

Council File Reference: 321819
Council Contact: Brett Walsh
Council Contact Phone: (07) 4651 5600

24 July 2019

Fulton Hogan Industries Pty Ltd
c/- Duggan & Hede Pty Ltd
PO Box 496
CLAYFIELD QLD 4011
Email: m.mcmahon@dhenv.com.au

Development Application

Development Permit – Material Change of Use for *Industry* (Asphalt Manufacturing Plant) and Material Change of Use for Environmentally Relevant Activity – ERA 6 (Asphalt Manufacturing)

Lot 3 on DM9, Alpha Tambo Road, Drummondslope Qld 4724

We refer to the assessment of the abovementioned development application.

Pursuant to section 83 of the *Planning Act 2016*, please find enclosed the **Decision Notice**.

If you have any queries please contact Brett Walsh at the Barcardine Executive Office on 07 4651 5621.

Yours faithfully



Steven Boxall
Chief Executive Officer

DECISION NOTICE
APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 17 July 2019, Barcaldine Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

1. APPLICATION DETAILS

Application Number: DA321819
Properly Made Date: 8 February 2019
Decision Date: 17 July 2019
Planning Scheme: Jericho Shire Planning Scheme 2006 (v.2)

2. APPLICANT DETAILS

Name: Fulton Hogan Industries Pty Ltd
Postal Address: C/- Duggan & Hede Pty Ltd
PO Box 496
CLAYFIELD QLD 4011
Email Address: m.mcmahon@dhenv.com.au

3. PROPERTY DETAILS

Street Address: Alpha Tambo Road, DRUMMONDSLOPE
Real Property Description: Lot 3 on DM9
Local Government Area: Barcaldine Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for *Industry* (Asphalt Manufacturing Plant) and Material Change of Use for Environmentally Relevant Activity – ERA 6 (Asphalt Manufacturing)

5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

6. ASSESSMENT MANAGER CONDITIONS

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.4 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED USE

- 2.1 The use permitted as part of this approval is *Industry* limited to an asphalt manufacturing plant including ancillary stockpiling and storage (provision of silos and tanks) of raw materials, office and heavy vehicle storage.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision	Date
Proposed Site Plan (Aerial)	F 2.8A	A	-
Proposed Site Plan	F 2.8B	A	-
Proposed Site Drainage	F 2.12R	A	-
Traffic	F 2.13	A	-
General Plant Details	1-4-226074	A	06-07-2017
Site Environmental Management Plan – Construction	-	-	December 2018

- 3.2 Where there is any conflict between the conditions of this approval and the

details shown on the approved plans and documents, the conditions of approval must prevail.

- 3.3 Submit and have approved in writing by Council, prior to the commencement of any site works, an amended 'Site Based Environmental Management Plan – Construction' that reflects the approved 'Proposed Site Plan' (see Condition 2.1).

Advisory Note: The 'Site Based Environmental Management Plan – Construction' was not amended as part of the minor change to the application, so still reflects the previous development location.

4.0 ACCESS AND PARKING WORKS

- 4.1 Provide and retain a minimum of four (4) car parking spaces on-site in accordance with the approved plans. All car parking spaces must be clearly delineated by either line-marking or signage.
- 4.2 Construct and maintain all car parking spaces and vehicle manoeuvring areas associated with the approved development to an all-weather standard, suitable for a two-wheel drive car.
- 4.3 Design, construct and maintain all car parking and access works (internal to the site) in accordance with the approved plans, *Australian Standard AS2890 "Parking Facilities"* (Parts 1 to 6) and *Manual of Uniform Traffic Control Devices (Queensland)*.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 Discharge all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

6.0 SITE WORKS

- 6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

7.0 SERVICES

- 7.1 Provide and maintain a sufficient quantity of water supply on-site, including for firefighting purposes and potable water for consumption, commensurate with the demand generated by the approved development.

Advisory Note: The water supply may be augmented by rainwater storage tanks.

- 7.2 Label any taps within the development that supply non-potable water with legible signage.
- 7.3 Sewage disposal must be undertaken in accordance with the *Queensland Plumbing and Wastewater Code*, relevant Australian/New Zealand standards and the *BCA: National Construction Code Series 14, Volume Three – Plumbing Code of Australia*, to the extent relevant.

7.4 Submit for Council's approval details of the proposed commercial waste (sewage) collector to service the proposed development, including proposed dumping location, prior to commencement of the use.

7.5 Electricity and telecommunication services, when made available to the site, must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

8.0 LIMITATIONS OF OPERATION

8.1 Activities associated with the asphalt manufacturing plant must not extend outside the development footprint area (approximately 18,000m², excluding the site access) as shown on the stamped approved *Proposed Site Plan with plan number F2.8A and F2.8B (revision A)*.

8.2 The maximum design vehicle permitted on the site is a Type 1 Road Train, unless otherwise approved in writing by Council.

9.0 REHABILITATION AND EXIT

9.1 Upon decommissioning of the asphalt manufacturing plant all buildings and structures, including storage tanks and silos, must be removed from the site and the land restored to a standard capable of the level of productivity that was available prior to the Material Change of Use.

7. ADVISORY NOTES

1. The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
2. Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
3. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
5. General environmental duty under the Environmental Protection Act 1994 prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
6. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

8. STATEMENT OF REASONS

8.1 Description of Development –

The development application for a Development Permit for Material Change of Use for *Industry* (Asphalt Manufacturing Plant) and Material Change of Use for Environmentally Relevant Activity – ERA 6 (Asphalt Manufacturing) approved as per Decision Notice DA DA321819.

8.2 Assessment Benchmarks –

The following are the benchmarks that are applicable to this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none">Strategic Direction (Desired Environmental Outcomes)Rural Zone Code	<i>Jericho Shire Planning Scheme 2006 (v2)</i>
<ul style="list-style-type: none">State interest for Planning for Economic Growth (Agriculture)State interest for Planning for Infrastructure (Transport Infrastructure)	<i>State Planning Policy July 2017</i>
<ul style="list-style-type: none">Part E – regional policies and land use strategies	<i>Central West Regional Plan 2009</i>
<ul style="list-style-type: none">State Code 1: Development in a State-controlled Road EnvironmentState Code 22: Environmentally Relevant Activities	<i>State Development Assessment Provisions (v2.3)</i>

8.3 Relevant Matters –

The Relevant Matters for the application are:

- There is a clear nexus between the proposed development and existing extractive industry operation over the premises; and
- The Industrial Zone in Alpha may not represent the most appropriate location for this proposed use given the reliance on proximity to extractive resources for its functional and efficient operation, and that the Industrial Zone is partially constrained by flooding.

8.4 Matters Raised in Submission

No submissions were received during the notification period.

8.5 Reason for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- It is logical for the approved development to be located on the same site as the extractive industry operation it will be relying on for material to produce asphalt, despite it being in the Rural zone;
- The approved development can be appropriately managed through conditions of approval, including in the Environmental Authority, such that off-site impacts will be negligible;
- The development complies with, or can be conditioned to comply with, the

- balance of applicable assessment benchmarks under the Planning Scheme;
- The development does not compromise the relevant elements of the Central West Regional Plan or State Planning Policy; and
 - With consideration of relevant matters and giving regard to the Planning scheme, on balance, the application should be approved because the circumstances favour Barcaldine Regional Council exercising its discretion to approve the application.

9. PROPERLY MADE SUBMISSIONS

No properly made submissions were received during the notification period.

10. REFERRAL AGENCIES

The Department of State Development, Manufacturing, Infrastructure and Planning was a referral agency for the application:

PLANNING REGULATION 2017	FOR AN APPLICATION INVOLVING	NAME OF AGENCY	STATUS
Material change of use of premises near a State transport corridor or that is a future transport corridor			
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises – (a) Are within 25m of a State transport corridor; or ...	The Chief Executive Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency
Non-devolved environmentally relevant activity			
Schedule 10, Part 5, Division 4, Table 2	Development application for a material change of use that is assessable under section 8, if – (a) The environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and (b) The chief executive is not the prescribed assessment manager for the application	The Chief Executive Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency

11. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits will be required:

- Building Work; and
- Plumbing and Drainage Work.

12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

13. DELEGATED PERSON

Name: Steven Boxell Signature:  Date: 24/7/19

Encl: **Attachment 1** – Stamped Approved Plan
Attachment 2 – Concurrence Agency Response
Attachment 3 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)

Attachment 1

Stamped Approved Plan

ALPHA OFFICE
Phone: 07 4985 1166
Fax: 07 4985 1162

ARAMAC OFFICE
Phone: 07 4652 9999
Fax: 07 4652 9990

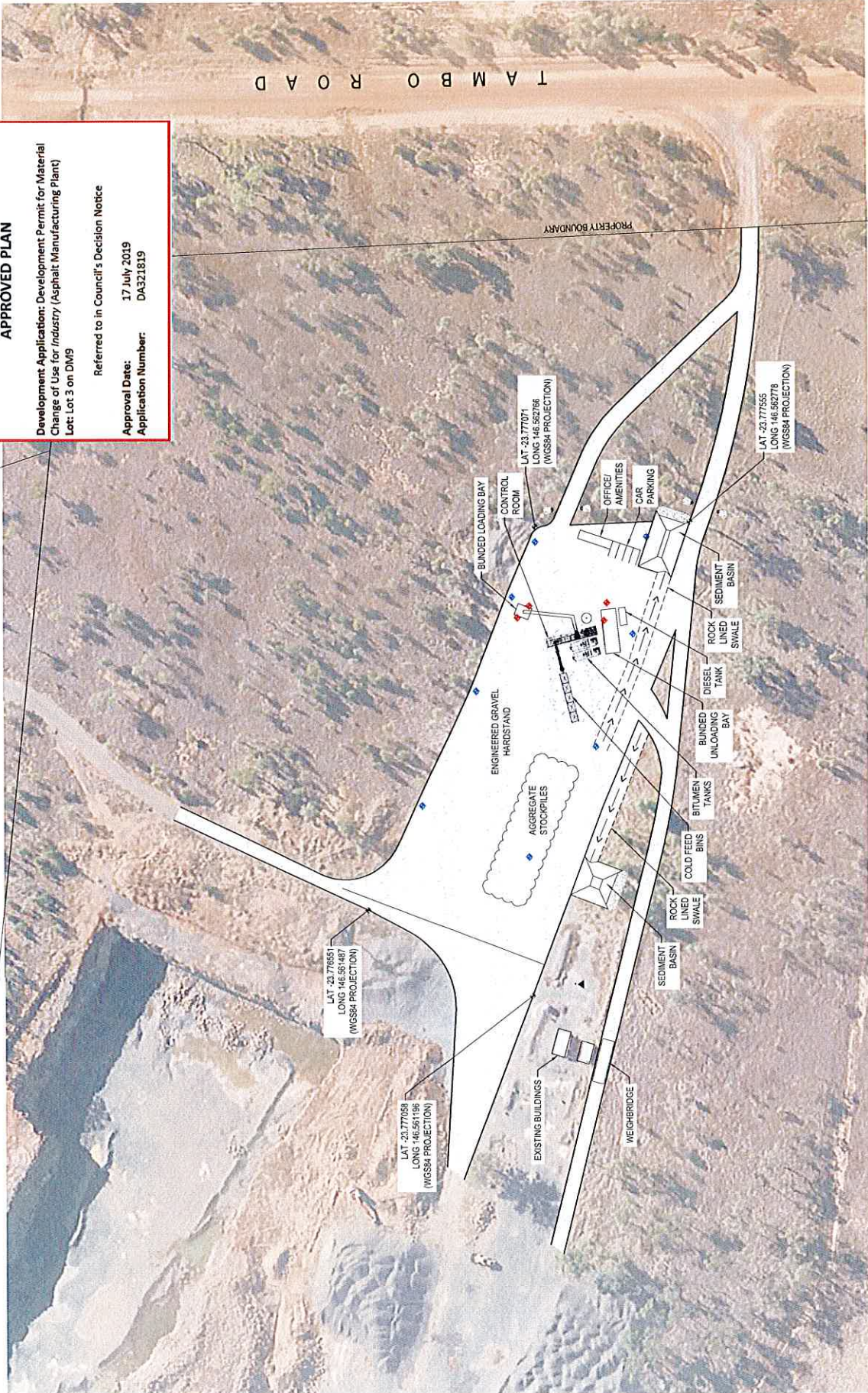
BARCALDINE OFFICE
Phone: 07 4651 5600
Fax: 07 4651 1778

BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use for Industry (Asphalt Manufacturing Plant)
Lot: Lot 3 on DM9

Referred to in Council's Decision Notice

Approval Date: 17 July 2019
Application Number: DA321819



T A M B O R O A D



1:1000(A3)



SCALE

f 2.8A Rev A - PROPOSED SITE PLAN (AERIAL)

