

Permit

Environmental Protection Act 1994

Environmental authority EPPR00986313

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EPPR00986313

Environmental authority takes effect on 21 October 2025

The anniversary date of this environmental authority is **19 September**.

Environmental authority holder(s)

Name(s)	Registered address
NQ SAND & BULK HAULAGE PTY LTD	84 Tennessee Way KELSO QLD 4815

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening - 1(a) - Dredging, in a year, the following quantity of material - 1000t to 10,000t	Adjacent To Lot Plan 14/RP737091 Adjacent To Lot Plan 15/RP737091
	Lot Plan 373/E1245

Additional information for applicants

Environmentally relevant activities

ERA 16 - Extraction and Screening - 1(a) - Dredging, in a year, the following quantity of material - 1000t to 10,000t

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Mobile and temporary activities

If you operate a mobile and temporary environmentally relevant activity (ERA), other than regulated waste transport, you are required to maintain a work diary. You must:

- use the approved form for a work diary (ESR/2015/1696);
- keep the work diary records for 2 years after the last entry;
- inform the administering authority within 7 days of the work diary being lost or stolen;
- record the information required in the work diary for each location within 1 day of leaving the location.

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

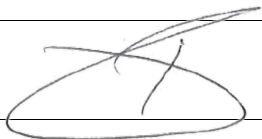
- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority - on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise - on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

The anniversary day of this environmental authority is the same day each year as the effective date. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 01 April.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

21 October 2025

Date

Tristan Roberts
**Department of the Environment, Tourism,
Science and Innovation**
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Energy and Extractive Resources
GPO Box 2454, BRISBANE QLD 4001
Phone: (07) 3330 5715
Email: EnergyandExtractive@detsi.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (to clear vegetation), and the Department of Primary Industries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at www.nrmmrdd.qld.gov.au, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of the Environment, Tourism, Science and Innovation to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Part 1 Activities pertaining to the environmentally relevant activities and lot and plans outlined below:

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening - 1(a) - Dredging, in a year, the following quantity of material - 1000t to 10,000t	Lot Plan 373/E1245

Ref	Condition
Schedule G - General	
G1	Prevent and/or minimize likelihood of environmental harm. In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.
G2	The operator of an ERA to which this approval relates must: a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and b) maintain such measures, plant and equipment in a proper and efficient condition; and c) operate such measures, plant and equipment in a proper and efficient manner.
G3	Site Based Management Plan From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out. The SBMP must address the following matters: (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals. (b) Identification of environmental issues and potential impacts. (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.
G4	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
G5	Records Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
G6	All records required by this approval must be kept for 5 years.
G7	Monitoring

	A competent person(s) must conduct any monitoring required by this approval.
G8	Notification Telephone the DERM'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.
G9	Information about Spills A written notice detailing the following information must be provided to the DERM within 14 days of any advice provided in accordance with condition G8: 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.
G10	Spill Kit An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.
G11	Spill Kit Training Anyone operating under this approval must be trained in the use of the spill kit.
Ref	Condition
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	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 (pm) (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.
A3	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 (pm) (PM10) suspended in the atmosphere over a 24hr averaging time.
Ref	Condition
Agency Interest:	Land
L1	Preventing Contaminant Release To Land Contaminants must not be released to land.
Ref	Condition
Agency Interest:	Noise
N1	Noise Nuisance Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
N2	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: a) LA 10, adj, 10 mins b) LA 1, adj, 10 mins c) the level and frequency of occurrence of impulsive or tonal noise; d) atmospheric conditions including wind speed and direction; e) effects due to extraneous factors such as traffic noise; and

	f) location, date and time of recording.
N3	The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.
N4	Vibration nuisance Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
Ref	Condition
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.
Ref	Condition
Agency Interest:	Water
WA1	Release To Waters Contaminants must not be released from the site to any waters or the bed and banks of any waters.
WA2	Erosion Protection Measures And Sediment Controls Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
WA3	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.

Definitions

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

"administering authority" means the Department of the Environment, Tourism, Science and Innovation or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environmental 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*.

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

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

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

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

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

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

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

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

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

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

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

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

"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 include 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.

"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.

Part 2 Activities pertaining to the environmentally relevant activities and lot and plans outlined below:

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening - 1(a) - Dredging, in a year, the following quantity of material - 1000t to 10,000t	Adjacent To Lot Plan 14/RP737091 Adjacent To Lot Plan 15/RP737091
ERA 16 - Extraction and Screening - 3(a) - Screening, in a year, the following quantity of material - 5000t to 100,000t	

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00293305

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 20 October 2008

The anniversary day for the purposes of the Annual Return remains 28 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 place; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operators:-

**Mr & Mrs Peter & Sally Foley
377 Black River Road
BLACK RIVER QLD 4818**

Development Approval Number: 403669

Place:-

The bed of the Alice River adjacent to Lot 14 Plan RP737091

Registered Activity: -

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

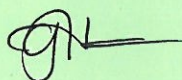
Development Approval Number : 184287

Place:-

The bed of the Alice River adjacent to Lot 15 Plan RP737091

Registered Activity: -

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



Cassandra Harper
Delegate
Administering authority
Environmental Protection Act 1994

06-AUG-2009

Author: D Bryan
File: AYD/190/001(0111)
Phone: (07) 4799 7027

Item Id	3111 741 (A)	Item Id	1547663
Item Id	3111 73	Item Id	045318
101	0011568		

Queensland Government

13th July 2007

Department of
Natural Resources and Water

Environmental Protection Agency
Ecoaccess Customer Service Unit
PO Box 155
BRISBANE
QLD 4002

RECEIVED

23 JUL 2007

ECSU

IPCE 00518306C11

FOLIO	Permit	TSV	4698
TSV200	7	1	5529

LOT 14 RP737091.
Lot 15

Dear Sir/Madam

Application for Development: Reference – 403669 Decision Notice

The chief executive of the Department of Natural Resources and Water acted as assessment manager for the above application.

I **enclose** a copy of the decision notice for the application, which I am required to give you pursuant to section 3.5.15(1)(b) of the *Integrated Planning Act 1997*.

I also **enclose** copies of the maps and profiles relevant to the decision notice. I am required to give you these under section 3.5.15(5) of the *Integrated Planning Act 1997*.

Should you have any questions about the above, please contact Dave Bryan on telephone number (07)4799 7027, quoting the above reference number.

Yours sincerely


for
**Regional Manager
Water Services
North Region**

Level 3 State Government Building
187 Stanley Street
Queensland 4810
Australia
Telephone + 61 7 (07) 4799 7027
Facsimile + 61 7 (07) 4799 7971
Website www.nrm.qld.gov.au
Client Ref: 14621





Aboriginal Cultural Heritage – Your Duty of Care!

If you'd like to finish your water development without unnecessary delays or cost, then this might be the most important notice you'll ever read.

