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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE01927810

This registration certificate is issued by the Department of Environment and Resource Management (formerly the Environmental Protection Agency) and takes effect from: 1 October 2010.

The anniversary day for the purposes of the Annual Return is: 15 October.

This registration certificate is a requirement of section 73 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:-
Stradbroke Rutile Pty Ltd
58 Metroplex Avenue
MURARRIE QLD 4172

Place:-
Lot 1 Plan SP156237, Junner Street, Dunwich, North Stradbroke Island.

Registered Activity: -
ERA 50 Bulk material handling Threshold 1(a) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse.

Mike Thomas
Delegate
Administering authority- *Environmental Protection Act 1994*
Department of Environment and Resource Management

Date: 1 October 2010

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Notice

Notice of Decision – Development Approval

This notice is issued by the Department of Environment and Resource Management pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.

Stradbroke Rutile Pty Ltd (ABN94 009 693 074)
PO Box 47
DUNWICH QLD 4183
Attention: Mr Paul Smith

CC: Blake Dawson
PO Box 7074
RIVERSIDE CENTRE QLD 4001
Attention: Mr Paul Wilson

Our reference: 309111 and File BST803

Dear Mr Smith

Re: Application for Development Approval

Material change of use of a premises for an environmentally relevant activity for ongoing operations at Junner Street, Dunwich, North Stradbroke Island

The Department of Environment and Resource Management, acting as assessment manager, wishes to advise that your application for development approval, received on 17-DEC-2009, has been assessed, and on **9 August 2010** it was approved with conditions.

1. Property/Location:

Junner Street, Dunwich, North Stradbroke Island (Lot 1 on SP156237)

2. Details of the decision

Aspects of Development

- Development Approval for a MCU involving an ERA
ERA 50 Bulk material handling, Threshold 1(a) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse
EPA Ref Number - IPDE02015610

- Advice Agency Response – Moreton Bay Marine Park
MCU of land for urban purposes in or within 100m of a marine park
EPA Ref Number - IPAR02015710

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Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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.

4. The approved plans

The approved plans for this approval are:-

Plan No.	Plan Name	Date
D-340-G-31638 Revision B	Sand Storage and Sumps Layout	28 October 2009

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:

Advice Agency	Aspect of Development	Decision	Ref Number
Moreton Bay Marine Park	MCU of land for urban purposes in or within 100m of a marine park	Deemed no requirements	IPAR02015710

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 Ian Biggs, the Project Manager, on the telephone number listed below.

Yours sincerely

Mike Thomas
Delegate
Dept of Environment and Resource Management
9-AUG-2010

Enquiries:
Regional Service Delivery (South East Region)
Cnr Main & Vulture Streets
WOOLLOONGABBA QLD 4102
GPO Box 2771, Brisbane Qld 4001
Phone: (07) 3406 2895
Fax: (07) 3406 2578

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.

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) any 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.

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.

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Permit

Section 3.5.15 *Integrated Planning Act 1997*

DERM Permit[1] number: IPDE02015610

DERM Permit[1] number:	IPDE02015610
Assessment Manager reference:	309111
Date application received by DERM:	17 December 2009
Permit[1] Type:	Development Approval for a MCU involving an ERA
Date of Decision:	9 August 2010
Decision:	Approved subject to conditions.
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation *Integrated Planning Act 1997* and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
Junner Street, Dunwich, North Stradbroke Island	Lot 1 on Plan SP156237	ERA 50 Bulk material handling Threshold 1(a) - loading or unloading 100t or more of minerals in a day or stockpiling 50000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse.

Additional comments or advice about the application

The anniversary date of the development approval is **1 July.**
The development approval is subject to the attached conditions of approval.

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 permit[1]. For information on when this permit[1] 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

[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.

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a Notifiable Activity (as defined by Schedule 3 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 22 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*.

Mike Thomas
Delegate
Department of Environment and Resource Management
9 August 2010

CONDITIONS OF APPROVAL

Environment Interest: General

Compliance with approval

G1 Contaminants must not be released to the environment other than in accordance with this approval.

Display of approval

G2 A copy of this approval must be kept in a location readily accessible to the personnel that are carrying out the ERA.

Prevent and/or minimise likelihood of environmental harm

G3 In carrying out the environmentally relevant activity to which this approval relates, the registered operator for the approval must take all reasonable and practicable measures to prevent and/or minimise the likelihood of environmental harm being caused.

Maintenance Of Measures, Plant and Equipment

G4 The registered 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.

Alterations

G5 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operations of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this approval.
An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

Records

G6 Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G7 All records required by this approval must be kept for 5 years.

