eco access

Environmental licences and permits

Certificate of Registration

No: ENRE00150405

This registration certificate is issued by the Department of Environment & Resource Management and is a replacement document for ENRE00150405 effective 10-MAR-2005.

The anniversary day for the purposes of the Annual Return remains: 10 March.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following place; subject to the conditions set out in a development approval attached to the premises; DA reference: 182 444 effective 10-MAY-2005.

Registered Operator:-

Mr & Mrs Peter & Shirley Shaw

103 Shaw Road

BOHLE QLD 4818

Place:-

Lot 1 Plan RP744460

Located at:-

Black River,BOHLE QLD 4818

Registered Activity/ies: -

ERA 16 Extractive and screening activities Threshold 1(a) - dredging, in a year, 1000t to 10000t of material

Delegate

Department of Environment & Resource Management

26-JUN-2009

S:\Environmental Operations\Operations\Licencing\EPA_IPA\TSV5235 PJ Excavations\Current Permit\ENRE00150405 260609.doc

Department of Environment & Resource Management
www.epa.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

FOLIO PERMIT SECRET TSV 5235
TSV200 05 9172 /

Queensland Government

Your Reference: 182444
Our Reference: AYD/190/001(0080/P3)
Directorate / Unit: Water Management & Use
Phone: (07) 4799 7027

Item Id 1555429
Natural Resources and Mines
NOR/ 045271

10 May 2005

COPY

P.J'S EXCAVATION PTY LTD
PO Box 240
DEERAGUN QLD 4818
AUSTRALIA

ENVIRONMENTAL PROTECTION AGENCY
25 MAY 2005
TOWNSVILLE
RECEIVED
18 MAY
ECSU

Dear Sir/Madam

Application for Development: Reference 182444 – Decision Notice

I enclose the decision notice issued for the above application, pursuant to section 3.5.15(1)(a) of the ***Integrated Planning Act 1997.***

Please note that this notice does not negate the requirement to obtain any other approvals or to enter into other statutory arrangements, such as those relating to Aboriginal cultural heritage, which may be required. In particular, the *Aboriginal Cultural Heritage Act 2003*, which commenced on 16 April 2004, places a duty of care on anyone undertaking an activity to protect Aboriginal Cultural Heritage. Please refer to the attached information sheet for further information on this new piece of legislation.

Should you have any questions please phone (07) 4799 7027, quoting the above reference number.

Please also find attached concurrence agency Conditions of Approval "ERA19 (a) Dredging material" as supplied by the Environmental Protection Agency

Yours sincerely

D'Bryan.

for
Regional Manager
Water Services
North Region

EPA IPCE00142005211

Little Drysdale Street
PO Box 591 AYR
Queensland 4807
Australia
Telephone + 61 7 (07) 4783 0423
Facsimile + 61 7 (07) 4783 7291
Website www.nrm.qld.gov.au
Client Ref: 32264

E/T
ENTERED
26.5.05

DECISION NOTICE

Application for a Development Permit

Integrated Planning Act 1997

Queensland Government
Natural Resources and Mines

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Decision Notice IM0105TSV0004

Development Permit 182444

Applicant P.J'S EXCAVATION PTY LTD

Approval Information

The application for development to remove quarry material adjacent to Lot 1 on RP744460 is approved by this agency subject to the conditions endorsed hereon or attached hereto.

Development to remove quarry material from a watercourse or lake may continue under this permit only during the period for which an allocation notice granted under the *Water Act 2000* authorises the material to be removed.

It is an offence for a person to remove quarry material from a watercourse or lake without appropriate authority under the *Water Act 2000.*

Given at Ayr this TENTH day of MAY 2005.

