Attachment 2

Historical Approvals

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Permit[1]

Environmental Protection Act 1994

Amended Environmental Authority (Mining Lease) Non Code Compliant Level 1 Mining Project

Permit[1] Number: MIN101484410

This permit is issued by the administering authority to authorise the activity specified in the permit in accordance with the conditions specified in the permit. This decision was made pursuant to Section **207** *of the* Environmental Protection Act 1994.

Takes Effect From: ***18-JAN-2013***

Details

Permit Holder(s)	Name	Address
Principal Holder	The Austral Brick Company Pty Ltd	105 Gardner Road ROCHEDALE QLD 4123

Activity(s)	Location(s)
Mining activity - schedule 6, item 12 a level 1 mining project, other than a level 1 mining project mentioned in items 1 to 11	ML1151 ML1152 ML1156 ML1165 ML4578 ML50115 ML50035 ML50165 ML50189

Delete this sentence if the status of the document is not final <The anniversary date of the environmental authority is *18 JANUARY*.

The environmental authority is subject to the attached conditions of approval.

73(2)Irrelevant

Peter Vasel
Delegate
Department of Environment and Heritage Protection
17-JAN-2013

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

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This **Environmental Authority** incorporates the following schedules:

- Schedule A - General
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions

Schedule A – General

Prevent and/or minimise the likelihood of environmental harm

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

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Financial Assurance

(A2-1) Provide a financial assurance[2] in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.

(A2-2) The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely[3].

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

[2] NOTE: The calculation of financial assurance for condition (A1-1) must be in accordance with Guideline 17 and may include a performance discount. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the Plan of Operations and calculated using the formula: (Financial Assurance = Highest Total Annual Rehabilitation Cost x Percentage Required).

[3] NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority

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Maintenance of Measures, Plant and Equipment

(A3-1) The holder must:

a) take all control measures and install plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and

b) maintain such control measures, plant and equipment in a proper condition; and

c) operate such control measures, plant and equipment in a proper manner.

Records

(A4-1) Record, compile and keep all monitoring results required by this environmental authority and present this information to the administering authority when requested, in a specified format.

Storage and Handling of Flammable and Combustible Liquids

(A5-1) Storage of all flammable and combustible liquids must be within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 – Storage and Handling of Flammable and Combustible Liquids of 1993.

Definitions

(A6-1) Words and phrases used throughout this environmental authority are defined in Schedule H – Definitions. Where a definition for a term used in this environmental authority is sought and the term is not defined within this environmental authority, the definitions in the Environmental Protection Act 1994, its Regulations and Environmental Protection Policies, as amended from time to time must be used.

Integrated Environmental Management System (IEMS)

(A7-1) Prior to the commencement of any environmentally relevant activity ("the activity") under this environmental authority, the holder of this environmental authority must:

- develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and
- implement and maintain the IEMS from the commencement of carrying out the activities.

(A7-2) The IEMS must provide for at least the following functions:

- Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least:
  - The environmental policy of the holder, so that all persons that carry out the activities are aware of all the relevant commitments to environmental management; and
  - Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and
  - Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
  - Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation) and;

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- Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
- Effective communication to ensure two-way communication on environmental matters between operational staff and higher management; and
- Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and

- Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
- Conducting assessment of the environmental impact of any release of contaminants into the environment;
- Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than annually; and
- Waste prevention, treatment and disposal; and
- A program for continuous improvement.

(A7-3) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out these activities.

END OF CONDITIONS FOR SCHEDULE A

Schedule B – Air

Dust nuisance

(B1-1) Subject to conditions (B1-1) and (B2-3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive or commercial place.

(B1-2) When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate complaint of environmental nuisance caused by dust and/or particulate matter, and the results must be 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:

- for a complaint alleging dust nuisance, dust deposition; and
- for a complaint alleging adverse health effects caused by dust, the concentration per cubic meter of particulate matter with an aerodynamic diameter of less than 10 micrometers (µm) (PM_{10}) suspended in the atmosphere over a 24hr averaging time.

(B1-3) If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1-1):

a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 *Methods for sampling and analysis of ambient air – Determination of particulates – Deposited matter – Gravimetric method* of 1991; and

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b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometers (µm) (PM_{10}) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a sensitive place downwind of the operational land, when monitored in accordance with:

- Particulate matter – *Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method*, when monitored in accordance with AS 3580.9.6 Methods for sampling and analysis of ambient air – *Determination of suspended particulate matter – PM (sub) 10 high volume sampler with size-selective inlet – Gravimetric method* of 1990; or
- Any alternative method of sampling PM10, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority[4].

Dust Control

(B2-1) Stockpiles must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or particulate matter into the atmosphere. Reasonable and practicable measures may include but are not limited to anemometer switching systems which trigger operation of effective water spray systems during winds likely to generate such releases, use of dust suppressants, shielding and storage in bunkers.

(B2-2) Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to sealing with bitumen or other suitable material, keeping surfaces clean, use of water sprays, adoption and adherence to speed limits, use of dust suppressants and wind breaks.

(B2-3) Raw material preparation plants and external conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of windblown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to transfer of materials in a moist state, enclosure of conveyors and buildings, use of water sprays at transfer points, shielding and wind breaks.

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END OF CONDITIONS FOR SCHEDULE B

[4] NOTE: You must propose which monitoring method is appropriate in accordance with condition (B1-3) (a) or (b) or both.

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Schedule C – Water

Release to waters

(C1-1) Process water, storm water and/or receiving waters must be monitored at the locations and frequencies defined in Schedule C – Table 1 (at the locations depicted in Appendix 1 Figures 1, 2 and 3) and comply with the contaminant limits defined in Schedule C – Table 2.

Schedule C – Table 1: Water monitoring locations and frequency

Monitoring point	Monitoring Type	Co-ordinates (AMG)		Frequency
		Easting	Northing	
Rochedale Leases (MLs 1156,1151,1165,50189 and 50165)				
R1	Background for point R3	511580	6951560	When point R3 is sampled
R3	Discharge	511040	6951970	"Event Release"
R4	Background for points R2 and R5	510500	6951200	When points R2 and/or R5 are sampled
R2	Discharge	510880	6951600	Each pump release
R5	Discharge	511470	6952600	"Event Release" and each pump release
Burbank Lease (ML 1552)				
B1	Discharge	513890	6949050	"Event Release"
Redland Bay Lease (ML50035)				
RB1	Discharge	526590	6943600	"Event Release"
RB2	Discharge	526350	6943600	"Event Release"
RB3	Discharge	526160	6943250	"Event Release"

*Refer to Appendix 1 Figure 1,2 and 3 for monitoring locations.

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Schedule C – Table 2: Contaminant release limits

Monitoring point	Parameter	Minimum	Maximum
Rochedale Leases (MLs 1156, 1151, 1165, 50189 and 50165)			
R2 and R5	pH	6.5	9
	Total suspended solids (mg/L)	-	50mg/L or not more than 110% of the value at R4*
R3	pH	6.5	9
	Total suspended solids (mg/L)	-	50mg/L or not more than 110% of the value at R1*
Burbank Lease (ML 1552)			

B1	pH	6.5	9
	Total suspended solids (mg/L)	-	50mg/L
Redland Bay Lease (ML 50035)*			
RB1, RB2, RB3	pH	6.5	9
	Total suspended solids (mg/L)	-	50mg/L

*for the same monitoring event

END OF CONDITIONS FOR SCHEDULE C

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Schedule D – Noise and Vibration

Noise Nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D2-1) All noise from activities must not exceed the levels specified in Schedule D – Table 2 at any noise affected premises.

(D3-1) No mining activities may be undertaken outside of the hours for the sites listed in Schedule D – Table 1, unless the activities are solely for pollution control.

Schedule D – Table 1: Operating hours

Tenure(s) mining leases	Location	Hours
1151, 1156, 1165, 50165, 50189	Rochedale	Mon-Fri 6am-6pm; Sat 6am-5pm
1152	Burbank	Mon-Fri 7am-5pm
50035	Redland Bay	Mon-Fri 7am-6pm; Sat 7am-4pm
4578	Swanbank	Mon-Sat daylight hours
50115	New Chum	Mon-Sat daylight hours

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Schedule D – Table 2: Noise Limits

Noise level dB(A) measured as	Monday to Saturday	
	6am-7am	7am-6pm
	Noise measured at a Noise sensitive place	
L_{A10}, adj, 10 mins	b/g+3	b/g+5
L_{A1}, adj, 10 mins	b/g+5	b/g+10
	Noise measured at a Noise sensitive place	
L_{A10}, adj, 10 mins	b/g+8	b/g+10
L_{A1}, adj, 10 mins	b/g+10	b/g+15

Noise monitoring

(D2-1) When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint, which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer, and the results must be notified within 14 days to the administering authority. The monitoring must include:

a) L_{A1}, adj, 10 mins

b) L_{A10}, 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.

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's *Noise Measurement Manual*.

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END OF CONDITIONS FOR SCHEDULE D

Schedule E – Waste

Waste handling

(E1-1) The holder of this environmental authority must not:

i) burn waste at or on the licenced place; nor

ii) allow waste to burn or be burnt at or on the licenced place; nor

iii) remove waste from the licenced place and burn such waste elsewhere.

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Offsite movement

(E2-1) Where regulated waste is removed from the licenced place (other than by a release as permitted under another schedule of this environmental authority), the holder of this environmental authority must monitor and record the following[5].

i) the date, quantity and type of waste removed; and

ii) name of the waste transporter and/or disposal operator that removed the waste; and

iii) the intended treatment/disposal destination of the waste.

Records

(E3-1) Records must be maintained for a period of five (5) years for all wastes mentioned in this schedule.

Notification of improper disposal of regulated waste

(E4-1) If the holder of this environmental authority becomes aware that a person has removed regulated waste from the licenced place and disposed of the regulated waste in a manner which is not authorised by this environmental authority or which is improper or unlawful, then the holder of this environmental authority as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

END OF CONDITIONS FOR SCHEDULE E

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[5] NOTE: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition.

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Schedule F – Land

Rehabilitation landform criteria

(F1-1) All areas significantly disturbed by mining activities must be rehabilitated in accordance with Schedule F – Table 1.

Schedule F – Table 1: Final land use and rehabilitation outcomes

Tenure ID	Disturbance Type	Projective surface area (ha)	Rehabilitation outcomes
Rochedale Leases			
ML1151	Infrastructure (brick manufacturing and ancillary facilities)	22.5	Industrial
	Mine void	7.0	Industrial
	Sediment traps/water basins	0.2	Wetland Type 1
	Amenity banks/buffers	4.0	Native ecosystem
ML1156	Mine void	31.5	Industrial
	Sediment traps/water basins	2.0	Industrial or Wetland Type 1
	Amenity banks/buffers		Native ecosystem
ML1165	Mine void	5.0	Industrial
	Sediment traps/water basins	0.2	Wetland Type 2
	Amenity banks/buffers	0.8	Native ecosystem
ML50165	Mine void	3.7	Wetland Type 2
	Amenity banks/buffers	3.2	Native ecosystem
ML50189	Mine void	5.2	Wetland Type 2
	Amenity banks/buffers	1.6	Native ecosystem
Burbank Lease			
ML1152	Mine void	24	Native ecosystem
	Sediment traps/ water basins	0.6	Wetland Type 1
	Roads	1.0	No rehabilitation required

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	Buffer	8.8	– retain Native ecosystem
Redland Bay Lease			
ML50035	Mine void	17.2	To be determined
	Sediment traps/ water basins	1.0	Wetland Type 1
	Roads	0.8	No rehabilitation required – retain
	Buffer	4.0	Native ecosystem
New Chum Lease			
ML50115	Mine void	31.0	Industrial
	Spoil stockpiles	13	Industrial
	Roads	3.0	No rehabilitation required – retain
	Water storages	1.5	No rehabilitation required - retain
Swanbank Lease			
ML4578	Mine voids	17.2	Industrial
	Stockpile areas	3.3	Industrial
	Spoil stockpiles	10.0	Industrial
	Roads/power line easements	3.3	No rehabilitation required – retain
	Water storages	0.8	No rehabilitation required - retain

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Rehabilitation Outcome – Industrial or Residential

(F2-1) Subject to conditions F2-2, F2-3 and F2-4, disturbed land nominated for industrial or residential rehabilitation outcome will be considered rehabilitated when the land is stabilised and does not, or will not have potential to cause environmental harm to the environmental values.

(F2-2) Disturbed land and/or mine voids remaining at the end of the mine life and nominated for the rehabilitation outcome of industrial, will only be considered suitable for surrender when an application (or applicable local government and environmental approvals (or lawful use) relevant at the time) has been approved for the proposed activities.

(F2-3) In the event of an unsuccessful development application (or other requirement at the time) for proposed industrial activities, an application must be made by the holder of this environmental authority to nominate an alternative rehabilitation outcome.

(F2-4) To remove any doubt, the nomination of the final land use of industrial or residential in Schedule F – Table 1, does not negate any local or state government planning or approval requirements for the development of that land.

Rehabilitation outcome – Native Ecosystem

(F3-1) Areas that are to be rehabilitated to native ecosystem must comply with the following outcomes:

a) achievement of self-sustaining native ecosystem with a species composition and distribution similar to the pre-mining species composition and distribution; and

b) the landform must be suitable to support the ecosystem in F3-1 a), not impede fauna corridors and be stable and non-polluting.

(F3-2) Complete an investigation into rehabilitation of disturbed areas and submit a report to the administering authority proposing acceptance criteria to meet the outcomes in F3-1. A report on the investigation, which will propose acceptance criteria, must be submitted to the administering authority by June 2005.

Rehabilitation outcome – Wetland Type 1 (rehabilitated sediment dams)

(F4-1) Areas that are to be rehabilitated to wetland type 1 outcome will be considered rehabilitated when the dams are revegetated with species appropriate to filter contaminants from the water, and water discharges from the dams do not exceed the total suspended solids value of the inflow to the pond.

Rehabilitation outcome – Wetland Type 2 (water filled voids)

(F5-1) Complete an investigation into rehabilitation of disturbed areas to wetland type 2 outcome and submit a report to the administering authority proposing acceptance criteria. A report on the investigation and proposals for acceptance criteria must address:

a) water quality to be achieved in the water filled void;

b) water quality to be achieved for any discharges from the void; and

c) revegetation standards to be met for the fringes of the void.

The report must be submitted to the administering authority by 30 June 2005.

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Buffer zones

(F6-1) There must be no mining activities conducted in the buffer zones or wildlife corridor areas identified in Appendix 1, Figures 1, 2 and 3, other than for the construction or removal of amenity banks, environmental control works, and activities involved with access or provision of services to the lease areas.

Open area and Progressive Rehabilitation

(F7-1) The *open area* for the relevant mining lease must not exceed the area described in Schedule F – Table 2.

Schedule F – Table 2: Open area limits

Tenure	Location	Open area limit (ha)
ML1152	Ford Road, Burbank	4

(F7-2) Subject to condition F7-1, progressive rehabilitation must commence within three years of areas becoming available within the operational land.

