

Notice

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 of the Integrated Planning Act 1997 to advise of a decision or action.

Gold Coast City Council
Attn: Dale Schroder
Po Box 5042
GOLD COAST MC QLD 9729

CC: Mr Darren Berndt
c/o Bennett and Bennett
Attn: George Constantinou
PO Box 833
SPRING HILL QLD 4004

Our reference: 304551

Dear Mr Schroder

Re: Referral for Concurrence Agency Response

Council DA Reference: MCU2700002 – Application Darren Berndt

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 04-JUL-2007, has been assessed, and on 4 August 2008 it was granted in full with conditions.

1. Property/Location:

Street address - 112 Zips Road ALBERTON QLD 4207
Lot/Plan - Lot 20 Plan RP204499

2. Details of the recommendation

Aspect of Development

- Concurrence Response for a MCU involving an ERA
- ERA 22(b) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, a year.
- ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom growing substrate by a mushroom grower) by receiving and blending, storing, processing, drying, or composting organic material or organic waste, including for example, animal manures, sewage, septic sludges and domestic waste, in works having a design production capacity of 200 t or more a year.

Concurrence Agency Response

EPA Ref Number

- IPCE00668407

3. Currency period

This approval will lapse unless substantially started within the currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans

The approved plans and/or documents for this approval are:

Plan/Document No.	Plan/Document Name	Date
MRA07/004-002 Final	Mark Rigby and Associates - Conceptual Site Layout	31 July 2008

5. Codes for self-assessable development

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

6. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by the , be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@epa.qld.gov.au.

In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

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

Yours sincerely

sch4p4(6) Personal information

Georgina Davis
Delegate
Environmental Protection Agency
04-AUG-2008

Enquiries:

ES - Reg Serv - Bne North - Bne
GPO Box 2771
BRISBANE QLD 4001
Phone: 32251079
Fax:

Section 3.3.16 Integrated Planning Act 1997

EPA Permit¹ number: IPCE00668407

EPA Permit¹ number: IPCE00668407
Assessment Manager reference:
Date application received by EPA: 04-JUL-2007
Permit¹ Type: Concurrence Response for a MCU involving an ERA

Date of Decision:
Decision: 4 August 2008

Relevant Laws and Policies: *Environmental Protection Act 1994* and any subordinate legislation
Jurisdiction: Item 1 in Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description

Property	Lot/Plan	Aspect of Development
112 Zipfs Road, ALBERTON QLD 4207	Lot 20 Plan RP204499	ERA 22(b) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, a year. ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom growing substrate by a mushroom grower) by receiving and blending, storing, processing, drying, or composting organic material or organic waste, including for example, animal manures.

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

		sewage, septic sludges and domestic waste, in works having a design production capacity of 200 t or more a year.
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Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional information for applicants

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

Environmentally Relevant Activities

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

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

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.

sch4p4(6) Personal information

Georgina Davis
Delegate
Environmental Protection Agency
04-AUG-2008

CONDITIONS OF APPROVAL

General Permit Condition

Agency Interest: General

PG1 Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

PG2 Maintenance Of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:

- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
- (b) maintain such measures, plant and equipment in a proper and efficient condition; and
- (c) operate such measures, plant and equipment in a proper and efficient manner.

PG3 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.

PG4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

PG5 Records.

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

PG6 All records required by this approval must be kept for 5 years.

PG7 Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of

any release of contaminants not in accordance with the conditions of this approval.

PG8 Monitoring.

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

PG9 Equipment Calibration.

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

PG10 Trained / Experienced Operator(s).

The daily operation of the waste water treatment system and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of that treatment system and control equipment.

PG11 Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

PG12 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.

PG13 Notification of Emergencies and Incidents

Where the registered operator has not given notification to the administering authority under Section 320 of the Environmental Protection Act 1994, as soon as practicable after becoming aware of any emergency or incident that results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with conditions of this approval, the registered operator must notify the administering authority of the release by telephone or facsimile.

