

From: "No Reply" <mydas-notifications-prod2@qld.gov.au>
Sent: Wed, 1 Sep 2021 13:27:59 +1000
To: "ruth.creffield@dasilgp.qld.gov.au"
<ruth.creffield@dasilgp.qld.gov.au>; "Planning (Shared)" <planning@msc.qld.gov.au>
Cc: "cairns@ferosplanning.com.au" <cairns@ferosplanning.com.au>
Subject: 2107-23740 SRA application correspondence - MCU/21/0015
Attachments: 210831 EA Agri technology.pdf, Representations about a referral agency
response.pdf, 2107-23740 SRA - Response.pdf
Importance: Normal

Please find attached a notice regarding application [2107-23740 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.
RA9-N



Email Id: RFLG-0921-0011-6272

Permit

Environmental Protection Act 1994

Environmental authority P-EA-100120515

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

Environmental authority number: P-EA-100120515

Environmental authority takes effect on the date that your related development approval takes effect. This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name(s)	Registered address
AGRI TECHNOVATION PTY LTD	Suite 158 107 Robinson Road BROOKTON WA 6306

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 07 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t	1/SP173508

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.

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.

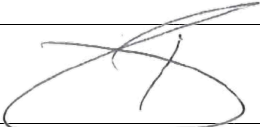
However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect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

The anniversary day of this environmental authority is the same day each year as the original take effect date unless you apply to change the anniversary day. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 01 April.

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.



Signature

31 August 2021

Date

Tristan Roberts
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

GPO Box 2454, BRISBANE QLD 4001
Phone: (07) 3330 5737
Email: EnergyandExtractive@des.qld.gov.au

Privacy statement

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

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)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at <https://www.rshq.qld.gov.au/>, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. If you are unsure that you have the most current version of the environmental authority relating to this site please visit <https://apps.des.qld.gov.au/env-authorities/> to access all environmental authorities currently approved.

Conditions of environmental authority

Agency interest: General	
Condition number	Condition
G1	Activities under this environmental authority must be conducted in accordance with the following limitations: a) the amount of fertiliser manufactured must not exceed 5,000 tonnes per annum; b) manufacturing of fertiliser must only occur within the confines of the mixing and storage shed identified in Appendix 1 of this environmental authority.
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G3	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.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	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.
G6	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 environmental authority.
G7	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.
G8	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.
G9	The activity must be undertaken in accordance with written procedures that: <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>; and 6. ensure that reviews of environmental performance are undertaken at least annually.
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 must not cause environmental nuisance to any sensitive place or commercial place.
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place: a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM_{10}) 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.
Agency interest: Acoustic	
Condition number	Condition
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
N2	When required by the administering authority, noise monitoring must be undertaken in accordance and the results notified within 14 days to the administering authority. Monitoring must include: 1. $L_{Aeq, adj, T}$; 2. Background noise (Background) as $L_{A 90, adj, T}$; 3. $MaxL_{pA, T}$; 4. the level and frequency of occurrence of any impulsive or tonal noise; 5. atmospheric conditions including wind speed and direction; 6. effects due to extraneous factors such as traffic noise; and 7. recording of location, date, and time of measurements.
N3	Generation of substantial low frequency noise is not permitted.
Agency interest: Water	
Condition number	Condition
WA1	Contaminants must not be released to any waters.
WA2	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.

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

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.

Disturbed areas include areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

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

Groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

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

$L_{Aeq, \text{adj}, T}$ means the adjusted A weighted equivalent continuous sound pressure level measured 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.

$Max_{LpA, T}$ 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.

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 10 of the Environmental Protection Regulation 2019.

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.

Note—See the Commonwealth *Marine Park Act* for prohibitions relating to the Commonwealth marine park and Great Barrier Reef Region under that Act.

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 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 2019.

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

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55 dB(Z).

Tidal land means land that is submerged at any time by tidal water.

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

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence 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 concurrence 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 concurrence 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 concurrence 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 concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence 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 concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence 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 concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

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.



SARA reference: 2107-23740 SRA
 Council reference: MCU/21/0015
 Applicant reference: C1211

1 September 2021

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba Qld 4880
 planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam,

SARA response—203 Leafgold Weir Road, Dimbulah

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 28 July 2021.

Response

Outcome:	Referral agency response - No requirements
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	1 September 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use - special industry (liquid fertiliser plant) and environmentally relevant activity (ERA 7(4)(a)) manufacturing 200 - 5,000 tonnes per year
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 5, Division 4, Table 2 (Planning Regulation 2017)	Development application for a material change of use for an ERA

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

SARA reference: 2107-23740 SRA

Assessment Manager: Mareeba Shire Council

Street address: 203 Leafgold Weir Road, Dimbulah

Real property description: Lot 1 on SP173508

Applicant name: Agri Technovation Pty Ltd

Applicant contact details: c/- Victor G Feros Town Planning Consultants,
PO Box 1256
CAIRNS QLD 4870
cairns@ferosplanning.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- **Approved**
- Reference: **P-EA-100120515**
- Prescribed environmentally relevant activity (ERA): **ERA 07 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t**

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

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 3**.

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

For further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke
Principal Planner

cc Agri Technovation Pty Ltd, cairns@ferosplanning.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—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) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed development is for a material change of use for a special industry (liquid fertiliser plant) and environmentally relevant activity (ERA 7(4)(a)) manufacturing 200 - 5,000 tonnes per year.
- SARA has assessed the development against State code 22: Environmentally Relevant Activities of the State Development Assessment Provisions (SDAP), version 2.6, and determined that development achieves compliance with the performance outcomes of the State code without the need for conditions.

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 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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