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Infrastructure

(F8-1) All infrastructure, constructed by or for the environmental authority holder during the mining activities including water storage structures, must be removed from the site prior to mining lease surrender, except where agreed in writing by the post mining land owner/holder[6].

Rehabilitation Outcome – To be determined

(F9-1) The final land use of mine voids for Redland Bay lease (ML50035) is to be determined by a Planning Use Study which is to be consistent with any Planning Scheme and any rehabilitation outcome.

(F9-2) The Planning Use Study report must be submitted to the administering authority by 30 June 2005.

END OF CONDITIONS FOR SCHEDULE F

Schedule G – Community

Complaint response

(G1-1) All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

END OF CONDITIONS FOR SCHEDULE G

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Schedule H – Definitions

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly disturbed by the mining activities. Acceptance criteria may include information regarding:

- vegetation establishment, survival and succession;
- vegetation productivity, sustained growth and structure development;
- fauna colonisation and habitat development;
- ecosystem processes such as soil development and nutrient cycling, and the re-colonisation of specific fauna groups such as collembolan, mites and termites which are involved in these processes;
- microbiological studies including re-colonisation by mycorrhizal fungi, microbial biomass and respiration;
- effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development;
- resilience of vegetation to disease, insect attack, drought and fire; and
- vegetation water use and effects on groundwater levels and catchment yields.

"administering authority" means the Department of Environment and Heritage Protection or its successor.

"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the L_{eq} for an appropriate time interval.

"blasting" means the use of explosive materials to fracture –

a) rock, coal and other minerals for later recovery; or

b) structural components or other items to facilitate removal from a site or for reuse.

"commercial place" means a place used as an office or for business or commercial purposes, other than a place within the boundaries of the operational land.

"competent person" means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

"dam" means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognisable standard.

"environmental authority holder" means the holder of this environmental authority.

"event release" means when water is released and which must occur at least four times per year.

"flowable substance" means matter or mixture of materials which can be forced to or otherwise flow under any conditions possible in a situation. It includes water, other liquids or a mixture that includes water or any other liquid or suspended solids.

"hazardous waste" means any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health.

"IEMS/Project EMOS" document titled "Environmental Management Overview Strategy (consolidating mining project numbers PJ50036, 50134, 50128 and 50150) incorporating integrated Environmental Management System (mining, manufacturing and extractive industries). Prepared for The Austral Brick Company Pty Ltd. Prepared by Groundwork Environmental Management Services Pty Ltd. October 2002."

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

"$L_{A1,\ adj,\ 10\ mins}$" 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.

"land capacity" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land suitability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

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"mandatory reporting level" means the volume below the spillway crest, equivalent to the lower of the AEP, 72 hour storm or the AEP wave allowance (AEP is the annual exceedance probability).

"mineral" means a substance which normally occurs naturally as part of the earth's crust, or is dissolved or suspended in water within or upon the earth's crust and includes a substance which may be extracted from such a substance, and includes –

a) clay if mined for use for its ceramic properties, kaolin and bentonite;

b) foundry sand;

c) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with mining for shale or coal or for the purpose of enhancing the safety of current or future mining operations for coal or the extraction or production of mineral oil there from;

d) limestone if mined for use for its chemical properties;

e) marble

f) mineral oil or gas extracted from shale or coal by insitu processes;

g) peat;

h) salt including brine;

i) shale from which mineral oil may be extracted or produced;

j) silica, including silica sand, if mined for use for its chemical properties;

k) rock mined in block or slab form for building or monumental purposes; but does not include –

l) living matter;

m) petroleum within the meaning of the Petroleum Act 1923;

n) soil, sand, gravel or rock (other than rock mined in block or slab form for building or monumental purposes) to be used or to be supplied for use as such, whether intact or in broken form;

o) water.

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"noxious" means harmful or injurious to health or physical well-being, other than trivial harm.

"non-standard" means a mining operation that if in the opinion of the administering authority does not have a low risk of serious environmental harm and the activities can not comply with the criteria for standard mining activities prescribed in schedule 1A of the *Environmental Protection Regulation 1998*. The standard mining activity trigger criteria are as follows:

- the mining activities do not or will not cause more than 10 ha of land to be significantly disturbed at any one time;
- the mining activities do not or will not cause more than 5 ha of land to be significantly disturbed at any one time;
    - in a riverine area;
    - because of mine workings;
- the mining activities are not or will not be carried out in, or within 2km of a category A *Environmentally Sensitive Area*;

- the mining activities are not or will not be carried out in, or within 1km of a category B *Environmentally Sensitive Area*;
- the mining activities do not include a level 1 environmentally relevant activity
- no more than 20 persons are carrying out or will, at any one time, carry out the mining activities.

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"open area" means, for the purposes of this environmental authority, areas that have been cleared in preparation for mining, are being mined and have not had any topsoil or seed spread on the re-profiled area to commence the rehabilitation process.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms^{-1}).

"protected area" means – a protected area under the Nature Conservation Act 1992; or

- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining questions are ongoing.

"reference site" (or analogue site) may reflect the original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be as photographs, computer generated images and vegetation models etc.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

"residual void" means an open pit resulting from the removal of ore and/or waste rock which will remain following the cessation of all mining activities and completion of rehabilitation processes.

"self-sustaining" means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

"significant disturbance" – includes land

a) if it is contaminated land; or

b) it has been disturbed and human intervention is needed to rehabilitate it:

- to a state required under the relevant environmental authority; or
- if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Some examples of disturbed land include:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation and topsoil);

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- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining activities have ceased; or
- areas where land has been contaminated and a suitability statement has not been issued.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the administering authority, areas previously significantly disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climactic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the administering authority;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

"sensitive place" means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- an educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act, the Marine Parks Act 1992 or a World Heritage Area; or
- a public park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes which is not part of the mining activity and does not include employees accommodation or public roads.

"spillway" means passage or outlet from the dam through which surplus water flows.

"stable" means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation/settlement of the wastes deposited, and sliding/slumping instability has ceased.

"trivial harm" means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than $5000.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), groundwater or any part-thereof.

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END OF CONDITIONS FOR SCHEDULE H

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Department of Environment and Resource Management

Permit

Sustainable Planning Act 2009

DERM Permit [1] number: SPDE01169910

This notice is issued by the Department of Environment and Resource Management pursuant to section 334 (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Permit type:	Replacement document pursuant to section 621 of the *Environmental Protection Act 1994*. Converted development approvals SR2484 and SR0436DA.
Relevant laws and policies:	*Sustainable Planning Act 2009*, *Environemntal Protection Act 1994* and any subordinant legislation.

Development Description(s)

Property	Lot/Plan	Aspect of Development
German Church Road,REDLAND BAY QLD 4165	Lot 111 Plan SP206324	ERA 16 Extractive and screening activities Threshold 2(c) - extracting, other than by dredging, in a year, more than 100,000t to 1,000,000t of material ERA16 Extractive and screening activities Threshold 3(b) – screening, in a year, more than 100,000t to 1,000,000t of material

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Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994.*

73(2)Irrelevant

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar a ation administered by the Department of Environment and Resource Management.

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CONDITIONS

- Schedule A – Activity
- Schedule B – Air
- Schedule C – Water
- Schedule D – Noise and Vibration
- Schedule E – Waste
- Schedule F – Land
- Schedule G – Community
- Schedule H – Definitions
- Schedule I – Maps/ Plans

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

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

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

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Maintenance of measures, plant and equipment

(A2-1) The holder must:

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

Site based management plan

(A3-1) From commencement of the activity, 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 Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.

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- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

Records

(A4-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Acid sulphate soil (ASS)

(A5-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULPHATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A5-2) Acid sulphate soils must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

Financial assurance

(A6-3) Provide a financial assurance in the amount and form and at a time required by the administering authority.

END OF CONDITIONS FOR SCHEDULE A

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Schedule B - Air

Dust nuisance

(B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

(B2-2) Excedeence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.

- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; or
- A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the site, when monitored in accordance with:
  - Australian Standard AS 3580.9.6 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
  - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

(B2-3) 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:

- for a complaint alleging dust nuisance, dust deposition; and
- 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.

END OF CONDITIONS FOR SCHEDULE B

73(2)Irrelevant

Schedule C - Water

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- carried out on samples that are representative of the discharge.
-

Schedule C - Table 1 (Release limits)

Monitoring point	Discharge location	Co-ordinates		Quality characteristics	Release Limits		Monitoring frequency
		Easting	Northing		Minimum	Maximum	
RB1, RB2, RB3	Moogurrapum Creek (RB1&2) Native Dog Creek (RB3)	526590	6943600	pH	6.0	9.0	Event release
		526350	6943600	Dissolved Oxygen (mg/L)	6.0	-	Event release
		526160	6943250	SS	-	50mg/l	Event release

Erosion protection measures and sediment controls

(C2-1) Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment. The size of any sedimentation dam must be sufficient to contain the run-off expected from a 24 hour storm with an average recurrence interval of 1 in 5 years. Sediment released to the bed of the receiving waters, effected by process water and stormwater contaminated by activities, can only be released when in compliance with the limits in Schedule C - Table 1.

(C2-2) Prevent the release of sediment to waters or a build up of sediment in any stormwater drain.

END OF CONDITIONS FOR SCHEDULE

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Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 and 2 at any noise affected premises.

Schedule D - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday
	7am - 6pm
$L_{A10, adj, 10 mins}$	b/g + 5
$L_{A1, adj, 10 mins}$	b/g + 10
$L_{A10, adj, 10 mins}$	b/g + 10
$L_{A1, adj, 10 mins}$	b/g + 15

73(2)Irrelevant

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Schedule D - Table 2 (Airblast Overpressure Level)

Location	Monday to Friday 9 am - 3 pm	Saturday, Sundays and public holidays
Sensitive or commercial place	Air blast overpressure level is no more than 115 db (Lin) Peak for four (4) out of five (5) consecutive blasts initiated and not greater than 120 db (Lin) Peak at any time.	No blasting to occur

Note: The method of measurement and reporting of over pressure levels must comply with the latest edition of the Environmental Protection Agency's vibration and air blast overpressure monitoring guideline.

Noise monitoring

(D2-1) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

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

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Vibration nuisance

(D3-1) Vibration emitted from activities must not cause a nuisance at any vibration sensitive place.

(D3-2) Vibration emitted from activities must not exceed the levels specified in Schedule D - Table 3 at any vibration sensitive place.

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Schedule D - Table 3 (Vibration limits)

Location	Vibration measured	
	Monday to Friday 9 am - 3 pm	Saturday, Sundays and public holidays
Sensitive or commercial place	5mm/s peak particle velocity for nine (9) out of ten (10) consecutive blasts and not greater than 10 mm/s peak particle velocity at any time	No blasting

Note: The method of measurement and reporting of vibration levels must comply with the latest edition of the Environmental Protection Agency's vibration and air blast overpressure monitoring guideline.

73(2)Irrelevant

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Vibration monitoring

(D4-1) When requested by the Administering Authority, vibration monitoring and recording must be undertaken to investigate any complaint of nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

- peak particle velocity (mm/s); and
- location of the blast/s within the site (including which bench level); and
- atmospheric conditions including temperature, relative humidity and wind speed and direction; and
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors; and
- location, date and time of recording.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

General

E1-1 The holder of this development approval must not:

(i) burn waste at or on the authorised place; or
(ii) allow waste to burn at or on the authorised place; or
(iii) remove waste from the authorised place and burn such waste elsewhere.

END OF CONDITIONS FOR SCHEDULE E

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Schedule F - Land

Rehabilitation landform criteria

(3:F1-1) All areas significantly disturbed by activities must be rehabilitated in accordance with Part 3 Schedule F – Table 1.

Part 3 Schedule F - Table 1 (Final Land Use and Rehabilitation Outcome Schedule)

Disturbance Type	Projective Surface Area (ha)	Rehabilitation Outcome
Mine void	17.2	Industrial (Native ecosystem?) SPPKC
Sediment traps / water basins	1	Wetland Type 2
Roads	0.8	No rehabilitation required - retain
Buffer	4	No rehabilitation required - retain

Rehabilitation Outcome – Industrial

(3:F2-1) Disturbed land nominated for industrial or residential rehabilitation outcome will be considered rehabilitated when the land is stabilised and does not, or will not have potential to cause environmental harm to the environmental values.

73(2)Irrelevant

(3:F2-4) To remove any doubt, the nomination of the final land use of industrial, industrial (landfill) or residential in Part 3 Schedule F Table 1, does not negate any local or state government planning or approval requirements for the development of that land.

Rehabilitation Outcome – Native Ecosystem

(3:F3-1) Areas that are to be rehabilitated to native ecosystem must comply with the following outcomes:

a) achievement of a self sustaining native ecosystem with a species composition and distribution similar to the pre-mining species composition and distribution; and

b) the landform must be suitable to support the ecosystem in 3:F3-1 a), not impede pre-mining fauna corridors and be stable and non-polluting.

(3:F3-2) Complete an investigation into rehabilitation of disturbed areas and submit a report to the administering authority proposing acceptance criteria to meet the outcomes in F3-1. A report on the investigation, which will propose acceptance criteria, must be submitted to the administering authority by 30 June 2005.

Rehabilitation Outcome – Wetland Type 2 (water filled voids)

(3:F5-1) Complete an investigation into rehabilitation of disturbed areas to wetland type 2 outcome and submit a report to the administering authority proposing acceptance criteria. A report on the investigation and proposals for acceptance criteria must address:

a) water quality to be achieved in the water filled void;

b) water quality to be achieved for any discharges from the void; and

c) revegetation standards to be met for the fringes of the void.

and the report must be submitted to the administering authority by 30 June 2005.

Open Area and Progressive Rehabilitation

(3:F7-1) The *open area* for each relevant mining lease must not exceed the area described in Schedule F Table 2.

Schedule F Table 2 – Open Area Limits

Tenure	Location	Open Area Limit (Ha)
ML 50189	Gardner Rd, Rochedale	2.5
ML 1152	Ford Road, Burbank	4
ML 50035	German Church Road Redland Bay	6

(3:F7-2)Subject to condition 3:F7-1, progressive rehabilitation must commence within three years of areas become available within the operational land.

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

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

END OF CONDITIONS FOR SCHEDULE G

73(2)Irrelevant

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Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

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

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

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

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

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

"dust sensitive place" means -

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

and includes the curtilage of any such place.

