

Department of Environment
and Resource Management

Notice

Decision notice

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

Glenellen Pty Ltd
c/o Bradley Kroning trading as Barkly Plumbing
39 Polo Place
BUNDABERG QLD 4670

Glenellen Pty Ltd
PO Box 73
GAYNDAH QLD 4625

Our reference: 346345

Re: Application for development approval

1. Application Details

Date application made to DERM:

8 March 2010

Development approval applied for:

Development permit

Aspect of development:

Material change of use of premises – For an environmentally relevant activity	<i>Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 2, item 1</i>	DERM ref. no. – SPDE00252210
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Development description:

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.

Property/Location description:

Lot 1 on RP171355 at Robinsons Road, Gayndah QLD

2. The name and address of each referral agency is as follows.

Nil

3. The Chief Executive, Department of Environment and Resource Management (DERM) decision notice is as follows.
 - (a) The application was decided on 20 April 2010 and is approved subject to conditions.
 - (b) The application is approved, and the approval is a development permit.
 - (c) The application is approved subject to the conditions attached to this Notice, and the conditions are stated to be assessment manager conditions or concurrence agency conditions, and if concurrence agency conditions, the name of the concurrence agency. Development permit SPDE00252210 is attached to this notice.
4. Any other development permits or compliance permits necessary to allow the aspect of development the subject of this Notice to be carried out are stated below.

Nil
5. Any code the applicant must comply with for self-assessable development related to the aspect of approved development the subject of this Notice is stated below.

Nil
6. Details of any compliance assessment required under chapter 6, part 10 of the Act for documents or work in relation to the aspect of development the subject of this Notice are stated below.

Nil
7. If the application is not taken to have been approved under section 331 of the Act, the assessment manager considers the assessment manager's decision for the aspect of development the subject of this Notice does not conflict with a relevant instrument.
8. If the application is not taken to have been approved under section 331 of the Act, and if the assessment manager is satisfied the decision for the aspect of development the subject of this Notice conflicts with a relevant instrument, the reasons for the decision, including a statement of sufficient grounds mentioned in sections 326(1)(b) and 329(1)(b) of the Act, are stated below.

Not Applicable
9. Information about the rights of appeal for the applicant any submitters are attached to this Notice.
10. **Approved plans and specifications**

Nil

Delegate

Tim Brain

Delegate, Chief Executive administering the
Environmental Protection Act 1994

Department of Environment and Resource Management
20 April 2010

Enquiries:

Daniel Cohen

Department of Environment and Resource
Management

Environmental Services North (Wide Bay Burnett)

Office Address: 102 Lennox St

Maryborough Qld 4650

Postal Address: PO Box 101

Maryborough Qld 4650

Phone: 07 4121 1816

Fax: 07 4121 1650

Email: daniel.cohen@derm.qld.gov.au

Attachments

1. DERM Permit No. SPDE00252210
2. Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

DERM Permit ¹ number: SPDE00252210

Assessment manager reference:	Ecotrack ref: 346345
Date application received:	8 March 2010
Permit type:	Development permit
Date of decision:	20 April 2010
Decision:	The application is approved subject to conditions, and the assessment manager's conditions are stated in this permit, and any concurrence agency conditions are attached to this permit in the exact form given by the concurrence agency named on the attachment
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation

Jurisdiction(s):

Material change of use of premises – For an environmentally relevant activity	<i>Sustainable Planning Regulation 2009</i> - Schedule 3, Part 1, Table 2, item 1	DERM ref. no. – SPDE00252210
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Development Description(s)

Property/Location		Development
Robinsons Road, Gayndah	Lot 1 on RP171355	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

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*.

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.

Additional comments or advice about the application

This approval does not remove the need to obtain any further approval for this development, which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

Additional information for applicants

The standard currency periods stated in section 341 of the *Sustainable Planning Act 2009* or the nominated currency period, apply to each aspect of development in this permit¹. For information on when this permit¹ takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

Contaminated Land

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 3 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 twenty two (22) business days after becoming aware the activity is being carried out, give notice to the Department of Environment and Resource Management. A list of Notifiable Activities is provided within Schedule 3 of the Environmental Protection Act 1994.

