

Notice

Environmental Services

Decision — permit¹ application

This statutory notice is issued by the Department of Environment and Resource Management to advise of a statutory decision on a permit application under environmental and/or conservation legislation.

BK Haupty Pty Ltd
T/A Taylors Beach Holiday Park
22 Walker Street
TOWNSVILLE QLD 4810

Your reference : ENRE00622306
Our reference : 223793

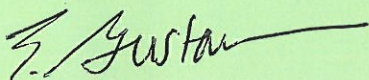
Re: Decision made in relation to your application under environmental legislation administered by the Department of Environment and Resource Management (DERM).

The Department of Environment and Resource Management has assessed your application for a Registration Certificate for ERA 63-(2A)(I) received on 16 December 2011 and wishes to advise you of the decision in regard to the application as specified below:

Application for	Reg Certificate No.	Decision
Registration under Environmental Protection Act 1994	ENRE00622306	Granted

Attached for your information is the relevant development approval that contains the conditions applicable to the activity for which this registration certificate has been issued.

If you require more information, please contact Jane Makowski, Principal Environmental Officer, on telephone 4722 5364.



Eric Gustavson
Delegate
Department of Environment and Resource
Management

Enquiries:

Env Ser – Regional Services - Northern – Tsv
Ph: (07) 4722 5211
Fax: (07) 4722 5351

Date: 04-JAN-2012

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions, or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00622306

This registration certificate is issued by the administering authority and takes effect from: 04-JAN-2012.

The anniversary day for the purposes of the Annual Return remains: 20 December.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following places; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

BK Haupt Pty Ltd
T/A Taylors Beach Holiday park
22 Walker Street
TOWNSVILLE QLD 4810

Development Approval Number:-

IPDE01335909 (formerly NR0562)

Place:-

Lot 2 Plan RP738512.

Located at:-

91 John Dory Street, TAYLORS BEACH QLD 4850.

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



Eric Gustavson
Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

04-JAN-2011



Item Id

14601925

NOR/

045300

Item Id

134

NOR/

Notice of decision - Change to an existing approval

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.33 of the Integrated Planning Act 1997 to advise of a decision or action.

Mr David Anderson
91 John Dory Street
TAYLORS BEACH QLD 4850

cc: Mr Dave Lee
Hinchinbrook Shire Council
PO Box 366
INGHAM QLD 4850

IPDE01335909

Our reference: 223793
(TSV4506)

Attention: David Anderson

Dear Mr Anderson,

Re: Application to change a condition of existing development approval ENCD00181105 (formerly NR0456DA)

The Environmental Protection Agency (EPA), acting as assessment manager, wishes to advise that your application to change conditions of your existing development approval [Permit Ref: ENCD00181105], received on 02-OCT-2006, has been assessed, and on 30 October 2006 was granted.

Your application has been approved to the extent detailed below:

Condition (Schedule F – Table 1) has been amended to change concentration release limits and limit type for Water Quality Characteristics Nitrogen and Phosphorus and remove the limit and monitoring for Dissolved Oxygen. The amended table is presented below.

MP 30/10/06

S:\Environmental Operations\Operations\Licensing\EPA_IPA\TSV4506 David Anderson - NR0562\Current Licence\ENCD00181105 Amendment Notice_301006.doc

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

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 766



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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

Discharge location	Monitoring Point	Quality characteristics	Release Limit				Monitoring frequency
			Concentration	Limit Type	Maximum	Limit Type	
Discharge to absorption bed	Outlet of storage tank	5 - day Biological Oxygen Demand	10 mg/L	Long term 80 th percentile compliance	10 mg/L	Long term 80 th percentile compliance	Monthly
Discharge to absorption bed	Outlet of storage tank	Suspended Solids	20 mg/L	Long term 80 th percentile compliance	30 mg/L	Long term 80 th percentile compliance	Monthly
Discharge to absorption bed	Outlet of storage tank	pH	6.5 – 8.5	Range	8.5	Range	Daily
Discharge to absorption bed	Outlet of storage tank	Total Nitrogen (N)	10 mg/L	50 th percentile	30mg/L	Maximum	Monthly
Discharge to absorption bed	Outlet of storage tank	Total Phosphorous (P)	5 mg/L	50 th percentile	15mg/L	Maximum	Monthly
Discharge to absorption bed	Outlet of storage tank	Faecal Coliforms (organisms/ 100ml)	10 colonies /100 mL	Median	4000 colonies /100 mL	Maximum	Monthly

The following definition has been added to Schedule H - Definitions to clarify the limiting type that will be used for the monitoring of wastewater.

