Queensland Government

Department of
Environment and Heritage Protection

19-AUG-2016

To: The Passage Holdings Pty Ltd
PO Box Q361
QVB NSW 1230

Attention: Ian Stephens

Our reference: 264465

Application details

I refer to the application that was received by the administering authority on 05-AUG-2016.

Land description: Port Hinchinbrook STP NR0560 Lot 1 Plan C1043, Lot 3 Plan RP733367, Lot 2 Plan CWL1212, Lot 41 Plan C1043, Lot 42 Plan C1043, Lot 3 Plan C1043; Port Hinchinbrook STP IPDE01020408 Lot 170 Plan SP177389, Lot 2 Plan RP739188, Lot 7 Plan RP732868, Lot 1 Plan RP739188, Lot 1 Plan C1043, Lot 5 Plan RP732868, Lot 6 Plan RP732868.

Decision

Your application has been approved and your environmental authority (reference EPPR00576713) is attached.

Should you have any further enquiries, please contact Veronica Lightfoot on telephone 1300 130 372 (option 4).

Yours sincerely

Signature	Date
	18 August 2016

Jodie Brackenbury
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Veronica Lightfoot
Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au
Website **www.ehp.qld.gov.au**
ABN 46 640 294 485

Enclosed

Permit - environmental authority (reference EPPR00576713)

Permit[1]

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit[1] number: EPPR00576713

Environmental authority takes effect on 18-AUG-2016.

The anniversary date of this environmental authority remains 27 October. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
The Passage Holdings Pty Ltd	Level 25 25 Bligh Street SYDNEY NSW 2000

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
63-(1b)(ii) Sewage treatment >100 to 1500EP - no IT or IR	Port Hinchinbrook STP IPDE01020408 - Lot 170 Plan SP177389, Lot 2 Plan RP739188, Lot 7 Plan RP732868, Lot 1 Plan RP739188, Lot 1 Plan C1043, Lot 5 Plan RP732868 and Lot 6 Plan RP732868 Port Hinchinbrook STP NR0560 - Lot 1 Plan C1043, Lot 3 Plan RP733367, Lot 2 Plan CWL1212, Lot 41 Plan C1043, Lot 42 Plan C1043 and Lot 3 Plan C1043

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

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

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

18 August 2016

Date

Jodie Brackenbury
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Veronica Lightfoot
Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

The conditions of the this environmental authority are the conditions of the attached Development Approval reference NR0560DA, as they relate to the licensed activities, where any references to the holder of the development approval are taken to refer to the holder of this environmental authority.

Attachments

- Development Approval

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5353 Fax: (07) 4722 5351
www.epa.qld.gov.au ABN: 87221158786

COPY

Notice of decision to grant licence (with development approval)

Sections 85 and 86 *Environmental Protection Act 1994*

This statutory notice is issued by the administering authority pursuant to sections 85 and 86 of the Environmental Protection Act 1994, *to advise you of a decision or action.*

Enquiries to : Barry James
Telephone : (07) 4722 5353
Your reference :
Our reference : TSV4482 (NR0560)

Entered/Validated in **Ecotrack** 5.6.05
Project Reference 264465
Development Approval # ENCA00214505
Registration Certificate # ENRE00214605
This version amended on
Cancelled/Surrendered/Transferred Date:
Continuing Registration #

Cardwell Properties Pty Ltd
Bruce Highway
Cardwell QLD 4849

CC: Cardwell Properties Pty Ltd
PO Box 444
Main Beach Qld 4217

Attention: Russell Cook,

Re: Application for a licence (with development approval) by Cardwell Properties Pty Ltd to carry out Environmentally Relevant Activity (ERA) 15(b) Sewage treatment on land described as Lot 1 on Plan C1043, Lot 2 on Plan CWL1212, Lot 3 on Plan C1043, Lot 41 on Plan C1043, Lot 42 on Plan C1043 and Lot 3 on Plan RP733367 located at Bruce Highway, Cardwell.

Your application for a licence (with development approval), received by this office on 12 May 2004 has been granted.

A copy of the licence No.NR0560 which includes the schedule of conditions, is attached.

This licence takes effect from 26 October 2004.

You may apply to the administering authority for a review of this decision within 14 days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court.

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.

Signed

26 October 2004
Date

Tania Laurencont
District Manager, Townsville
Delegate of Administering Authority
Environmental Protection Act 1994

Entered/Validated in **Ecotrack**
Project Reference
Development **Approval #**
Registration **Certificate #**
This version amended **on**
Cancelled/Surrendered/Transferred **Date:**
Continuing Registration #

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Extracts from the Act Regarding Reviews and Appeals

Procedure for review

521.