Environmentally Relevant Activities

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

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

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.

T. B. —

Delegate

Tim Brain

Delegate, Chief Executive administering the

Environmental Protection Act 1994

Department of Environment and Resource Management

20 April 2010

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 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.

- G3 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.
- (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.

- G4 Records.

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

- G5 All records required by this approval must be kept for 5 years.

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G6 Waste Records.

A record of all waste including sewage plant sludges must be kept detailing the following information:

- a) date of pickup of waste;
- b) description of waste;
- c) quantity of waste;
- d) origin of the waste; and
- e) destination of the waste.

Note: Trackable wastes as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000* are not covered by this condition. Trackable wastes have similar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

G7 Notification.

Telephone the Department of Environment and Resource Management'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.

G8 Information About Spills.

A written notice detailing the following information must be provided to the Department of Environment and Resource Management within 14 days of any advice provided in accordance with condition G7:

- a) the name of the operator, including their approval / registration number;
- b) the name and telephone number of a designated contact person;
- c) quantity and substance released;
- d) the location and time of the release;
- e) the suspected cause of the release;
- f) a description of the effects of the release;
- g) the results of any sampling performed in relation to the release,
- h) actions taken to mitigate any environmental harm caused by the release; and
- i) proposed actions to prevent a recurrence of the release.

G9 Monitoring.

A competent person(s) must conduct any monitoring required by this approval.

G10 Equipment Calibration.

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

G11 Trained / Experienced Operator(s).

The daily operation of the waste water treatment system and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of that treatment system and control equipment.

G12 Spill Kit.

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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.

G13 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 Effluent Irrigation Spray Drift.

Ensure that the irrigation of treated sewage effluent does not occur:

- (i) when spray drift is, or would be reasonably expected to be, carried beyond the boundaries of the place to which this development approval relates; and
- (ii) in a location where spray drift is, or would be reasonably be expected to be, carried beyond the boundaries of the place to which this development approval relates or into any water body.

Agency Interest: Land

L1 Land Disposal.

The only contaminants permitted to be released to land is treated effluent to the designated effluent disposal area in compliance with the limits levels stated in Table 1 - Contaminant release limits to land and the conditions of this approval.

Table 1 - Contaminant release limits to land

Quality characteristics	Release Limit			
	Minimum	50 th Percentile	80th Percentile	Maximum
BOD (mg/L)	N/A	20	N/S	30
Suspended Solids (mg/L)	N/A	30	N/S	50
<i>e.coli</i> (CFU per 100 mL)	N/A	<100	N/S	<1000
pH (pH units)	6.0	N/A	N/A	8.5
Dissolved Oxygen (mg/L)	2	N/A	N/A	N/A
Total Nitrogen (mg/L)	N/A	30	N/S	60
Total Phosphorus (mg/L)	N/A	10	N/S	20
Residual chlorine (mg/L)	0.2	N/A	N/A	1.5
Total Dissolved Solids (mg/L)	N/A	1000	N/S	1500

N/A = Not applicable

N/S = Not Specified

* Turbidity limit is applicable at the point of treatment directly preceding disinfection

- L2 The irrigation of effluent must be carried out in a manner such that:
- a) vegetation is not damaged;
 - b) soil erosion and soil structure damage is avoided;
 - c) there is no surface ponding of effluent;
 - d) percolation of effluent beyond the plant root zone is minimised;
 - e) the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded; and
 - f) the quality of ground water is not adversely affected.
- L3 Notices must be prominently displayed on areas undergoing effluent irrigation, 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.
- L4 Notices must be prominently displayed at any effluent storage area / wet weather storage area warning the public that the water body contains treated effluent, and not to use or drink the effluent. These notices must be maintained in a visible and legible condition.
- L5 Effluent disinfection equipment must be inspected at least daily, with records kept and any required maintenance conducted immediately, to ensure efficient and reliable disinfection of treated effluent is achieved.

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- L6 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 Table 2 - Monitoring program.

