ecoaccess
environmental licences and permits

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00949309

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 13 August 2010.

The anniversary day for the purposes of the Annual Return remains: 23 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:-
Earlando Tourist Resort
Earlando Dingo Beach Road
PROSERPINE QLD 4800

Place:-
Lot 21 Plan RP805010
Located at:-
Dingo Beach Road,PROSERPINE QLD 4800

Registered Activity/ies: -
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

Delegate
Administering authority
Environmental Protection Act 1994

15-OCT-2010

Development application decision notice

Integrated Planning Act 1997 ss3.5.11 and 3.5.15

Applicant: Earlando Resort
Application no.: WSC002
Date received by EPA: 3 December 1999
Jurisdiction: Environmental Protection Act, 1994
Role: Assessment manager

Description:
The applicant seeks approval to proceed with installation of an additional septic tank and absorption trench area to service the existing caravan park and camping ground.

1 Type of development

☑ the start of a new use of the premises; or
☐ the re-establishment on the premises of a use that has been abandoned; or
☐ a material change in the intensity or scale of the use of the premises; or
☐ the holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

2 Type of ERA(s)

The development application relates to the following ERA(s):

ERA 15. Sewage treatment—operating—
(h) a special sewage treatment works having a peak design capacity to treat sewage of 21 or more equivalent persons

3 Decision on development application

In deciding the development application WSC002, the Environmental Protection Agency, as assessment manager: -

☐ approves all or part of the application and include in the approval any concurrence agency conditions
☑ approves all or part of the application subject to conditions decided by the assessment manager and include in the approval any concurrence agency conditions
☐ refuses the application.

4 Conditions

The following conditions are applied to the development approval:

GENERAL CONDITIONS

Scope of Development Approval

21) This development approval applies to the installation and operation of a septic tank, pump station, sewer lines and absorption trench area to treat sewage from the proposed amenities block and existing facilities as indicted in figure 1 - Site Layout (attached).

Competency of Operator

21) The owner of the land must ensure that any person who they allow or employ to carry out the activities permitted by this development approval:

a) is competent to operate and maintain the sewage treatment plant or, carry out the activity under the supervision of a person competent to operate and maintain the sewage treatment plant; and
b) understands the conditions of this development approval; and
c) is familiar with the Site Based Management Plan.

A person is considered to be competent to operate the sewage treatment plant if their qualifications and/or experience are considered appropriate for the scale of the activity.

21) An environmental authority issued under the *Environmental Protection Act 1994* is required to operate the environmentally relevant activities which are the subject of this development approval. If the operator of the activity is a person other than the owner, the owner will ensure that the operator holds a current environmental authority issued under the *Environmental Protection Act 1994*.

Alterations

21) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

Site Based Management Plan

21) The activity permitted by this development approval must be constructed, operated and maintained in accordance with the commitments made in the Site Based Management Plan.

AIR EMISSION CONDITIONS

Odour

21) No release of contaminants from the approved place is to cause a noxious or offensive odour beyond the boundaries of the approved place.

SURFACE WATER PROTECTION CONDITIONS

21) Waste water from the sewage treatment system(s) must only be released to the defined contaminant release area shown as the "Proposed absorption trench area" on Figure 1 attached.

21) A system of suitable diversion drains or embankments must be constructed to divert uncontaminated surface waters away from the absorption trench area at the approved place where contact with contaminants may occur.

21) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

21) The absorption trench area must be maintained in a proper and efficient manner so as to provide adequate assimilation, percolation, evaporation and transpiration of the wastes.

21) The disposal of treated sewage effluent at the absorption trench area must be carried out in such a manner that:

a) vegetation is not damaged; and
b) soil erosion and soil structure damage is minimised; and
c) there is no surface ponding of effluent; and
d) the effluent is evenly distributed on the disposal area; and
e) the infiltration of effluent beyond the plant root zone is minimised; and

f) effluent is not released beyond the absorption trench area

21) During wet weather conditions, the absorption trench area shall be inspected daily for any signs of effluent ponding at the soil surface and the observations recorded in an appropriate log book.

