

File TSV4092

20 August 2009

Hanson Construction Materials Pty Ltd
PO Box 116
TOOWONG QLD 4066

Attention: Mr Gordon Samuel

Dear Mr Samuel,

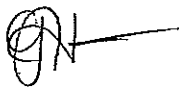
Implementation of the *Environmental Protection Regulation 2008* - Registration Certificate ENRE00144805

Thank you for responding to the annual return notice for registration certificate ENRE00144805.

In accordance with your agreement to allocate the environmentally relevant activity ERA 16-1(b) Dredging 10000-100000t/yr, please find enclosed the amended registration certificate reflecting the changed activity.

If you have any questions regarding this matter please contact Aimee Maxwell on 47225355

Yours sincerely



Cassandra Harper
Manager
Environmental Services – North Region
Department of Environment & Resource Management

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River\2009\Correspondence\Outwards\Reissue reg cert letter 200809.doc
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Item Id _____
NOR/ <u>046278</u>



**Queensland
Government**

Department of
Environment and Resource
Management

FOLIO P/S	TSV <u>4092</u>
TSV200	<u>9</u> / <u>5839</u>

Cape Pallarenda Conservation Park
Capel Pallarenda Road,
PALLARENDATownsville Queensland 4810
PO Box 5391
Townsville Queensland 4810
Telephone 07 4722 5355
Facsimile 07-47225351
Website www.derm.qld.gov.au
ABN 46 640 294 485

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00144805

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 18-MAR-2005.

The anniversary day for the purposes of the Annual Return remains: 17-AUG.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity or listed below at the following place; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

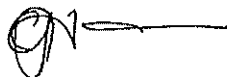
Hanson Construction Materials Pty Ltd
Level 11, Toowong Tower
9 Sherwood Road, TOOWONG QLD 4066

Development Approval:- 189 368

Place:- Lot 111 Plan SB103

**Located at:- Adjacent to Lot 111 on Plan SB103 (AMTD 15.2 – 15.4km)
Bed of the Burdekin River**

**Registered Activity/ies: - ERA 16 Extractive and screening activities Threshold 1(b) -
dredging, in a year, more than 10000t to 100000t of material**



Delegate
Administering authority
Environmental Protection Act 1994

20-AUG-2009



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service



COPY

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5211 Fax: (07) 4722 5222
www.env.qld.gov.au ABN: 87221158786

Notice of development application decision

Sections 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

TSV	1274
TSV 200	1

This statutory notice is issued by the administering authority pursuant to sections 3.5.11 and 3.5.15 of the Integrated Planning Act 1997, to advise you of a decision or action.

Enquires to : Clare McNamara
Telephone : (07) 4722 5362
Your reference : 81812/GL
Our reference : TSV1274

ENTERED CHUCKLE/6/18/2001

INITIALS 

Zamia Court Holdings Pty Ltd t/a Southside Sand & Gravel
96 Macmillan Street
AYR QLD 4807

Mr Guy Lane
C&B Group
PO Box 977
TOWNSVILLE QLD 4810

FILE COPY

Attention: Mr Darrel Ace,

IPSE 01358909
Focmex-L1

ORIGINATOR	
C.McNAMARA	

Re: Application for development approval.

The Environmental Protection Agency, acting as assessment manager under the *Integrated Planning Act 1997* for your application, advises that the Development application decision notice about development prescribed under a regulation under the *Environmental Protection Act 1994* for schedule 8 part 1 item 6 of the *Integrated Planning Act 1997* is attached.

Application Information

Application Received by EPA: 29 May 2001
EPA no.: NR0407
Applicant: Zamia Court Holdings Pty Ltd t/a Southside Sand & Gravel
Description: 19(b) Dredging material
Street Address: Burdekin River Australian Marine Thread Distance 15.4-15.2km
Lot: 111
Plan: SB103

Assessment Manager information

Assessment Manager office: Environmental Protection Agency
Northern Regional Office (Townsville)
Postal address: PO Box 5391 TOWNSVILLE MC QLD 4810
Telephone: (07) 4722 5353
Fax: (07) 4722 5351



Should you require any further information please do not hesitate to contact Clare McNamara on either phone 4722 5362 or email: clare.mcnamara@env.qld.gov.au

Signed

16/8/01

Date

Peter Morrison
District Manager

Delegate of Administering Authority
Environmental Protection Act 1994

Y900 111

Development application decision notice

Application number:	NR0407
Applicant:	Zamia Court Holdings Pty Ltd t/a Southside Sand & Gravel
Date received by EPA	29 May 2001
Date of decision:	14 August 2001
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and associated policies
Role:	Assessment Manager

Description

Zamia Court Holdings Pty Ltd t/a Southside Sand & Gravel has applied for a Development Approval and associated licence for the environmentally relevant activity ERA) 19.(b) - Dredging materials for the purpose of removal of sand from the Burdekin River.

