Permit

Environmental Protection Act 1994

Environmental authority EA0002754

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

Environmental authority number: EA0002754

Environmental authority takes effect on 15 March 2021

Environmental authority holder(s)

Name(s)	Registered address		
Bay Sand & Soil Pty Ltd	C/- Birch Phillips Suite 4, 486 The Esplanade TORQUAY QLD 4655		

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t	Lot 68 on MCH844
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (a) 5,000t to 100,000t	LOT 67 on MCH844
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (a) 5,000t to 100,000t	Lot 68 on MCH844
ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t	LOT 67 on MCH844

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

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				Queensland
				Government

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 <u>www.qld.gov.au</u>, 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*

Date issued: 15 March 2021

Enquiries:

Energy and Extractive Resources Assessment Department of Environment and Science

Phone: (07) 3330 5715 Email: <u>EnergyandExtractive@des.qld.gov.au</u>

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)

Agency inter	rest: General
Condition number	Condition
G1	Any activity operating under this environmental authority must not be conducted contrary to any of the following limitations:
	 Extraction activities must only be undertaken within the 'extraction area' defined in the drawing titled "Plan for Lots 67 and 68" in Appendix A.
	2. The only material permitted to be extracted from this extraction area is fine indurated sand.
	3. The amount of material extracted must not exceed 10,500 tonnes per year.
	4. Extraction must not occur below 0.0m AHD.
G2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
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 you becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.
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. The only exception to this condition is for in situ monitoring of pH, electrical conductivity, turbidity and dissolved oxygen.
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:
	 identifies potential risks to the environment from the activity during routine operations, closure and an emergency;
	 establish and maintain control measures that minimise the potential for environmental harm;

G10	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system .
	ensure that reviews of environmental performance are undertaken at least annually.
	5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> ; and
	 ensure plant, equipment and measures are operated in a proper and effective manner;
	3. ensure plant, equipment and measures are maintained in a proper and effective condition;

Agency inte	Agency interest: Air				
Condition number	Condition				
A1	Other than as permitted within this environmental authority, 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) (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 inte	rest: Land				
Condition number	Condition				
L1	Contaminants must not be released to land. The only exemption to this is the use of treated stormwater for dust suppression on onsite disturbed areas or any material applied as a part of a documented onsite pest management program.				
L2	Land that has been disturbed by activities conducted under this environmental authority must be rehabilitated in a manner such that:				
	 a) suitable native species of vegetation for the location are established and sustained for earthen surfaces; 				
	b) potential for erosion is minimised;				
	 c) the quality of water released from the site, including seepage, does not cause environmental harm; 				
	d) potential for environmental nuisance caused by dust is minimised;				
	 e) the water quality of any residual water body does not have the potential to cause environmental harm; 				
	f) the final landform (including any water bodies) is stable and protects public safety;				
	 g) the final landform is of a suitable elevation to ensure that it is not subject to inundation by groundwater; and 				
	h) any residual water bodies do not cause ongoing drawdown on the groundwater table.				
L3	Rehabilitation of disturbed areas required by condition L2 , must take place progressively as works are staged and new extraction areas are commenced.				
L4	The final rehabilitated wetland landform must ensure that:				
	 the revegetation of the site must use the species of vegetation identified in Appendix B – Species list for rehabilitation; 				
	 the bed of the wetland must be capped to ensure that any underlying acid sulfate soils or potential acid sulfate soils are not subject to oxidation and subsequent production of acidic material; 				
	the material and depth of capping is to be assessed as suitable for meeting the previous requirement by a suitably qualified person; and				
	 the capping layer must also be of a sufficient depth to ensure the root growth of any species used to revegetate the area will not compromise the capping layer. 				
L5	A rehabilitation management plan must be developed by 31 December 2018 that addresses the requirements of conditions L2 , L3 and L4 . This plan must be reviewed not less than every 5 years to ensure that it reflects current operations.				
L7	Assessment, treatment and management of acid sulfate soils must comply with the guidance provided in the current edition of the Queensland Acid Sulfate Soil Technical Manual.				
L8	Acid sulfate soils must be managed to ensure that contaminants are not directly or indirectly released to any waters.				

