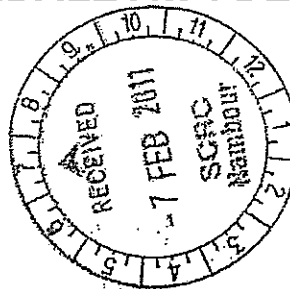


DA CONONDALE Att 4 DERM Conditions



B0338729

Department of Environment
and Resource Management



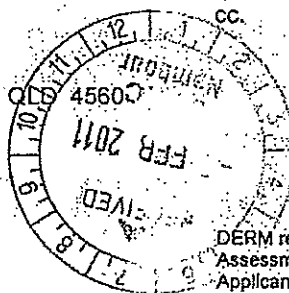
Notice

Concurrence Agency and Advice Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrence agency response) and section 292 (advice agency response) of the *Sustainable Planning Act 2009* ("the Act").

Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTER QLD 4560

Attention: Emily Rehm



cc. Integra Resources Pty Ltd
C/- Groundworks Plus
Level 2 15 Lang Parade
MILTON QLD 4064

Attention: Sarah Ware

DERM reference: IC0610NAM0010_SC14174_433854
Assessment Manager ref.: 2010/61-00004
Applicant ref.: 1117_018

1. Application Details

Date application referred to DERM: 7 June 2010

Development approval applied for: Development Permit Material Change of Use

Aspect of development:

- Material change of use - Environmentally relevant activities - *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 1
- Material change of use - Land in or near a wetland - *Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 21

Property/Location description: Lots 1 & 2 RP55330 and 1 RP55331, 545 and 2316 Maleny-Kenilworth Road, Conondale

2. Attached is written agreement from the application for Department of Environment and Resource Management (DERM) to provide a referral agency response after the referral agency assessment period has ended. The applicant has agreed to the content of the Referral Agency Response. This agreement is as per section 290(1)(a) of the *Sustainable Planning Act 2009*. The agreement is attached to this notice.
3. The Chief Executive, of DERM concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows.
 - 3.1 Material change of use - Environmentally relevant activities. *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 1
 - Conditions must attach to any development approval, and those conditions are attached to this Notice.
4. The Chief Executive of DERM advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

906

APP: 2010/61/0004

Box: 16076 R: 20

DA CONONDALE Att 4 DERM Conditions

Notice Concurrence Agency and Advice Agency Response

4.1 Material change of use - Land in or near a wetland - *Sustainable Planning Regulation 2009* -
Schedule 7, table 3, item 21

- Provides no advice to the assessment manager.

5. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at PO Box 573, Nambour Qld 4560.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Aboriginal Cultural Heritage Act 2003

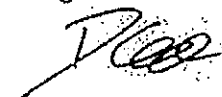
DERM also takes this opportunity to advise the Assessment Manager of the responsibilities of applicants under the *Aboriginal Cultural Heritage Act 2003*. The Assessment Manager may wish to include this information as an Advisory Note on the Decision Notice issued for the application.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.DERM.qld.gov.au/cultural_heritage

Delegate



Daniel Leo
A/Senior Officer
Regional Planning and Assessment
(Nambour)
Planning and Assessment - SEQ Region
Date: 4 February 2011

Enquiries:

Department of Environment and Resource Management
Centenary Square Building,
Currie Street, Nambour, Q 4560
PO Box 573, Nambour, Q 4560

Telephone + 61 7 5451 2256
Facsimile + 61 7 5451 2260
Website www.derm.qld.gov.au

Attachments

- Concurrence Agency Response - Environmentally Relevant Activity
- Advice Agency Response - Referable Wetland
- Agreement Notice to Provide a Referral Agency Response after Referral Agency Assessment Period

DA CONONDALE Att 4 DERM Conditions

Agreement Notice to Provide a Referral Agency Response after Referral Agency Assessment Period

Integra Resources Pty Ltd
C/- Groundwork Plus
Level 2, 15 Lang Parade
MILTON QLD 4064
Attention: Sarah Ware

DERM Reference: IC0610NAM0010_SC14174

Senior Planning Officer (Regional Planning and Coordination)
Department of Environment and Resource Management
PO Box 573
NAMBOUR QLD 4560

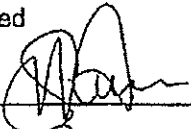
Dear Sir/Madam

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OVER LOTS 1 & 2 RP5530 AND 1 RP55331, 545 & 2316 MALENY-KENILWORTH ROAD, CONONDALE – SUNSHINE COAST REGION COUNCIL – AGREEMENT FOR DERM TO PROVIDE A REFERRAL AGENCY RESPONSE AFTER THE REFERRAL AGENCY ASSESSMENT PERIOD

For the above application, I advise I:

- ☒ Agree to the Department of Environment and Resource Management providing their Referral Agency Response after the Response Period as per section 290 (1) (a) of the *Sustainable Planning Act 2009*.
- ☐ Do not agree to the Department of Environment and Resource Management providing their Referral Agency Response after the Response Period.