PG14 Where the registered operator has not given notification to the administering authority under Section 320 of the Environmental Protection Act, the notification of emergencies or incidents as required by approval condition number PG13 must include but not be limited to the following:

- (i) the name of the registered operator;
- (ii) the location of the emergency or incident;
- (iii) the number of the approval;
- (iv) the name and telephone number of the designated contact person;
- (v) the time of the release;
- (vi) the time the registered operator became aware of the release;
- (vii) the suspected cause of the release;
- (viii) the environmental harm and/or environmental nuisance caused, threatened, or suspected to be caused by the release; and
- (ix) actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

PG15 Where the registered operator has not given notification to the administering authority under Section 320 of the Environmental Protection Act, not more than 14 days following the initial notification of an emergency or incident, the registered operator must provide written advice of the information supplied

in accordance with approval condition number PG14 in addition to:

- (i) proposed actions to prevent a recurrence of the emergency or incident; and
- (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

- PG16 At all times while the ERA facility is open, at least one person must be present who is responsible for the control and operation of the facility and whose duties must include but not be limited to:
- a) controlling the reception, storage and removal of waste;
 - b) maintaining the facility;
 - c) controlling all employees working in the facility; and
 - d) supervising all persons entering the facility.

Agency Interest: Air

PA1 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.

PA2 Dust Nuisance.

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

- PA3 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
 - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

- PA4 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- a) for a complaint alleging dust nuisance, dust deposition; and
 - b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

- PA5 The holder of this development approval must undertake all reasonable and practicable measures to minimise wind-borne dust and particulate matter emissions to the atmosphere from the screening and composting operations at the licensed place.

- PA6 When requested by the administering authority, monitoring must be undertaken to investigate any

Release

complaint of environmental nuisance caused by a release to the atmosphere from a release point at the site, and the results thereof notified to the administering authority within 14 days following completion of monitoring.

Agency Interest: Land

- PL1 There must be no release or the likelihood of release of any contaminants to land that may cause environmental harm or contribute to contamination of the land.
- PL2 Effective erosion protection and sediment controls must be implemented and maintained to minimise erosion and the release of sediment from the site. This is to include, but not limited to trafficable and operational areas.
- PL3 The hardstand compost pad and stockpile area must be constructed from appropriate materials to create an impermeable hardstand pad. The pad must exhibit a minimum impermeability of 1×10^{-7} m/s.
- PL4 All bunding must be constructed and maintained so as to be impervious to the material handled to allow retention and recovery of any materials being contained within the bund, and prevent the ingress of stormwaters and overland flows from outside the bund.
- PL5 The perimeter bund and organic storage area bund will be continuous with no breaks and will be constructed from appropriate inert materials at a minimum of 0.5m high.
- PL6 The hardstand pad for composting and stockpiles must be graded and bunded to minimise the likelihood of rainwater, contaminated stormwater and / or leachate ponding and pooling.

Agency Interest: Noise

- PN1 Noise Nuisance.
- Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place
- PN2 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.
- PN3 Vibration Nuisance.
- Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
- PN4 Noise Monitoring.
- When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- LA 10, adj, 10 mins
 - LA 1, adj, 10 mins
 - the level and frequency of occurrence of impulsive or tonal noise;
 - atmospheric conditions including wind speed and direction;
 - effects due to extraneous factors such as traffic noise; and
 - location, date and time of recording.

- PN5 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Social

- PS1 Complaint Response.

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

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

- PS2 In the event of any adverse effect upon public health and/or any nuisance arising from the conduct of the environmentally relevant activity, the holder of the development approval must take all reasonable and practicable measures to carry out any such works as may be necessary to:
- (a) abate such adverse effects and such nuisance; and
 - (b) prevent the likelihood of any recurrence of the circumstances which gave rise to such adverse effects and/or such nuisance.

- PS3 The holder of this development approval is to undertake all reasonable and practicable measures to:
- (a) install and operate all works and control equipment, and
 - (b) perform all acts and do all things,
- necessary to ensure that the carrying out of the environmentally relevant activity does not cause any adverse effect on public health or any nuisance, particularly in relation to propagation of diseases, fly breeding, mosquito breeding, and harbourage and/or breeding of rats and other pest organisms and/or vectors.

Agency Interest: Waste

- PW1 Only the following waste materials are permitted to be accepted for composting:
- a. Coal ash;
 - b. Sand and soil;
 - c. Saw dust;
 - d. Mulch.

- PW2 Acid Sulphate soils are not permitted to be accepted on site.