(1) A dissatisfied person may apply for a review of an original decision.

(2) The application must-
- (a) be made in the approved form to the administering authority within-
  - (i) 14 days after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the "review date"); or
  - (ii) the longer period the authority in special circumstances allows not later than the review date; and
- (b) be supported by enough information to enable the authority to decide the application.

(3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision-
- (a) notice of the application (the "review notice");
- (b) a copy of the application and supporting documents.

(4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 7 days after the application is made to the authority.

(5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within 14 days after receiving the application-
- (a) review the original decision;
- (b) consider any submissions properly made by a recipient of the review notice; and
- (c) make a decision (the "review decision") to-
  - (i) confirm or revoke the original decision; or
  - (ii) vary the original decision in a way the administering authority considers appropriate.

(6) The application does not stay the original decision.

(7) The application must not be dealt with by-
- (a) the person who made the original decision; or
- (b) a person in a less senior office than the person who made the original decision.

(8) Within 14 days after making the decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.

(9) The notice must-
- (a) include the reasons for the review decision; and
- (b) inform the person of their right of appeal against the decision.

(10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.

(11) Subsection (7) applies despite section *Acts Interpretation Act 1954*, section 27A.

(12) This section does not apply to an original decision made by-
- (a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
- (b) for another matter-the chief executive personally.

Stay of operation of original decisions

522.

(1) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to-
- (a) for an original decision mentioned in schedule 1, part 1 - the tribunal; or
- (b) for an original decision mentioned in schedule 1, part 2 - the Court.

(2) The tribunal or Court may stay the decision to secure the effectiveness of the review and any later appeal to the tribunal or Court.

(3) A stay may be given on conditions the tribunal or Court considers appropriate and has effect for the period stated by the tribunal or Court.

(4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the tribunal or Court allows the applicant to appeal against the review decision.

Who may appeal

531.

(1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1 applies, may appeal against the decision to the Court.

(2) The chief executive may appeal against another administering authority 's decision (whether an original or review decision) to the Court.

(3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

ENVIRONMENTAL PROTECTION ACT 1994

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5353 Fax: (07) 4722 5351
www.epa.qld.gov.au ABN: 87221158786

Licence No. NR0560 (with development approval)

Section 86 *Environmental Protection Act 1994*

This licence, issued under the Environmental Protection Act 1994, allows the administering authority to make conditions with regard to financial assurances and matters relating to an Integrated Environmental Management System (IEMS). The licence and its conditions must be considered in conjunction with any conditions imposed on your development approval granted under the Integrated Planning Act 1997 or its equivalent.

Under the provisions of the *Environmental Protection Act 1994* this licence is issued to:

Cardwell Properties Pty Ltd
Bruce Highway
Cardwell QLD 4849

Cardwell Properties Pty Ltd
P.O Box 444
Main Beach QLD 4217

in respect of carrying out the environmental relevant activity:

15(b) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1 500 equivalent persons

at the following place(s):

Lot 1 on Plan C1043, Lot 2 on Plan CWL1212, Lot 3 on Plan C1043, Lot 41 on Plan C1043, Lot 42 on Plan C1043 and Lot 3 on plan RP733367.

located at:

Bruce Highway, Cardwell, QLD 4849.

This licence is subject to the conditions set out in the attached schedules.

The anniversary date of this licence is 26 October.

This licence takes effect from **26 October 2004**.

Signed

26 October 2004
Date

Tania Laurencont
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994

Note: This licence document is not proof of the current status of the licence. The current status of the licence may be ascertained by contacting the Environmental Protection Agency.

Schedule of conditions

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

This authority incorporates the following schedules of conditions relevant to various issues:

- Schedule A - General Conditions
- Schedule H - Definitions
- Schedule I - Maps / Plans

Schedule A - General Conditions

There are no conditions prescribed for this Schedule.

END OF CONDITIONS FOR SCHEDULE A

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:

Where a definition for a term used in this authority is sought and the term is not defined within this authority the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

END OF CONDITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF ENVIRONMENTAL AUTHORITY

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

COPY

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5353 Fax: (07) 4722 5351
www.epa.qld.gov.au ABN: 87221158786

Notice of development application decision

Sections 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.5.11 and 3.5.15 of the Integrated Planning Act 1997, to advise you of a decision or action.