Bob McCarthy
DIRECTOR-GENERAL
DEPARTMENT OF NATURAL RESOURCES AND MINES

Decision Notice IM0105TSV0004

Development Permit 182444

Queensland Government
Natural Resources and Mines

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Schedule of Assessment Manager Conditions

Description of Approved Development

Works Reference 15447
Removal of quarry material from BLACK RIVER.
Excavate with Machinery (End loader & truck)
Length:200m
Width:25m
Depth:1.0m
Volume:5300m/3

The bed of the Black River upstream of the Black River Road crossing adjacent to Lot 1 on RP744460 (AMTD's 12.2km to 12.5km).
Must be located adjacent to Lot 1 on RP744460.

Part A - General Conditions of the Approval

D003
The permittee must notify the chief executive of the completion of the approved works within 30 business days after such completion. The notification must be given in writing to the chief executive of the Department of Natural Resources and Mines.

D025
The permittee must provide a copy of the permit to any person contracted to construct the works approved by this permit.

DQ01
The development for removing quarry material authorised under this permit may continue until 31 December 2006.

DQ02
The permit area is confined to within the bed and banks of the Black River.

DQ03
Existing sand, gravel, clay or rock bars that create a natural storage in the bed of the watercourse shall not be lowered or disturbed in any way to prejudice the interests or rights of owners of adjacent or affected lands, or water entitlements given under the provisions of the Water Act 2000.

DQ04
Removal of material must not be carried out within 50 metres of any public road, bridge culvert or railway crossing.

DQ05
Attached to this document is a map indicating the location of the permit area.

DQ06

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Removal of material and associated operations shall not cause erosion or damage to the bed or banks, the vegetation growing thereon, pumps, fences or structures within the watercourse, nor shall they cause unauthorised interference to the flow of the watercourse.

DQ08
All batters must be no steeper than 1 vertical on 4 horizontal.

DQ09
The surface area of the operation within the bed of the watercourse shall be left at an even longitudinal grade, smooth and free from holes and ridges or as required by an approved works or rehabilitation plan.

DQ11
Material removed from the watercourse should be stored above known flood level and must only be returned to the watercourse in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Mines.

DQ12
All vegetation, scrub, grass, timber and debris removed from the area of operations is to be disposed of in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Mines.

Part B - Other Conditions of the Approval

SPEC01 The permittee is to ensure that any person employed or contracted by the permittee in connection with this operation understands and complies with the provisions of this permit.

SPEC02 The permittee must maintain current permission to traverse any property to access the permit site.

SPEC03 Access to the removal site over banks to the bed of the river or lake is via existing tracks only. These tracks are to be maintained in an "as good" state and will be subject of rehabilitation to a standard as directed by an Officer of this Department.

SPEC04 Work is only allowed to be undertaken within the area defined on site by an Officer of this Department. This area will be defined by the location of the points coinciding with AMTD's: 12.5.km (Upstream) and 12.2.km (Downstream).

SPEC05 Removal of material is to be carried out in a manner that conforms with the final profiles, which have been approved by an officer of this Department and are attached to this permit.

SPEC06 The permittee must not destroy or interfere with any native vegetation, with the exception of grasses, herbs, and saplings that are less than 1 metre in height, without prior written consent of an Authorised Officer of the Department.

SPEC07 Removal of material and associated operations is prohibited:

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.below the water level prevailing at the time of operation;
.below the elevation of the bed of the adjacent low flow channel;
.within 10 metres of any native vegetation other than that vegetation specified in SPEC06;
.within 20 metres of the toe of the banks of the Black River.

SPEC08 Consolidated material comprising the bed and banks of the watercourse must not be interfered with.

SPEC09 In the case of a screening process, reject oversize material and unwanted sand shall be replaced in the bed of the excavation on an even gradient over the removal area. This replacement shall be regularly conducted to prevent the undue accumulation of reject materials.

SPEC10 Material stockpiled in the bed of the watercourse must not remain beyond the end of October each year except by written approval by an authorised officer of the Department.

SPEC11 Care shall be taken to disturb as little as possible any mud, clay or fine silt which could cause increased discolouration of the water or cause siltation in the Black River downstream of this operation.

