@ghd.com; gtimbs@mcw.com.au; Bradley.Wood@ghd.com; Gonzo Gus
Subject: Ostojic Group TEP - Program of Works
Attachments: Ostojic Group_TEP Indicative Program of Works_02.05.12.zip

Hi Warwick,

Following the phone discussion with Gerard Timbs, Gus Gonzo and yourself and DERMs request for additional documentation demonstrating the time required to implement the objectives/actions of the TEP, please find attached an indicative program of works. This program of works identifies timeframes associated with required development applications under the Sustainable Planning Act 2009 and Cloncurry Shire Council Planning Scheme, as well as tasks associated with stormwater implementation and construction of the sheds. The program is considered to be a best case scenario and shows a completion date by June 2014.

The completion date of December 2014 is still requested by Ostojic Group however to avoid the need to request an extension, as this program does not allow for contingencies including:
- negotiated decision notice and/or submitters appeal on the Material Change of Use Application
- significant wet season delays
- 3rd party delays including funding, material supplies or delivery, etc

To allow Ostojic Group to move forward in this process, the Department's timely consideration of the TEP would be greatly appreciated.

Please call if you need to discuss further.

Regards

Jennifer Constantinou
Town Planner

GHD
T: 61 7 3316 3673 | s.49 | F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

Please consider our environment before printing this email

This email and all attachments are confidential. For further important information about emails sent to or from GHD or if you have received this email in error, please refer to http://www.ghd.com/emaildisclaimer.html .

This e-mail has been scanned for viruses by MessageLabs.

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ID	Task Name	Start	Finish	Predecessors
1	**Current Development Application**	**Fri 6/01/12**	**Tue 11/09/12**	
2	CSC Information Request	Fri 6/01/12	Fri 6/01/12	
3	GHD Preparation of Information Request Response	Fri 6/01/12	Fri 27/04/12	2
4	GHD Lodge Information Request Response	Mon 30/04/12	Mon 30/04/12	3
5	Public Notification	Mon 30/04/12	Tue 22/05/12	4
6	Decision	Wed 23/05/12	Tue 17/07/12	5
7	Appeal Period	Wed 18/07/12	Tue 14/08/12	6
8	Submitters Appeal Period	Wed 15/08/12	Tue 11/09/12	7
9				
10	**Operational Works Application**	**Tue 11/09/12**	**Mon 18/02/13**	
11	Lodgment	Tue 11/09/12	Tue 11/09/12	8
12	Acknowledgment Stage	Wed 12/09/12	Wed 26/09/12	11
13	Information Request	Thu 27/09/12	Wed 24/10/12	12
14	GHD Information Request Response	Fri 2/11/12	Thu 15/11/12	13
15	Council Decision Making Period	Tue 27/11/12	Mon 21/01/13	14
16	Appeal Period	Tue 22/01/13	Mon 18/02/13	15
17				
18	**TEP Components Dependant on Council Approval**	**Tue 19/02/13**	**Mon 26/05/14**	
19	SWMP Implementation	Tue 19/02/13	Mon 5/08/13	16
20	Final Design changes implemented	Tue 26/02/13	Tue 12/03/13	16
21	Client Review and Approval to proceed to Tendering	Wed 13/03/13	Wed 27/03/13	20
22	Prequalify Tenderers	Wed 13/03/13	Wed 27/03/13	20
23	Tender Phase	Thu 28/03/13	Thu 2/05/13	22
24	Tender Assessment & Negotiation	Fri 3/05/13	Fri 31/05/13	23
25	Client Confirmation of Budget (End of FY)	Mon 3/06/13	Mon 8/07/13	24
26	Award Construction Contract	Mon 8/07/13	Mon 8/07/13	25
27	Remove Rail Spur	Tue 9/07/13	Tue 30/07/13	26
28	Construct Sheds	Wed 31/07/13	Wed 18/12/13	27
29	Christmas Shutdown	Thu 19/12/13	Mon 20/01/14	28
30	Continue Construction of Sheds	Tue 21/01/14	Mon 3/03/14	29
31	Install new Rail Spur	Tue 4/03/14	Tue 25/03/14	30
32	Construction contingency 8 wks (wet weather - constructing through wet season)	Wed 26/03/14	Mon 26/05/14	31
33	Construction Complete	Mon 26/05/14	Mon 26/05/14	32
34				

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Project: Project2
Date: Tue 1/05/12

Task	Project Summary	Inactive Milestone	Manual Summary Rollup	Deadline			
Split	External Tasks	Inactive Summary	Manual Summary	Progress			
Milestone	External Milestone	Manual Task	Start-only				
Summary	Inactive Task	Duration-only	Finish-only				

From: Peacock Karen
Sent: Friday, 18 May 2012 3:19 PM
To: Apostol Alex
CC: Fraser Robyn
Subject: Ostojic Group Pty Ltd - draft TEP decision
Attachments: Ostojic Group.pdf

Hi Alex

Please find attached scanned signed copy of the decision to grant approval for draft TEP.

The original has been posted via registered mail today.

Regards

Karen Peacock
Administration Officer
Environmental Services, North Region
Telephone: 07 4222 5353 Facsimile: 07 4222 5070

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Notice

Environmental Protection Act

Decision to grant an approval for a draft transitional environmental program

This statutory notice is issued by the administering authority pursuant to section 340 of the Environmental Protection Act 1994, *to advise you of a decision or action.*

Reference : NOR/086766

Ostojic Group Pty Ltd
P. O. Box 38915
Winnellie NT 0821

Attention: David Peet,

Re: Application for an approval for a transitional environmental program for the transition to compliance with conditions A1 and A5 of development approval SPDE01054010 at Lot 138 (Plan RP905659), Sir Hudson Fysh Drive, Cloncurry, Qld

Thank you for your application for an approval for a transitional environmental program – certificate of approval number MAN14060.