Pump Stations

21) Pump stations must be fitted with pump-failure alarms. Pump failure alarms must be detectable by the maintenance staff..

A minimum of one (1) stand-by pump must be available on-site at all times and be maintained in an operational condition.

WASTE MANAGEMENT CONDITIONS

21) All packaging and general waste produced at the approved place must be disposed of at a facility which holds a current environmental authority under the *Environmental Protection Act 1994* to receive the waste.

21) Septic tanks must be pumped out as often as is necessary to prevent:

a) any overloading of the septic tanks; and
b) any carryover of solid materials to the absorption trench area.

21) Manholes and/or inspection covers must be provided for inspection, desludging and/or cleaning of the septic tanks.

21) Any spillage which occurs during pumping out of regulated waste from the septic tanks must be cleaned up as quickly as practicable by dry methods, or by other appropriate methods, to prevent any discharge of contaminants to the environment.

Off Site Movement of Regulated Waste

21) Where regulated waste is removed from the licensed place (other than by a release as permitted under another schedule of this development approval), the holder of this development approval must monitor and keep records of 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.

21) Regulated wastes shall only be removed from the approved place by a person holding a current environmental authority for regulated waste transport which includes the type of regulated waste being transported.

NOISE EMISSION CONDITIONS

Noise Complaints

21) In the event the holder of this development approval receives a noise complaint associated with carrying out the environmentally relevant activity, the holder of this development approval must, within a reasonable period of time, investigate the complaint and take any actions necessary to satisfactorily resolve the complaint including the use of appropriate dispute resolution if required.

DEFINITIONS

The following definitions apply to conditions on this development approval:

"regulated waste" has the meaning given by the *Environmental Protection Regulation 1998.*

6 Further development permits required

Other development permits required to undertake the ERA(s) referred to in the development application include:

Development Permit, Plumbing and Drainage Works (Whitsunday Shire Council)
Development Permit, Operational Work (Whitsunday Shire Council)
Development Permit, Building Work (Whitsunday Shire Council)

7 Additional comments or advice

All Aboriginal places in Queensland are protected under the terms of the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987,* and penalty provisions may apply for any unauthorised interference with them. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. Section 56 (2) of the Act states that 'a person shall not take, destroy, damage, deface, excavate, expose, conceal or interfere with an item of the Queensland Estate' unless he does so under the authority of the Act.

An 'item of the Queensland Estate' is defined in Section 5 as any structure or object that is evidence of man's occupation of Queensland at any time that is at least 30 years in the past, but that is not made or constructed as a facsimile, made at or after the commencement of the Act for the purpose of sale, or that is not of prehistoric or historic significance. Therefore, any Aboriginal places which may occur on the subject property are protected under the terms of the Act even if the Queensland Environmental Protection Agency has no records relating to them.

8 Referral agencies

Concurrence agencies: Nil
Advice agencies: Nil

9 Assessment manager

Organisation: Environmental Protection Agency

Lawrie Wade
District Manager Mackay
Environmental Protection Agency

Date:

10 Additional information for applicants

This approval under 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.

Other Environmental Protection Agency approvals, licences and/or sanctions (for example, *Harbours Act 1955, Beach Protection Act 1968, Marine Parks Act 1982, Queensland Heritage Act 1992, Nature Conservation Act 1992*) that are required by this development or works are listed below. This response does not infer that the other necessary approvals, licences and/or sanctions will be granted.

Nil

11 Part 4A environmental authority for level 1 ERA(s) with development approvals

Under the *Environmental Protection Act 1994*, a Part 4A environmental authority from EPA will be required:

☑ Yes ☐ No

12 Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (s3.5.15(2)(h)).

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.

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.

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).

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 4.1.31[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.