Enquiries to : Barry James
Telephone : (07) 4722 5353
Your reference : NR0560DA
Our reference : TSV4482

Cardwell Properties Pty Ltd
Bruce Highway
Cardwell QLD 4849

CC: Cardwell Properties Pty Ltd
P.O. Box 444
Main Beach QLD 4217

Attention: Mr Keith Williams,

Re: Application (No. NR0560DA) for development approval by Cardwell Properties Pty Ltd for assessable activity to be carried out at a place situated at Bruce Highway, Cardwell, QLD 4849

Pursuant to part 1 and 2 of Schedule 1A of the *Integrated Planning Regulation 1998,* the Environmental Protection Agency is the assessment manager for the development application.

Assessment Manager information

Assessment Manager office:	Environmental Protection Agency
	Northern Regional Office (Townsville)
Postal address:	PO Box 5391 TOWNSVILLE MC QLD 4810
Telephone:	(07) 4722 5353
Fax:	(07) 4722 5351

The Environmental Protection Agency, acting as assessment manager under the *Integrated Planning Act 1997* for your application, advises that the development application decision notice about development prescribed under a regulation under the *Environmental Protection Act 1994* for schedule 8 part 1 item 6 of the *Integrated Planning Act 1997* is attached.

Entered/Validated in Ecotrack 5.6.05
Project Reference 264465
Development Approval # ENCD00214505
Registration Certificate # ENRE00214605
This version amended on
Cancelled/Surrendered/Transferred Date:
Continuing Registration #

Should you require any further information please do not hesitate to contact Barry James on either phone (07) 4722 5353 or e-mail: barry.james@epa.qld.gov.au

Signed

26 October 2004
Date

Tania Laurencont
District Manager
Delegate of Administering Authority
Environmental Protection Agency

Development application decision notice

Section 3.5.11 and 3.5.15 *Integrated Planning Act 1997*

Applicant:	Cardwell Properties Pty Ltd
EPA Development Application number:	NR0560DA
Date application received by EPA:	12 May 2004
Date of decision:	26 October 2004
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction:	Item 7 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

15(b) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1 500 equivalent persons

at the following place(s):

Lot 1 on Plan C1043, Lot 2 on Plan CWL1212, Lot 3 on Plan C1043, Lot 41 on Plan C1043, Lot 42 on Plan C1043 and Lot 3 on Plan RP733367

located at:

Bruce Highway, Cardwell, QLD 4849

Type of development

Material change of use of premises is:

- the start of a new use of the premises

Decision on Development Application

In deciding the application, the Environmental Protection Agency, as assessment manager approves all of the application and includes in the approval any concurrence agency conditions as a development permit.

Further development permits required

Nil

Referral agencies

Concurrence Agencies:	Nil
Advice Agencies:	Nil
Referral Agencies:	Nil

Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (section 3.5.15(2)(j)). The rights of appeal are attached to the back of this notice.

Signed

26 October 2004
Date

Tania Laurencont
District Manager
Delegate of Administering Authority
Environmental Protection Act 1994

Conditions of the development approval

This development approval consists of the following schedules of conditions relevant to various issues:

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

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

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Maps / Plans

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

(A1-1) In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Maintenance of measures, plant and equipment

(A2-1) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

(A2-2) A visual and audible alarm system shall be installed and maintained to alert the holder to any mechanical or electrical malfunctions of the plant

Site based management plan

(A3-1) From commencement of the activity, a Site Based Management Plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

Peak Design Capacity

(A3-2) The development permit only authorises sewage treatment for a maximum daily inflow volume of 412 kilolitres.

Records

(A5-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Acid sulphate soils (ASS)

(A7-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A7-2) Acid sulfate soils must be managed such that contaminants are not be directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

Annual monitoring report (Sewage treatment)

(A8-1) An annual monitoring report must be provided to the administering authority with the annual return. This report shall include but not be limited to:

- a summary of the previous twelve (12) months' monitoring results obtained under any monitoring programs required under this authority and, in graphical form showing relevant limits, a comparison of the previous twelve (12) months monitoring results to both this authority limits and to relevant prior results;
- an evaluation/explanation of the data from any monitoring programs; and
- a summary of any record of quantities of releases required to be kept under this authority; and
- a summary of the record of equipment failures or events recorded for any site under this authority; and
- an outline of actions taken or proposed to minimise the environmental risk from any deficiency identified by the monitoring or recording programs; and
- the number of domestic tenements newly connected to the sewage treatment works during the previous twelve (12) months; and
- the progressive total number of connections; and
- a summary of any trade waste agreements entered into or amended during the year, including the nature of the industry.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(B1-2) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any odour sensitive place.