Your application, which was received by this office on 11 May 2012, has been approved with conditions.

A copy of the certificate of approval, which includes the schedule of conditions, is attached.

The reasons for the decision are:

Conditions were imposed on the approval to ensure that during the period of the TEP, dust generated from the activities does not cause environmental harm.

Fees apply for the assessment of a draft transitional environmental program and any subsequent annual returns. The fees are outlined in the attached operational policy *Transitional Environmental Program (TEP)* ***fees.***

A fee of **$3,562.90** is payable.

You may apply to the Department for a review of this decision within 10 business days of receiving this notice. You may also appeal against this decision to the Planning and Environment Court.

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Queensland Government

Notice

Decision notice regarding a transitional environmental program

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations

Should you have any queries in relation to this notice, Alex Apostol of this department on telephone (07) 4744 7814 would be happy to assist you.

s.49 - Signature	18/5/12
SIGNATURE	DATE

Gus Gonzo
Delegate of the Administering Authority
Environmental Protection Act 1994

Enquiries:
North Region - Mount Isa
Suite 30 Level 1 Mount Isa House
P.O. Box 2316 Mount Isa QLD 4825
Ph. 07 4744 7888
Fax. 07 4744 7800

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Environmental Protection Act 1994

Transitional environmental program certificate of approval number MAN14060

This certificate of approval is issued by the administering authority pursuant to section 339 of the Environmental Protection Act 1994. *A transitional environmental program is a specific program that, when approved, achieves compliance with the* Environmental Protection Act 1994 *for the matters dealt with by the program by reducing environmental harm, or detailing the transition to an environmental standard.*

Under the provisions of the *Environmental Protection Act 1994*, this certificate of approval is hereby granted to:

Ostojic Group Pty Ltd
P.O. Box 38915
Winnellie NT 0821

approving the draft transitional environmental program; titled "Ostojic Group Pty Ltd Bulk Handling Facility, Sir Hudson Fysh Drive Cloncurry Transitional Environmental Program" for dust nuisance and mineral concentrate management within Lot 138 (Plan RP905659) in Cloncurry, Qld.

The draft transitional environmental program, dated 11 May 2012, was received by this office on 11 May 2012.

The draft transitional environmental program is approved subject to the following conditions:

1. The approved Transitional Environmental Program (TEP) applies to conditions A1 and A5 of Development Approval SPDE01054010.

2. All conditions of this approval and all conditions of Development Approval SPDE01054010 (apart from condition A1 and A5) apply during the period of this TEP.

3. A receiving environment dust monitoring program must be developed and implemented by 31 October 2012. The receiving environment dust monitoring program must:
   (a) Be developed by an appropriately qualified person;
   (b) Be implemented and maintained for the period of the TEP;
   (c) Include a sufficient number of monitoring locations representative of the receiving environment, including sensitive places and an appropriate monitoring frequency of those locations to allow for a scientifically justifiable assessment of emissions from the activity against the ambient air quality limits listed in Table 1 of this approval;
   (d) Be undertaken in accordance with the relevant Australian Standards;
   (e) At a minimum, monitor for:
      i. Particulate Matter with an aerodynamic diameter of less than 10 micrometres (PM_{10}); and
      ii. Total Suspend Particles.

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4. Dust emissions from the activity must not cause the ambient air quality limits listed in Table 1 of this approval to be exceeded when measured at a sensitive place in accordance with the receiving environment dust monitoring program.

Table 1 – Ambient Air Quality Limits

Air Quality Characteristic	Limit	Averaging Period
PM_{10} (particulate matter with an aerodynamic diameter of less than 10 micrometres)	50 µg/m^3	24 hours
Total Suspended Particles	90 µg/m^3	Annual
	100 µg/m^3	24 hours
Dust Deposition (Total Insoluble Matter)	120 mg/m^2/day	Monthly

5. A report on the dust monitoring program including results of the program must be provided to the administering authority on a six monthly basis during the period of the TEP.

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Definitions

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

"sensitive place" includes

(a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or

(b) an educational institution; or

(c) a medical centre or hospital; or

(d) a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or

(e) a public park, garden or cemetery.

The transitional environmental program remains in force until **31 May 2014**.

In any case where conditions are imposed upon a certificate of approval, you may apply to the administering authority for a review of the decision. You may also appeal against the decision to the Planning and Environment Court.

Information relating to a review of decisions or appeals under the *Environmental Protection Act 1994* is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Release

Should you have any queries in relation to this Notice, Alex Apostol of this department on telephone (07) 4744 7814 would be happy to assist you.

s.49 - Signature

Signature

18/5/12

Date

Gus Gonzo
Delegate of Administering Authority
Environmental Protection Act 1994

Enquiries:
North Region - Mount Isa
Suite 30 Level 1 Mount Isa House
P. O. Box 2316 Mount Isa QLD 4825
Ph. **07 4744 7888**
Fax. 07 4744 7800

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Operational policy

Fees

Transitional environmental program (TEP) fees

Operational policies provide a framework for consistent application and interpretation of legislation by the Department of Environment and Resource Management (DERM)[1]. Operational policies will not be applied inflexibly to all circumstances. Individual circumstances may require an alternative application of policy. This policy concerns r. 140 of the Environmental Protection Regulation 2008.

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Policy issue

What are the administering authority's fees for considering a transitional environmental program (TEP)?

Background

Section 334 of the *Environmental Protection Act 1994* (EP Act) provides for the administering authority to charge a person or public authority, the fee prescribed by regulation, for submitting a draft TEP for approval.

This section applies, with any necessary amendments, to an application to amend a TEP under s. 344 of the EP Act.

