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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00968209

This amended registration certificate is issued by the administering authority and takes effect from: 20-SEP-2010

The anniversary day for the purposes of the Annual Return remains: 28th September.

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:-

Lewiac Pty Ltd

Level 31 9 Castlereagh Street,

SYDNEY NSW 2000

Place:-

Lot 334 Plan SP190856, Lot 701 Plan RP222365

Located at:-

528 & 564 Oxley Drive, BIGGERA WATERS

Certificate of Registration
No: ENRE00968209

Registered Activity: -

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



Janelle Bush
Delegate
Administering authority
Environmental Protection Act 1994

20-SEP-2010

Notice

Request to extend lapsing period for development approval

This notice is issued by the concurrence agency pursuant to section 385 of the Sustainable Planning Act 2009.

Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MAIL CENTRE QLD 9729

Attention: Roger Sharp
GCCC Ref: ROL201000173 / PN78668/02/DA3

CC: Lewiac Pty Limited
C/- Cardno HRP
Suite 15, 3029 The Boulevard, Emerald Lakes
CARRARA QLD 4211

Attention: Kelli Adair
Cardno HRP Ref: 083064

Our reference: 241419 / SOR113239

Re: Request to extend lapsing period for a development approval

1. The concurrence agency received notice of a request to extend a relevant period for lapsing of a development approval on 6 December 2012.

2. **Details of the development approval for the request to extend the lapsing period**

Applicant: Lewiac Pty Limited

Assessment Manager ref: ROL201000173 / PN78668/02/DA3

Aspect(s) of development:

Assessable development		Concurrence agency reference
Concurrence Response for Material change of use – Environmentally relevant activities (*Sustainable Planning Regulation* 2009 – Schedule 7, table 2, item 1)	ERA 16-(1b) Dredging in a year, more than 10,000t to 100,000t of material.	SPCE00895410 (previously IPCE00867908)

Property/Location description(s): Lot 334 Plan SP190856 and Lot 701 Plan RP222365; located at land described as 528 and 564 Oxley Drive, BIGGERA WATERS

Date of decision for the development approval the subject of the request: 23 September 2010

3. The concurrence agency has no objection to the extension being approved. However the applicant should note that the Department of Environment and Heritage Protection may choose to add, change or cancel the conditions of the development approval under section 73C(e) of the *Environmental Protection Act 1994* if the department considers the addition, change or cancellation is necessary or desirable because of the amendment of an environmental protection policy.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485
QUEENSLAND GOVERNMENT

Should you have any queries in relation to the above matter, please contact Zoe Helyer, Principal Environmental Officer (07) 5583 2132.

Aaron Fenech
A/Delegate *Environmental Protection Act 1994*
Department of Environment and Heritage Protection
17-DEC-2012

Enquiries:
ES-RSD-SER-Gold Coast
PO Box 4244
Level 3, 232 Robina Town Centre Drive
ROBINA TOWN CENTRE QLD 4230
Phone: (07) 5583 2130
Fax: (07) 5583 2136

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Concurrence Agency Response

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

DERM Permit[1] number: IPCE00867908

This document replaces the concurrence agency response SR0451DA issued on 22 September 2003.

DERM Permit[1] number:	IPCE00867908
Converted permit number:	SR0451DA
Assessment Manager reference:	PN78668/02/DA3
Date application received by DERM:	1 September 2010
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	23 September 2010
Decision:	Granted in full
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation
Jurisdiction:	Item 5 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description

Property	Lot/Plan	Aspect of Development
564 Oxley Drive BIGGERA WATERS QLD 4216	Lot 334 Plan SP190856 Lot 701 Plan RP222365	ERA 16 Extractive and screening activities Threshold 1(b) – dredging, in a year, more than 10,000t to 100,000t of materials

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service

Queensland Government

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

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*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions. The Department of Environment and Resource Management is recognised as a concurrence agency under the *Integrated Planning Amendment Regulation (No. 1) 1998* for the protection of the environment against the release or potential release of contaminants that will or may cause environmental harm. Development conditions placed on the development approval for the environmentally relevant activity are in accordance with section 79 of the *Environmental Protection Act 1994* ('the *EP Act*').

The Department of Environment and Resource Management concurrence agency conditions for this proposed development that are contained within this response, are required in accordance with section 92 of the *EP Act* and are relevant to the object and policies pertaining to the *EP Act.*

Additional comments or advice about the application

Nil

Additional information for applicants

This concurrence response pursuant to section 79 the EP Act applies only to the environmentally relevant activity(ies) component of the development and does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

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

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 Department of Environment and Resource Management.

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.

23/9/10

Delegate
Janelle Bush
A/Manager
Department of Environment and Resource Management
Environmental Services – Gold Coast

Conditions of the development approval

As part of the concurrence agency response the following schedules of development conditions are to be attached to the development approval:

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

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

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Maps / Plans

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

(A1-1) In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

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Site based management plan

(A3-1) From commencement of the activity, 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 (including that associated with acid sulphate soils), 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 Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

(A4) No less than six (6) weeks prior to the commencement of the Environmentally Relevant Activity, submit a SBMP to the administering authority, which has been prepared in accordance with condition (A3-1) above.

