Department of Environment and Resource Management

Notice

Environmental Protection Act 1994

Notice of Decision - permit[1] application

This statutory notice is issued by the Department of Environment and Resource Management (DERM) pursuant to Section 73F of the Environmental Protection Act 1994 to advise you of a decision.

Our Reference: 330970

Heinemann Transport Park Body Corporate
C/OToowoomba Strata Title Management Pty Ltd
PO Box 2244
TOOWOOMBA QLD 4350

Dear Sir/Madam

Re: Permit No. ENRE00992809

The department has assessed your application received on 16 May 2011 and wishes to advise you in regards to your application.

Permit applied for	Permit Number	Decision
Registration Certificate under Environmental Protection Act 1994	ENRE00992809	Granted

For the permit granted, the conditions of approval are attached. Where applicable, a 'statement of reasons' is provided in relation to the decision. Please note, for the approval, this 'Notice Of Decsion' and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

If you require more information please contact Heidi Case on (07) 46994306.

Yours sincerely

Lindsay Webber
Department of Environment and Resource Management
18-MAY-2011

Enquiries:
Environmental Services
PO Box 731
TOOWOOMBA QLD 4350
Phone: (07) 46994333
Fax: (07) 46994399

Attachment

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

Queensland Government

Department of Environment and Resource Management

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00992809

This registration certificate is issued by the administering authority and takes effect from: 18-MAY-2011.
The anniversary day for the purposes of the Annual Return: 11 November

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:-
Heinemann Transport Park Body Corporate
C/O Toowoomba Strata Title Management Pty Ltd
186 Margaret Street
TOOWOOMBA QLD 4350

Place:
Lot 2 Plan RP204992

Located at:
57 Heinemann RD,WELLCAMP QLD 4350

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

Lindsay Webber
Department of Environment and Resource Management
Environmental Protection Act 1994

18-MAY-2011

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

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Notice

Decision – Development Approval

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.15 of the Integrated Planning Act 1997 to advise of a decision or action.

Janflow Pty Ltd
PO Box 6441
TOOWOOMBA QLD 4350

CC: Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4350

Our reference: 330970

Dear Sir/Madam

Re: Application for Development Approval

The Environmental Protection Agency, acting as assessment manager, wishes to advise that your application for development approval, received on 23-JUN-2009, has been assessed, and on 30-OCT-2009 it was approved with conditions.

For each aspect of development applied for, a corresponding decision is attached that includes any advice and/or stated conditions. Please retain this information for your records

1. Property/Location:

Street address - 57 Heinemann RD WELLCAMP QLD 4350
Lot/Plan - Lot 2 Plan RP204992

2. Details of the decision

Aspect of Development
- Development Approval for a MCU involving an ERA
- 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

Decision
- Granted in full with conditions

EPA Ref Number
- IPDE01530409

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

3. Effectiveness and currency periods

This development approval takes effect -

- From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
- Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans

Plan/Document No.	Plan/Document Name	Date
Job No 08/291	Site Based Management Plan version 5 incorporating Environmental Management Plan and Effluent Irrigation Management Plan for Janflow Pty Ltd Heinemann Road Transport Park Development.	1 October 2009

5. Other necessary development permits

This approval pursuant to the Integrated Planning Act 1997 does not remove the need to obtain any further approval for this development, required by this or other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required. Applicants should also comply with all relevant legislation.

6. IDAS referral agencies

The IDAS referral agencies and their response to each approval type required for this application are:

Concurrence Agencies: Nil (please remove table)

Advice Agencies: Nil (please remove table)

7. Submissions

This application did not trigger Public Notification.

8. Appeal rights

An attached extract from the Integrated Planning Act 1997 details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

If you require more information, please contact Ruth Brown, the Project Manager, on the telephone number listed below.

Yours sincerely

Delegate
Environmental Protection Agency
30-OCT-2009

Enquiries:
ES - Reg Serv - Western - Twba - EPA
PO Box 731
TOOWOOMBA QLD 4350
Phone: (07) 46994333
Fax: (07) 46994399

Attachment – Appeal Rights (extract from the *Integrated Planning Act 1997*)
Attachment - Development Permit

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

4.1.27 Appeals by applicants

(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 period mentioned in section 3.5.21;
  (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.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court only against -
  (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
  (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
  (a) the giving of a development approval;
  (b) any provision of the approval including-
    (i) a condition of, or lack of condition for, the approval; or
    (ii) the length of a currency period for the approval.

(3) However, a submitter may not appeal if the submitter-
  (a) withdraws the submission before the application is decided; or
  (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **"submitter's appeal period"**) after the decision notice or negotiated decision notice is given to the submitter.