- PW3 In order to achieve compliance with PW1 above, wastes accepted are to meet the following:

- (a) i. Coal ash is to be sourced from Ash Development Association of Australia members, and comply with the quality criteria prescribed in Table 2 and 3 of this approval.
- ii. In order to demonstrate compliance with PW3 (a) (i) above, leachate and composition analysis of the ash is to be supplied upon request by the Environmental Protection Agency of not more than 6 months old; and
- (b) The only soils and sand permitted are those that it can be demonstrated are not contaminated. This may be achieved by provision of a statutory declaration from the land owner, or by provision of results from a search of the Environmental Protection Agency Contaminated Land Register and Environmental Management Register.

- PW4 A record of all waste received at, or removed from site, must be kept detailing the following information:
- a) date of pickup/delivery of waste;
 - b) description of waste;
 - c) quantity of waste;
 - d) origin of the waste; and
 - e) destination of the waste.
- PW5 Regulated waste must not be received from any person who does not hold a current development approval to transport such wastes under the provisions of the Environmental Protection Act 1994 and subordinate legislation.
- PW6 In the event of the holder of this development approval becoming aware of prohibited wastes being received at the licensed place, the holder of this development approval must take all reasonable and practicable measures to:
- (a) cease the treating of such waste if treating of such waste is occurring;
 - (b) remove the prohibited waste and store in a proper and effective manner;
 - (c) notify the person who sent the prohibited waste to the licensed place of the detection of prohibited waste in the waste received;
 - (d) as soon as practicable arrange for a person who can lawfully transport such waste to collect such waste;
 - (e) arrange for the person transporting the prohibited waste to transport such waste to a facility that can lawfully accept such waste;
 - (f) generate the following records:
 1. dates of acceptance and/or treatment (where applicable);
 2. description of prohibited waste (including classification under ANZECC code);
 3. cross reference to relevant waste transport documentation;
 4. quantity of prohibited waste;
 5. origin of the waste;
 6. results of analysis (where applicable); and
 7. method of waste treatment used (where applicable); and
 - (g) notify the administering authority within fourteen (14) days of the prohibited waste acceptance, providing written details as required by subpoint (f) of this condition for any prohibited waste received at the registered place.
- PW7 The holder of this approval must not:
- (i) burn waste at or on the registered place; or
 - (ii) allow waste to burn or be burnt at or on the registered place; or
 - (iii) remove waste from the registered place and burn such waste elsewhere other than at a facility approved to burn such waste.
- PW8 All vehicles (including load areas) used to transport the materials must be maintained in a proper and efficient condition at all times to prevent spillage or leakage of the raw materials and products. Reasonable and practicable measures may include but are not limited to:
- (a) wetting down the load prior to transport;
 - (b) covering the entire load with sheeting/tarpaulin prior to transport;
 - (c) clearing any spillage from side rails, tail gates and draw bars of trucks prior to transport.
- PW9 All raw material and product must be handled and transferred in a proper and efficient manner to prevent any leakage or spillage, and to limit any release of dust.
- PW10 The tailgates of all trucks leaving the licensed place must be securely fixed prior to loading and immediately after unloading to prevent loss of materials.

Agency Interest: Water

- PWA1 The environmentally relevant activity must be carried out by such practicable means necessary to prevent the contact of incident rainfall and stormwater runoff with wastes or other contaminants.
- PWA2 Where it is not practicable to prevent contact as required by condition PWA1 above, the environmentally relevant activity must be carried out by such practicable means necessary to minimise any such contact.
- PWA3 The environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminated runoff from the licensed place to any stormwater drain or waters or the bed or banks of any such waters.
- PWA4 Any waste water including stormwater and leachate captured within the organic storage area and sump may only be reused on site if it is applied within the organic storage area. Alternatively the waste water is to be removed from site by a licensed liquid waste transporter.
- PWA5 The available storage capacity of the retention pond and organic area at any time must be sufficient to contain the run-off expected from a rainfall event of 1 in 10 years 24 hours.
- PWA6 Ensure that within 72 hours of the most recent rainfall event, the required design capacity of the stormwater management systems is available for capture and storage of stormwater runoff from the next rainfall event.

RTI DL RELEASE - EHP

DEFINITIONS

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

"administering authority" means the Environmental Protection Agency or its successor.

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

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

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

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

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

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

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

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

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

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

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

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

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

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

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

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

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

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

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

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

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

"**nuisance sensitive place**" includes --

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

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

"**ponded pasture**" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

"**protected area**" means --

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

"**quarry material**" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes 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.