SPEC12 Waste fines resulting from the removal and any washing or screening of material shall not be returned to the watercourse other than in accordance with the provision of the Environmental Protection Act 1994 or any other requirements of the Environmental Protection Agency.

SPEC13 If Aboriginal cultural heritage items or places are identified, located or exposed during the exercise of this permit, the permittee must cease operations immediately and notify the Regional Cultural Heritage Coordinator, and the Aboriginal Party for the area where the operations are being performed. The permittee must not resume operations until authorised to do so by the Regional Cultural Heritage Coordinator, Cultural Heritage Coordination Unit of the Department of Natural Resources, Mines.

SPEC14 Removal of material and associated operations shall be carried out in accordance with the Pest Management Plan of the Thuringowa City Council, and in accordance with the Land Protection (Pest and Stock Route Management) Act 2002.

END OF APPROVAL

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APPEAL RIGHTS

The following are extracts from the *Integrated Planning Act 1997* which detail rights to make representations about certain conditions and other matters in this notice, and appeal rights regarding this decision.

Chapter 3, Part 5, Division 4 - Representations about conditions and other matters

3.5.16 Application of div 4

This division applies only during the applicant's appeal period.

3.5.17 Changing conditions and other matters during the applicant's appeal period

(1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).

(2) If the assessment manager agrees with any of the representations, the assessment manager must give a new decision notice (the **"negotiated decision notice")** to -

(a) the applicant; and

(b) each principal submitter; and

(c) each referral agency; and

(d) if the assessment manager is not the local government and the development is in a local government area - the local government.

(3) Only 1 negotiated decision notice may be given.

(4) The negotiated decision notice -

(a) must be given within 5 business days after the day the assessment manager agrees with the representations; and

(b) must be in the same form as the decision notice previously given; and

(c) must state the nature of the changes; and

(d) replaces the decision notice previously given.

(5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give a written notice to the applicant stating the decision about the representations.

(6) Before the assessment manager agrees to a change under this section, the assessment manager must reconsider the matters considered when the original decision was made, to the extent the matters are relevant.

(7) If the development approved by the negotiated decision notice is different from the development approved in the decision notice in a way that affects the amount of an

infrastructure charge or regulated infrastructure charge, the local government may give the applicant a new infrastructure charges notice under section 5.1.8 or regulated infrastructure charges notice under section 5.1.18 to replace the original notice.

3.5.18 Applicant may suspend applicant's appeal period

(1) If the applicant needs more time to make written representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.

(2) The applicant may act under subsection (1) only once.

(3) If the written representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.

(4) If the written representations are made within 20 business days after the day written notice was given to the assessment manager -

(a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1) - the balance of the applicant's appeal period restarts the day after the assessment manager received the notice of withdrawal; or

(b) if the assessment manager gives the applicant a notice under section 3.5.17(5) - the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or

(c) if the assessment manager gives the applicant a negotiated decision notice - the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

Chapter 4, Part 1, Division 8 - Appeals to court relating to development applications

4.1.27 Appeals by applicants

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

(a) the refusal, or the refusal in part, of 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

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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.

Chapter 4, Part 1, Division 10 - Making an appeal to court

4.1.39 How appeals to the court are started

(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).

4.1.40 Certain appellants must obtain information about submitters

(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.

4.1.41 Notice of appeal to other parties (div 8)

(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 the chief executive and -

(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

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(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 by filing in the court a notice of election in the approved form.

4.1.43 Respondent and co-respondents for appeals under div 8

(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.

(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.

4.1.45 How a person may elect to be co-respondent

(1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of 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.

