

ecoaccess

File No:

STH3139
BST2009/1565

C1798467

10-Aug-2009



Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00785708

This amended registration certificate is issued by the administering authority and takes effect from: 12-AUG-2009.

The anniversary day for the purposes of the Annual Return remains: 9th June.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Apex Dredging Pty Ltd

2/20 Nuban Street

CURRUMBIN QLD 4223

REGISTERED POST – SENDER TO KEEP
557490242019

Place:-

No fixed place. The activity is a mobile and temporary activity as defined in Schedule 3 of the Environmental Protection Act 1994.

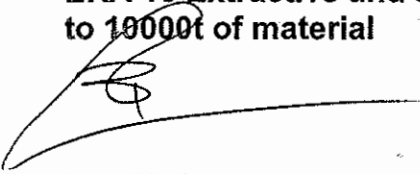
Located at:-

Canals, rivers and creeks between Queensland and New South Wales border and Souther Bank of Logan River



Registered Activity/ies: -

ERA 16 Extractive and screening activities Threshold 1(a) - dredging, in a year, 1000t to 10000t of material



Brett Glosko
Delegate
Administering authority
Environmental Protection Act 1994

12-AUG-2009

Development Permit

EPA Permit¹ number:	IPDE01003108
Application (Converted Development Approval) No.	SR2333
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation

Development Description

Property/Location

Canals rivers and creeks between Queensland and New South Wales border and Southern Bank of Logan River.

located at: within the Gold Coast City Council boundary.

Carrying out of Environmentally Relevant Activity (ERA)

19(b) - Dredging material - dredging material from the bed of any waters (other than dredging by a Port Authority of material for which a royalty or similar charge is not payable) using plant or equipment having a design capacity of 5000 t or more, but less than 100 000 t, per year.

Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and / or Commonwealth Legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a notifiable activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (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.

¹ Permit includes development approvals, 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



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*.

Georgina Davis

Delegate of Administering Authority
Environmental Protection Act 1994

Date: 7/7/08



Conditions of the Development Approval

This development approval consists of the following schedules of conditions relevant to various issues:

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

This development approval consists of the following schedules-

Schedule A - General Conditions

Schedule B - Air

Schedule C - Water

Schedule D - Noise

Schedule E - Waste

Schedule F - Land

Schedule G - Community

Schedule H - Definitions

SCHEDULE A - GENERAL CONDITIONS

Prevent and /or Minimise Likelihood of Environmental Harm

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

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

Integrated Environmental Management System

- (A2-1) From commencement of the activity, an Integrated Environmental Management System (IEMS) must be implemented. The IEMS 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 IEMS must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activity that is carried out.

Records

- (A3-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Dredging

- (A4-1) The registered operator of this development approval must only undertake maintenance dredging in the canals, rivers and creeks described as follows:
- (i) Northern Waterway Maintenance Program defined by Gold Coast City Council Canal Dredging Program Map, Disk - SP-539 Sheet 1 of 3;
 - (ii) Central Area Canal Maintenance Program defined by Gold Coast City Council Canal Dredging Program Map, Disk - SP-539 Sheet 2 of 3;
 - (iii) Southern Area Canal Maintenance Program defined by Gold Coast City Council Canal Dredging Program Map, Disk - SP-539 Sheet 3 of 3;
 - (iv) Nerang River from the southern Broadwater to Carrara;
 - (v) Little Tallebudgera Creek;
 - (vi) Currumbin Creek to Currumbin Waters;
 - (vii) Tallebudgera Creek to the Pacific Highway bridge;
 - (viii) Tidal areas of Biggera Creek;
 - (ix) Coomera River at Paradise Point; and the
 - (x) Banks of the Broadwater.
- (A5-1) The only locations on which dredged material may be placed are canal, river and creek banks immediately adjacent to the dredged area.
- (A6-1) The only form of dredging to be carried out is maintenance dredging.
- (A7-1) The dredging activity and any disturbance to flora and fauna (both aquatic and terrestrial), rock bars or riffle areas that create natural pools or sand, gravel and clay in the bed of the waters must only be carried out in the locations where maintenance dredging is carried out.

Deposition of Material

- (A8 -1) The registered operator of this development approval is only permitted to dredge to the construction profile of the existing Gold Coast City Council canals and the natural profiles of the rivers and creeks.
- (A9 -1) Dredged material is not permitted to be stockpiled.
- (A10 -1) The registered operator of this development approval is permitted to deposit dredged spoil onto the banks of the canals, rivers and creeks.