Dust nuisance

(B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- carried out on samples that are representative of the discharge.

Schedule C - Table 1 (Release limits)

			Release limit			
Monitoring point	**Discharge location**	**Quality characteristics**	Minimum	50th Percentile	Maximum	**Monitoring frequency**
Outlet from wet weather storage tanks	W1 (One Mile Creek - Upstream side of road culvert under the Bruce Highway adjoining Lot 2 on Plan CWL1212)	Suspended Solids			5 mg/L	At least once during a discharge, then weekly there after during a discharge.
		5 Day - Biological Oxygen Demand			10 mg/L	
		Total Nitrogen		5 mg/L	10 mg/L	
		Total Phosphorous		1 mg/L	2 mg/L	
		Faecal Coliform		10 Colony forming units per 100ml	100 Colony forming units per 100ml	
		pH	6.5 pH units		8.5 pH units	
		Dissolved Oxygen	2 mg/L			

Release to waters

(C3-2) Contaminants must only be released to waters after wet weather storage has reached capacity due to wet weather conditions preventing irrigation, from the discharge location and in compliance with the release limits listed in Schedule C Table 1.

Discharge Location W1 - namely release of tertiary treated effluent from Cardwell Properties Pty Ltd sewage treatment plant wet weather storage tanks located on Lot 1 on Plan C1043 to One Mile Creek at the upstream side of the road culvert under the Bruce Highway adjoining Lot 2 on Plan CWL1212.

(C3-3) Withstanding condition C3-2, contaminants must only be released to One Mile Creek when a minimum dilution factor of **10** - Creek flow to **1** - treated effluent is achieved and creek flow overspills the weir located between One Mile Creek and the Grand Canal.

(C3-4) A flow measurement device to measure creek water flows must be located on One Mile Creek adjacent within Lot 1 on Plan C1043 for the purpose of determining when release can occur in accordance with condition C3-3.

(C3-5) The daily volume of contaminants released to waters must be determined or estimated by an appropriate method, for example a flow meter, and records kept of such determinations and estimates.

(C3-6) The total quantity of contaminants released to waters via the release point listed in Schedule C Table 3, must not exceed the respective quantities stated for each release point in Schedule C Table 3 on any wet weather day that prevents irrigation that has resulted in wet weather storage exceeding capacity.

Schedule C - Table 3

Maximum permitted quantity of release	
Release point	**Maximum release on any wet weather day ****
W1 (One Mile Creek - Upstream side of road culvert under the Bruce Highway adjoining Lot 2 on Plan CWL1212)	412 Kilolitres

** "Maximum release on any wet weather day" means releases may only occur when wet weather prevents irrigation as conditioned in Schedule F and wet weather storage tanks have reached capacity.

Discharge location details

(C4-2) The discharge location to One Mile Creek must be submerged such that the top of the outfall pipe is at least 0.5 metres under water at all times during discharge.

Stormwater management

(C5-1) 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.

Contaminant and sewage pump station

(C6-1) Contaminant pumping stations must be fitted with stand-by pumps and 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.

Tank conditions

(C7-1) All tanks used for the storage or treatment of contaminants, sewage or wastes at or on the authorised place must be constructed, installed and maintained:

- so as to minimise the likelihood of any release of effluent from the tanks to any waters (including ground water);
- so that releases from the wet weather storage tanks only occurs as a result of the tanks reaching capacity due to weather conditions preventing irrigation; and
- so that there is a minimum wet weather storage capacity of 1.5 Mega litres per 500 Equivalent Persons.

Release to Groundwater

(C8-1) A Groundwater Monitoring Program must be developed and implemented prior to the commencement of operations of the sewage treatment system, which will effectively detect the presence and extent of contamination of groundwater from the treated effluent irrigation area as detailed in Schedule F.

(C8-2) The Groundwater Monitoring Program required under C8-1 must be designed by a suitable qualified person and must include sufficient monitoring points and/or bores to obtain representative samples of groundwater both up-gradient and down gradient of the potential influence of the treated effluent irrigation area as detailed in Schedule F.

(C8-3) Prior to commencement of the operation of the treated effluent irrigation areas, background groundwater quality monitoring must be conducted at the monitoring bores identified in the Ground

Water Monitoring Program required under condition C8-1 to determine baseline ground water quality characteristics.