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

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

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

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

"nuisance sensitive place" includes -

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

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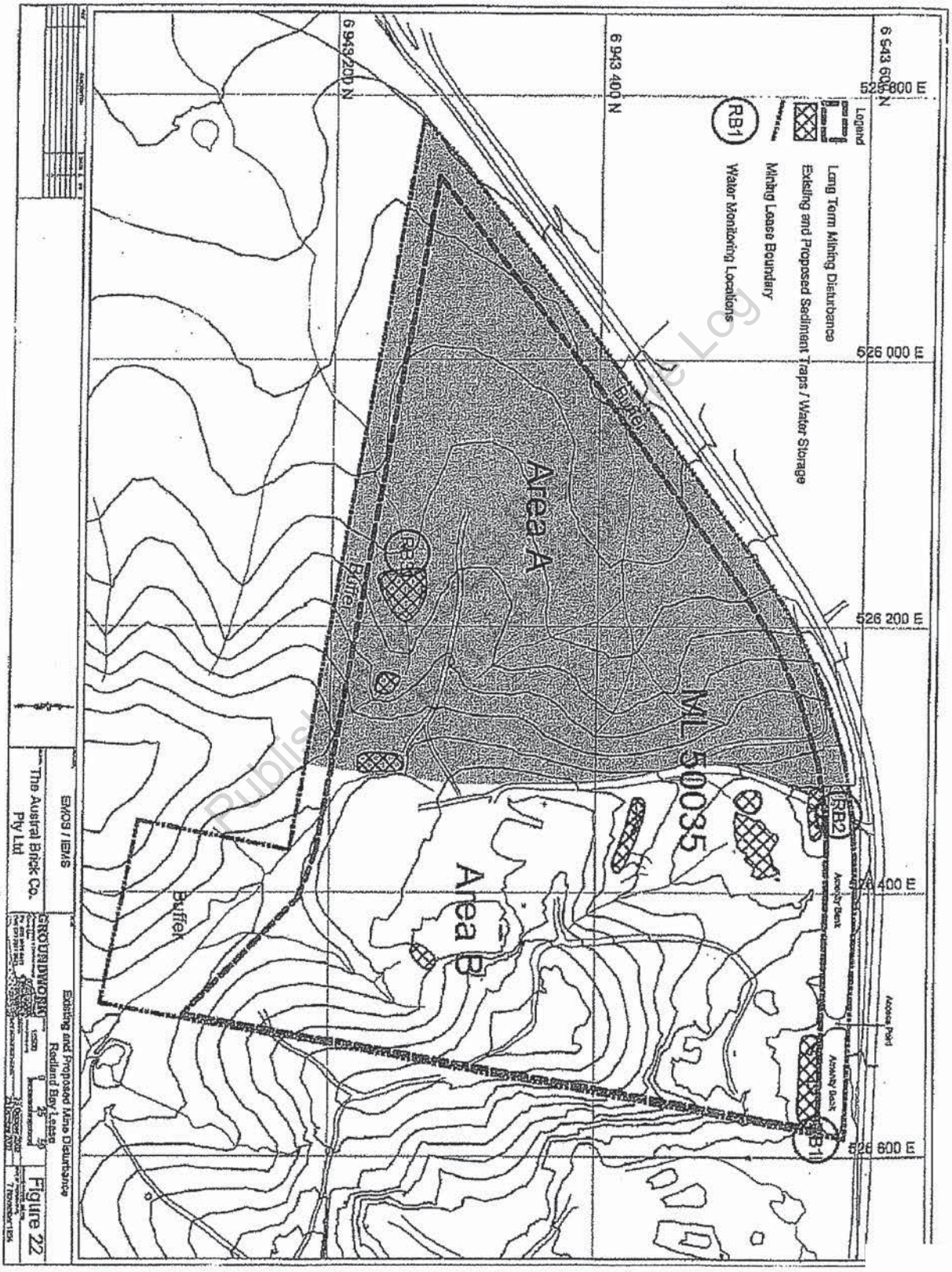
73(2)Irrelevant

Schedule I – Maps /Plans



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END OF CONDITIONS

73(2)Irrelevant

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

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

"noise sensitive place" means -

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

  and includes the curtilage of such place.

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

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

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

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

"protected area" means -

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

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

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

"mg/L" means milligrams per litre.

"vibration sensitive place" means a noise sensitive place or a commercial place.

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE H

73(2)Irrelevant

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Additional comments or advice about the application

Nil

Additional information for applicants

Environmentally relevant activities

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

A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

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 in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

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73(2)Irrelevant

17 November 2010

Delegate
Mike Thomas
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management

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ENVIRONMENTAL PROTECTION ACT 1994

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

Integrated Authority No. SR2484

Section 311 *Environmental Protection Act 1994*

This integrated authority, issued in accordance with section 311 of the Environmental Protection Act 1994 *(the EP Act), provides for the carrying out of different Environmentally Relevant Activities or Environmentally Relevant Activities at different places managed in an integrated way. This integrated authority comprises of one or more types of environmental authority(ies) in accordance with sections 86, 93, 95, 104, 113 and 311, of the EP Act, and this integrated authority details the conditions that are relevant to each stated type of environmental authority.*

Under the provisions of the *Environmental Protection Act 1994* this integrated authority is issued to:

The Austral Brick Company Pty Ltd
105 Gardner Road
ROCHEDALE QLD 4123

in respect of carrying out the Environmentally Relevant Activities (ERAs) at the different places and under the types of environmental authorities described in Table 1.

This integrated authority is subject to the conditions set out in the attached schedules.

The anniversary date of this licence is 24 April.

This integrated authority takes effect from 24 April 2003.

73(2)Irrelevant

Signed

17 APRIL 2003
Date

Peter Smith
Acting Manager (Licensing)
Delegate of Administering Authority
Environmental Protection Act 1994

Note: This integrated authority document is not proof of the current status of the integrated authority. The current status of the integrated authority may be ascertained by contacting the Environmental Protection Agency.

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Table 1: This integrated authority consists of the following part(s):

Part 1: Licence (with development approval) (Section 86)

Applicable Part & Schedule(s)	ERA No.	ERA name	Lot	Plan	Location
Part 1 all schedules	20(c)	Extracting rock or other material – extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or an authority, lease, licence or permit mentioned in item 21C or 21D) from a pit or quarry using plant or equipment having a design capacity of 100,000 t or more a year.	Part of Lot 1	RP854704	Parish of Redland German Church Road REDLAND BAY
Part 1 all schedules	22(c)	Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or an authority, lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of 100,000 tonnes or more a year.	Part of Lot 1	RP854704	Parish of Redland German Church Road REDLAND BAY

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Part 2: Licences (without development approval) (Section 93)

Applicable Part & Schedule(s)	ERA No.	ERA name	Lot	Plan	Location
ROCHEDALE PLANT					
Part 2 all schedules Part 4 all schedules	17	Fuel burning - any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour.	2	844169	County of Stanley, Parish of Tingalpa. 105 Gardner Road ROCHEDALE
Part 2 all schedules Part 4 all schedules	61	Clay or ceramic products manufacturing - manufacturing a clay or ceramic product, including bricks, tiles, pipes, pottery goods and refractories, in works having a design production capacity of more than 200 t per year.	2	844169	County of Stanley, Parish of Tingalpa. 105 Gardner Road ROCHEDALE
Part 2 all schedules Part 4 all schedules	75(a)(vi)	Waste disposal - operating a facility for disposing of only general waste or limited regulated waste, if the facility is designed to receive waste at the rate of 50 000 t or more, but less than 75 000 t per year.	2	844169	County of Stanley, Parish of Tingalpa. 105 Gardner Road ROCHEDALE

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RIVERVIEW PLANT					
Part 2 all schedules Part 4 all schedules	17	Fuel burning - any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour.	1	RP 166658	Parish of Stanley, County of Goodna 103 Riverview Road RIVERVIEW
Part 2 all schedules Part 4 all schedules	22(c)	Screening etc. materials - screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or an authority, lease, licence or permit mentioned in item 21C or 21D) or by dredging using plant or equipment having a design capacity of 100,000 t or more a year.	1	RP 166658	Parish of Stanley, County of Goodna 103 Riverview Road RIVERVIEW
Part 2 all schedules Part 4 all schedules	61	Clay or ceramic products manufacturing - manufacturing a clay or ceramic product, including bricks, tiles, pipes, pottery goods and refractories, in works having a design production capacity of more than 200 t per year.	1	RP 166658	Parish of Stanley, County of Goodna 103 Riverview Road RIVERVIEW

Part 3: Environmental authority (mining lease) (Section 258)

Applicable Part & Schedule(s)	ERA No.	ERA name	Mining Lease Number	Location
Part 3 all schedules Part 4 all schedules		Section 18(a) of the *Environmental Protection Act 1994*: Mining Activities Schedule 6 of the *Environmental Protection Regulation 1998*. Item 11B mining activities, other than a standard mining activity, carried out using equipment and plant having a mineral ore throughput of more than 100,000t during a year but less than 500,000t a year.	1167 1151 1152 1156 1165 50165 50189 50035 4578 50115	Douglas Street OXLEY Gardner Road ROCHEDALE Ford Road BURBANK Gardner Road ROCHEDALE Gardner Road ROCHEDALE Gardner Road ROCHEDALE Gardner Road ROCHEDALE German Church Road REDLAND BAY Patrick Street SWANBANK Whitwood Road NEW CHUM

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Part 4: Conditions common to Parts 2 and 3

Applicable Part & Schedule(s)	ERA No.	ERA name	Lot	Plan	Location
ROCHEDALE PLANT, RIVERVIEW PLANT and ALL MINING LEASES					
Parts 2 and 3 – all schedules Part 4		All ERAs listed in Parts 2 and 3			All locations listed in Parts 2 and 3

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

This integrated authority incorporates the following parts:

PART 1 - LICENCE(S) (WITH DEVELOPMENT APPROVAL) (Section 86)

Applicable Sites – German Church Road Extractive Operation only

This part and its conditions must be considered in conjunction with any conditions imposed on your development approval(s) granted under the Integrated Planning Act 1997 *or its equivalent for the activities under this part.*

Part 1 Schedule A - General conditions

(1:A1-1) Provide a financial assurance in the amount and form and at a time required by the administering authority.

END OF CONDITIONS FOR SCHEDULE A

Part 1 Schedule I - Definitions

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

END OF CONDITIONS FOR SCHEDULE I

Part 1 Schedule J - Site Plans

There are no conditions prescribed in this schedule.

END OF CONDITIONS FOR SCHEDULE J

END OF PART 1

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PART 2 - LICENCE(S) (WITHOUT DEVELOPMENT APPROVAL) (Section 93)

Applicable Sites – Riverview and Rochedale Brick Manufacturing Plants

This part is for the carrying out of a level 1 environmentally relevant activity without a development approval, under chapter 4, part 3, division 2, subdivision 1 of the Environmental Protection Act 1994. *The conditions in this Part of this Integrated Environmental Authority are in addition to those contained in all of Part 4 of this Integrated Environmental Authority.*

Part 2 Schedule A - General conditions

Refer to Part 4 Schedule A of this integrated authority.

END OF CONDITIONS FOR PART 2 SCHEDULE A

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Part 2 Schedule B - Air

Nuisance

(2:B1-2) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any odour sensitive place.

The Release of Contaminants to the Atmosphere

(2:B2-1) The release of contaminants to the atmosphere from a point source must only occur from those release points identified in Part 2 Schedule B - Table 1 and must be directed vertically upwards without any impedance or hindrance.

(2:B2-2) Contaminants must be released to the atmosphere from a release point at a height and a flow rate not less than the corresponding height and velocity stated for that release point in Part 2 Schedule B - Table 1 and not more than the efflux temperature stated for that release point in Part 2 Schedule B - Table 1.

(2:B2-3) Contaminants must not be released to the atmosphere from a release point at a mass emission rate/concentration, as measured at a monitoring point, in excess of that stated in Part 2 Schedule B - Table 1 and monitored not less frequently than Part 2 Schedule B Table 1.

(2:B2-4) Monitoring provisions and monitoring points must be provided for all the release points listed in Part 2 Schedule B, Table 1. The monitoring provisions and monitoring points must comply with the Australian Standard AS 4323.1 - 1995 "Stationary source emissions Method 1: Selection of sampling provisions".

(2:B2-5) The holder of this environmental authority must conduct a monitoring program of contaminant releases to the atmosphere at the release points, frequency, and for the parameters specified in Part 2 Schedule B, Table 1 and which complies with the following:

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

(b) All determinations of the quality and quantity of contaminants released to the atmosphere must be made in accordance with methods prescribed in the Department of Environment Air Quality Sampling Manual, November 1997, or more recent editions or supplements to that document as such become available.

(c) The following tests must be performed for each required determination specified in Part 2 Schedule B, Table 1:

(i) gas velocity and volume flow rate;

(ii) temperature; and

(iii) water vapour concentration.

(d) Where practicable, samples taken must be representative of the contaminants discharged when emissions are expected to be maximum,

(e) During the sampling period the following additional information must be gathered:

(i) production rate;
(ii) equipment operating;
(iii) product made;
(iv) date of sampling;
(v) start and end time of sampling;
(vi) fuel rate:
(vii) fluoride concentration in the mixture of clay used before and after fired (Rochedale only); and
(viii) proportion of each raw clay used (Rochedale only).

(f) Oxides of nitrogen must be calculated as NO^2 at a 7 percent oxygen level and total particulates must be determined where gas volume is calculated to 12 percent CO^2.

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Part 2 Schedule B - Table 1 (Release of contaminants)

Release point number	Minimum release height (metres)	Minimum velocity (m/sec)	Minimum efflux temp (°C)	Contaminant	Release Limit	Sampling frequency
Riverview Plant A1 - Swindell Dressler Tunnel Kiln	25	8	n/a	Concentration total particulates	0.25 g/m3	Not less frequently than annually
				Mass emission total particlates	n/a	Not less frequently than annually
				Concentration nitrogen oxides	0.35 g/m3	Not less frequently than annually
				Mass emission nitrogen oxides	n/a	Not less frequently than annually
Rochedale Plant A1 - Swindell Dressler Tunnel Kiln	30	8.7	126	Total particulates	0.25 g/m3	Not less frequently than annually
				Mass emission total particlates	n/a	Not less frequently than annually
				Nitrogen oxides	0.35 g/m3	Not less frequently than annually
				Mass emission nitrogen oxides	n/a	Not less frequently than annually
				Total fluoride (mass emission rate) g/sec	1.35	Not less frequently than annually
				Concentration total fluoride	n/a	Not less frequently than annually
Rochedale Plant A2 – Ceric Tunnel Kiln	15	9.5	124	Total particulates	0.25 g/m3	Not less frequently than annually
				Mass emission total particlates	n/a	Not less frequently than annually
				Nitrogen oxides	0.35 g/m3	Not less frequently than annually
				Mass emission nitrogen oxides	n/a	Not less frequently than annually
				Total fluoride (mass emission rate) g/sec	1.88	Not less frequently than annually
				Concentration total fluoride	n/a	Not less frequently than annually

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Riverview Plant

(2:B3-1) Total Fluoride emissions from the release point numbered A1 at the Riverview Plant must not result in Ground Level Concentrations (GLC's) in excess of 3.7 ug/m^3 for an averaging time of 12 hours and 0.5 ug/m^3 for an averaging time of 90 days, beyond the boundaries of the licensed place.

(2:B3-2) For the purposes of checking conformity with condition 2:B3-1, the results of the Fluoride monitoring as required in Part 2 Schedule B - Table 1 must be expressed as ugHF/m^3 and modelled using an Appropriate Air Pollution Dispersion Modelling Program to determine the Ground Level Concentrations for the 12 hour and 90 day averaging time.

(2:B3-3) The only fuel to be used in the Swindell Dressler Tunnel Kiln is natural gas.

(2:B3-4) There must be no visible emission from release point number A1.

Rochedale Plant

(2:B4-1) The only fuel to be used in the Swindell Dressler Tunnel Kiln (A1) and the Ceric Tunnel Kiln (A2) is natural gas.