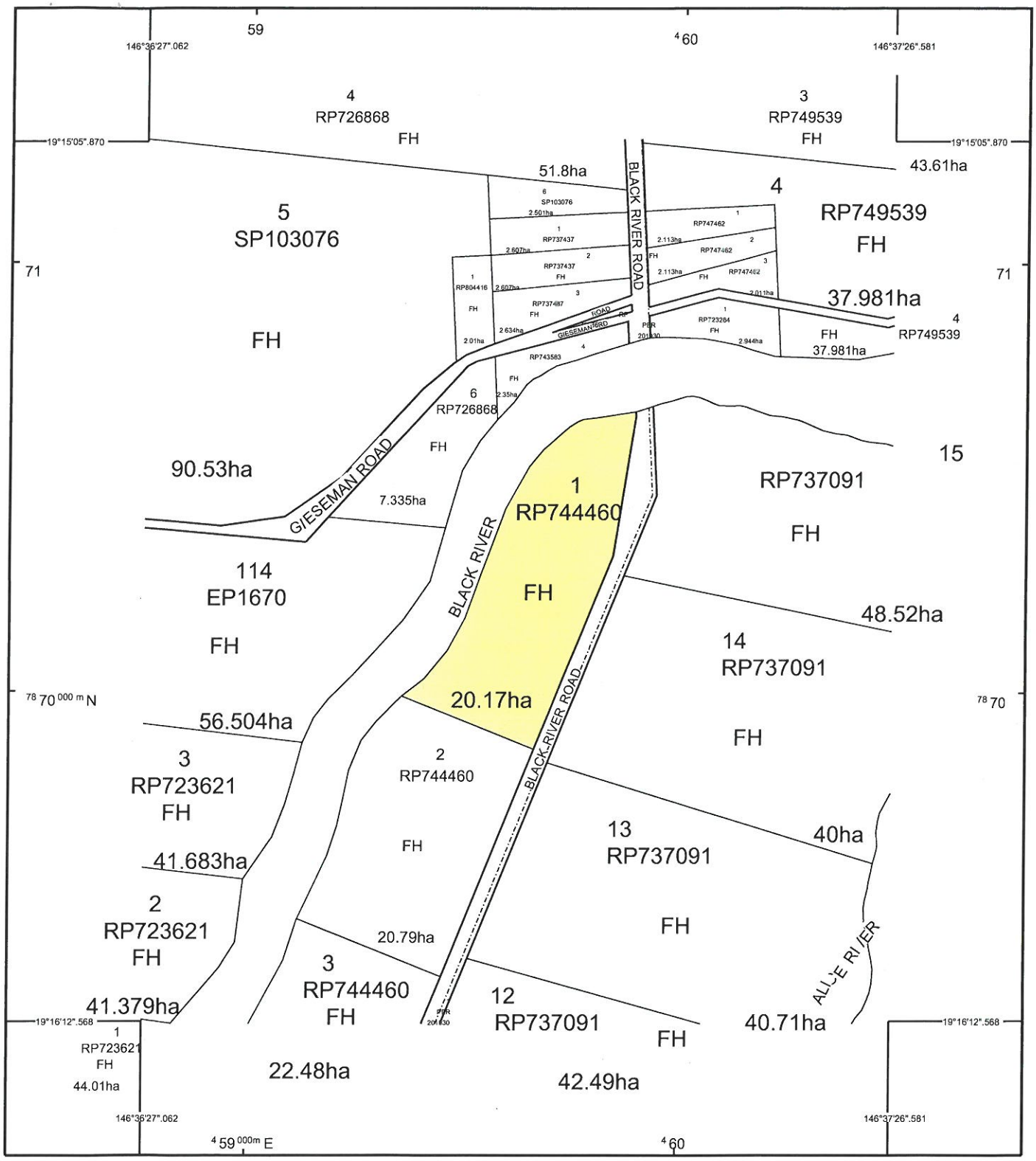
4.1.46 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, by filing in the court a notice of election in the approved form, elect to be a party to the appeal.

4.1.47 Lodging appeal stops certain actions

(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.