"**regulated waste**" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

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

"**tidal water**" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

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

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

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

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

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

"**50th percentile**" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

RTI DL RELEASE - EHP

Table 1 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
L _{A10} , adj, 10 mins	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
L _{A1} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Commercial place'					
L _{A10} , adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
L _{A1} , adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

Table 2 - Total Element Criteria.

Contaminant	Maximum Allowed Concentration (mg/kg)
Arsenic (total)	100
Barium	NS
Beryllium	20
Cadmium	20
Chromium (III)	12%
Chromium (VI)	100
Chromium (Total)	NS
Cobalt	100
Copper	1000
Lead	300
Manganese	1500
Methyl mercury	10
Mercury (inorganic)	15
Nickel	600
Vanadium	NS
Zinc	7000

NS = Not specified

Source: Health Investigation Levels (HILs) for Exposure Setting A (Standard settings), provided in Table 5-A 'Soil Investigation Levels (mg/kg)' of Schedule B(1) of the *National Environmental Protection (Assessment of Site Contamination) Measure 1999*.

Table 3 - Maximum Leachability Levels for Metals

<u>Metal</u>	<u>Value (mg/L)</u>
Silver	0.5
Arsenic	0.5
Barium	10
Cadmium	0.05
Chromium	0.5
Copper	10
Nickel	0.5
Lead	0.5
Antimony	0.5
Thallium	0.1
Zinc	50
Selenium	0.1
Mercury	0.01

Source: QLD EPA Guideline: Landfill Siting, Design, Operation and Rehabilitation -
'Allowable leaching levels (TCLP) for clay lined landfills' (mg/l).

RTI DL RELEASE - EHP

DA Assessment Report:

APPLICATION NOTES:

1. Each assessment report prepared to support recommendations made for decision is to be structured in the format shown below.
2. Explanatory notes for completing the report are given under each heading in brackets.
3. The report is to be completed, where indicated, to confirm conclusion of supervisory review/endorsement, and decision stages of the process.

PROJECT NUMBER: 304551

FILE NO: STH7057 vol 1

DEVELOPMENT APPROVAL NO: IPCE00668407 (MCU2700002)

TYPE OF APPLICATION: Application for a Development Approval with the EPA as Concurrence Agency

APPLICANT: Darren Berndt (previously Procycle Pty Ltd)

TRADING AS: Alberton Soils

DECISION DUE DATE: 6 August 2008

ENVIRONMENTALLY RELEVANT ACTIVITY/IES:

- ERA 22(b) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, a year.
- ERA 53 Soil conditioner manufacturing - commercially manufacturing soil conditioners (other than spent mushroom substrate by a mushroom grower) by receiving and blending, storing, processing, drying or composting organic material or organic waste, including, for example, animal manures, sewage, septic sludges and domestic waste, in works having a design capacity of 200 t or more a year.

1. Summary & Potential Issues

On the 4 July 2007, the Environmental Protection Agency (EPA) received an application for a development approval for an ERA 22(b) and 53 for Procycle Pty Ltd at 112 Zips Road, Alberton more particularly known as Lot 20 on RP 204499 (the 'said premises'). There was an application previously, however this did not include ERA 53. A determination was made by EPA, that even though the activity did not carry out the common method of composting, it still constituted ERA 53 based on the premise that a commercial soil conditioner was being manufactured and the processes included the blending and storing of organic materials. The application was initially made by Procycle Pty Ltd (of which Darren Berndt was a Director). In October the application was amended (for operational reasons for Procycle Pty Ltd) and approved by Gold Coast City Council to allow Darren Berndt as the individual applicant. The potential impacts associated with the approval of this development application have been considered and are detailed in the assessment considerations section of this report. In particular, these potential impacts include the management of wastes (including regulated wastes); stormwater management; emissions to air, including odour and dust and noise.

2. Description of Operation

The site is located in an area of approximately 80 000 square meters. The site has been operating as a screening and soil conditioning premises since 1992 without any Development Approval for ERA's. The surrounding property to the south is woodland, and to the north and west cane fields and grazing. The nearest residential premises is located 200m east of the site, which is also a timber and joinery business. There is a domestic dwelling, used as a caretakers residence located on the northern section of the site. There is a 3m high vegetated earthen mound separating the soil facility from the road.