(2:B4-2) There must be no visible emission from release point numbers A1 or A2.

(2:B4-3) The holder of this environmental authority must conduct a vegetation survey to detect chemical fumigation when there is non-compliance with any limit in Part 2 Schedule B – Table 1 and/or with the fluoride mass emission rate in Part 2 Schedule B – Table 1, or within three (3) years of the last vegetation survey submitted to the administering authority.

(2:B4-4) The vegetation survey required by condition 2:B4-3 must be conducted at Boorabbin Picnic Ground, along Stackpole Street, F R Caterson Park, along Mt Petrie Road, Gardner Road and Prebble Street.

(2:B4-5) A person or body possessing appropriate experience and qualifications must perform the vegetation survey required by condition 2:B4-3 of this environmental authority.

(2:B4-6) The holder of this environmental authority must ensure the data collected by conditions 2:B2-5 and 2:B4-3 of this environmental authority is analysed and interpreted to assess the nature and extent of any environmental impact of the environmentally relevant activity. The data, analysis and assessment must be submitted to the administering authority within three (3) months of the completion of any vegetation survey required by condition 2:B4-3.

END OF CONDITIONS FOR PART 2 SCHEDULE B

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Part 2 Schedule C - Water

Release to waters – Rochedale Plant only

(2:C1-1) Process water, storm water and/or receiving waters must be monitored at the locations and frequencies defined in Part 2 Schedule C - Table 1 and comply with the contaminant limits defined in Part 2 Schedule C - Table 2.

Part 2 Schedule C - Table 1 (Water monitoring locations and frequency)

Monitoring Point	Monitoring Type	Co-ordinates (AMG)		Frequency
		Easting	Northing	
R1	Background for point R3	511580	6951560	When point R3 is sampled
R3	Discharge	511040	6951970	"Event Release"

Part 2 Schedule C - Table 2 (Discharge contaminant limits)

Monitoring Point	Parameter	Minimum	Maximum
R3	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50mg/L or not more than 110% of the value at R1*

* For the same monitoring event

Stormwater Management Plan – Rochedale Plant Only

(2:C2-1) The holder of this environmental authority must have developed and implemented an effective and appropriate Stormwater Management Plan which details how the holder of this environmental authority will manage the actual and potential environmental impacts resulting from the contamination of stormwater at the licensed place.

(2:C2-2) The Stormwater Management Plan must address at least the following matters:

a) prevention of incident stormwater and stormwater runoff from contacting wastes or contaminants; and

b) diversion of upstream runoff away from areas containing wastes or contaminants; and

c) minimisation of the size of contaminated areas; and

d) cleaning of contaminated areas without water; and

e) installation and maintenance of pollution control equipment such as oil separators, silt and rubbish traps, and stormwater diversion systems; and

f) installation and maintenance of sediment control measures for stormwater such as by means of coagulation, sedimentation, dissolved air flotation, settling basins or other suitable means; and

g) paving and roofing of contaminated areas; and

h) revegetation of exposed or disturbed areas; and

i) diversion of upstream runoff from exposed or disturbed areas and stockpiles; and

j) sampling and monitoring of stormwater discharges from the licensed place to waters for parameters including the following:

   i. suspended solids, and

   ii. pH.

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END OF CONDITIONS FOR PART 2 SCHEDULE C

Part 2 Schedule D - Noise

(2:D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(2:D1-2) All noise from activities must not exceed the levels specified in Part 2 Schedule D - Table 1 at any noise affected premises.

Part 2 Schedule D Table 1: Noise Limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
L_{A10}, adj, 10 mins	b/g+5	b/g+5	b/g+3	b/g+5	b/g+5	b/g+0
L_{A1}, adj, 10 mins	b/g+10	b/g+10	b/g+5	b/g+10	b/g+10	b/g+5
	Noise measured at a 'Commercial place'					
L_{A10}, adj, 10 mins	b/g+10	b/g+10	b/g+8	b/g+10	b/g+10	b/g+5
L_{A1}, adj, 10 mins	b/g+15	b/g+15	b/g+10	b/g+15	b/g+15	b/g+10

R
73(2)Irrelevant

Note: The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Manuals.Noise monitoring

(2:D2-1) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, which is neither frivolous or vexatious or based on mistaken belief on the opinion of the authorised officer, and the results notified within 14 days to the administering authority. Monitoring must include:

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

(2:D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR PART 2 SCHEDULE D

Part 2 Schedule E – Waste

The conditions of this Part 2 Schedule E Waste Schedule apply to the Rochedale Plant only, in addition to those conditions in Part 4 Schedule E.

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Waste Management Plan (WMP)

(2:E1-1) The holder of this environmental authority, must develop and implement an effective and appropriate Waste Management Plan which details how the holder of this environmental authority will manage the actual and potential environmental impacts resulting from all wastes produced at the licensed place.

(2:E1-2) The Waste Management Plan must address at least the following matters:

(a) the quantity and nature of each waste produced;
(b) the current method of disposal;
(c) proposed methods of pre-treatment or disposal;
(d) expected reduction in quantity of waste produced through waste minimisation and cleaner production;
(e) investigation and evaluation of alternative treatment options;
(f) areas to be set aside for the segregation and storage of recyclable solid wastes;
(g) where a no-cost recycling service is available, reasonable and practicable steps must be taken to ensure recyclable waste is not deposited in the general waste stream. Such steps may include, but are not limited to provision of receptacles; suitable signage; and promotion of awareness among staff of the recycling service.
(h) provisions for carrying out and submitting to the administering authority a waste audit within 12 months from the date of issue of this environmental authority and thereafter every five (5) years.

(2:E1-3) A copy of the Waste Management Plan and subsequent amendments must be kept at the licensed place and must be made available to any authorised person or the administering authority on request.

(2:E1-4) The holder of this environmental authority must not implement a Waste Management Plan or amend a Waste Management Plan where such implementation or amendment would result in a contravention of any condition of this environmental authority.

On Site Waste Disposal

(2:E2-1) The defined on site waste disposal area is described as "Waste Disposal Area" delineated on Figure 1 of Appendix 1.

(2:E2-2) Only the following general waste, which is generated by the brickworks operation, is to be disposed of at the Waste Disposal Area:

(i) broken and reject bricks, pavers and other ceramic products;

(ii) timber;

(iii) plastic, paper and cardboard; and

(iv) concrete and concrete products with or without reinforcing steel.

(2:E2-3) Where general waste associated with the manufacture of bricks or pavers on the licensed place is disposed of on the premises (other than as permitted by another schedule of this environmental authority), the holder of this environmental authority must monitor and record:

(a) the date, quantity and type of waste disposed; and

(b) the location of disposal of the waste; and

(c) the method of disposal of the waste.

(2:E2-4) Appropriate signs must be prominently displayed at the waste disposal area or appropriate written instructions must be given to all persons responsible for depositing waste:

The signs or written instructions must at least indicate:

(i) the types of waste that may be disposed;

(ii) the types of waste which must not be disposed;

(iii) the location where the wastes must be deposited within the general waste disposal area, and

(iv) that open burning of waste is prohibited.

(2:E2-5) Wastes must not be deposited beyond the boundaries of the waste disposal area.

(2:E2-6) Regulated waste must not be stored or disposed of or deposited in the waste disposal area.

Security

(2:E3-1) The holder of this environmental authority must prevent any unauthorised disposal of waste on or in the licensed place.

(2:E3-2) The holder of this environmental authority must ensure that all access gates are locked when the licensed place is unattended.

END OF CONDITIONS FOR PART 2 SCHEDULE E

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Part 2 Schedule F - Land

Release of Contaminants to Land

(2:F1-1) There must be no release nor likelihood of release of any contaminants to land that may cause environmental harm or contribute to contamination of such land.

END OF CONDITIONS FOR PART 2 SCHEDULE F

Part 2 Schedule G - Community

Refer to Part 2 Schedule G of this authority.

END OF CONDITIONS FOR PART 2 SCHEDULE G

END OF PART 2

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PART 3 - ENVIRONMENTAL AUTHORITY (MINING LEASE) (Section 258)

This part is for the carrying out of an environmental authority (mining activities) for a mining lease under chapter 5, parts 1, 2 and 6 of the Environmental Protection Act 1994. *The conditions in this Part of this Integrated Environmental Authority are in addition to those contained in all of Part 4 of this Integrated Environmental Authority.*

Part 3 Schedule A - General

Financial Assurance

(3:A1-1) Provide a financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.

NOTE: The calculation of financial assurance for condition (3:A1-1) must be in accordance with Guideline 17 and may include a performance discount. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the Plan of Operations and calculated using the formula: (Financial Assurance = Highest Total Annual Rehabilitation Cost x Percentage Required)

(3:A1-2) The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.

NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.

END OF CONDITIONS FOR PART 3 SCHEDULE A

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Part 3 Schedule B - Air

Refer to Part 4 Schedule B of this Integrated Authority.

END OF CONDITIONS FOR PART 3 SCHEDULE B

Part 3 Schedule C - Water

Release to waters

(3:C1-1) Process water, storm water and/or receiving waters must be monitored at the locations and frequencies defined in Part 3 Schedule C - Table 1 (at the locations depicted in Appendix 1 Figures 1, 2, 3 and 4) and comply with the contaminant limits defined in Part 3 Schedule C - Table 2.

Part 3 Schedule C - Table 1 (Water monitoring locations and frequency)

*Monitoring Point	Monitoring Type	Co-ordinates (AMG)		Frequency
		Easting	Northing	
Rochedale Leases (MLs 1156, 1151, 1165, 50189 and 50165)				
R1	Background for point R3	511580	6951560	When point R3 is sampled
R3	Discharge	511040	6951970	"Event Release"
R4	Background for points R2 and R5	510500	6951200	When points R2 and/or R5 are sampled
R2	Discharge	510880	6951600	Each Pumped Release
R5	Discharge	511470	6952600	"Event Release" and each pumped release
Burbank Lease (ML1152)				
B1	Discharge	513890	6949050	"Event Release"
Redland Bay Lease (ML50035)				
RB1	Discharge	526590	6943600	"Event Release"
RB2	Discharge	526350	6943600	"Event Release"
RB3	Discharge	526160	6943250	"Event Release"
Oxley Lease (ML1167)				
O1	Discharge	497350	6951000	Each Pumped Release

* Refer to Appendix 1 Figures 1, 2, 3 and 4 for monitoring locations.

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Part 3 Schedule C - Table 2 (Contaminant release limits)

Monitoring Point	Parameter	Minimum	Maximum
Rochedale Leases (MLs 1156, 1151, 1165, 50189 and 50165)			
R2 and R5	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50mg/L or not more than 110% of the value at R4*
R3	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50mg/L or not more than 110% of the value at R1*
Burbank Lease (ML1152)			
B1	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50
Redland Bay Lease (ML50035)			
RB1, RB2, RB3	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50
Oxley Lease (ML1167)			
O1	pH	6.5	9
	Total Suspended Solids (mg/L)	-	50

* for the same monitoring event

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Part 3 Schedule D - Noise and vibration

Noise nuisance

(3:D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(3:D1-2) All noise from activities must not exceed the levels specified in Part 3 Schedule D - Table 2 at any noise affected premises.

(3:D1-3) No mining activities may be undertaken outside of the hours for the sites listed in Part 3 Schedule 3 Table 1, unless the activities are solely for pollution control.

Part 3 Schedule D - Table 1: Operating Hours

Tenure(s) – mining leases	Location	Hours
1151, 1156, 1165, 50165, 50189	Rochedale	Mon-Fri 6am – 6pm; Sat 6am-5pm
1152	Burbank	Mon-Fri 7am – 5pm
50035	Redland Bay	Mon-Fri 7am – 6pm; Sat 7am-4pm
1167	Oxley	Mon-Fri 7am – 5pm
4578	Swanbank	Mon-Sat daylight hours
50115	New Chum	Mon-Sat daylight hours

Part 3 Schedule D - Table 2 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday	
	6am - 7am	7am - 6pm
	Noise measured at a 'Noise sensitive place'	
L_{A10}, adj, 10 mins	b/g+3	b/g+5
L_{A1}, adj, 10 mins	b/g+5	b/g+10
	Noise measured at a Commercial place'	
L_{A10}, adj, 10 mins	b/g+8	b/g+10
L_{A1}, adj, 10 mins	b/g+10	b/g+15

Noise monitoring

(3:D2-1) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, which is neither frivolous or vexatious or based on mistaken belief on the opinion of the authorised officer, and the results notified within 14 days to the administering authority. Monitoring must include:

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

(3:D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR PART 3 SCHEDULE D

Part 3 Schedule E - Waste

Refer to Part 4 Schedule E of this integrated authority.

END OF CONDITIONS FOR PART 3 SCHEDULE E

Part 3 Schedule F - Land

Rehabilitation landform criteria

(3:F1-1) All areas significantly disturbed by mining activities must be rehabilitated in accordance with Part 3 Schedule F – Table 1.

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Part 3 Schedule F - Table 1 (Final Land Use and Rehabilitation Outcome Schedule)

Tenure ID	Disturbance Type	Projective Surface Area (ha)	Rehabilitation Outcome
ROCHEDALE LEASES			
ML1151	Infrastructure (brick manufacturing and ancillary facilities)	22.5	Industrial
	Mine void	7.0	Industrial
	Sediment traps / water basins	0.2	Wetland Type 1
	Amenity banks / buffers	4.0	Native Ecosystem
ML1156	Mine void	31.5	Industrial
	Sediment traps / water basins	2.0	Industrial or Wetland Type 1
	Amenity banks / buffers		Native Ecosystem
ML1165	Mine void	5.0	Industrial
	Sediment traps / water basins	0.2	Wetland Type 1
	Amenity banks / buffers	0.8	Native Ecosystem
ML50165	Mine void	3.7	Wetland Type 2
	Amenity banks / buffers	3.2	Native ecosystem
ML50189	Mine void	5.2	Wetland Type 2
	Amenity banks / buffers	1.6	Native Ecosystem
BURBANK LEASE			
ML1152	Mine void	24	Native Ecosystem
	Sediment traps / water basins	0.6	Wetland Type 1
	Roads	1	No rehabilitation required – retain
	Buffer	8.8	Native Ecosystem
REDLAND BAY LEASE			
ML50035	Mine void	17.2	To be determined
	Sediment traps / water basins	1	Wetland Type 1
	Roads	0.8	No rehabilitation required – retain
	Buffer	4	Native Ecosystem
OXLEY LEASE			
ML1167	Mine void	7.8	Industrial
	Sediment traps / water basins	0.5	Wetland Type 1
	Roads	0.5	No rehabilitation required – retain
	Buffer	6.6	No rehabilitation required – retain / Residential
NEW CHUM LEASE			
ML50115	Mine voids	31.0	Industrial
	Spoil stockpiles	13	Industrial
	Roads	3.0	No rehabilitation required – retain
	Water Storages	1.5	No rehabilitation required – retain

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Part 3 Schedule F - Table 1 (Final Land Use and Rehabilitation Outcome Schedule) - continued

Tenure ID	Disturbance Type	Projective Surface Area (ha)	Rehabilitation Outcome
SWANBANK LEASE			
ML4578	Mine voids	17.2	Industrial
	Stockpile areas	3.3	Industrial
	Spoil stockpiles	10	Industrial
	Roads / power line easements	3.3	No rehabilitation required - retain
	Water Storages	0.8	No rehabilitation required - retain

Rehabilitation Outcome – Industrial or Residential

(3:F2-1) Subject to conditions 3:F2-2, 3:F2-3 and 3:F2-4, disturbed land nominated for industrial or residential rehabilitation outcome will be considered rehabilitated when the land is stabilised and does not, or will not have potential to cause environmental harm to the environmental values.