Regulation 140(1) of the Environmental Protection Regulation 2008 (EP Reg) prescribes that the fees for consideration of a draft TEP, or an amendment of an approval for a TEP, is the amount that:

- the authority considers to be reasonable;
- is not more than the reasonable cost of deciding the application for approval of the program or the amendment of the approval.

Regulation 140(3) of the EP Reg prescribes that the fees for assessing the holder's annual returns and monitoring compliance with the program is the amount that:

- the authority considers to be reasonable;
- is not more than the reasonable cost of the assessment and monitoring.

Determination

Fees[2] for the assessment of a draft TEP are a minimum of $375.40 (includes GST), plus an additional $187.50 per hour (includes GST) or part thereof, charged after the first two hours.

---

[1] The Department of Environment and Resource Management is the administering authority under the *Environmental Protection Act 1994*.

[2] The fee covers the administration costs incurred by the department when assessing that the TEP satisfies the criteria set by the *Environmental Protection Act 1994* and the first two hours of technical evaluation of the TEP.

Release

Fees for assessment of an TEP annual return and monitoring of a compliance program of a draft TEP are charged at a rate of $187.50 per hour (including GST), or part thereof, plus any reasonable costs for analysis and travel.

The reasonable cost of analysis cost will be the actual cost of the analysis to the department, plus GST.

The reasonable cost of travel will be the cost of travel[3], plus GST.

The fee for assessing an application to amend a TEP is $192.40 (includes GST).

Other issues to consider

The person having a draft TEP considered should be advised at the time of approval of the TEP that the administering authority will require payment of a fee for assessment of the annual return and monitoring compliance of the TEP.

Disclaimer:

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Resource Management should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

RTI DL RELEASE - EHP

Approved by:

Jon Womersley
Director, Regulatory Support and Practice
Department of Environment and Resource Management

Date: 1 August 2011

Enquiries:

Permit and Licence Management
Ph: **1300 130 372**
Fax: (07) 3896 3342
Email: palm@derm.qld.gov.au

[3] The reasonable cost of travel will be calculated as outlined in section 4 (employees who choose to use their own vehicles) of the schedule in the Queensland Government *Directive No. 14/10 Motor Vehicle Allowances September 2010,* issued by the Attorney-General and Minister for Industrial Relations. For an automobile this is set at 37.5 cents per kilometre.

Released

Department of Environment and Resource Management

Information sheet

Environmental Protection Act

Internal review (DERM), and appeal to Planning and Environment Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994 *(EP Act). It gives a summary of the process for review and appeal to the Planning and Environment Court under the EP Act and subordinate legislation. Refer to sections 519–539 and Schedule 2 of the EP Act for complete information about the process for internal review and appeal to the Planning and Environment Court.*

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Introduction

The *Environmental Protection Act 1994* (EP Act) provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation[1] made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in part 1 of schedule 2 of the EP Act [2], may appeal the decision to the Planning and Environment Court (the Court).

Summary of the process for internal review and appeal to the Court

Chapter 11, Part 3 of the EP Act

Division 1 — Interpretation

Section 519 Original decisions

1) A decision mentioned in schedule 2 is an "original decision".
2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an "original decision".

Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision.

Division 2 — Internal review of decisions

Section 521 Procedure for review

1) A dissatisfied person may apply for a review of an original decision.
2) The application must—
   a) be made in the approved form to the administering authority within—
      i) 10 business days[3] after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the "review date"); or
      ii) the longer period the authority in special circumstances allows not later than the review date; and
   b) be supported by enough information to enable the authority to decide the application.

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3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—

   a) notice of the application (the "review notice");

   b) a copy of the application and supporting documents.

4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days after the application is made to the authority.

5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within 10 business days after receiving the application—

   a) review the original decision;

   b) consider any submissions properly made by a recipient of the review notice; and

   c) make a decision (the "review decision") to—

      i) confirm or revoke the original decision; or

      ii) vary the original decision in a way the administering authority considers appropriate.

6) The application does not stay the original decision.

7) The application must not be dealt with by—

   a) the person who made the original decision; or

   b) a person in a less senior office than the person who made the original decision.

8) Within 10 business days after making the decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.

9) The notice must—

   a) include the reasons for the review decision; and

   b) inform the person of their right of appeal against the decision.

10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.

11) Subsection (7) applies despite section *Acts Interpretation Act 1954*, section 27A.

12) This section does not apply to an original decision made by—

   a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or

   b) for another matter — the chief executive personally.

13) Also, this section does not apply to an original decision to issue a clean-up notice.

Section 522 Stay of operation of original decisions

1) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to—

   a) for an original decision mentioned in schedule 2, part 1—the Land Court; or

   b) for an original decision mentioned in schedule 2, part 2—the Court.

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2) The Land Court or the Court may stay the decision to secure the effectiveness of the review and any later appeal to the tribunal or the Court.

3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.

4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.

Division 4 — Appeals to court

Section 531 Who may appeal

1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1[4] applies, may appeal against the decision to the Court.

2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.

3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

1) An appeal is started by—

   a) filing written notice of appeal with the registrar of the Court; and

   b) complying with rules of court applicable to the appeal.

2) The notice of appeal must be filed—

   a) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made; or

   b) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.

3) The Court may at any time extend the period for filing the notice of appeal.

4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Section 533 Appellant to give notice of appeal to other parties

1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—

   a) if the appellant is the chief executive—all persons who were given notice of the original decision; or

   b) if the appellant is not the chief executive—the other persons who were given notice of the original decision.

2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

Section 534 Persons may elect to become respondents to appeal

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

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Released

Section 535 Stay of operation of decisions

1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
3) The period of a stay must not extend past the time when the Court decides the appeal.
4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Section 536 Hearing procedures

1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

Section 537 Assessors

The judge hearing an appeal may appoint one or more assessors to assist where the appeal involves a question of special knowledge and skill.

