

## Registration certificate

*Environmental Protection Act 1994*

## Registration certificate

No: ENRE03344411

This registration certificate is issued by the administering authority and takes effect from: 16 February 2012.

The anniversary day for the purposes of the Annual Return is: 11 November.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following places; subject to the conditions set out in a development approval attached to the premises.

**Registered Operator:-**

Panebianco Enterprises Pty Ltd  
C/- E J Caligaris  
Suite 7, 600 Bruce Highway, WOREE QLD 4868

**Place:-**

Lot 53 on C19830

**Located at:-**

44-56 Jackson Drive, WOREE QLD 4868

**Registered Activity: -**

ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

**Development Approval Number: -** IPDE02254110 (formerly FN0150DA)

**Place:-**

The activity is a mobile and temporary activity as defined in Schedule 4 of the *Environmental Protection Act 1994*

**Located at:-**

Various locations throughout the state of Queensland

**Registered Activity: -**

ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

**Development Approval Number: -** SPDE03501011



Delegate  
Department of Environment and Resource Management  
*Environmental Protection Act 1994*  
16 February 2012

## Decision notice

*This notice is issued by the Department of Environment and Resource Management pursuant to section 334 of the Sustainable Planning Act 2009 ("the Act").*

Panebianco Enterprises Pty Ltd  
PO Box 100  
BABINDA QLD 4861

cc. The Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

Our reference: 262820

### Re: Application for development approval

#### 1. Application Details

Date application made to DERM:	24 November 2011
Development approval applied for:	Development Permit
Aspect of development:	Various aspects of development for an environmentally relevant activity (ERA). <i>Sustainable Planning Regulation 2009</i> - Schedule 3, Part 1, Table 5, item 4
Development description:	ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year
Property/Location description:	Mobile and temporary within the state of Queensland

2. The name and address of each referral agency is as follows. Nil

3. The Chief Executive, Department of Environment and Resource Management (DERM) decision notice, for the aspect of development involved with the application the subject of this Notice is as follows:

- a) The application was decided on 21 December 2011 and is approved subject to conditions.
- b) The application is approved, and the approval is a development permit.
- c) The application is approved subject to the conditions attached to this Notice, and the conditions are stated to be assessment manager conditions.
- d) The development permit reference is **SPDE03501011**.

4. Any other development permits or compliance permits necessary to allow the aspect of development the subject of this Notice to be carried out are stated below.

Nil

5. Any code the applicant must comply with for self-assessable development related to the aspect of approved development the subject of this Notice is stated below.  
Nil
6. Details of any compliance assessment required under chapter 6, part 10 of the Act for documents or work in relation to the aspect of development the subject of this Notice are stated below.  
Nil
7. If the application is not taken to have been approved under section 331 of the Act, the assessment manager considers the assessment manager's decision for the aspect of development the subject of this Notice does not conflict with a relevant instrument.
8. If the application is not taken to have been approved under section 331 of the Act, and if the assessment manager is satisfied the decision for the aspect of development the subject of this Notice conflicts with a relevant instrument, the reasons for the decision, including a statement of sufficient grounds mentioned in sections 326(1)(b) and 329(1)(b) of the Act, are stated below.  
Not Applicable
9. Information about the rights of appeal for the applicant any submitters are attached to this Notice.
10. **Approved plans and specifications**  
Nil



**Delegate**  
Stephen Lagerroth  
Delegate, Chief Executive administering the *Environmental Protection Act 1994*  
Department of Environment and Resource Management  
21 December 2011

**Enquiries:**  
Hazel Hughes  
Dept of Environment and Resource Management  
Environmental Services, Cairns, North Region  
William McCormack Place  
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Phone: (07) 4222 5308  
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#### **Attachments**

- DERM Permit Number **SPDE03501011**
- Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

**DERM Permit<sup>1</sup> number: SPDE03501011**

<b>Assessment manager reference:</b>	262820
<b>Date application received:</b>	24 November 2011
<b>Permit type:</b>	Development permit for a mobile and temporary environmentally relevant activity
<b>Date of decision:</b>	21 December 2011
<b>Decision:</b>	The application is approved subject to conditions, and the assessment manager's conditions are stated in this permit
<b>Relevant laws and policies:</b>	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation
<b>Jurisdiction(s):</b>	
Various aspects of development – For an environmentally relevant activity	<i>Sustainable Planning Regulation 2009 – Schedule 3, Part 1, Table 5, item 4</i>

**Development Description(s)**

Property/Location	Development
Mobile and temporary within the state of Queensland	ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

**Reason(s) for inclusion of conditions**

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

**Additional information for applicant**

**Environmentally Relevant Activities**

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

A development approval authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate for the ERA.

**Contaminated Land**

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a Hazardous contaminant, the owner or occupier must, within 22 business days after becoming aware, give written notice to the Department of Environment and Resource Management.



**Delegate**

Stephen Lagerroth

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

Department of Environment and Resource Management

21 December 2011

## CONDITIONS

### ERA 33 Crushing, milling, grinding or screening - crushing, grinding, milling or screening more than 5000t of material in a year

#### Agency Interest: General

##### Prevent and/or minimise likelihood of environmental harm

- G1 In carrying out an activity to which this approval relates, all reasonable and practicable measures must be taken to prevent and/or minimise the likelihood of environmental harm being caused.

##### Waste restriction

- G2 The only material permitted to be processed during the operation of the activity is green waste.

##### Maintenance of measures, plant and equipment

- G3 The operator of an activity to which this approval relates must:
- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
  - (b) maintain such measures, plant and equipment in a proper and efficient condition; and
  - (c) operate such measures, plant and equipment in a proper and efficient manner.

##### Alterations

- G4 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that is expressly provided by this development approval.