(3:F2-2) Disturbed land and/or mine voids remaining at the end of mine life and nominated for the rehabilitation outcome of industrial, will only be considered suitable for surrender when a development approval and environmental authority (with development approval) application (or applicable local government and environmental approvals (or lawful use) relevant at the time) has been approved for the proposed activities.

(3:F2-3) In the event of an unsuccessful development application (or other requirement at the time) for proposed industrial activities, an application must be made by the holder of this environmental authority to nominate an alternative rehabilitation outcome.

(3:F2-4) To remove any doubt, the nomination of the final land use of industrial or residential in Part 3 Schedule F Table 1, does not negate any local or state government planning or approval requirements for the development of that land.

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Rehabilitation Outcome – Native Ecosystem

(3:F3-1) Areas that are to be rehabilitated to native ecosystem must comply with the following outcomes:

a) achievement of a self sustaining native ecosystem with a species composition and distribution similar to the pre-mining species composition and distribution; and

b) the landform must be suitable to support the ecosystem in 3:F3-1 a), not impede fauna corridors and be stable and non-polluting.

(3:F3-2) Complete an investigation into rehabilitation of disturbed areas and submit a report to the administering authority proposing acceptance criteria to meet the outcomes in 3:F3-1. A report on the investigation, which will propose acceptance criteria, must be submitted to the administering authority by 30 June 2005.

Rehabilitation Outcome – Wetland Type 1 (rehabilitated sediment dams)

(3:F4-1) Areas that are to be rehabilitated to wetland type 1 outcome will be considered rehabilitated when the dams are revegetated with species appropriate to filter contaminants from the water, and water discharges from the dams do not exceed the total suspended solids value of the inflow to the pond.

Rehabilitation Outcome – Wetland Type 2 (water filled voids)

(3:F5-1) Complete an investigation into rehabilitation of disturbed areas to wetland type 2 outcome and submit a report to the administering authority proposing acceptance criteria. A report on the investigation and proposals for acceptance criteria must address:

a) water quality to be achieved in the water filled void;

b) water quality to be achieved for any discharges from the void; and

c) revegetation standards to be met for the fringes of the void.

and the report must be submitted to the administering authority by 30 June 2005.

Buffer Zones

(3:F6-1) There must be no mining activities conducted in the buffer zones or wildlife corridor areas identified in Appendix 1 Figures 1, 2, 3 and 4, other than for the construction or removal of amenity banks, environmental control works, and activities involved with access or provision of services to the lease areas.

Open Area and Progressive Rehabilitation

(3:F7-1) The *open area* for the relevant mining lease must not exceed the area described in Part 3 Schedule F Table 2.

Part 3 Schedule F Table 2 – Open Area Limits

Tenure	Location	Open Area Limit (Ha)
ML 1152	Ford Road, Burbank	4

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(3:F7-2) Subject to condition 3:F7-1, progressive rehabilitation must commence within three years of areas become available within the operational land.

Infrastructure

(3:F8-1) All infrastructure, constructed by or for the environmental authority holder during the mining activities including water storage structures, must be removed from the site prior to mining lease surrender, except where agreed in writing by the post mining land owner / holder.

NOTE: This is not applicable where the landowner / holder is also the environmental authority holder.

Rehabilitation Outcome – To be determined

(3:F9-1) The final land use of mine voids for Redland Bay lease (MR 50035) is to be determined by a Planning Use Study which is to be consistent with any Planning Scheme and any rehabilitation outcome.

(3: F9-2) The Planning Use Study report must be submitted to the administering authority by 30 June 2005.

END OF CONDITIONS FOR PART 3 SCHEDULE F

Part 3 Schedule G - Community

Refer to Part 4 Schedule G of this integrated authority

END OF CONDITIONS FOR PART 3 SCHEDULE F

END OF PART 3

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PART 4 – CONDITIONS APPLICABLE TO BOTH PART 2 (LICENCES [WITHOUT DEVELOPMENT APPROVAL][Section 93]) AND PART 3 (ENVIRONMENTAL AUTHORITY [MINING LEASE] [Section 258])

Applicable Sites – Riverview and Rochedale Brick Manufacturing Plants and all mining leases.

This part contains conditions that are applicable to all locations and environmental authority types contained within Part 3 and Part 4 of this Integrated Authority.

Part 4 Schedule A - General conditions

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Prevent and /or minimise likelihood of environmental harm

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

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

Maintenance of Measures, Plant and Equipment

(4:A2-1) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper condition; and
- operate such measures, plant and equipment in a proper manner.

Records

(4:A3-1) Record, compile and keep all monitoring results required by Parts 2, 3 and 4 of this integrated authority and present this information to the administering authority when requested, in a specified format.

Storage and Handling of Flammable and Combustible Liquids

(4:A4-1) Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 - Storage and Handling of Flammable and Combustible Liquids of 1993.

Definitions

(4:A5-1) Words and phrases used throughout this EA are defined in Part 4 Schedule H – Definitions. Where a definition for a term used in this EA is sought and the term is not defined within this EA, the definitions in the Environmental Protection Act 1994, its Regulations and Environmental Protection Policies must be used.

Integrated Environmental Management System (IEMS)

(4:A6-1) Prior to the commencement of any environmentally relevant activity ('the activities') under this environmental authority, the holder of this environmental authority must:

- develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and
- implement and maintain the IEMS from the commencement of carrying out the activities.

(4:A6-2) The IEMS must provide for at least the following functions:

- Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least:
  - The environmental policy of the holder, so that all persons that carry out the activities are aware of all relevant commitments to environmental management; and
  - Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and
  - Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
  - Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation); and
  - Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
  - Effective communication to ensure two-way communication on environmental matters between operational staff and higher management;
  - Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and
- Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
- Conducting assessment of the environmental impact of any release of contaminants into the environment;
- Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than annually; and
- Waste prevention, treatment and disposal; and
- A program for continuous improvement.

(4:A6-3) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out the activities.

Part 4 Schedule B - Air

Dust nuisance

(4:B1-1) Subject to Conditions (4:B1-2) and (4:B1-3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive or commercial place.

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(4:B1-2) 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:

- for a complaint alleging dust nuisance, dust deposition; and
- 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.

(4:B1-3) If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (4:B1-1):

a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method of 1991; and

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 sensitive or commercial place downwind of the operational land, when monitored in accordance with:

- Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method, when monitored in accordance with AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM (sub) 10 high volume sampler with size-selective inlet - Gravimetric method of 1990;

or

- Any alternative method of sampling PM10, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

NOTE: You must propose which monitoring method is appropriate in accordance with condition (4:B1-3) (a) or (b) or both.

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Dust Control

(4:B2-1) Stockpiles must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to anemometer switching systems which trigger operation of effective water spray systems during winds likely to generate such releases, use of dust suppressants, shielding and storage in bunkers.

(4:B2-2) Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to sealing with bitumen or other suitable material, keeping surfaces clean, use of water sprays, adoption and adherence to speed limits, use of dusts suppressants and wind breaks.

(4:B2-3) Raw material preparation plants and external transfer conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to transfer of materials in a moist state, enclosure of conveyors and buildings, use of water sprays at transfer points, shielding and wind breaks.

END OF CONDITIONS FOR PART 4 SCHEDULE B

Part 4 Schedule D - Noise and Vibration

Refer to Part 3 Schedule D of this integrated authority for mining activity conditions

Refer to Part 2 Schedule D of this integrated authority for non-mining conditions.

END OF CONDITIONS FOR PART 4 SCHEDULE D

Part 4 Schedule E – Waste

General

(4:E1-1) The holder of this environmental authority must not:

(i) burn waste at or on the licensed place; nor

(ii) allow waste to burn or be burnt at or on the licensed place; nor

(iii) remove waste from the licensed place and burn such waste elsewhere.

Off Site Movement

(4:E2-1) Where regulated waste is removed from the licensed place (other than by a release as permitted under another schedule of this environmental authority), the holder of this environmental authority must monitor and record the following:

(a) the date, quantity and type of waste removed; and

(b) name of the waste transporter and/or disposal operator that removed the waste; and

(c) the intended treatment/disposal destination of the waste.

(NOTE: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition).

(4:E2-2) Regulated waste must not be sent for disposal at any facility without the written approval of the person operating that facility.

Records

(4:E3-1) Records must be maintained for a period of five (5) years for all wastes mentioned in this schedule.

Notification of Improper Disposal Of Regulated Waste

(4:E4-1) If the holder of this environmental authority becomes aware that a person has removed regulated waste from the licensed place and disposed of the regulated waste in a manner which is not authorised by this environmental authority or which is improper or unlawful, then the holder of this environmental authority must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

END OF CONDITIONS FOR PART 4 SCHEDULE E

Part 4 Schedule F - Land

There are no conditions prescribed for this schedule.

END OF CONDITIONS FOR PART 4 SCHEDULE F

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Part 4 Schedule G – Community

Complaint response

(4:G1-1) All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

END OF CONDITIONS FOR PART 4 SCHEDULE G

Part 4 Schedule H – Definitions

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly been disturbed by the mining activities. Acceptance criteria may include information regarding:

- vegetation establishment, survival and succession;
- vegetation productivity, sustained growth and structure development;
- fauna colonisation and habitat development;
- ecosystem processes such as soil development and nutrient cycling, and the recolonisation of specific fauna groups such as collembola, mites and termites which are involved in these processes;
- microbiological studies including recolonisation by mycorrhizal fungi, microbial biomass and respiration;
- effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development;
- resilience of vegetation to disease, insect attack, drought and fire;
- vegetation water use and effects on ground water levels and catchment yields.

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"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

"competent person" means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

"authority" means environmental authority (mining activities) under the *Environmental Protection Act 1994*.

"blasting" means the use of explosive materials to fracture-

(a) rock, coal and other minerals for later recovery; or
(b) structural components or other items to facilitate removal from a site or for reuse.

"commercial place" means a place used as an office or for business or commercial purposes, other than a place within the boundaries of the operational land.

"dam" means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognised standard.

"environmental authority holder" means the holder of this environmental authority.

"event release" means when water is released and which must occur at least four times per year.

"flowable substance" means matter or mixture of materials which can be forced to or otherwise flow under any conditions possible in a situation. It includes water, other liquids or a mixture that includes water or any other liquid or suspended solids.

"hazardous waste" means any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health.

"IEMS / Project EMOS" document titled "Environmental Management Overview Strategy (consolidating mining project numbers PJ50036, 50134, 50128 and 50150) incorporating Integrated Environmental Management System (mining, manufacturing and extractive industries). Prepared for The Austral Brick Company Pty Ltd. Prepared by Groundwork Environmental Management Services Pty Ltd. October 2002".

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

"land capability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land suitability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

"mandatory reporting level" means the volume below the spillway crest, equivalent to the lower of the AEP, 72 hour storm or the AEP wave allowance (AEP is the annual exceedence probability).

"mineral" means a substance which normally occurs naturally as part of the earth's crust or is dissolved or suspended in water within or upon the earth's crust and includes a substance which may be extracted from such a substance, and includes—

(a) clay if mined for use for its ceramic properties, kaolin and bentonite;
(b) foundry sand;
(c) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with mining for shale or coal or for the purpose of enhancing the safety of current or future mining operations for coal or the extraction or production of mineral oil therefrom;
(d) limestone if mined for use for its chemical properties;
(e) marble;
(f) mineral oil or gas extracted or produced from shale or coal by in situ processes;
(g) peat;
(h) salt including brine;
(i) shale from which mineral oil may be extracted or produced;
(j) silica, including silica sand, if mined for use for its chemical properties;
(k) rock mined in block or slab form for building or monumental purposes;

but does not include—

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(l) living matter;
(m) petroleum within the meaning of the Petroleum Act 1923;
(n) soil, sand, gravel or rock (other than rock mined in block or slab form for building or monumental purposes) to be used or to be supplied for use as such, whether intact or in broken form;
(o) water.

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

"noise sensitive place" means -

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

and includes the curtilage of such place.

"noxious" means harmful or injurious to health or physical well being, other than trivial harm.

"non-standard" means a mining operation that if in the opinion of the administering authority does not have a low risk of serious environmental harm and the activities can not comply with the criteria for standard mining activities prescribed in schedule 1A of the *Environmental Protection Regulation 1998*. The standard mining activity trigger criteria are as follows;

- the mining activities do not or will not cause more than 10 ha of land to be significantly disturbed at any one time;
- the mining activities do not or will not cause more than 5 ha of land to be significantly disturbed at any one time;
  (a) in a riverine area;
  (b) because of mine workings;
- the mining activities are not or will not be carried out in, or within 2 km of a category A *Environmentally Sensitive Area*;
- the mining activities are not or will not be carried out in, or within 1 km of a category B environmentally sensitive area;
- the mining activities do not include a level 1 environmentally relevant activity
- no more than 20 persons are carrying out or will, at any one time, carry out the mining activities;

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"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"open area" means those parts of the mining lease that are cleared in preparation for, or to conduct mining, but have not had *rehabilitation* commence. Open area excludes permanent roads, fixed plant and water quality control devices.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms^{-1}).

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

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

"reference site" (or analogue site) may reflect the original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be as photographs, computer generated images and vegetation models etc.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

"residual void" means an open pit resulting from the removal of ore and/or waste rock which will remain following the cessation of all mining activities and completion of rehabilitation processes.

"self sustaining" means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

"significant disturbance" – includes land

(a) if it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it.

i. to a state required under the relevant environmental authority; or

ii. if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Some examples of disturbed land include:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation & topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining activities have ceased; or
- areas where land has been contaminated and a suitability statement has not been issued.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the EPA, areas previously significantly disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climatic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the EPA;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

"sensitive place" means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- an 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

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- a public park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes which is not part of the mining activity and does not include employees accommodation or public roads.

"spillway" means passage or outlet from the dam through which surplus water flows.

"stable" means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation / settlement of the wastes deposited, and sliding / slumping instability has ceased.

"trivial harm" means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than $5,000.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea) or any part-thereof.