Site Based Management Plan

G8 From commencement of this approval, 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 address the following matters:

a) Staff training, for awareness and mitigation of environmental harm related to carrying out the activities, which must include at least:
   i) the environmental policy of the registered operator, so that all persons that carry out the activities are aware of all relevant commitments to environmental management;

ii) any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these;

iii) the control procedures for routine operations to minimise the likelihood of environmental harm, however occasioned or caused;

iv) contingency plans and emergency procedures for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation);

v) organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively;

vi) effective communication to ensure two-way communication on environmental matters between operational staff and higher management;

vii) their obligations in respect of monitoring, notification and record keeping obligations under the SBMP and relevant approvals and/or environmental authorities; and

b) Monitoring the release of contaminants into the environment including procedures, methods, record keeping and notification of results;

c) Conducting assessment of the environmental impact of any known release of contaminants into the environment;

d) The conduct of environmental and energy audits to review not less frequently than every 2 years:

i) the level of environmental performance; and

ii) the effectiveness of environmental management procedures adopted.

e) Waste prevention, treatment and disposal; and

f) A program for continuous improvement.

G9 The SBMP (including any environmental management plan) must not be implemented or amended in a way that contravenes any condition of this approval.

Equipment Calibration

G10 All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

Monitoring

G11 A competent person(s) must conduct any monitoring required by this approval.

Environment Interest: Air

Nuisance

A1 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 sensitive place or commercial place.

A2 The release of dust and/or particulate matter resulting from the activities authorised by this approval must not cause a nuisance at any sensitive place or commercial place.

A3 Dust and particulate matter must not exceed the following levels when measured at any sensitive place 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 micrometres (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time when monitored in accordance with:

i) 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

ii) 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.

A4 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of 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 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 micrometres (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

Dust Control

A5 The Registered operator for this approval must install barriers and equipment and implement operational procedures for the minimisation and abatement of wind blown particulates generated by the approved activity. The procedures must provide for:

a) Control of dust from trucks and stockpiles;

b) Dust control at conveyors, transfer points and loading/unloading equipment; and

c) Induction training of all relevant employees (and retraining every two years) in the nature of all stockpiled materials, the dust control methods and accountability for controlling emissions.

A6 Water sprays must be operated for stockpiles and transfer points as necessary to minimise release of dust and particulate matter to the atmosphere.

A7 All sealed traffic areas must be cleaned as necessary, and a site speed limit displayed and obeyed to minimise the release of dust and particulate matter to the atmosphere.

A8 All buildings, conveyers and transfer points are to be designed, constructed, maintained and operated so as to minimise the generation or release of dust to air.

A9 Where it is deemed necessary to conduct abrasive blasting other than in a blasting chamber, the registered operator of the ERA must:

a) where the structure or the item to be blasted is able to be reasonable relocated or transported to a site approved for abrasive blasting, conduct the activity at the approved site; and

b) other than where the activity is being conducted at a site approved for abrasive blasting or in the case of plant maintenance or an emergency, provide 24 hour notice to the administering authority of the intent to abrasive blast other than in a blasting chamber.

Environment Interest: Water

WA1 Contaminants must not be released from the site to any waters or the bed and banks of any waters.

WA2 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.

WA3 Any spillage of waste, contaminants or other materials on the site must be cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminants or material to any stormwater drainage system, roadside gutter or waters.

WA4 All stockpiled materials must be contained within the designated storage areas as per the Sand Storage and Sumps Layout Drawing D-340-G-31638 Revision B, dated 28 October 2009.

WA5 The registered operator for this approval must install barriers and equipment to minimise sediment migrating from the designated stock pile yards and the dump grate including its ramp, and to prevent sediment from washing off the site. The barriers and equipment must provide for:

a) Stockpiled materials; and

b) Materials at conveyors, transfer points and loading/unloading equipment.

WA6 The registered operator for this approval must implement operational procedures to minimise and prevent sediment migrating from the designated stock pile yards and the dump grate including its ramp, and to prevent sediment from washing off the site. The procedures must provide for induction training of all relevant employees (and retraining every two years) in the methods and accountability for sediment control measures

Spillage Control

WA7 The spillage of bulk products being loaded or unloaded, wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillage must not be cleaned up in a manner that releases the materials to any external stormwater drainage system, roadside gutter or waters.

WA8 Maintain in a proper and efficient working order all sediment collection and erosion control devices and drains.

Environment Interest: Waste

W1 All regulated waste removed from the site must be removed by a person approved to transport such waste under the provisions of the *Environmental Protection Act 1994*.

W2 The registered operator of this approval must not:

a) Allow waste to burn or be burned at or on the site; nor

b) Remove waste from the site and burn such waste elsewhere.

Environment Interest: Land

Preventing contaminant release to land

L1 Contaminants must not be released to land.