Acid sulphate soils (ASS)

- (A11 -1) You must comply with the latest edition of the Queensland Environmental Protection Agency's 'Guidelines For the Treatment and Management of Acid Sulfate Soils'.
- (A12 -2) Acid sulfate soils must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

End of Conditions for Schedule A

SCHEDULE B - AIR

Dust nuisance

- (B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.
- (B2-2) Exceedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.
- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR
 - A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the premises to which this development approval relates, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

End of Conditions for Schedule B

SCHEDULE C – WATER**Monitoring**

- (C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:
- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
 - carried out on samples that are representative of the discharge.



Schedule C - Table 1 (Release limits)

Monitoring point	Discharge location	Quality characteristics	Release Limit		Monitoring frequency
			Minimum	Maximum	
A1	Down – current sampling and in-situ monitoring point as defined in condition C2-1	Suspended Solids (mg/L)	Must not be more than ten percent above background level, or 50 mg/L, whichever is the greater of the two.		Every two weeks when dredge is in operation.
		Turbidity (NTU)	Must not exceed 2 NTU above a background level where the background is less than 20 NTU, or ten percent (10%) greater than a background level where the background is greater than 20 NTU.		Daily when dredge is in operation.
		pH	6.5	9.0	Daily when dredge is in operation.
		Oil and Grease	No visible oil and grease		Twice daily when dredge is in operation.
		Visible Plume	No visible plume beyond 50 metres from the point of entry to waters by wastewater from the deposition points and the operation of the dredge.		Twice daily when dredge is in operation.
A2	A monitoring point in waters in the immediate vicinity of the dredge, deposition areas and cyclone backwash pipe	Suspended Solids (mg/L)	Must not be more than ten percent above background level, or 50 mg/L, which ever is the greater of the two.		Every two weeks when dredge is in operation.
		Turbidity (NTU)	Must not exceed 2 NTU above a background level where the background is less than 20 NTU, or ten percent (10%) greater than a background level where the background is greater than 20 NTU.		Daily when dredge is in operation.
		pH	6.5	9.0	Daily when dredge is in operation.
		Oil and Grease	No visible oil and grease		Twice daily when dredge is in operation.
		Visible Plume	No visible plume beyond 50 metres from the point of entry to waters by wastewater from the deposition points and the operation of the dredge.		Twice daily when dredge is in operation.
B1	A background sampling and insitu monitoring points as defined in condition C2-1	Suspended Solids (mg/L)	Must not be more than ten percent above background level, or 50 mg/L, which ever is the greater of the two.		Every two weeks when dredge is in operation.
		Turbidity (NTU)	Must not exceed 2 NTU above a background level where the background is less than 20 NTU, or ten percent (10%) greater than a background level where the background is greater than 20 NTU.		Daily when dredge is in operation.
		pH	6.5	9.0	Daily when dredge is in operation.
		Oil and Grease	No visible oil and grease		Twice daily when dredge is in operation.
		Visible Plume	No visible plume beyond 50 metres from the point of entry to waters by wastewater from the deposition points and the operation of the dredge.		Twice daily when dredge is in operation.

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(C2-1) For the purposes of determining compliance with Condition C1-1):

- (i) A down current sampling point is a point in the receiving waters situated not more than one hundred (100) metres from the point of entry of wastewater in the down-current direction at times when tidal flows or other flows are occurring.
- (ii) Background is the level for the quality characteristic measured at a point, in the receiving waters not affected by the release from the dredging and deposition operation, situated between fifty (50) and one hundred (100) metres up-current from the point of entry of the wastewaters. The sample and in situ analysis must be taken midway down the water column.

Releases of Petroleum Products

(C3-1) There must be no release of petroleum products from any vessel used in the dredging operations or during any refuelling of the dredge to any waters.

Erosion protection measures and sediment controls

(C4-1) Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

Stormwater management

(C5 -1) There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

Habitat Disturbance and Seagrass

(C6-1) Dredging must be carried out in such a manner so as to prevent and/or minimise any disturbance including smothering of marine plants.

Complaint Recording

(C7-1) All complaints received by the registered operator of this development approval relating to releases of contaminants from the environmentally relevant activity at the approved place must be recorded and kept in a log book with the following details:

- (i) time, date and nature of complaint;
- (ii) type of communication (telephone, letter, personal etc.);
- (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
- (iv) response and investigation undertaken as a result of the complaint;
- (v) name of person responsible for investigating complaint; and
- (vi) action taken as a result of the complaint investigation and signature of responsible person.

(C8 -1) At a approved site where there is more than one dredge operating and/or when there is more than one discharge to the deposition site, the registered operator of this development approval must undertake sampling and in-situ monitoring in accordance with Schedule H for each individual source of contaminants (i.e. each dredge and each deposition release point/pipe).

(C9 -1) The registered operator of this development approval must vary the sampling frequency intervals or sampling regime upon receipt of written request from the administering authority.

