ecoaccess
environmental licences and permits

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00787008

This registration certificate is issued by the administering authority and takes effect from: 13-NOV-2009.

The anniversary day for the purposes of the Annual Return remains: 15th April.

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, or the relevant code of environmental compliance.

Registered Operator:-
Maggiore Pty Ltd
Runaway Bay Marina
PO Box 121
RUNAWAY BAY QLD 4216

Place:-

Lot 199 Plan CP903694

Located at:-

Adjacent to 247 Bayview Street, RUNAWAY BAY

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

Eugene Immisch
Administering authority
Environmental Protection Act 1994

13-NOV-2009

ecoaccess
environmental licences and permits

Notice of Decision – Development Approval

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.

Caspex Properties (Australia) Pty Ltd
c/- International Coastal Management
PO Box 7196
GOLD COAST MC QLD 9726

Our reference: 287643

Dear Sir/Madam

Re: Application for Development Approval

The Environmental Protection Agency, acting as assessment manager, wishes to advise that your application for development approval, received on 06-JAN-2006, has been assessed, and on 26-JUL-2006 it was approved subject to conditions.

1. Property/Location:

Lot/Plan - Lot 199 Plan CP903694

2. Details of the decision

Aspect of Development:

- Development Approval for a MCU involving an ERA
- ERA 19(b) 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 5 000 t or more, but less than 100 000 t, a year.

EPA Ref Number - IPDE00363006A11

3. Effectiveness and currency periods

This development approval takes effect –

- From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
- Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

[refer to sections 3.5.19 and 3.5.20 of the Integrated Planning Act 1997 for further details]

This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans

Nil

Acc 26/7/06

5. Other necessary development permits

This approval pursuant to the Integrated Planning Act 1997 does not remove the need to obtain any further approval for this development, required by this or other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required. Applicants should also comply with all relevant legislation.

6. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

7. IDAS referral agencies

The IDAS referral agencies and their response to each approval type required for this application are:

Concurrence Agencies: Nil

Advice Agencies: Nil

8. Submissions

This application did not trigger Public Notification.

9. Appeal rights

An attached extract from the Integrated Planning Act 1997 details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

If you require more information, please contact Lindsay Splatt, the Project Manager, on the telephone number listed below.

Yours sincerely

26 July 2006

Lawrie Wade
Delegate
Environmental Protection Agency

Enquiries:
SouthReg Env Ops (Brisbane) Mining
Floor 23, 288 Edward Street
BRISBANE QLD 4000
Phone: (07) 3225 1071
Fax: (07) 3225 8723

Attachment – Appeal Rights (extract from the *Integrated Planning Act 1997*)

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

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 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.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court only against -
   (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
   (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
   (a) the giving of a development approval;
   (b) any provision of the approval including-
      (i) a condition of, or lack of condition for, the approval; or
      (ii) the length of a currency period for the approval.

(3) However, a submitter may not appeal if the submitter-
   (a) withdraws the submission before the application is decided; or
   (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).

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

4.1.29 Appeals by advice agency submitters

(1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(1A)The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

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

(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.

(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.

26/7/06

Division 9 - Appeals to court about other matters

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

(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 3.5.33A(9)(b) or 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.

4.1.32 Appeals against enforcement notices

(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.

4.1.33 Stay of operation of enforcement notice

(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.

4.1.34 Appeals against decisions on compensation claims

(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.

4.1.35 Appeals against decisions on requests to acquire designated land under hardship

(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.

4.1.37 Appeals from tribunals

(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.

4.1.38 Court may remit matter to tribunal

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

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).

4.1.41 Notice of appeal to other parties (div 8)

(1) An appellant under division 8 must give written notice of the appeal to-
  (a) if the appellant is an applicant-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any concurrence agency; and
    (iv) an y principal submitter whose submission has not been withdrawn; and
    (v) 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-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any referral agency; and
    (iv) the applicant; or
  (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    (i) the chief executive; and
    (ii) the deciding entity; and
    (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
(2) The notice must be given within-
  (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
(3) 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 -
  (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

(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 4.1.31[73] 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.

26/7/06

4.1.43 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
(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) Any submitter may elect to become a co-respondent to the appeal.
(5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
(6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
(8) 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.
(9) For an appeal under section 4.1.30-
    (a) the assessment manager is the respondent; and
    (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

(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.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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

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

Acc 26/7/11

ecoaccess
environmental licences and permits

Development Approval

Section 3.5.15 *Integrated Planning Act 1997*

EPA Permit[1] number: IPDE00363006A11

EPA Permit[1] number:	IPDE00363006A11
Assessment Manager reference:	as above
Date application received by EPA:	06-JAN-2006
Permit[1] Type:	Development Approval for a MCU involving an ERA
Date of Decision:	26-JUL-2006
Decision:	Granted in full with conditions
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation

The development permit 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	Lot/Plan	Aspect of Development
Runaway Bay Marina	Lot 199 Plan CP903694	ERA 19(b) 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 5 000 t or more, but less than 100 000 t, 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.

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.

