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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00854808

This registration certificate is issued by the Department of Environment and Resource Management and takes effect from: 01-January-2009.
The anniversary day for the purposes of the Annual Return is 10th February each year.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity/ies 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:-
Darcy John Bowyer and Darcy Albert Bowyer
T/A Archer River Quarries
13 Hastings Drive
MAREEBA QLD 4880

Place:-
Lot 5 Plan SP187433

Located at:-
Orchid Creek Station, Scherger Road via Peninsula Development Road,
Cape York Qld 4871

Registered Activity/ies: -
ERA 16 Extractive and screening activities Threshold 3(a) - screening, in a year, 5000t to 100000t of material

Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

27-January-2010

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TRANS No:

GS 7/92

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE00711407

EPA Permit[1] number:	IPCE00711407
Assessment Manager reference:	
Date application received by EPA:	24-AUG-2007
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	23 November 2007.
Decision:	Granted 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*

Development Description

Property	Lot/Plan	Aspect of Development
Orchid Creek Station, Scherger Road via Peninsula Development Road, CAPE YORK QLD 4871	Lot 5 Plan SP187433	ERA 20(b) Extracting rock or other material - extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or petroleum authority) from a pit or quarry using plant or equipment having a design capacity of 5 000 t or more, but less than 100 000 t, a year. ERA 22(b) Screening etc.

[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

Environmental Protection Agency
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Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

		materials – screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant and equipment having a design capacity of 5 000t or more, but less than 100 000t a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) 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 comments or advice about the application

Nil

Additional information for applicants

ERA

This development permit authorises:

1. The extraction of rock or other material from a pit or quarry using plant or equipment having a design production capacity of not more than 100 000 t, a year.
2. Screening etc. materials using plant and equipment having a design production capacity of not more than 100 000t a year.

The owner of the land and the registered operator of this development approval must note that any increase in the approved area of the site by 20%, or an increase in the 'design production capacity' by 10% may constitute a material change of use under the *Integrated Planning Act 1997*. The owner or occupier of the land must seek approval from the EPA for that material change of use prior to exceeding the allowable design production capacity.

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.

Dean Sharpe
Delegate
Environmental Protection Agency
23-NOV-2007

CONDITIONS OF APPROVAL

Conditions for:

ERA 20(b) Extracting rock or other material - extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or petroleum authority) from a pit or quarry using plant or equipment having a design capacity of 5 000 t or more, but less than 100 000 t, a year; and

ERA 22(b) Screening etc. materials – screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or petroleum authority) or by dredging using plant and equipment having a design capacity of 5 000t or more, but less than 100 000t a year.

Agency Interest: General

G1 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.

G2 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.

G3 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. At a minimum this must include water degradation from onsite erosion and subsequent sedimentation and hydrocarbon releases from the coating of gravel with a petroleum product.
(c) Control measures for routine operations to minimise likelihood of environmental harm including an erosion and sediment control strategy. This strategy must be used to plan

erosion and sediment control measures and must respond to changes at the extraction and screening areas. It must provide for the erosion and sediment controls for the scaling up and down of activities with respect to the wet season and shut down periods.

(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.

G4 Records.

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

G5 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.

G6 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.

G7 Spill Kit Training.

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

G8 There must be no extraction undertaken between the months of January and February inclusive.

Agency Interest: Air

A1 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.

A2 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.

A3 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.

A4 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 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

L1 Land Rehabilitation.

The site (including all disturbed areas such as pit walls and benches, access and haul roads, stockpile areas) must be progressively rehabilitated in a manner such that:

(a) native and endemic species of vegetation are planted and established to provide aesthetic rehabilitation;

(b) potential for erosion of the site is minimised;

(c) 70% ground cover is achieved by 20 December each year;

(d) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;

(e) the likelihood of environmental nuisance being caused by release of dust is minimised;

(f) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;

(g) the final landform is stable and not subject to slumping; and

(h) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

L2 Land Disturbance

No more than 4 ha of land may be disturbed at any time. Land must be rehabilitated progressively to ensure that the total area of disturbance is progressively reduced.