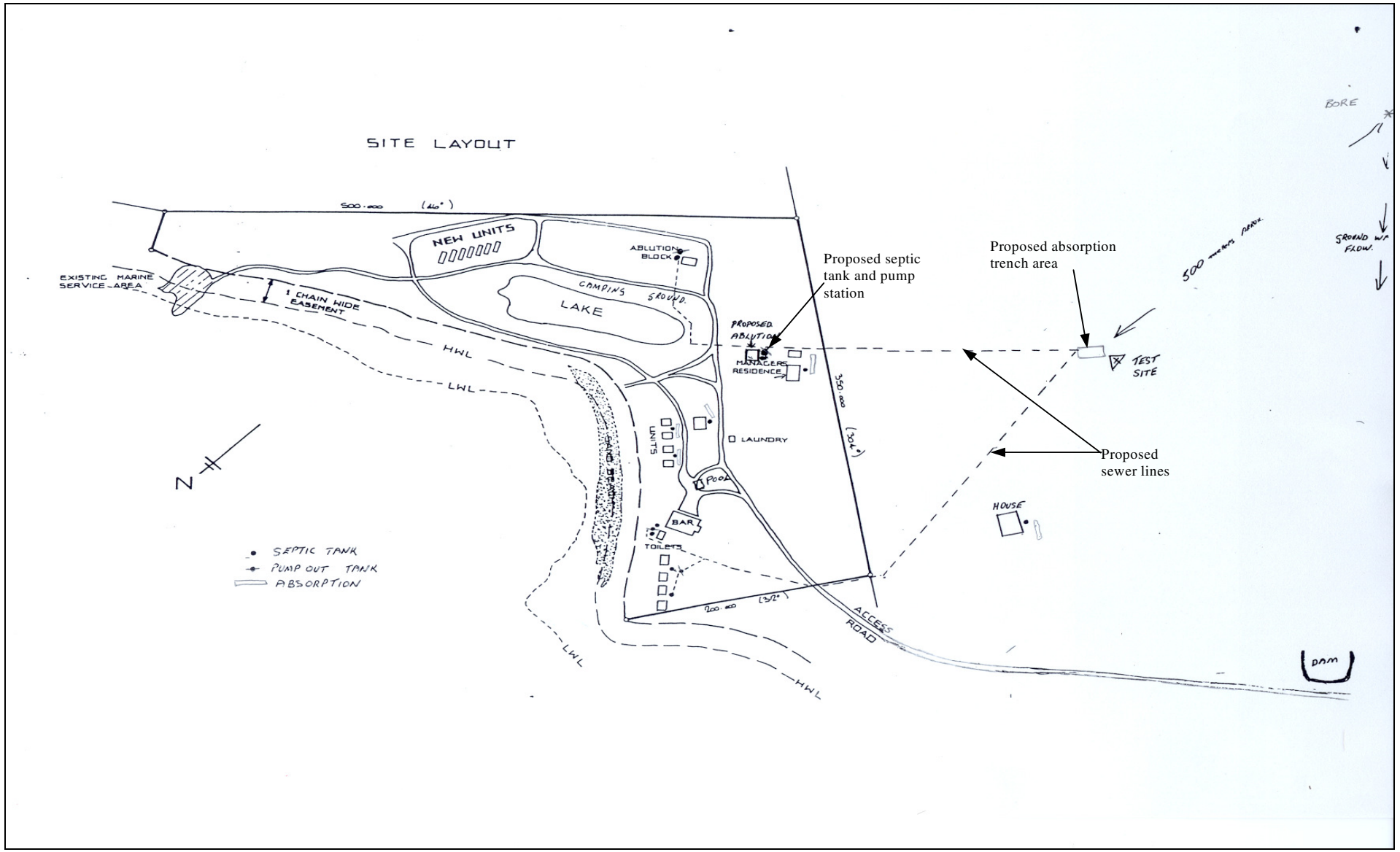


Figure 1. Earlando Tourist Resort site layout.