

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00417505

This registration certificate is issued by the administering authority and takes effect from: 08-NOV-2011.

The anniversary day for the purposes of the Annual Return remains: 14TH OCTOBER.

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 IPDE00278105C11 attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Boral Resources (Qld) Pty Limited
C/- Boral Limited AMP Centre Level 39
50 Bridge Street, SYDNEY NSW 2000

Located at:-

Spitfire Banks Moreton Bay Marine Park

Registered Activity: -

ERA 16 Extractive and screening activities Threshold 1(c) - dredging, in a year, more than 100000t to 1000000t of material



Delegate

Derek Robson
Department of Environment and Resource Management
Environmental Protection Act 1994

08-NOV-2011

Development Permit

Section 3.5.15

Integrated Planning Act 1997

EPA Permit¹ number:	IPDE00278105C11
Assessment Manager reference:	as above
Date application received by EPA:	30 September 2005
Permit¹ Type:	Development Approval for a MCU involving an ERA
Date of Decision:	25 October 2005
Decision:	Granted with conditions
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation

The development approval attaches to the land described below, which either connects to or receives the benefits of the structure or activity that is the ERA 19.

Development Description

Property/Location

Place:-

Northern Moreton Bay, Moreton Bay Marine Park

Located: -

Spitfire Banks, Moreton Bay Marine Park. The permitted dredging area is a triangular area described by the following coordinates:

Northwest corner: E 526686.187 N 7008233.758

Northeast corner: E 529602.306 N 7007167.436

Southeast corner: E 530430.347 N 7004349.278

Map grid of Australia (MGA) coordinates, based on the GDA94 datum.

Aspect of Development:

ERA 19(c) 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 100 000 tonnes or more a year.

Additional comments or advice about the application

Nil

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 or the nominated currency period, apply to each aspect of development in this permit¹. For information on when this permit¹ takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

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



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 prevail 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 Evans
Delegate
Environmental Protection Agency

25-10-05

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CONDITIONS OF APPROVAL

Agency Interest: General

- General 1:** In carrying out the ERA, the holder must take reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused.
- General 2:** The holder must:
- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval;
 - (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:** From commencement of the ERA, 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 thereof 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 the ERA. The SBMP must address the following matters:
- (a) the holder's commitment 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 causation of environmental harm;
 - (d) contingency plans and emergency procedures for non-routine situations which may cause environmental harm;
 - (e) organisational structure and responsibility;
 - (f) effective communication;
 - (g) monitoring of contaminant releases;
 - (h) conducting environmental impact assessments;
 - (i) staff training;
 - (j) record keeping; and
 - (k) periodic review of environmental performance and continual improvement.
- General 4:** Record, compile and keep all monitoring results required by or under this approval and present this information in a specified format to the administering authority when requested.
- General 5:** This approval only authorises dredging of a specified area of Spitfire Banks, Moreton Bay Marine Park. The permitted dredging area is a triangular area described by the following coordinates:

CONDITIONS OF APPROVAL

Northwest corner: E 526686.187 N 7008233.758
Northeast corner: E 529602.306 N 7007167.436
Southeast corner: E 530430.347 N 7004349.278

Map grid of Australia (MGA) coordinates, based on the GDA94 datum.

- General 6:** The holder must keep a logbook of the conduct of the ERA. That logbook must specify for each dredging event:
- (a) name of the vessel;
 - (b) names of employee(s) operating the dredge;
 - (c) the date, starting and finishing time for each dredging event; and
 - (d) the location, including coordinates obtained by GPS, of the dredging event.
- General 7:** All complaints received by the holder must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.
- General 8:** If the holder becomes aware of material or serious environmental harm occurring as a result of carrying out the ERA, then the said ERA must cease immediately.

Agency Interest: Air

- Air 1:** The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the ERA must not cause a nuisance at any sensitive place.
- Air 2:** The release of dust or other particulate matter resulting from the ERA must not cause an environmental nuisance at any sensitive place.