END OF CONDITIONS FOR PART 4 SCHEDULE I

END OF PART 4

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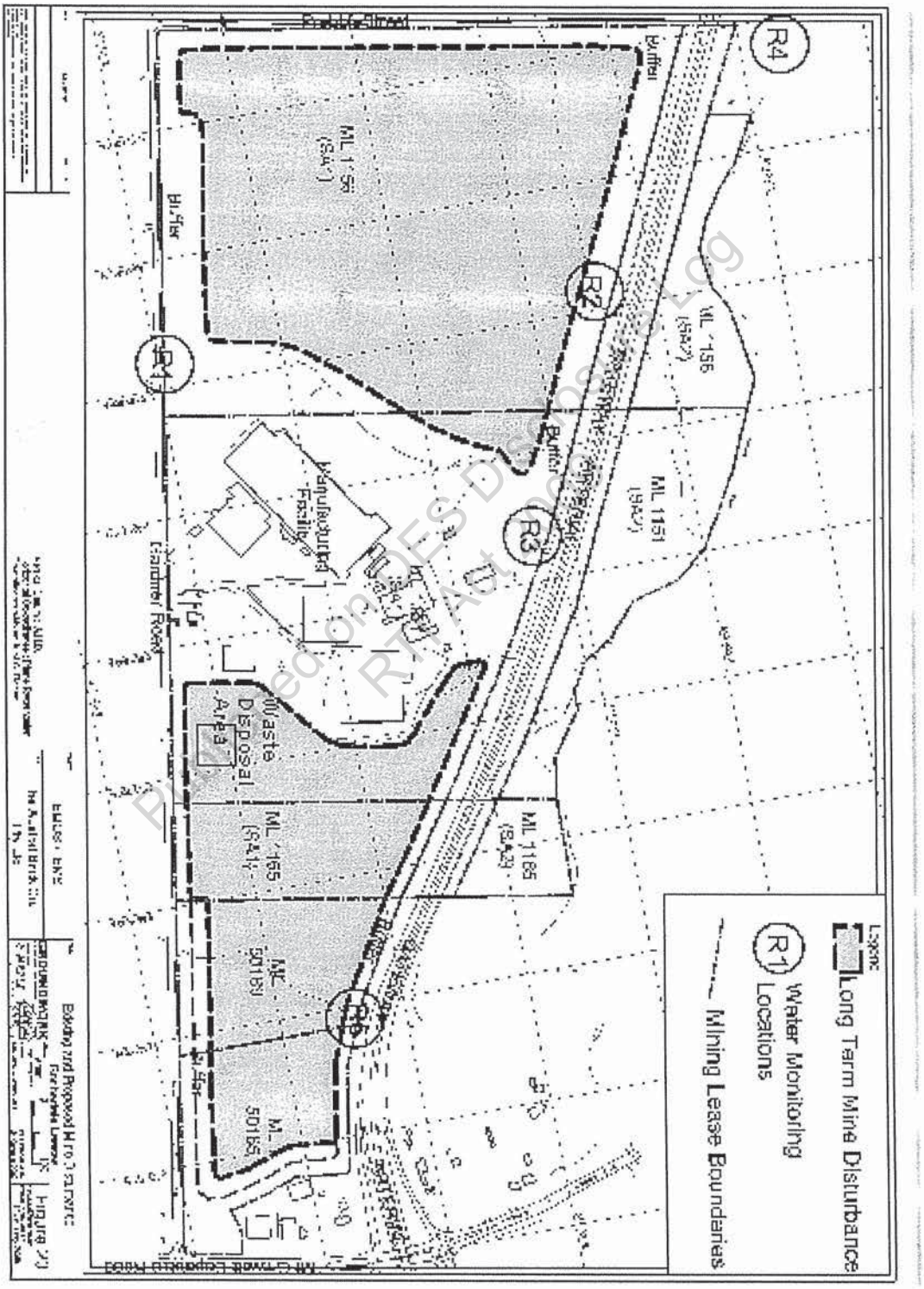
APPENDIX 1 – FIGURE 1
Rochedale Plant and Mining Leases – Waste Disposal Area, Water Monitoring Locations and Buffer Zones



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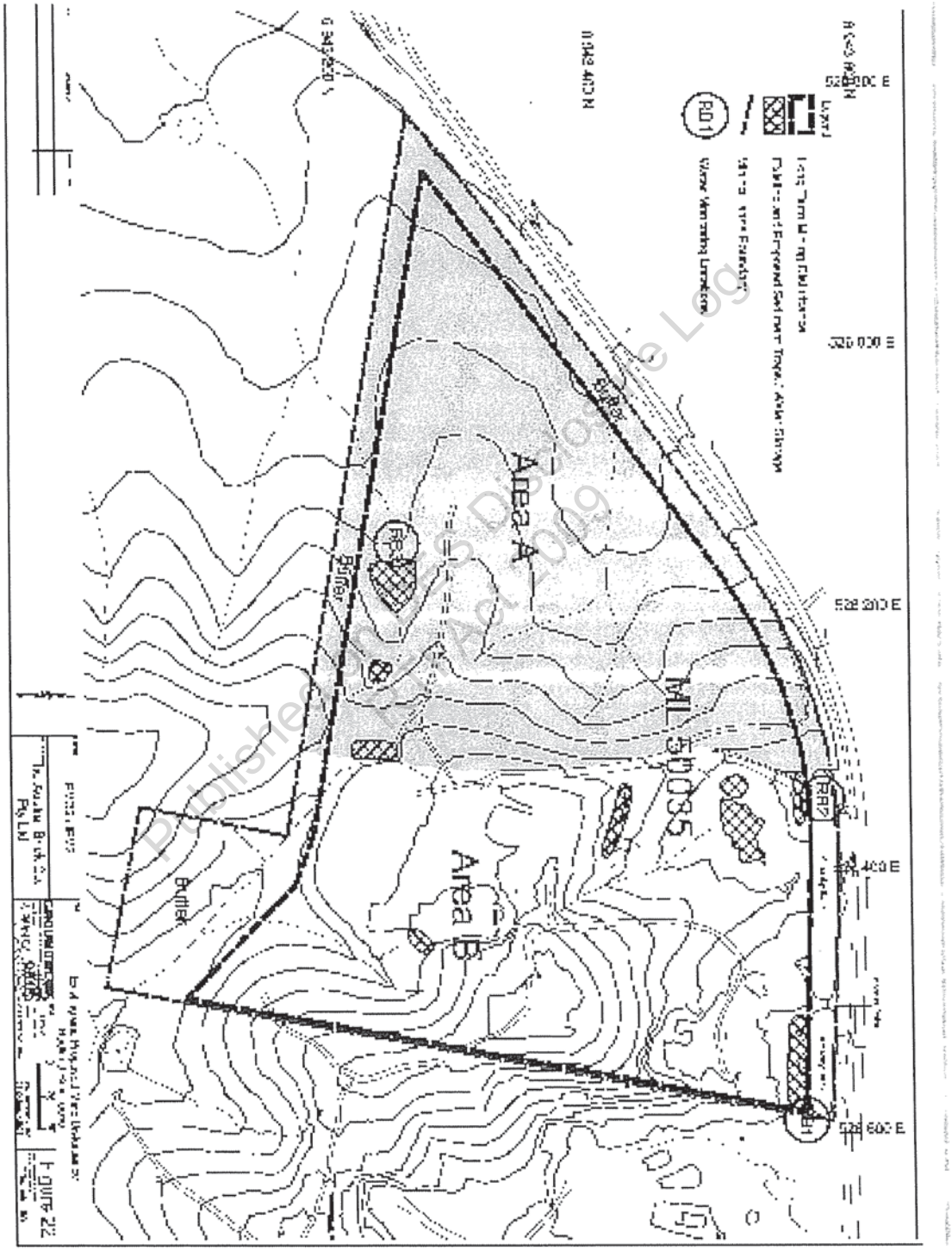
APPENDIX 1 – FIGURE 2
ML 50035 German Church Road Redland Bay – Monitoring Locations and Buffer Zones



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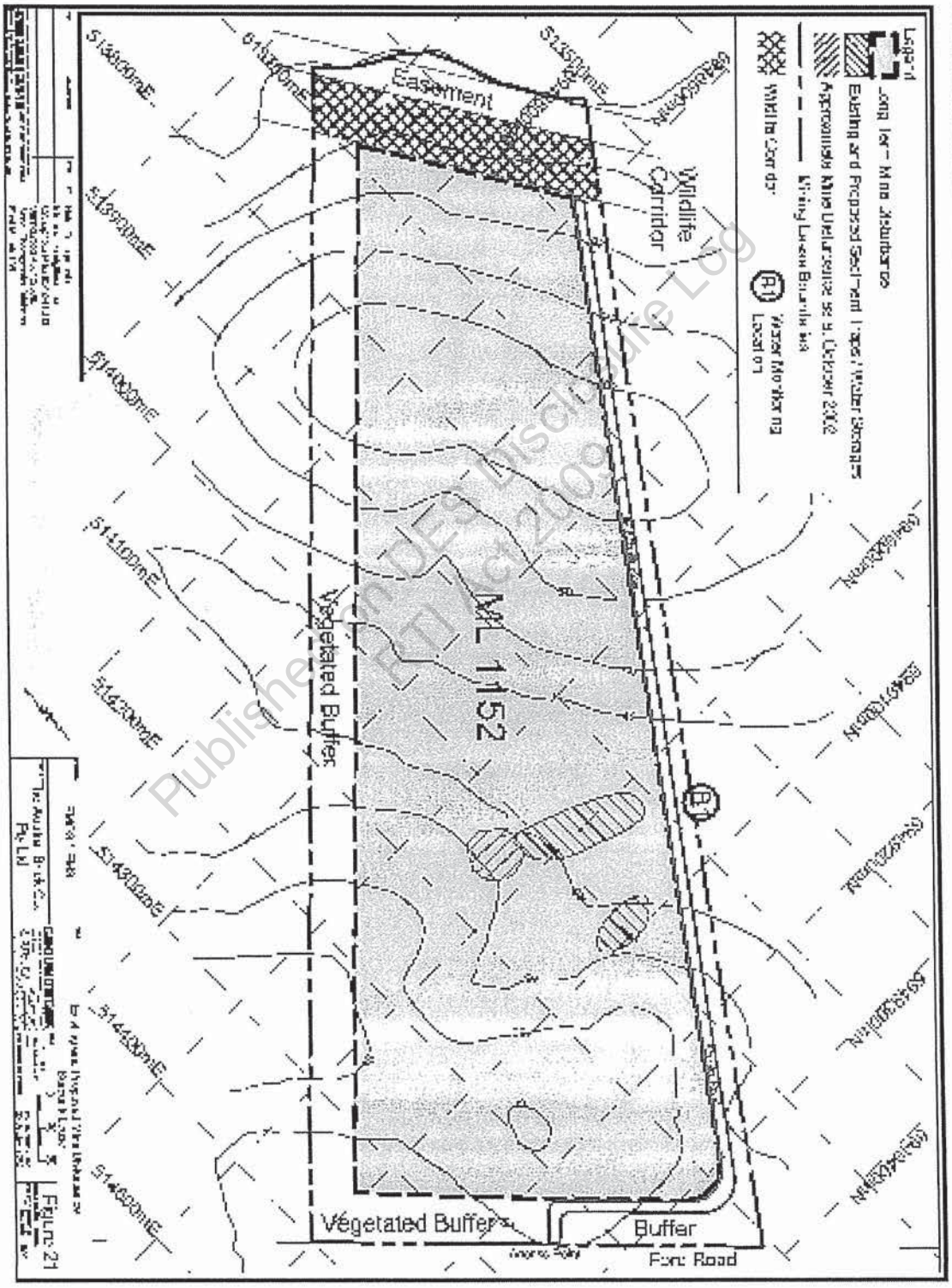
APPENDIX 1 – FIGURE 3
ML 1152 Ford Road Burbank – Monitoring Locations and Buffer Zones



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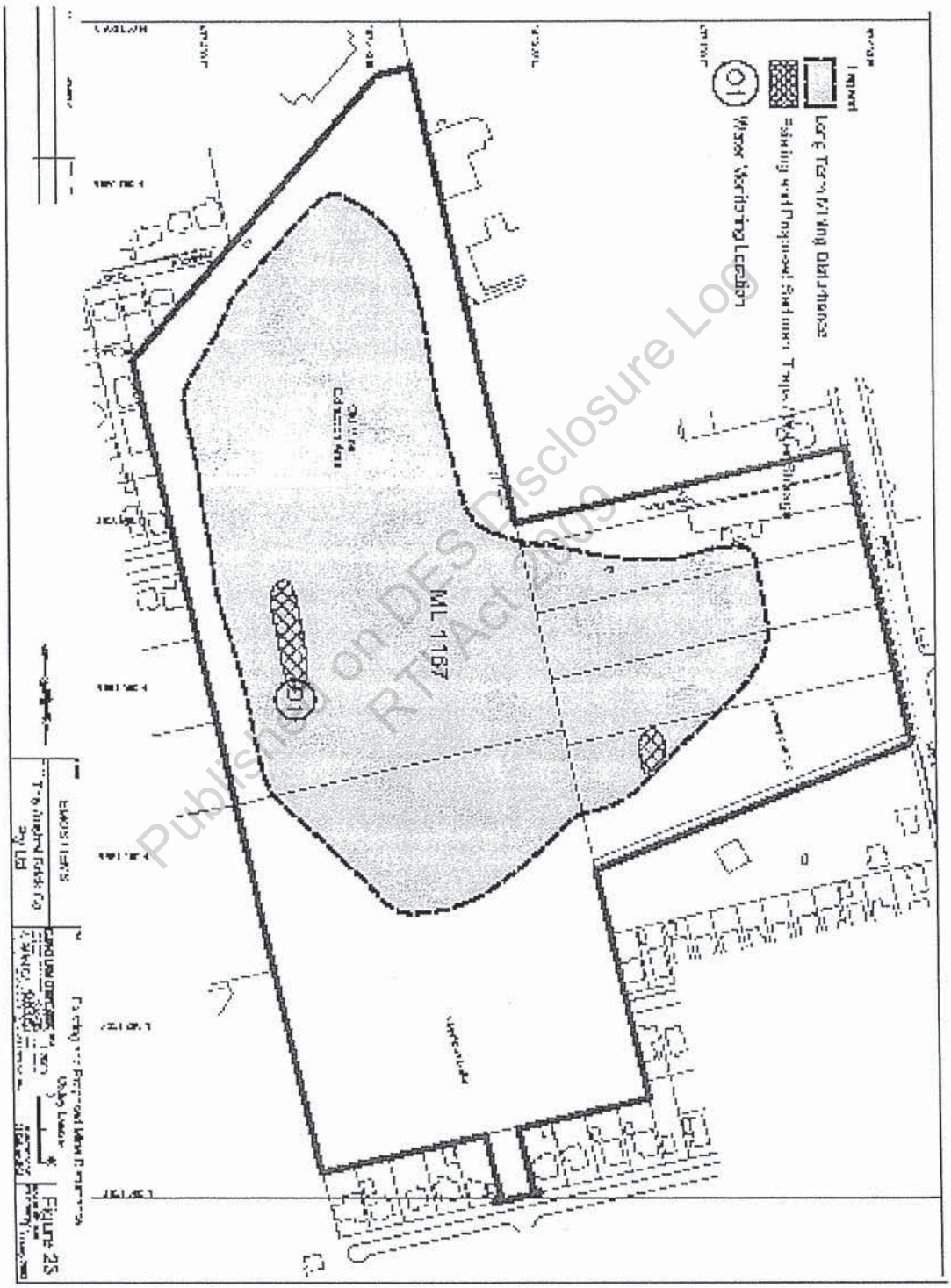
APPENDIX 1 – FIGURE 4
ML 50035 German Church Road Redland Bay – Monitoring Locations and Buffer Zones



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END OF INTEGRATED AUTHORITY

R

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone: (07) 3224 5641 Fax: (07) 3225 8723
www.env.qld.gov.au ABN: 87221158786

Notice of development application decision

Sections 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.5.11 and 3.5.15 of the Integrated Planning Act 1997, to advise you of a decision or action.

