

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00736308

This registration certificate is issued by the administering authority and takes effect from: 31st-JAN-2012.

The anniversary day for the purposes of the Annual Return remains 10th JAN.

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 places subject to the conditions set out in a development approval IPCE00828308 attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Ross Brims Bulk Transport Pty Ltd
C/- HBA
11-13 Pearl St, KINGSCLIFF NSW 2487

Place:-

Lot 323 Plan BNT 1724, Lot 324 Plan BNT 1724, Lot 373 Plan BNT 1724, Lot 376 Plan BNT 1724, Lot 377 Plan BNT 1724

Location:-

Dalcouth Rd, Mills Rd, Gillbard Rd and Sugarloaf Rd DALCOUTH

Registered Activities: -

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

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

Delegate

Derek Robson
Department of Environment and Resource Management
Environmental Protection Act 1994

31-JAN-2012

Notice of decision - Permit¹ amendment

This notice is issued by the Department of Environment and Resource Management (DERM) to advise of a statutory decision.

Ross Brims Bulk Transport Pty Ltd
C/-HBA
11-13 Pearl St,
Kingscliff, NSW 2487

Our reference: 320667

Dear Sir/Madam,

Please find attached your registration certificate which has been amended as a result of the information supplied on your annual return.

Action	Permit Number	Decision
Amend Registration Certificate under Environmental Protection Act 1994 – to reflect the changes made on your recent annual return.	ENRE00736308	Granted

If you require more information please contact Derek Robson on the telephone number listed below.

Yours sincerely



Derek Robson
Department of Environment and Resource Management
31st JAN 2012

Enquiries:

Permit and Licence Management
Implementation & Support Unit
Department of Environment and Resource
Management
GPO Box 2454
Brisbane Queensland 4001
Phone: 1300 130 372
Fax: 07 3896 3342
E-mail: palm@derm.qld.gov.au

Attachment

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Concurrence Agency Response

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit¹ number: IPCE00828308

EPA Permit¹ number:	IPCE00828308
Assessment Manager reference:	IA531
Date application received by EPA:	07-JAN-2008
Permit¹ Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	14-FEB-2008
Decision:	Granted subject to inclusion of conditions
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description

Lot/Plan	Aspect of Development
Lot 323 Plan BNT 1724, Lot 324 Plan BNT 1724, Lot 373 Plan BNT 1724, Lot 376 Plan BNT 1724, Lot 377 Plan BNT 1724	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. 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 or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, 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 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

Signature

EPA Permit number: IPCE00828308

- 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 information for applicants

Contaminated Land

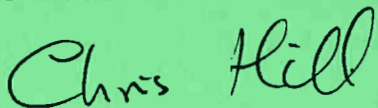
It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, 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.



Chris Hill
Delegate
Environmental Protection Agency
14-FEB-2008

CONDITIONS OF APPROVAL

Condition 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.

Condition for: 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 or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, a year.

Agency Interest: General

G1 A copy of this approval must be kept in a location readily accessible to personnel carrying out the activity

G2 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.

G3 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.

G4 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this Development Approval.

An example of a substantial increase in the risk of environmental harm is an increase of ten percent (10%) or more in the quantity of the contaminant to be released into the environment.

G5 Site Based Management Plan.

From the date this Development Approval takes effect, the holder must develop and implement, a site based management plan (SBMP). 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.

G6 A copy of the Site-Based Management Plan must be kept at the authorised place.

G7 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G8 The holder of this approval must submit details of any amendment of the SBMP to the administering authority with the annual return which immediately follows the enactment of any such amendment.

G9 Records.

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

G10 All records required by this approval must be kept for 5 years.

G11 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.

G12 Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G11:

- a) the name of the operator, including their approval / registration number;
- b) the name and telephone number of a designated contact person;
- c) quantity and substance released;
- d) vehicle and registration details;
- e) person/s involved (driver and any others);
- f) the location and time of the release;
- g) the suspected cause of the release;
- h) a description of the effects of the release;
- i) the results of any sampling performed in relation to the release,
- j) actions taken to mitigate any environmental harm caused by the release; and
- k) proposed actions to prevent a recurrence of the release.

G13 A competent person(s) must conduct any monitoring required by this approval.



Agency Interest: Air

A1 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.