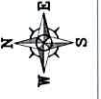
BARCALDINE REGIONAL COUNCIL
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 Change of Use for Industry (Asphalt Manufacturing Plant)
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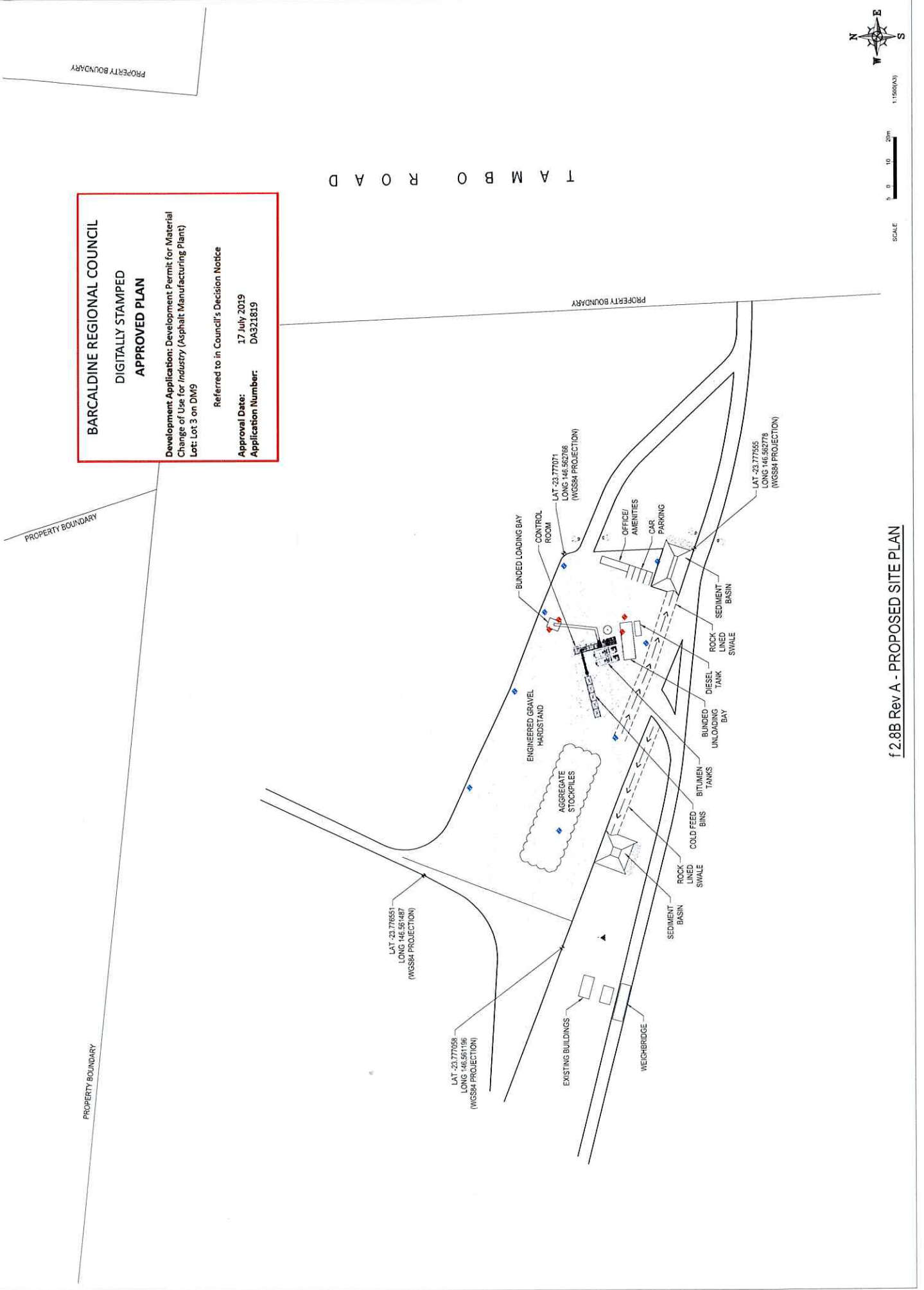
T A M B O R O A D



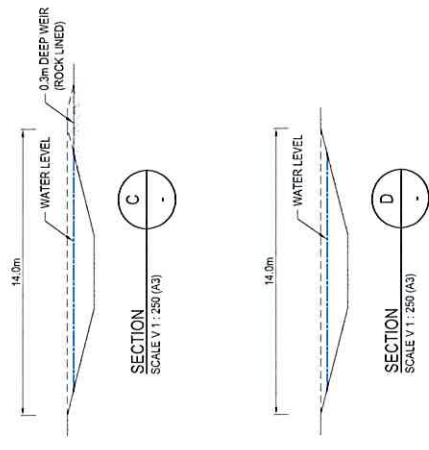
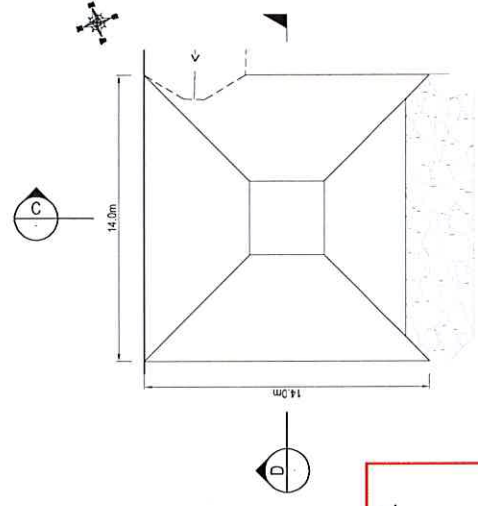
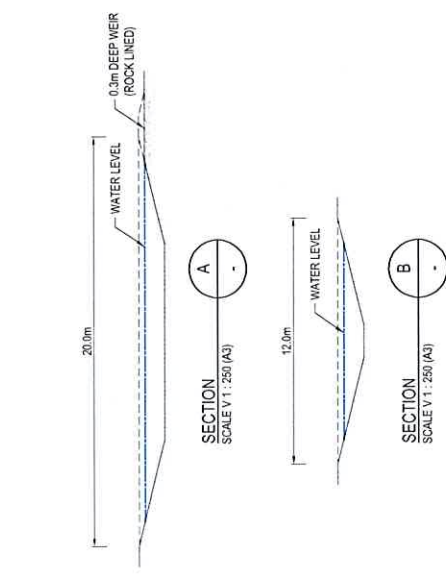
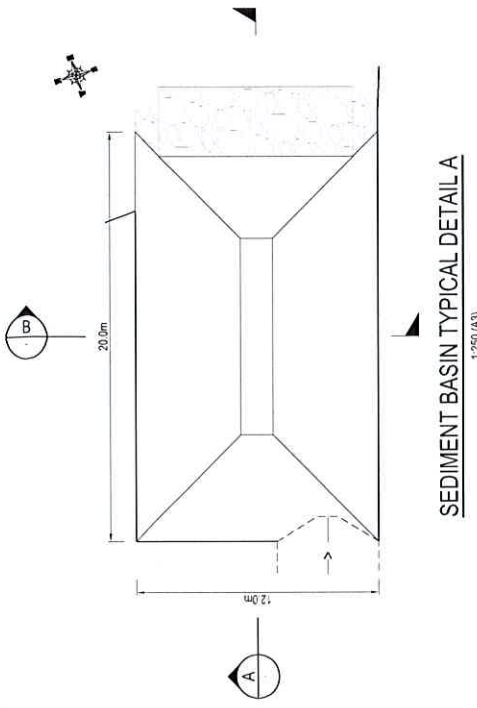
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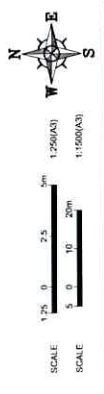
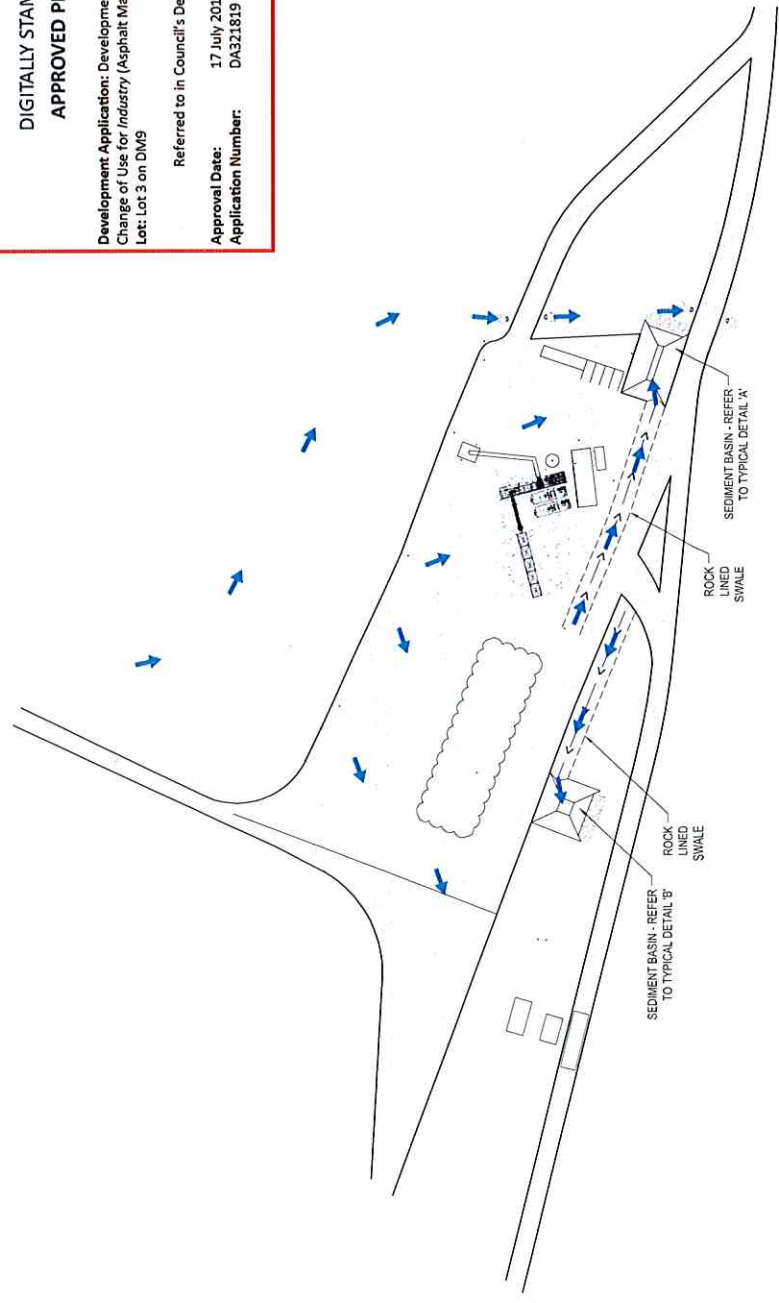
f 2.8B Rev A - PROPOSED SITE PLAN



BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use for Industry (Asphalt Manufacturing Plant)
Lot: Lot 3 on DW9

Referred to in Council's Decision Notice
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f 2.12R Rev A - PROPOSED SITE DRAINAGE

BARCALDINE REGIONAL COUNCIL
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Development Application: Development Permit for Material
Change of Use for Industry (Asphalt Manufacturing Plant)
Lot: Lot 3 on DM9

Referred to in Council's Decision Notice

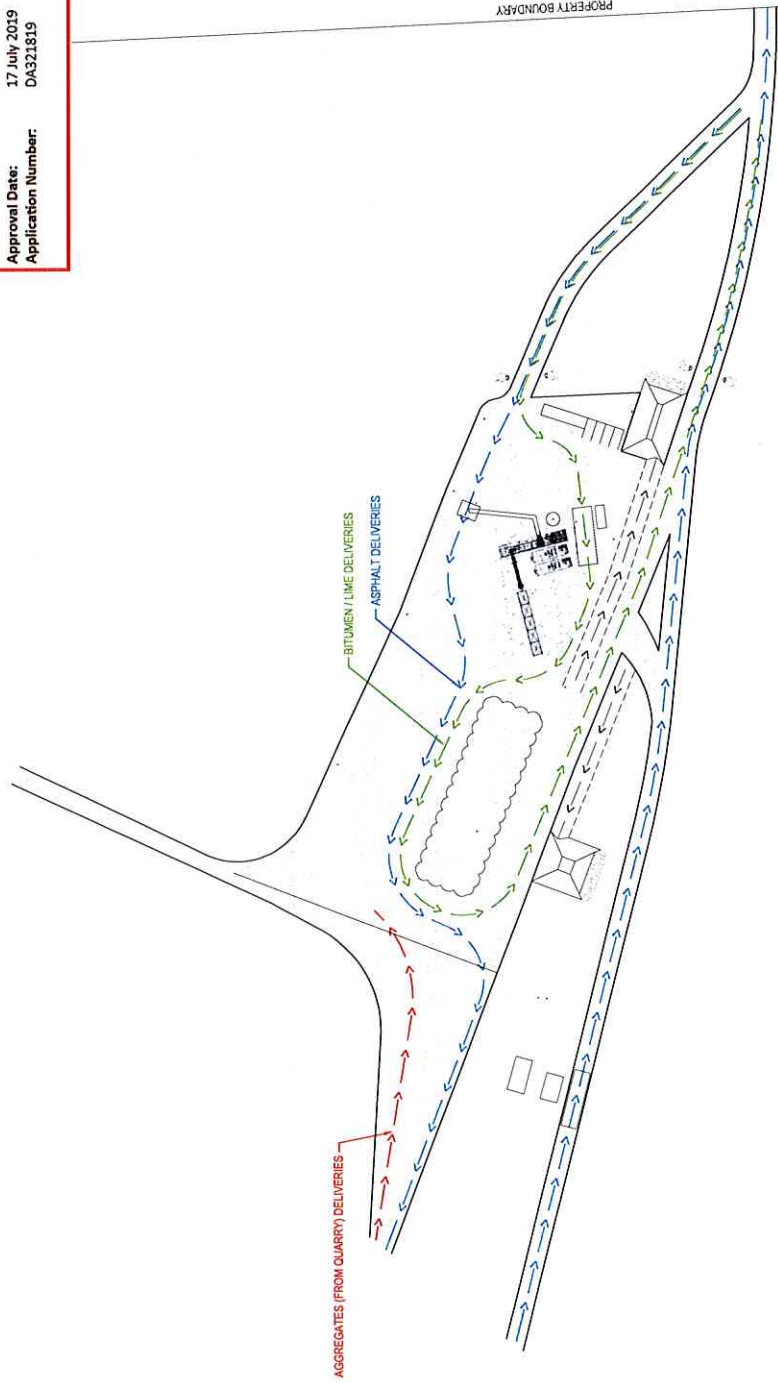
Approval Date: 17 July 2019
Application Number: DA321819