Agency Interest: Noise

- Noise 1:** Noise from the ERA must not cause an environmental nuisance at any sensitive place.
- Noise 2:** For the purposes of condition Noise 1, the ERA will not cause environmental nuisance where noise from the ERA does not exceed the limits specified in the Attachment - Tables, Table 1 - Noise limits.
- Noise 3:** Noise monitoring must be undertaken as directed by the administering authority to investigate any complaint of noise nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion

CONDITIONS OF APPROVAL

of monitoring. For the purposes of this condition, noise monitoring must be done in accordance with the latest edition of the Environmental Protection Agency Noise Measurement Manual and include:

- (a) LA, max adj, T ;
- (b) relevant background sound level;
- (c) the level and frequency of occurrence of impulsive or tonal noise;
- (d) atmospheric conditions including wind speed and direction; and
- (e) location, date and time of measurements.

Noise 4: If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by noise from the ERA, the holder must:

- (a) address the complaint including the use of appropriate dispute resolution if required; or
- (b) immediately implement noise abatement measures so that emissions of noise from the ERA do not result in further environmental nuisance.

Agency Interest: Social - community views

Social - community views 1: The holder must continue to keep the community informed of the activity's progress and be available to discuss concerns raised by individuals or community groups through a community consultation program.

Agency Interest: Water

Water 1: The only contaminants permitted to be released to any waters (including the bed or banks of such waters) are:

- (i) wastewaters which overflow from the vessel as a result of loading of the dredge spoil; and
- (ii) sea bed sediments necessarily disturbed during extraction of dredge spoil.

Water 2: Vessel Release Points

Contaminants that may cause environmental harm must not be directly or indirectly released from any source on the vessel to any waters at any location other than the wastewater released from the discharge pipe(s) that is pumped from the well waters during the loading of dredge spoil.

Water 3: The environmentally relevant activity must be carried out in such a manner that the release of contaminants (including any release caused by extraction of material from the bed of waters) must:

CONDITIONS OF APPROVAL

- (i) only occur within the permitted areas of Moreton Bay Marine Park specified in condition General 5;
- (ii) not have any properties nor contain any organisms or other contaminants which are capable of causing environmental harm;
- (iii) not produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other objectionable matter;
- (iv)(a) take all practicable measures necessary to minimise the concentration of suspended solids released during the loading of the vessel(s). Such measures may include but are not necessarily limited to the installation of filter screens and/or other devices which act to physically screen solids from the release at the release points; and
(b) not cause the concentration of suspended solids in any wastewater released from the vessel to exceed the limits for the water quality parameters specified in Attachment - Tables, Table 2 - Dredging water contaminant release limits.

Water 4: Notwithstanding Condition Water 3 above, the dredging of the said areas of Moreton Bay Marine Park must not, at any down-current point, cause any quality characteristic to exceed the corresponding limit for the quality characteristic specified in Attachment - Tables, Table 2 - Dredging water contaminant release limits.

Water 5: Monitoring must be undertaken:

(1). At the locations, for the parameters and at the frequency specified in the Attachment - Tables, Table 2 - Dredging water contaminant release limits, and be:

- (a) done by a competent person in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- (b) carried out on representative samples; or

(2). The holder may contribute to a whole of industry monitoring program for Moreton Bay where such program and the holders contribution to the program has been approved in writing by the administering authority.

Water 6: Hazardous contaminants must not be released by the conduct of the ERA to any waters or to the bed of any waters.

Water 7: Spillage of any chemicals including hydrocarbon liquids must be contained within the vessel and rectified whereby environmental harm is not caused. Storage of flammable or combustible liquids shall accord with Australian Standard 1940 - Storage and Handling of Flammable and Combustible Liquids.