STANDARD MAP NUMBER
8259-34111

0 250 500 750 1000 1250 m

HORIZONTAL DATUM:GDA94 ZONE:55 SCALE 1 : 12500

MAP WINDOW POSITION & NEAREST LOCALITY

146°36'56".821
19°15'39".219
BLACK RIVER
1.57 KM

GDA

SUBJECT PARCEL DESCRIPTION

DCDB

Lot/Plan	1/RP744460
Area/Volume	20.17ha
Tenure	FREEHOLD
Local Government	THURINGOWA CITY
Locality	BLACK RIVER
Parish	HERVEY
County	ELPHINSTONE
Parcel/Segment	815/31924

P.B. 12/05/05

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 12/05/2005
For additional information regarding this SmartMap see page 2.

DCDB 11/05/2005 (Lots with an area less than 1500 square metres are not shown)

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For further information on SmartMap products visit http://www.nrm.qld.gov.au/property/mapping/blinmap

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base

Queensland Government

Natural Resources and Mines

(c) The State of Queensland,
Natural Resources and Mines, 2005.

Additional Information Page

Shading Rules

Plan Number = RP744460 and Lot Number = 1



Taken from Air Photo - Rollingstone 8159 - Run 5 - 19/08/2004

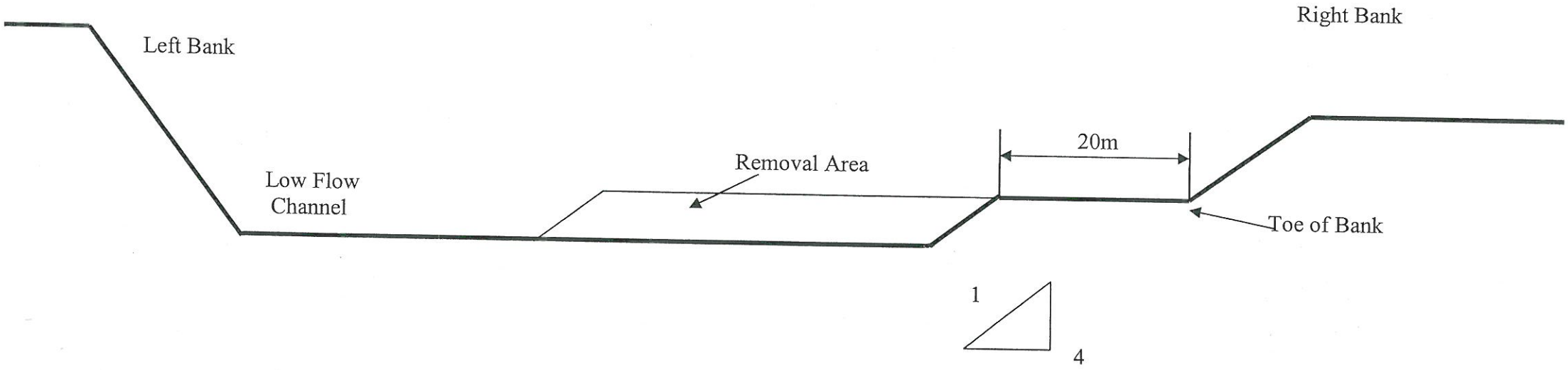
APPROVED FINAL PROFILE

NAME	WATERCOURSE	Development Permit
P.J's Excavations Pty Ltd	BLACK RIVER	182444
PROPERTY DESCRIPTION	**PARISH**	**QTY APPROVED**
Adj. To Lot 1 RP744460	HERVEY	5,300m³ cubic metres

.....