The *Aboriginal Cultural Heritage Act 2003*, which commenced 16 April 2004, seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. In addition to protecting objects, features and archaeological sites, this legislation protects certain areas important to Aboriginal people because of traditions, customs, beliefs or history.

The Act requires anyone who carries out an activity to exercise a Duty of Care, that is they must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies to any activity, including the taking of or interference with water that is undertaken on any land, including freehold, which may involve the excavation, harm, removal or relocation of cultural heritage. Duty of Care guidelines have been established to provide guidance on identifying features likely to contain or constitute cultural heritage and provide reasonable and practical measures to be undertaken in order to protect cultural heritage.

Fines of up to \$75,000 for an individual and \$750,000 for a corporation apply when Duty of Care is not undertaken or cultural heritage is unlawfully harmed... And sometimes you just don't know if there are cultural heritage values. The sites may be secret or sacred, incorporated into the landscape or under the soil surface.

The Department of Natural Resources and Water is responsible for administering the legislation and you should seek their assistance. Contact the Cultural Heritage Coordination Unit on (07) 3238 3838 or fax (07) 3238 3842. The Cultural Heritage Coordination Unit can provide you with a copy of the Duty of Care guidelines and put you in contact with the Aboriginal Party in your area.

How it affects you

Prior to undertaking any activity, you can contact the Department to undertake a **free search** of the database and register of cultural heritage to ensure the activity will not excavate, harm, remove or relocate known cultural heritage. If in the course of undertaking an activity you discover a cultural heritage find, you must notify the Aboriginal Party immediately and exercise your Duty of Care. Where the activity will excavate, relocate, remove or harm Aboriginal cultural heritage, the activity should not proceed without a Cultural Heritage Management Plan or an agreement from the Aboriginal Party for the area.

Where the activity doesn't involve any additional surface disturbance (e.g. ongoing cultivation of an area) or if the activity occurs in a developed area, it is generally unlikely to harm cultural heritage. Surface disturbance includes any activity that causes a lasting impact to the land or waters. It includes any activity that disturbs the topsoil or surface rock layer of ground either by machinery (e.g. drilling or ploughing) or by removal of native vegetation.

If the activity will cause additional surface disturbance, a cultural heritage assessment should be undertaken. Advice should be sought from the relevant Aboriginal Party as to whether the activity affects Aboriginal cultural heritage and, if it does, how to best manage the activity to avoid or minimise harm to Aboriginal cultural heritage. *Ask First – A Guide to respecting Indigenous heritage places and values*, released by the Australian Heritage Commission, provides guidance on consulting and negotiating with Aboriginal people and is available from the publications menu of the Australian Heritage Commission website: <http://www.ahc.gov.au>.

Cultural heritage may not be an issue in many areas, particularly those areas that are already developed. However, as you have the Duty of Care placed upon you not to harm cultural heritage, take the necessary precautions upfront and it will benefit the progress of your development. Compliance with the cultural heritage Duty of Care guidelines is taken as fulfilling your Duty of Care.

Fulfill your Duty of Care and you will:

- Not incur a fine
- Know what to do if you encounter cultural heritage
- Have greater project certainty
- Protect Queensland's cultural heritage

Why do we have such legislation?

The following quote from Stephen Robertson, the former Minister for Natural Resources and Mines best sums up why we have such legislation:

"...Consider for a moment if a less than thoughtful Turkish government was to consider putting a resort at Anzac Cove, what would be our response? Anzac Cove is nothing special. It is a beach and some cliffs, but I would suggest that it has a place in each and every one of our hearts. It adds to our spirituality as Australians. ...Why is it so difficult when you have such a hard heart to soften it? Why is it so difficult when you have such a closed mind to open it and to be consistent when you celebrate your own spirituality, when you celebrate your own history, to give something of yourself to others who claim a slightly different experience and give the right to those people to celebrate, to protect, to commemorate and to mourn? That is what this legislation is all about."

DECISION NOTICE
Application for a Development Permit
Integrated Planning Act 1997



Decision Notice IM1106TSV0004

Development Permit 403669

Applicant FD CARTER

COPY

Approval Information

The application for development to remove quarry material adjacent to Lot 14 on RP737091 and Lot 15 on RP737091 is approved by this agency subject to the conditions endorsed hereon or attached hereto.

Development to remove quarry material from a watercourse or lake may continue under this permit only during the period for which an allocation notice granted under the *Water Act 2000* authorises the material to be removed.

It is an offence for a person to remove quarry material from a watercourse or lake without appropriate authority under the *Water Act 2000*.

Referral Agency Information

Concurrency Conditions regarding this application have been received from the agency below and are attached to this approval.

ENVIRONMENTAL PROTECTION AGENCY
PO Box 15155
CITY EAST, QLD 4002

Given at Ayr this THIRTEENTH day of JULY 2007.

Scott Spencer
DIRECTOR-GENERAL
DEPARTMENT OF NATURAL RESOURCES AND WATER

Decision Notice IM1106TSV0004
Development Permit 403669



Schedule of Assessment Manager Conditions

Description of Approved Development

Works Reference 25586

Removal of quarry material from ALICE RIVER.

Development for the removal of quarry material associated with a Quarry Material Allocation Notice.

The bed of the Alice River adjacent to Lots 14 & 15 on RP737091 (AMTD's 0.8km to 1.2km). Must be located adjacent to Lot 14 on RP737091 or adjacent to Lot 15 on RP737091.

Part A - General Conditions of the Approval

D003

The permittee must notify the chief executive of the completion of the approved works within 30 business days after such completion. The notification must be given in writing to the chief executive of the Department of Natural Resources and Water.

D025

The permittee must provide a copy of the permit to any person contracted to construct the works approved by this permit.

DQ01

The development for removing quarry material authorised under this permit may continue until 30 October 2008.

DQ02

The permit area is confined to within the bed and banks of the Alice River.

DQ03

Existing sand, gravel, clay or rock bars that create a natural storage in the bed of the watercourse shall not be lowered or disturbed in any way to prejudice the interests or rights of owners of adjacent or affected lands, or water entitlements given under the provisions of the Water Act 2000.

DQ04

Removal of material must not be carried out within 200 metres of any public road, bridge culvert or railway crossing.

DQ05

Attached to this document is a map indicating the location of the permit area.

Decision Notice IM1106TSV0004
Development Permit 403669



DQ06

Removal of material and associated operations shall not cause erosion or damage to the bed or banks, the vegetation growing thereon, pumps, fences or structures within the watercourse, nor shall they cause unauthorised interference to the flow of the watercourse.

DQ08

All batters must be no steeper than 1 vertical on 4 horizontal.

DQ09

The surface area of the operation within the bed of the watercourse shall be left at an even longitudinal grade, smooth and free from holes and ridges or as required by an approved works or rehabilitation plan.

DQ11

Material removed from the watercourse should be stored above known flood level and must only be returned to the watercourse in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Water.