T A M B O R O A D

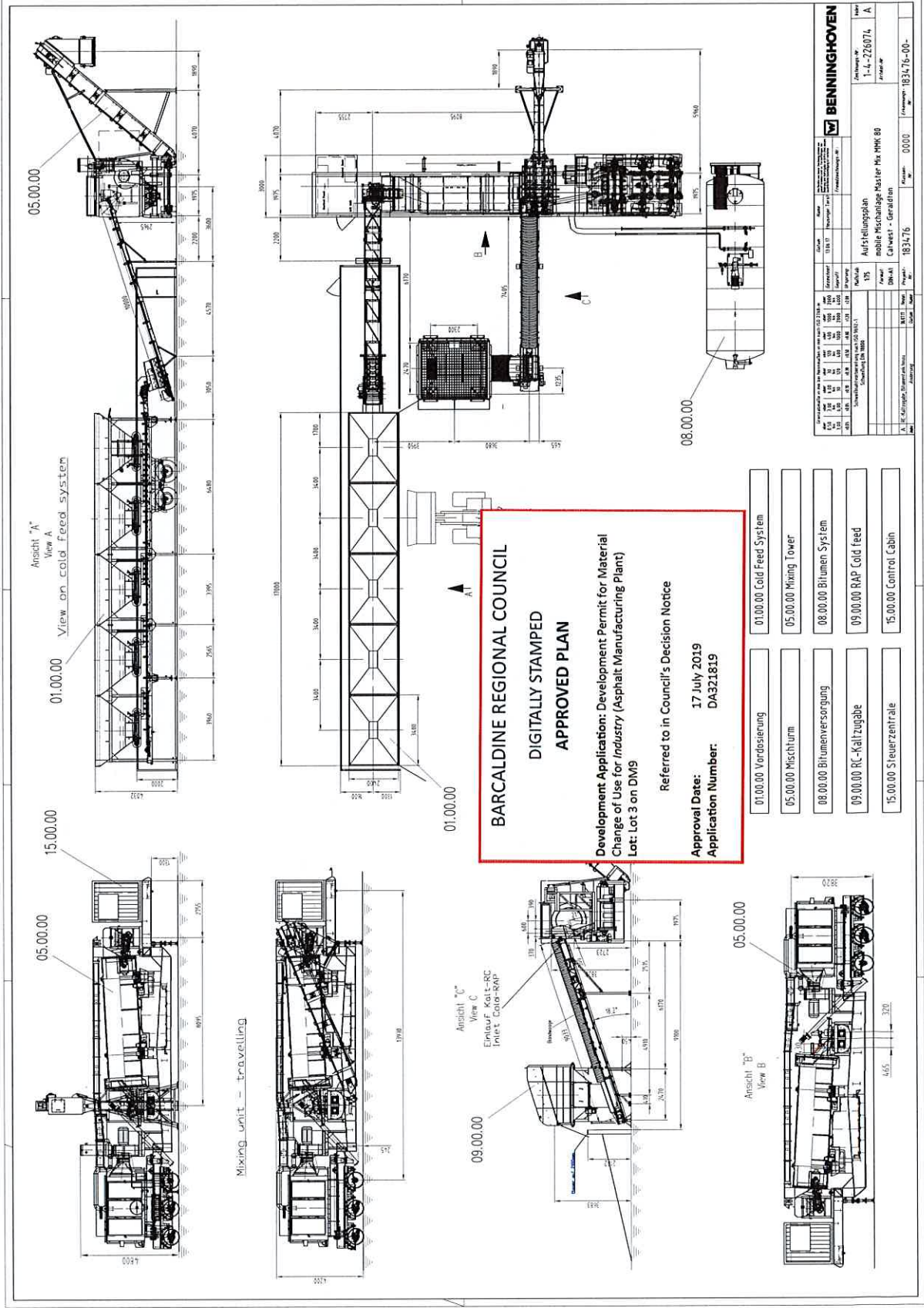
PROPERTY BOUNDARY

PROPERTY BOUNDARY

PROPERTY BOUNDARY



f2.13 Rev A - TRAFFIC



BARCOLDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN
 Development Application: Development Permit for Material Change of Use for Industry (Asphalt Manufacturing Plant) Lot: Lot 3 on DW9
 Referred to in Council's Decision Notice
 Approval Date: 17 July 2019
 Application Number: DA321819

01.00.00	Vordosierung	01.00.00	Cold feed System
05.00.00	Mischturn	05.00.00	Mixing Tower
08.00.00	Bitumenversorgung	08.00.00	Bitumen System
09.00.00	RC-Kaltzugabe	09.00.00	RAP Cold feed
15.00.00	Steuerzentrale	15.00.00	Control Cabin

BENNINGHOVEN Ingenieurbüro für Bauwesen, Maschinenbau, Elektrotechnik, Sanitär- und Anlagenbau	
Geschäftsbereich 1.4-226074 Aufstellungsplan mobile Mischanlage Master Mx MM 80 C/West - Geraldton	Blatt A
Auftraggeber Fultron Hogan Pty Ltd	Projekt Nr. 183476
Maßstab 0:000	Zeichnung Nr. 183476-00-

BARCALDINE REGIONAL COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application: Development Permit for Material
Change of Use for *Industry* (Asphalt Manufacturing Plant)
Lot: Lot 3 on DM9

Referred to in Council's Decision Notice

Approval Date: 17 July 2019
Application Number: DA321819

Appendix 4

Site Environmental Management Plan - Construction

Site Based Environmental Management Plan – Construction

Proposed Asphalt Plant – Alpha

December 2018

 **DUGGAN & HEDE** Pty Ltd
Professional Engineers, Planners, Environmental Consultants

PO Box 496, Clayfield Qld 4011
Ph: 07 3357 3666 Fax: 07 3857 6233
email: dh@dhenv.com.au

TABLE OF CONTENTS

1	Introduction.....	1
2	Environmental Management.....	1
2.1	Roles and responsibilities.....	1
2.1.1.	State Manager – Industries.....	1
2.1.2.	Regional Manager – Industries Qld Country.....	1
2.1.3.	Divisional Manager – Central Qld.....	1
2.1.4.	Site Supervisor - Construction (SSC).....	2
2.1.5.	Employees.....	2
2.1.6.	Subcontractors and suppliers.....	2
2.1.7.	Independent consultants.....	2
2.2.	Objective, targets and performance indicators.....	2
2.3.	Induction, training and awareness.....	2
2.3.1.	Inductions.....	3
2.3.2.	Training.....	3
2.3.3.	Awareness.....	3
2.4.	Complaints, non conformances, improvements and incidents.....	4
2.4.1.	Complaints.....	4
2.4.2.	Non-conformances.....	4
2.4.3.	Improvements.....	4
2.4.4.	Incidents.....	5
2.4.5.	Communication.....	5
2.5.	Environmental monitoring, inspections and audits.....	5
2.5.1.	Monitoring.....	6
2.5.2.	Monitoring results.....	6
2.5.3.	Inspections.....	6
2.5.4.	Audits.....	7
2.6.	Emergency preparedness.....	7
2.7.	Environmental documents and records.....	8
3	Construction Phase.....	8
3.1.	Description of Site Activities and Main Impacts.....	8
3.2.	Daily Inspections.....	9
3.3.	Sediment and Erosion Control.....	10
3.4.	Dust.....	11
3.5.	Noise.....	12
3.6.	Solid Waste Minimisation.....	13
3.7.	Access.....	14
3.8.	Fuel and Hazardous Substances.....	15

LIST OF FIGURES

2.1	Site Location
2.2	Aerial Photograph
2.3	Smart Map
2.8a	Site Layout (with Aerial Photograph)
2.8b	Site Layout (without Aerial Photograph)
FH1812-SW-04	Erosion and Sediment Control Plan
FH1812-SW-05	Erosion and Sediment Control Details

1 INTRODUCTION

This Site Based Environmental Management Plan has been prepared for the construction activities associated with the proposed asphalt plant for Fulton Hogan Industries Pty Ltd, at the Chesalon Quarry, which is some 16 km south-west of Alpha off the Alpha Tambo Road, Drummondslope. **Figures 2.1** and **2.2** provide details of the site's location and an aerial photograph of the area respectively.

The real property description of the parent lot is Lot 3 on DM9, Parish of Alpha, County of Belyando (refer **Figure 2.3**). The total area of this parent lot is 3,925.046ha. This application is however over an area of some 18,000 m² only (excluding site access) on the western side of Alpha Tambo Road.

Figures 2.1 and **2.2** provide details of the site's location and an aerial photograph of the area respectively. The site is owned by Richard Hans Hansen and May Sophia Hansen.

2 ENVIRONMENTAL MANAGEMENT

2.1 Roles and responsibilities

In addition to the responsibilities detailed below, responsibilities for implementation, verification and supervision are contained in each sub-plan or related work instruction/procedure.

The Qld Surfacing Organisational Chart available on [InfoLink](#) contains the current organisational structure detailing roles and positions held by personnel.

Personnel and sub-contractors are responsible for advising their respective manager or supervisor of any adverse environmental condition that may become apparent during the performance of their duties.

2.1.1. State Manager – Industries

The State Manager – Industries has overall accountability and authority for ensuring that the EMP is established implemented and maintained for all construction activities on the Alpha site.

2.1.2. Regional Manager – Industries Qld Country

The Regional Manager has the defined responsibility and authority for:

- Ensuring that the EMP is established implemented and maintained for production and surfacing works.
- Reporting to management on the environmental performance of the asphalt plant and related production and surfacing works.

2.1.3. Divisional Manager – Central Qld

The Divisional Manager has the defined responsibility and authority for:

- Ensuring that the EMP is established implemented and maintained for production and surfacing works.
- Overseeing construction works on a regular basis.
- Issuing the EMP and any revisions and recording each recipient on a controlled document register.



- Reporting to management on the environmental performance of the asphalt plant and related production and surfacing works.

2.1.4. Site Supervisor - Construction (SSC)

The Site Supervisor - Construction is responsible to the Divisional Manager for:

- Undertaking environmental monitoring and inspections in accordance with the requirements of the EMP.
- Initiating remedial works to ensure environmental protection measures are effectively maintained.
- Maintaining records of all monitoring and inspection activities.
- Ensuring that all workers and subcontractors under their control are properly inducted and instructed in the requirements of the EMP relevant to their work.
- Ensuring that all activities under their control are undertaken in accordance with the EMP, approval conditions and other statutory environmental requirements.
- Identifying, recommending and initiating solutions to any environmental issues in relation to the operation of the asphalt plant.
- Undertaking all actions identified within the EMP as their responsibility.

2.1.5. Employees

All Fulton Hogan employees are responsible for undertaking their work in accordance with the EMP, Fulton Hogan Environmental Policy, applicable environmental legislation, and environmental requirements identified at the induction and as instructed by their supervisor.

2.1.6. Subcontractors and suppliers

All subcontractors and suppliers shall be responsible for ensuring that their work or product complies with relevant environmental requirements and legislation.

2.1.7. Independent consultants

An appropriately qualified consultant or specialist shall be engaged, where required, to inspect, test or verify specific environmental elements or monitoring either on site or via a NATA certified laboratory.

2.2. Objective, targets and performance indicators

Yearly objectives and targets are established for each division, through the Business Planning process.

The relevant manager may set activity or site-specific objectives and targets, including environmental, from time to time.

Objectives and performance indicators have been set for all sub-plans within this EMP (refer **Section 4**).

2.3. Induction, training and awareness

Continuing training will be carried out as necessary to ensure staff adequately understand their role in ensuring environmental requirements under this EMP are met.

A record of all induction and training undertaken on site is maintained on a register by the Human Resources team.

2.3.1. Inductions

All persons working on site must attend a site induction prior to commencing work on site.

The nominated Workplace Health and Safety Officer (WHSO) or Site Supervisor conducts inductions. The visitor induction and delivery driver/contractor induction provides an overview of relevant environmental aspects.

The full induction process familiarises the staff and workforce with Fulton Hogan philosophies, the site itself and all specific requirements for the site activities, including safety and environmental controls.

All inductions include a reference to this EMP, including the expectations of staff and subcontractors to comply with the EMP and environmental legislation. The full induction provides an overview of the EMP and a summary of the contents and controls.

Regular visitors and client representatives required to spend time on site unaccompanied, shall also be inducted via a contractor induction prior to going onto the site.

Records are kept on site of all persons inducted.

2.3.2. Training

The relevant manager or supervisor monitors environmental training needs to determine if additional training is required to enable personnel to perform their environmental duties. Additional environmental training is arranged in accordance with [Training and Development](#).

At the commencement of each calendar year, after the Christmas shut down, all Qld Industries staff undertakes an annual 'Return to Work' training session. This training session includes a review of responsibilities, relevant procedures, spill response and provides other information as required regarding environmental risks and management measures.

Regular communications (e.g. visits, email, phone discussions) are also used to raise environmental awareness issues relating to the relevant site activities, including environmental approval conditions.

2.3.3. Awareness

General awareness is raised via a number of communication forums. These include:

- Prestart meetings (when undertaken)
- [Green alerts](#) (via Infolink)
- Toolbox talks
- Back to work days
- Debriefs (as required) following incidents, non-conformances, near misses, etc.

Environmental aspects and/or topics will be included where relevant during these forums.

In addition, all site personnel engaged in asphalt plant operations will be trained in procedures relating to the prevention of unlawful environmental harm during operations and emergencies and their responsibilities under this EMP.



2.4. Complaints, non conformances, improvements and incidents

Site personnel, administering authorities, sub-contractors, clients and the community may raise improvement opportunities or concerns regarding the environmental performance of the site.

The Site Supervisor - Construction, Foreman or WHSO shall notify the Divisional Manager of all site environmental incidents, issues, concerns and complaints.

All OFIs and Incidents shall be recorded in RMSS and reported in the monthly report by the relevant manager or their delegate.

2.4.1. Complaints

The staff member receiving the complaint shall record the details on a [Non-conformance Form](#). Information taken will include:

- name and contact details
- type of inquiry (phone, letter, etc)
- type of issue (noise, dust, odour, etc)
- location or source of the issue
- date and time of occurrence
- Other relevant information.

Complaints shall be directed to the relevant manager for investigation and action if deemed valid. Once the complaint has been validated, the method of response and reporting will be determined, i.e. nuisance, opportunity for improvement or a non-conformance.

A site contact number (business hours) and a 24 hour contact number is displayed on the front gate of the site for members of the public to obtain contact details.

The outcomes of any complaint investigation will be advised back to the complainant by the relevant manager or their delegate as soon as practicable. The OFI will not be closed out until this advice has occurred.

If the complaint is received through an Administering Authority, the relevant section of this EMP should be reviewed and any required actions, e.g. monitoring or training is undertaken.

2.4.2. Non-conformances

Non-conformances will be raised, actioned and recorded in accordance with [Non Conformance, Corrective and Preventive Action](#). The relevant manager shall nominate corrective action, if required, and submit to the Divisional Manager or Asset Fleet Manager for review and approval.

The designated staff member will complete the relevant [forms](#).

The relevant manager will provide a monthly summary of non-conformances.

2.4.3. Improvements

Fulton Hogan encourages all staff and subcontractors to identify areas where we can improve our performance. Opportunities for improvement can be recorded on a [Non-](#)

conformance or QulP form, for consideration by relevant supervisory and management staff.

2.4.4. Incidents

In the event of an incident, the Alpha Incident and Emergency Response Handbook should be reviewed to determine the appropriate actions.