Section 538 Appeals may be heard with planning appeals

Where an appeal is also made under the *Integrated Planning Act 1997* for a premises, the court may order that both appeals be heard together or consecutively, or one stayed until the other is decided. This may occur even if the parties to the appeals are not the same. This ensures that needless delays are minimised.

Section 539 Powers of Court on appeal

1) In deciding an appeal, the Court may—
   a) confirm the decision appealed against; or
   b) vary the decision appealed against; or
   c) set aside the decision appealed against and make a decision in substitution for the decision set aside.
2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

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Further information

The latest version of this publication can be found at <www.derm.qld.gov.au>. Note: where available, the publication number (e.g. EM1866 for this document) can be used as a search term.

[1] The original decisions under the subordinate legislation are subject to change. As at 11 May 2010 they are listed in:
- Section 110 of the *Environmental Protection Regulation 2008*; and
- Section 68C of the *Environmental Protection (Waste Management) Regulation 2000*.

[2] An appeal may be made to the Land Court for original decisions in part 1 of schedule 2.
[3] Under the *Environmental Protection Act 1994* "business days does not include a business day between 26 December and 1 January in the following year".
[4] Subdivision 1 is about appeals to the Land Court and information about this is contained in Sections 519 to 539.

Released

From: Jennifer.Constantinou@ghd.com [Jennifer.Constantinou@ghd.com]
Sent: Wednesday, 23 May 2012 1:20 PM
To: Apostol Alex
CC: David Peet
Subject: Ostojic Group Pty Ltd - draft TEP decision

Hi Alex,

Would you be able to arrange for a tax invoice to be issued to Ostojic Group for the TEP assessment fee of $3562.90?

If you could please advise if GST is applicable and included/excluded in this amount.

Regards

Jennifer Constantinou
Town Planner

GHD
T: 61 7 3316 3673 | s.49 F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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From:	"Apostol Alex" <Alex.Apostol@derm.qld.gov.au>
To:	"David Peet" <david.peet@ostojic.com.au>
Cc:	<Jennifer.Constantinou@ghd.com>
Date:	18/05/2012 03:28 PM
Subject:	FW: Ostojic Group Pty Ltd - draft TEP decision

Hi David & Jennifer,

Please find attached Certificate of Approval for Ostojic TEP MAN 14060.

Rgrds,
Alex

Alex Apostol
Senior Environmental Officer
Environmental Services¦North Region
Mining & Industry
Department of Environment & Resource Management

Suite 30 Level 1 Mt Isa House ¦PO Box 2316
Cnr Camooweal & Mary Streets
Mt Isa QLD 4825 Australia
Phone: (07) 4744 7814 ¦Fax: (07) 4744 7800
Email: alex.apostol@derm.qld.gov.au
Website: www.derm.qld.gov.au

RTI DL RELEASE - EHP

From: Peacock Karen
Sent: Friday, 18 May 2012 3:20 PM
To: Apostol Alex
Cc: Fraser Robyn
Subject: Ostojic Group Pty Ltd - draft TEP decision

Hi Alex

Please find attached scanned signed copy of the decision to grant approval for draft TEP.

The original has been posted via registered mail today.

Regards

Karen Peacock
Administration Officer
Environmental Services, North Region
Telephone: 07 4222 5353 Facsimile: 07 4222 5070

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From: Jennifer.Constantinou@ghd.com [Jennifer.Constantinou@ghd.com]
Sent: Thursday, 31 May 2012 1:31 PM
To: Apostol Alex
CC: Fegan Warwick; david.peet@ostojic.com.au
Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)
Attachments: 435639_Submission Pollution Abatement Plan_31.05.2012.zip

Hi Alex,

Please refer to attached correspondence in relation to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) and 31 May 2012 Milestone.

I have sent a large file transfer with the Site Based Management Plan. Please let me know if you do not receive it.

Regards

Jennifer Constantinou
Town Planner

GHD
T: 61 7 3316 3673 s.49 | F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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31 May 2012

The Department of Environment and Heritage Protection
PO Box 937
Cairns QLD 4870

Our ref: 41/23951/435639
Your ref: MAN14060

Attention: Mr Warwick Fegan

Dear Warwick

Ostojic Group Transitional Environmental Program (MAN14060)
31 May 2012 Milestone - Pollution Abatement Plan

I refer to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) for their Bulk Handling Facility at Sir Hudson Fysh Drive Cloncurry. As part of the TEP, Ostojic Group submits the required ***Pollution Abatement Plan***.

The ***Pollution Abatement Plan*** has been integrated into the enclosed Site Based Management Plan (SBMP). The Pollution Abatement Plan is detailed in Section 3.11 of the SBMP and addresses Actions 1 and Sub-Actions 1(a) to 1(f) of the TEP. Please note that some of the Sub-Actions have a future delivery date and for the purpose of this submission Actions 1, 1(a) and 1(f) apply. This is summarised below.

Table 1 Summary of TEP Requirement and Response for 31 May 2012

Action	Item	Delivery Date	Ostojic Group Response
1	Pollution Abatement Plan	31 May 2012	Forms Section 3.11 in enclosed SBMP
1(a)	Housekeeping Procedure	31 May 2012	Forms Appendix H in enclosed SBMP
1(f)	Updated SBMP	31 May 2012	Enclosed

We also refer to the ***Dust Monitoring Program*** which has been prepared in response to the TEP. Whilst the TEP delivery date for this Program is 30 November 2012, Ostojic would like DEHP to review the program (enclosed as Appendix F of the SBMP) and provide any comment.