Records

(A5-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

(A6) Not more than six (6) weeks following the cessation of carrying out the environmentally relevant activity, submit a report detailing the management practices adopted to protect water quality and to manage acid sulfate soils. All monitoring results will be provided in this report including; the volume, composition, consistency and geochemistry of the PASS fines and the morphology of the pyrite with the PASS fines.

Dredging

(A6-1) The only form of dredging to be carried out is the excavation of the external and temporary bund walls along the entrance of the proposed stub canals, connecting them to tidal waters.

(A6-2) The dredging activity and any disturbance to flora and fauna (both aquatic and terrestrial), rock bars or riffle areas that create natural pools or sand, gravel and clay in the bed of the waters must only be carried out in the site marked in Schedule I Figure 1 of this document.

(A6-3) The only areas permitted to be dredged under this approval are for the removal of the temporary construction bunds, as shown on the site plan in Schedule I Figure 1.

(A6-4) The placement of dredged spoil may only occur to the designated deposition area, as shown in Schedule I Figure 1.

Acid sulphate soils (ASS)

(A7-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A7-2) ASS must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

(A8) Any ASS transported off site must be treated in accordance with condition (A7-1).

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(B1-2) 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 odour sensitive place.

Dust nuisance

(B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

(B2-2) Exceedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.

- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR
- A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the site, when monitored in accordance with:
  - Australian Standard AS 3580.9.6 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
  - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- carried out on samples that are representative of the discharge.

(C2) All water quality parameters must not exceed the levels specified in Schedule C Table 1.

Schedule C - Table 1 (Release limits)

Release/ Monitoring Point	Quality Characteristics	Release Limit Min	33rd Percentile	66th Percentile	Max	Monitoring Frequency
DISCHARGE POINT **Water containment ponds**						
Weir box monitoring points WQ1 and WQ2 (as shown in Schedule I Figure 1)	pH	6.5	-	-	8.5	Daily
	Dissolved oxygen (mg/L)	6	-	-	-	Daily
	Suspended Solids (mg/L)	-	Background + 10%	Background + 30 %	No visible plume beyond 20m from discharge point.	Twice Weekly
	Turbidity (NTU)	-	Background + 10%	Background + 30 %	No visible plume beyond 20m from discharge point.	Twice Weekly
	Oil, grease, floating scum or litter	-	-	-	Nil	Daily (visually)
	Aluminium – if pH is less than or equal to 6.5	-	-	-	5µg per litre	Monthly. Weekly monitoring if pH reading is less than 6.5.
	Aluminium – if pH is greater than 6.5	-	-	-	100µg per litre	
	Total Iron (Fe^{2+} and Fe^{3+})	-	-	-	1,000 µg per litre	
	Ferrous Iron (Fe^{2+})	-	-	-	300 µg per litre	
RECEIVING SURFACE WATERS **Background Values**						
Monitoring point WQ3 WQ4 (as shown in Schedule I Figure 1) Average of measurements from sampling and in situ monitoring points in the receiving waters. Monitoring points must not be affected by releases from the dredge / works area (as shown in Schedule I Figure 1).	• pH • Dissolved Oxygen (mg/L) • Suspended Solids (mg/L) • Turbidity (NTU)	-	-	-	-	Twice Weekly on incoming tide.
CANAL WATERS **Prior to tidal connections**						
Within proposed stub canals, prior to the removal of the temporary construction bund to join any canal to tidal waters.	pH	6.5	-	-	8.5	Daily for at least 7 consecutive days preceding the removal of the temporary construction bund.
	Dissolved oxygen (mg/L)	6	-	-	-	
	Turbidity (NTU)	-	Background + 10%	Background + 30 %	-	
	Suspended Solids (mg/L)	-	Background + 10%	Background + 30 %	-	
	Oil, grease, floating scum or litter	-	-	-	Nil	

Release to waters

(C4) Measures must be adopted while carrying out the Environmentally Relevant Activity to ensure that contaminants are not released from the site to any waters or the bed and banks of any waters, other than that specified in Schedule C Table 1.

Stormwater management

(C5-1) 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.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 at any noise affected premises.

Schedule D - Table 1 (Noise limits)

Noise level dB(A) measured as	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'					
$L_{A10, adj, 10 mins}$	50	45	35	50	45	35
$L_{A1, adj, 10 mins}$	55	50	40	55	50	40
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	55	50	40	55	50	40
$L_{A1, adj, 10 mins}$	60	55	45	60	55	45

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

There are no conditions prescribed for this Schedule.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

There are no conditions prescribed for this Schedule.