[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

Doc 26/7/06

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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.

Lawrie Wade 26 July 2006

Lawrie Wade
Delegate
Environmental Protection Agency

CONDITIONS OF APPROVAL

Agency Interest: General

(PG1) The only area permitted to be dredged under this approval is that area of Runaway Bay Marina delineated on the Drawing - "Runaway Bay Marina Proposed Dredging" dated 16 December 2005 submitted with the application.
(PG2) This approval only authorises maintenance dredging of the specified area of Runaway Bay Marina.
(PG3) Provide to the administering authority written notification of the date when dredging will commence at least seven days prior thereto.

Agency Interest: Air

(PA1) If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by dust or other particulate matter from the ERA, the operator of the ERA to which this permit relates must:
(a) address the complaint including the use of appropriate dispute resolution if required; or
(b) immediately implement abatement measures so that emission of dust or other particulate matter from the ERA does not result in further environmental nuisance.

Agency Interest: Land

(PL1) The site (including all disturbed areas such as stockpile and ASS treatment areas) must be rehabilitated in a manner such that:
(a) potential for erosion of the site is minimised;
(b) the quality of stormwater, other water and seepage released from the site does not contain contaminants including suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, or total manganese likely to cause environmental harm; and
(c) the likelihood of environmental nuisance being caused by the release of dust is minimised.

Agency Interest: Noise

(PN1) If an authorised person's opinion is that monitoring results indicate environmental nuisance is being caused by noise from the ERA, the operator of the ERA to which this permit relates must:
(a) address the complaint including the use of appropriate dispute resolution if required; or
(b) immediately implement abatement measures so that emission of noise from the ERA does not result in further environmental nuisance.

Agency Interest: Water

(PW1) Monitoring must be undertaken at the locations, for the parameters and at the frequency specified Table 2 — Dredging water contaminant release limits, and be carried out on representative samples.

(PW2) Contaminants must not be released by the conduct of the dredging activity to any waters or to the bed and banks of any waters except as provided for by Table 2 — Dredging water contaminant release limits.
(PW3) Hazardous contraminants must not be released from the site to any waters or to the bed and banks of any waters.
(PW4) Spillage of any chemicals including hydrocarbon liquids must be contained within the site and rectified whereby environmental harm is not caused. Storage of flammable or combustible liquids shall accord with Australian Standard AS 1940 - Storage

Red 26/7/08

and Handling of Flammable and Combustible Liquids.
(PW5) 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 PW3 and PW4 arise, immediately notify the administering authority and take reasonable and practicable measures to rectify the exceedance.

(A1G1) 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.

(A1G2) 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.

(A1G3) 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.
(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.

(A1G4) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

(A1G5) Records.

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

(A1G6) All records required by this approval must be kept for 5 years.
(A1G7) Acid Sulphate Soils.

26/7/08

The latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the Instructions') must be complied with when treating and managing acid sulfate soils.

(A1G8) Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants including acid sulfate soils or wastes.

(A1G9) Monitoring.

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

(A1G10) All ponds used for the storage or treatment of acid sulfate soils or other contaminants must be constructed, installed and maintained:
a) so as to prevent any release of contaminants through the bed or banks of the pond to any waters (including ground water);
b) so that a freeboard of not less than 0.5 metres is maintained at all times; and
c) so as to ensure the stability of the ponds' construction.

(A1G11) 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.

Agency Interest: Air

(A1A1) 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 atmosphere over a 24hr averaging time.

(A1A2) Nuisance.

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

(A1A3) 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.

(A1A4) Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place

Jade 26/7/06

downwind of the site, when monitored in accordance with:
- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) '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.

Agency Interest: Land

(A1L1) Preventing Contaminant Release To Land.

Contaminants must not be released to land.

Agency Interest: Noise

(A1N1) Noise Nuisance.

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

(A1N2) All noise from activities must not exceed the levels specified in Table 1 — Noise limits at any nuisance sensitive or commercial place.

(A1N3) 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 max, adj, 10 mins
- 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.

(A1N4) 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

(A1S1) 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.

Agency Interest: Water

(A1W1) Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

Addl 26/7/06

(A1W2) Stormwater Management.

There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

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*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

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

"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 Protection Agency" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"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.

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

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"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

Dode 26/2/06

- 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
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

"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.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"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.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"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.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

Jodi 26/7/06

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*
	Noise measured at a 'Noise sensitive place'					
$L_{A, max adj, T}$	Background + 5 dB(A)	Background + 5 dB(A)	Background +3 dB(A)	Background +3 dB(A)	No audible noise	No audible noise
	Noise measured at a 'Commercial place'					
$L_{A, max adj, T}$	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	Release limit	Monitoring frequency
50m down stream of dredging location	pH	6.5 (minimum) 8.5 (maximum)	Daily during dredging
Down-current sampling point[2]	Turbidity	Must not exceed 2 NTU above a background value[1] where the background value is less than 20 NTU or 10 percent greater than a background value where the background value is greater than 20 NTU.	Weekly during dredging

[1] 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.

[2] 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.

Dock 26/7/06