A2 Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to sealing with bitumen or other suitable material, keeping surfaces clean, use of water sprays, adoption and adherence to speed limits, use of dust suppressants, wind breaks and covering of truck loads when leaving the site.

A3 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.

A4 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.

Agency Interest: Land

- L1 All extraction and screening activities authorised under this development approval are restricted to the areas labelled Extraction Area and Processing Site shown in Map 1 Appendix 1 of this development approval.
- L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.
- L3 Within six months of the date of issue of this Development Approval, the holder of this Development Approval must develop and implement a Site Rehabilitation Plan (SRP). The Site Rehabilitation Plan must address but not be limited to include the issues identified in condition L4.
- L4 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.

- L5 The holder of this approval must submit details of any amendment of the SRP to the administering authority with the annual return which immediately follows the enactment of any such amendment.

- L6 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

- L7 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

- A1 Noise Nuisance.

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

A2 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.

A3 All noise from activities must not exceed the levels specified in Table 1

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	45	40	30	45	40	30
L _{A1} , adj, 10 mins	50	45	35	50	45	35

A4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Water

- W1 Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.
- W2 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- W3 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.

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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.



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.

"Environmental Protection Agency" 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*.

"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.

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

"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.



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"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.

"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

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EPA Permit number: IPCE00828308

Appendix 1

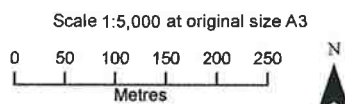
Map 1. In accordance with condition L1 this map indicates the area authorised for extraction and screening activities (processing site) under this development approval.

ETH



Limit of Extraction

This plan shows the areas in which Babbuli P/L intends to extract sand from on property described as as Lots 323,324, 373, 376, 377 on BNT 1724 under an Extractive Industry Licence: ERA 20(b) - Extracting sand: 5000t or more but less than 100000t a year ERA 22 - Screening



Aerial Photography: 15/10/2007

Map produced: 6 February 2008

Legend

- Subject Parcels
- Extraction Area - boundary of the areas where sand extraction will occur. Sand extraction will only occur from existing sand dumps
- Sand Dumps - Indicative Only
- Processing Site

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

The Chief Executive Officer
Stanthorpe Shire Council
61 Marsh Street
PO Box 402
STANTHORPE QLD 4380

CC: Babduli Pty Ltd
C/-Shawn Darr
PO Box 73
STANTHORPE QLD 4380

Our reference: 320667

Attention: Terry Brennan

Dear Mr Brennan

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 07-JAN-2008, has been assessed, and on 14-FEB-2008 it was decided that conditions must be attached to any development approval.

The advice and/or conditions relevant to this response are attached. They are clearly identified to indicate which referral trigger they apply to.

1. Property/Location:

Lot/Plan - Lot 323 Plan BNT 1724, Lot 324 Plan BNT 1724, Lot 373 Plan BNT 1724, Lot 376 Plan BNT 1724, Lot 377 Plan BNT 1724

2. Details of the recommendation

Aspect of Development

- Concurrence Response for a MCU involving an ERA
- 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. 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 or equipment having a design capacity of more than 5 000 t, but less than 100 000 t, a year.



Recommendation

- Granted in full with conditions

EPA Ref Number

IPCE00828308

Aspect of Development

- Advice Agency Response
- MCU on land in or within 100m of a wetland

Recommendation

No advice required

EPA Ref Number

- IPAR00828408

3. Currency period

This approval will lapse unless substantially started within the currency period/s set by the Assessment Manager.

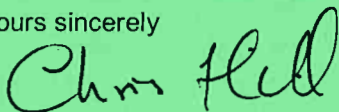
4. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by the , be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@epa.qld.gov.au.

