

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00881809

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 21 January 2009.
The anniversary day for the purposes of the Annual Return is 6 December.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities 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:-

Mapoon Aboriginal Shire Council
Red Beach Mapoon
PO Box 213
WEIPA NSW 4874

Place:-

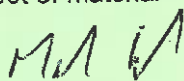
Lot 2 Plan WP839186

Located:-

Mapoon Dogit

Registered Activity: -

ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material



Mark Cavicchiolo
Delegate
Administering authority
Environmental Protection Act 1994
06-DEC-2010

eco access

environmental licences and permits

556713671018

Mapoon

Notice

Decision – Development Approval

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

Australian Defence Force

Attn: Capt Peter Crunckhorn
19th Chief Engineer Works
373A Avoca Street
RANDWICK NSW 2031

Our reference: 332024

Dear Sir/Madam

Re: Application for Development Approval

The Environmental Protection Agency, acting as assessment manager, wishes to advise that your application for development approval, received on 25-NOV-2008, has been assessed, and on 31-MAR-2009 it was approved with conditions.

1. Property/Location:

Lot/Plan - Lot 2 Plan WP839186

2. Details of the decision

Aspect of Development

- Development Approval for a MCU involving an ERA

- ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material.

Decision

- Approved subject to conditions.

DERM Ref Number

- IPDE01351509

Notice of Decision – Development Approval

Aspect of Development

- Development Approval for a MCU involving contaminated land
- All or part of the land forming part of the premises is on the environmental management register or contaminated land register

Decision

- Invalid

DERM Ref Number

- IPDL01351609

3. Effectiveness and currency periods

This development approval takes effect -

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

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

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

4. The approved plans

Nil

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.



Notice of Decision – Development Approval

7. IDAS referral agencies

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

Concurrence Agencies: Nil

Advice Agencies: Nil

8. Submissions

This application did not trigger Public Notification.

9. Appeal rights

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

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

Yours sincerely



Robin Little
Delegate
Environmental Services, Regional Services
Cairns, Far North
Department of Environment and Resource Management
29-APR-2009

Enquiries:
ES - Reg Serv - Cairns - William McCormack
PO Box 2066
CAIRNS QLD 4870
Phone: (07) 4046 6602
Fax: (07) 4046 6606

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 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.

4.1.35 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 4.1.31⁷³ 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.

Section 3.5.15 Integrated Planning Act 1997

Department of Environment & Resource Management Permit¹ Number: IPDE01351509

DERM Permit ¹ number:	IPDE01351509
Assessment Manager reference:	as above
Date application received by DERM:	25-NOV-2008
Permit ¹ Type:	Development Approval for a MCU involving an ERA
Date of Decision:	29-APR-2009
Decision:	Approved with conditions
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
	Lot 2 Plan WP839186	ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material.

Additional comments or advice about the application

Nil

Additional information for applicants

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

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the 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

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

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.



Robin Little
Delegate
Environmental Services, Regional Services
Cairns, Far North
Department of Environment and Resource Management

29-APR-2009

CONDITIONS OF APPROVAL

Condition for: ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material.

Agency Interest: General

A1G1 Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

A1G2 Maintenance of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:

- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
- (b) maintain such measures, plant and equipment in a proper and efficient condition; and
- (c) operate such measures, plant and equipment in a proper and efficient manner.

A1G3 Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

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

A1G5 Records.

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

A1G6 All records required by this approval must be kept for 5 years.

A1G7 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to

any waters.

A1G8 Notification.

Telephone the Department of Environment and Resource Management Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

Agency Interest: Air

A1A1 Dust and particulate matter must not exceed 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), when measured at any nuisance sensitive or commercial place.

A1A2 Nuisance.

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

A1A3 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.

A1A4 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.

Agency Interest: Land

A1L1 Land Rehabilitation.

The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) 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;
- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is stable and not subject to slumping; and
- (g) 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.

A1L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

A1L3 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

A1L4 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.

Agency Interest: Noise

A1N1 Noise Nuisance.

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

A1N2 All noise from activities must not exceed the levels specified in Table 1 - *Noise Limits* at any nuisance sensitive or commercial place.

A1N3 Noise Monitoring.

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

- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

A1N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

A1N5 Vibration Nuisance.

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

Agency Interest: Social

A1S1 Complaint Response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken.

Agency Interest: Water

A1WA1 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

A1WA2 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.

A1WA3 Release To Waters

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

A1WA4 Stormwater Management

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

A1WA5 Pond Conditions.

All ponds used for the storage or treatment of contaminants, sewage or wastes at or on the authorised place must be constructed, installed and maintained:

- a) so that a freeboard of not less than 0.50 metres is maintained at all times, except in emergencies; and
- b) so as to ensure the stability of the ponds' construction.

A1WA6 Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants or wastes.

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

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

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

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

"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.

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

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment & Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

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

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

"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.

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

" $L_{A, 1, \text{adj}, 10 \text{ mins}}$ " 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.

" $L_{A, \text{max adj}, 1}$ " 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.

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

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

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

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

"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	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