We trust the above meets with your approval. Should you have any queries please do not hesitate to contact the undersigned on 07 3316 3673.

RTI DL RELEASE - EHP

GHD Pty Ltd ABN 39 008 488 373
201 Charlotte Street Brisbane QLD 4000 GPO Box 668 Brisbane QLD 4001 Australia
T 61 7 3316 3000 **F** 61 7 3316 3333 **E** bnemail@ghd.com **W** www.ghd.com

Yours sincerely
GHD Pty Ltd

s.49 - Signature

Jennifer Constantinou
Town Planner
(07) 3316 3673

Attachment: SBMP for Bulk Handling Facility, Sir Hudson Fysh Drive Cloncurry (*refer to Section 3.11 for Pollution Abatement Plan and Appendix F for Dust Monitoring Program)*

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From: files@ghd.sendthisfile.com [files@ghd.sendthisfile.com]
Sent: Thursday, 31 May 2012 1:33 PM
To: Apostol Alex
Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone

Sender: jennifer.constantinou@ghd.com
Recipient: Alex.Apostol@derm.qld.gov.au, warwick.fegan@derm.qld.gov.au, david.peet@ostojic.com.au,
Upload Date: 2012-05-30 22:32:04.0

Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone
Message:

Use the following links to download your file(s).

https://ghd.sendthisfile.com/nsD7fkqqC2TrxpEgswQVfVNV

Note: These files will expire in 6 days from the time this email was generated.

Powered by www.SendThisFile.com

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From: Fegan Warwick [Warwick.Fegan@ehp.qld.gov.au]
Sent: Monday, 4 June 2012 11:27 AM
To: Apostol Alex
Subject: FW: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)
Attachments: 435639_Submission Pollution Abatement Plan_31.05.2012.zip

One for you.

Please review, and provide me some advice on whether we have any concerns / comments.

Cheers,

Warwick Fegan
A/Team Leader, Mining & Industry, North Region
Telephone: (07) 4222 5324 Facsimile: (07) 4222 5070

5b Sheridan St Cairns QLD 4870
PO Box 937 Cairns QLD 4870

From: Jennifer.Constantinou@ghd.com [mailto:Jennifer.Constantinou@ghd.com]
Sent: Thursday, 31 May 2012 1:32 PM
To: Apostol Alex
Cc: Fegan Warwick; david.peet@ostojic.com.au
Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)

Hi Alex,

Please refer to attached correspondence in relation to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) and 31 May 2012 Milestone.

I have sent a large file transfer with the Site Based Management Plan. Please let me know if you do not receive it.

Regards

Jennifer Constantinou
Town Planner

GHD
T: 61 7 3316 3673 s.49 | F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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31 May 2012

The Department of Environment and Heritage Protection
PO Box 937
Cairns QLD 4870

Our ref: 41/23951/435639
Your ref: MAN14060

Attention: Mr Warwick Fegan

Dear Warwick

Ostojic Group Transitional Environmental Program (MAN14060)
31 May 2012 Milestone - Pollution Abatement Plan

I refer to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) for their Bulk Handling Facility at Sir Hudson Fysh Drive Cloncurry. As part of the TEP, Ostojic Group submits the required ***Pollution Abatement Plan***.

The ***Pollution Abatement Plan*** has been integrated into the enclosed Site Based Management Plan (SBMP). The Pollution Abatement Plan is detailed in Section 3.11 of the SBMP and addresses Actions 1 and Sub-Actions 1(a) to 1(f) of the TEP. Please note that some of the Sub-Actions have a future delivery date and for the purpose of this submission Actions 1, 1(a) and 1(f) apply. This is summarised below.

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1(f)	Updated SBMP	31 May 2012	Enclosed

We also refer to the ***Dust Monitoring Program*** which has been prepared in response to the TEP. Whilst the TEP delivery date for this Program is 30 November 2012, Ostojic would like DEHP to review the program (enclosed as Appendix F of the SBMP) and provide any comment.

We trust the above meets with your approval. Should you have any queries please do not hesitate to contact the undersigned on 07 3316 3673.

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GHD Pty Ltd ABN 39 008 488 373
201 Charlotte Street Brisbane QLD 4000 GPO Box 668 Brisbane QLD 4001 Australia
T 61 7 3316 3000 F 61 7 3316 3333 E bnemail@ghd.com W www.ghd.com

Yours sincerely
GHD Pty Ltd

s.49 - Signature

Jennifer Constantinou
Town Planner
(07) 3316 3673

Attachment: SBMP for Bulk Handling Facility, Sir Hudson Fysh Drive Cloncurry (*refer to Section 3.11 for Pollution Abatement Plan and Appendix F for Dust Monitoring Program)*

RTI DL RELEASE - EHP

From: Geoff.Ford@ghd.com [Geoff.Ford@ghd.com]
Sent: Thursday, 21 June 2012 4:03 PM
To: Apostol Alex
Subject: Ostojic Group Pty Ltd - TEP - Dust Monitoring program

Hi Alex

I am working with Jen Constantinou on this matter.

I note that we sent Ostojic Group's Dust Monitoring Program to DEHP on 31 May 2012. Could you please confirm DEHP's acceptance or otherwise of this program, in particular the monitoring locations?

If you wish to discuss this or any other aspect of the TEP please feel free to give me a call on 3316 3591.

Kind regards

Geoff.