The operation comprises the excavation of sand from the dry riverbed using an excavator and/or front-end loader. The material is loaded on trucks for immediate transport off the site. There will be no stockpiles of sand and no spoil.

Supporting documentation supplied with the application (Site Based Management Plan) shows that dredging activities will not be conducted below the surface of the groundwater table.

In accordance with Section 325 (1) of the *Environmental Protection Act 1994* and Schedule 8, Part 1 section 6 of the *Integrated Planning Act 1997* IDAS assessment is required for all works that involve environmental relevant activities (material change of use of premises for an ERA).

1. The development is not assessable under a planning scheme.
2. The application does not include development other than for an Environmentally Relevant Activity..

At the following place

Lot	Plan	Parish
111	SB103	Inkerman

located at

Burdekin River bed Australian Marine Thread Distance 15.4-15.2km.

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Type of development

Material change of use of premises (tick whichever is applicable) -

- ☒ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ☐ a material change in the intensity or scale of the use of the premises; or
- ☐ the holder of an environmental authority, or Development Approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

Type of environmentally relevant activity (ERA)

The development application relates to the following ERA:

19.Dredging material - dredging material from the bed of any waters (other than dredging by a port authority of material for which a royalty or similar charge is not payable) using plant or equipment having a design capacity of - (b) more than 5 000 t, but less than 100 000 t, per year.

Decision on development application

In deciding the application, the Environmental Protection Agency, as assessment manager:

- Approves all or part of the application subject to conditions decided by the assessment manager and includes in the approval any concurrence agency conditions as a development approval.

Further development permits required:

Nil Conditions

Referral agencies

Concurrence Agencies:	Nil
Advice Agencies:	Nil
Referral Agencies:	Nil

Additional information for applicants

This approval pursuant to under the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

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Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (section 3.5.15(2)(h)). The rights of appeal are attached to the back of this notice.

Signed

Peter Morrison
District Manager
Environmental Operations
Northern Region

16/8/01

Date

Conditions of the development approval

This environmental authority consists of the following schedules of conditions relevant to various issues:

- Schedule A - General conditions
- Schedule B - Air
- Schedule C - Water
- Schedule D - Stormwater management
- Schedule E - Land application
- Schedule F - Noise
- Schedule G - Waste management
- Schedule H - Self monitoring and reporting
- Schedule I - Definitions
- Schedule J - Site plans

Schedule A - General conditions

Prevent and / or Minimise Likelihood Of Environmental Harm

- A1 Notwithstanding any other requirements of this document, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused when carrying out the environmentally relevant activity.

Site Management Plan

- A2 From commencement of the activity, implement the Site Based Management Plan (SBMP) titled - "Site Based Management Plan for sand mining operations in the Burdekin river Zamia Holdings P/L" (revised edition submitted by e-mail to EPA on 18 July 2001, reference 81812.GL). Any future amendments to the SBMP must continue to identify the actual and potential release of ALL contaminants, their subsequent environmental impacts and what corrective and preventive measures will be taken to prevent and / or minimise the likelihood of environmental harm. The SBMP must also provide for the review and "continual improvement" in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

Dredging

- A3 The only form of dredging to be carried out is by use of an excavator and/or front-end loader. The dredging activity and any disturbance to flora and fauna (both aquatic and terrestrial), rock bars or riffle areas that create natural pools or sand, gravel and clay in the bed of the waters must only be carried out in the licensed area marked in Schedule J of this document.

Acid Sulfate Soils (ASS)

- A4 You must comply with "Guidelines For the Treatment and Management of Acid Sulfate Soils 2000", Queensland Government Environmental Protection Agency.

Notification

- A5 Notify the administering authority as soon as practicable when the release of contaminants is not in accordance with the conditions of this document or any event where environmental harm may be threatened.

A6 Written advice of the following information must be provided within fourteen (14) days following any event as identified in condition number A5:

- the location of the event;
- the time of the event;
- the time the holder of this document became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of the event;
- actions taken to mitigate any environmental harm and or environmental nuisance caused by the event; and
- proposed actions to prevent a recurrence of the event; and
- record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Community

- A7 All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.
- A8 In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the licensed place specifically, or the industrial estate where the licensed place is located.