Darren Berndt proposes to receive a variety of wastes for composting from numerous sources (ensuring that demonstration is provided that the material is not contaminated), including the following:

- a. Coal ash (from power stations/business/commercial/professional/financial affairs)
- b. Sand and soil (from undeveloped land);
- c. Saw dust;
- d. Mulch.

At the proposed facility, Darren Berndt intends to

sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

(1)(c) Business/commercial/professional/financial affairs poses considerably less risk or odour nuisance given the limited type of waste and feedstock accepted for the operation.

The total operational capacity of the site is less than 100 000 tonnes per year (1)(c) Business/commercial/professional/financial affairs
...sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

The soils received from greenfield sites will need to demonstrate that they are not contaminated by either demonstration that they are not on the EMR or CLR, or a statutory declaration from the lands owner that it is not contaminated land. The soil is only to be received from local areas due to fire ant restrictions. There is to be no acceptance of acid sulphate soils on site.

There is an estimated 10-15 truck movements per day. Equipment includes a front end loader, backhoe and 3 mobile screeners.

3. Emissions, Discharges and Environmental Compliance

No odorous emissions and discharges to air will be authorised by the development approval conditions. It is not expected that odour emissions will be a problem given the nature of materials handled on site. The conditions will require that the EPA be notified of any emission or discharge that causes environmental harm and the issue must be rectified in a timely manner to the satisfaction of the EPA.

Environmental compliance will be achieved at the said premises by compliance with the development approval conditions.

4. 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 (ESD)

(a) Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.

- Long-term and short term economic, environmental, social and equitable considerations have been incorporated into the assessment process for this application.

(b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

- Threats of serious or irreversible environmental damage are unlikely given the supporting information submitted by the consultants (Bennett and Bennett, Mark Rigby and Associates and Waterway Solutions) acting on behalf of Darren Berndt and the development approval conditions that will be imposed upon approving the application. If the EPA approves the application, the facility will be monitored to evaluate the level of compliance with the development approval conditions for the life of the facility.

(c) The principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

- The principles of intergenerational equity have been considered. It is unlikely that the operation of ERA 22 (b) screening and 53 Soil conditioner manufacturing by Darren Berndt at the proposed facility will adversely affect the health, diversity and productivity of the environment for future generations, given the development approval conditions that will be imposed should the application be approved, and the supporting information provided with the application. Furthermore, Darren Berndt proposes to market a product which utilises wastes that may otherwise be a mismanaged that can negatively affect future generations.

(d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.

approval of ERA 22(b) and 53 at the said premises.

(e) Improved valuation, pricing and incentive mechanisms should be promoted.

- Improved valuation, pricing and incentive mechanisms are promoted by the operation of ERA 22 (b) and 53, as the waste product utilised by the composting process has a saleable end product. As such, an incentive for managing waste is promoted.

Environmental Protection Policies (EPP's)

The EPP's for Waste Water, Air and Noise have been considered during this assessment.

Waste Management

Section 10 – Waste Management Hierarchy

The implementation of composting technology at the site promotes responsible waste management by utilising wastes to create a soil conditioner and a source of added fertility for local soils.

Section 15 Generating waste

The operation of ERA 22 (b) and 53 Soil conditioner manufacturing by Darren Berndt at the said premises should not generate much waste. It is expected that a maximum of 10m³ per day will be accumulated. This will include spent material from the screening process, which will be incorporated into the bund and buffer mounds. Any material that can not be incorporated into these areas will be disposed of at a licensed landfill. Any batches of soil conditioner which do not meet the desired product will be re-blended with incoming feedstock and re-composted.

Section 16 Transporting waste

The transportation of waste to the facility is ancillary to the operation of ERA 53 and 22. All materials received by Darren Berndt will be delivered by the supplier who should consider whether the vehicles, storage tanks, containers and other equipment used for the transportation will minimise any adverse impacts on the community, such as odour, dust and noise. There are development conditions which stipulate the way in which material is to be transported and dispatched from the site (ie. covered loads).

Section 17 Receiving waste The EPA has considered section 17 of the EPP Waste Management Policy 2000. Darren Berndt intends to receive a variety of waste products at the said premises for use in the composting process. The wastes to be accepted are not generally odorous and it would not be expected to create an odour nuisance from the materials.