Geoff Ford
Environmental Consultant

GHD
T: 07 3316 3591| s.49 | F: 61 7 3316 3333 | E: geoff.ford@ghd.com
Level 5, 145 Eagle Street, Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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From: Apostol Alex [Alex.Apostol@ehp.qld.gov.au]
Sent: Monday, 25 June 2012 2:27 PM
To: Lagerroth Stephen
CC: Fegan Warwick
Subject: FW: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)
Attachments: 2012 06 14 Letter to Ostojic TEP MAN14060 1st Submittal.doc; R-KEEPER-1723665-Ostojic_Group_432016_SBMP_31_05_12_1_.DRF; R-KEEPER-1723661-435639_Submission_Pollution_Abatement_Plan_31_05_2012.DRF

Hi Steve,

Attached for your review is a draft letter to GHD/Ostojic providing comments on the submitted Site Based Management Plan (SBMP) as part of the ongoing Ostojic TEP (MAN14060).
I have also attached the Keeper reference of the GHD/Ostojic submittal, if you need to view the SBMP.
Let me know if you need more information on this.

P/S; Please include this in my work tasks, I missed this one during our meeting this morning. Sorry!

Rgrds,
Alex

Alex Apostol
Senior Environmental Officer
Environmental Services¦North Region
Mining & Heavy Industry
Department of Environment & Heritage Protection

Suite 30 Level 1 Mt Isa House ¦PO Box 2316
Cnr Camooweal & Mary Streets
Mt Isa QLD 4825 Australia
Phone: (07) 4744 7814 ¦Fax: (07) 4744 7800
Email: alex.apostol@derm.qld.gov.au
Website: www.derm.qld.gov.au

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From: Jennifer.Constantinou@ghd.com [mailto:Jennifer.Constantinou@ghd.com]
Sent: Thursday, 31 May 2012 1:32 PM
To: Apostol Alex
Cc: Fegan Warwick; david.peet@ostojic.com.au
Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)

Hi Alex,

Please refer to attached correspondence in relation to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) and 31 May 2012 Milestone.

I have sent a large file transfer with the Site Based Management Plan. Please let me know if you do not receive it.

Regards

Jennifer Constantinou
Town Planner

GHD

T: 61 7 3316 3673 | s.49 | F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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Reference MAN14060, NOR/086766

25 June 2012

Jennifer Constantinou
Town Planner
GHD Pty Ltd
GPO Box 668
Brisbane QLD 4001

C/C David Peet
Environmental Manager
Ostojic Group Pty Ltd
PO Box 38915
Northern Territory 0821

Dear Jennifer,

Ostojic Group Transitional Environmental Program (MAN14060) – Site Based Management Plan 31 May 2012

I refer to the report received at this office on 31 May 2012, titled "Ostojic Group Report for Bulk Handling Facility, Sir Hudson Fysh Drive, Cloncurry - Site Based Management Plan, 31 May 2012". The report was submitted as a partial fulfilment of the requirements of Transitional Environmental Program (TEP, MAN14060) approved on 18 May 2012 for the Ostojic Bulk Handling Facility.

The Department of Environment and Heritage Protection (the department) has reviewed the submitted report and wishes to offer the following comments:

Pollution Abatement Plan

The development and implementation of a Pollution Abatement Plan (PAP) has been identified as one of the two major actions in the approved draft TEP (MAN14060) to address compliance with condition A1 of the Development Approval (DA) SPDE01054010. It is therefore expected that a comprehensive PAP is developed and presented providing details of each identified pollution abatement/control measure.

The PAP presented in Section 6.11 of the SBMP appears to be vague and lacks the following elements:

- Specific dust control measures proposed for the openings and vents of the mineral concentrate storage shed.
- Specific actions to be undertaken for each proposed control measure.
- Plan and details, showing the location of the proposed truck washing facilities, water source and storage and disposal of the wash water resulting from truck washing activity.
- Time frame of implementation (start date, completion date) for each control measure and actions to be taken under each control measure.

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Suite 30 Level 1 Mt Isa House
Cnr Camooweal & Mary Streets
Mt Isa Queensland 4825 Australia

P.O. Box 2316 Mt Isa QLD
Queensland 4825 Australia

Telephone (07) 4744 7888
Facsimile (07) 4744 7800
Website www.derm.qld.gov.au
ABN 46 640 294 485

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Dust Monitoring Program

- As the Dust Monitoring Program has been prepared prior to the approval of the draft TEP, section 3.7 (Reporting) needs to be updated to reflect the reporting requirement indicated in the TEP Certificate of Approval Number MAN14060, i.e., six-monthly basis during the period of the TEP.
- Section 3.7.3 (Reporting of Exceedances) needs to be amended to include ambient air quality limits stipulated in Table 1 of the TEP Certificate of Approval Number MAN14060 for PM_{10}, total suspended particulate and dust deposition.
- In addition to the GPS coordinates of the sampling locations, it is recommended that additional details, such as distance and direction (e.g., north, northeast, etc.) of the sampling locations with respect to the source of pollutant, be included in Table 5 (Sampling Locations).
- GHD recommends that Air Quality Monitoring Program be carried out for an initial 12 month period and extend following a complete analysis and reporting of the results from all monitoring carried out. However, TEP Certificate of Approval Number MAN14060 requires the receiving environment dust monitoring program must be implemented and maintained for the period of TEP, i.e., until May 2014.

Stormwater Management Plan

- The submitted Site Based Stormwater Management Plan (SBSMP) for Ostojic Bulk Handling Facility (as the title implies) is mainly focused on the stormwater management within the site. However, there is a need to consider the potential impacts of the stormwater being released from the site into the receiving environment, more importantly when the release does not meet the contaminant trigger and contaminant limits specified in the EA and other applicable guidelines such as ANZECC/ARMCANZ 2000.
- As the stormwater management plan has been prepared prior to approval of the draft TEP, Section 1.5 (Scope of Work and Limitations) needs to be amended, i.e., delete all statements referring to the TEP.
- EHP inspection on December 2011 and January 2012 revealed an existing inlet located east of Catchment Area No. 5, provided with gravel/straw bale as erosion control measure. This inlet structure, which discharges into the large grassed channel, is not mentioned in Section 2.3.2 (Existing Catchment Conditions) and is not shown on Figure 4 (Existing Site Drainage Plan); Clarification is necessary on whether this existing inlet structure will remain or remove from the site.
- It is recommended that the GPS coordinates of the proposed point of discharge be provided in the report.
- The SBSMP identified litter (paper, construction packaging, food packaging), sediments and hydrocarbons as the pollutants expected to be produced during the day-to-day use of the site. The report did not identify specific contaminants (e.g., iron, copper, etc.) from the stormwater runoff that come in contact with the minerals (magnetite and copper) on site. These contaminants have the potential to cause environmental harm to the receiving environment.