Ian Boyce
Leader -Water Resource Management
Townsville

COPY



ROLLINGSTONE 8159
APPROX SCALE
1:40000
RUN 5
085-105
19.08.2004
6725mASL
600mDATUM
SHELF 67-6
SET 1 2
© The St
(Dept Na
QAR6130
P.J's Excavation Pty Ltd
Development Permit
No 182444

ecoaccess
environmental licences and permits

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Concurrent Agency Response

Section **3.3.16 and 3.3.18** *Integrated Planning Act 1997*

EPA Permit[1] number:	IPCE00142005B11
Assessment Manager reference:	
Date application received by EPA:	04-MAR-2005
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	20 April 2005
Decision:	Granted in full with conditions
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

Permit[1] Holder Details

Holder Type:
Principal Holder

Name:
Peter & Shirley Shaw

Registered Address:
103 Shaw RoadSHAW QLD 4818

Postal Address:
PO Box 240DEERAGUN QLD 4818

Development Description

Property/Location

The bed of Black River upstream of the Black River Road crossing adjacent to Lot 1 on RP744460 (AMTD's 12.2km to 12.5km) Black River TOWNSVILLE QLD 4810.

Lot/Plan:
The bed of Black River (AMTD's 12.2km to 12.5km) adjacent to Lot 1 RP744460

Street address:
Black River TOWNSVILLE QLD 4810

Aspect of Development:
ERA 19(a) 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 not more than 5000 t a year.

M.P. 20/4/05

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
2) Any development conditions placed on this permit1 for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional information for applicants

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevai to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the Environmental Protection Act 1994. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the Environmental Protection Act 1994.

Mark Pease

Mark Pease
Delegate
Environmental Protection Agency

20-APR-2005

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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CONDITIONS OF APPROVAL

Activity: ERA 19(a) 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 not more than 5000 t a year.

Agency Interest: General

General 1: Prevent and/or minimise likelihood of environmental harm.

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

General 2: Maintenance Of Measures, Plant and Equipment.

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

General 3: Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:
(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
(b) Identification of environmental issues and potential impacts.
(c) Control measures for routine operations to minimise likelihood of environmental harm.
(d) Contingency plans and emergency procedures for non-routine situations.

M.P. 20/4/05

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(e) Organisational structure and responsibility.
(f) Effective communication.
(g) Monitoring of contaminant releases.
(h) Conducting environmental impact assessments.
(i) Staff training.
(j) Record keeping.
(k) Periodic review of environmental performance and continual improvement.

General 4: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

General 5: Records.

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

General 6: All records required by this approval must be kept for 5 years.

General 7: Monitoring.

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

General 8: Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

General 9: Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition General 8:
a) the name of the operator, including their approval / registration number;
b) the name and telephone number of a designated contact person;
c) quantity and substance released;
d) vehicle and registration details;

M.P. 20/4/05

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e) person/s involved (driver and any others);
f) the location and time of the release;
g) the suspected cause of the release;
h) a description of the effects of the release;
i) the results of any sampling performed in relation to the release,
j) actions taken to mitigate any environmental harm caused by the release; and
k) proposed actions to prevent a recurrence of the release.

General 10: Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

General 11: Spill Kit Training.

Anyone operating under this approval must be trained in the use of the spill kit.

Agency Interest: Air

Air 1: Dust Nuisance.

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

Air 2: When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
a) for a complaint alleging dust nuisance, dust deposition; and
b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the

M.P. 20/4/05

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atmosphere over a 24hr averaging time.

Agency Interest: Noise

Noise 1: Noise Nuisance.

Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place

Noise 2: Noise Monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

- LA 10, adj, 10 mins
- LA 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; and
- location, date and time of recording.

Noise 3: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Social

Social 1: Complaint Response.

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

M.P. 20/4/05

CONDITIONS OF APPROVAL

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Agency Interest: Water

Water 1: Release To Waters.

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

M.P. 20/9/25

Attachment – Definitions

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

"administering authority" means the Environmental Protection Agency or its successor.

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

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

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

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

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

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

"$L_{A\ 10,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

"$L_{A\ 1,\ adj,\ 10\ mins}$" 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.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or

and includes a place within the curtilage of such a place reasonably used by persons at that place.

"site" means the place to which this development approval relates or the premises to which this development approval relates.

"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.

END OF CONDITIONS

M.P. 20/4/05

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service