Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Mackay District Office
PO Box 623 MACKAY QLD 4740
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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 : Philip Jeston
Telephone : (07) 4944 7812
Your reference :
Our reference : Nm0263DA

Brampton Island Pty Ltd
7/120 Sussex Street
Sydney NSW 2000

Greg Birnie
P&O Australian Resorts Pty Ltd
PO Box 266
Albion QLD 4010

Attention: Greg Birnie,

Re: Application (No. NM0263DA) for development approval by Brampton Island Pty Ltd for assessable activity to be carried out at a place situated at Brampton Island Resort

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
	Mackay District Office
Postal address:	PO Box 623 MACKAY QLD 4740
Telephone:	(07) 4944 7812
Fax:	(07) 4944 7811

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 Philip Jeston on either phone 4944 7819 or e-mail: philip.jeston@epa.qld.gov.au

Signed

4 October 2002
Date

Lawrie Wade
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:	Brampton Island Pty Ltd
EPA Development Application number:	NM0263DA
Date application received by EPA:	27 August 2002
Date of decision:	4 October 2002
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction:	Item 3 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

16 Municipal water treatment plant - Treating water for domestic use (other than treatment that only involves disinfection)

at the following place(s):

Lot 5 on PlanCI4322 (NCL30/2323)

located at:

Brampton Island Resort

Type of development

Material change of use of premises is:

- the start of a new use of the premises, and
- a material change in the intensity or scale of the use of the premises

Decision on Development Application

In deciding the application, the Environmental Protection Agency, as assessment manager approves all of the application subject to conditions decided by the assessment manager 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

4 October 2002
Date

Lawrie Wade
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

(A1-1) 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.

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

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.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(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.

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)

			Release limit				
Monitoring point	**Discharge location**	**Quality characteristics**	Minimum	50th Percentile	80th Percentile	Maximum	**Monitoring frequency**
10m offshore from the discharge point into the runway lagoon slipway	Outlet pipe into runway lagoon	Conductivity				55 000 us/cm	Three Monthly

Release to waters

(C3-2) Contaminants must only be released to waters from the discharge location and in compliance with the release limits listed in Schedule C Table 1.

Discharge Location W1 - namely release of saline waste waters from desalination plant to the salt water lagoon located at the north-eastern side of Brampton Island runway.

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.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

Waste handling

(E5-1) All regulated waste removed from the site must be removed by a person who holds a current approval to transport such waste under the provisions of the *Environmental Protection Act 1994*.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Preventing contaminant release to land

(F3-1) Contaminants must not be released to land.

(F3-2) Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

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

"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*

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

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

- a house, unit, motel, nursing home or other building or part of a building;

- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

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

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

"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.

"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.

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

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

"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

Schedule I - Maps / Plans

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF DEVELOPMENT APPROVAL