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

(G1-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

END OF CONDITIONS FOR SCHEDULE G

Queensland Government

Department of Environment and Resource Management
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Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

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

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

"this authority" means this environmental authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994.*

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

"dust sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

  and includes the curtilage of any such place.

"odour sensitive place" has the same meaning as a "dust sensitive place"

"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.

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

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

"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
- 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.

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

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

"noise sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area; or
- a park or gardens.

and includes the curtilage of such place.

"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.

"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.

"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.

"33rd percentile" means not more than two (2) 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.

"66th percentile" means not more than four (4) of the measured values of the quality characteristic is to exceed the stated release limit for any six (6) consecutive samples for a sampling point at any time during the environmental activity(ies) works

"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.

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units

"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.

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"infectious waste" means "clinical waste"

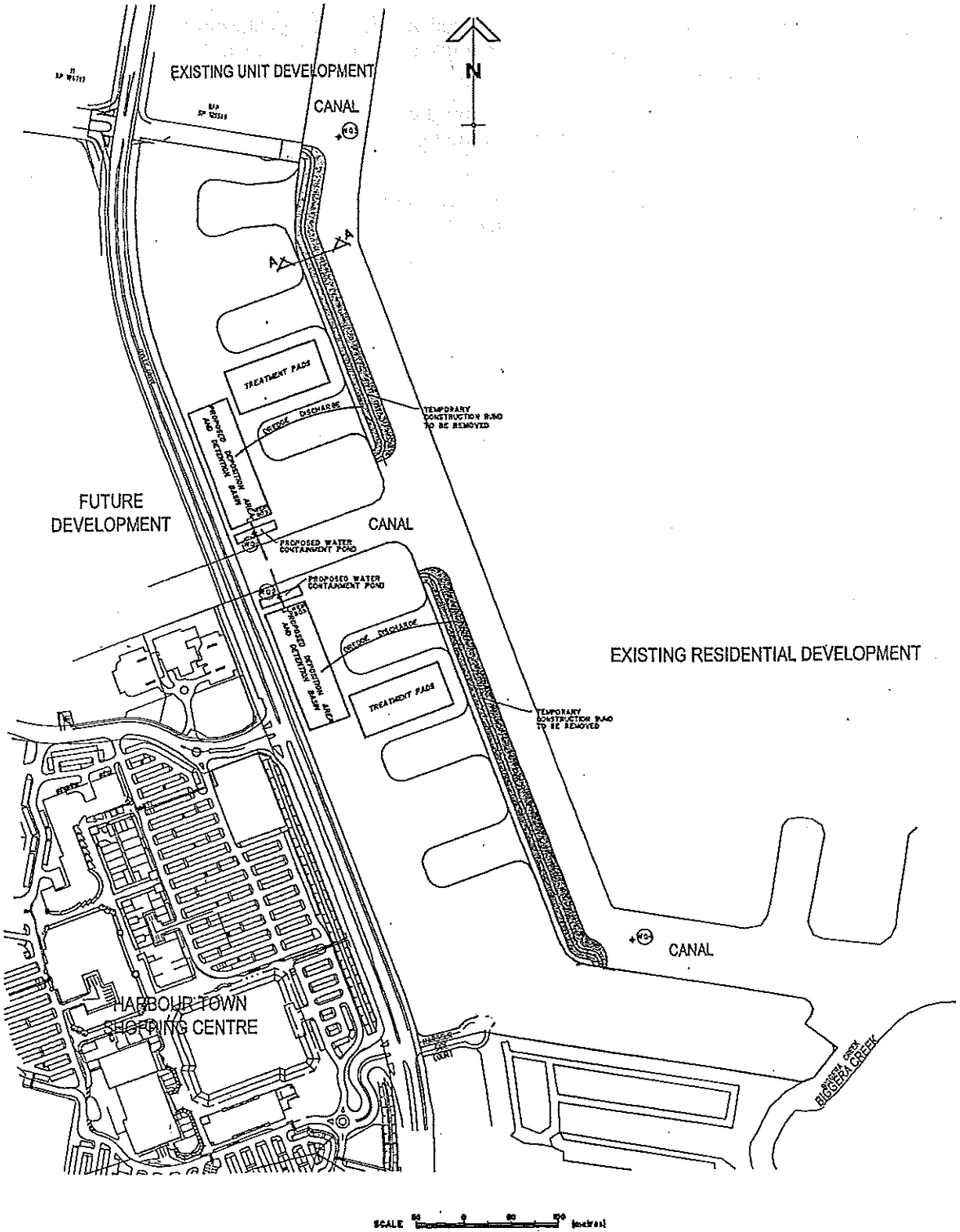
"vibration sensitive place" means a noise sensitive place or a commercial place.

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994)

END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

Figure 1 – Showing authorised areas for dredging (temporary bund walls), spoil deposition and detention area and water monitoring point locations: WQ1 – WQ4.



END OF CONDITIONS FOR SCHEDULE I

END OF CONCURRENCE AGENCY RESPONSE