Signed



Sarah Ware

3/2/11

[Signature]
[Print name]
[Date]

Referral Agency Response

Sustainable Planning Act 2009

DERM Permit¹ number: SPCE00590810

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrency agency response) of the Sustainable Planning Act 2009 (the Act).

Assessment manager reference (if any):	2010/61-00004				
Date application received:	07 June 2010				
Permit type:	Concurrency Agency Response				
Date of decision:	31 January 2011				
Decision:	The conditions detailed in this permit must attach to any development approval.				
Relevant laws and policies:	Sustainable Planning Act 2009				
Jurisdiction(s):					
<table border="1"> <tr> <th>Jurisdiction</th> <th>Legislation</th> </tr> <tr> <td>Concurrency Response for a Material change of use - Environmentally relevant activities</td> <td>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1</td> </tr> </table>	Jurisdiction	Legislation	Concurrency Response for a Material change of use - Environmentally relevant activities	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1	
Jurisdiction	Legislation				
Concurrency Response for a Material change of use - Environmentally relevant activities	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1				

Development Description(s)

Property	Lot/Plan	Aspect of Development
545 Maleny-Kenilworth Road, Conondale	Lot 1 Plan RP55330; Lot 1 Plan RP55331; and Lot 2 Plan RP55330	ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material ERA 16 Extractive and screening activities Threshold 3(b) - screening, in a year, more than 100000t to 1000000t of material

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.



DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

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*.

General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at *ES-RSD-SER-Sunshine Coast PO Box 168, , COTTON TREE, QLD 4558* and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Additional comments or advice about the application

This application has been assessed and approved based upon an approximate extraction rate of 150,000 tonnes per year.

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.



Delegate

Benjamin Sale

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

31 January 2011

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

CONDITIONS

Agency Interest: General

- G1 Prevent and/or minimise likelihood of environmental harm.

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

- G2 Cease activities in the event of serious or material environmental harm

If the registered operator of an environmentally relevant activity (ERA) to which this approval relates becomes aware of material environmental harm or serious environmental harm as a result of carrying out the ERA then the said activity must cease immediately.

- G3 Area of Extraction

The only areas permitted to be extracted under this approval are those shown in Drawing Number 1117.031 titled 'Conceptual Extraction Sequence' prepared by Groundwork Plus and dated 2 November 2010.

- G4 Extraction must be staged generally in accordance with Drawing Number 1117.031 titled 'Conceptual Extraction Sequence' prepared by Groundwork Plus and dated 2 November 2010.

- G5 Maintenance of Measures, Plant and Equipment.

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

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

- G6 Site Based Management Plan.

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

The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.

DA CONONDALE Att 4 DERM Conditions.

Department of Environment
and Resource Management

Permit

DERM Permit number: SPCE00590810

- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

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

G8 Records.

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

G9 All records required by this approval must be kept for 5 years.

G10 Third Party Environmental Auditing.

Compliance with the conditions of this approval must be audited on completion of the first extraction cell (Cell 1 on Drawing Number 1117.031 titled 'Conceptual Extraction Sequence' prepared by Groundwork Plus and dated 2 November 2010).

G11 The audit detailed in condition G10 must be conducted by a suitably qualified third party auditor, nominated by the approval holder and accepted by the administering authority.

G12 In relation to the audit required by condition G10, the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.

G13 This condition applies to the site based management plan required by condition G6. A suitably qualified third party auditor must certify in writing that the site base management plan has been prepared:

- a) by a suitably qualified person with at least 5 years experience in the relevant area;
- b) in a manner that is consistent with the requirements of condition G6; and
- c) by having regard to, and appropriately applying, the relevant guidelines (being those applicable on a national, state or a regional basis) which the third party auditor considers should be applied in undertaking the site based management plan including relevant Environment Australia, ANZECC and DERM guidelines where published.

G14 The total financial cost of the audit(s) will be the responsibility of the holder of this approval.

G15 Notification.

Telephone DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

G16 Operating Hours

Activities associated with this approval must only occur during the following hours:
Monday to Friday between 7.00am and 6.00pm
Saturdays between 7.00am and 1.00pm
No extraction and screening is to occur on Sundays or Public Holidays.

G17 Limits of Approval

No screening or processing of excavated material is to occur on Lot 2 on RP55330.

G18 Spill Kit.

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

G19 Spill Kit Training.

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

Agency Interest: Air

A1 Nuisance.

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

A2 Dust Nuisance.

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

A3 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- a) for a complaint alleging dust nuisance, dust deposition; and
- b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

A4 Dust and particulate matter resulting from the ERA must not cause the following levels to be exceeded when measured at any nuisance sensitive place:

- (a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
- (b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

accordance with:

Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient Air – Particulate matter – Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method'; or

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

A5 Dust Control

Trafficable areas must be maintained to prevent or minimise the release of wind blown or traffic generated dust to the atmosphere.

A6 Stockpiles must be maintained to prevent or minimise the release of wind blown dust to the atmosphere.

A7 Prevent or minimise the release of dust from vehicles used for transporting material extracted from the site.

A8 Prevent or minimise the release of dust to the atmosphere from screening equipment and material conveyor systems.