CONDITIONS OF APPROVAL

Water 8: Should any of the limits for the water quality parameters stated in the Attachment - Tables, Table 2 - Dredging water contaminant release limits be exceeded, or should circumstances pertaining to conditions Water 6 or Water 7 arise, immediately notify the administering authority and take reasonable and practical measures to rectify the exceedance.

Attachment - Tables

Table 1 - Noise limits

Sound pressure level dB(A)	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
<i>Noise measured at a 'Noise sensitive place'</i>						
$L_{A, \text{max adj, T}}$	Background + 5 dB(A)	Background + 5 dB(A)	Background +3 dB(A)	Background +3 dB(A)	No audible noise	No audible noise
<i>Noise measured at a 'Commercial place'</i>						
$L_{A, \text{max adj, T}}$	Background + 10 dB(A)	Background + 10 dB(A)	Background + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)	Background + 3 dB(A)

Where "T" is 10 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual*.
Table 1 does not purport to set operating hours for the ERA.

Table 2 – Dredging water contaminant release limits

Monitoring location	Water quality parameters	Limit (Maximum)	Monitoring frequency
Vessel release point(s) ¹	Suspended Solids (mg/L)	50	Monthly
Down-current sampling point ³	Suspended Solids (mg/L)	Must not exceed 10mg/L above a background value ² where the background value is less than 100mg/L or 10 percent greater than a background value where the background value is greater than 100mg/L.	Quarterly
Down-current sampling point ³	Turbidity (NTU)	Must not exceed 2 NTU above a background value ² where the background value is less than 20 NTU or 10 percent greater than a background value where the background value is greater than 100mg/L.	Quarterly

¹ For the purpose of monitoring, the vessel release point(s) is defined as the discharge pipe releasing wastewater that is pumped from the well waters during the loading of dredge spoil.

² A background value for a quality characteristic is the value of the quality characteristic measured at a background sampling point in the receiving waters situated between 50 and 100 metres up current from the release point(s) and further provided that the background values must not be determined one hour either side of local high water and local low water.

³ A down-current sampling point is any sampling point in the receiving waters situated:

- (i) not more than 100 metres from the release point(s) in the down-current direction at times when tidal flows or other flows are occurring; and
- (ii) not more than 50 metres distant from the release points(s) during slack water conditions and at other times when negligible flow is occurring in the receiving waters.

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Attachment – Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ 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 person" means a person holding office as an authorised person under an appointment under the *Environmental Protection Act, 1994* by the chief executive.

"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.

"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

"contaminant" under section 11 of the *Environmental Protection Act 1994* means:

- a gas, liquid or solid;
- an odour;
- an organism (whether alive or dead), including a virus;
- energy, including noise, heat, radioactivity and electromagnetic radiation; or
- a combination of contaminants.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"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.

"environmental nuisance" has the same meaning as is defined in section 15 of the *Environmental Protection Act 1994*.

"ERA" means ERA 19(c) and includes sand unloading.

"hazardous contaminant" under schedule 3 of the *Environmental Protection Act 1994* means a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of:

- its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity, flammability; or
- its physical, chemical or infectious characteristics (eg. spills of mercury, cyanide, petrol, diesel or oil).

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

MW 29-10-05

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"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.

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

"mg/L" means milligrams per litre.

"noise sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises;
 - a motel, hotel or hostel;
 - a kindergarten, school, university or other educational institution;
 - a medical centre or hospital;
 - a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; and
 - a public thoroughfare, park or gardens;
- and includes that part of the curtilage of a building or structure used for purposes usually or reasonably associated with the building or structure.

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

"NTU" means nephelometric turbidity units.

"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.

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

"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.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -

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

"representative" means a sample set which covers variance in monitoring or other data either due to natural changes or to different phases of dredging activities.

MPH 25-10-09

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"sensitive place" includes -

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

and includes that part of the curtilage of a building or structure used for purposes usually or reasonably associated with the building or structure.

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"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" or "holder" means the holder of an authority or approval or person acting under an authority or approval.

END OF CONDITIONS

11/12/25-10-05

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