DQ12

All vegetation, scrub, grass, timber and debris removed from the area of operations is to be disposed of in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Water.

Part B - Other Conditions of the Approval

SPEC01 The permittee is to ensure that any person employed or contracted by the permittee in connection with this operation understands and complies with the provisions of this permit.

SPEC02 The permittee must maintain current permission to traverse any property to access the permit site.

SPEC03 Access to the removal site over banks to the bed of the river or lake is via existing tracks only. These tracks are to be maintained and will be subject of rehabilitation to a standard as directed by an Officer of this Department.

SPEC04 Work is only allowed to be undertaken within the area defined on site by an Officer of this Department. This area will be defined by the following parameters:

Downstream Limit - adjacent to Lot 15 on RP737091 defined by:
AMTD 0.8km (Lat: 19°15'46" Long: 146°37'31" - Datum GDA94).

Upstream Limit - adjacent to Lot 14 on Plan RP737091 defined by:
AMTD 1.2km (Lat: 19°15'42" Long: 146°37'35" - Datum GDA94).

Decision Notice IM1106TSV0004
Development Permit 403669



SPEC05 Removal of material is to be carried out in a manner that conforms with the final profiles which have been approved by an officer of this Department and are attached to this permit.

SPEC06 Removals are to commence from the downstream end of the deposit and progress in an upstream direction.

SPEC07 The permittee must not destroy or interfere with any native vegetation, with the exception of grasses, herbs, and saplings that are less than 1 metre in height, without prior written consent of an Authorised Officer of the Department.

SPEC08 Removal of material and associated operations is prohibited:

- . within 25 meters of any authorised pump or ancillary works;
- . below the water level prevailing at the time of operation;
- . below the elevation of the bed of the adjacent low flow channel;
- . within 10 metres of the stem or trunk of any native vegetation other than that vegetation specified in Schedule B condition SPEC07;
- . within 10 metres of the toe of the banks of the Alice River.

SPEC09 Consolidated material comprising the bed and banks of the water course must not be interfered with.

SPEC10 In the case of a screening process, reject oversize material and unwanted sand shall be replaced in the bed of the excavation on an even gradient over the removal area.

SPEC11 Stockpiling of quarry material in the bed of the watercourse is not permitted from the 1st November to the 1st April except by written approval of an authorised officer of the Department.

SPEC12 Care shall be taken to disturb as little as possible any mud, clay or fine silt which could cause increased discolouration of the water or cause siltation in the Alice River downstream of this operation.

END OF ASSESSMENT MANAGER CONDITIONS

Decision Notice IM1106TSV0004
Development Permit 403669



APPEAL RIGHTS

The following are extracts from the *Integrated Planning Act 1997* which detail rights to make representations about certain conditions and other matters in this notice, and appeal rights regarding this decision.

Chapter 3, Part 5, Division 4 - Representations about conditions and other matters

3.5.16 Application of div 4

This division applies only during the applicant's appeal period.

3.5.17 Changing conditions and other matters during the applicant's appeal period

- (1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).
- (2) If the assessment manager agrees with any of the representations, the assessment manager must give a new decision notice (the **"negotiated decision notice"**) to -
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area - the local government.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice -
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must be in the same form as the decision notice previously given; and
 - (c) must state the nature of the changes; and
 - (d) replaces the decision notice previously given.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give a written notice to the applicant stating the decision about the representations.
- (6) Before the assessment manager agrees to a change under this section, the assessment manager must reconsider the matters considered when the original decision was made, to the extent the matters are relevant.

Decision Notice IM1106TSV0004
Development Permit 403669



- (7) If the development approved by the negotiated decision notice is different from the development approved in the decision notice in a way that affects the amount of an infrastructure charge or regulated infrastructure charge, the local government may give the applicant a new infrastructure charges notice under section 5.1.8 or regulated infrastructure charges notice under section 5.1.18 to replace the original notice.

3.5.18 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make written representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the written representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the written representations are made within 20 business days after the day written notice was given to the assessment manager -
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1) - the balance of the applicant's appeal period restarts the day after the assessment manager received the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 3.5.17(5) - the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice - the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

Chapter 4, Part 1, 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;

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Development Permit 403669



- (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.

Chapter 4, Part 1, 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).

4.1.40 Certain appellants must obtain information about submitters

- (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.
- (2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

4.1.41 Notice of appeal to other parties (div 8)

- (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to the chief executive and -
 - (a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and 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 - the assessment manager, the applicant and any concurrence agency; or

Decision Notice IM1106TSV0004

Development Permit 403669



- (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.
- (2) 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 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.43 Respondent and co-respondents for appeals under div 8

- (1) This section applies to appeals under division 8 for a development application.
- (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) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
- (5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (7) 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.

4.1.45 How a person may elect to be co-respondent

- (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of appeal is given to the entity, a notice of election under the rules of court.
- (2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

4.1.46 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, by filing in the court a notice of election in the approved form, elect to be a party to 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.

Decision Notice IM1106TSV0004
Development Permit 403669



- (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.