4.1.29 Appeals by advice agency submitters

(1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(1A)The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

(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.

(3) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

4.1.30 Appeals for matters arising after approval given (co-respondents)

(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.

(4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.
(5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Division 9 - Appeals to court about other matters

4.1.31 Appeals for matters arising after approval given (no co-respondents)

(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 3.5.33A(9)(b) or 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.
(3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.
(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

4.1.32 Appeals against enforcement notices

(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.

4.1.33 Stay of operation of enforcement notice

(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.
  (c) clearing vegetation on freehold land; or
  (d) the removal of quarry material allocated under the *Water Act 2000*; or
  (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
  (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
  (g) development the assessing authority reasonably believes is causing an environmental nuisance.

4.1.33A Appeals against decisions to change approval conditions under the repealed Act

(1) A person who is dissatisfied with a decision made on an application to change the conditions attached to an approval given under section 2.19(3) or section 4.4 of the repealed Act may appeal to the court against—
  (a) the decision; or
  (b) a deemed refusal of the application.
(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.

4.1.33B Appeals against local laws

(1) An applicant who is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure permitted by the planning scheme may appeal to the court against the decision or the conditions applied.
(2) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

4.1.34 Appeals against decisions on compensation claims

(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.

4.1.35 Appeals against decisions on requests to acquire designated land under hardship

(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.

4.1.36 Appeals about particular infrastructure charges

(1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice..
(2) The person may appeal to the court against the notice.
(3) The appeal must be started within 20 business days after—
(a) if the notice is given because of a development approval or master plan approval—the day the applicant is given notice of the decision about the approval; or
(b) otherwise—the day the notice is given to the person.
(4) An appeal under this section may only be about—
(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
(b) an error in the calculation of the charge.
(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule or regulated State infrastructure charges schedule.

4.1.37 Appeals from tribunals

(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.

4.1.38 Court may remit matter to tribunal

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

4.1.39 How appeals to the court are started

(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).

4.1.41 Notice of appeal to other parties (div 8)

(1) An appellant under division 8 must give written notice of the appeal to-
  (a) if the appellant is an applicant-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any concurrence agency; and
    (iv) any principal submitter whose submission has not been withdrawn; and
    (v) 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-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any referral agency; and
    (iv) the applicant; or
  (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    (i) the chief executive; and
    (ii) the deciding entity; and
    (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
(2) The notice must be given within-
  (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
(3) 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 may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.43 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
(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) Any submitter may elect to become a co-respondent to the appeal.
(5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
(6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
(8) 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.
(9) For an appeal under section 4.1.30-
  (a) the assessment manager is the respondent; and
  (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

(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.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

4.1.47 Lodging appeal stops certain actions

(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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licences and permits

Development Permit

Section 3.5.15 *Integrated Planning Act 1997*

EPA Permit[1] number: IPDE01530409

EPA Permit[1] number:	IPDE01530409
Assessment Manager reference:	as above
Date application received by EPA:	23-JUN-2009
Permit[1] Type:	Development Approval for a MCU involving an ERA
Date of Decision:	30-OCT-2009
Decision:	approved with conditions
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
57 Heinemann Rd WELLCAMP QLD 4350	Lot 2 Plan RP204992	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

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 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 an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

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

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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.

Rob Spalding
Delegate
Environmental Protection Agency
30-OCT-2009

CONDITIONS OF APPROVAL

Condition for: 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

General Permit Condition

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

G5 Records.

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

G6 All records required by this approval must be kept for 5 years.

G7 All vehicles used to transport regulated waste must be registered with the administering authority.

G8 Notification.

Provide verbal advice by telephone to the EPA'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.

G9 Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G8:

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) vehicle and registration details;
e) person/s involved (driver and any others);
f) the location and time of the release;
g) the suspected cause of the release;
h) a description of the effects of the release;
i) the results of any sampling performed in relation to the release,
j) actions taken to mitigate any environmental harm caused by the release; and
k) proposed actions to prevent a recurrence of the release.

G10 Monitoring.

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

G11 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.

G12 Trained / Experienced Operator(s).

The daily operation of the sewage 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.

G13 Spill Kit.

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

G14 Spill Kit Training.

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

G15 The approval holder must engage and retain a suitably trained and experienced person to undertake regular inspections and maintenance of the sewage treatment works (at intervals of not less than 1 month) and to complete any service or repair works necessary to ensure its effective operation in producing a consistent effluent quality.

Agency Interest: Air

A1 Nuisance.

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

A2 Dust Nuisance.

