



Queensland Government

Environmental Protection Agency
Queensland Parks and Wildlife Service

MBH 2004/ 3969

MBH 1979

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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 : Steven Carrick
Telephone : (07) 4121 1800
Your reference : 43-092
Our reference : MBH1979

K.Gari Educational and Cultural Centre Aboriginal Corporation
Worali Track
FRASER ISLAND QLD 4655

Attention: Malcom Burns,

Re: Application (No. CM0179DA) for development approval K.Gari Educational and Cultural Centre Aboriginal Corporation for assessable activity to be carried out at a place situated at Worali Track, Fraser Island

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
Wide Bay Burnett District Office (Maryborough)
Postal address: PO Box 101 MARYBOROUGH QLD 4650
Telephone: (07) 4121 1800
Fax: (07) 4121 1650

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.



Should you require any further information please do not hesitate to contact Steven Carrick on either phone 4121 1853 or e-mail: steven.carrick@epa.qld.gov.au

A handwritten signature in black ink, appearing to read 'Mark Evans', written over a horizontal dotted line.

Signed

13 August 2004

Date

Mark Evans
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994



Development application decision notice

Section 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

Applicant:	K.Gari Educational and Cultural Centre Aboriginal Corporation
EPA Development Application number:	CM0179DA
Date application received by EPA:	20 July 2004
Date of decision:	13 August 2004
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and subordinate legislation
Jurisdiction:	Item 7 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

15(a) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 21 or more equivalent persons but less than 100 equivalent persons

at the following place(s):

Lot 1 PlanFS92

located at:

Woralie Track, Fraser Island, approximately 5 kilometres north northwest of Eli Creek

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.

Further development permits required

Nil

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.



Signed

13 August 2004

Date

Mark Evans
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994



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

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

- (A1) 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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Site based management plan

- (A2) 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.

Staff training.

Record keeping.

Periodic review of environmental performance and continual improvement.

Records

- (A3) 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.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

- (B1) 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.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Release to waters

- (C1) Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Stormwater management

- (C2) There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

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- (C3) Suitable banks and/or diversion drains must be installed and maintained to exclude excess stormwater runoff from entering any irrigation areas or structures used for the storage or treatment of contaminants or wastes.

Groundwater Monitoring

- (C4) A groundwater monitoring network must be installed to determine the impact of effluent release on groundwater. The network must:
- (i) be installed and maintained by a person possessing appropriate qualifications and experience in the fields of hydrogeology and groundwater monitoring program design to be able to competently make recommendations about these matters; and
 - (ii) be constructed in accordance with methods prescribed in the latest edition of the Agriculture and Resource Management Council of Australia and New Zealand manual titled '*Minimum Construction Requirements For Water Bores In Australia*'; and
 - (iii) include a sufficient number of monitoring bores that provide the following:
background groundwater quality in hydraulically up-gradient or background bore(s) that have not been affected by any activities associated with the sewage treatment plant and treated sewage effluent disposal area(s); and
the quality of groundwater of all potentially affected aquifers hydraulically down gradient from the effluent disposal area.
- (C5) Conduct monitoring and keep records of groundwater quality for the relevant monitoring bores required by condition (C4) of this development approval. All determinations of groundwater quality must be:
- (i) conducted for the water quality characteristics and at the minimum frequency stated in Schedule C - Table 1;
 - (ii) taken from sufficient monitoring points and/or wells to obtain representative samples of groundwater both up-gradient, down-gradient of, and within, the potential influence;
 - (iii) conducted in such a manner that provides statistically valid conclusions about the presence or absence of contamination or other impacts;
 - (iv) followed by an assessment of whether or not there has been any statistically significant adverse change at locations hydraulically down gradient of the potential sources of contamination for each quality characteristic in Schedule C - Table 1.
- (C6) On any occasion that samples are obtained in accordance with condition (C5) the holder of this development approval must measure and record standing groundwater levels in metres accurate to 0.01 metres. The elevation of the reference point, relative to Australian Height Datum, for use in any groundwater level measurement must be determined to an accuracy of 0.01 metres.
- (C7) A record and interpretation of the results of all monitoring must be kept forwarded to the administering authority with each annual return for the first five years, and then held on site and supplied to the Administering Authority upon request.

Schedule C Table 1. Parameters for Groundwater Monitoring Program

Parameters	Units	Minimum Monitoring Frequency
pH	pH units	Biannually for the first two years and then annually thereafter
Total Nitrogen	mg/L	Biannually for the first two years and then annually thereafter
Total Phosphorous	mg/L	Biannually for the first two years and then annually thereafter
Faecal Coliforms	cfu/100mL	Biannually for the first two years and then annually thereafter

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END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

- (D1) Noise from activities must not cause an environmental nuisance at any noise sensitive place or any commercial place.
- (D2) In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the site must not result in levels greater than those specified in Schedule D – Table 1.