COPY

ROLLINGSTONE 8159
APPROX SCALE
1:40000

RUN 5
085-105

19.08.2004
6725mASL
600mDATUM

SHELF 67-6
SET 1 2

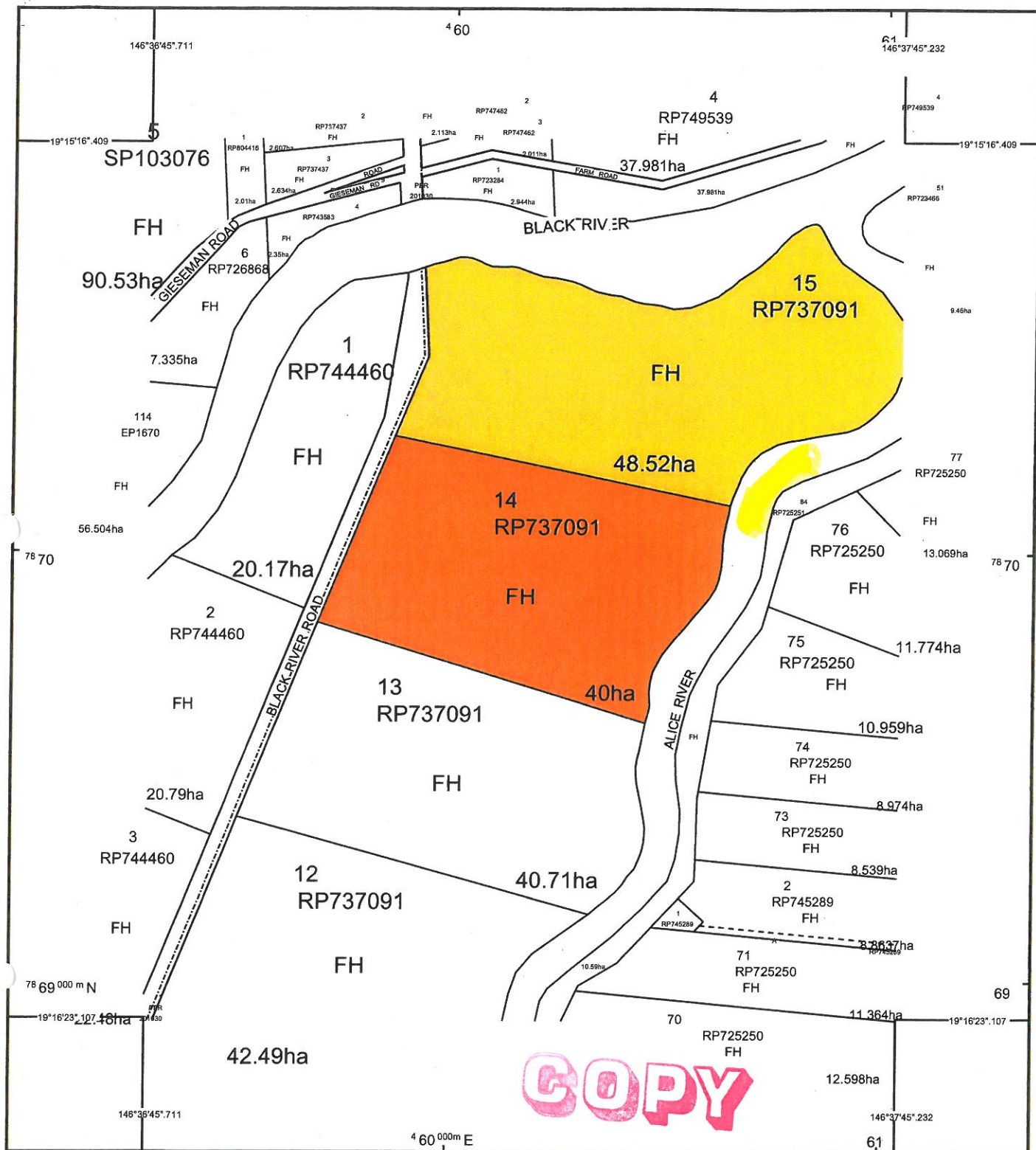
© The State of Queensland 2004
(Dept Natural Resources Mines & Energy)

PAR6130

105

FD Carter
Development Permit
No 403669
P. Carter
13.07.07

6405



STANDARD MAP NUMBER
8259-34111

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 14/RP737091
Area/Volume 40ha
Tenure FREEHOLD
Local Government THURINGOWA CITY
Locality BLACK RIVER
Parish HERVEY
County ELPHINSTONE
Parcel/Segment 8/62495

*Adjacent parcels for
DPK03669. F. Boyce*

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 16/07/2007
For additional information regarding this SmartMap see page 2.

DCDB 13/07/2007 (Lots with an area less than 1500m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

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SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

**Natural Resources
and Water**

(c) The State of Queensland,
Natural Resources and Water, 2007.

13-07-07

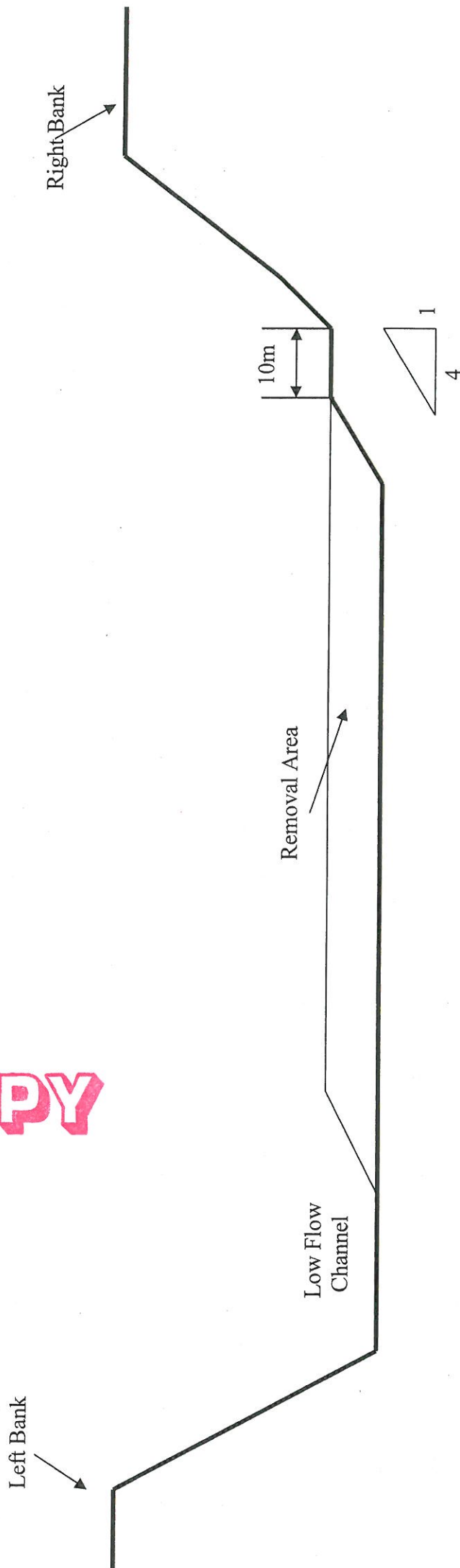
NAME		WATERCOURSE	DEVELOPMENT PERMIT NUMBER
F Carter		Alice River	403669
PROPERTY DESCRIPTION		PARISH	Quarry Material Allocation Notice
Adjacent to Lot 14 or Lot 15 on RP737091		Hervey	101158

UP STREAM SITE Not to Scale

I. Boyce 13.07.07

Ian Boyce
Leader, Water Resource Management,
Water Management and Use, Townsville

COPY



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.

Department of Natural Resources
Po Box 5318
TOWNSVILLE QLD 4810

CC: Mr Frederic David Carter
6 Helenita Court
RUPERTSWOOD QLD 4817

COPY

Our reference: 266081 (TSV4698)

Dear Sir or Madam:

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 04-DEC-2006, has been assessed, and on 21-DEC-2006 it was approved with conditions.

1. Property/Location:

Lot/Plan - Alice River, adjacent to Lot 14 Plan RP737091

2. Details of the recommendation

Aspect of Development

- Concurrence Response for a MCU involving an ERA

- ERA 19(a) 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 not more than 5000 t a year.

- ERA 22(a) 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 50 t, but less than 5 000 t, a year.

MP 21/12/06

Recommendation

- Approved with conditions

EPA Ref Number

- IPCE00518306C11

3. Currency period

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

The approved plans and/or documents for this approval are:

Nil

5. 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.