Enquiries to : Janet Pritchard
Telephone : (07) 3224 2763
Your reference :
Our reference : STH3748/SR0376DA

The Austral Brick Company Pty Ltd
105 Gardner Road
ROCHEDALE QLD 4123

Attention: Mr J Braga,

Re: Application (No. SR0376DA) for development approval by The Austral Brick Company Pty Ltd for assessable activity to be carried out at a place situated at German Church Road, Redland Bay

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Pursuant to part 1 and 2 of Schedule 1A of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency is the assessment manager for the development application.

Assessment Manager information

Assessment Manager office:	Environmental Protection Agency
	Southern Regional Office (Brisbane)
Postal address:	GPO Box 2771
	BRISBANE QLD 4001
Telephone:	(07) 3224 5641
Fax:	(07) 3225 8723

The Environmental Protection Agency, acting as assessment manager under the *Integrated Planning Act 1997* for your application, advises that the development application decision notice about development prescribed under a regulation under the *Environmental Protection Act 1994* for schedule 8 part 1 item 6 of the *Integrated Planning Act 1997* is attached.

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Should you require any further information please do not hesitate to contact Janet Pritchard on either phone (07) 3224 2763 or e-mail: janet.pritchard@epa.qld.gov.au

73(2)Irrelevant

Signed

17 APRIL 2003
Date

Peter Smith
Acting Manager (Licensing)
Delegate of Administering Authority
Environmental Protection Act 1994

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Development application decision notice

Section 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

Applicant:	The Austral Brick Company Pty Ltd
EPA Development Application number:	SR0376DA
Date application received by EPA:	19 December 2002
Date of decision:	26 February 2003
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction:	Item 5 of Schedule 2 of the *Integrated Planning Regulation 1998*

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Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

20(c) Extracting rock or other material - Extracting rock (other than rock mined in block or slab form for building purposes), sand (other than foundry sand), clay (other than clay used for its ceramic properties, kaolin or bentonite), gravel, loam or other material (other than gravel, loam or other material under a mining tenement or an authority, lease, licence or permit mentioned in item 21C or 21D) from a pit or quarry using plant or equipment having a design capacity of 100 000 t or more per year

22(c) Screening etc. materials - Screening, washing, crushing, grinding, milling, sizing or separating material extracted from the earth (other than under a mining tenement or an 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 100 000 t or more a year

at the following place(s):

Part of Lot 1 RP854704

located at:

German Church Road, Redland Bay

Type of development

Material change of use of premises is:

- the start of a new use of the premises

Decision on Development Application

In deciding the application, the Environmental Protection Agency, as assessment manager approves all of the application and includes in the approval any concurrence agency conditions as a development permit.

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Referral agencies

Concurrence Agencies:	Nil
Advice Agencies:	Nil
Referral Agencies:	Nil

Additional information for applicants

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

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (section 3.5.15(2)(j)). The rights of appeal are attached to the back of this notice.

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73(2)Irrelevant

.....
Signed

17 APRIL 2003
Date

Peter Smith
Acting Manager (Licensing)
Delegate of Administering Authority
Environmental Protection Act 1994

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Conditions of the development approval

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

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

This development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this development approval explicitly authorises that harm. Where there is no condition or the development approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Maps / Plans

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Schedule A – Activity

Prevent and /or minimise likelihood of environmental harm

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

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

Maintenance of measures, plant and equipment

(A2-1) The holder must:

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

Integrated Environmental Management System

(A3-1) Prior to the commencement of any environmentally relevant activity ('the activities') under this environmental authority, the holder of this environmental authority must:

- develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and
- implement and maintain the IEMS from the commencement of carrying out the activities.

(A3-2) The IEMS must provide for at least the following functions:

- Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least:
- The environmental policy of the holder, so that all persons that carry out the activities are aware of all relevant commitments to environmental management; and
- Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and
- Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
- Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation); and
- Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
- Effective communication to ensure two-way communication on environmental matters between operational staff and higher management;
- Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and
- Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
- Conducting assessment of the environmental impact of any release of contaminants into the environment;
- Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than annually; and
- Waste prevention, treatment and disposal; and
- A program for continuous improvement.

(A4) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out the activities.

Records

(A5-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Acid sulphate soil (ASS)

(A7-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULPHATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A7-2) Acid sulphate soils must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

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Storage and Handling of Flammable and Combustible Liquids

(A8-1) Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 - Storage and Handling of Flammable and Combustible Liquids of 1993.

Authorised site

(A9-1) Environmentally relevant activities authorised under this authority must be undertaken at the site which is consistent with the Consent Order – Local Government of Queensland (L.G.A No.241 of 1985 as varied by Consent Order – Local Government of Queensland of 28 march 1991).

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Dust nuisance

(B1-1) Subject to Conditions (B1-2) and (B1-3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any dust sensitive or commercial place.

(B1-2) 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, which is neither frivolous or vexatious or based on mistaken belief on the opinion of the authorised officer, 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:

- for a complaint alleging dust nuisance, dust deposition; and
- 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.

(B1-3) If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1-1):

a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method of 1991; and

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 dust sensitive or commercial place downwind of the operational land, when monitored in accordance with:

- Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method, when monitored in accordance with AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM (sub) 10 high volume sampler with size-selective inlet - Gravimetric method of 1990;

or

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-Any alternative method of sampling PM10, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

NOTE: You must propose which monitoring method is appropriate in accordance with condition (B1-3) (a) or (b) or both.

Dust Control

(B2-1) Stockpiles must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to anemometer switching systems which trigger operation of effective water spray systems during winds likely to generate such releases, use of dust suppressants, shielding and storage in bunkers.

(B2-2) Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to sealing with bitumen or other suitable material, keeping surfaces clean, use of water sprays, adoption and adherence to speed limits, use of dusts suppressants and wind breaks.

(B2-3) Raw material preparation plants and external transfer conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to transfer of materials in a moist state, enclosure of conveyors and buildings, use of water sprays at transfer points, shielding and wind breaks.

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END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- carried out on samples that are representative of the discharge.

Schedule C - Table 1 (Release limits)

*Monitoring point	Quality characteristics	Release Limits		Monitoring frequency
		Minimum	Maximum	
RB1 RB2 RB3	pH	6.5	9.0	Event release
	TSS (mg/L)	-	50mg/l	Event release

* Refer to Appendix 1 Figure 2 of Integrated Authority SR2484 for monitoring locations.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 and 2 at any noise affected premises.

Schedule D - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Friday 6am – 7am	Monday to Friday 7am - 6pm	Saturday 7am – 4pm
	Noise measured at a 'Noise sensitive place'		
$L_{A10, adj, 10 mins}$	b/g + 3	b/g + 5	b/g + 5
$L_{A1, adj, 10 mins}$	b/g/+ 5	b/g + 10	b/g + 10
	Noise measured at a 'Commercial place'		
$L_{A10, adj, 10 mins}$	b/g + 8	b/g + 10	b/g + 10
$L_{A1, adj, 10 mins}$	b/g + 10	b/g + 15	b/g + 15

Schedule D - Table 2 (Airblast Overpressure Level)

Location	Monday to Friday 9 am - 3 pm	Saturday, Sundays and public holidays
Noise Sensitive or commercial place	Air blast overpressure level is no more than 115 db (Lin) Peak for four (4) out of five (5) consecutive blasts initiated and not greater than 120 db (Lin) Peak at any time.	No blasting to occur

Note: The method of measurement and reporting of over pressure levels must comply with the latest edition of the Environmental Protection Agency's vibration and air blast overpressure monitoring guideline.

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Noise monitoring

(D2-1) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, which is neither frivolous or vexatious or based on mistaken belief on the opinion of the authorised officer, and the results notified within 14 days to the administering authority. Monitoring must include:

- $L_{A 10, adj, 10 mins}$
- $L_{A 1, adj, 10 mins}$
- 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.

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

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Vibration nuisance

(D3-1) Vibration emitted from activities must not cause a nuisance at any vibration sensitive place.

(D3-2) Vibration emitted from activities must not exceed the levels specified in Schedule D - Table 3 at any vibration sensitive place.

Schedule D - Table 3 (Vibration limits)

Location	Vibration measured	
	Monday to Friday 9 am - 3 pm	Saturday, Sundays and public holidays
Vibration sensitive or commercial place	5mm/s peak particle velocity for nine (9) out of ten (10) consecutive blasts and not greater than 10 mm/s peak particle velocity at any time	No blasting

Note: The method of measurement and reporting of vibration levels must comply with the latest edition of the Environmental Protection Agency's vibration and air blast overpressure monitoring guideline.

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Vibration monitoring

(D4-1) When requested by the Administering Authority, vibration monitoring and recording must be undertaken to investigate any complaint of nuisance, which is neither frivolous or vexatious or based on mistaken belief on the opinion of the authorised officer, and the results notified within 14 days to the administering authority. Monitoring must include:

- peak particle velocity (mm/s); and
- location of the blast/s within the site (including which bench level); and
- atmospheric conditions including temperature, relative humidity and wind speed and direction; and
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors; and
- location, date and time of recording.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

General

E1-1 The holder of this development approval must not:

(i) burn waste at or on the authorised place; or
(ii) allow waste to burn at or on the authorised place; or
(iii) remove waste from the authorised place and burn such waste elsewhere.

END OF CONDITIONS FOR SCHEDULE E

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Schedule F - Land

Rehabilitation landform criteria

(F1-1) All areas significantly disturbed by activities must be rehabilitated in accordance with Part 3 Schedule F – Table 1.

Schedule F - Table 1 (Final Land Use and Rehabilitation Outcome Schedule)

Disturbance Type	Projective Surface Area (ha)	Rehabilitation Outcome
Mine void	17.2	To be determined
Sediment traps / water basins	1	Wetland Type 1
Roads	0.8	No rehabilitation required - retain
Buffer	4	Native ecosystem

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Rehabilitation Outcome – To be determined

(F3-1) The final land use of mine voids is to be determined by a Planning Use Study which is to be consistent with any Planning Scheme and any rehabilitation outcome.

(F3-2) The Planning Use Study report must be submitted to the administering authority by 30 June 2005.

Rehabilitation Outcome – Wetland Type 1 (rehabilitated sediment dams)

(F5-1) Areas that are to be rehabilitated to wetland type 1 outcome will be considered rehabilitated when the dams are revegetated with species appropriate to filter contaminants from the water, and water discharges from the dams do not exceed the total suspended solids value of the inflow to the pond.

Buffers

(F7-1) There must be no extractive activities conducted in the buffer zones identified in Appendix 1 Figure 2 of Integrated Authority SR 2484 other than for construction of amenity banks, environmental control works and activities involved with access or provision of services to the extractive area.

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

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

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly been disturbed by the mining activities. Acceptance criteria may include information regarding:

- vegetation establishment, survival and succession;
- vegetation productivity, sustained growth and structure development;
- fauna colonisation and habitat development;
- ecosystem processes such as soil development and nutrient cycling, and the recolonisation of specific fauna groups such as collembola, mites and termites which are involved in these processes;
- microbiological studies including recolonisation by mycorrhizal fungi, microbial biomass and respiration;
- effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development;
- resilience of vegetation to disease, insect attack, drought and fire;
- vegetation water use and effects on ground water levels and catchment yields.

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

"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

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

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

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

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

"blasting" means the use of explosive materials to fracture-

(a) rock, coal and other minerals for later recovery; or

(b) structural components or other items to facilitate removal from a site or for reuse

"commercial place" means a place used as an office or for business or commercial purposes, other than a place within boundaries of the operational land.

"dam" means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognised standard.

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"dust sensitive place" means -

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

and includes the curtilage of any such place.

"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.

"event release" means when water is released and which must occur at least four times per year.

"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 use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

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

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

"mg/L" means milligrams per litre.

"nuisance sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes.

and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

"noise sensitive place" means -

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

and includes the curtilage of such place.

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

"open area" means those parts of the mining lease that are cleared in preparation for, or to conduct mining, but have not had *rehabilitation* commence. Open area excludes permanent roads and fixed plant.

"peak particle velocity (ppv)"means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms-1).

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

"protected area" means -

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

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

"self sustaining" means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

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

"stable" means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation / settlement of the wastes deposited, and sliding / slumping instability has ceased.

"significant disturbance" – includes land

(a) if it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it.

i. to a state required under the relevant environmental authority; or

ii. if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

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Some examples of disturbed land include:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation & topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining activities have ceased; or
- areas where land has been contaminated and a suitability statement has not been issued.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the EPA, areas previously significantly disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climatic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the EPA;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

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"trivial harm" means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than $5000.

"vibration sensitive place" means a noise sensitive place or a commercial place.

"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.

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

END OF DEFINITIONS FOR SCHEDULE H

END OF DEVELOPMENT APPROVAL

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Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

Appeals by applicants

4.1.27 (1) An applicant for a development application may appeal to the court against any of the following -

(a) the refusal, or the refusal in part, of a development application;
(b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
(c) the decision to give a preliminary approval when a development permit was applied for;
(d) the length of a currency period;
(e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **"applicant's appeal period"**) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Appeals by submitters

4.1.28 (1) A submitter for a development application may appeal to the court about -

(a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
(b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the **"submitter's appeal period"**) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

Appeals by advice agency submitters

4.1.29 (1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -

(a) the development application involves impact assessment; and
(b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.

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Appeals for matters arising after approval given (co-respondents)

4.1.30 (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request for an extension of the currency period for an approval;
(b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

4.1.31 (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request to change or cancel a condition of a development approval;
(b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

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Appeals against enforcement notices

4.1.32 (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.

(2) The appeal must be started within 20 business days after the day notice is given to the person.

Stay of operation of enforcement notice

4.1.33 (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -

(a) the court, on the application of the entity issuing the notice, decides otherwise; or
(b) the appeal is withdrawn; or
(c) the appeal is dismissed.

(2) However, subsection (1) does not apply if the enforcement notice is about -

(a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
(b) carrying out development that is the demolition of a work.

Appeals against decisions on compensation claims

4.1.34 (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -

(a) the decision; or
(b) a deemed refusal of the claim.

(2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals against decisions on requests to acquire designated land under hardship

4.1.35 (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -

(a) the decision; or
(b) a deemed refusal of the request.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals from tribunals

4.1.37 (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -

(a) of error or mistake in law on the part of the tribunal; or
(b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

(2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

Court may remit matter to tribunal

4.1.38 If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

Division 10 - Making an appeal to court

How appeals to the court are started

4.1.39 (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).

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Certain appellants must obtain information about submitters

4.1.40 (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.

Notice of appeal to other parties (div 8)

4.1.41 (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 -

(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
(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.