(C8-4) Groundwater monitoring must be undertaken and records kept of a monitoring program that detects any possible impacts on groundwater from releases of contaminants to the irrigation area. Groundwater monitoring must be undertaken at the frequency, and for the parameters specified in Schedule C - Table 4. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and
- carried out on samples that are representative of the groundwater.

Schedule C - Table 4 (Monitoring program)

Quality characteristics	Units	Frequency
Total Nitrogen (as N)	mg/L	Six Monthly*
Total Phosphorous (as P)	mg/L	
Ammonia (as N)	mg/L	
Nitrate (as N)	mg/L	
Nitrite (as N)	mg/L	
Total Kjeldahl Nitrogen (as N)	mg/L	
Faecal Coliform	Colony forming units per 100 millilitres	
pH	pH units	
Conductivity	Micro siemens / cm	

* Monitoring to be conducted biannually such as possible that both wet and dry seasons are represented.

(C8-5) Standing groundwater levels in metres must be measured and recorded on each occasion that samples are obtained. Such measurement must be reported as the depth in metres from an established reference point, relative to Australian Height Datum, to water surface within the bore.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

Noise monitoring

(D2-1) 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.

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

Waste handling

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

(E5-2) Records must be kept for five years, and must include the following information:

- date of pickup of waste;
- description of waste;
- cross reference to relevant waste transport documentation;
- quantity of waste;
- origin of the waste;
- destination of the waste; and
- intended fate of the waste, for example, type of waste treatment, reprocessing or disposal.

NOTE: Records of documents maintained in compliance with a waste tracking system established under the Environmental Protection Act 1994 or any other law for regulated waste will be deemed to satisfy this condition.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Land disposal

(F2-1) The only contaminants permitted to be released to land are treated effluents to the areas shown in Figure 1 Schedule I in compliance with the limits levels stated in Table 1 of the Land Schedule and the conditions of this authority.

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

	Release Limit		
Quality characteristics	Minimum	50th Percentile	Maximum
Suspended Solids			5 mg/L
5 Day - Biological Oxygen Demand			10 mg/L
Total Nitrogen		5 mg/L	10 mg/L
Total Phosphorous		1 mg/L	2 mg/L
Faecal Coliform		10 Colony forming units per 100ml	100 Colony forming units per 100ml
PH	6.5 pH units		8.5 pH units
Dissolved Oxygen	2 mg/L		

(F2-2) The irrigation of effluent must be carried out in a manner such that:

- vegetation is not damaged;
- soil erosion and soil structure damage is avoided;
- there is no surface ponding of effluent;
- percolation of effluent beyond the plant root zone is minimised;
- the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded; and
- the quality of ground water is not adversely affected.

(F2-3) Notices must be prominently displayed on any effluent irrigation area warning the public that the area is irrigated with effluent and not to use or drink the effluent. These notices must be maintained in a visible and legible condition.

(F2-5) Monitoring must be undertaken and records kept of a monitoring program of contaminant releases to the irrigation area at the monitoring points, frequency, and for the parameters specified in Schedule F - Table 2.

Schedule F - Table 2 (Monitoring program)

Monitoring point	Quality characteristics	Units	Frequency
Outlet from effluent storage tanks when a discharge occurs.	Suspended Solids	mg/L	Monthly
	5 Day - Biological Oxygen Demand	mg/L	Monthly
	Total Nitrogen	mg/L	Monthly
	Total Phosphorous	mg/L	Monthly
	Faecal Coliform	Colony forming units per 100 millilitres	Monthly
	pH	pH units	Weekly
	Dissolved Oxygen	mg/L	Weekly

(F2-6) 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.

(F2-7) When conditions prevent the irrigation of treated effluent to land (such as during or following rain events), the effluent must be directed to wet weather storage tanks.

(F2-8) The total quantity of treated effluent released to land for the purpose of irrigation via the release point listed in Schedule F Table 3, must not exceed the respective quantities stated for each release point in Schedule F Table 3 on any dry weather day.

Schedule F - Table 3

Maximum daily quantity of treated effluent released on any dry weather day*	
Release point	**Maximum daily release**
Outlet of effluent storage tank	620 Kilolitres

Notes: * "Dry weather day" means when conditions are such that irrigation will not result in surface ponding or runoff over the irrigation area.

Preventing contaminant release to land

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

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

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

(G1-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

(G1-2) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically, or the industrial estate where the site is located.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

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

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

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

"this authority" means this environmental authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994*.

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

"dust sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

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

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

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

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

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

"nuisance sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes.

and includes a place within the curtilage of such a place reasonably used by persons at that place.