End of Conditions for Schedule A

Schedule B - Air

- B1 Prevent the release of dust and/or particulate matter, which causes or is likely to cause a nuisance at any dust sensitive place. Nuisance includes dust that is or is likely to be offensive to a person or a nuisance in the opinion of an authorised person.
- B2 Dust is not considered to be a nuisance under condition B1 if monitoring shows that dust and / or particulate matter does NOT exceed the following limits at the boundary of any affected dust sensitive place.
- dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; and
 - a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the area to which this development approval relates, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 "Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method"; or
 - any alternative method of monitoring PM10 which may be permitted by the "Air Quality Sampling Manual" as published from time to time by the administering authority.

End of Conditions for Schedule B

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Schedule C – Water

Release of Contaminants to Waters

- C1 Spillage of all chemicals and fuels must be captured within an on-site containment system.
- C2 Prevent erosion that may result in the release of sediment to waters.
- C3 Prevent the release of stormwater run-off that has been in contact with any contaminants at the site to any waters.

End of Conditions for Schedule C

Schedule D - Stormwater management

Nil conditions.

End of Conditions for Schedule D

Schedule E - Land application

Nil conditions.

End of Conditions for Schedule E

Schedule F - Noise

- F1 Prevent the emission of noise, which causes or that is likely to cause a nuisance at any noise affected premises. Nuisance includes noise that is or is likely to be annoying, intrusive or offensive to a person or a nuisance in the opinion of an authorised person.
- F2 Noise is NOT considered to be a nuisance under condition F1 if monitoring shows that noise does NOT exceed the following levels in the time periods specified in Schedule F Tables 1 and 2.

16/8/07

Schedule D - TABLE 1 - NOISE LIMITS (Noise Sensitive Place)

Noise Level dB (A) measured as	Noise measured at a "Noise Sensitive Place"					
	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
L _A 10, adj, 10mins	50	45	35	50	45	35
L _A 1, adj, 10mins	55	50	40	55	50	40

Schedule D - TABLE 2 - NOISE LIMITS (Commercial Place)

Noise Level dB(A) measured as	Noise measured at a "Commercial Place"					
	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
L _A 10, adj, 10mins	55	50	40	55	50	40
L _A 1, adj, 10mins	60	55	45	60	55	45

F3 When requested by the Administering Authority noise monitoring must be undertaken to investigate any complaint of noise annoyance. Monitoring must include:

- L_A 10, adj, 10 mins;
- L_A 1, adj, 10 mins;
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise;
- location, date and time of recording; and
- the method of measurement and reporting of noise levels must comply with the Environmental Protection Agency's Noise Measurement Manual, Third Edition, 1 March 2000, or more recent editions or supplements to that document as they become available.

End of Conditions for Schedule F

Schedule G - Waste management

G1 The holder of this development permit must ensure that:

- a) wastes are not stored within any bed and banks of any waters;
- b) containers are kept at the site for the storage of waste; and
- c) all waste generated is collected and disposed of at a premises authorised to receive such waste.

G2 The maintenance, servicing and cleaning of vehicles and any other plant and equipment must only be carried out at a facility authorised for such activities.

End of Conditions for Schedule G

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Schedule G - Waste management

G1 The holder of this development permit must ensure that:

- a) wastes are not stored within any bed and banks of any waters;
- b) containers are kept at the site for the storage of waste; and
- c) all waste generated is collected and disposed of at a premises authorised to receive such waste.

G2 The maintenance, servicing and cleaning of vehicles and any other plant and equipment must only be carried out at a facility authorised for such activities.

End of Conditions for Schedule G

Schedule H – Self monitoring and reporting

Nil conditions.

End of Conditions for Schedule H

Schedule I - Definitions

The following definitions apply for the purposes of this document:

- I1 "administering authority" means the Environmental Protection Agency or its successor.
- I2 "AS 3580.10.1 - 1991" means Australian Standard: Methods for sampling and analysis of ambient air.
- I3 "AS 1259 clauses 8.5 and 10.4.4" means Australian Standard 1259.1-1990: Acoustics - Sound Level Meters - Non Integrating.
- I4 "commercial place" means a place used as an office or for business or commercial purposes.
- I5 "dust sensitive place" means -
 - a dwelling, mobile home or caravan park, residential marina or other residential place;
 - a motel, hotel or hostel;
 - a kindergarten, school, university or other educational institution;
 - a medical centre or hospital;
 - a protected area;
 - a park or gardens; or
 - a place used as an office or for business or commercial purposes; and
 - and includes the curtilage of any such place.