Schedule D - Table 1

Time period	Noise level at a 'Noise sensitive place' measured as the Adjusted Maximum Sound Pressure Level: $L_{A, \max, \text{adj}, T}$ Note 1
7am - 6pm	Background noise level plus 5 dB(A)
6pm - 10pm	Background noise level plus 5 dB(A)
10pm - 7am	Background noise level plus 3 dB(A)
Time period	Noise level at a 'Commercial place' measured as the Adjusted Maximum Sound Pressure Level: $L_{A, \max, \text{adj}, T}$
7am - 6pm	Background noise level plus 10 dB(A)
6pm - 10pm	Background noise level plus 10 dB(A)
10pm - 7am	Background noise level plus 8 dB(A)

Note 1: $L_{A, 10, \text{adj}, 15 \text{ mins}}$ levels may be substituted for $L_{A, \max, \text{adj}, 15 \text{ mins}}$ levels if evidence is provided that $L_{A, 10, \text{adj}, 15 \text{ mins}}$ levels are representative of component noise levels from source(s)/premises under investigation.

Noise monitoring

- (D3) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- (a) background noise;
 - (b) $L_{A, \max, \text{adj}, T}$ or where established as being appropriate $L_{A, 10, \text{adj}, 15 \text{ mins}}$;
 - (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.
- (D4) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR SCHEDULE D

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Schedule E - Waste

Waste handling

- (E1) All regulated waste removed from the site must be removed by a person who holds a current authority to transport such waste under the provisions of the *Environmental Protection Act 1994*.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Land disposal

- (F1) The only contaminants permitted to be released to land is treated sewage effluent via sub-surface irrigation to the areas shown in the attached map in schedule I, in compliance with the limits levels stated in Table 1 Schedule F and the conditions of this authority.

Schedule F - Table 1 (Release limits - 'Land')

Quality characteristics	Release limit	Limit type
BOD ₅	15mg/l	Maximum
Suspended Solids	20mg/l	Maximum
Total Nitrogen	15mg/l	Maximum
Total Phosphorous	10mg/l	Maximum
Faecal Coliforms	10 organisms per 100mL	Median value (minimum of 5 samples taken at not less than half-hourly intervals in any one day, with 4 out of 5 samples containing less than 20 organisms per 100ml)
pH	6.5 – 8.5	Range

- (F2) Notwithstanding the quality limits provided in Schedule F Table 1, reused effluent must not have any properties nor contain any organisms or contaminants in concentrations that are capable of causing environmental harm or posing a risk to site users
- (F3) The irrigation of effluent must be carried out in a manner such that:
- vegetation is not damaged;
 - soil erosion and soil structure damage is avoided;
 - there is no surface ponding of effluent;
 - percolation of effluent beyond the plant root zone is minimised;
 - the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded; and
 - the quality of ground water is not adversely affected.

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- (F4) Notices must be prominently displayed on any effluent irrigation area warning the public that the area is irrigated with effluent and not to use or drink the effluent. These notices must be maintained in a visible and legible condition.
- (F5) Conduct and keep records of any monitoring programs of contaminant releases from the treatment plant at the monitoring points, frequency, and for the parameters specified in Schedule F - Table 2.
- (F6) Monitoring must be undertaken and records kept of a monitoring program of contaminant releases to the irrigation area at the monitoring points, frequency, and for the parameters specified in Schedule F - Table 2.

Schedule F - Table 2 (Monitoring program)

Monitoring point	Quality characteristics	Frequency
Representative sample from the disinfection tank outlet	BOD ₅	3 monthly
Representative sample from the disinfection tank outlet	Suspended Solids	3 monthly
Representative sample from the disinfection tank outlet	Total Nitrogen	3 monthly
Representative sample from the disinfection tank outlet	Total Phosphorous	3 monthly
Representative sample from the disinfection tank outlet	Faecal Coliforms	3 monthly
Representative sample from the disinfection tank outlet	PH	3 monthly

- (F7) The daily volume of contaminants released to land must be determined or estimated by an appropriate method, for example a flow meter, and records kept of such determinations and estimates.
- (F8) The daily volume of sewage flowing into the sewage treatment plant must not exceed 14 050 Litres in any one day.
- (F9) When conditions prevent the irrigation of treated effluent to land (such as during or following rain events), the contaminants must be directed to a wet weather storage or alternative measures must be taken to store/lawfully dispose of effluent (such as wet weather storage or tanking off site to another treatment plant or sewer). A record must be kept of any removal or discharge off site, including destination, transporter, dates and volumes.

Disposal Area Monitoring Program

- (F10) The holder of this development approval must develop and implement a disposal area monitoring program to effectively monitor the condition of the land to which contaminants are released.

END OF CONDITIONS FOR SCHEDULE F

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Schedule G - Community

Complaint response

- (G1) 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.
- (G2) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically, or the industrial estate where the site is located.

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

"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.

"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.

"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, 1" 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.

- 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.

"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.