Table 2 – Land discharge monitoring program

Monitoring point	Quality characteristics	Units	Monitoring Frequency
Discharge from STP to effluent irrigation area and/or wet weather storage facility	BOD	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Suspended Solids	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	<i>e.coli</i>	CFU per 100 mL	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	pH	pH units	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Dissolved Oxygen	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Total Nitrogen	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Total Phosphorus	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Residual chlorine	mg/L	Quarterly
Discharge from STP to effluent irrigation area and/or wet weather storage facility	Salinity	mg/L	Quarterly

- L7 Daily Volume of Contaminants Treated

The volume of contaminants treated must not exceed 8000 litres per day, expressed as average dry weather flow (ADWF).

- L8 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.

- L9 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.

- L10 Pipelines and fittings associated with the effluent irrigation system must be clearly identified. Lockable valves or removable handles must be fitted to all release pipes situated in public access areas.

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- L11 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 storages must be designed, constructed and maintained in accordance with AS 1940:2004 - Storage and Handling of Flammable and Combustible Liquids.
All Class 6.1 toxic substance storages must be designed, constructed and maintained in accordance with AS 4452:1997 - The storage and handling of toxic substances.
All Class 8 corrosive substance storages must be designed, constructed and maintained in accordance with AS 3780:1994 - The storage and handling of corrosive substances
- L12 A minimum area of 4000 m² of land, excluding any necessary buffer zones, must be utilised for the irrigation of treated effluent/stormwater.
- L13 A sufficient volume of wet weather storage must be provided to prevent overflows of effluent generated by the sewage treatment plant that is the subject of this approval during prolonged periods of wet weather. A minimum wet weather storage volume of 40,000L must be provided.
- L14 All wet weather storages must be operated and maintained in a manner that maximises the available storage capacity for when wet weather or other conditions prevent the irrigation of treated effluent.
- L15 Notwithstanding the quality characteristic limits specified in Table 1 - Contaminant release limits to land, releases of effluent must not have any properties nor contain any organisms or other contaminants in concentrations that are capable of causing environmental harm.
- L16 Irrigation Area Management Plan.
- Implement and maintain an irrigation area management plan (IAMP) for the release of contaminants to land(s). As a minimum, the IAMP must include:
- (a) procedures to ensure that effluent is evenly distributed across the effluent irrigation area;
 - (b) procedures for the management of harvesting of vegetation within the effluent irrigation area to ensure the required level of nutrient removal is achieved;
 - (c) soil and sub-soil analysis, including assessment of the soils including types, structure, phosphorus adsorption capacity, nutrient status, salinity and sodicity, cation exchange capacity and sodium absorption ratio (SAR) of the contaminant release area(s), to be carried out no less than once every five years;
 - (d) determination of the quantity and quality of contaminants applied;
 - (e) an assessment of effluent quality monitoring results and the impact of the irrigation of effluent on the contaminant release areas.

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 Noise Monitoring.

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

- L_A 10, adj, 10 mins
- L_A 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

- N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management'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

- WA1 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

- WA2 Contaminants must not be released from the site to any waters or the bed and banks of any waters.

- WA3 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.

- WA4 Contaminant And Sewage Pump Station.

Contaminant pumping stations must be fitted with pump-failure alarms as well as high level alarms to warn of imminent pump station overflow. All alarms must be able to operate without mains power.

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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.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

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

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

"average dry weather flow (ADWF)" means the average flow measured over a period of seven consecutive days, the period to be chosen such that rainfall is less than 0.25mm/d, infiltration of stormwater into the sewerage system is at a minimum and any abnormal influences such as public holidays are excluded" (definition taken from Volume 1, Section 2.2 Guidelines for Planning and Design of Sewerage Schemes (1991) Water Resources Commission, Department of Primary Industries).

"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.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"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.

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

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

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

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"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

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- 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.

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

"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.

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

"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.

"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

END OF CONDITIONS

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Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE01542810

This registration certificate is issued by the administering authority and takes effect from: 07-APR-2011.

The anniversary day for the purposes of the Annual Return remains: 7 June.

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:-

Glenellen Pty Ltd
Ground Floor
62-66 Woondooma Street,
BUNDABERG QLD 4670

Place:-

Lot 1 Plan RP171355

Located at:-

Robinsons Road, GAYNDAH QLD 4625

Registered Activity: -

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
Department of Environment and Resource Management
Environmental Protection Act 1994

07-APR-2011