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DRAFT
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- Table 3-2 (Water Quality Objectives) limits the water quality objectives as "percent reduction" of each identified pollutant. This objective does not ensure compliance with the applicable guidelines; It is recommended that the objectives of the stormwater management plan include achieving stormwater quality that is within the limits specified in Table 2 (Contaminant Release Limits to Water) of DA SPDE01054010 and other applicable guidelines, e.g., ANZECC/ARMCANZ 2000.

- As the stormwater management plan has been prepared prior to approval of the draft TEP, Section 5.1 (Monitoring) needs to be amended, i.e., delete statement referring to the TEP.

- Conditions of DA SPDE01054010 require that the stormwater management plan must address, among others, the monitoring frequency of stormwater discharges to the environment and that the release of contaminants to waters from the release points must be monitored at any receiving waters within 500m downstream of the release. The Stormwater Management Plan does not provide monitoring locations within the receiving water/creek that will be impacted by the release from the detention basin. It is recommended that the monitoring program be amended to consider SPDE01054010 conditions related to water.

If you have any queries in relation to this matter please contact Alex Apostol on (07) 4744 7814.

Yours faithfully,

Warwick Fegan
A/Manager
Mining and Heavy industry - North Region
Department of Environment and Heritage Protection

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Deleted: undertaken compliance inspections on 14 & 23 December 2011 and is satisfied that Ostojic Group Pty Ltd has achieved compliance with all requirements of the EPO. The EPO is now considered finalised by the department.¶

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Enquiries

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Alex Apostol

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Telephone

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Environmental Protection Order (EPO) issued to Ostojic Group Pty Ld on 29 November 2011 for the Ostojic Bulk Handling Facility located on Sir Hudson Fysh Drive in Cloncurry

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From: Lagerroth Stephen [Stephen.Lagerroth@dnrm.qld.gov.au]
Sent: Monday, 25 June 2012 3:56 PM
To: Fegan Warwick
CC: Apostol Alex
Subject: FW: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)
Attachments: R-KEEPER-1723665-Ostojic_Group_432016_SBMP_31_05_12_1_.DRF; R-KEEPER-1723661-435639_Submission_Pollution_Abatement_Plan_31_05_2012.DRF; 2012 06 14 Letter to Ostojic TEP MAN14060 1st Submittal.docx

Goes with accompanying letter

Regards

Stephen Lagerroth
A/Team Leader -Mining & Heavy Industry (Northern Region)
Department of Environment and Heritage Protection
Telephone: (07) 4222 5467 Facsimile: (07) 4222 5070

5b Sheridan St Cairns QLD 4870
PO Box 937 Cairns QLD 4870
www.ehp.qld.gov.au

From: Apostol Alex
Sent: Monday, 25 June 2012 2:27 PM
To: Lagerroth Stephen
Cc: Fegan Warwick
Subject: FW: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)

Hi Steve,

Attached for your review is a draft letter to GHD/Ostojic providing comments on the submitted Site Based Management Plan (SBMP) as part of the ongoing Ostojic TEP (MAN14060).
I have also attached the Keeper reference of the GHD/Ostojic submittal, if you need to view the SBMP.
Let me know if you need more information on this.

P/S; Please include this in my work tasks, I missed this one during our meeting this morning. Sorry!

Rgrds,
Alex

Alex Apostol
Senior Environmental Officer
Environmental Services¦North Region
Mining & Heavy Industry
Department of Environment & Heritage Protection

Suite 30 Level 1 Mt Isa House ¦PO Box 2316
Cnr Camooweal & Mary Streets
Mt Isa QLD 4825 Australia
Phone: (07) 4744 7814 ¦Fax: (07) 4744 7800
Email: alex.apostol@derm.qld.gov.au
Website: www.derm.qld.gov.au

From: Jennifer.Constantinou@ghd.com [mailto:Jennifer.Constantinou@ghd.com]

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Sent: Thursday, 31 May 2012 1:32 PM
To: Apostol Alex
Cc: Fegan Warwick; david.peet@ostojic.com.au
Subject: Ostojic TEP MAN14060 - 31 May 2012 Milestone (Pollution Abatement Plan)

Hi Alex,

Please refer to attached correspondence in relation to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) and 31 May 2012 Milestone.

I have sent a large file transfer with the Site Based Management Plan. Please let me know if you do not receive it.

Regards

Jennifer Constantinou
Town Planner

GHD
T: 61 7 3316 3673 | s.49 | F: 61 7 3316 3333 | E: jennifer.constantinou@ghd.com
201 Charlotte Street Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com

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Reference MAN14060, NOR/086766

Queensland Government

25 June 2012

Jennifer Constantinou
Town Planner
GHD Pty Ltd
GPO Box 668
Brisbane QLD 4001

C/C David Peet
Environmental Manager
Ostojic Group Pty Ltd
PO Box 38915
Northern Territory 0821

Dear Jennifer,

Ostojic Group Transitional Environmental Program (MAN14060) – Site Based Management Plan 31 May 2012

I refer to the report received at this office on 31 May 2012, titled "Ostojic Group Report for Bulk Handling Facility, Sir Hudson Fysh Drive, Cloncurry - Site Based Management Plan, 31 May 2012". The report was submitted as a partial fulfilment of the requirements of Transitional Environmental Program (TEP, MAN14060) approved on 18 May 2012 for the Ostojic Bulk Handling Facility.