(C10 -1) All determinations of the quality of contaminants released must be performed by a person or company possessing appropriate experience and qualifications to perform the required measurements.

Visual Impact Monitoring

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(C11- 1) The registered operator of this development approval must monitor the visual impact of the environmentally relevant activity on the environment by undertaking the following when dredging is carried out:

- (i) Twice daily observation and recording of the extent of the turbidity plume caused by dredging and any oil and grease; and
- (ii) In conjunction with the above observation and recording of the influence of wind and tide conditions on dispersal of the turbidity plume and any oil and grease; and
- (iii) Observation and recording of the length of time the turbidity plume and any oil and grease persists.

End of Conditions for Schedule C

SCHEDULE D - NOISE**Noise nuisance**

- (D1-1) Noise from activities must not cause an environmental nuisance at any noise sensitive place or any commercial place.
- (D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 at any noise sensitive place.

Schedule D - Table 1

Time period	Noise level at a 'Noise sensitive place' measured as the Adjusted Maximum Sound Pressure Level $L_{A, \max \text{ adj } T}$
7am - 6pm	50 dB(A) or background noise level plus 5 dB(A), whichever is the greater
6pm - 10pm	45 dB(A) or background noise level plus 5 dB(A), whichever is the greater
10pm - 7am	35 dB(A) or background noise level plus 3 dB(A), whichever is the greater
Time period	Noise level at a 'Commercial place' measured as the Adjusted Maximum Sound Pressure Level $L_{A, \max \text{ adj } T}$
7am - 6pm	55 dB(A) or background noise level plus 10 dB(A), whichever is the greater
6pm - 10pm	50 dB(A) or background noise level plus 10 dB(A), whichever is the greater
10pm - 7am	40 dB(A) or background noise level plus 8 dB(A), whichever is the greater

- (D1-3) Condition D1-2 applies if:
- there are complaints to the administering authority about the level of noise from any source in carrying out the environmentally relevant activity at authorised place; and
 - the complaints are not frivolous or vexatious or based on mistaken belief.

Noise monitoring

- (D2-1) When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within fourteen (14) days to the administering authority. Monitoring must include:
- $L_{A, \max \text{ adj } T}$
 - 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.
- (D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

End of Conditions for Schedule D

SCHEDULE E - WASTE

(E1-1) Only the following waste materials are permitted to be accepted: clean fill

End of Conditions for Schedule E

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SCHEDULE F - LAND**Land Rehabilitation**

- (F1-1) The authorised place must be rehabilitated (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) in a manner such that:
- suitable native species of vegetation are planted and established;
 - potential for erosion of the site is minimised;
 - the quality of stormwater, 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;
 - the likelihood of environmental nuisance being caused by release of dust is minimised;
 - the water quality of any residual water bodies meets criteria for subsequent uses and does not have potential to cause environmental harm;
 - the final landform is stable and not subject to slumping; and
 - any actual and potential acid sulfate soils in or on the site are either not disturbed; or, submerged, or treated so as to not be likely to cause environmental harm.
- (F1-2) Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

End of Conditions for Schedule F

SCHEDULE G - COMMUNITY**Complaint response**

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

End of Conditions for Schedule G

SCHEDULE H - DEFINITIONS

Words and phrases used throughout this development approval or development approval are defined below:

Where a definition for a term used in this authority is sought and the term is not defined within this authority the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

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

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

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

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

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

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

"dust sensitive place" means -

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

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

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

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

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

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

"nuisance sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or

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- a medical centre or hospital; or
 - a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
 - a public thoroughfare, park or gardens; or
 - a place used as a workplace, an office or for business or commercial purposes.
- and includes a place within the curtilage of such a place reasonably used by persons at that place.

"**L_A 10, adj, 10 mins**" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for ten percent (10%) of any 10 minute measurement period, using Fast response.

"**L_A 1, adj, 10 mins**" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for one percent (1%) of any 10 minute measurement period, using Fast response

"**L_A, max adj, T**" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

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

"**noise sensitive place**" means -

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

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

"**intrusive noise**" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to *Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations*.

"**protected area**" means -

- a protected area under the *Nature Conservation Act 1992*; or
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

"**waters**" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and any under groundwater, any part thereof.

"**50th percentile**" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"**80th percentile**" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

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

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units

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

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

"approved vehicle" means a vehicle authorised to be used under the development approval to transport regulated waste.

"registered vehicle" means "approved vehicle"

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

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

"infectious waste" means "clinical waste"

"vibration sensitive place" means places that experience (or will experience) offensive ground vibration from the mining vibration source/s under consideration. In determining these places, the following need to be considered: existing background vibration levels, exact vibration source locations, distance from source/s (or proposed source/s) to receiver and intervening geological structure.

End of Conditions for Schedule H

END OF CONDITIONS

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