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

A3 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
- Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
- any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

A4 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
a) for a complaint alleging dust nuisance, dust deposition; and
b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.

Agency Interest: Land
L1 Land Disposal.

The only contaminants permitted to be released to land are treated effluent to the areas shown in Figure 1 – Land Application 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 Limits		
	Minimum	80th Percentile	Maximum
Escherichia coli (E. coli)		100cfu/100ml Median of 5 samples collected at no more than 30 minute intervals	1000cfu/100ml
Biochemical Oxygen Demand 5		20	60
Suspended Solids		30	60
Total Dissolved Salts		1000	1000
pH	6		8.5

L2 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.

L3 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.

L4 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.

L5 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 Table 2 - Monitoring program

Table 2 - Monitoring program

Monitoring point	Quality characteristics	Units	Frequency
Irrigation outlet	*Escherichia coli (e. coli)*	Cfu/100ml	Quarterly At least 5 samples per sampling event
Irrigation outlet	Biochemical Oxygen demand 5	Mg/L	Quarterly
Irrigation outlet	Suspended solids	Mg/L	Quarterly
Irrigation outlet	Total dissolved salts	Mg/L	Quarterly
Irrigation outlet	pH	-	Quarterly

L6 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.

L7 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.

L8 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.

L9 A minimum area of 0.29 hectares of land, excluding any necessary buffer zones, must be utilised for the irrigation of treated effluent/stormwater.

L10 A daily maximum volume of treated effluent for irrigation is not to be more than $7m^3$.

L11 Clippings obtained from plants growing on irrigated land are to be removed and disposed of other than on irrigated land.

L12 Sludge produced by sewage treatment is to be disposed of on land other than the irrigated land.

L13 Irrigation Monitoring Program.

Implement and maintain an irrigation monitoring program (IMP) for the release of contaminants to land(s). As a minimum, the IMP must include:
(a) 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 at no less than six representative sites on an annual basis;
(b) ground water monitoring that determines the existence and rate of infiltration of effluent that has been irrigated to land, and the potential or actual impacts on ground water from such infiltration, to be carried out on an annual basis;
(c) plant analysis to assess nutrient export to be carried out on a bi-annual basis;
(d) determination of the quantity and quality of contaminants applied;
(e) periodic re-assessment, including modelling of the water, nutrient and salt balances and irrigation rate and return period should be undertaken, if necessary, to ensure sustainable use of the contaminant release area is being achieved; and
(f) reporting of monitoring results, and an assessment of the impact of the releases on the contaminant release areas.

L14 Provision Of Treated Effluent To Other Persons.

If responsibility of the treated effluent is given or transferred to another person:
(a) the responsibility of such effluent must only be given or transferred in accordance with a written agreement (the third party agreement);
(b) include in the third party agreement a commitment from the person utilising the effluent to use effluent in such a way as to prevent environmental harm or public health incidences and specifically make the persons aware of the General Environmental Duty (GED) under section 319 of the Environmental Protection Act 1994, environmental sustainability of any effluent disposal and protection of environmental values of waters; and
(c) upon being notified or otherwise becoming aware that the person's use of effluent is causing or threatens to cause environmental harm or is posing a human health risk, and if the person does not rectify the situation upon written request, the giving and transferring responsibility for such effluent must cease.

L15 Unless authorised under this authority, irrigation of effluent must not result in runoff beyond the boundary of any designated irrigation area.

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 from activities must not exceed the levels specified in Table 3 - Noise limits, at any nuisance sensitive or commercial place.

Table 3 - Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
$L_{A10, adj, 10 mins}$	50	45	35	50	45	35
$L_{A1, adj, 10 mins}$	55	50	40	55	50	40
	Noise measured at a 'Commercial place'					
$L_{A10, adj, 10 mins}$	55	50	40	55	50	40
$L_{A1, adj, 10 mins}$	60	55	45	60	55	45

N3 Noise Monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- LA 10, adj, 10 mins
- LA 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.

N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency'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: Waste
W1 All regulated waste removed from the licensed place to which this development approval relates must be removed by a person who holds a current authority to transport such waste under provisions of the *Environmental Protection Act 1994*.

Agency Interest: Water
WA1 Release To Waters.

Contaminants must not be released or escape to any waters or the bed and banks of any waters, unless otherwise authorised by this permit.

WA2 Stormwater Management.