The Department of Environment and Heritage Protection (the department) has reviewed the submitted report and wishes to offer the following comments:

Pollution Abatement Plan

The development and implementation of a Pollution Abatement Plan (PAP) has been identified as one of the two major actions in the approved draft TEP (MAN14060) to address compliance with condition A1 of the Development Approval (DA) SPDE01054010. It is therefore expected that a comprehensive PAP is developed and presented providing details of each identified pollution abatement/control measure.

The PAP presented in Section 6.11 of the SBMP appears to be vague and lacks the following elements:

- Specific dust control measures proposed for the openings and vents of the mineral concentrate storage shed.
- Specific actions to be undertaken for each proposed control measure.
- Plan and details, showing the location of the proposed truck washing facilities, water source and storage and disposal of the wash water resulting from truck washing activity.
- Time frame of implementation (start date, completion date) for each control measure and actions to be taken under each control measure.

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Cnr Camooweal & Mary Streets
Mt Isa Queensland 4825 Australia

P.O. Box 2316 Mt Isa QLD
Queensland 4825 Australia

Telephone (07) 4744 7888
Facsimile (07) 4744 7800
Website www.derm.qld.gov.au
ABN 46 640 294 485

Dust Monitoring Program

- As the Dust Monitoring Program has been prepared prior to the approval of the draft TEP, section 3.7 (Reporting) needs to be updated to reflect the reporting requirement indicated in the TEP Certificate of Approval Number MAN14060, i.e., six-monthly basis during the period of the TEP.

- Section 3.7.3 (Reporting of Exceedances) needs to be amended to include ambient air quality limits stipulated in Table 1 of the TEP Certificate of Approval Number MAN14060 for PM_{10}, total suspended particulate and dust deposition.

- In addition to the GPS coordinates of the sampling locations, it is recommended that additional details, such as distance and direction (e.g., north, northeast, etc.) of the sampling locations with respect to the source of pollutant, be included in Table 5 (Sampling Locations).

- GHD recommends that Air Quality Monitoring Program be carried out for an initial 12 month period and extend following a complete analysis and reporting of the results from all monitoring carried out. However, TEP Certificate of Approval Number MAN14060 requires the receiving environment dust monitoring program must be implemented and maintained for the period of TEP, i.e., until May 2014.

Stormwater Management Plan

- The submitted Site Based Stormwater Management Plan (SBSMP) for Ostojic Bulk Handling Facility (as the title implies) is mainly focused on the stormwater management within the site. However, there is a need to consider the potential impacts of the stormwater being released from the site into the receiving environment, more importantly when the release does not meet the contaminant trigger and contaminant limits specified in the EA and other applicable guidelines such as ANZECC/ARMCANZ 2000.

- As the stormwater management plan has been prepared prior to approval of the draft TEP, Section 1.5 (Scope of Work and Limitations) needs to be amended, i.e., delete all statements referring to the TEP.

- EHP inspection on December 2011 and January 2012 revealed an existing inlet located east of Catchment Area No. 5, provided with gravel/straw bale as erosion control measure. This inlet structure, which discharges into the large grassed channel, is not mentioned in Section 2.3.2 (Existing Catchment Conditions) and is not shown on Figure 4 (Existing Site Drainage Plan); Clarification is necessary on whether this existing inlet structure will remain or remove from the site.

- It is recommended that the GPS coordinates of the proposed point of discharge be provided in the report.

- The SBSMP identified litter (paper, construction packaging, food packaging), sediments and hydrocarbons as the pollutants expected to be produced during the day-to-day use of the site. The report did not identify specific contaminants (e.g., iron, copper, etc.) from the stormwater runoff that come in contact with the minerals (magnetite and copper) on site. These contaminants have the potential to cause environmental harm to the receiving environment.

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- Table 3-2 (Water Quality Objectives) limits the water quality objectives as “percent reduction” of each identified pollutant. This objective does not ensure compliance with the applicable guidelines; It is recommended that the objectives of the stormwater management plan include achieving stormwater quality that is within the limits specified in Table 2 (Contaminant Release Limits to Water) of DA SPDE01054010 and other applicable guidelines, e.g., ANZECC/ARMCANZ 2000.

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If you have any queries in relation to this matter please contact Alex Apostol on (07) 4744 7814.

Yours faithfully,

Warwick Fegan
A/Manager
Mining and Heavy industry - North Region
Department of Environment and Heritage Protection

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From: files@ghd.sendthisfile.com [files@ghd.sendthisfile.com]
Sent: Friday, 29 June 2012 5:00 PM
To: Apostol Alex
Subject: Ostojic Group progress report for TEP

Sender: geoff.ford@ghd.com
Recipient: alex.apostol@derm.qld.gov.au, david.peet@ostojic.com.au, bradley.wood@ghd.com
Upload Date: 2012-06-29 01:56:55.0

Subject: Ostojic Group progress report for TEP
Message: Hi Alex Please find attached Ostojic Group's progress report for the Transitional Environmental Program certificate number MAN14060. Kind regards Geoff. Geoff Ford Environmental Consultant GHD T: 07 3316 3591| s.49 | F: 61 7 3316 3333 | E: geoff.ford@ghd.com Level 5, 145 Eagle Street, Brisbane QLD 4000 Australia | GPO Box 668 Brisbane QLD 4001 | www.ghd.com WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION Please consider our environment before printing this email

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