Agency inte	rest: Noise							
Condition number	Condition number							
N1	Noise from the measured in ac						Noise limits wher	
	Table 1—Noise	e limits						
	Noise Level measured in dB(A)	Monday to Saturday		Sunday and Public Holidays		lolidays		
		7 am – 6 pm	6 pm – 10 pm	10 pm – 7 am	7 am – 6 pm	6 pm – 10 pm	10 pm – 7 am	
		Noise me	asured at a	a nuisance	sensitive pl	ace		
	L _{Aeq, adj, T}	40	30	26	No audible	noise		
	L _{A, Max, adj, T}	45	35	31	No audible noise			
	Associated monitoring requirements							
	 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 <i>Noise Measurement Manual</i> .							
	 Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation. 							
N2	When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of <i>Table 1—Noise Limits</i> , and the results notified within 14 days to the administering authority. Monitoring must include:							
	a) L _{Aeq, adj, T} and L _{A, Max, adj, T}							
	b) backgroun	i d noise as	LA 90, adj, T					
	c) MaxL _{pA,T}							
	d) the level an	nd frequency	/ of occurre	nce of any i	mpulsive or	tonal noise		
	e) atmospheri	c conditions	including v	vind speed	and direction	1		
	f) effects due	to extraneo	ous factors s	such as traff	ic noise			
	g) recording o	f location, d	ate and tim	e of measu	rements.			
N3	Blasting or the generation of substantial low frequency noise is not permitted.							
	3 4 10			- 1*				

Agency inte	rest: Water							
Condition number	Condition							
W1	Contaminants must not be released to waters.							
W2		no release of storm at the site to any wa						
W3	Contaminants	must not be release	ed to ground water	S.				
W4	The de-waterin	ig of the extraction p	pit is not permitted	to be conducted	as part of the a	ctivity.		
W5	Extraction mus been conducte	In the event that groundwater is encountered in the extraction area, extraction must cease. Extraction must not continue until an assessment of the groundwater encountered has been conducted by a suitably qualified hydrologist which demonstrates that the water encountered is part of a perched aquifer.						
W6	A copy of the a extraction re-co	ssessment in W5 n ommencing.	nust be supplied to	the administerin	g authority prio	r to the		
W7	Groundwater must be monitored in accordance with <i>Table 3 – Groundwater monitoring locations, Appendix C – Monitoring Program</i> and the associated monitoring requirements. Table 3 – Groundwater Monitoring Locations							
	Monitoring point	Description	Location	Quality characteristic	Frequency			
	WS	Wetland Upstream monitoring bore	As indicated in Appendix C – Monitoring	All of the quality characteristic identified in	Monthly			
	WN	Wetland downstream monitoring bore	– Program	Table 4 – Contaminant Limits				
	B1	Onsite						
	B2	- monitoring bore						
	B3	-						
	B4	-						
	B5							
	B6							
	B7							
	B8							
	B9							

	B10
	B11
	B12
	B13
	B14
	B15
	B16
	B17
	B18
	Bore west of BH11
	BorebetweenBH5 andBH6 east tomonitorbetweenwetland andextractionoperations
	CP Extraction pit
	NP
	SP
	Associated monitoring requirements
	1. Monitoring must be undertaken at the frequency stated.
	2. All groundwater monitoring must be conducted in accordance with the current edition of the administering authority's <i>Monitoring and Sampling Manual</i> .
	3. All determinations must employ analytical practical quantification limits of sufficient sensitivity to enable comparisons to be made against water quality objectives/triggers/limits relevant to the particular water quality characteristic.
	4. Monitoring bores must be surveyed for location and elevation (AHD).
	 All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.
W8	The activity must not cause groundwater to exceed the limits identified in <i>Table 4 – Contaminant Limits</i>