6. 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 Department of Natural Resources, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit at PO Box 155, Brisbane Albert Street, 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.

MP 21/12/06

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

Yours sincerely

Mark Pease

Mark Pease
Delegate
Environmental Protection Agency

21-DEC-2006

Enquiries:

Northern Regional Office (Townsville)
PO Box 5391
TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5353
Fax: (07) 4722 5351

Section 3.3.16 and 3.3.18 Integrated Planning Act 1997

EPA Permit¹ number: IPCE00518306C11

EPA Permit¹ number:	IPCE00518306C11
Assessment Manager reference:	IM0605TSV0001
Date application received by EPA:	04-DEC-2006
Permit¹ Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	21-DEC-2006
Decision:	Approved with 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>

The preliminary approval attaches to the land described below, which either connects to or receives the benefits of the structure or activity that is the ERA 19.

Development Description

Property	Lot/Plan	Aspect of Development
	Alice River adjacent to Lot 14 Plan RP737091	ERA 19(a) 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 not more than 5000 t a year.

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

ERA 22(a) 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 50 t, but less than
5 000 t, a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional 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.

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EPA Permit number: IPCE00518306C11

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.

Mark Pease

Mark Pease
Delegate
Environmental Protection Agency
21-DEC-2006

CONDITIONS OF APPROVAL

Activity: ERA 19(a) 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 not more than 5 000 t a year.

Agency Interest: General

General 1: 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.

General 2: 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.

General 3: 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.

General 4: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

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General 5: Records.

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

General 6: All records required by this approval must be kept for 5 years.

General 7: Monitoring.

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

General 8: 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.

General 9: 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 General 8:

- (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.

General 10: Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

General 11: Spill Kit Training.

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

Agency Interest: Air

Air 1: 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.

Air 2: 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

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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: Noise

Noise 1: Noise Nuisance.

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

Noise 2: 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.

Noise 3: 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: Social

Social 1: 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

Water 1: Release To Waters.

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

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Activity: ERA 22(a) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of not more than 5 000 t a year.

Agency Interest: General

General 12: 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.

General 13: 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.

General 14: 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.

General 15: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

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General 16: Records.

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

General 17: All records required by this approval must be kept for 5 years.

General 18: Monitoring.

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

General 19: 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.

General 20: 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 General 19:

- (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.

General 21: Spill Kit

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

General 22: Spill Kit Training.

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

Agency Interest: Air

Air 3: 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.

Air 4: 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.

Air 5: 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

Land 1: Preventing Contaminant Release to Land.

Contaminants must not be released to land.

Agency Interest: Noise

Noise 4: Noise Nuisance.

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

Noise 5: 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.

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Noise 6: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Noise 7: Vibration Nuisance.

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

Agency Interest: Social

Social 2: 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

Water 2: Release To Waters.

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

Water 3: Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

Water 4: 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.

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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*.

"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.

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

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

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

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

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

"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.

MP 21/12/06

"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

MP 21/12/06

Author: D Bryan
Our Reference: IM00605TSV0001
Our Reference: AYD/190/001(0111)
Directorate / Unit: Water Management & Use
Phone: (07) 4799 7027

311174810 PERMIT
Item Id 311117
101/ 0011562
FOLIO 44A TSV 4698
TSV200 5 / 7706
Queensland Government
Item Id 1547634
Natural Resources and Mines
NOR/ 045378

Environmental Protection Agency
Old Quarantine Station, Cape Pallarenda Rd
TOWNSVILLE QLD 4810

IPCE00291005A11
LOT 15 RP737091

Dear Veronica

Application for Development: Reference - 184287 Decision Notice

The chief executive of the Department of Natural Resources and Mines acted as assessment manager for the above application.

I **enclose** a copy of the decision notice for the application, which I am required to give you pursuant to section 3.5.15(1)(b) of the *Integrated Planning Act 1997*.

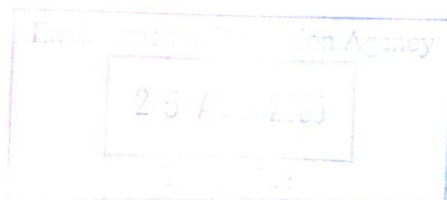
I also **enclose** copies of the plans and specifications listed in part 2.5 of the decision notice. I am required to give you these under section 3.5.15(5) of the *Integrated Planning Act 1997*.

Should you have any questions about the above, please contact Dave Bryan on telephone number (07)4799 7027, quoting the above reference number.

Yours sincerely


for P Gilbey
Regional Manager
Water Services
North Region

Level 3 State Government Building
187 Stanley Street
Queensland 4810
Australia
Telephone + 61 7 (07) 4799 7027
Facsimile + 61 7 (07) 4799 7971
Website www.nrm.qld.gov.au
Client Ref: 23062





Queensland
Government

Your Reference: 184287
Our Reference: AYD/190/001(0111)
Directorate / Unit: Water Management & Use
Phone: (07) 4783 0423

Natural Resources and Mines

19 August 2005

FD CARTER
701 Black River Road
BLACK RIVER
THURINGOWA QLD 4818
AUSTRALIA

Dear Sir

Application for Development: Reference 184287 – Decision Notice
Application 98062

I enclose the decision notice issued for the above application, pursuant to section 3.5.15(1)(a) of the *Integrated Planning Act 1997*.

Please note that this notice does not negate the requirement to obtain any other approvals or to enter into other statutory arrangements, such as those relating to Aboriginal cultural heritage, which may be required. In particular, the *Aboriginal Cultural Heritage Act 2003*, which commenced on 16 April 2004, places a duty of care on anyone undertaking an activity to protect Aboriginal Cultural Heritage. Please refer to the attached information sheet for further information on this new piece of legislation.

Should you have any questions please phone (07) 4783 0423, quoting the above reference number.

Yours sincerely

for P Gilbey
Regional Manager
Water Services
North Region

Level 3 State Government Building
187 Stanley Street
Queensland 4810
Australia
Telephone + 61 7 (07) 4799 7027
Facsimile + 61 7 (07) 4799 7971
Website www.nrm.qld.gov.au
Client Ref: 23062



Aboriginal Cultural Heritage – Your Duty of Care!

If you'd like to finish your water development without unnecessary delays or cost, then this might be the most important notice you'll ever read.

The *Aboriginal Cultural Heritage Act 2003*, which commenced 16 April 2004, seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. In addition to protecting objects, features and archaeological sites, this legislation protects certain areas important to Aboriginal people because of traditions, customs, beliefs or history.

The Act requires anyone who carries out an activity to exercise a Duty of Care, that is they must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies to any activity, including the taking of or interference with water, that is undertaken on any land, including freehold, which may involve the excavation, harm, removal or relocation of cultural heritage. Duty of Care guidelines have been established to provide guidance on identifying features likely to contain or constitute cultural heritage and provide reasonable and practical measures to be undertaken in order to protect cultural heritage.