“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 works.

The details of the original approval are:

Property/Location:

Street address - 91 John Dory Street TAYLORS BEACH QLD 4850
Lot/Plan - Lot 2 Plan RP738512

Currency period: Nil

The approved plan

The approved plan for this approval are listed in the following table –

Plan No.	Plan Name	Date
TMJ10420/C01 Revision C	Location of approved sewage treatment works and irrigation area	April 2002

MP 30/10/06

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.

Should you require any further information please contact Veronica Cavanough the project manager, on the telephone number listed below.

Yours sincerely

Mark Pease

Mark Pease

Delegate
Environmental Protection Agency

30-OCT-2006

Enquiries:

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5353
Fax: (07) 4722 5351

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 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.

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.
- (3) 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.
- (4) 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.

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.

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.

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.

4.1.37 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 -
 - (c) 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.

4.1.42 Notice of appeal to other parties (div 9)

- (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 4.1.31⁷³ 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.

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.

4.1.46 Minister entitled to be represented in an appeal involving a State interest

If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

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.





Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

FOLIO 62 TSV 2434
TSV200 3 9078
Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5211 Fax: (07) 4722 5222
www.env.qld.gov.au ABN: 87221158786

Notice of amended development application decision

Sections 3.5.11, 3.5.15 and 3.5.33 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.5.11, 3.5.15 and 3.5.33 of the Integrated Planning Act 1997, to advise you of a decision or action.

Enquiries to : Jasper Childs
Telephone : 4722 5353
Your reference : NR0456
Our reference : TSV2454

Michael Espe:
91 John Dory Street
TAYLORS BEACH QLD 4850

Attention: Mr Michael Espe,

Re: Application (No. NR0456DA) for development approval by Michael Espe for assessable activity to be carried out at a place situated at 91 John Dory Street, Taylors Beach

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: 47 225 353
Fax: 47 225 351

The Environmental Protection Agency, acting as assessment manager under the *Integrated Planning Act 1997* for your application, advises that the amended 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 15/5.05
Project Reference 223793
Development Approval # ENC000181105 IPDE01335907
Registration Certificate # NR0562
This version amended on _____
Cancelled/Surrendered/Transferred Date: _____
Continuing Registration # _____



Queensland Government

Environmental Protection Agency
Queensland Parks and Wildlife Service

Should you require any further information please do not hesitate to contact Jasper Childs on either phone 47 225 353.

Mark Pease

Signed

11/09/03

Date

Mark Pease

A/District Manager

Delegate of Administering Authority

Environmental Protection Act 1994

Entered/Validated in Ecomack _____
Project Reference _____
Development Approval # _____
Permit/Consent Certificate # _____
This version issued on _____
Consent/Authorisation/Transferred Date _____
Consent/Authorisation # _____



Amended development application decision notice

Section 3.5.11, 3.5.15 and 3.5.33 *Integrated Planning Act 1997*

This notice replaces the notice issued on 7 March 2003

Applicant:	Michael Espe
EPA Development Application number:	NR0456DA
Date application received by EPA:	28 August 2003
Date of decision:	September 2003
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and subordinate legislation
Jurisdiction:	Item 5 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

15(a) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 21 or more equivalent persons but less than 100 equivalent persons

at the following place(s):

Lot 2 on Plan RP738512

located at:

91 John Dory Street, Taylors Beach

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.

Changes to conditions

The amendment is to relocate the advanced secondary aerated wastewater treatment several meters to the west from the centre of the southern boundary of the premises to the far southwest corner of block. There are no changes to conditions from the previous amendment.

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.

Mark Pease
Signed

11/09/03
Date

Mark Pease
A/District Manager
Delegate of Administering Authority
Environmental Protection Act 1994



Conditions of the development approval

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

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

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

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

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

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

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

Maintenance of measures, plant and equipment

- (A2-1) The holder must:
- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
 - maintain such measures, plant and equipment in a proper and efficient condition; and
 - operate such measures, plant and equipment in a proper and efficient manner.



Site based management plan

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

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 'Guidelines For the Treatment and Management of Acid Sulfate Soils'.
- (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.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

- (B1-1) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance beyond the boundaries of the premises to which this development approval relates.
- (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.
- (B2-2) Exceedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.
- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR
 - 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 dust sensitive place downwind of the premises to which this development approval relates, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 '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.