Quality Characteristic	Trigger Limit	Limit
Standing Groundwater level (metres) (AHD)	Change in standing groundwater level in one month of 0.5m or more	Change in standing groundwater level in one month of 1m or more.
pH (Field)	5.2	5 to 8.5
Electrical Conductivity (Field) (µS/cm)	1,425	1,600
Total dissolved solids (mg/L)	1,200	1,500
Major Anions		
HCO ₃ (%)	18	52
Chloride (%)	39	70
SO4 (%)	4	11
Major Cations		
Sodium	57	81
Magnesium	20	27
Metals		
Aluminium (mg/L)	5	20
Iron (mg/L)	0.2	10
Manganese (mg/L)	0.2	10
Arsenic (mg/L)	0.1	2.0
Cadmium (mg/L)	0.01	0.05
Chromium (mg/L)	0.1	1
Copper (mg/L)	0.2	5
Zinc (mg/L)	2	5
by an appropriately qualifie	g data obtained under condit d groundwater expert on an a on the groundwater regime.	

W10	In the event that three consecutive exceedances of the trigger limits in W6 in a singe bore are recorded then the following must occur:
	 the administering authority must be notified within 14 days;
	• a written report must be provided to the administering authority within 3 months of the last (i.e. third) exceedance outlining:
	 details of the investigation carried out; and
	actions taken to prevent environmental harm.
Agency inte	rest: Waste
Condition number	Condition
WS1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

Definitions

Key teams 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.

24 hour storm event with an average recurrence interval of 1 in 5 years means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years. (*For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.09mm/hour. The rainfall depth for this event is therefore 24 hour x 7.09mm/hour = 170.16mm.*)

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 Heritage Protection 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 nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as $L_{A 90, adj, T}$ 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.

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.

L_{Aeq, 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.

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

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.

Nuisance means Environmental Nuisance as defined by section 15 of the Environmental Protection Act 1994

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

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Restricted area means an area that is within the Great Barrier Reef World Heritage Area but outside the Commonwealth marine park.

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

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

- 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 park or garden; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

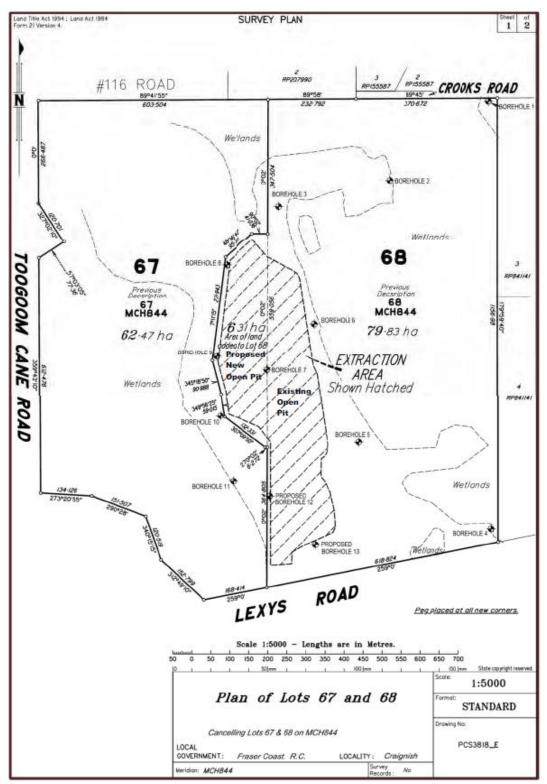
Sensitive receptor includes biological sensitive receptors together with other environmental values sensitive to the effects of dredge-generated sediment plume-associated impacts.

Trigger values are physicochemical, parameter-specific measurement values used to indicate a condition where an environmental value or sensitive receptor may be at low, moderate or high risk, or some other risk-related indicator.

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.