Agency Interest: Land

L1 Land Rehabilitation.

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

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is stable and not subject to slumping; and
- (g) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

L3 Areas disturbed by the activity must be rehabilitated to a stable landform as per the 'Revised Rehabilitation Management Plan' prepared by Groundwork Plus and dated December 2010.

L4 The top layer and sub layers of the soil profile must be removed, stockpiled separately, maintained and retained for the purposes of rehabilitation of disturbed areas.

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit

DERM Permit number: SPCE00590810

- L5 Rehabilitation of Lot 1 on RP55330 must be completed within 12 months of commencement of the activity in a manner such that:
(a) suitable native species of vegetation are planted and established; and
(b) any environmental weeds are removed.
- L6 A minimum 40 metre buffer must be established between the areas of extraction and the Mary River and the site boundary.
- L7 The buffer referred to in condition L6 must be vegetated with suitable native species and any environmental weeds removed.
- L8 Preventing Contaminant Release To Land.
Contaminants must not be released to land.
- L9 No chemicals or fuels are permitted to be stored as part of this approval.

Agency Interest: Noise

- N1 Noise Nuisance.
Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
- N2 All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Table 1 - Noise limits

Noise level dB(A) measured at	Monday to Saturday			Sundays and public holidays		
	7am - 8pm	8pm - 10pm	10pm - 7am	8pm - 10pm	10pm - 8am	
Noise measured at a noise sensitive place						
$L_{A, max adj, T}$	Bkg + 5	Bkg + 0	Bkg + 0	Bkg + 0	Bkg + 0	Bkg + 0
Noise measured at a commercial place						
$L_{A, max adj, T}$	Bkg + 10	Bkg + 0	Bkg + 0	Bkg + 0	Bkg + 0	Bkg + 0

- N3 Noise Monitoring.
When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority.
Monitoring must include:
- $L_{A, max adj, T}$

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

- 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.

N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Administering Authority's Noise Measurement Manual.

Agency Interest: Social

S1 Complaint Response.

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

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

Agency Interest: Water

W1 No discharge to the Mary River is permitted by this approval.

W2 Suitable banks and/or diversion drains must be installed and maintained to exclude clean stormwater runoff from entering the extraction areas.

W3 Monitoring must be undertaken and records kept of the water quality in any extraction pit for at least suspended solids and pH and not less than quarterly during extraction and every six months post extraction until the site is fully rehabilitated. All determinations of water quality must be:

- a) made in accordance with methods prescribed in the latest edition of the Department of Environment and Resource Management's Water Quality Sampling Manual; and
- b) carried out on samples that are representative of the water body.

W4 Erosion Protection Measures And Sediment Controls.

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

W5 Water used in the screening operations must not be released to the Mary River.

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit

DERM Permit number: SPCE00590810

W6 Stormwater Management.

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

W7 Existing drainage/wetland area on Lot 2 RP55330.

No extraction or disturbance is permitted in the area referred to as 'Current Extent of Drainage and Wetland to be Maintained' on Drawing Number 1117.031 titled 'Conceptual Extraction Sequence' prepared by Groundwork Plus and dated 2 November 2010.

W8 Extraction Pit Conditions.

All extraction pits at the authorised place must be constructed, installed and maintained:

- a) so as to minimise the likelihood of any impact on groundwater by keeping the limit of excavation above the groundwater table;
- b) so that a freeboard of not less than 0.5 metres is maintained at all times, except in emergencies; and
- c) so as to ensure the stability of the pits' construction.

W9 Contaminant Releases to Groundwaters.

There must be no release of contaminants to groundwaters.

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit

DERM Permit number: SPCE00590810

Definitions

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

"administering authority" means the Department of Environment and Resource Management or its successor.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

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

"bund" means:

- an earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil etc.); or
- a structure to prevent or reduce soil erosion.

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

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

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

"environmental weeds" means declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and any other plants which are considered environmental weeds by the Sunshine Coast Regional Council for the approved place.

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

"Impulse adjustment" if impulsiveness is a significant characteristic of the sound within a measurement time interval, an adjustment shall be applied. If impulsive components are clearly audible, the adjustment will be 5 dB(A). If the components are only just detectable, an adjustment of 2 dB(A) will be appropriate.

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

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

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

"land" means land excluding waters and the atmosphere.

"material environmental harm" means material environmental harm as defined by Section 16 of the *Environmental Protection Act 1994*.

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

"nuisance sensitive place" includes –

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

DA CONONDALE Att 4 DERM Conditions

Department of Environment
and Resource Management

Permit
DERM Permit number: SPCE00590810

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

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

"serious environmental harm" means serious environmental harm as defined by Section 17 of the *Environmental Protection Act 1994*.

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

"tonal adjustment" if tonal components are significant characteristics of the sound within a measurement time interval, an adjustment shall be applied. If tonal components are clearly audible, the adjustment will be 5 dB(A). If the components are only just detectable, an adjustment of 2 dB(A) will be appropriate.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

"works" or "operation" means the development approved under this development approval.

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

END OF CONDITIONS