M.P. 11/01/03



- (B2-3) 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 include:
- for a complaint alleging dust nuisance, dust deposition; and
 - for a complaint alleging adverse health effects caused by dust, the 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.
 - must be carried out a place(s) relevant to the potentially affected dust sensitive places and upwind control sites.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Release to waters

- (C3-1) Contaminants must not be released from the premises to which this development approval relates to any waters or the bed and banks of any waters.

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.

Treated effluent storage tanks

- (C6-2) 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.
- (C6-3) Storage tanks must be pumped out when they have reached 80% capacity. A minimum of 10 000 litres must be pumped out of the storage tank when the storage reaches 80% capacity.

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 sensitive place or any commercial place.
- (D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 at any noise sensitive place.

M.P. 11/01/02



Schedule D - Table 1

Time period	Noise level at a 'Noise sensitive place' measured as the Adjusted Maximum Sound Pressure Level $L_{A, \max \text{ adj } T}$
7am - 6pm	45 dB(A) or background noise level plus 5 dB(A), whichever is the greater
6pm - 10pm	40 dB(A) or background noise level plus 5 dB(A), whichever is the greater
10pm - 7am	35 dB(A) or background noise level plus 3 dB(A), whichever is the greater
Time period	Noise level at a 'Commercial place' measured as the Adjusted Maximum Sound Pressure Level $L_{A, \max \text{ adj } T}$
7am - 6pm	45 dB(A) or background noise level plus 10 dB(A), whichever is the greater
6pm - 10pm	40 dB(A) or background noise level plus 10 dB(A), whichever is the greater
10pm - 7am	35 dB(A) or background noise level plus 8 dB(A), whichever is the greater

(D1-3) Condition D1-2 applies if:

- there are complaints to the administering authority about the level of noise from any source in carrying out the environmentally relevant activities at authorised place; and
- the complaints are not frivolous or vexatious or based on mistaken belief.

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:

- $L_{A, \max \text{ adj } T}$
- 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 premises to which this development approval relates must be removed by a person who holds a current approval to transport such waste under the provision of the *Environmental Protection Act 1994*.

END OF CONDITIONS FOR SCHEDULE E

MR 11/01/03



Schedule F - Land

Land disposal

(F2-1) The only contaminants permitted to be released to land are treated effluent to the designated irrigation and absorption bed area shown in Schedule I (Drawing Number TMJ10420/C01 Revision C) in compliance with the limits levels stated in Schedule F Table 1 and the conditions of this authority.

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

Discharge location	Monitoring Point	Quality characteristics	Release Limit				Monitoring frequency
			Concentration	Limit Type	Maximum	Limit Type	
Discharge to absorption bed	Outlet of storage tank	5 - day Biological Oxygen Demand	10 mg/L	Long term 80 th percentile compliance	10 mg/L	Long term 80 th percentile compliance	Monthly
Discharge to absorption bed	Outlet of storage tank	Suspended Solids	20 mg/L	Long term 80 th percentile compliance	30 mg/L	Long term 80 th percentile compliance	Monthly
Discharge to absorption bed	Outlet of storage tank	pH	6.5 – 8.5	Range	8.5	Range	Daily
Discharge to absorption bed	Outlet of storage tank	Total Nitrogen (N)	5 mg/L	Maximum	N/A	N/A	Monthly
Discharge to absorption bed	Outlet of storage tank	Total Phosphorous (P)	5 mg/L	Maximum	N/A	N/A	Monthly
Discharge to absorption bed	Outlet of storage tank	Dissolved Oxygen	2mg/L	Minimum	N/A	N/A	Daily
Discharge to absorption bed	Outlet of storage tank	Faecal Coliforms (organisms/ 100ml)	10 colonies /100 mL	Median	4000 colonies /100 mL	Maximum	Monthly

Monitoring

(F2-2) Monitoring must be undertaken and records kept of contaminant releases to land from the discharge location for the parameters and not less frequently than specified in Schedule F 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.



- (F2-3) The discharge of effluent to absorption beds or to irrigation 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.
- (F2-4) Notices must be prominently displayed on any effluent irrigation and absorption bed 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 absorption bed area at the monitoring points, frequency, and for the parameters specified in Schedule F - Table 1.
- (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 and absorption of treated effluent to land (such as during rain events), alternative measures must be taken to store/dispose of effluent (such as wet weather storage or tankering of site).
- (F2-8) Irrigation and absorption of effluent must not result in runoff beyond the boundary of any designated release areas defined in Schedule I – Figure 1. There must not be any release of effluent from any wet weather storage.

Release for Irrigation

- (F3-1) The total quantity of contaminants released to irrigation via the release point listed in Schedule F – Table 3, must not exceed the respective quantity for the release point in Schedule F – Table 3 on any wet weather day or on any dry day.