END OF CONDITIONS



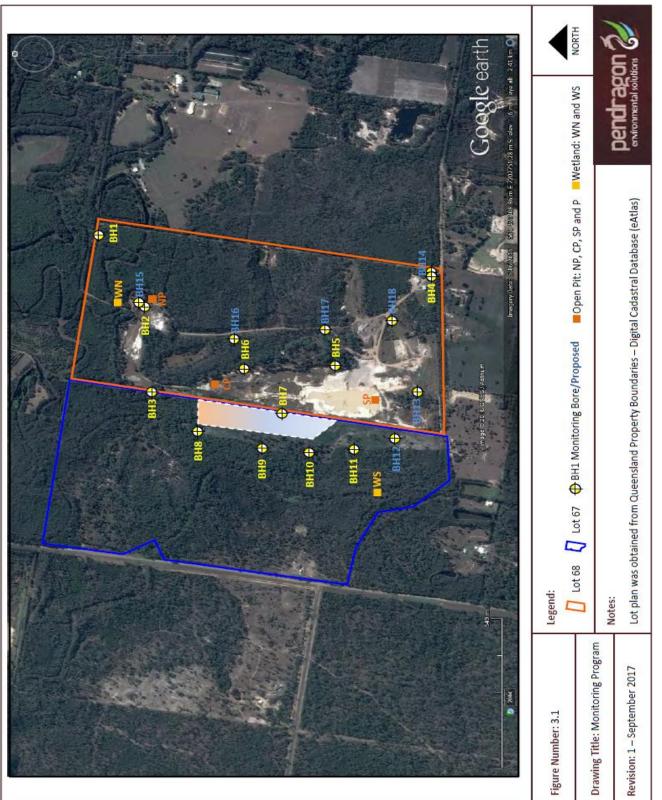
Appendix A - Plan of lots 67 and 68 MCH844

Scientific name	Common name	
Acacia disparrima subsp disparrima	Southern salwood	
Acacia flavescens	Toothed wattle	
Acacia maidenii	Maiden's wattl	
Acrostichum speciosum	Mangrove fern	
Alphitonia excels	Soap tree	
Baumea articulata	Jointed twigrush	
Blechnum indicum	Swamp water fern	
Casuarina glauca	Swamp she-oak	
Centella asiatica	Pennywort	
Cissus opaca	Small leaved water vine	
Celerodendrum floribundum	Lollybush	
Corymbia intermedia	Pink blood wood	
Crinum pendculatum	River lily	
Cupaniopsis parvifolia	Small leaved tuckeroo	
Dianell caerulea	Blue flax lily	
Dodonaea triquetra	Large leaved hop bush	
Drypetes deplanchei	Grey boxwood	
Endiandra sieberi	Hard corkwood	
Eucalyptus latsinensis	Broad-leaved white mahogany	
Eucalyptus tereticornis	Queensland blue gum	
Exocarpos latifolius	Broad-leaved cherry	
Ficus rubginosa	Port Jackson fig	
Ficus virens	White fig	
Flindersia schottiana	Bumpy ash	
Gahnia aspera	Sawsedge	

Appendix B – Species list for rehabilitation

Gahnia siberianaSword grassInterfact Standbing lillyGeitonoplesium cymosumScrambling lillyInterfact Standbing lillyGlochidion sumatranumUmbrella cheese treeInterfact Standbing lillyGlochidion sumatranumBlunt-leaved tulipInterfact Standbing lillyImperata cylindricaBlady grassInterfact Standbing lillyJagera pseudorhus var. pseudorhus var. pseudorhusFoambarkInterfact Standbing lillyLivistona decipensWeeping cabbage palmInterfact Standbing lillyLomandra conferifolia subsp pallidaMat rushInterfact Standbing lillyLomandra longifoliaSpiny head mat rushInterfact Standbing lillyLoudwigia octovalvisWillow primoseInterfact StandbingLudwigia octovalvisWillow primoseInterfact StandbingMalatotus discolourWhite kamalaInterfact StandbingMalatotus discolourWhite kamalaInterfact StandbingMalabathricum subsp: MalabathricumBlack-mouth bushInterfact StandbingMelaeuca stramineaMonkey ropeInterfact StandbingPrizentia sastralisCommon reedInterfact StandbingPhagmites australisCelery woodInterfact StandbingPolyscies elegansCelery woodInterfact StandbingRubus moluccanusNative raspberryStandbing lillySimilax australisBab wire vineInterfact Standbing			
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Rubus moluccanus Native raspberry	Polyscias elegans	Celery wood	
	Rapanea variabilis	Mutton wood	
Smilax australis Barb wire vine	Rubus moluccanus	Native raspberry	
	Smilax australis	Barb wire vine	

Sterculia quadrifida	Peanut tree	
Typha domingensis	Cumbungi, bulrush	



Appendix C - Monitoring program

END OF ENVIRONMENTAL AUTHORITY