16 "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.
- "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.

17 "licensed place" means the place to which this document or development approval relates, as the case may be.

19 "noise affected premises" means a "noise sensitive place" or a "commercial place".

110 "noise sensitive place" means -

- a dwelling, 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; or
- a park or gardens.

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

112 "protected area" means -

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

113 "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 any under groundwater, any part thereof.

Noise Definitions

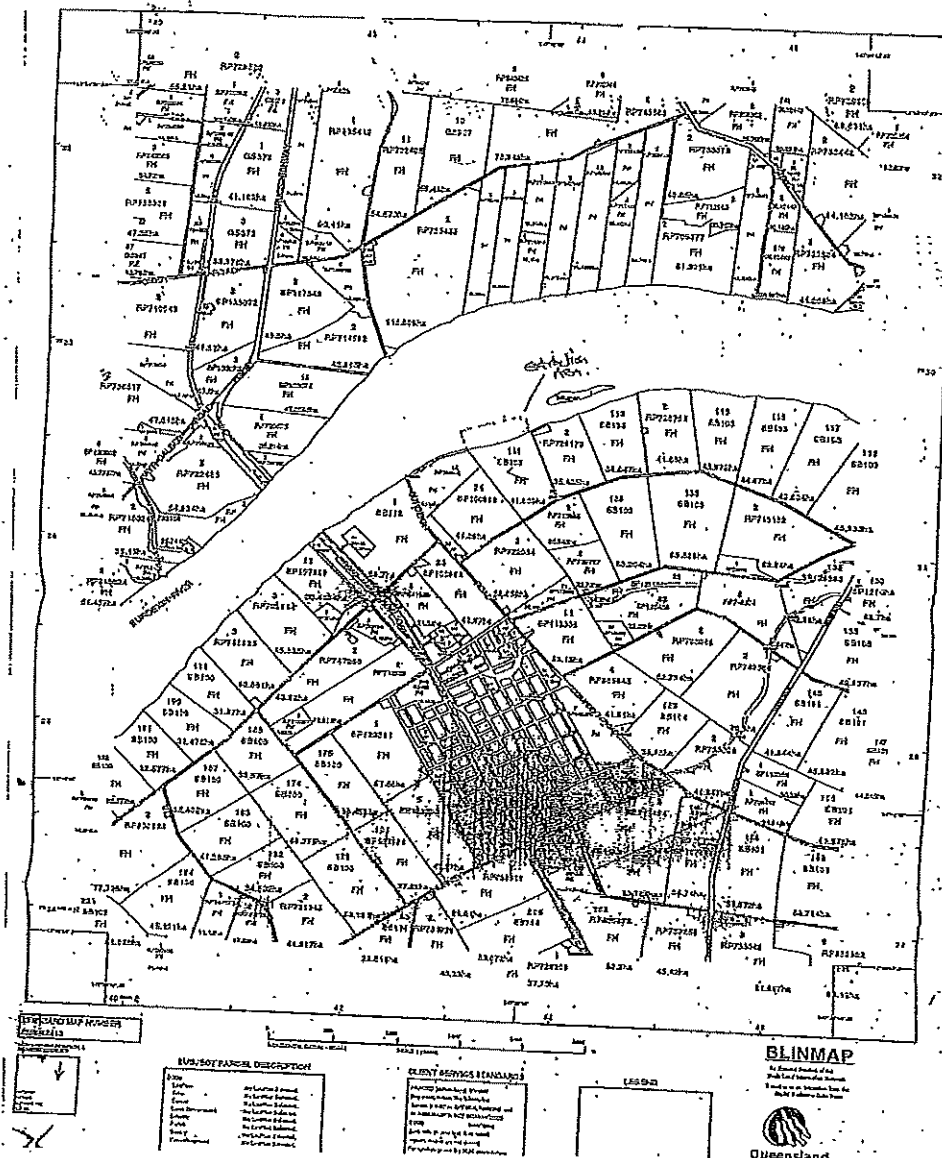
114 "L_A 10, adj, 10 mins" means the A-weighted sound pressure level, (*adjusted for tonal character and impulsiveness of the sound*) exceeded for 90% of any 10 minute measurement period, using Fast response.