Fines of up to \$75,000 for an individual and \$750,000 for a corporation **apply when Duty of Care is not undertaken or cultural heritage is unlawfully harmed...** And sometimes you just don't know if there are cultural heritage values. The sites may be secret or sacred, incorporated into the landscape or under the soil surface.

The Department of Natural Resources and Mines is responsible for administering the legislation and you should seek their assistance. Contact the Cultural Heritage Coordination Unit on (07) 3238 3838 or fax (07) 3238 3842. The Cultural Heritage Coordination Unit can provide you with a copy of the Duty of Care guidelines and put you in contact with the Aboriginal Party in your area.

How it affects you

Prior to undertaking any activity, you can contact the Department to undertake a **free search** of the database and register of cultural heritage to ensure the activity will not excavate, harm, remove or relocate known cultural heritage. If in the course of undertaking an activity you discover a cultural heritage find, you must notify the Aboriginal Party immediately and exercise your Duty of Care. Where the activity will excavate, relocate, remove or harm Aboriginal cultural heritage, the activity should not proceed without a Cultural Heritage Management Plan or an agreement from the Aboriginal Party for the area.

Where the activity doesn't involve any additional surface disturbance (e.g. ongoing cultivation of an area) or if the activity occurs in a developed area, it is generally unlikely to harm cultural heritage. Surface disturbance includes any activity that causes a lasting impact to the land or waters. It includes any activity that disturbs the topsoil or surface rock layer of ground either by machinery (e.g. drilling or ploughing) or by removal of native vegetation.

If the activity will cause additional surface disturbance, a cultural heritage assessment should be undertaken. Advice should be sought from the relevant Aboriginal Party as to whether the activity affects Aboriginal cultural heritage and, if it does, how to best manage the activity to avoid or minimise harm to Aboriginal cultural heritage. Ask First – A Guide to respecting Indigenous heritage places and values, released by the Australian Heritage Commission, provides guidance on consulting and negotiating with Aboriginal people and is available from the publications menu of the Australian Heritage Commission website: <http://www.ahc.gov.au>.

Cultural heritage may not be an issue in many areas, particularly those areas that are already developed. However, as you have the Duty of Care placed upon you not to harm cultural heritage, take the necessary precautions upfront and it will benefit the progress of your development. Compliance with the cultural heritage Duty of Care guidelines is taken as fulfilling your Duty of Care.

Fulfill your Duty of Care and you will:

- Not incur a fine
- Know what to do if you encounter cultural heritage
- Have greater project certainty
- Protect Queensland's cultural heritage

Why do we have such legislation?

The following quote from Stephen Robertson, the Minister for Natural Resources and Mines best sums up why we have such legislation:

"...Consider for a moment if a less than thoughtful Turkish government was to consider putting a resort at Anzac Cove, what would be our response? Anzac Cove is nothing special. It is a beach and some cliffs, but I would suggest that it has a place in each and every one of our hearts. It adds to our spirituality as Australians. ...Why is it so difficult when you have such a hard heart to soften it? Why is it so difficult when you have such a closed mind to open it and to be consistent when you celebrate your own spirituality, when you celebrate your own history, to give something of yourself to others who claim a slightly different experience and give the right to those people to celebrate, to protect, to commemorate and to mourn? That is what this legislation is all about."

DECISION NOTICE
Application for a Development Permit
Integrated Planning Act 1997



**Queensland
Government**
Natural Resources
and Mines

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Decision Notice IM0605TSV0001

Development Permit 184287

Applicant FD CARTER

Approval Information

The application for development to remove quarry material adjacent to Lot 15 on RP737091 is approved by this agency subject to the conditions endorsed hereon or attached hereto.

Development to remove quarry material from a watercourse or lake may continue under this permit only during the period for which an allocation notice granted under the *Water Act 2000* authorises the material to be removed.

It is an offence for a person to remove quarry material from a watercourse or lake without appropriate authority under the *Water Act 2000*.

Given at Ayr this NINETEENTH day of AUGUST 2005.

Bob McCarthy
DIRECTOR-GENERAL
DEPARTMENT OF NATURAL RESOURCES AND MINES



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Schedule of Assessment Manager Conditions

Description of Approved Development

Works Reference 16046

Removal of quarry material from ALICE RIVER.

Excavate with : Machinery

Length 100m

Width 50m

Depth 1m

Volume 5,300m³

Material to be removed: Sand & Gravel

The bed of the Alice River adjacent to Lot 15 on RP737091 (AMTD's 0.3km to 0.8km).
Must be located adjacent to Lot 15 on RP737091.

Part A - General Conditions of the Approval

D003

The permittee must notify the chief executive of the completion of the approved works within 30 business days after such completion. The notification must be given in writing to the chief executive of the Department of Natural Resources and Mines.

D025

The permittee must provide a copy of the permit to any person contracted to construct the works approved by this permit.

DQ01

The development for removing quarry material authorised under this permit may continue until 28 February 2007.

DQ02

The permit area is confined to within the bed and banks of the Alice River.

DQ03

Existing sand, gravel, clay or rock bars that create a natural storage in the bed of the watercourse shall not be lowered or disturbed in any way to prejudice the interests or rights of owners of adjacent or affected lands, or water entitlements given under the provisions of the Water Act 2000.

DQ04

Removal of material must not be carried out within 200 metres of any public road, bridge culvert or railway crossing.

DQ05

Attached to this document is a map indicating the location of the permit area.

DQ06



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Removal of material and associated operations shall not cause erosion or damage to the bed or banks, the vegetation growing thereon, pumps, fences or structures within the watercourse, nor shall they cause unauthorised interference to the flow of the watercourse.

DQ08

All batters must be no steeper than 1 vertical on 4 horizontal.

DQ09

The surface area of the operation within the bed of the watercourse shall be left at an even longitudinal grade, smooth and free from holes and ridges or as required by an approved works or rehabilitation plan.

DQ11

Material removed from the watercourse should be stored above known flood level and must only be returned to the watercourse in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Mines.

DQ12

All vegetation, scrub, grass, timber and debris removed from the area of operations is to be disposed of in accordance with an operations plan approved by the chief executive of the Department of Natural Resources and Mines.

Part B - Other Conditions of the Approval

SPEC01 The permittee is to ensure that any person employed or contracted by the permittee in connection with this operation understands and complies with the provisions of this permit.

SPEC02 The permittee must maintain current permission to traverse any property to access the permit site.

SPEC03 Access to the removal site over banks to the bed of the river or lake is via existing tracks only. These tracks are to be maintained in an "as good" state and will be subject of rehabilitation to a standard as directed by an Officer of this Department.

SPEC04 Work is only allowed to be undertaken within the area defined on site by an Officer of this Department. This area will be defined by the following parameters:

Upstream AMTD: 0.8 km Lat: 19°15'46" Long: 146°37'31"

Downstream AMTD: 0.3 km Lat: 19°15'29" Long: 146°37'46"

SPEC05 Removal of material is to be carried out in a manner that conforms with the final profiles which have been approved by an officer of this Department and are attached to this permit.