L3 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

L4 Financial Assurance. Financial assurance covers 4.hectares of disturbance. The registered operator must provide a financial assurance of $17,192 in the form of a bank guarantee prior to the commencement of activities proposed under this development approval. The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.

L5 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

L6 A pre-coated gravel stockpile bay must be constructed to contain all pre-coat stockpile materials. The bay must be constructed with:

(a) a sealed base;
(b) a rear bay block wall with wing walls;
(c) the base must slope back to the rear bay wall to drain any incident rainfall to the rear of the bay for collection if necessary.

The walls of the bay and its base must be free of failures that will allow water contaminated with hydrocarbons to escape the stockpile area

Agency Interest: Noise

N1 Noise Nuisance.

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

N2 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

N3 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:
- airblast overpressure (dB (Lin) Peak);
- 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.

N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

N5 Vibration Nuisance.

Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

N6 Vibration Monitoring.

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

a) peak particle velocity (mm/s);
b) location of the blast/s within the site (including which bench level);

c) atmospheric conditions including temperature, relative humidity and wind speed and direction,
d) the level and frequency of occurrence of impulsive or tonal noise;
e) atmospheric conditions including wind speed and direction;
f) effects due to extraneous factors; and
g) location, date and time of recording.

Agency Interest: Social

S1 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: Waste

W1 No waste materials are permitted to be accepted at the authorised place.

Agency Interest: Water

WA1 Erosion Protection Measures And Sediment Controls.
Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment. At a minimum the implemented control measures must include:
(a) the diversion of all upslope overland runoff waters from disturbed or exposed sites; and
(b) erosion protection must be installed for surfaces where water velocities or volume can cause erosion; and
(c) all stormwater runoff within the disturbed or exposed areas must report to a sediment control device prior to being discharged off site.

WA2 Monitoring.
Visual monitoring of erosion and sediment control measures and a field test must be undertaken weekly of the waters being discharged from any sediment control measure that discharges to a water. The visual monitoring must include at a minimum an inspection of:
(a) the integrity of all erosion and sediment control measures and the need for repair or maintenance; and
(b) the colour and clarity of the discharge of waters from sediment control devices and the whether the discharge has a visible oil sheen.

The field test is undertaken by following the following:
(a) obtain a 65mm diameter clear plastic or glass bottle and obtain a sample of the water discharging from the sediment control measure; and
(b) hold the sample up to light; and
(c) observe whether you can see through the sample or not; and
(d) make a record of the result.

WA3 Trigger Level – Erosion and sediment control.
Where a weekly field test as outlined in condition W1 provides a result that the bottle can not be clearly seen through in any one sample the registered operator must complete an investigation of the site erosion and sediment controls in accordance with the Soil Erosion and Sediment Control

Engineering Guidelines for Queensland Construction Sites June 1996 (section A1 – Investigation Procedure) and make corrective actions to the erosion and sediment control measures on site.

WA4 Trigger Levels – Hydrocarbons
Where a weekly visual inspection of discharge waters identifies a visible oil sheen, the registered operator must complete an investigation to identify the source of the oil sheen and to develop and implement corrective actions to ensure that hydrocarbons are not released offsite.

WA5 Settled/treated stormwater runoff waters from sediment control measures must only be released when the weekly field test outlined in condition WA1 provides a result where the bottle can be clearly seen through and where there is no visual oil sheen.

WA6 The size of any sedimentation dam must be sufficient to contain the run-off expected from a 24 hour storm with an average recurrence interval of 1 in 5 years and have an emergency spillway to cater for a 24 hour storm with an average recurrence interval of 1 in 20 years.

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.

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

"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
- 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.

"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.

END OF CONDITIONS

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'					
$L_{A10, adj, 10 mins}$	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
$L_{A1, adj, 10 mins}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
$L_{A1, adj, 10 mins}$	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

Notes: Bkg means background.