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

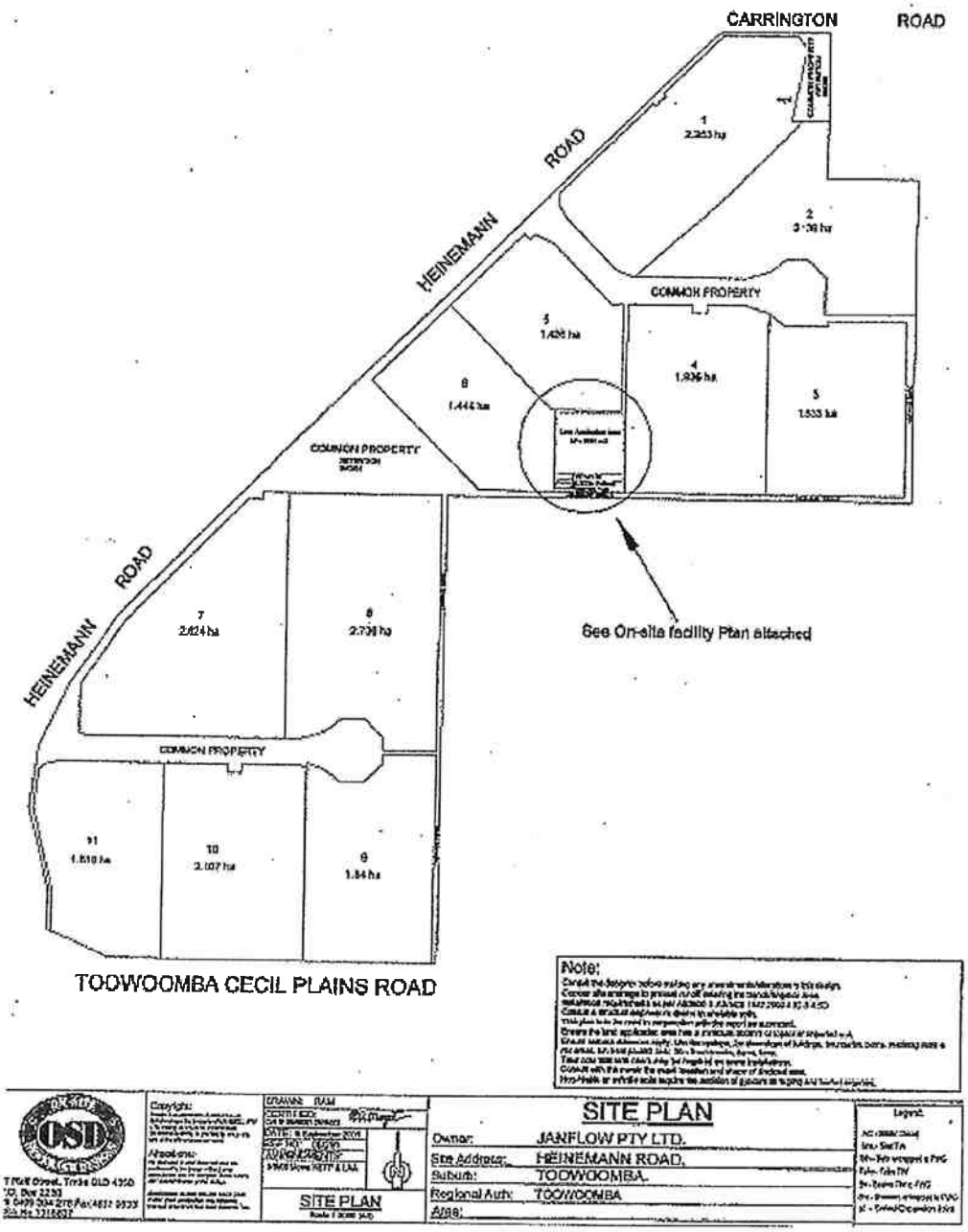
WA3 Pond Conditions.

All ponds used for the storage or treatment of contaminants, sewage or wastes at or on the authorised place must be constructed, installed and maintained:
a) so as to prevent release of effluent through the bed or banks of the pond to any waters (including ground water);
b) so that a freeboard of not less than 0.5 metres is maintained at all times; and
c) so as to ensure the stability of the ponds' construction.

WA4 Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants or wastes.

WA5 The treated water quality is to meet concentration limits in respect to nitrogen and phosphorus - these limits are to be derived in accordance with concentrations used in the modelling, and with allowances for daily fluctuations about average values.

Figure 1 – Land Application Area



DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Environmental Protection Agency or its successor.

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

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

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

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

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

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

"Environmental Protection Agency" 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.

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

"$L_{A,\ max\ adj,\ T}$" 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.

"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.

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

"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.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (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.

"treated effluent" means effluent treated at the premises to a standard required by the permit.

"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.

"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