SPEC06 Removals are to commence from the downstream end of the deposit and progress in an upstream direction.

SPEC07 The permittee must not destroy or interfere with any native vegetation, with the exception

Decision Notice IM0605TSV0001
Development Permit 184287



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of grasses, herbs, and saplings that are less than 1 metre in height, without prior written consent of an Authorised Officer of the Department.

SPEC08 Removal of material and associated operations is prohibited:

- . within 25 meters of any authorised pump or ancillary works;
- . below the water level prevailing at the time of operation;
- . below the elevation of the bed of the adjacent low flow channel;
- . within 10 metres of the stem or trunk of any native vegetation other than that vegetation specified in Schedule B condition SPEC07;
- . within 10 metres of the toe of the banks of the Alice River.

SPEC09 Consolidated material comprising the bed and banks of the water course must not be interfered with.

SPEC10 In the case of a screening process, reject oversize material and unwanted sand shall be replaced in the bed of the excavation on an even gradient over the removal area. This replacement shall be regularly conducted to prevent the undue accumulation of reject materials.

SPEC11 Material stockpiled in the bed of the watercourse must not remain beyond the end of October each year except by written approval by an authorised officer of the Department.

SPEC12 Care shall be taken to disturb as little as possible any mud, clay or fine silt which could cause increased discolouration of the water or cause siltation in the Alice River downstream of this operation.

SPEC13 Waste fines resulting from the removal and any washing or screening of material shall not be returned to the watercourse other than in accordance with the provision of the Environmental Protection Act 1994 or any other requirements of the Environmental Protection Agency.

SPEC14 If Aboriginal cultural heritage items or places are identified, located or exposed during the exercise of this permit, the permittee must cease operations immediately and notify the Regional Cultural Heritage Coordinator, and the Aboriginal Party for the area where the operations are being performed. The permittee must not resume operations until authorised to do so by the Regional Cultural Heritage Coordinator, Cultural Heritage Coordination Unit of the Department of Natural Resources, Mines.

SPEC15 Removal of material and associated operations shall be carried out in accordance with the Pest Management Plan of the Thuringowa City Council, and in accordance with the Land Protection (Pest and Stock Route Management) Act 2002.

END OF APPROVAL



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APPEAL RIGHTS

The following are extracts from the *Integrated Planning Act 1997* which detail rights to make representations about certain conditions and other matters in this notice, and appeal rights regarding this decision.

Chapter 3, Part 5, Division 4 - Representations about conditions and other matters

3.5.16 Application of div 4

This division applies only during the applicant's appeal period.

3.5.17 Changing conditions and other matters during the applicant's appeal period

- (1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).
- (2) If the assessment manager agrees with any of the representations, the assessment manager must give a new decision notice (the "**negotiated decision notice**") to -
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area - the local government.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice -
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must be in the same form as the decision notice previously given; and
 - (c) must state the nature of the changes; and
 - (d) replaces the decision notice previously given.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give a written notice to the applicant stating the decision about the representations.
- (6) Before the assessment manager agrees to a change under this section, the assessment manager must reconsider the matters considered when the original decision was made, to the extent the matters are relevant.
- (7) If the development approved by the negotiated decision notice is different from the development approved in the decision notice in a way that affects the amount of an

Decision Notice IM0605TSV0001
Development Permit 184287



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Natural Resources
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infrastructure charge or regulated infrastructure charge, the local government may give the applicant a new infrastructure charges notice under section 5.1.8 or regulated infrastructure charges notice under section 5.1.18 to replace the original notice.

3.5.18 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make written representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the written representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the written representations are made within 20 business days after the day written notice was given to the assessment manager -
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1) - the balance of the applicant's appeal period restarts the day after the assessment manager received the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 3.5.17(5) - the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice - the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

Chapter 4, Part 1, 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



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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.

Chapter 4, Part 1, 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).

4.1.40 Certain appellants must obtain information about submitters

- (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.
- (2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

4.1.41 Notice of appeal to other parties (div 8)

- (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to the chief executive and -
 - (a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and 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 - the assessment manager, the applicant and any concurrence agency; or
 - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.
- (2) The notice must state -
 - (a) the grounds of the appeal; and



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- (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.43 Respondent and co-respondents for appeals under div 8

- (1) This section applies to appeals under division 8 for a development application.
- (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) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
- (5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (7) 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.

4.1.45 How a person may elect to be co-respondent

- (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of appeal is given to the entity, a notice of election under the rules of court.
- (2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

4.1.46 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, by filing in the court a notice of election in the approved form, elect to be a party to the appeal.

4.1.47 Lodging appeal stops certain actions

- (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



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Author: D Bryan
Our Reference: IM00605TSV0001
Our Reference: AYD/190/001(0111)
Directorate / Unit: Water Management & Use
Phone: (07) 4799 7027

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Natural Resources and Mines

Friday, 19 August 2005

The Chief Executive Officer
Thuringowa City Council
PO Box 86,
THURINGOWA QLD 4817

Dear Sir

Application for Development: Reference 184287 – Decision Notice

The chief executive of the Department of Natural Resources and Mines acted as assessment manager for the above development application.

I enclose a copy of the decision notice for the application, which I am required to give you pursuant to section 3.5.15(1)(c) of the *Integrated Planning Act 1997*.

Should you have any questions about the above, please contact Dave Bryan on telephone number (07)4799 7027, quoting the above reference number.

Yours sincerely

D Bryan

for P Gilbey
Regional Manager
Water Services
North Region

Level 3 State Government Building
187 Stanley Street
Queensland 4810
Australia
Telephone + 61 7 (07) 4799 7027
Facsimile + 61 7 (07) 4799 7971
Website www.nrm.qld.gov.au
Client Ref: 23062



Queensland
Government

Enquiries Veronica Cavanough
Telephone (07) 47225353
Your reference IM0605TSV001
Our reference TSV4698 (266081)

Environmental Protection Agency

Incorporating the
Queensland Parks and Wildlife Service

Frederic David Carter
701 Black River Road
BLACK RIVER QLD 4818

Dept. of Natural Resources and Mines
PO Box 5318
TOWNSVILLE QLD 4810

Attn: Mr Fredrick Carter

Attn: Dave Bryan

Dear Mr Carter,

Re: Concurrence Response IPCE00291005A11 for Development Approval IM0605TSV0001 to carry out Environmentally Relevant Activities (ERA) 19a Dredging Material and 22(a) Screening Material in Alice adjacent to Lot 15 on Plan RP737091

It has been identified that two typographical errors occurred when Concurrence Response Approval IPCE00291005A11 was granted to David Fredrick Carter on 28 June 2005.