L2 Where it is not practicable to prevent any release of contaminants to land as required by condition L1, the ERA must be carried out by such practicable means necessary to minimise the release or likelihood of release of any such contaminants to land.

Environment Interest: Noise

N1 All noise from activities must not exceed the levels specified in Table 1 - *Noise limits*.

Table 1 - Noise limits

Time period		Noise level at a 'sensitive place' measured as the Statistical Sound Pressure Level $L_{A\ 10,\ 15\ minutes}$
Monday to Saturday	7am – 6pm	Background noise level plus 5 dB(A)
	6pm – 7am	Background noise level plus 3 dB(A)
All other times and public holidays		Background noise level
Time period		**Noise level at a 'Commercial place' measured as the Statistical Sound Pressure Level $L_{A\ 10,\ 15\ minutes}$**
Monday to Saturday	7am – 6pm	Background noise level plus 10 dB(A)
	6pm – 7am	Background noise level plus 8 dB(A)
All other times and public holidays		Background noise level plus 5 dB(A)

Noise Monitoring

N2 When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise related nuisance as follows:

a) Results must be provided to the administering authority within fourteen (14) days following completion of monitoring; and

b) Monitoring must include:

i) $L_{A\ 1,\ 15\ minutes}$;

ii) $L_{A\ 10,\ 15\ minutes}$;

iii) $L_{A\ eq,\ 15\ minutes}$;

iv) the background (sound pressure) noise level, being $L_{A\ 90,\ 15\ minutes}$;

v) the level and frequency of occurrence of impulsive or tonal noise;

vi) atmospheric conditions including wind speed and direction;

vii) effects due to extraneous factors such as traffic noise; and

viii) location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's *Noise Measurement Manual*.

Environment Interest: Reporting and Community

Complaint Response

R1 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.

Notification of Emergencies and Incidents

R2 Notify the administrating authority'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.

R3 The notification of emergencies or incidents must include but not be limited to the following:

a) Name of the registered operator or landowner;
b) Location of the emergency or incident;
c) Number of the approval or registration certificate;
d) Name and telephone number of a designated contact person;
e) Location and time of the release;
f) Time the registered operator or landowner became aware of the release;
g) Quantity and substance released;
h) Suspected cause of the release;
i) Environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
j) Actions taken to prevent further release and mitigate any environmental harm or nuisance caused by the release.

R4 Not more than fourteen (14) days following the initial notification of an emergency or incident, the registered operator must provide written advice of the information supplied in accordance with condition R3 in addition to:

a) Proposed actions to prevent a recurrence of the emergency or incident;
b) Outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
c) Results of any environmental monitoring performed.

R5 As soon as practicable, but not more than six (6) weeks following the conduct of any environmental monitoring performed in relation to the emergency or incident, which results in the release of contaminants not in accordance, or reasonably expected to not be in accordance with the condition of this approval, the registered operator must provide written advice of the results of any such monitoring performed to the administering authority.