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

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

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

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units

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

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

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

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

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

"infectious waste" means "clinical waste"

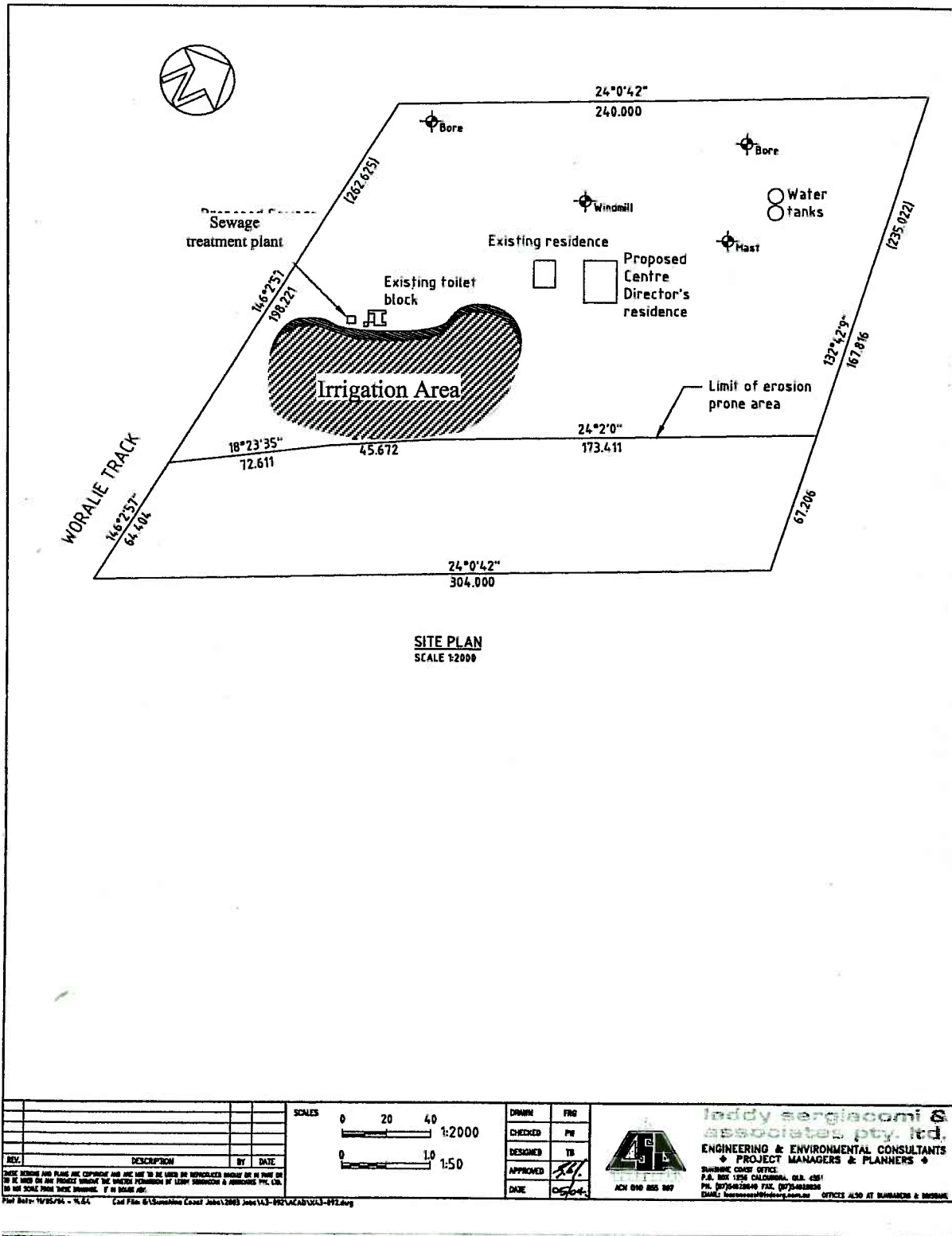
"vibration sensitive place" means a noise sensitive place or a commercial place.

"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

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Schedule I - Maps



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END OF CONDITIONS FOR SCHEDULE I

END OF DEVELOPMENT APPROVAL

MDH 13-202

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.

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.

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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.

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 4.1.31⁷³ 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.

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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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Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00913309

This registration certificate is issued by the administering authority and takes effect from: 01-MAR-2011.

The anniversary day for the purposes of the Annual Return remains: 16 August.

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

Registered Operator:-

K'Gari Educational and Culture Centre Inc.
242 Scrub Hill Road
HERVEY BAY QLD 4655

Development Approval No.	Place	Location	Activity
CM0179DA	Lot 1 Plan FS92	Woralie Track, FRASER ISLAND QLD 4581	ERA 63 Sewage treatment Threshold 2(a) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 21 to 100EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme

C. E. Birt

Cathy Birt
Delegate
Administering authority
Environmental Protection Act 1994

01-MAR-2011