(1) The conditions of the approval (page 1 of 10) should have stated Activity ERA 19(a) 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 not more than 5 000 t.

(2) The conditions of the approval (page 5 of 10) should have stated Activity ERA 22(a) Screening etc. materials – where screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority lease, license or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of not more than 5 000 t a year.

The Environmental Protection Agency (EPA) has amended page 1 of 10 and page 5 of 10 within Approval IPCE00291005A11 to rectify the administrative errors. The amended pages are attached for your records and should replace the original page 1 of 10 and page 5 of 10 "Conditions of Approval".

The change does not adversely affect the interests of the registered operator.

If you have any questions please contact Veronica Cavanough on 47225353.

Yours sincerely,


.....
Mark Pease
Operations Manager, Townsville
Environmental Operations
Northern Region

Date.....27/07/05.....

QUARRY MATERIAL ALLOCATION NOTICE

Water Act 2000

Page 1 of 2



**Queensland
Government**

**Natural Resources
and Mines**

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Notice Number 100701

Effective From 1 March 2005

Expiry Date 28 February 2007

Holder FD CARTER

**Date of Original
Issue** 12 March 2002

**Location of
Allocation** ALICE RIVER

**Location
Description** Bed of the Alice River adjacent to Lot 15 on
RP737091 (AMTD's 0.3km to 0.8km).

Total Allocation 5300 cubic metres

**Maximum
Extraction Rate** 2650 cubic metres in any twelve (12) month period,
or part thereof, commencing from the date this
Notice takes effect.

This Allocation Notice is subject to the terms endorsed hereon or attached hereto.

Issued at Ayr this SECOND day of JUNE 2005

Bob McCarthy
DIRECTOR-GENERAL
DEPARTMENT OF NATURAL RESOURCES AND MINES

Notice Number 100701

Expiry Date 28 February 2007

Page 2 of 2



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Schedule of Conditions

1 The allocation holder must give to the chief executive, within 7 days after the end of each month, a written return in the approved form for all quarry material removed by the holder, in the month.

2 The allocation holder shall keep a record of daily extractions on site at all times. This record shall be made available for inspection upon request of an Authorised Officer of this Department.

3 The allocation holder is required to comply with any conditions relating to the development approval and/or the Riverine Protection Permit authorising the works to remove quarry material under this allocation notice.

4 The nominated removal rate for this notice is:
Yearly: 2,650 cubic metres (m3)

5 The chief executive at Townsville is to be notified of any intention to remove an amount larger than the nominated amount within a given period.

End of Schedule of Conditions

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Section 3.3.16 and 3.3.18

Integrated Planning Act 1997

EPA Permit¹ number:	IPCE00291005A11
Assessment Manager reference:	
Date application received by EPA:	15-JUN-2005
Permit¹ Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	28-JUN-2005
Decision:	
Relevant Laws and Policies:	Environmental Protection Act 1994 and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

Permit¹ Holder Details

Holder Type:

Principal Holder

Name:

Frederic David Carter

Registered Address:

701 Black River Road BLACK RIVER QLD 4818

Postal Address:

701 Black River Road BLACK RIVER QLD 4818

Development Description

Property/Location

Lot/Plan:

Alice River bed adjacent to Lot 15 on Plan RP737091 (AMTD's 0.3km to 0.8km)

Aspect of Development:

ERA 19(a) 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 not more than 5000 t a year.

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¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

Environmental Protection Agency

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Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

ERA 22(a) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of more than 50 t, but less than 5 000 t, a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

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.

Mark Pease
Delegate
Environmental Protection Agency

28-JUN-2005

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

CONDITIONS OF APPROVAL

Activity: ERA 19(a) 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 not more than 5 000 t a year.

Agency Interest: General

General 1: 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.

General 2: 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.

General 3: 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.

CONDITIONS OF APPROVAL

Agency Interest: Water

Water 1: Release To Waters.

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

Activity: ERA 22(a) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of not more than 5 000 t a year.

Agency Interest: General

General 12: 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.

General 13: 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.

General 14: 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

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CONDITIONS OF APPROVAL

Activity: ERA 19(a) 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 5 000 t or more, but less than 100 000 t, a year.

Agency Interest: General

General 1: 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.

General 2: 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.

General 3: 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.

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CONDITIONS OF APPROVAL

- (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.

General 4: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

General 5: Records.

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

General 6: All records required by this approval must be kept for 5 years.

General 7: Monitoring.

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

General 8: 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.

General 9: 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 General 8:

- 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;

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CONDITIONS OF APPROVAL

- 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.

General 10: Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

General 11: Spill Kit Training.

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

Agency Interest: Air

Air 1: 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.

- Air 2:** 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.

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CONDITIONS OF APPROVAL

Agency Interest: Noise

Noise 1: Noise Nuisance.

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

Noise 2: 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.

Noise 3: 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: Social

Social 1: 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.

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CONDITIONS OF APPROVAL

Agency Interest: Water

Water 1: Release To Waters.

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

Activity: ERA 22(a) Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or authority lease, licence or permit mentioned in item 21C or 21D) 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

General 12: 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.

General 13: 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.

General 14: 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

CONDITIONS OF APPROVAL

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.

General 15: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

General 16: Records.

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

General 17: All records required by this approval must be kept for 5 years.

General 18: Monitoring.

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

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CONDITIONS OF APPROVAL

General 19: 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.

General 20: 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 General 19:

- 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.
- Spill Kit.

General 21: An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

General 22: Spill Kit Training.

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

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CONDITIONS OF APPROVAL

Agency Interest: Air

Air 3: 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.

- Air 4:** 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.

- Air 5:** 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

Land 1: Preventing Contaminant Release To Land.

Contaminants must not be released to land.

CONDITIONS OF APPROVAL

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Agency Interest: Noise

Noise 4: Noise Nuisance.

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

Noise 5: 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.

Noise 6: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Noise 7: Vibration Nuisance.

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

Agency Interest: Social

Social 2: 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.

CONDITIONS OF APPROVAL

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Agency Interest: Water

Water 2: Release To Waters.

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

Water 3: Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

Water 4: 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.

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Attachment – 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*.

"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.

"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.

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

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

"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
- 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.

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

"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.

END OF CONDITIONS

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



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No 18247 152.00

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FD Carter
Development Permit
No 184287

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ROLLINGSTONE 8159
APPROX SCALE
1:40000



RUN 5
085-105

19.08.2004
6725mASL
600mDATUM

SHELF 67-6
SET 1 2



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APPROVED FINAL PROFILE

NAME	WATERCOURSE		DEVELOPMENT PERMIT NUMBER
F Carter	Alice River		184287
PROPERTY DESCRIPTION	PARISH		QTY APPROVED
Adjacent to Lot 15 RP737091	Hervey		5,300 m ³

.....
Ian Boyce
Leader, Water Resource Management,
Water Management and Use, Townsville