In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

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

Yours sincerely

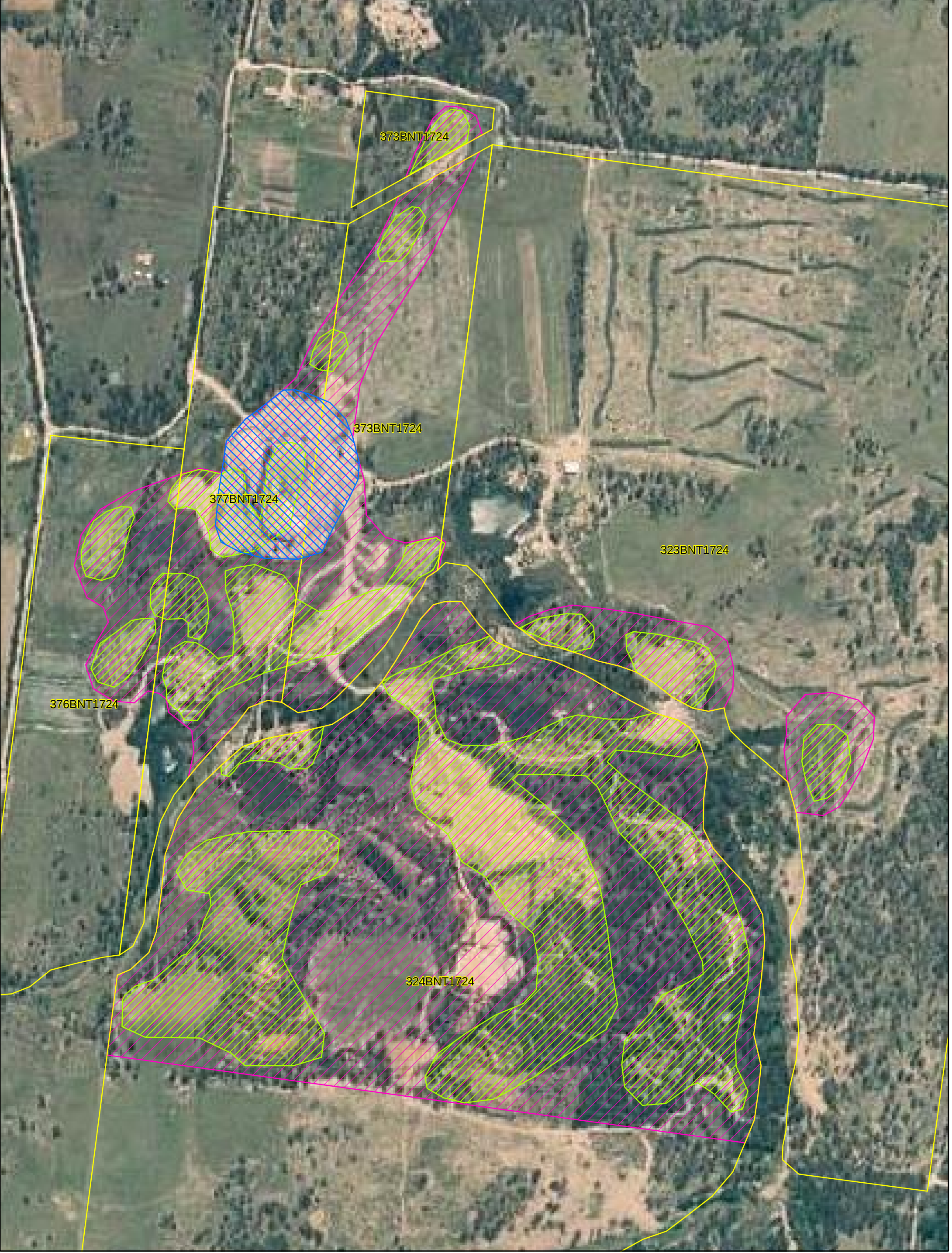


Chris Hill
Delegate
Environmental Protection Agency
14-FEB-2008

Enquiries:

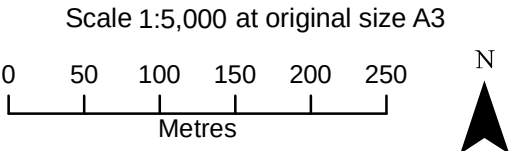
SouthReg Env Ops (South West District)
PO Box 731
TOOWOOMBA QLD 4350
Phone: (07) 4699 4322
Fax: (07) 4699 4399

Attachment - Concurrence Agency Response



Limit of Extraction

This plan shows the areas in which Babbuli P/L intends to extract sand from on property described as as Lots 323,324, 373, 376, 377 on BNT 1724 under an Extractive Industry Licence: ERA 20(b) - Extracting sand: 5000t or more but less than 100000t a year ERA 22 - Screening



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- Legend**
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 - Extraction Area - boundary of the areas where sand extraction will occur. Sand extraction will only occur from existing sand dumps
 - Sand Dumps - Indicitive Only
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