Environmental incidents shall be reported immediately to the relevant Supervisor/Manager by the staff member involved. The relevant manager is then responsible for advising the Divisional Manager and WHSO if the incident is a Category 1 or 2 (medium or high risk). Reference should be made to the '[Incident Investigation, Reporting and Notification Flowchart](#)'.

The Divisional Manager will be responsible for advising the Northern Region Environment Manager and, if required, administering authorities and/or parties. All internal Fulton Hogan approval processes will be undertaken to meet any legislative guidelines for reporting timeframes.

Responses to and/or rehabilitation requirements due to the incident will be developed by the relevant manager with assistance by the Northern Regional Environment Manager and WHSO as required.

All incidents will be reviewed against the EMP and approval conditions, to determine whether reporting to the administering authority is required.

Completion and distribution of incident reports shall occur in accordance with '[Incident Investigation, Reporting and Notification Procedure](#)'.

2.4.4.1. Administering Authority

The relevant administering authority shall be notified by the Divisional Manager of any incident when required by the *Environment Protection Act 1994* or approval conditions. Advice will be sought from the Northern Region Environment Manager as required.

When a meeting is organised between Fulton Hogan and an administering authority relating to an environmental aspect, the relevant senior manager (Surfacing or Industries) and Northern Region Environment Manager will be advised of the proposed meeting.

The relevant manager from site will ensure meeting details, discussions and outcomes will be recorded, distributed and filed

The relevant manager from site will ensure meeting details, discussions and outcomes will be recorded, distributed and filed.

2.4.5. Communication

Internal and external communication methods are detailed throughout this EMP.

Internal and external communication methods will be undertaken in accordance with the '[Communication Manual](#)'.

2.5. Environmental monitoring, inspections and audits

Regular inspections, monitoring and audits are conducted to ensure compliance with the EMP. Monitoring and inspections are carried out in accordance with sub-plan requirements.

2.5.1. Monitoring

Environmental monitoring, including monitoring of subcontractors' activities, is conducted as an on-going activity during the normal supervision of the site's operations. Records of such surveillance shall only be kept if any environmental issues are observed. These would be documented as an environmental incident, non-conformance, improvement or a diary note in the plant diary as appropriate.

Formal monitoring and documentation for water quality, noise, air quality and other environmental aspects is detailed under the relevant sub-plans.

2.5.2. Monitoring results

Monitoring results shall be reviewed by the relevant manager, or their delegate, to determine compliance with the EMP.

The monitoring results and their compliance review will be maintained in the relevant site records and shall include the following information:

- Locations of the measurement positions
- Date, time and duration of each measurement period
- Results of monitoring and comparison to appropriate guidelines or criteria
- Appropriate analysis of measurements and non-conformances to determine any associated non-conforming trends
- Description of any incident or non-compliance with the criteria
- Results of investigation and corrective action undertaken including modifications to management measures
- Any other data or observations considered appropriate including photographs and field notes.

The monitoring results will be available to the administering authority during any inspection and/or following any formal request.

2.5.2.1. Control of monitoring and measuring equipment

Instruments used for monitoring activities are controlled in accordance with **Section 5.9.1.5. Control of Inspection, Measuring and Test Equipment** in procedure [Control and Supervision of the Works](#).

2.5.3. Inspections

Alpha construction activities are regularly inspected and plant checks are recorded in the relevant inspection checklists which include environmental requirements.

In addition, inspections of the site shall be conducted by the relevant supervisor as soon as practicable following storm events or incidents which could cause environmental harm.

Monitoring programs will be undertaken according to procedures identified in procedural manuals. The proposed minimum monitoring program to be undertaken at the site is summarised below:

ELEMENT	STANDARD	MONITORING FREQUENCY	COMMENTS
Noise	Qld Environmental Protection (Noise) Policy	<ul style="list-style-type: none"> ▪ After the receipt of two or more substantiated complaints with respect to a particular noise source during any given week. 	<ul style="list-style-type: none"> ▪ Generally noise monitoring should be undertaken within 20 metres of the closest residence to the plant. ▪ Use methods described in the "Noise Measurement Manual" (EPA, 1995).
Fugitive Emissions (dust)	Qld Environmental Protection (Air) Policy	<ul style="list-style-type: none"> ▪ After the receipt of two or more substantiated complaints with respect to dust during any given week. 	<ul style="list-style-type: none"> ▪ Generally sampling and testing on the site's boundary to be undertaken in accordance with AS 2922 and AS 3580.10.1.

Additional monitoring may also be required as a result of excessive complaints or when ongoing incidents have been identified during daily inspections.

2.5.4. Audits

Audits shall be conducted in accordance with procedure [Management Review Audit & Customer Complaints](#).

2.5.4.1. Internal audits

Audits will be undertaken by suitably experienced Fulton Hogan personnel not directly associated with the activity being audited. Audits shall be undertaken regularly, with the aim of assuring compliance with all EMP requirements over a 12 month period. The audits will also assess against continuous improvement actions and opportunities.

Any deficiencies identified in the audit will be recorded under the OFI system as either a non conformance or an opportunity for improvement.

A copy of the audit report will be made available to the relevant manager.

2.5.4.2. External audits

Audits of environmental compliance to AS/NZS ISO 14001:2004 on this project may be undertaken as part of surveillance by Fulton Hogan certifying body, NCSI.

Clients may undertake audits of the EMP and its implementation, and all requests should be referred to the relevant manager for consideration and approval.

Administering authorities may undertake audits to ensure compliance with approval conditions, e.g. ERA 6, ERA 8, Dangerous Goods Location.

2.6. Emergency preparedness

At the annual Return to Work Environmental Awareness training session, emergency procedures, spill response training and other training as required is re-presented to all personnel.

Emergency response is tested yearly through either desktop or planned exercises for both safety and environmental aspects. These exercises are held in accordance with procedure [Emergency Response](#).

A site specific [Incident and Emergency Response Handbook](#) is in place for Alpha construction.

This handbook includes information for emergency preparedness and response for the following:

Making Emergency Calls	Storms, Flooding and Dust
Critical Incident Response	Fires and Bushfires
Emergency Evacuation Procedure	Encountering Cultural Heritage and Remains
Serious Injury	Encountering Wildlife
Vehicle Accidents and Plant rollovers	Service Strikes and Leaks
Fall Arrest	Chemical, Oil and Fuel Spills
Contaminated Soil and Asbestos	Vandalism, Threats and Acts of Violence
Bitumen Burns, Spills, Fires	Trench Collapse
Emergency Contacts and Site Specific Procedures	

2.7. Environmental documents and records

Procedures, work instructions and forms referred to in this EMP are hyperlinked to controlled documents within Infolink. Document control is performed in accordance with procedure Document control – Document, Data & Records Environmental records shall be managed in accordance with the same procedure.

A copy of any Development Approval will be kept in the relevant office and readily accessible to personnel carrying out the activity.

All records and documents required to be kept by an approval condition must be kept on site for at least 12 months and must be made available for examination by an Authorised Person immediately upon request.

3 CONSTRUCTION PHASE

3.1. Description of Site Activities and Main Impacts

The existing topography of the site will require some bulk earthworks to allow for the construction of the asphalt plant. The asphalt plant will be transported in modules to the site for erection.

As such, the principal site activities involved in the construction phase would be:

- bulk excavation and ground preparation,
- foundations and miscellaneous structures;
- pavement construction;
- drainage works and associated pollution control devices;
- erection of proposed asphalt plant;



- connection of services.

The main environmental impacts identified during field inspections and development of this management plan are:

- noise from construction works;
- dust from construction works;
- sediment movement off site;

The elements addressed in this Site Based Environmental Management Plan for construction are:

- Sediment and Erosion Control;
- Dust;
- Noise;
- Solid Waste Minimisation;
- Access;
- Fuel and Hazardous Substances.

3.2. Daily Inspections

The Site Supervisor - Construction is responsible for undertaking regular monitoring of the environmental performance of construction activities. The following aspects (which are cross referenced to relevant elements) are to be checked on a **daily** basis and action taken to rectify any non-compliances.

ASPECT TO BE CHECKED	RELEVANT ELEMENT
<ul style="list-style-type: none"> ▪ Record and respond to any complaints from the general public; 	All
<ul style="list-style-type: none"> ▪ Check that use of machinery has not been occurring outside the hours of 6.00am and 6.00pm Monday to Saturday; 	Noise
<ul style="list-style-type: none"> ▪ check for signs of dust build-up on vegetation and surrounding properties; 	Dust
<ul style="list-style-type: none"> ▪ check for signs of sediment leaving the site; 	Sediment & Erosion Control
<ul style="list-style-type: none"> ▪ check installation and condition of sediment fences; 	Sediment & Erosion Control
<ul style="list-style-type: none"> ▪ check that location of stockpiles is suitable to prevent movement of sediment off site; 	Sediment & Erosion Control
<ul style="list-style-type: none"> ▪ check for any signs of fuel or oil spills; 	Hazardous Substances

ASPECT TO BE CHECKED	RELEVANT ELEMENT
<ul style="list-style-type: none"> ▪ check that wastes are being removed off site; 	Solid Waste Minimisation

3.3. Sediment and Erosion Control

Policy

To minimise the impact on stormwater quality due to construction activities, particularly in relation to:

- the quantity of soil lost to downstream waterways;
- the generation of contaminated stormwater;
- the build-up and transfer of sediment to public access roads.

Performance Criteria and Objectives

- Visible signs of sediment movement downstream would indicate unacceptable sediment and erosion control.
- Excessive build-up of dirt on public roads would indicate unacceptable levels of sediment movement off-site.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Catch drains along the northern, eastern and western boundaries to divert runoff around and away from the proposed asphalt plant area, and a swale and pond along the southern boundary are to be constructed early in the construction stage (refer Drawing No **FH1812-SW-04** and **05**).
- Construct rock check dams adjacent to the bunds in the swales (refer Drawing No **FH1812-SW-04** and **05**).
- Construct rock protection in weir to runoff control pond (refer Drawing No **FH1812-SW-04** and **05**).
- Areas of bare soil should be minimised.
- Stockpiles of soil are to be located on available flat areas at a minimum buffer distance of 50m from waterways.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.



Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.
- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.5** of this Plan.

Corrective Action

- Counsel/discipline employees or contractors responsible for excessive dust generation.
- Erect sediment fences and/or other controls, with view to increasing the extent or relocating same.

3.4. Dust

Policy

To minimise the impacts of dust on the surrounding environment, particularly in relation to:

- nuisance for adjoining premises and users of the area;
- excessive build-up of dust on surfaces.

Performance Criteria and Objectives

- A visible build-up of dust on surrounding ground, roads, vegetation and building surfaces would indicate unacceptable dust emissions.
- More than two dust complaints in any one-week period could indicate unacceptable disturbance. If more than two complaints are received in this period, corrective action should be taken.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Minimise the amount of overburden and soil stockpiled on site.
- Cover the loads of all vehicles leaving the site with overburden or soil, if required.
- In dry and windy conditions, trafficked and exposed areas and stockpiles of soil are to be kept damp by watering.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.



- Monitoring as described in **Section 3.2** of this Plan shall be undertaken.

Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.
- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.2** of this Plan.

Corrective Action

- Counsel/discipline employees or contractors responsible for excessive dust generation.
- Increase frequency of watering.
- Cover loads of vehicles leaving and/or entering the site.

3.5. Noise

Policy

To minimise the impact of noise from construction on nearby premises.

Performance Criteria and Objectives

- More than two noise complaints in any one-week period could indicate unacceptable disturbance. If more than two complaints are received in this period, corrective action should be taken.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Ensure that all affected persons have been informed about the project and are aware of the potential impacts.
- Construction staff should not be at the site outside the hours of 6.00am to 6.00pm Monday to Saturday. No activity should occur on Sundays.
- Machinery and equipment generating excessive noise (eg due to poor maintenance) will not be used.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.
- Monitoring as described in **Section 3.2** of this Plan shall be undertaken.

Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.
- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.2** of this Plan.

Corrective Action

- Counsel/discipline employees or contractors responsible for excessive noise generation.
- Remove machinery and equipment generating excessive noise.
- Modify start and finish times, and the intensity of operations.

3.6. Solid Waste Minimisation

Policy

To minimise the generation of wastes on site, and ensure solid wastes are contained and disposed of correctly.

Performance Criteria and Objectives

- Excessive quantities of domestic and construction wastes are not to be accumulated on the site.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Domestic refuse to be collected in a suitable container and removed from the site weekly.
- Soil wastes created during construction are not to be stored on site.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.

Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.

- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.2** of this Plan.

Corrective Action

- Counsel/discipline employees or contractors responsible for non compliance with this strategy.
- Increase frequency of waste collections from site.

3.7. Access

Policy

To minimise the disruption and damage caused by the movement of vehicles and construction machinery to and from the site.

Performance Criteria and Objectives

- More than two complaints about vehicle movements in any one week period could indicate unacceptable disturbance. If more than two complaints are received in this period, corrective action should be taken.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Ensure designated access route is communicated to all delivery drivers;
- Use only one access route to and from the Alpha Tambo Road.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.

Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.
- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.2** of this Plan.



Corrective Action

- Counsel/discipline employees or contractors responsible for non compliance with this strategy.
- Modify use of vehicle movement's route and intensity of operations (eg number of daily trips in and out of the site) so that impact is reduced.

3.8. Fuel and Hazardous Substances

Policy

To minimise the risk of contamination from fuel and hazardous substance spills on the site.

Performance Criteria and Objectives

- No visible evidence of fuel or oil spills on the ground.

Implementation Strategy

- Specific site inductions for all employees and contractors as per **Section 2.3** of this plan.
- Refuelling is to be supervised by a designated member of staff to reduce the risk of spills.
- Any fuel or oil spills are to be cleaned up immediately and contaminated soils to be removed off site for disposal at an appropriately licensed landfill.
- Suitable materials for the clean up of fuel spills are to be available at the site (eg fuel spill kit containing absorbent materials).
- Staff are to be informed of the procedure for clean up of spills.

Monitoring

- Daily inspections as described in **Section 3.2** of this Plan shall be undertaken by the Site Supervisor - Construction.

Reporting and Auditing

- Any environmental incident will be recorded, together with appropriate corrective action taken, on the daily check sheet and an incident report raised, as per **Section 2.4**.
- Any public complaint will be recorded on a complaints register form and actioned in accordance with the complaints procedure, as per **Section 2.4**.
- Audits of environmental compliance will be undertaken in accordance with **Section 3.2** of this Plan.