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

End of Conditions for Schedule I

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Schedule J - Site plans



End of Conditions for Schedule J

END OF DEVELOPMENT APPLICATION DECISION

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Extract from the Integrated Planning Act 1997

Division 8—Appeals to court relating to development applications

Appeals by applicants

4.1.27 (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 a development application;
- (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a currency period;
- (e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the "applicant's appeal period") after the day the decision notice or negotiated decision notice is 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.

Appeals by submitters

4.1.28(1) A submitter for a development application may appeal to the court about -

- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
- (b) the length of a currency period for the approval.

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

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

Appeals by advice agency submitters

4.1.29(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -

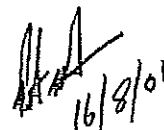
- (a) the development application involves impact assessment; and
- (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

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

Appeals for matters arising after approval given (co-respondents)

4.1.30(1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
- (b) a notice giving a decision on a request to make a minor change to an approval.


16/8/01

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

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

4.1.31(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

- (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
- (b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.

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

Appeals against enforcement notices

4.1.32(1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.

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

Stay of operation of enforcement notice

4.1.33(1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -

- (a) the court, on the application of the entity issuing the notice, decides otherwise; or
- (b) the appeal is withdrawn; or
- (c) the appeal is dismissed.

(2) However, subsection (1) does not apply if the enforcement notice is about -

- (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
- (b) carrying out development that is the demolition of a work.

Appeals against decisions on compensation claims

4.1.34(1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -

- (a) the decision; or
- (b) a deemed refusal of the claim.

(2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.

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

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Appeals against decisions on requests to acquire designated land under hardship

4.1.35(1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -

- (a) the decision; or
- (b) a deemed refusal of the request.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

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

Appeals from tribunals

4.1.37(1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -

- (a) of error or mistake in law on the part of the tribunal; or
- (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

(2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

Court may remit matter to tribunal

4.1.38 If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

Division 10 - Making an appeal to court

How appeals to the court are started

4.1.39(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

Certain appellants must obtain information about submitters

4.1.40(1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.

(2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

Notice of appeal to other parties (div 8)

4.1.41(1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to -

- (a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal - the assessment manager, the applicant and any concurrence agency; or
- (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.

(2) The notice must state -

- (a) the grounds of the appeal; and
- (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

Notice of appeal to other parties (div 9)

4.1.42(1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -

- (a) if the appellant is a person to whom a notice mentioned in section 4.1.31⁷³ has been given - the entity that gave the notice; or
- (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
- (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
- (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
- (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
- (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

Respondent and co-respondents for appeals under div 8

4.1.43(1) This section applies to appeals under division 8 for a development application.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

(5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.

(6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

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(7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

Respondent and co-respondents for appeals under div 9

4.1.44(1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.

(2) The entity given written notice is the respondent for the appeal.

(3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.

(4) The second entity mentioned in the provision may elect to be a co-respondent.

How a person may elect to be co-respondent

4.1.45(1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.

(2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

Minister entitled to be represented in an appeal involving a State interest

4.1.46 If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

Lodging appeal stops certain actions

4.1.47(1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Note: Revised SBMP received by e-mail on 18 July 2001

**Site Based Management Plan for Zamia Holdings P\L.
Sand Mining Operations in the Burdekin River.**

INTRODUCTION

Concerns have been raised over recent years about the gradual accretion of sand in the Burdekin river in an area adjacent to the Bruce Highway Bridge. As a consequence, the Burdekin River Improvement Trust commissioned environmental engineers GHD to prepare a report assessing the economic, social and environmental implications of mining the sand to provide an economic resource and to reduce the problems of flooding posed by the buildup of sand in the river. Zamia Holdings P\L, came take one of the annual leases made available by the Department of Natural Resources (DNR) for the purposes of sand extraction. Under the current DNR permit (quarry permit reference 100363) Zamia P\L is able to extract 100, 000 cubic metres per annum from this lease area. Please see the enclosed certified extract of Zamia Holdings P\L.

This Site Based Management Plan is information supporting an application for a permit to conduct Environmentally Relevant Activity 19(b) which would allow the extraction of up to 100,000 tonnes of sand per year. A previous submission was received by the EPA on the 28-May, 2001. However, this application was rejected due to insufficient information. This application comes complete to provide all the necessary information.

LOCATION

Zamia Holdings P\L Burdekin sand mine is located on an extensive sand bank on the bed of the Burdekin River. The site is located adjacent to Lot 111 on Plan SB103, Parish of Inkerman, Country of Salisbury, Burdekin Shire. The site is located at Burdekin River 15.4 – 15.2km Australian Marine Thread Distance.