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Notice of appeal to other parties (div 9)

4.1.42 (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -

(a) if the appellant is a person to whom a notice mentioned in section 4.1.31[73] has been given - the entity that gave the notice; or
(b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
(c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
(d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
(e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
(f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

Respondent and co-respondents for appeals under div 8

4.1.43 (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.

Respondent and co-respondents for appeals under div 9

4.1.44 (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.

(2) The entity given written notice is the respondent for the appeal.

(3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.

(4) The second entity mentioned in the provision may elect to be a co-respondent.

How a person may elect to be co-respondent

4.1.45 (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the 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.

Minister entitled to be represented in an appeal involving a State interest

4.1.46 If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

Lodging appeal stops certain actions

4.1.47 (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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KING AND COMPANY

SOLICITORS

STEPHEN PHILLIP FYNES-CLINTON LL.B (QLD) (SOL.)
DAVID PETER KEANE B.COM. LL.B

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QUEENSLAND 4000

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POSTAL ADDRESS:
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BRISBANE QLD 4001

REDLAND SHIRE COUNCIL
FILE ..... 1173 .....
RECEIVED 29 APR 1991
WORKS | ENG | ADD
CLK | DE | DC
ENGR | ENS | TPLN
PLNR | HE | AWRP
HEALTH | CHS
TECH | ESM-S | STEER-T.P

OUR REF: DPK:JH:AA6850

YOUR REF:

DATE: 26 April, 1991

73(2)Irrelevant

The Shire Clerk,
Redland Shire Council,
PO Box 21,
CLEVELAND QLD 4163

Dear Sir,

RE: COUNCIL ats REDLAND BAY QUARRIES PTY. LTD. AND TREVENA VEIL WINDSHUTTEL
- LOCAL GOVERNMENT APPEAL NO. 241 OF 1985

Please find enclosed for your records copy of the Court sealed Consent Order.

Yours faithfully,
KING AND COMPANY.

73(2)Irrelevant

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IN THE LOCAL GOVERNMENT COURT

OF QUEENSLAND

HELD AT BRISBANE L.G.A. No. 241 of 1985

BETWEEN:

REDLAND BAY QUARRIES PTY. LTD. and TREVENA VEIL WINDSHUTTEL

Appellant

AND:

COUNCIL OF THE SHIRE OF REDLAND

Respondent

BEFORE HIS HONOUR JUDGE ROW
THE 28th DAY OF March 1991

CONSENT ORDER

This matter having this day come on for hearing by way of an application to the Court by the Appellants pursuant to the liberty to apply

AND UPON HEARING the Solicitors for the Appellants and the Solicitors for the Respondent:

IT IS THIS DAY ORDERED BY CONSENT that the Order of the Court made the 11th day of July 1986 be varied so that the consent to use the subject land as therein described in the Order for the purpose of extraction of materials, gravel, gravel processing and stock piling and associated works be subject to the following conditions:-

1. Within thirty (30) days of the date of this Order, the Appellants shall provide the Respondent with the following:-

   (i) a site plan indicating the extent of the quarry, drainage paths, settlement ponds,

KING AND COMPANY,
Solicitors,
7th Level,
95 North Quay,
BRISBANE QLD 4000
Tel: 236 1199
3 April, 1991
Ref: DPK:JH:AA6850

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position of crusher and stockpiles, and the position of access to the subject land;

(ii) a typical cross-section through the quarry showing method of working;

(iii) written evidence that the drainage proposals for the subject land have been submitted to the Water Quality Council for approval;

(iv) an interim development programme acceptable to the Respondent.

2. At twelve (12) monthly intervals commencing from the date of this Order, the Appellants shall submit to the Respondent a detailed report prepared by a registered professional engineer or other suitably qualified person, outlining the extent of works to be carried out in succeeding years in accordance with a development programme to be approved by the Respondent. The reports will include the following:-

(i) a brief summary of proposed capital expenditure;

(ii) notification of major expenditure items;

(iii) notification of intention to change drainage patterns on the site;

(iv) proposed landscaping and reclamation works to be carried out during the year;

(v) plans showing permanent plant and equipment in buildings;

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(vi) areas of the quarry to be worked during the year.

3. Unless otherwise agreed to in writing by the Respondent, the Appellants shall fully comply with all restoration, upgrading and landscape works required pursuant to the quarry development programme.

4. The excavated area shall be reclaimed to the satisfaction of the Respondent in accordance with the requirements of the quarry development programme.

5. The face of any excavation permitted to remain shall be so sloped or battered so as to achieve stability, with all loose materials being removed therefrom.

6. All slopes shall be planted with protective vegetation when excavation operations are completed in that particular area to the satisfaction of the Respondent in accordance with the quarry development programme.

7. The Appellants shall lodge with the Respondent a bank guarantee in the sum of TEN THOUSAND DOLLARS ($10,000.00) to secure compliance by the Appellants with the requirements of the quarry development programme before any work is commenced on the subject land.

8. In the event of a failure by the Appellants to comply with the requirements of the quarry development programme, the Respondent may, subject to due notice in writing being given, R

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cause the necessary works to be carried out and shall be entitled to call upon and use the bank guarantee referred to Condition 7 above, to meet all costs associated therewith. If such costs shall exceed the sum of TEN THOUSAND DOLLARS ($10,000.00), the Appellants or their successors shall forthwith upon demand in writing pay to the Respondent the amount of such excess and in the event that payment shall not be forthcoming within thirty (30) days of the date of demand being made, the Respondent shall be entitled to recover the said amount as a debt in any Court of competent jurisdiction.

9. Upon completion of the restoration works specified in the quarry development programme to the satisfaction of the Respondent and subject to there being no outstanding requirements or rights to be exercised by the Respondent pursuant to Condition 8 herein, the Respondent shall release and discharge the bank guarantee referred to in Condition 7 hereof.

10. This approval shall apply only to Lot 1 and those parts of Lots 2 and 3 on Registered Plan 108381 as indicated on the proposal plan submitted with the application and shall supersede the previous approval relating to part of Lot 1 on Registered Plan 108381.

11. The area to be used for quarrying purposes

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shall be amalgamated by survey by the 1st day of July 1991 with the balance of the quarry area already approved on Lot 1 on Registered Plan 108381 provided that the Respondent shall permit the balance area to be subdivided into not more than two lots provided each lot exceeds four hectares in area. The area subject to the quarry approval shall be defined by metes and bounds description.

12. The Appellants shall at all times comply with all relevant By-laws whether established before or after the issue of this approval, and all requirements of the Respondent set out in this Order.

13. The Appellants shall dedicate by the 1st day of July 1991 to the Respondent at no cost to the Respondent the land indicated on the approved layout plan forming part of Lots 1, 2 and 3 on Registered Plan 108381 for road purposes.

14. The Appellants shall reconstruct German Church Road with a 6 metre wide bitumen pavement and 1.5 metre wide gravel shoulders for a distance of 400 metres measured from the end of the existing bitumen construction south of the intersection of German Church Road and the Redland Bay By-pass, the centre line and level to be designed for 80 kph design speed rural arterial road standard, and be approved by the Respondent. Construction shall include the

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reconstruction of any road and property connections to the same standard as presently exists wherever such reconstruction. This work shall be substantially commenced by the Appellants within ten (10) days of the date of this order and shall be fully completed to the satisfaction of the Respondent within 90 days of this Order subject to any extension due to force majeure agreed to by the Respondent in writing. Should the Appellants fail to comply with the provisions of this condition 16 hereof, then as agreed by the Appellants with the Respondent, the Appellants shall within 14 days of notice of non-compliance being received by them from the Respondent lodge with the Respondent a bank guarantee or bond in the sum of ONE HUNDRED AND TWENTY THOUSAND DOLLARS ($120,000.00) or such proportion thereof as represents the cost of the balance of the work to be done at the relevant date, such bank guarantee or bond to be progressively reduced upon completion to the satisfaction of the Respondent of identifiable stages of the work. If after a reasonable time from the date upon which the Appellants became obliged to lodge the said bank guarantee or bond, the works referred to herein or any part thereof remains to be completed, the Respondent may cause the necessary work to be carried out and to call

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upon and use the said bank guarantee or bond to meet the costs of doing such work, and if the said costs exceed the amount of the bank guarantee or bond in force at the relevant time, the Appellants shall forthwith upon demand in writing being made by the Respondent pay the Respondent the amount of such excess. In the event that the said amount so demanded is not paid to the Respondent within 30 days of the date of demand, the Respondent shall be entitled to recover same as a debt in any Court of competent jurisdiction.

15. The Appellants shall pay to the Respondent a contribution for road maintenance based on the value of 1.5% of material extracted and removed from site provided that a contribution for material extracted and removed prior to the 31st day of March 1992, will not be required subject to quarry production and sales not exceeding 500,000 cubic metres in that period.

16. A temporary entrance approximately 300 metres to the west of the eastern boundary of Lot 1 on Registered Plan 108381 will be acceptable until a permanent entrance is constructed in German Church Road on the undertaking, hereby given by the Appellants, to undertake the maintenance of German Church Road from the existing bitumen surfacing to the temporary entrance and to upgrade the existing

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construction to allow the safe passage of loaded vehicles from the quarry site. The temporary entrance and upgrading of the existing construction shall be commenced within 14 days of the date of the Order and completed within 60 days of the date of this Order. Each party will use their best endeavours to expedite the fulfilment of their respective obligation; in the case of the Appellants, to submit all necessary documentation to the Respondent for approval; and in the case of the Respondent to process such documentation to facilitate the issue of all necessary approvals in relation thereto. In this condition maintenance of the road shall be taken to mean regular maintenance of a sound gravel surfaced construction for an unsealed road of rural road standard.

17. Agreement shall be reached in relation to the level of excavation at the boundary of the subject land and the adjoining Respondent's land.

18. Slopes and batters adjacent to boundaries shall be designed and constructed so as to be consistent with good engineering practise to the satisfaction of the Respondent.

19. Settlement ponds shall be constructed in accordance with the requirements of the Respondent so that all stormwater from the site passes through the settlement ponds as

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to prevent any material resulting from the extractive industry washing from the site. Proposed details of such ponds shall be submitted to the Respondent prior to work commencing.

20. The floor of the excavation area shall be self draining. Water shall not be allowed to accumulate on the subject land except in settlement ponds or lagoons or sumps approved by the Respondent.

21. Desilting of the settlement ponds shall be carried out when necessary and the silt clay and other materials shall be deposited at a location on the subject land approved by the Respondent.

22. The Appellants shall not cause or allow any clay, gravel, rock, sand, silt, sludge, soil, stone, overburden or other material resulting from the extractive industry to:-

(i) enter a water course or water storage;

(ii) enter a drain or sewer;

(iii) cause injury to or interference with the use of land that is not being used for extractive industry.

23. Hours of operation shall be as follows:-

(i) Monday to Friday - 6.30 a.m. to 6.00 p.m.

(ii) Saturday - 6.30 a.m. to 4.00 p.m.

24. Blasting shall not be carried out except with the prior written approval of the Respondent. Where permitted by the Respondent, blasting

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and explosions on the subject land shall be so conducted so that no stone escapes or is ejected from the subject land. Blasting and explosions shall not be conducted:-

(i) before the hour of 7.00 a.m. in the morning;

(ii) after the hour of 6.00 p.m. in the evening;

(iii) on Christmas Day, Good Friday, Anzac Day, Saturdays or Sundays.

and shall be subject to such other reasonable conditions as the Respondent may impose.

25. Stockpiles shall be so located and maintained as to prevent dust, sand, or soil blowing onto a road or land that is not being used for extractive industry.

26. A three strand barbed wire or other approved fence shall be constructed and maintained to the satisfaction of the Respondent along all boundaries except the common boundary of the subject land and the adjacent quarry owned by the Respondent. In relation to the fence along the said common boundary, the Respondent will meet half the cost of construction. The said fencing shall be in position within one month of the commencement of quarrying operations except for the fencing along the common boundary of the subject site and the Respondent's land which fencing shall be constructed at a time to be agreed between the

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parties after the level and extent of quarrying activities has been determined.

27. A real property survey shall be carried out by the Appellants to establish the location of property boundaries and such boundaries shall be clearly marked for the duration of the consent approval.

28. The workshop facility shall only be used for the servicing and maintenance of machinery and vehicles used in connection with the extraction and delivery of materials on and from the subject property unless approved by the Respondent.

29. Any waste products i.e. oils or grease from maintenance work carried out within the workshop shall be collected and disposed of in a satisfactory manner so as not to cause pollution of any settlement pond, water course or drain on the subject land.

30. An area adjoining the proposed office shall be provided for employee parking and be of hardstanding gravel surface constructed, maintained and drained to the satisfaction of the Respondent.

31. The development shall be carried out in accordance with the details set out in the application, including the details indicated on any submitted site layout plan or other drawings unless otherwise required or agreed

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indicated on submitted drawings shall be implemented unless otherwise required or agreed to in writing by the Respondent.

32. The Respondent or other appropriate authority shall be paid the cost of any alterations necessary to public utility mains, services or installations involved in the construction of new works required pursuant to the conditions of consent. Such costs shall be paid before the alterations are carried out or before the new use is commenced, whichever is the sooner.

33. All reasonable precautions shall be taken to ensure that the proposed use does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other material.

34. All statutory and any other applicable requirements of any Commonwealth or State Government Department, statutory body representing the Crown or other corporate body under the authority of some Act (including the South Coast Fire Brigade Board) shall be complied with, provided that where any such requirement other than statutory requirement conflicts with any By-law of the Respondent, it shall be determined by the Respondent which requirement or By-law shall prevail or what other action shall be taken.

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35. The Appellants shall lodge with the Respondent a road opening permit fee/bond at the prescribed rate (but not to exceed $1,000.00) as security for the observance of safety procedures during the road construction required pursuant to the conditions herein. This bond shall be returned to the Appellants upon satisfactory completion of the construction works.

36. The use shall be substantially commenced within a period of two years from the date of this Order otherwise the consent shall lapse and be of no effect.

37. The Appellants and the Respondent both agree to the following dispute settling procedures:-

(i) the Respondent shall give notice in writing to the Appellants of any breach or potential breach of this Order;

(ii) upon receipt of such notice, the Appellants shall respond within five (5) working days by way of written reply as to what action, if any, is to be undertaken and, if action is to be undertaken, such action shall be carried out promptly in a reasonable time period as agreed to by the Respondent.

38. The Respondent agrees to remove the load limit currently applying to German Church Road to the west of the site so as to allow the quarry products to be moved by commercial vehicles

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along German Church Road to the west, to Mount Cotton Road, and unhindered to the south. The removal of this limit will be within thirty (30) days of the completion of the upgrading of German Church Road to the Respondent's current rural road standard (specifically a bitumen road between Mount Cotton Road and the quarry site) or earlier should the Respondent so desire.

39. The Appellants reserve the right to all material removed from the temporary construction and permanent construction at German Church Road. The material shall be removed prior to the 30th day of September 1991 or within three (3) months of notice in writing given by the Respondent whichever may be the later.

40. All parties be at liberty to apply to the Court in respect of this Order.

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Attachment 3

Relevant Documents Prepared for Redland Bay

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