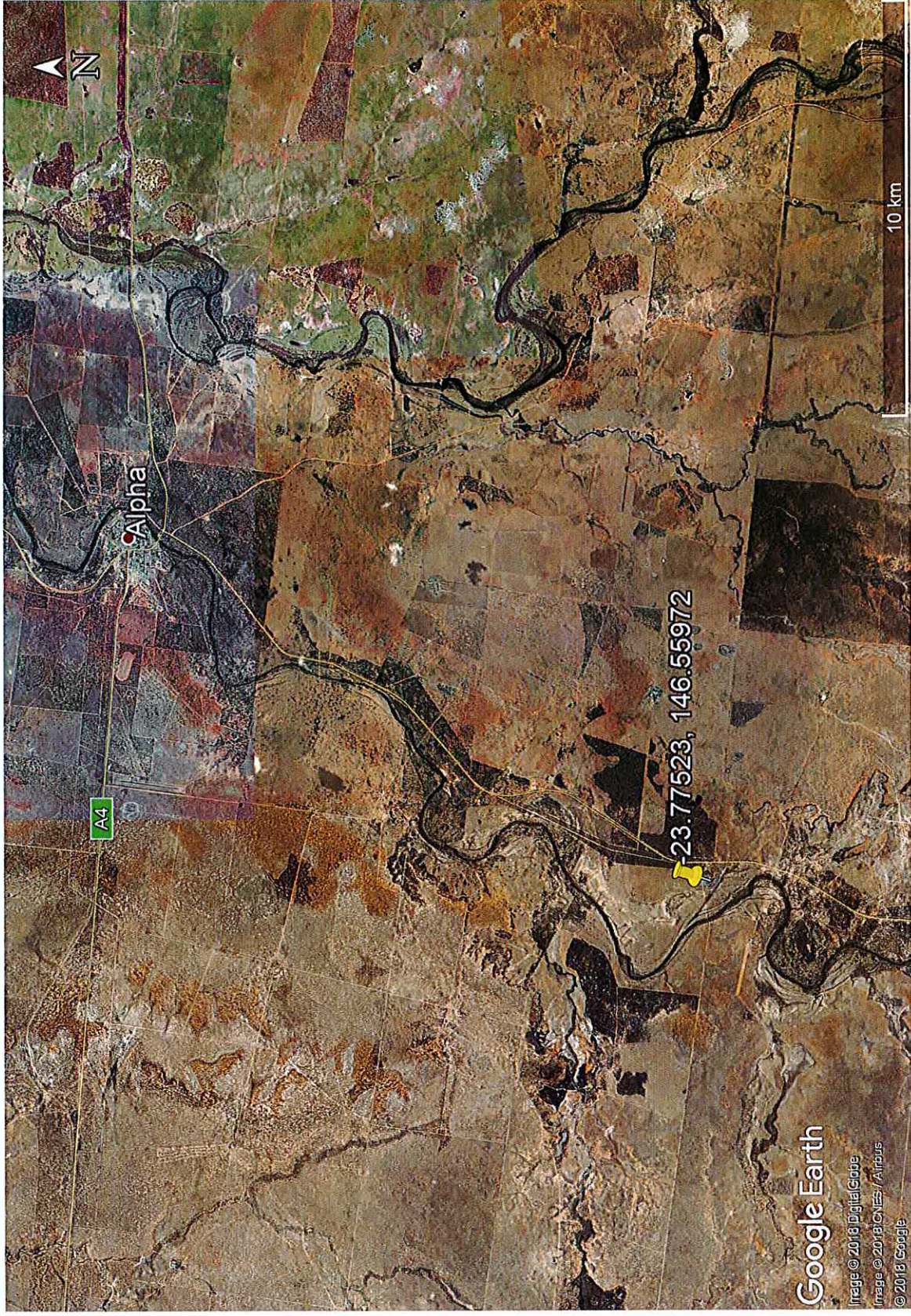


Corrective Action

- Counsel/discipline employees or contractors responsible for non compliance with this strategy
- Enforce fuel spill clean-up procedures.



FIGURES



SCALE	
REF.	
FIGURE	
<p>DUGGAN & HEDE Pty Ltd Professional Engineers, Planners and Environmental Consultants PO Box 496 Clayfield Qld 4011 Telephone (07) 3557 8233 Facsimile (07) 3557 8233 e-mail en@dughen.com.au</p>	



100 metres
 Project: 148/2018
 Paper Size: A3
 Imagery

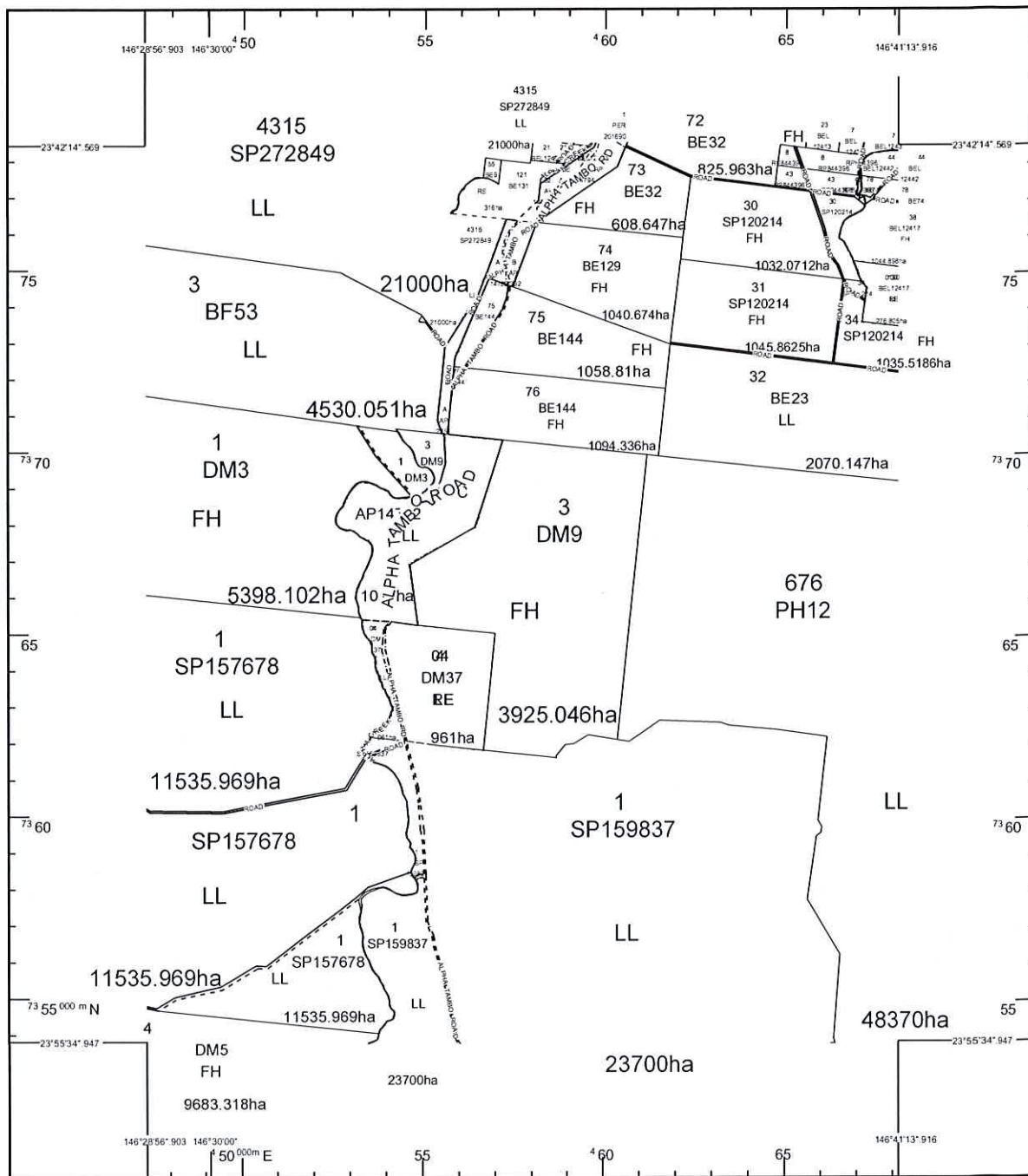
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SCALE
REF.
FIGURE



STANDARD MAP NUMBER
8250-34241



SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 3 DM9
Area/Volume 3925.046ha
Tenure FREEHOLD
Local Government BARCALDINE REGIONAL
Locality DRUMMONDSLOPE
Segment/Parcel 44701/13

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 23/03/2018

DCDB 22/03/2018 (Lots with an area less than 5 000ha are not shown)

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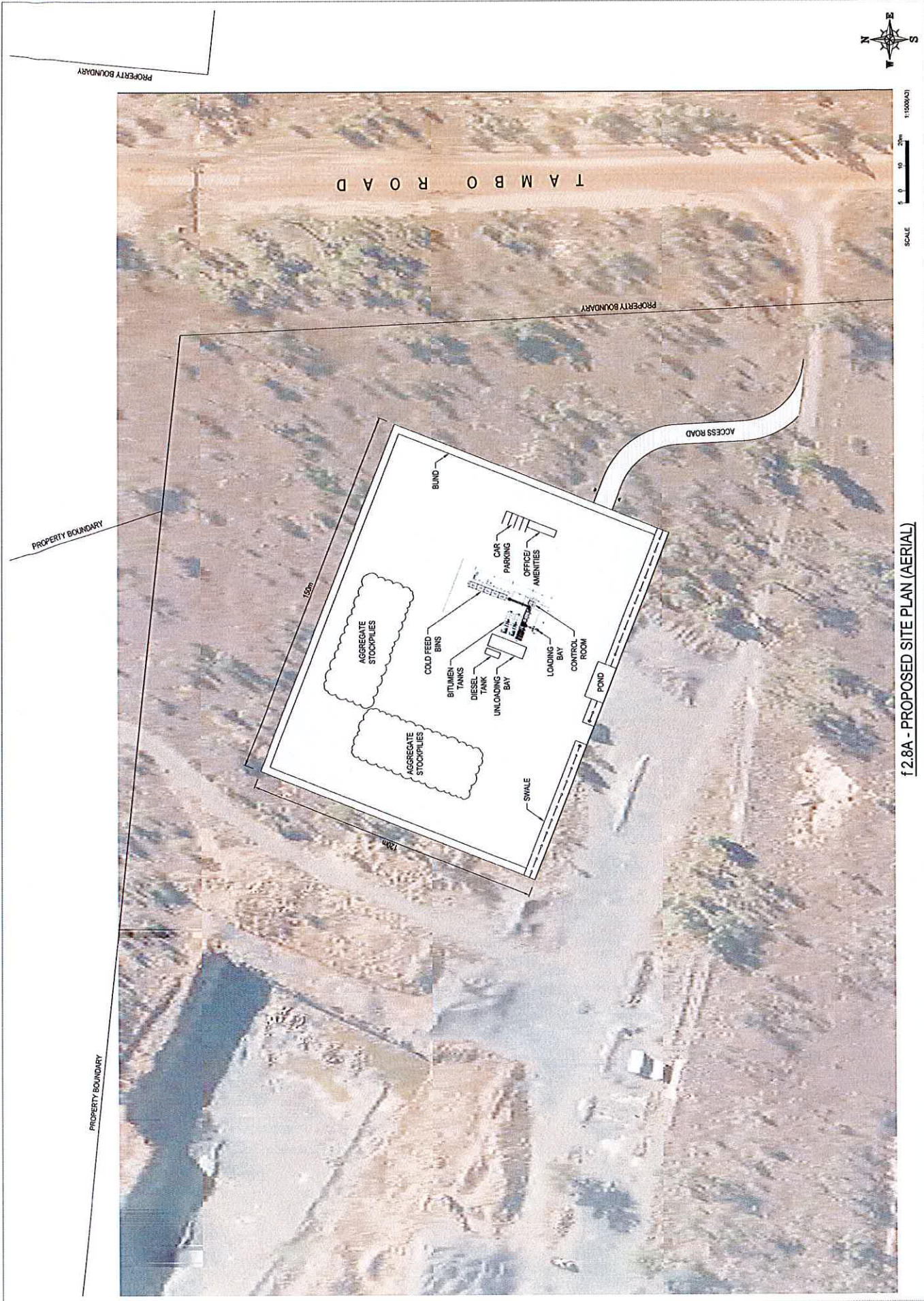
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Professional Engineers, Planners, Environmental Consultants

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Facsimile (07) 3857 6233
e_mail dh@dhehv.com.au

SCALE

SHEET

FIGURE



f2.8A - PROPOSED SITE PLAN (AERIAL)