The site is a few hundred meters downstream from the Burdekin Bridge. In this general area there are three other sand mining leases. The extent of Zamia's sand mining operation is from the north-western boundary of Lot 111 on SB103 to the waters edge and not below the water table. The Burdekin river is dry for most of the year and it is in this time that the mine will be operated.

OPERATION

Sand will be excavated with the use of a front end loader and/or an excavator. It will be immediately loaded onto trucks and exported off site for processing. There will be no stockpiles of sand and no other plant on site. There will be no spoil to dispose of as only the required sand will be excavated. All vehicles will be removed from the site during periods when the river is in flood.

STORMWATER

There is no stormwater drainage system proposed for the site as the site is in a dry river bed.

VEGETATION

No impacts are expected on wildlife as the site is barren and the proposed activities are limited within the site boundaries. Similarly there are no plans for site rehabilitation as there is no existing vegetation besides sparse grass that will be disturbed during operations. Furthermore, any rehabilitation will be futile as the river bed is periodically under fast flowing water.

AIR

Air emission sources expected from the operations include vehicle exhausts and dust. For the extraction operations, these will be of little consequence given the remote location of the mining area.

NOISE

The closest noise sensitive areas, residential dwellings are approximately 1.5 kilometers distant. Therefore the operation is not considered likely to influence them. However, the path of the truck to the main road requires them to pass along the boundary of a residential area. At its height it is expected to involve a maximum of 24 vehicle movements per day. These will occur predominantly in working hours, although depending on demand they could operate at various hours.

In order to minimise the nuisance value of these operations, all equipment will be maintained in good working order with particular attention paid to the efficiency of mufflers and other sound reducing equipment.

WASTE

There will be no waste generated on site. The only operations occurring on site will be a front end loader digging sand and dropping it into the back of a truck. Staff will be instructed to ensure that any domestic waste (lunch wrappers etc) are not left on site but taken away and disposed of properly.

NATIVE TITLE

Under the Native Title Act, 1993, certain 'future acts' require notification to be provided to Native Title parties. The Queensland Government has Native Title Work Procedures which stipulate that if an application is received for a permit to remove sand for sale or the use of a construction material there is no need to notify native title parties. For this reason no notification has been given.

A plan map is enclosed showing the lot to which the sand lease is adjacent. Also enclosed is a copy of the DNR quarry permit showing it to be valid from 1 December, 2001.

WATER

During the dry season, the height of the water table 3-4 meters below ground level on Zamia's site. Excavation operations will not break the water table surface. However, throughout an annual cycle, the river will come to flood and the whole sand mining area will be underwater for extended periods. It is during this time that the sand resource will be recharged.

The only contaminants that could be released from these operations are hydraulic and diesel fuel. While a spill of this type is unlikely, a number of procedures will be put in place to minimise the chances of this occurring:

- Staff will be instructed to keep a sharp eye out for oil spills and will be prepared to act should one occur.
- Proper maintenance of the vehicles will reduce the chances of such spills occurring.
- All fuelling of vehicle and servicing will be conducted off site.

OTHER ISSUES

The GHD study assessed visual, social and traffic impacts of the proposal to develop numerous sand mining leases in the area of the lease held by Zamia Holdings P/L. This report found each of these three impacts to be insignificant (GHD, 1990: pp 117-118). In light of this it is assumed that Zamia's operations, being a component of the operations assessed by GHD is less than insignificant.

Details of contingency plans for emergencies/environmental incidents.

The only environmental harm likely to arise from these operations is an accidental fuel or hydraulic oil spill. In the event of either of these occurring, immediate action will be taken. On site will remain a quantity of oil spill remediation equipment. This will consist of polypropylene fibre suitable to soak up to 2 litres of oil. This will be used in the event of a continual oil leak or where oil leaks to waters. Also onsite will be a quantity of bioremediation material. This will be used in the instance where oil has spilled to ground and it is not feasible to remove the soil for off site bioremediation. In this instance the contaminated soil would be removed to an area out of the way of operations where it would be mixed in with the bioremediation material. The bioremediation material contains wood shavings impregnated with hydrocarbon consuming bacteria and low dose nutrients.

Details of procedures for education and training of staff about environmental issues.

Staff will be made aware of this document and will be familiarised with potential environmental harm associated with these activities and with their expected responses to such events.

Reference

GHD (2000), *Burdekin River Extraction and Sediment Management Plan (including Environmental Assessment)*, Final Report Volume 1, funded by the Burdekin Shire Rivers Improvement Trust July, 2000: Gutteridge Haskins and Davies Consultants.