Schedule F – Table 3

Maximum Permitted Quantity of Release		
Release Point	Maximum release on any wet weather day	Maximum release on any dry day
Treated effluent storage tank	4 000 Litres	12 000 Litres

- (F3-2) The daily volume of contaminants released for irrigation must be determined or estimated by an appropriate method, for example a flow meter, and records kept of such determinations and estimates.

M8 11/09/03



Preventing contaminant release to land

- (F4-2) 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 premises to which this development approval relates specifically, or the industrial estate where the premises to which this development approval relates is located.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

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.

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

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

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

"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.

M.P. 11/09/03



"protected area" means -

- a protected area under the Nature Conservation Act 1992; or
- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

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

"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

"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.

"Sewage" means waste composed of a number of streams including but not limited to grit, rags, nappies, other solids, greywater, Blackwater, trade wastes, other polluted waters, groundwater that infiltrates into sewers and illegal connection of stormwater to sewers.

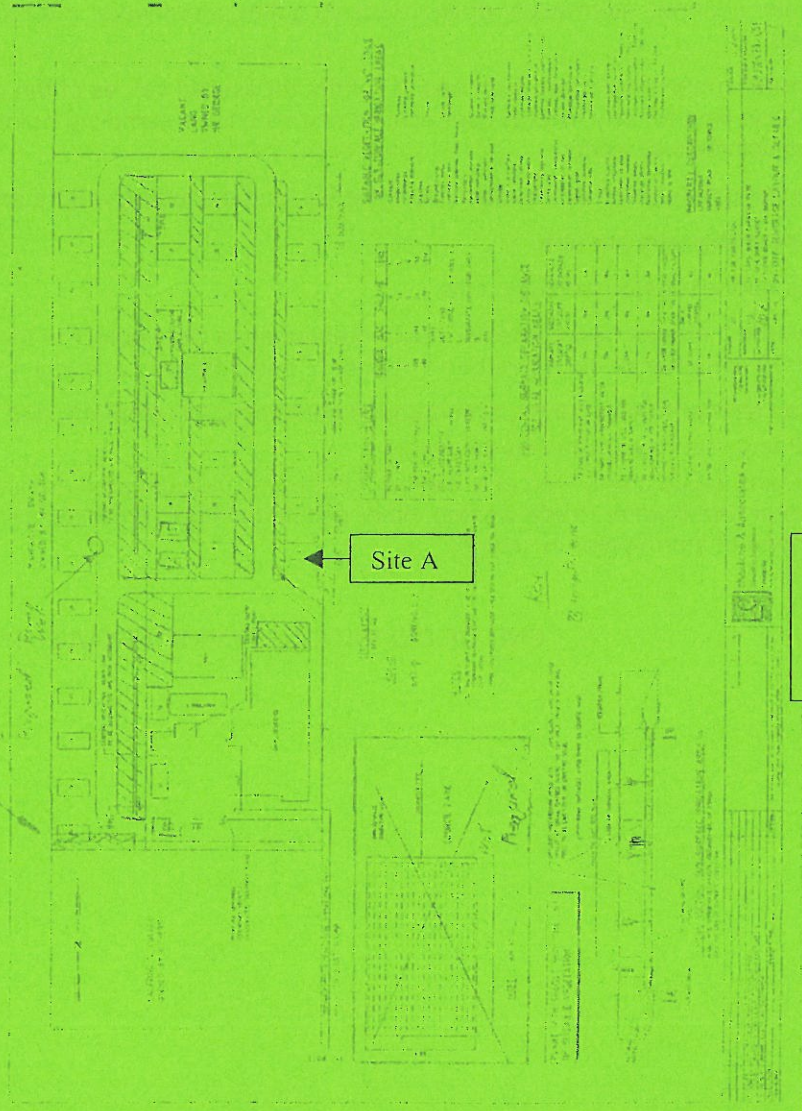
END OF DEFINITIONS FOR SCHEDULE H

M.P. 11/01/02



Schedule I - Maps / Plans

Location of approved sewage treatment works and irrigation area as shown on Drawing Number TMJ10420/C01
- Revision C - Dated April 2002.



END OF CONDITIONS FOR SCHEDULE I

END OF AMENDED DEVELOPMENT APPROVAL

Please check the plan !! (folio 17)

Proposed Sewage Treatment Works (STW) - 10/02/02

Proposed Irrigation Area - 10/02/02

M.P. 11/02/02



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 4.1.31⁷³ 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.