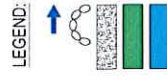
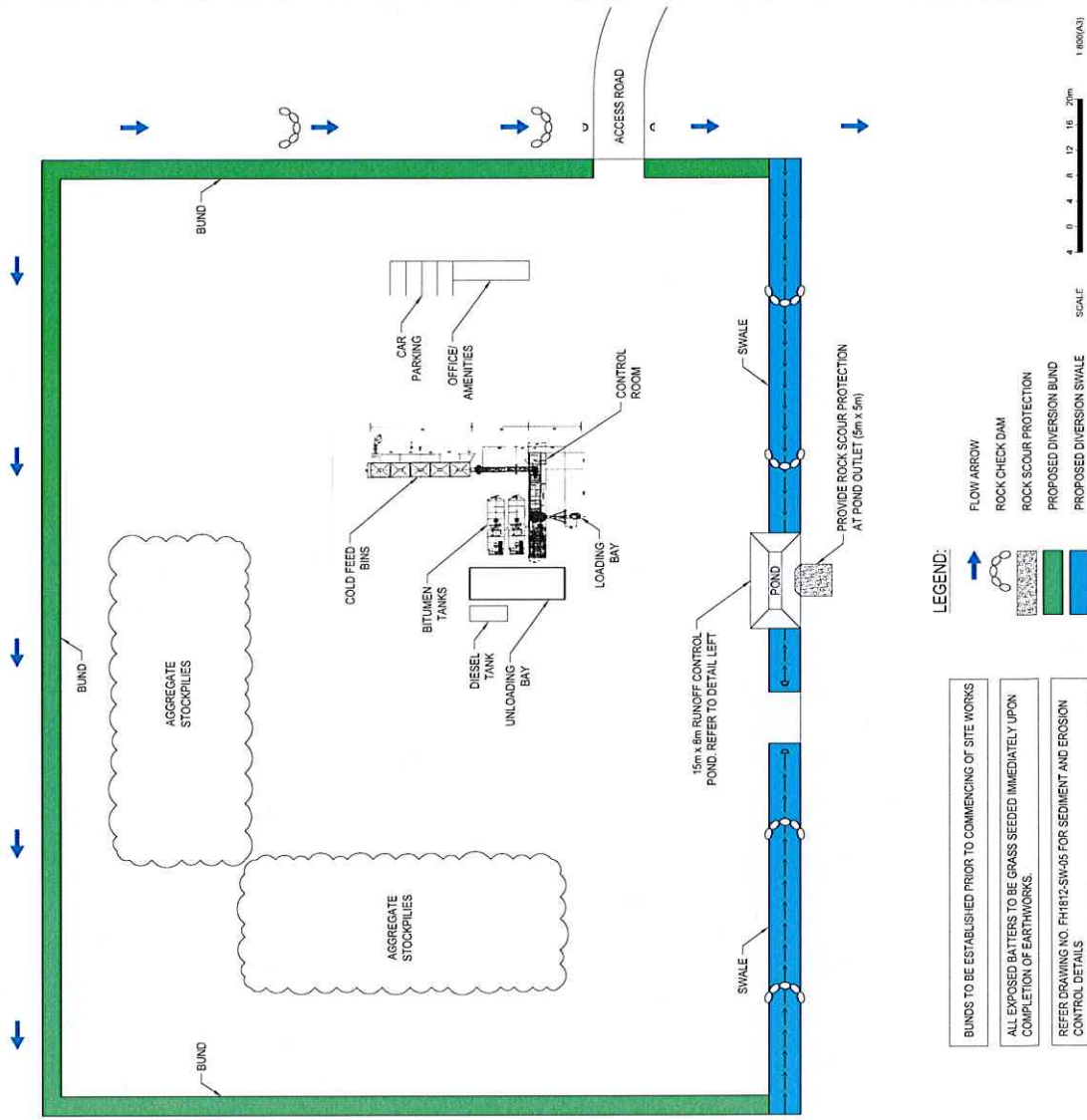
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		REF.
		FIGURE



f 2.8B - PROPOSED SITE PLAN

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SCALE
REF.
FIGURE



LEGEND:

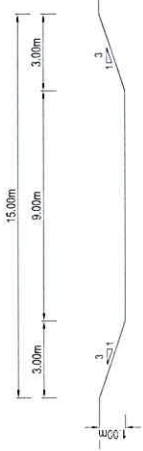
- FLOW ARROW
- ROCK CHECK DAM
- ROCK SCOUR PROTECTION
- PROPOSED DIVERSION BUND
- PROPOSED DIVERSION SWALE

BUNDS TO BE ESTABLISHED PRIOR TO COMMENCING OF SITE WORKS

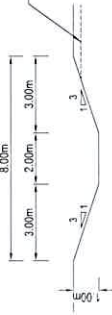
ALL EXPOSED BATTERS TO BE GRASS SEEDED IMMEDIATELY UPON COMPLETION OF EARTHWORKS.

REFER DRAWING NO. FH1812-SW45 FOR SEDIMENT AND EROSION CONTROL DETAILS

SCALE 1:800(A3)



RUNOFF CONTROL POND - TYPICAL LONG SECTION
1:800 (A3)



RUNOFF CONTROL POND - TYPICAL CROSS SECTION
1:800 (A3)

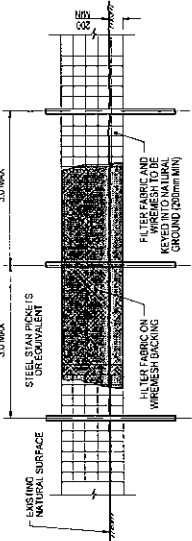
SEDIMENT AND EROSION CONTROL NOTES:

- 1) DETAILS SHOWN ON THESE DRAWINGS REPRESENT PROPOSED MINIMUM REQUIREMENTS FOR ONE POSSIBLE METHOD TO ACHIEVE COMPLIANCE WITH REGULATION TO PREVENT ENVIRONMENTAL HARM FROM EROSION AND SEDIMENT TRANSFER OFF THE CONSTRUCTION SITE. HOWEVER COMPLIANCE WITH THESE DRAWINGS MAY NOT BE SUFFICIENT TO ACHIEVE COMPLIANCE. THE CONTRACTOR SHALL EMPLOY BEST MANAGEMENT PRACTICES THROUGHOUT THE COURSE OF THE CONSTRUCTION.
- 2) CONSTRUCTION IS TO BE MANAGED SUCH THAT AREAS NOT REQUIRED FOR SEDIMENT CONTROL PURPOSES ARE TO BE LEFT UNDISTURBED WHERE POSSIBLE.
- 3) CONSTRUCTION DESIGN MEASURES SHOULD BE SET IN PLACE PRIOR TO ANY CONSTRUCTION COMMENCING. THE CONTRACTOR IS TO MAINTAIN & CLEAN OUT ALL STRUCTURES.
- 4) IT IS THE CONTRACTORS RESPONSIBILITY TO MONITOR SITE AND WEATHER CONDITIONS AND WATER QUALITY LEAVING THE SITE AND IMPLEMENT APPROPRIATE MEASURES TO COMPLY WITH THE STATUTORY REQUIREMENTS.
- 5) SHOULD THIS REQUIRE ADDITIONAL RESOURCES OR ALTERATIONS TO THE DETAILS SHOWN ON THESE DRAWINGS TO ACHIEVE COMPLIANCE WITH THE STATUTORY REQUIREMENTS AND REVISIONS TO THE DRAWINGS TO BE CLEARLY DETAILED IN THE PROPOSED CHANGES AND PRIOR TO IMPLEMENTING THEM.
- 6) EXISTING GRASS COVER TO BE RETAINED WHEREVER POSSIBLE.
- 7) SILTATION MANAGEMENT DEVICES TO BE IN ACCORDANCE WITH THE LIVINGSTONE SHIRE COUNCIL STANDARDS AND INTERNATIONAL EROSION CONTROL ASSOCIATION (IECA) BEST PRACTICE EROSION AND SEDIMENT CONTROL DOCUMENT.

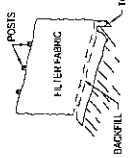
REVISONS		TECHNICALLY APPROVED:				SCALE		AS SHOWN	
No	BY	DATE	DESCRIPTION	DATE	DATE	DATE	DATE	SHEET	DRG No.
								01 of 01 <td>FH1812-SW404 </td>	FH1812-SW404

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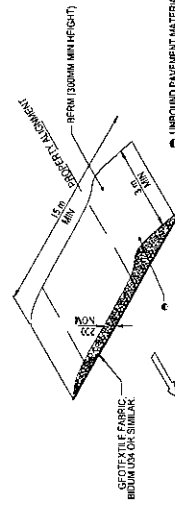
FULTON HOGAN
 ALPHA - TAMBO ROAD, ALPHA
 PROPOSED ASPHALT PLANT DEPOT
 EROSION & SEDIMENT CONTROL PLAN



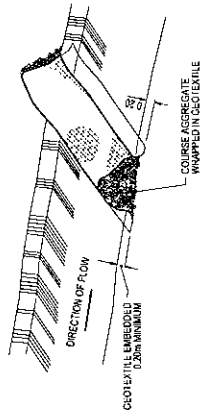
- MAINTENANCE PROGRAM FOR SILT FENCES**
1. REGULAR INSPECTIONS WILL BE REQUIRED TO CONTROL DAMAGE CAUSED BY ON SITE VEHICLES OR MOVEMENT
 2. INSPECTED AFTER EACH STORM EVENT THAT RESULTS IN RUNOFF
 3. IN RUNOFF AREAS REPAIR AREAS
 4. INVESTIGATE THE SOURCE OF ANY EXCESSIVE SEDIMENT (REFER B.C.C. BMP GROUP 5 FIG. 5.9)
- NOTE: SILT MANAGEMENT**
- SILT FENCES ARE TO BE EMPLOYED WHERE CONDITIONS DURING CONSTRUCTION REQUIRE THE PREVENTION OF EXCESSIVE SEDIMENT FROM MOVING ON THE SITE AS DIRECTED BY THE SUPERVISOR



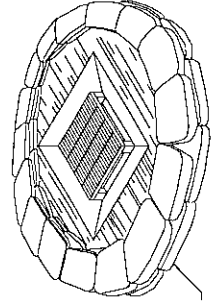
TYPICAL SEDIMENT FENCE DETAIL
NTS



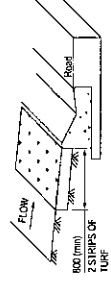
- VEHICLE SHAKEDOWN**
NTS
- UNBOUND PAVEMENT MATERIAL (GRAVEL) TO BE USED TO CONSTRUCT MATERIAL FIBER THAN AS SPEC 2.20mm
- GEOTEXTILE FABRIC 150MM MIN. DEPTH
- 200MM MIN. WIDE MESH
- RANGE FROM PAD DIRECTED TO SEDIMENT TRAP



TYPICAL SECTION ROCK CHECK DAM
NTS



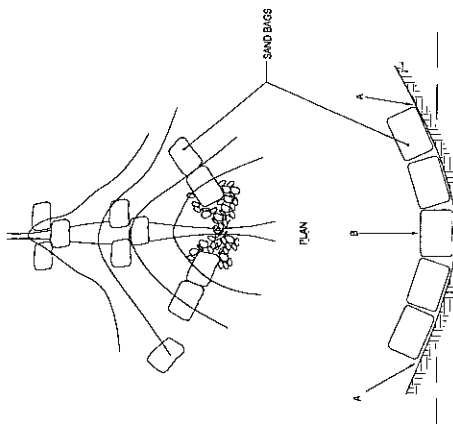
FIELD INLET PROTECTION
NTS



- MAINTENANCE PROGRAM FOR GRASS FILTER STRIPS**
1. THE SIGNIFICANT BUILDUP ON FILTER STRIPS INDICATES INEFFICIENT ON SITE EROSION AND SEDIMENT CONTROLS. THE SOURCE OF ANY EXCESSIVE SEDIMENT DEPOSITS IS TO BE INVESTIGATED.

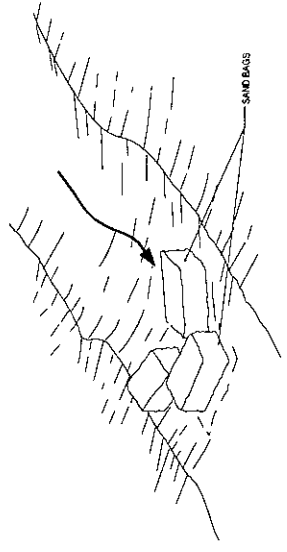
TURF FILTER STRIPS
NTS

- EROSION AND SEDIMENT CONTROL NOTES:**
1. 400mm TURF TO EDGE OF BERM SHOULDER.
 2. 100mm TURF TO EDGE OF BERM BANKS.
 3. PROVIDE 100% STABILIZATION AT ALL DOWNWATER OUTLETS.
 4. PROVIDE INLET PROTECTION MEASURES TO ALL INLETS.
 5. GRASS SEED ALL DISTURBED AREAS.
 6. DUST CONTROL BY WATERING AS NECESSARY TO PREVENT VISIBLE DUST CLOUDS AT PROPERTY BOUNDARIES.



CHECK DAM DETAIL
NTS

*A TO BE HIGHER THAN B TO PREVENT SEDIMENT BYPASS



SAND BAG OPEN DRAIN DETAIL
NTS

SILT MANAGEMENT DETAILS AND MAINTENANCE PROGRAMS

NO.	REV.	DATE	DESCRIPTION	DESIGN CHK.	DWG. CHK.

TECHNICALLY APPROVED:

DUGGAN & HEDE, PTY LTD
 Professional Engineers, Planners, Environmental Consultants
 100/100 Kingsway, North Sydney, NSW 1585
 PO Box 438, Cherry Hill, NSW 1585
 Telephone: (07) 3357 5886
 Facsimile: (07) 3357 6233
 e-mail: eng@dhew.com.au

FULTON HOGAN
 ALPHA - TAMBO ROAD, ALPHA
 PROPOSED ASPHALT PLANT DEPOT
 EROSION & SEDIMENT CONTROL DETAILS

SCALE	AS SHOWN
SHEET	01 of 01
DRG No.	PH/1812/SW46

REVISIONS

Attachment 2

Concurrence Agency Response

ALPHA OFFICE
Phone: 07 4985 1166
Fax: 07 4985 1162

ARAMAC OFFICE
Phone: 07 4652 9999
Fax: 07 4652 9990

BARCALDINE OFFICE
Phone: 07 4651 5600
Fax: 07 4651 1778



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1902-9915 SRA
 Council reference: 321819
 Applicant reference: FH1812

7 June 2019

Chief Executive Officer
 Barcaldine Regional Council
 71 Ash Street
 Barcaldine QLD 4725
 council@barc.qld.gov.au

Dear Mr Boxall

SARA response—Alpha Tambo Road, Drummondslope

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 22 February 2019.