##### Activity Based Management Plan

- G5 From commencement of the activity, an activity based management plan (ABMP) for carrying out the activity must be implemented. The ABMP must include:
- (a) A statement of environmental commitments for achieving environmental goals.
  - (b) Procedures for identifying environmental issues and potential environmental impacts from the activity.
  - (c) Control measures for routine operations to minimise the likelihood of causing environmental harm.
  - (d) Contingency plans and emergency procedures for non-routine situations.
  - (e) Organisational structure and responsibility.
  - (f) Details of staff training.
  - (g) Record keeping methods.
  - (h) Provisions for continuous improvement and the periodic review of environmental performance.



- G6 The activity based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

**Records**

- G7 Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- G8 All records required by this approval must be kept for 5 years.

**Notification of emergencies, incidents and exceptions**

- G9 Telephone the Administering Authority's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.
- G10 A written notice detailing the following information must be provided to the Administering Authority within 14 days of any advice provided in accordance with condition G9:
- (a) the name of the operator, including their approval / registration number;
  - (b) the name and telephone number of a designated contact person;
  - (c) quantity and substance released;
  - (d) vehicle and registration details;
  - (e) person/s involved (driver and any others);
  - (f) the location and time of the release;
  - (g) the suspected cause of the release;
  - (h) a description of the effects of the release;
  - (i) the results of any sampling performed in relation to the release;
  - (j) actions taken to mitigate any environmental harm caused by the release; and
  - (k) proposed actions to prevent a recurrence of the release.

**Monitoring**

- G11 A competent person(s) must conduct any monitoring required by this approval.

**G12 Equipment calibration**

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

**Spill Kit and training**

- G13 An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the activity must be kept at the site.
- G14 Anyone operating under this approval must be trained in the use of the spill kit.



**Agency Interest: Air**

**Noxious or offensive odour**

- A1 The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

**A2 Dust nuisance**

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

- A3 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- (a) for a complaint alleging dust nuisance, dust deposition; and
- (b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre ( $\mu\text{m}$ ) (PM10) suspended in the atmosphere over a 24hr averaging time.

**Agency Interest: Land**

**L1 Preventing contaminant release to land**

Contaminants must not be released to land.

**Storage and handling of flammable and combustible liquids**

- L2 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

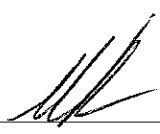
**Agency Interest: Noise**

**Noise nuisance**

- N1 Noise from the activity must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

**Noise monitoring**

- N2 When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- (a) LA 10, adj, 10 mins
  - (b) LA 1, adj, 10 mins



- (c) LAeq , adj, 10 mins
- (d) the level and frequency of occurrence of impulsive or tonal noise;
- (e) atmospheric conditions including wind speed and direction;
- (f) effects due to extraneous factors such as traffic noise; and
- (g) location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.

**Agency Interest: Social**

**Complaint response**

- S1 The operator of the activity must record the following details for all complaints received and provide this information to the administering authority on request:
- (a) time, date, name and contact details of the complainant;
  - (b) reasons for the complaint;
  - (c) any investigations undertaken;
  - (d) conclusions formed; and
  - (e) any actions taken.

**Agency Interest: Water**

**Release to surface waters**

- WA1 Contaminants must not be released from the site to any waters or the bed and banks of any waters.

**Stormwater management**

- WA2 There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

**Agency Interest: Waste**

- W1 Waste must not be released to the environment, transferred or disposed contrary to any condition of this development approval.

**Waste handling**

- W2 Waste generated in carrying out the activities must be disposed of at an appropriately authorised facility that can lawfully accept such waste or to a facility that can lawfully and appropriately reuse, recycle or reprocess such waste.

## DEFINITIONS

Words and phrases used throughout this permit<sup>1</sup> are defined below. Where a definition for a term used in this permit<sup>1</sup> is sought and the term is not defined within this permit<sup>1</sup> the definitions provided in the relevant legislation shall be used.

**"activity"** means the environmentally relevant activity (ERA), or aspect of the ERA to which this development approval relates.

**"administering authority"** means the Department of Environment and Resource Management or its successor.

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

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

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

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

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

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

**"Department of Environment and Resource Management"** means the department or agency administering the *Environmental Protection Act 1994*.

**"Environmental harm"** means any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance. Environmental harm may be caused by an activity –

- whether the harm is a direct or indirect result of the activity; or
- whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

**"Environmental nuisance"** means unreasonable interference or likely interference with an environmental value caused by –

- aerosols, fumes, light, noise, odour, particles or smoke; or
- an unhealthy, offensive or unsightly condition because of contamination; or
- another way prescribed by regulation.

**"Environmentally relevant activity (ERA)"** means an activity prescribed by regulation as an ERA.

**"green waste"** means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

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

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

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

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

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

**" $L_{A \text{ eq, adj, 10 mins}}$ "** means the A-weighted equivalent continuous sound pressure level, (adjusted for tonal character and impulsiveness of the sound) of any 10 minute measurement period.

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

**"mobile and temporary environmentally relevant activity"** means a chapter 4 activity, other than an activity that is dredging material, extracting rock or other material, or the incinerating of waste –

- carried out at various locations using transportable plant or equipment, including a vehicle; and
- that does not result in the building of any permanent structures or any physical change of the landform at the locations (other than minor alterations solely necessary for access and setup including, for example, access ways, footings and temporary storage areas); and
- carried out at any one of the locations –
  - for less than 28 days in a calendar year; or
  - for 28 or more days in a calendar year only if the activity is necessarily associated with, and is exclusively used in, the construction or demolition phase of a project.

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

**"nuisance sensitive place"** includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 2004 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

**"regulated waste"** means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (whether or not it has been treated or immobilised), and includes –

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

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

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

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

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

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

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

## END OF CONDITIONS