"$L_{A\ 10,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

"$L_{A\ 1,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response

"noise affected premises" means a "noise sensitive place"or a "commercial place"

"noise sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area; or
- a park or gardens.

and includes the curtilage of such place.

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

"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.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

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

"Maximum" means that the measured value of the quality characteristics or contaminant must not be greater than the higher release limit stated.

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units

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

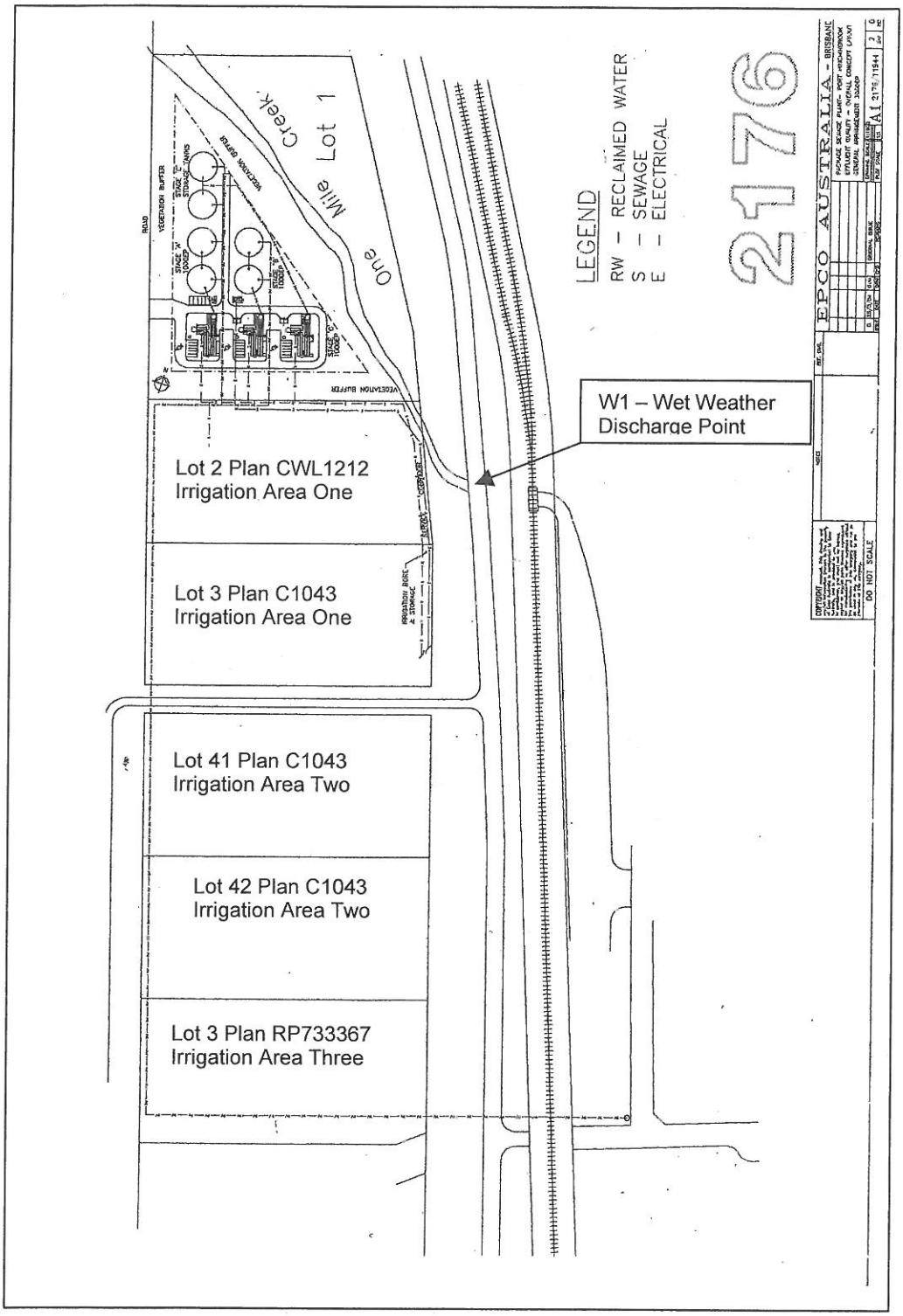
- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

Figure 1: Irrigation Area and Wet Weather Discharge Point



END OF CONDITIONS FOR SCHEDULE I

END OF DEVELOPMENT APPROVAL

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.