Response

Outcome:	Referral agency response – with conditions
Date of response:	7 June 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use – Industry (Asphalt Manufacturing Plant) and Environmentally Relevant Activity – ERA 6 (Asphalt Manufacturing)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) – Environmentally relevant activities (Planning Regulation 2017)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) – Material change of use on premises within proximity to

	a state transport corridor (Planning Regulation 2017)
SARA reference:	1902-9915 SRA
Assessment Manager:	Barcaldine Regional Council
Street address:	Alpha Tambo Road, Drummondslope
Real property description:	Lot 3 on DM9
Applicant name:	Fulton Hogan Industries Pty Ltd c/- Duggan & Hede Pty Ltd
Applicant contact details:	PO Box 496 Clayfield QLD 4011 m.mcmahon@dhenv.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: EA0001783 • Prescribed environmentally relevant activity (ERA): ERA 06 - Asphalt manufacturing, 1: Manufacturing more than 1000t of asphalt in a year <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR19-026765 • Date: 5 June 2019 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at FitzroyDistrict@tmr.qld.gov.au.</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Javier Samanes, Senior Planning Officer, on (07) 4037 3237 or via email MIWSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Fulton Hogan Industries Pty Ltd c/- Duggan & Hede Pty Ltd, m.mcmahon@dhenv.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Approved plans

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use – Industry (Asphalt Manufacturing Plant) and Environmentally Relevant Activity – ERA 6 (Asphalt Manufacturing)		
<p>10.9.4.2.4.1—Material change of use on premises within proximity of a state transport corridor— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
1.	<p>(a) The road access location, is to be located generally in accordance with Proposed Site Plan (Aerial), reference f 2.8A and revision A (as amended in red by SARA on 7 June 2019).</p> <p>(b) Road access works, (at the road access location) must be provided generally in accordance with Type 1 Road Train Access Requirements prepared by the Department of Main Roads, dated 26/2/07, reference BDO741 and revision A (as amended in red by SARA on 7 June 2019).</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use and maintained at all times</p>
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	<p>(a) At all times</p> <p>(b) At all times</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), version 2.4. If a word remains undefined it has its ordinary meaning.
2.	Road works approval: Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' on FitzroyDistrict@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

The development complies with *State code 1: Development in a state-controlled road environment* and *State code 22: Environmentally relevant activities* of the *State Development Assessment Provisions* (SDAP). Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services
- is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- avoids impacts on matters of state environmental significance, and where avoidance is not reasonably possible, minimise and mitigate impacts, and where it can't be avoided, the development minimises and mitigates impacts.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules (version 1.1)
- SARA DA Mapping system
- State Planning Policy mapping system.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Approved plans

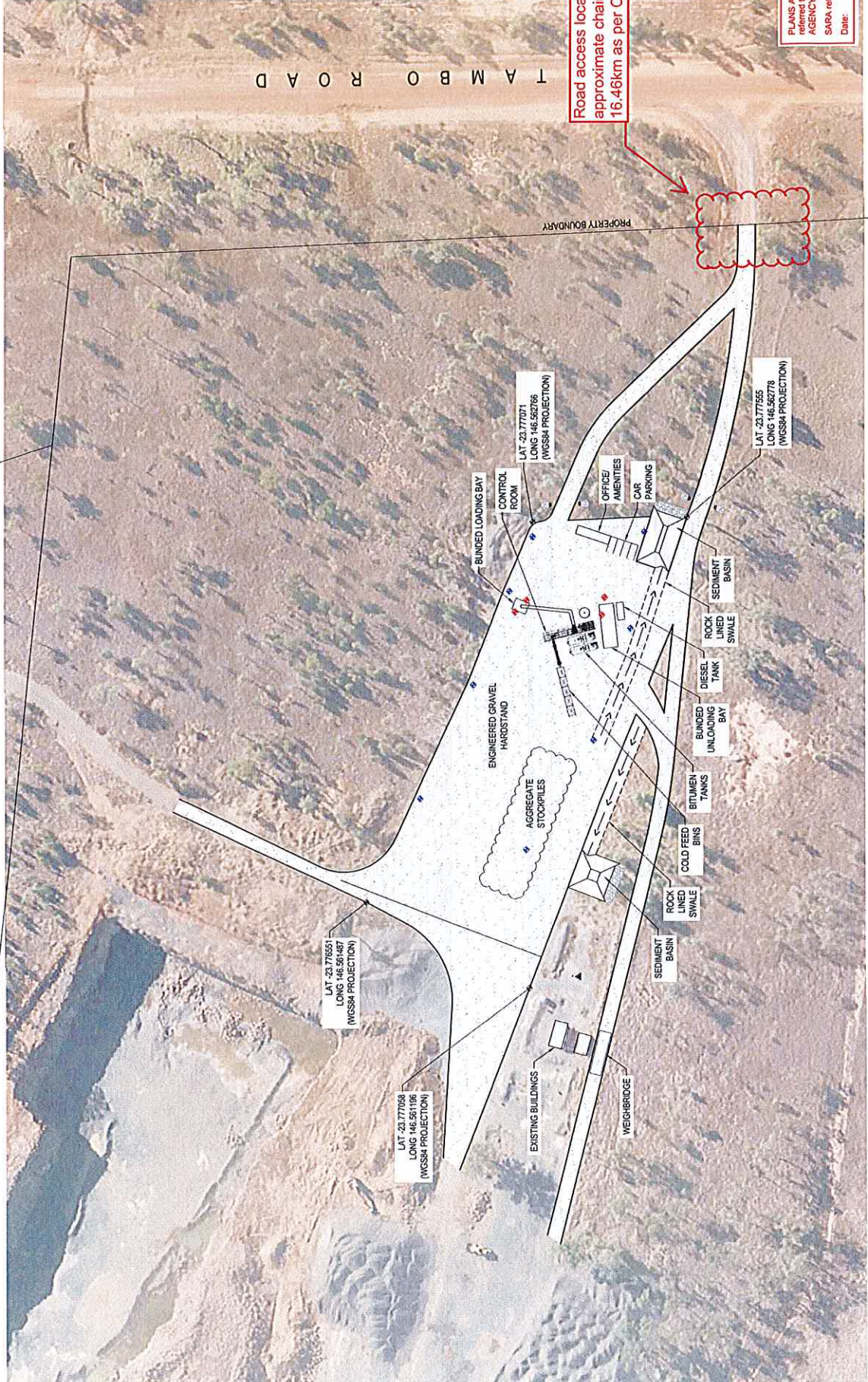
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Amended in red by SARA on
7 June 2019

PROPERTY BOUNDARY

PROPERTY BOUNDARY

PROPERTY BOUNDARY



Road access location at
approximate chainage
16.46km as per Condition 1

PLANS AND DOCUMENTS
FOR THE INITIAL
AGENCY RESPONSE
SARA ref: 51952/019 SARA
Date: 7 June 2019

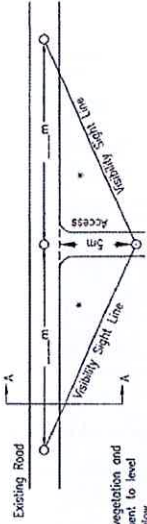


SCALE 5 0 10 20m
1:1500(A3)

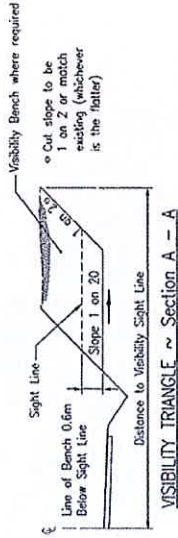
f2.8A Rev A - PROPOSED SITE PLAN (AERIAL)

Minimum Clear Vision for Safe Intersection Sight Distance (for level pavement)

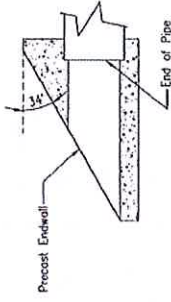
Design Speed (km/h)	Distance (m)
60	113
80	170
100	240
110	262



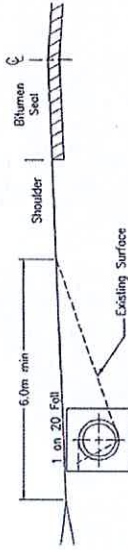
* Remove vegetation and embankment to level shown below



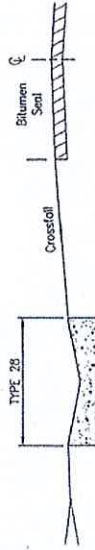
Distance to Visibility Sight Line



TYPICAL CROSS SECTION OF SLOPING ENDWALL



CROSS SECTION WITH PIPE ~ SECTION B - B



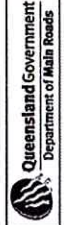
CROSS SECTION WITH DIVERT TABLE DRAIN ~ SECTION B - B

NOTES

1. Sloping endwall only required where dimension 'X' is less than 9m. With dimension 'X' over 9m, a square endwall may be acceptable (each case to be considered individually).
2. The fall through pipe/trench is not to be less than 1 in 100.
3. Guide posts of an approved type are to be placed on each side of the access (Rural area only).
4. Divert table drain to be used as an alternative treatment for table drain crossings.
5. Access suitable for Type 2. Road Trains on approved low volume roads

Amended in red by SARA on 7 June 2019

PLANS AND DOCUMENTS REFERRED TO IN THE REFERENCE AGENCY RESPONSE SARA ref: 13/02 4971 2014 Date: 7 June 2019

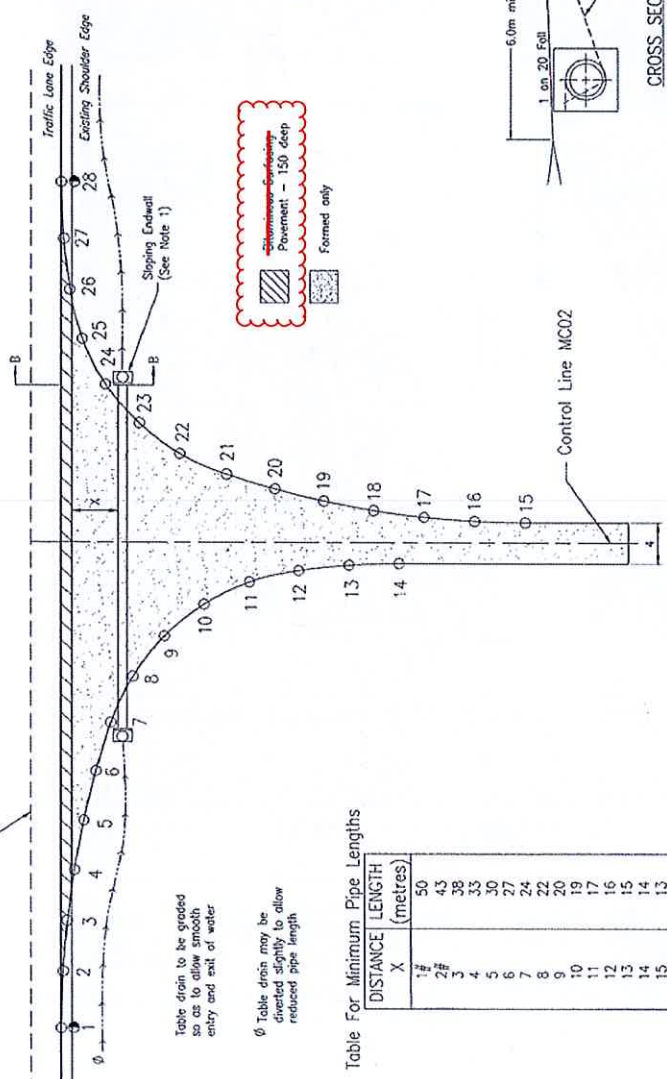


BD0741
NOT TO SCALE
A

This Drawing to be read in conjunction with Department of Main Roads, Road Planning and Design Manual; Chapter 13

Approved: *[Signature]* 26/12/07
Checked: *[Signature]*
Design: *[Signature]* 18/08/07
Verified: *[Signature]* 18/08/07
Checked: *[Signature]* 18/08/07

TYPE 1 ROAD TRAIN ACCESS REQUIREMENTS



GENERAL LAYOUT

Table drain to be graded so as to allow smooth entry and exit of water

Ø Table drain may be diverted slightly to allow reduced pipe length

Table For Minimum Pipe Lengths

DISTANCE LENGTH (metres)	1#	2#	3#	4#	5#	6#	7#	8#	9#	10#	11#	12#	13#	14#	15#	16#	17#	18#	19#	20#	
50																					
43																					
38																					
33																					
30																					
27																					
24																					
22																					
20																					
19																					
11																					
11.6																					
11																					
10																					
9.6																					

For cut situation only

Control Line (MC02)		
Pt.	Dist. from Int.	Offset
9	13.07	9.15
10	16.96	6.01
11	21.45	3.84
12	26.31	2.71
13	31.28	2.18
14	36.28	2
15	43.65	2
16	43.85	2.13
17	38.67	2.53
18	33.71	3.18
19	28.80	4.10
20	23.94	5.27
21	19.15	6.70
22	14.57	8.70

Control Line (MC01)		
Pt.	Dist. from Int.	Offset
1	47.85	3
2	42.07	3.16
3	37.09	3.59
4	32.13	4.28
5	27.23	5.22
6	22.37	6.42
7	17.59	7.88
8	13.07	10
23	11.67	10.57
24	15.47	7.33
25	19.90	5.04
26	24.73	3.80
27	29.70	3.22
28	35.28	3

Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding representations about a referral agency response (concurrency).

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Our ref TMR19-026765
Your ref FH1812
Enquiries Gideon Genade



Department of
Transport and Main Roads

5 June 2019

Fulton Hogan Industries Pty Ltd
c/- Duggan & Hede Pty Ltd
PO Box 496
Clanfield QLD 4011

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 321819, lodged with Barcaldine Regional Council involves constructing or changing a vehicular access between Lot 3DM9, the land the subject of the application, and Alpha Tmabo Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is to be located generally in accordance with Proposed Site Plan (Aerial) at approximate chainage 16.46km (RHS), prepared by (unnamed), dated (undated), reference f2.8A and revision A.	At all times.
2	Road access works, (at the road access location) must be provided generally in accordance with Type 1 Road Train Access Requirements (modified) prepared by the Department of Main Roads dated 26/02/07 reference BDO741.	Prior to the commencement of use
3	The road access is to be constructed and maintained at no cost to the department in accordance with section 64(a) & (b) of the <i>Transport Infrastructure Act 1994</i> .	At all times

Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the state-controlled road.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Anton De Klerk, Principal Town Planner should be contacted by email at FitzroyDistrict@tmr.qld.gov.au or on (07) 4931 1545.

Yours sincerely



Anton DeKlerk

Principal Town Planner

Attachments: Attachment A – Decision evidence and findings

Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions

Attachment D - Proposed Site Plan (Aerial)

Attachment E - Type 1 Road Train Access Requirements (modified) prepared by the
Department of Main Roads dated 26/02/07 reference BDO741.