To ensure waste is not considered contaminated, particularly in relation to acceptance of soils and coal ash, development approval conditions are placed on to ensure that, only soil from non-contaminated sites are accepted (by way of statutory declaration from the land owner, or demonstration that the site is not on the EMR or CLR). There is to be regular testing results of the bottom ash to be provided by the supplier to ensure that maximum contaminant levels of the material are not exceeded.

Section 19 – 20 Waste management program

A Site Based Management Plan (SBMP) was submitted by Mark Rigby and Associates which provides the framework for environmental management of the Alberton Soils facility. The information contained within the SBMP includes details of the proposed operation and also the workplace and emergency procedures. The appendix to the report, contains records and forms which will be maintained by adequately trained operatives throughout the whole operations.

The EPA is satisfied that section 19 (3) (a) of the Waste EPP has been adequately addressed within the application and will be covered by conditions within the development approval.

EPP Water

Section 11 Water quality objectives

Section 11 (1) is applicable. The Logan River and its tributaries is the closest watercourse to the proposed facility. The EPA is satisfied that the objectives for this watercourse will not be adversely affected by the operation of the facility, as the conditions contained within the development approval require all reasonable and practicable measures be implemented to prevent the release or likely release of contaminated runoff to any water. There are several water quality devices which will aid in achieving the objectives, which include, but is not limited to:

-Detailed in the SBMP, a course aggregate entry and exit point for vehicle movements is to be established to minimise sediment being tracked out onto the road.

A retention pond is to be sized to adequately capture a rain event, 1 in 24 hour 10 year, according to Waterway Solutions volume 5345.25 m²

-A bunded organic storage area is bunded off to the rest of the operations to capture runoff from bottom ash, mulch and green waste stockpiles. This leachate is to be collected within a sump, and will not be released from the site. This area is also to be sized for contain a 1 in 10 year 24 hour rain event.

-The site has drainage and bunding to ensure runoff is directed through the water control devices and only settled water runoff is to be released into the cane drains that eventually feed into the Logan River.

Section 15 Waste management evaluation

This section is not applicable as the administering authority is not making an environmental management decision about an activity that may affect a receiving water. There will be no release of contaminants to any receiving water authorised from the proposed facility. Any released water will have gone through the retention pond. Waste water collected in the organic area sump is to only be reused in the organic area for dust suppression and within the soil conditioning mix.

Section 16 Waste water recycling

Section 16 of the Water EPP has been considered. sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

In relation to 16 (b), the EPA is satisfied that the maintenance of acceptable health risks will be achieved with wastewater recycling.

Section 17 Wastewater releases on land

During rain events, stormwater from the reception and composting areas will be captured on site for future reuse in the composting process dust suppression. However, there will be no adverse impacts on the land as the pad where the reception/blending area is located will be hardstand with appropriate drainage systems. Approval conditions require the prevention, as far as is reasonably practicable of the release of incidental stormwater and stormwater runoff from contacting waste or contaminants.

Section 18 Wastewater releases to surface water (other than contaminated stormwater)

All water releases to surface water is to be controlled via the retention pond. Only settled stormwater runoff will be released to the cane drains at the rear of the property. Given the dry weather conditions in recent years and the volume of water to be contained in the retention pond, it is anticipated there will be little release of settled waters from the site, and much of it will be reused within the operation for addition to the composting product and use as dust suppression.

Section 19 Stormwater management

This section is not applicable, as wastewater releases to a roadside gutter, a stormwater drain or a surface water will be prohibited in the conditions of the development approval.

Section 20 Direct waste water release to ground waters

This section is not applicable, as direct wastewater releases to ground waters will be prohibited in the conditions of the development approval.

Section 21 Incidental waste water release to ground waters

This section is not applicable, as incidental wastewater releases to ground waters will be prohibited in the conditions of the development approval.

Section 26 (1) & (2) Monitoring particular releases

Any contaminated stormwater from the reception/blending area will be contained in the retention pond and enabled to settle out. The EPA has considered the risk of causing adverse impacts to the environment is unlikely and for this reason, monitoring, including groundwater monitoring requirements have not been applied to these conditions.