Exception Reporting

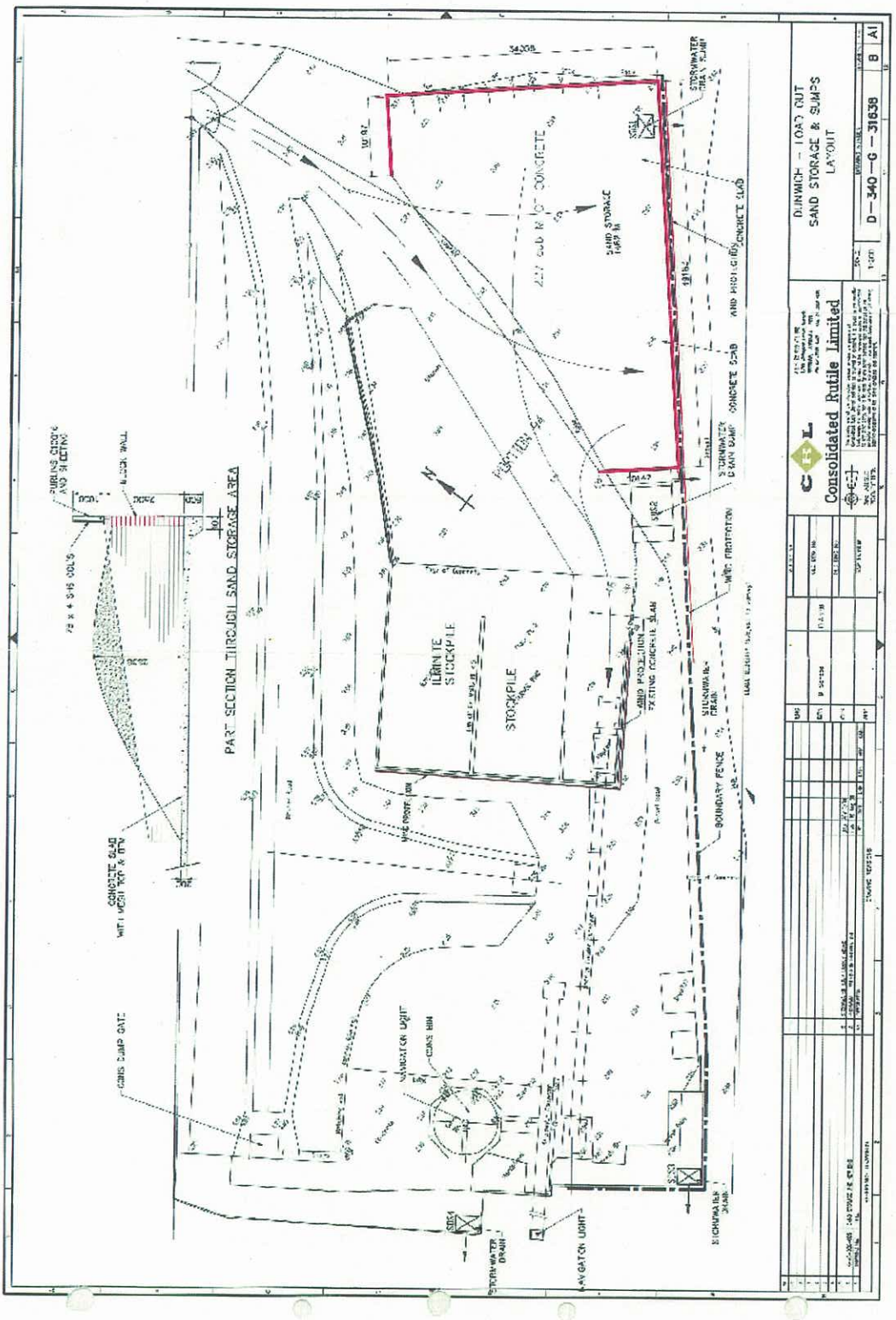
R6 Where monitoring has been conducted as a requirement of this approval, the registered operator must notify the administering authority in writing of any monitoring result which indicates an exceedance of any approval limit within twenty eight (28) days following the receipt of the relevant monitoring result.

R7 The written notification required by condition R6 must include:

a) The full analysis results;
b) Details of investigation or corrective actions taken; and
c) Any subsequent analysis.

END OF CONDITIONS

Sand Storage and Sumps Layout Drawing D-340-G-31638 Revision B, dated 28 October 2009



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 *Environmental Protection Act 1994*, its regulations and Environmental Protection Policies shall be used. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the Macquarie Dictionary.

"administering authority" means the Department of Environment and Resource Management 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 approval.

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

"approved activity" means activities approved by this approval.

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

"background noise level" means $L_{A\ 90,\ 15\ minutes}$.

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

"competent person" means a person or body possessing demonstrated experience and qualification to perform tasks.

"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.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Environmental Protection Act 1994*.

"$L_{A\ 1,\ 15\ minutes}$" means the A-weighted sound pressure level, measured using Fast response, equal to or exceeded for 1% of any 15 minute measurement period.

"$L_{A\ 10,\ 15\ minutes}$" means the A-weighted sound pressure level, measured using Fast response, equal to or exceeded for 10% of any 15 minute measurement period.

"$L_{A\ eq,\ 15\ minutes}$" means the A-weighted equivalent continuous sound pressure level of the 15 minute period.

"$L_{A\ 90,\ 15\ minutes}$" means the A-weighted sound pressure level, measured using Fast response, equal to or exceeded for 90% of any 15 minute measurement period.

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

"maximum" means that the measured value of the quality characteristic or contaminant must not be grater than the stated release limit.

"minimum" means that the measured value of the quality characteristic or contaminant must not be less than the stated release limit.

"mg/L" means milligrams per litre.

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

"Noise Measurement Manual" means the following document or more recent additions or supplements to that document as such become available, *Noise Measurement Manual* Third Edition, Environmental Protection Agency, Brisbane, Australia (2000).

"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 2008* (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.

"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; and
- each includes a place within the curtilage of such places reasonably used by persons at that place.

"sensitive receptor" means a person inhabiting a sensitive place.

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

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

"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.

"Water Monitoring and Sampling Manual" means the following document or more recent additions or supplements to that document as such become available, Department of Environment and Resource Management, *Monitoring and Sampling Manual: Environmental Protection (Water) Policy 2009*.

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

"you" means the registered operator for this approval and/or owner/occupier of the land which is the subject of this approval.

END OF DEVELOPMENT APPROVAL