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The department was referred development application (ref. TMR19-026765) under the provisions of the *Planning Regulation 2017*.
- The application was for an Asphalt Manufacturing Plant that will co-locate with an established quarry.
- The department assessed the development application against the State Development Assessment Provisions and the *Transport Infrastructure Act 1994*

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
DA Form 1	Duggan & Hede Pty Ltd	-	-	-
Planning and Environmental Assessment Report	Duggan & Hede Pty Ltd	February 2019	-	-
Proposed Site Plan (Aerial) Figure 2.8a	Duggan & Hede Pty Ltd	-	-	-
Pavement Impact Assessment	Bitzios Consulting Pty Ltd	22 May 2019	P4121	002

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment 3

Extract of Appeal Provisions (Chapter 6, Part 1
and Schedule 1 of the *Planning Act 2016*)

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Attachment 3

Extract of Appeal Provisions

The following is an extract from the *Sustainable Planning Act 2009* (Chapter 7)

MATERIAL CHANGE OF USE, RECONFIGURING A LOT & OPERATIONAL WORKS

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or

(b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

(a) development for an aquacultural ERA; or

(b) development that is—

(i) a material change of use of premises for aquaculture; or

(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;

(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given.

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Permit

Environmental Protection Act 1994

Environmental authority EA0001783

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0001783

Environmental authority takes effect on a date to be decided later.

Environmental authority holder(s)

Name(s)	Registered address
FULTON HOGAN INDUSTRIES PTY LTD	Building 7, Level 1, 572 Swan Street, RICHMOND VIC 3121

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 06 - Asphalt manufacturing, 1: Manufacturing more than 1000t of asphalt in a year	Lot 3/DM9

Additional information for applicants

Environmentally relevant activities

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

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

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

Environmental authority

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Clancy Mackaway
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Extraction, Energy and Chemical Industries
Assessment
Department of Environment and Science
Phone: 1300 130 372
Email: palm@des.qld.gov.au

Date issued: 23 May 2019

Environmental authority

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Agency interest: General	
Condition number	Condition
G1	<p>Activities under this environmental authority must be conducted in accordance with the following limitations:</p> <p>a) Asphalt manufacturing must only occur within the area indicated in Appendix 1.</p>
G2	<p>Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.</p>
G3	<p>All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.</p>
G4	<p>The activity must be undertaken in accordance with written procedures that:</p> <ol style="list-style-type: none"> 1. identify potential risks to the environment from the activity during routine operations, closure and an emergency 2. establish and maintain control measures that minimise the potential for environmental harm 3. ensure plant, equipment and measures are maintained in a proper and effective condition 4. ensure plant, equipment and measures are operated in a proper and effective manner 5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> 6. ensure that reviews of environmental performance are undertaken at least annually.
G5	<p>Environmental monitoring results must be kept until surrender of this environmental authority. All other information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request, within the required timeframe and in the specified format.</p>
G6	<p>When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.</p>
G7	<p>All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.</p>
G8	<p>An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this</p>

	environmental authority.																				
G9	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.																				
G10	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system .																				
Agency interest: Waste																					
Condition number	Condition																				
W1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.																				
Agency interest: Air																					
Condition number	Condition																				
A1	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any sensitive place or commercial place .																				
A2	Contaminants must only be released to air from point sources in accordance with <i>Table – Point source air release limits</i> and the associated requirements. Table – Point source air release limits																				
	<table border="1"> <thead> <tr> <th>Release point</th> <th>Minimum release height above ground (metres)</th> <th>Minimum velocity (m/sec)</th> <th>Contaminant release</th> <th>Maximum concentration release limit (dry at 15% O₂)</th> <th>Monitoring Frequency</th> </tr> </thead> <tbody> <tr> <td rowspan="5">Baghouse filter stack (RP1)</td> <td rowspan="5">4.8</td> <td rowspan="5">10</td> <td>Total Solid Particulates (TSP)</td> <td>50 mg/Nm³</td> <td rowspan="5">Stack must be monitored within three months of commissioning of the facility and once every two (2) years thereafter</td> </tr> <tr> <td>Oxides of Nitrogen (as NO_x)</td> <td>350 mg/Nm³</td> </tr> <tr> <td>Carbon monoxide (CO)</td> <td>400 mg/Nm³</td> </tr> <tr> <td>Total Heavy Metals (Note 1)</td> <td>1 mg/Nm³</td> </tr> <tr> <td>Volatile Organic Compounds (VOC)</td> <td>40 mg/Nm³</td> </tr> </tbody> </table>	Release point	Minimum release height above ground (metres)	Minimum velocity (m/sec)	Contaminant release	Maximum concentration release limit (dry at 15% O ₂)	Monitoring Frequency	Baghouse filter stack (RP1)	4.8	10	Total Solid Particulates (TSP)	50 mg/Nm ³	Stack must be monitored within three months of commissioning of the facility and once every two (2) years thereafter	Oxides of Nitrogen (as NO _x)	350 mg/Nm ³	Carbon monoxide (CO)	400 mg/Nm ³	Total Heavy Metals (Note 1)	1 mg/Nm ³	Volatile Organic Compounds (VOC)	40 mg/Nm ³
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			Volatile Organic Compounds (VOC)	40 mg/Nm ³																	

	<p>Note 1: Total heavy metals includes the elements of antimony, arsenic, cadmium, lead, beryllium, chromium, cobalt, manganese, nickel, selenium, tin, vanadium, mercury and any compound containing one or more of those elements.</p> <p>Associated requirements</p> <ol style="list-style-type: none"> 1. The release of contaminants from a point source must be directed vertically upwards without any impedance or hindrance. 2. Monitoring must be undertaken during a release and at the authorised release points, frequency and for the contaminants specified in <i>Table – Point source air release limits</i>. 3. Monitoring must be undertaken when emissions are expected to be representative of actual operating conditions for the sample period. 4. All monitoring devices must be effectively calibrated and maintained in accordance with the manufacturer's instructions and Australian and international standards. 5. Air Monitoring must be in accordance with the current edition of the administering authority's Air Quality Sampling Manual. If monitoring requirements are not described in the administering authority's Air Quality Sampling Manual, monitoring protocols must be in accordance with a method as approved by New South Wales EPA, Victorian EPA or United States EPA. 6. Monitoring provision for the release points (stack) listed in <i>Table – Point source air release limits</i> must comply with the Australian Standard AS 4323.1 - 1995 "Stationary source emissions Method 1: Selection of sampling provisions". 7. All air emission stack monitoring must be conducted by an experienced person or body which holds current National Association of Testing Authorities (NATA). 8. The following tests must be performed for each required determination specified in <i>Table – Point source air release limits</i>: <ol style="list-style-type: none"> a. gas velocity and volume flow rate; b. temperature and oxygen content; and c. water vapour concentration. 9. During the sampling period the following additional information must be gathered: <ol style="list-style-type: none"> a. plants throughput rate at the time of sampling; b. any typical factors that may influence air pollutant emissions; c. reference to the actual test methods and accuracy's.
A3	<p>Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:</p> <ol style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
Agency interest: Land	
Condition number	Condition

L1	Contaminants must not be released to land .																		
L2	Before applying to surrender this environmental authority, the site must be rehabilitated to achieve a safe, stable, non-polluting landform.																		
Agency interest: Acoustic																			
Condition number	Condition																		
N1	Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .																		
N2	<p>Noise from the activity must not exceed the levels identified in <i>Table – Noise limits</i> when measured in accordance with the associated monitoring requirements.</p> <p>Table – Noise limits</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="3"></th> <th colspan="3" style="text-align: center;">Monday to Sunday</th> </tr> <tr> <th style="text-align: center;">7am–6pm</th> <th style="text-align: center;">6pm–10pm</th> <th style="text-align: center;">10pm–7am</th> </tr> <tr> <th colspan="3" style="text-align: center;">Noise measured at the sensitive or commercial place</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">$L_{Aeq, adj, T}$</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> </tr> <tr> <td style="text-align: center;">Max $L_{pA, T}$</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">47</td> </tr> </tbody> </table> <p>Associated monitoring requirements</p> <ol style="list-style-type: none"> 1. All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual. 2. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual. 3. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation. 		Monday to Sunday			7am–6pm	6pm–10pm	10pm–7am	Noise measured at the sensitive or commercial place			$L_{Aeq, adj, T}$	30	30	30	Max $L_{pA, T}$	N/A	N/A	47
	Monday to Sunday																		
	7am–6pm		6pm–10pm	10pm–7am															
	Noise measured at the sensitive or commercial place																		
$L_{Aeq, adj, T}$	30	30	30																
Max $L_{pA, T}$	N/A	N/A	47																
N3	<p>When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of <i>Table – Noise Limits</i>, and the results notified within 14 days to the administering authority. Monitoring must include:</p> <ol style="list-style-type: none"> 1. $L_{Aeq, adj, T}$ 2. Max $L_{pA, T}$ 3. the level and frequency of occurrence of any impulsive or tonal noise 4. atmospheric conditions including wind speed and direction 5. effects due to extraneous factors such as traffic noise 6. recording of location, date and time of measurements. 																		
Agency interest: Water																			

Condition number	Condition
S1	Contaminants must not be released to any waters .
S2	Stormwater contaminated by the activity must be managed to minimise or prevent any adverse effect on the environmental values of the receiving environment.
S3	Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
S4	Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity. Stormwater that is contaminated by the activity must be directed to a treatment system.

Definitions

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

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

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

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Environmental value –

- a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

Land means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes **tidal land**).

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

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

Measures has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for dredging operations, environmental risk assessment, management actions, departmental direction and competency expectations under relevant guidelines

- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

NATA means National Association of Testing Authorities.

Nominated delegate means another government agency that provides services to the **administering authority**.

Normal cubic metre (Nm³) means the volume of dry gaseous contaminant which occupies 1 cubic metre at a temperature of zero degrees Celsius and at an absolute pressure of 101.3 kilopascals.

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

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

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

Project has the same meaning as referenced within the definition of 'mobile and temporary environmentally relevant activity' in Schedule 4 of the *Environmental Protection Act 1994*.

Receiving environment monitoring program means a monitoring program designed to monitor and assess the potential impacts of controlled and/or uncontrolled releases of contaminants to the environment from the activity.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Release of a contaminant into the environment means to:

1. deposit, discharge, emit or disturb the contaminant
2. cause or allow the contaminant to be deposited, discharged, emitted or disturbed
3. fail to prevent the contaminant from being deposited, discharged emitted or disturbed
4. allow the contaminant to escape
5. fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

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

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Stormwater that is not contaminated by the activity includes stormwater runoff from external or undisturbed catchments.

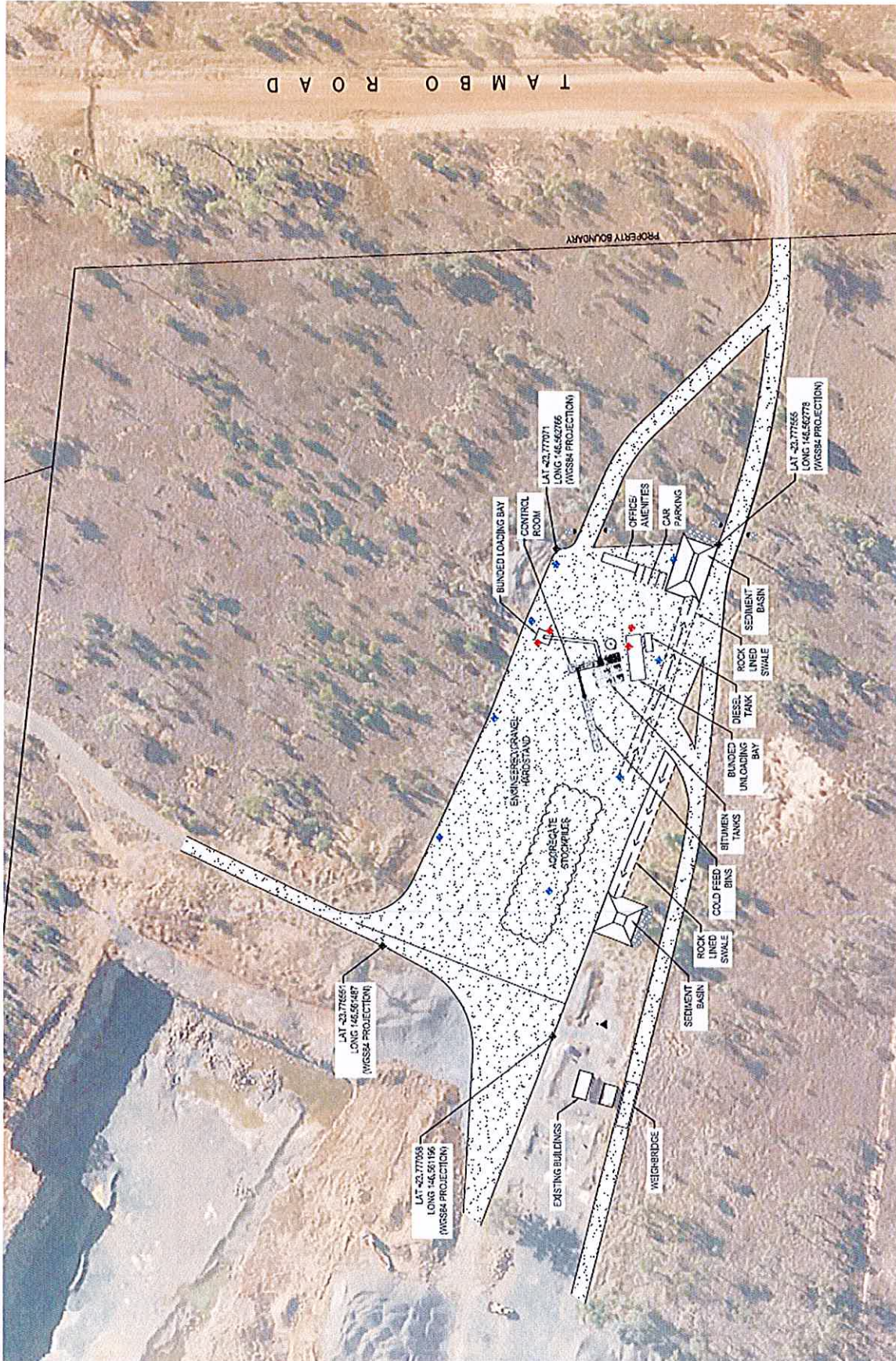
Volatile organic compounds (VOC) means any chemical compound based on carbon chains or rings with a vapour pressure greater than 2mm of mercury (0.27 kPa) at 25°C), that participate in atmospheric photochemical reactions. The substances that are specifically excluded are: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonate salts. This is according to the definition of VOC outlined

in the Australian Government National's Pollutant Inventory.

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

You means the holder of the environmental authority.

APPENDIX 1



END OF ENVIRONMENTAL AUTHORITY