Section 27 (2) Impact monitoring

As for s 26 (1) and (2) above

EPP Air
Section 11 and 12

The main contaminant of concern is dust/particulate emissions from the unloading, screening of materials and from vehicular movements over the site. In order to manage dust on the site water from the retention pond is to be used in a water sprayer for dust suppression. The SBMP by Mark Rigby and Associates details work procedures that minimise stockpile movements when the conditions are not favourable for dust minimisation. Given the nature of the operation, there is minimal stockpile movement, as appose to the more common window arrangement, which requires regular turning of the stockpiled material 9every 10 weeks or so). sch4p4(7)(1)(c) Business/commercial/professional/financial affairs . There is a vegetated buffer located between the existing residence to the east and the screening and soil conditioning activities.

The development approval contains conditions which require the release of dust to be minimised. In the event of dust nuisance occurring, monitoring must be undertaken at the request of the EPA in accordance with applicable Australian Standards.

Odour is not expected to be generated as no putrescible waste will be accepted onsite and the waste streams permitted under the approval are not particularly odorous.

EPP Noise
Section 13 and 14

Noise issues associated with this activity are potential impacts resulting from vehicle movements and the use of plant and equipment. The development approval application and response to information request has not provided the estimated sound pressure level generated from the operation of the environmentally relevant activity.

Standard conditions have been imposed to prevent environmental nuisance at any nuisance sensitive place or commercial place and requires noise monitoring to be undertaken to investigate any complaint of noise nuisance.

Community

The needs of the community have been considered in the evaluation above. The EPA is satisfied that any adverse impacts to the community will be minimised by the way in which the operation is proposed to be carried out in the applicants supporting information. Further, development approval conditions will be imposed upon approval of the activity, which will assist in minimising any adverse impacts on the community.

Plans, standards and agreements

The information provided by the proponent has been considered in conjunction with the nature of the industry and the receiving environment.

Environmental Impact Statement

No environmental impact statement was required for this application.

Receiving environment

The receiving environment will not be adversely affected by the continued operation of ERA 22 (b) Screening etc and 53 Soil conditioner manufacturing, providing Darren Berndt operates in compliance with the development approval conditions. Any issues of non-compliance identified during inspections, including those that jeopardise the values of the receiving environment will be rectified in a timely manner.

Best Practice Environmental Management

Best practice environmental management at the said premises will include compliance with the development approval conditions. The operator must review and provide for 'continual improvement' in the overall environmental performance at the premises as per the requirements of the Site Based Management Plan (SBMP).

Financial implications

The condition requirements are consistent with the current industry standard. Most of the conditions proposed are standard/streamlined conditions. No unreasonable financial implications have been imposed Darren Berndt.

Public Interest

The EPA is satisfied that the environmental values concerning the public have been considered and these values will not be jeopardised by the operation at the said premises.

Site management plan

Darren Berndt has demonstrated its commitment to conduct their activities in an environmentally responsible manner. A Site Based Management Plan has been drafted and was submitted by the applicant with the response to information request.

Native Title (if applicable)

This application does not trigger native title implications.

ii) Notifiable Activity (if applicable)

ERA 22 (b) screening and 53 Soil conditioner manufacturing is not a notifiable activity.

5. Consultations

There have been ongoing discussions between the EPA, Bennett and Bennett and Mark Rigby, which included a site inspection. A site meeting was held on the 10 August 2007 with Mark Rigby, George Constantinou, Georgina Davis (EPA), Tamara Emms (EPA) and Nadine Cramp (EPA) to discuss site specific layout and operations.

A copy of the draft conditions were forwarded to, and agreed upon by the applicant.

6. Project Killers

N/A

7. Streamlined Conditions

N/A

Full Streamlined Conditions ☐

Some Streamlined Conditions ☒

No Streamlined Conditions ☐

8. Recommendation

It is recommended that the EPA approve the application for Darren Berndt to operate ERA 22(b) Screening etc and 53 Soil conditioner manufacturing at 112 Zipfs Road, Alberton more particularly known as Lot 20 on RP RP204499.

Assessing Officer: Nadine Cramp

Signed:

sch4p4(6) Personal information

Date: 4 August 08

9. Review and Endorsement

Comment:

Team Leader Southern – Gold Coast Region
Georgina Davis

Signed:

sch4p4(6) Personal information

Date: 4th August 08

10. Decision

Delegate:

Signed:

Date: