

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00709607

This registration certificate is issued by the administering authority and takes effect from: 24 October 2012

The anniversary day for the purposes of the Annual Return: 21 July

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:-

Hamilton Island Enterprises Limited
Hamilton Island Resort
HAMILTON ISLAND QLD 4803

Place:

Lot 8 Plan CP861993

Located at:

Catseye Beach, HAMILTON ISLAND QLD 4803

Registered Activities:

ERA 16 Extractive and screening activities Threshold 1(a) - dredging, in a year, 1000t or 10000t of material

ERA 8 Chemical storage Threshold 3(a) - storing 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3

Place:

Lot 8 Plan CP861993

Located at:

Hamilton Island, WHITSUNDAYS QLD 4802

Registered Activities:

ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles

ERA 43 Concrete batching - producing 200t or more of concrete or concrete products in a



Registration certificate

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year, by mixing cement with sand, rock, aggregate or other similar materials
ERA 57 Regulated waste transport Threshold 2(a) - transporting regulated waste, other than
tyres, in 1 to 5 vehicles
ERA 63 Sewage treatment Threshold 2(c) - operating sewage treatment works, other than
no-release works, with a total daily peak design capacity of more than 1500 to 4000EP
ERA 64 Water treatment Threshold 1(a) - desalinating, in a day, 0.5ML to 5ML of water,
allowing the release of waste only to seawater

Place:

Lot 8 Plan CP861993

Located at:

No. 1 Front Street, HAMILTON ISLAND QLD 4803

Registered Activities:

ERA 49 Boat maintenance or repair - operating, on a commercial basis, a boat maintenance
or repair facility for maintaining or repairing hulls, superstructure or mechanical components
of boats or seaplanes, or cleaning or maintaining hulls in water at another place on a
commercial basis



Phillip Steer

A/Manager, Mackay - Rockhampton
Department of Environment and Heritage Protection
Environmental Protection Act 1994

24-10-2012

Notice

Change to a development approval

This notice is issued by the responsible entity pursuant to section 376 of the Sustainable Planning Act 2009.

Hamilton Island Enterprises Limited
Hamilton Island Resort
HAMILTON ISLAND QLD 4803
Attention: Mr Andy Trigg

Our reference: 225478 / CWR64816

Re: Request to change a development approval

1. The responsible entity received a request to change a development approval on 15 November 2012
2. **Details of the development approval for the original application**

Applicant: Hamilton Island Enterprises Limited

Assessment Manager ref: 225478

Date original application made or referred to the responsible entity: 03/10/2005

Development approval applied for: Development permit

Aspect(s) of development:

Assessable development	Responsible entity reference
Material change of use for an Environmentally Relevant Activity (ERA)	225478 / ENDCC00440405
Sustainable Planning Regulation 2009 – Schedule 3, Part 1, Table 2, item 1	

Activity: ERA 64 Water treatment Threshold 1(a) – desalinating, in a day, 0.5ML to 5ML of water, allowing the release of waste only to seawater.

Property/Location description(s): Hamilton Island, WHITSUNDAYS, QLD 4802, also known as Lot 8 on CP86193

Date of decision for the original application and development approval: 02/11/2005



Notice
Change to a development approval

3. The decision for the request to change a development approval made on 2 November 2011 is to approve the request with conditions.
4. The request to change condition (C1-1) Schedule C – Table 1 (Release Limits) of development permit ENDCC00440405 has been approved and is as follows:
Schedule C – Water
Original Condition

Schedule C – Table 1 (Release limits)

Monitoring point	Discharge location	Quality characteristics	Release Limit			Monitoring frequency	
			Minimum	50 th Percentile	80 th Percentile		Maximum
Prior to release	W1 on site map (see Schedule 1)	Conductivity				67,000 uS/cm	3 monthly

Amended Condition – remove columns “50th Percentile” and “80th Percentile”; and replace “67,000 uS/cm” with “85,000 uS/cm”

Schedule C – Table 1 (Release limits)

Monitoring Point	Discharge Location	Quality Characteristics	Release Limit		Monitoring Frequency
			Minimum	Maximum	
Prior to release	W1 on site map (see Schedule 1)	Conductivity	-	67,000 uS/cm	3 monthly

5. If this notice is given to the person who made the request, or to an entity that gave the responsible entity either a notice under section 373 of the *Sustainable Planning Act 2009* or a notice under section 368 (pre-request response notice), or if this notice is given by the responsible entity as a concurrence agency and the concurrence agency's decision is to refuse the request or approve the request on conditions, such person or entity may appeal against the decision and the attached extract from the *Sustainable Planning Act 2009* states how the person or entity may appeal.



Delegate
Phillip Steer
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Heritage Protection

Enquiries
Liz Clarke
Department of Environment and Heritage Protection
PO Box 63, MACKAY, QLD 4740
Phone: 07 4999 6984
Fax: 07 4999 6904
Email: liz.clarke@ehp.qld.gov.au

15.11.2012

Attachment(s)

Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

Section 3.3.16 and 3.3.18 Integrated Planning Act 1997

EPA Permit¹ number: IPCE00619107

EPA Permit¹ number:	IPCE00619107
Assessment Manager reference:	20070241
Date application received by EPA:	26 April 2007
Permit¹ Type:	Concurrence response for a material change of use involving an environmentally relevant activity
Date of Decision:	24 September 2007
Decision:	Granted in full with conditions
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description

Property	Lot/Plan	Aspect of Development
Hamilton Island Enterprises, HAMILTON ISLAND QLD 4803	Lot 8 Plan CP861993	ERA 70 Heliport - operating a facility for landing helicopters (other than a facility forming part of an aerodrome used for general aviation or for sole use in emergency circumstances)

Reasons for inclusion of development conditions

In accordance with section 3.3.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

Additional comments or advice about the application

Nil

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

Additional information for applicants

Contaminated Land

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

Environmentally Relevant Activities

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

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

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



Ricci Churchill
District Manager
Mackay District Office
Delegate
Environmental Protection Agency

Date: 24/9/07

CONDITIONS OF APPROVAL

Activity: ERA 70 Heliport - operating a facility for landing helicopters (other than a facility forming part of an aerodrome used for general aviation or for sole use in emergency circumstances).

Agency Interest: General

Prevent and/or minimise likelihood of environmental harm.

General 1: In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or minimise the likelihood of environmental harm being caused.

Maintenance Of Measures, Plant and Equipment.

General 2: The operator of an ERA to which this approval relates must:

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

Site Based Management Plan.

General 3: From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments,
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

General 4: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Equipment Calibration.

General 5: All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

Notification.

General 6: Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

General 7: Written advice must be provided within fourteen (14) days following any event as identified in condition "General 10" of the following information:

- the location of the event;
- the time of the event;
- the time the registered operator became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of environmental harm (including nuisance) caused by the event; and / or environmental harm (including nuisance) caused by the event;
- actions taken to mitigate any environmental harm caused by the release; and
- proposed actions to prevent a recurrence of the event.

Alterations.

General 8: No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided for by this approval.

Agency Interest: Air

Nuisance.

Air 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 at any nuisance sensitive or commercial place.

Dust Nuisance

Air 2: The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

Air 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

24/9/07

authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- a) for a complaint alleging dust nuisance, dust deposition; and
- b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

Air 4:

Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:

- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions);

OR

- b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air -Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'; or
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

Agency Interest: Land

Preventing contaminant release to land

Land 1: Contaminants must not be released to land.

Land 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

Agency Interest: Noise

Noise 1: Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

Agency Interest: Water

Release to waters

Water 1: Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Stormwater management

Water 2: Except as otherwise provided by the conditions of this development approval, the ERA must be carried out by such reasonable and practicable means necessary to prevent the contact of incident rainfall and stormwater runoff with waste or other contaminants.

Water 3: Any spillage of waste, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

Contaminant Releases Caused by Rainfall

Water 4: Erosion and sediment controls that minimise off-site removal of sediments and divert other stormwater from entering the site, must be provided and maintained during site construction works. Such measures must include, but not be limited to, diversion drainage works, siltation fences and temporary sediment traps.

Agency Interest: Waste

Waste handling.

Waste 1: All regulated waste removal 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*.

Agency Interest: Social

Complaint Response.

Social 1: The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- (a) Time, date, name and contact details of the complainant;
- (b) reasons for the complaint;
- (c) any investigations undertaken;
- (d) conclusions formed; and
- (e) any actions taken.

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

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

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

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

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

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

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

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

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

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

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

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

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

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

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

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"nuisance sensitive place" includes –

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

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

"protected area" means –

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

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

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

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently–

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

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

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Chief Executive Officer
Whitsunday Regional Council
PO Box 104
PROSERPINE 4800

CC: Hamilton Island Enterprises Limited
T/A Hamilton Island Resort
PO Box 156
HAMILTON ISLAND QLD 4803

Our reference: 225532
Your reference: 20070429

Attention: Ms Lee Glindemann

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 21 October 2008, has been assessed, and on 7 January 2009 it was granted with conditions.

1. Property/Location:

Street address - No. 1 Front Street HAMILTON ISLAND QLD 4803
Lot/Plan - Lot 8 Plan CP861993

2. Details of the recommendation

Aspect of Development

- Concurrence Response for a material change of use (MCU) involving an environmentally relevant activity (ERA).
- **ERA 49 – Boat maintenance or repair facility** (previously ERA 69 - Boat maintaining or repairing facility - operating a commercial facility for maintaining or repairing any type of boat or inboard or outboard marine engine).

Recommendation

- Granted in full with conditions

EPA Ref Number

- IPCE01240808

3. Currency period

This approval will lapse unless substantially started within the currency period/s set by the Assessment Manager.

4. Codes for self-assessable development

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

5. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by Whitsunday Regional Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Mackay Office, PO Box 623, MACKAY QLD 4740 and an electronic copy to Kathy.cant@epa.qld.gov.au.

In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

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

Yours sincerely


Odette Langham
Delegate
Environmental Protection Agency
07-JAN-2009

Enquiries:
ES - Reg Serv - Whitsunday Coalfields - Mackay
PO Box 623
MACKAY QLD 4740
Phone: (07) 4944 7812
Fax: (07) 4944 7836

Section 3.3.16 and 3.3.18 Integrated Planning Act 1997

EPA Permit¹ number: IPCE01240808

EPA Permit¹ number:	IPCE01240808
Assessment Manager reference:	20070429
Date application received by EPA:	21 October 2008
Permit¹ Type:	Concurrence Response for a material change of use (MCU) involving an environmentally relevant activity (ERA)
Date of Decision:	7 January 2009
Decision:	Granted in full with conditions
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

Development Description

Property	Lot/Plan	Aspect of Development
No. 1 Front Street, HAMILTON ISLAND QLD 4803	Lot 8 Plan CP861993	ERA 49 – Boat maintenance and repair facility (formally ERA 69 - Boat maintaining or repairing facility - operating a commercial facility for maintaining or repairing any type of boat or inboard or outboard marine engine.)

Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

- 1) The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994.
- 2) Any development conditions placed on this permit¹ for an environmentally relevant activity are in accordance with section 73B of the Environmental Protection Act 1994.

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

21/1/09

Additional information for applicants

Contaminated Land

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

Environmentally Relevant Activities

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

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

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



Odette Langham
Delegate
Environmental Protection Agency
07-JAN-2009

CONDITIONS OF APPROVAL

Activity: ERA 49 - Boat maintenance or repair - (the **relevant activity**) consists of operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components of boats or seaplanes.

Agency Interest: General

Prevent and/or minimise likelihood of environmental harm.

G1: In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or minimise the likelihood of environmental harm being caused.

Maintenance Of Measures, Plant and Equipment.

G2: The operator of an ERA to which this approval relates must:

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

Records.

G3: Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G4: All records required by this approval must be kept for 5 years.

Site Based Management Plan.

G5: From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments,
- (i) Staff training.
- (j) Record keeping
- (k) Periodic review of environmental performance and continual improvement.

G6: The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

Notification.

G7: Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

Information About Spills

G8: A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition "G 7":

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

Monitoring

G9: A competent person(s) must conduct any monitoring required by this approval.

Spill Kit

G10: An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

Spill Kit Training

G11: Anyone operating under this approval must be trained in the use of the spill kit.

Equipment Calibration.

G12: All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

Agency Interest: Air

Nuisance.

A1: The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

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7/11/09*

Dust nuisance

- A2:** The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.
- A3:** When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- a) for a complaint alleging dust nuisance, dust deposition; and/or
 - b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.
- A4:** Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
 - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method'; or
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

Agency Interest: Land

Preventing Contaminant Release To Land

- L1:** Contaminants must not be released to land.
- L2:** 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.*
- L3:** Any spills of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Spills must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or other materials to any stormwater drainage system, roadside gutter or waters.

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Agency Interest: Noise

Noise Nuisance

N1: Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

Agency Interest: Social

Complaint Response

S1: The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken

Agency Interest: Waste

W1: Any loss or spillage of regulated wastes must be cleaned up forthwith.

Regulated Waste Disposal

W2: Regulated wastes must be disposed of at an appropriately registered regulated waste disposal facility.

Waste handling.

W3: All regulated waste removal 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*.

Agency Interest: Water

Release to Waters

WA1: Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Stormwater Management

WA2: 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

08/11/09

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

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

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

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

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

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

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

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

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

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

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

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

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

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

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

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

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"nuisance sensitive place" includes –

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

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

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

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

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS

02/11/09



Licence Without Development Approval (Section 93) Part

This part is for the carrying out of a level 1 environmentally relevant activity without a development approval, under chapter 4, part 3, division 2, subdivision 1 of the Environmental Protection Act 1994.

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 authority.

NOTE: This authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority 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.

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.

(A5-2) 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.
- Irrigation management plan as detailed in condition (F6)

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.



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 record of equipment failures or events that have caused environmental harm or have potential to cause environmental harm must be 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

(A9) Notify the administering authority as soon as practicable when the release of contaminants is not in accordance with the conditions of this document or any event where environmental harm may be caused.

Integrated Environmental Management System (IEMS)

(A9-1) Prior to the commencement of any environmentally relevant activity ('the activities') under this environmental authority, the holder of this environmental authority must:

- develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and
- implement and maintain the IEMS from the commencement of carrying out the activities.

(A9-2) The IEMS must provide for at least the following functions:

- Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least:
 - The environmental policy of the holder, so that all persons that carry out the activities are aware of all relevant commitments to environmental management; and
 - Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and
- Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and
- Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation); and
- Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and
- Effective communication to ensure two-way communication on environmental matters between operational staff and higher management;
- Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and
- Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
- Conducting assessment of the environmental impact of any release of contaminants into the environment;

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- Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than annually; and
- Waste prevention, treatment and disposal; and
- A program for continuous improvement.

(A9-3) The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out the activities.

(A10) Written advice of the following information must be provided within fourteen (14) days following any event as identified in condition number (Notification A9):

- the location of the event;
- the time of the event;
- the time the holder of the environmental authority became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of the event;
- actions taken to mitigate any environmental harm and or environmental nuisance caused by the event; and
- proposed actions to prevent a recurrence of the event.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Fabric Filter Dust Collector (FFDC) (Concrete Batching Plant).

- (B1) All contaminants leaving the cement /fly ash silo must be treated in a fabric filter dust collector (FFDC).
- (B2) All collected material removed from the FFDC must be removed and disposed of in a manner that will not cause the release of contaminants to the atmosphere or to waters.

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.

END OF CONDITIONS FOR SCHEDULE B

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Schedule C - Water

Release to waters

- (C1) Compliance with the levels specified in Schedule C Table 1 must be achieved by a date no later than 1 November 2003. Prior to 1 November 2003 releases of contaminants must comply with Schedule C Table 2.

SCHEDULE C TABLE 1 - RELEASE QUALITY CHARACTERISTIC LIMITS

Sampling point	Release point	QUALITY CHARACTERISTICS	RELEASE LIMIT	LIMIT TYPE
Chlorine contact tank outlet	W1	5-day Biochemical Oxygen Demand	10mg/l	80th percentile
Chlorine contact tank outlet	W1	5-day Biochemical Oxygen Demand	20mg/l	maximum
Chlorine contact tank outlet	W1	Suspended Solids.	15mg/l	80th percentile
Chlorine contact tank outlet	W1	Suspended Solids.	30mg/l	maximum
Chlorine contact tank outlet	W1	pH	6.5 - 8.5	range
Effluent collection well	W1	Dissolved Oxygen	2 mg/L	minimum
Chlorine contact tank outlet	W1	Free Residual Chlorine	0.7(mg/L)	maximum
Chlorine contact tank outlet	W1	Ammonia	1(mg/l)	max.
Chlorine contact tank outlet	W1	Total Nitrogen	5(mg/l)	max.
Chlorine contact tank outlet	W1	Total Phosphorus as P.	1(mg/l)	max.
Chlorine contact tank outlet	W1	Faecal Coliforms(Organisms/100mL)	1000 colonies per 100 millilitres	median ⁽¹⁾
Chlorine contact tank outlet	W1	Faecal Coliforms (Organisms/100mL)	4000 colonies per 100 millilitres	80th percentile ^(1,2)

Notes:

- (1) Median and 80th percentiles must be based on the results of at least five consecutive samples, individual samples may be collected at intervals specified in Schedule C Table 3
- (2) "80th percentile" for this quality characteristic means that the measured values of the quality characteristic must not be greater than the limit for any more than one out of five consecutive samples.

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SCHEDULE C TABLE 2 - RELEASE QUALITY CHARACTERISTIC LIMITS

Sampling point	Discharge Location	QUALITY CHARACTERISTICS	RELEASE LIMIT	LIMIT TYPE
Chlorine contact tank outlet	W1	5-day Biochemical Oxygen Demand	10 mg/L	60th percentile
Chlorine contact tank outlet	W1	5-day Biochemical Oxygen Demand	20mg/L	maximum
Chlorine contact tank outlet	W1	Suspended Solids.	15mg/L	60th percentile
Chlorine contact tank outlet	W1	Suspended Solids.	30 mg/L	maximum
Chlorine contact tank outlet	W1	pH	6.5 - 8.5	range
Chlorine contact tank outlet	W1	Dissolved Oxygen	2 mg/L	minimum
Chlorine contact tank outlet	W1	Ammonia	1(mg/l)	60th percentile
Chlorine contact tank outlet	W1	Ammonia	2(mg/l)	maximum
Effluent collection well	W1	Total Nitrogen	10(mg/L)	60th percentile
Chlorine contact tank outlet	W1	Total Nitrogen	20(mg/l)	maximum
Chlorine contact tank outlet	W1	Total Phosphorus as P.	2(mg/l)	60th percentile
Chlorine contact tank outlet	W1	Total Phosphorus as P.	5(mg/l)	maximum
Chlorine contact tank outlet	W1	Free Residual Chlorine	0.7(mg/L)	maximum
Chlorine contact tank outlet	W1	Faecal Coliforms(Organisms/100mL)	1000 colonies per 100 millilitres	median ⁽¹⁾
Chlorine contact tank outlet	W1	Faecal Coliforms (Organisms/100mL)	4000 colonies per 100 millilitres	80th percentile ^(1, 2)

Notes:

(1) Median and 80th percentiles must be based on the results of at least five consecutive samples, individual samples may be collected at intervals specified in Schedule C Table 3

(2) "80th percentile" for this quality characteristic means that the measured values of the quality characteristic must not be greater than the limit for any more than one out of five consecutive samples.

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Discharge location details

- (C2) Contaminants must only be released to waters from the discharge location W1.
Discharge Location W1 - namely release of treated sewage effluent from Hamilton Island STP to waters described as Dent Passage, Coral Sea, at a location described as adjacent to the treatment plant
- (C3) The discharge location W1 must be submerged such that the top of the outfall pipe is at least 20 metres below Low Water Datum.

Monitoring

- (C4) Monitoring must be undertaken and records kept of contaminant releases to waters from the final contact tank for the parameters and not less frequently than specified in Schedule C Table 3. All determinations of the quality of contaminants released must be:
- made in accordance with methods prescribed in the latest edition of the Environmental Protection Agency Water Quality Sampling Manual; and
 - carried out on samples that are representative of the discharge.

SCHEDULE C - TABLE 3 MONITORING FREQUENCY

QUALITY CHARACTERISTIC DETERMINATION	MONITORING POINTS	FREQUENCY
5-day Biochemical Oxygen Demand.	Chlorine Contact tank Outlet	monthly
Suspended Solids.	Chlorine Contact tank Outlet	monthly
pH.	Chlorine Contact tank Outlet	daily
Dissolved Oxygen.	Chlorine Contact tank Outlet	daily
Free Residual Chlorine.	Chlorine Contact tank Outlet	Monthly
Faecal Coliforms. (Organisms/100 ml)	Chlorine Contact tank Outlet	quarterly
Ammonia (mg/l)	Chlorine Contact tank Outlet	Monthly
Total Nitrogen (mg/l)	Chlorine Contact tank Outlet	Monthly
Total Phosphorous as P (mg/l)	Chlorine Contact tank Outlet	Monthly

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- (C3) The total quantity of contaminants released to waters via the release point W1, must not exceed the respective quantities stated for the release point in Schedule C - Table 4 on any dry weather day or on any one day.

Schedule C - Table 4

Maximum permitted quantity of release		
Release point	Maximum release on any dry weather day	Maximum release on any one day
W1	1500 cubic meters	4500 cubic meters

- (C4) 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.

Stormwater management

- (C7) 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

- (C8) 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.
- (C9) Pump failure alarms must be detectable by the maintenance staff, in such a manner as to facilitate compliance with general environmental duty. All alarms must be able to operate without mains power.
- (C10) A list of pump stations associated with this schedule of the integrated environmental authority must be maintained by the holder of this integrated environmental authority and be made available to the administrative authority when requested.

Pond conditions

- (C11) All ponds used for the storage or treatment of contaminants, sewage or wastes at or on the authorised place must be constructed, installed and maintained:
- so as to minimise the likelihood of any release of effluent through the bed or banks of the pond to any waters (including ground water);
 - so that a freeboard of not less than 0.5 metres is maintained at all times, except in emergencies; and
 - so as to ensure the stability of the ponds' construction.

- (C12) 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.

Erosion and sediment control

- (C13) Earthworks and clearing on site must have regard for the best practice Erosion/sediment control and may be carried out in accordance with and Erosion and Sediment Control Plan developed as part of the IEMS required by condition A9-1.

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.

END OF CONDITIONS FOR SCHEDULE D

Schedule E – Waste

(E1) Sludge drying beds and a hardstand area for Biosolids (dewatered sewerage sludge) must be developed to achieve the following:

- (1) prevention of leachate release to ground water
- (2) diversion of uncontaminated stormwater
- (3) control and capture of incidental stormwater
- (4) capture of and disposal of incidental stormwater to appropriate facilities to meet the limits set in Schedule F table 1.

(E2) Biosolids (dewatered sewerage sludge) from the sludge drying beds must be removed by a licensed contractor to a place licensed to accept the waste, except where reuse of the biosolids is to be undertaken on site.

(E3) Where reuse of the Biosolids (dewatered sewerage sludge) is to be undertaken conditions (E4) to (E11) apply.

for the use of sewerage sludge (pathogenic waste) for soil conditioner

(E4) All dewatered sewage sludge to be disposed of at the licensed place must meet the acceptance criteria specified in table 1 of this schedule.

Contaminant	Mg/Kg (Dry Weight)
Arsenic	20
Cadmium	3
Chromium (total)	100
Copper	100
Lead	150
Mercury	1
Nickel	60
Selenium	5
Zinc	200

Schedule E Table 1 - Contaminant Acceptance Concentration Thresholds

(E5) Any dewatered sewage sludge must be tested to confirm that the accepted material complies with the respective limits for each quality characteristic specified in Schedule E - Table 1 prior to being accepted at the licensed place. The sample obtained to determine compliance with Schedule E: - Table 1 must:

- (i) Be taken each year.
- (ii) Be > than 5 litres in volume.
- (iii) Be comprised of 5 sub samples of approximately equal size.



(iv) Sub samples must be obtained by digging holes at equal intervals along the mid height of the heap of material to a depth of approximately 400 mm.

(E6) The composting process must be undertaken with sufficient number of turning cycles and generate such heat to achieve pathogen destruction in order to comply with the levels set in Table 2 of this schedule.

(E7) To facilitate the destruction of pathogens, all materials being composted must be subjected to a pasteurising temperature of either:

- (i) not less than 55°C for three (3) consecutive days; or
- (ii) between 50°C and 55°C for twelve (12) days.

Schedule E Table 2 - Quality Characteristics

QUALITY CHARACTERISTICS	QUALITY CHARACTERISTICS LIMIT
Enteric viruses	< 1 PFU per 4 grams total solids
Helminth ova (Ascaris sp. and Taenia sp.)	< 1 per 4 grams total solids
E. coli (MPN/gram)	<100
Faecal coliforms (MPN/gram)	<1000
Salmonella sp.	Not Detected/50 grams of final product

Note: PFU - Plaque-forming unit
MPN means Most Probable Number

(E8) Each finished stockpile containing pathogenic waste (dewatered sewage sludge) product must be monitored to confirm that the pathogenic waste product complies with the respective limits for each quality characteristic specified in Schedule E - Table 2. The sample obtained to determine compliance with Schedule E: - Table 2 must:

- (i) Be taken for each 100m³ of material.
- (ii) Be > than 5 litres in volume.
- (iii) Be comprised of 5 sub samples of approximately equal size.
- (iv) Sub samples must be obtained by digging holes at equal intervals along the mid height of the heap of material to a depth of approximately 400 mm.

(E9) All products derived from composting activities must not exceed the quality characteristics listed in Schedule E, Table 2.

(E10) Records of results and determinations must be kept and provided to the administering authority with the annual return.

(E11) A management plan for land application of biosolids must be prepared to meet the following conditions:

1. Biosolids must not be stored on the application site.
2. All biosolids must be incorporated into the soil within 36hrs or receipt at the site.
3. Biosolids must be spadeable.
4. Land application times and practices according to prevailing weather conditions must be detailed.
5. Buffer zones to waterbodies and sensitive receiving environments must be determined to prevent release to sensitive receiving environments.
6. Contaminants must not be directly or indirectly released from any application site to the bed and banks of any waters.

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(E12) The Management plan detailed in condition (E11) must be implemented and maintained.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Land disposal

(F1) The only contaminants permitted to be released to land are treated effluents and stormwater to the areas shown in the Irrigation Management Plan in compliance with the limits levels stated in Table 1 of the Land Schedule and at the frequency specified in Schedule F Table 2 of this authority.

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

Quality characteristics	Release Limit				Median
	Minimum	50th Percentile	80th Percentile	Maximum	
5-Day Biological Oxygen Demand			15mg/l	45 mg/L	
Suspended Solids			20mg/l	30 mg/L	
Faecal Coliforms				1000 Colonies per 100ml	100 Colonies per 100ml

Notes:

(1) Median and 80th percentiles must be based on the results of at least five consecutive samples, individual samples must be collected at intervals specified in Schedule F Table 2

(2) "80th percentile" for this quality characteristic means that the measured values of the quality characteristic must not be greater than the limit for any more than one out of five consecutive samples.



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

Schedule F - Table 2 (Frequency - 'Land')

Monitoring point	Quality characteristic Determination	Units	Frequency
Release point to irrigation system following chlorination	5-Day Biological Oxygen Demand	mg/L	Monthly
Release point to irrigation system following chlorination	Suspended Solids	mg/L	Monthly
Release point to irrigation system following chlorination	Faecal Coliforms	Colonies per 100 millilitres	Quarterly

(F3) 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.

(F4) When conditions prevent the irrigation of treated effluent to land (such as during or following rain events), alternative measures must be taken to store effluent (such as wet weather storage) prior to any discharge to waters.

(F5) Irrigation of treated effluent must not result in run-off beyond the boundary of any irrigation areas defined in the Irrigation Management Plan specified in condition (F6). There must not be any release of effluent from any wet weather storage.

(F6) By 1 February 2003, effluent must only be dispersed to land that are subject to an implemented and maintained irrigation management plan, which achieves the following outcomes:

- (a) efficient application of effluent utilising best practice methods;
- (b) control of sodicity in the soil;
- (c) minimal degradation of soil structure;
- (d) control of the build up of nutrients and heavy metals in the soil and subsoil from effluent and other sources;
- (e) prevention of subterranean flows of effluent to waters;
- (f) prevention of impacts on the groundwater resource through infiltration;
- (g) prevention of the run-off of effluent by limitation of application rates;
- (h) prevention of surface ponding in areas accessible to the general public;
- (i) prevention of spray drift or over spray from effluent disposal areas;
- (j) prevention of damage to native vegetation;
- (k) provides prominent signage, in areas irrigated with effluent and which are accessible to the public, advising the effluent should not be consumed or used;
- (l) Maximises health and safety protection in relation to effluent handling and irrigation;
- (m) Defines effluent irrigation area.



(F7) A copy of the irrigation management plan must be provided to the administering authority by 1 March 2003.

(F9) Notwithstanding the quality characteristic limits specified in Schedule F Table 1 the contaminants supplied to another party must not have any properties nor contain any organisms or contaminants in concentrations, which are capable of causing environmental harm.

Preventing contaminant release to land

(F9) 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.

END OF CONDITIONS FOR SCHEDULE G

End of Licence Without Development Approval (Section 93) Part

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.

"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*

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"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

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

"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.

Made 11/4/03



"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.

"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 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.

"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

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"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.

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"infectious waste" means "clinical waste"

"vibration sensitive place" means a noise sensitive place or a commercial place.

"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.

Made 14/03



END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF INTEGRATED AUTHORITY

Made 11/4/03

Referral Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrence agency response) and section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Mr. John Finlay
Chief Executive Officer
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Attention: Simon Aalbers
Fax: 07 4945 0222

cc. Hamilton Island Enterprises Limited
PO Box 156
Hamilton Island QLD 4803

Attention: Bruce Absolon
Fax: 07 4948 9570

FAXED
21/5/10

Our reference: 225532\ IC0410MKY0010\
SPCE00348510

Re: Referral Agency Response

1. Application Details

Assessment Manager ref.: 20100150

Date application referred to DERM:

12 April 2010

Date response to information request received by:

20 May 2010

Development approval applied for:

Development Permit, Material Change of Use – Environmentally Relevant Activity 16 Threshold 1(a) and Operational Work

Aspects of development:

Material change of use - Environmentally relevant activities, *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 1

Operational work - Tidal works, or development in a coastal management district, *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 13

Various aspects of development - Acid sulfate soils, *Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 3

Property/Location description:

Lot 16 HR1923 and Part of Lot 8 CP861993
Catseye Island and Groyne Hamilton Island

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response, for each of the concurrence agency referral jurisdictions for the aspects of development involved with the application advises the assessment manager as follows.
 - (a) Material(i) Conditions must attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction.
 - (b) Operational work - Tidal works, or development in a coastal management district, *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 13.
 - (i) Conditions must attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction.
3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for each of the advice agency referral jurisdictions for the aspects of development involved with the application is to recommend to the assessment manager as follows.
 - (a) Various aspects of development - Acid sulfate soils, *Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 3.
 - (i) The advice agency has included advice for the assessment manager to consider in deciding the application.
4. Additional advice to assessment manager and applicant

Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage

5. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at DACoordinationMackay@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Also included with this information request is further advice based on an internal assessment of the development currently proposed. This advice is provided at this stage to assist you in responding to the information request. This advice may also change if the development is altered.



Delegate
Jacki Wirth
Manager, Regional Planning and Coordination
Department of Environment and Resource Management

21 May 2010

Enquiries:
Weddeena Smith
Department of Environment and Resource
Management
PO Box 63, MACKAY QLD 4740
Phone: 07 4967 0747
Fax: 07 4957 3747
Email: DACoordinationMackay@derm.qld.gov.au

Attachments

Referral Agency Response – Environmentally relevant activity (Concurrence Agency) and Coastal management district (Concurrence Agency)

Referral Agency – Acid sulfate soils (Advice Agency)

SPCE00348510

CONDITIONS OF APPROVAL**Condition for: ERA 16 Extractive and screening activities Threshold 1(a) - dredging, in a year, 1000t to 10000t of material**

Agency Interest: General

A1G1 Scope.

This development approval authorises the dredging of a maximum 20,000 cubic metres of terrestrial material to remove a man-made island lot 8 CP861993 and groyne as shown on Drawing No. SKCW.001 Rev. B, attachment A.

A1G2 Access to the beach.

Only a single entry access point to the beach is permitted, shown as 'Access' on Drawing No. SKCW.001 Rev. B, attachment A.

A1G3 Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

A1G4 Activity Based Management Plan.

From commencement of an ERA to which this approval relates, an activity based management plan (ABMP) must be implemented. The ABMP 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 ABMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The ABMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.

(k) Periodic review of environmental performance and continual improvement.

A1G5 The activity based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

A1G6 Notification.

Telephone the DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

A1G7 Information About Spills.

A written notice detailing the following information must be provided to the DERM within 14 days of any advice provided in accordance with condition A1G4:

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

A1G8 Spill Kit.

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

A1G9 Spill Kit Training.

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

Acid Sulphate Soils.

A1G10 If acid sulphate soils are found to be present through testing of areas subject to excavation in accordance with the requirements of State Planning Policy 2/02, then the works must be managed to prevent release of acidic drain water to any natural waters and comply with procedures outlined in the current version of the Queensland Acid Sulphate Soils Technical Manual Soil Management Guidelines.

A1G11 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters. In the event of severe weather events, including but not limited to high rainfall, flooding and cyclone, acid sulfate soils must be managed to ensure these soils and associated contaminated waters are not discharged from the site.

A1G12

Excluding rock, all excavated material should be placed in a bunded area as shown in Drawing SKCW.001 Revision A., with an impervious base until tested to determine if it contains acid sulfate soils. Should the excavated material contain acid sulfate soils treatment would be required before

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final placement at the island quarry.

A1G13

Stockpiling and treatment areas to be located at a minimum of 50m from any surface waters. Stockpiles and treatment areas must be managed as per the *Queensland Acid Sulfate Manual*. The risks of stockpiling ASS is high and should be undertaken as a short term activity (time frames to be implemented as per *Queensland Acid Sulfate Manual*).

A1G14

Records and proof must be kept of the treatment rates, validation results and fine agricultural lime required to neutralise the maximum amount of existing and potential soil acidity that could be generated as a result of the disturbance. These records must be provided to the Department as requested.

A1G15 Maintenance Of Measures and Equipment.

The operator of an ERA to which this approval relates must:

- (a) install all measures and equipment necessary to ensure compliance with the conditions of this approval; and
- (b) maintain such measures and equipment in a proper and efficient condition; and
- (c) operate such measures and equipment in a proper and efficient manner.

A1G16 Records.

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

A1G17 All records required by this approval must be kept for 5 years.

Agency Interest: Air

A1A1 Dust Nuisance.

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

A1A2 Nuisance.

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

A1A3 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- a) for a complaint alleging dust nuisance, dust deposition; and
- b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

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- A1A4** Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
- (a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
 - (b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or
 - any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

Agency Interest: Land

- A1L1** Preventing Contaminant Release To Land.
- Contaminants must not be released to land.

Agency Interest: Noise

- A1N1** Noise Nuisance.
- Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place
- A1N2** All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place.

Table 1 - Noise limits

Noise level (dB(A) measured as)	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
Noise measured at a Noise sensitive place						
LA10, adj, 10 mins	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0
LA1, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
Noise measured at a Commercial place						
LA10, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5
LA1, adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10

- A1N3** Noise Monitoring.

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

Monitoring must include:

[- airblast overpressure (dB (Lin) Peak);]

- LA 10, adj, 10 mins

- LA 1, adj, 10 mins

- the level and frequency of occurrence of impulsive or tonal noise;

- atmospheric conditions including wind speed and direction;

- effects due to extraneous factors such as traffic noise; and

- location, date and time of recording.

A1N4 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.

Agency Interest: Social

A1S1 **Complaint Response.**

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken.

Agency Interest: Waste

A1W1 **Waste Handling.**

All waste generated in carrying out the activity must be disposed at a facility that can lawfully accept that waste.

SPCC 00348410

OPERATIONAL WORK- FOR TIDAL WORKS OR WORK WITHIN A COASTAL MANAGEMENT DISTRICT

Operational Works

1. Construction activities must only be carried out in accordance with the attached drawings No. SKCW.001 Rev. B, attachment A. to return a tidal area to its original state, and reinstate natural beach nourishment processes. The works must be conducted on a low tide.
2. Access to the beach is only permitted via a single point shown as 'Access' on Drawing No. SKCW.001 Rev. B, attachment A.
3. Erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment in accordance with the erosion and sediment control plan prepared by Cardno and dated 6 May 2010 and in accordance with the Queensland Water Quality Guidelines and EPA Best Practice Environmental Management Guidelines
4. Oil boom and sediment fences must be monitored for wildlife by a qualified professional immediately after every tide is receding to ensure that no harm is being cause to any marine species, that might be caught in the treatment devices.

ce. 21/5/10

5. Oil boom and sediment fences must be clean up after every tide is receding to ensure minimal turbidity on the next incoming tide.
6. All reasonable and practicable measures must be taken to prevent pollution of the waterway as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.
7. The disturbance to the bed and banks of the waterway is to be kept to a minimum.
8. Any material or any debris that falls or is deposited outside of the alignment of the works shown on the approved plans must be removed prior to the practical completion of the works.
9. The works must comply with all relevant codes – including the Department's operational policy, *Building and engineering standards for tidal works*.
10. All wastes shall be collected and disposed of at an appropriate lawful facility.
11. Following completion of operational works you must, within one (1) month of the date of practical completion of the works, submit to the Department a letter from a Registered Professional Engineer of Queensland certifying that the works (including any other associated works) have been constructed in accordance with the approved drawings and these conditions and that the works are structurally adequate for anticipated usage; comply with all relevant codes – including the Department's operational policy, *Building and engineering standards for tidal works*; and that the bed and banks of the waterway for a distance of 50 metres around the site of the works are stable and clear of all debris.

Rehabilitation

12. All disturbed areas must be rendered erosion resistant by turfing, mulching, or otherwise suitably stabilised within 15 days of completion of earthworks.
13. The applicant is to provide a report within one (1) month of the date of practical completion of the works, prepared and certified by a suitably qualified professional that demonstrates to the satisfaction of the assessment manager that the development has re-established:
 - a) Landforms and coastal processes, including rehabilitation of beds and banks
 - b) Vegetation native to the locality and instream habitats.



Signature

Date

21/3/10

Vicki Coburn
Delegate of the Administering Authority

Enquires: Aurea Jaime-Sanchez
DERM Central Region Mackay
Level 1, 30 Tennyson Street
POBox 623 Mackay QLD 4740
Ph 07 49447812

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

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

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

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

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

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

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

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

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

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

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

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

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

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

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

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

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

"mg/L" means milligrams per litre.

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

"NTU" means nephelometric turbidity units.

"nuisance sensitive place" includes –

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

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

"ponded pasture" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

"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.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

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

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

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

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

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

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works.

END OF CONDITIONS

Referral Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Acid Sulfate Soil (Advice Agency)

The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application provides the following advice for the assessment manager to consider in deciding the application.

State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02) and its associated guideline apply to this development. SPP 2/02 is triggered where the development will involve:

- excavations at or below 5m AHD of 100 m³ or more of material; or
- filling of land at or below 5m AHD with an average depth of 0.5m or more, with 500m³ or more of material.

Furthermore, under the integrated development assessment system DERM are an Advice Agency for ASS where the development will involve:

- excavation at or below 5m AHD of 1000m³ or more of material and the surface of the land is below 20m AHD; or
- filling of land at or below 5 m AHD with 1000m³ or more of material.

In the absence of an investigation or report with respect to acid sulfate soils, as required by State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02), DERM cannot currently advise further on this issue.

In accordance with SPP 2/02 all proposed disturbances should be investigated for the presence of ASS prior to any operational works. Should these studies identify that ASS will be excavated or disturbed by construction, then a suitable ASS management plan will need to be developed. Adequate management strategies should be determined and assessed prior to construction commencing.

Recommendation

DERM recommend Council request sufficient information is provided to demonstrate that the proposed development has regard to achieving Outcome 1 of SPP 2/02, particularly:

- Whether ASS will be disturbed through any proposed excavation or fill (identify the depth, amount and location of excavation or fill); and
- What management practices are to be adopted to minimise environmental harm as a result of disturbance of ASS, should the investigation show that ASS will be disturbed as a result of the proposal.

This evidence should include an ASS investigation of the subject land by a suitably qualified person and a report prepared according to sections 6, 8 and 9 of the Guideline that accompanies SPP 2/02.

DERM would be pleased to receive a copy of any investigation or proposed management practices for review.



Delegate
Jacki Wirth
Manager, Regional Planning and Coordination
Department of Environment and Resource Management

21 May 2010

Enquiries:
Wedeen Smith
Department of Environment and Resource
Management
PO Box 63, MACKAY QLD 4740
Phone: 07 4967 0747
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Email: DACoordinationMackay@derm.qld.gov.au

DERM Permit ¹ number: SPDE01950811

Assessment manager reference:	225532
Permit type:	Development Permit
Date of decision:	7 October 2011
Decision:	The application is approved subject to conditions, and the assessment manager's conditions are stated in this permit.
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation
Jurisdiction(s):	Material change of use - Environmentally relevant activities <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1

Development Description(s)

Property/Location		Development
Hamilton Island	Adjacent to Lot 8 on CP861993	ERA 57 Regulated Waste Transport. Threshold 2(a) <i>Transporting regulated waste other than tyres in 1-5 vehicles</i>

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit are as follows.

The conditions are included pursuant to section 73B of the Environmental Protection Act 1994.

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



Delegate
Ricci Churchill
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management

7/10/11

CONDITIONS

ERA 57 Regulated Waste Transport. Threshold 2(a) *Transporting regulated waste other than tyres in 1-5 vehicles*

This development approval consists of the following Schedules of conditions:

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 A – Activity

- A1 In carrying out an environmentally relevant activity (ERA) to which this approval relates, all reasonable and practicable measures must be taken to prevent and/or to minimise the likelihood of environmental harm being caused.
- A2 Contaminants must not be released to the environment

Integrated Environmental Management System

- A3 The Hamilton Island Enterprises Pty Ltd Integrated Environmental Management System (IEMS) (developed by GHD) must be updated and submitted to the administering authority **within 3 months following the commencement of an environmentally relevant activity to which this permit relates**. The IEMS 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 IEMS must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out at the approved place.

The IEMS must address the following matters:

- (a) Environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals;

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- (b) Identification of environmental issues and potential impacts;
- (c) Control measures for routine operations to minimise the likelihood of environmental harm;
- (d) Contingency plans and emergency procedures for non-routine situations;
- (e) Effective communication;
- (f) Conducting environmental impact assessments;
- (g) Staff training;
- (h) Record keeping; and
- (i) Period review of environmental performance and continual improvement.

A4 The Integrated Environmental Management System must not be implemented or amended in a way that contravenes any condition of this permit. If there is a potential conflict between the IEMS and the conditions of this permit the conditions of this permit take precedent.

Display of Development approval

A5 At all times, a copy of:

- a) the registration certificate issued by the Department of Environment and Resource Management (DERM) for regulated waste transport activities; and
- b) the appropriate emergency guides in relation to the waste transported

must be carried in the cabin of each vehicle used to transport regulated waste and when requested, be presented to an authorised officer of DERM or relevant regulatory agency.

Records

A6 Unless otherwise stated as a condition of this approval, all records required by this approval must be kept for at least 7 years.

Notification

A7 The holder of this approval must notify the administering authority as soon as practicable after, but within 24 hours of, any emergency, incident or event, which results in the release of contaminants not in accordance with, or reasonably expected to be not in accordance with, the conditions of this approval.

A8 Within 10 days of any notification provided under condition A7, the holder of this approval must provide written information on the emergency, incident or event, including but not limited to:

- (a) the name of the holder and the approval number;
- (b) the name and telephone number of a designated contact person;
- (c) the nature of the emergency, incident, event and/or non-compliance and the time and date of the release;

- (d) the quantity and nature of the substance released;
- (e) the location of the release;
- (f) the names of the person(s) involved in the release and/or clean up;
- (g) the suspected cause of the release;
- (h) a description of the effects of the release;
- (i) details of the area of impact;
- (j) the results of any sampling performed in relation to the release;
- (k) the actions taken to mitigate any environmental harm caused by the release;
- (l) the success of any actions taken to mitigate the risk or extent of environmental harm; and
- (m) the proposed actions to prevent a recurrence of the release.

A9 All persons engaged in the conduct of the ERA, including but not limited to employees and contract staff, must:

- (a) be trained in the procedures and practices necessary to:
 - (i) comply with the conditions of this approval; and
 - (ii) prevent environmental harm during normal operation and emergencies; or
- (b) be under the close supervision of such a trained person.

Spill kits

A10 Appropriate spill kit(s) and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with this permit must be kept in each vehicle and appropriate persons trained in their use.

A11 Anyone operating under this development approval must be trained in the use of the spill kit and procedural guides

Cease Activities in the Event of Material or Serious Environmental Harm

A12 If an operator of an ERA to which this approval relates becomes aware of material or serious environmental harm as a result of carrying out the activity, then the said activity must cease immediately and notify the administering authority. Remedial measures are then to be implemented forthwith

End of Conditions for Schedule A

Schedule B – Air

Nuisance

- B1 Notwithstanding any other condition of this development approval, the release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive place.
- B2 On receipt or notification of an odour complaint, the development permit holder must:
- (a) address the complaint including the use of appropriate dispute resolution if required;
 - (b) record details of the nature of the complaint according to Condition G1; and
 - (c) immediately implement odour abatement measures so that emissions from the activity do not result in further environmental nuisance.

End of Conditions for Schedule B

Schedule C – Water

Structures, tanks, etc.

- C1 All structures, tanks and the like, used for the storage or treatment of recycled water at or on the approved place must be constructed, installed and maintained:
- (a) so as to prevent the release of effluent through the structures, tanks and the like to the environment (including groundwater) and;
 - (b) so as to ensure the stability of the structures, tanks and the like.
- C2 The maintenance and cleaning of vehicles, transport skips and any other equipment must be carried out in areas where contaminants cannot be released to any waters.
- C3 The holder of this permit must comply with the conditions of Registration Certificate 900004215 issued by Maritime Safety Queensland under the *Marine Safety Act 2002* in regard to management and operation of the barge during adverse or extreme environmental conditions.

End of Conditions for Schedule C

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Schedule D - Noise

Noise nuisance

D1 Noise from activities must not cause an environmental nuisance at any nuisance sensitive place.

Noise monitoring

D2 When requested and within the time frame specified by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 7 days to the administering authority. Monitoring must include:

- (a) LAeq, adj, 15 min;
- (b) LA10, adj, 15 min;
- (c) LA1, adj, 15 min;
- (d) The level and frequency of occurrence of impulsive or tonal noise;
- (e) Atmospheric conditions including wind speed and direction;
- (f) Effects due to extraneous factors such as traffic noise; and
- (g) Location, date and time of recording.

Note: The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's (former Environmental Protection Agency) Noise Measurement Manual.

End of Conditions for Schedule D

Schedule E – Waste

Wastes

- E1 Regulated waste must be handled and transferred in a proper and efficient manner to prevent any leakage or spillage of waste.
- E2 Wastes must not be stored, transferred or disposed contrary to any condition of this approval.
- E3 All regulated waste removed from the site must be removed by a person who holds a current approval to transport such wastes under the *Environmental Protection Act 1994*.
- E4 A record of all regulated waste must be kept detailing the following information;
 - a) date of pickup of waste;
 - b) description of waste;
 - c) quantity of waste;
 - d) origin of the waste; and
 - e) destination of the waste
- E5 All waste generated in carrying out the activity must be disposed of at a facility that can lawfully accept that waste.
- E6 Nightsoil may only be transported in the galvanised steel containers as specified in *Hamilton Island Enterprises Ltd Regulated Waste Transportation Development Application* authored by *McCollum Environmental Management Services (Final Version 18 May 2011)*
- E7 The permit holder must not cause or permit incompatible wastes to be mixed in the same container
- E8 All nightsoil transport skips must be roofed, rubber sealed and locked for the duration of transport to the receiving landfill.

End of Conditions for Schedule E

Schedule F – Land

- L1 Activities must be conducted in a way that prevents any potential or actual release of contaminants to land.

End of Conditions for Schedule F

Schedule G - Community

Complaint response

- G1 The holder of this approval must record the following details for all complaints received and provide this information to the administering authority on request:
- (a) Time, date, name and contact details of the complainant;
 - (b) Reasons for the complaint;
 - (c) Any investigations undertaken;
 - (d) Conclusions formed; and
 - (e) Any actions taken.

End of Conditions for Schedule G

Schedule H – Definitions

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the *Environmental Protection Act 1994* shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

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

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

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

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

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

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

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

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

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

"nuisance sensitive place" includes –

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

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

"regulated waste" means waste that -

- is commercial or industrial waste, whether or not it has been immobilised or treated; and
- is of a type, or contains a constituent of a type, mentioned in Schedule 7 of the *Environmental Protection Regulation 2008*

Regulated waste includes -

- for an element - any chemical compound containing the element; and
- anything that contains residues of the waste.

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

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"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

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

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

End of Conditions for Schedule H

END OF CONDITIONS

sent 26/10/2012

Sustainable Planning Act 2009

EHP Permit ¹ number: SPDE03834612

Assessment manager reference:	225532
Date application received:	10 February 2012
Permit type:	Development Permit
Date of decision:	25 September 2012
Decision:	For a decision notice the application is approved subject to conditions, and the assessment manager's conditions are stated in this permit
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Material change of use of premises – For an environmentally relevant activity, Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 2, item 1

Development Description(s)

Property/Location	Development
Hamilton Island Resort, HAMILTON ISLAND QLD	Lot 8 on Plan CP861993
	ERA 8 – Chemical Storage, storing the following total quantity of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 under subsection (1) (c) - (a) 10m ³ to 500m ³ .

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

AS
27/9/12

EHP Permit number: SPDE03834612

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The conditions are included pursuant to section 73B of the Environmental Protection Act 1994.



Delegate

Terry Farley

Delegate, Chief Executive administering the *Environmental Protection Act 1994*

Department of Environment and Heritage Protection
25 September 2012

CONDITIONS

Activity: ERA 8 Chemical Storage Threshold 3 storing the following quantity of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 under subsection (1)(c)- (a) 10m³ to 500m³

LIST OF SCHEDULES:

- Schedule A – General
- Schedule B – Air
- Schedule C – Water
- Schedule D – Noise
- Schedule E – Land
- Schedule F – Waste
- Schedule G – Social
- Schedule H - Definitions

Schedule A – General

Scope

A1 This development approval authorises the construction of facilities for storing no more than 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3 at Hamilton Island Resort, Lot 8 on CP861993, HAMILTON ISLAND, QLD, 4803.

Prevent and/or Minimise Likelihood of Environmental Harm

A2 In carrying out the activity to which this permit relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

Site Based Management Plan

A3 The activity must be operated in accordance with the Site Based Management Plan (SBMP) submitted to the administering authority.

A4 The holder of this development permit must develop and implement a SBMP to which this permit relates. The SBMP must identify all potential 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 carried out at this site.

The SBMP must address the following matters:

- a) environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals;
- b) identification of environmental issues and potential impacts;
- c) control measures for routine operations to minimise the likelihood of environmental harm;
- d) contingency plans and emergency procedures;
- e) organisational structure and responsibility;
- f) effective communication;
- g) monitoring of contaminant releases;
- h) conducting environmental impact assessments;
- i) staff training;
- j) record keeping;
- k) complaint management; and
- l) periodic review of environmental performance and continual improvement.

A5 The contingency and emergency plan/procedures in the SBMP must include provisions for the following:

- a) standard connections for emergency by-pass pumping;
- b) standard connections for mobile generators, or a back-up power source that automatically starts in the event of power failure and stops when power is restored (with manual override facility);
- c) stand-by pumping equipment and associated controls;
- d) identify critical components and a system to ensure adequate and timely access to spare parts;
- e) containment and clean up equipment;
- f) a monitoring program and monitoring equipment should a spill occur; and
- g) all weather access for maintenance and emergency activities to waste storage infrastructure.

A6 The SBMP must not be implemented or amended in a way that contravenes any condition of this permit. If there is a potential conflict between the SBMP and the conditions of this permit, the conditions of this permit take precedent.

A7 The SBMP must be reviewed every 2 years. Any subsequent revisions must be submitted to the approving body no later than 14 days after revisions are implemented.

Maintenance of Measures, Plant and Equipment

A8 The holder of this permit must:

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

Site Security

A9 Reasonable measures must be taken to prevent unauthorised access to the sites to which this permit relates.

Fire Fighting

A10 Clear access to water supply for fire fighting vehicles must be provided at all times.

A11 An effective fire break must be maintained around site perimeters.

Monitoring

A12 An experienced and suitably qualified person(s) must conduct any monitoring required by this permit.

Sample Analysis

A13 All analyses and tests required to be conducted under this development permit must be carried out by a laboratory that has National Association Testing Association certification for such analyses and tests, except as otherwise authorised by the administering authority.

A14 The registered operator of the environmentally relevant activity to which this development permit relates must ensure that the results of all the monitoring performed in accordance with this development permit for the period covered by the annual return are kept at the premises to which this development permit relates.

31/5/12

Equipment Calibration

A15 All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this permit must be calibrated, and appropriately and competently operated and maintained.

Spill Kit(s)

A16 Appropriate spill kit(s) and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with this permit must be kept at the site.

Spill Kit Training

A17 Anyone operating under this Permit must be trained in the use of the spill kit(s).

Record Keeping

A18 The holder of this development permit must record, compile and keep all data required by this permit. This data must be made available to the administering authority if requested.

A19 All records required by this permit must be kept for 5 years.

Notification

A20 Any emergency, incident or event, which results in the release of contaminants not in accordance with, or reasonably expected to be in accordance with the conditions of this permit, must be reported by telephone to the administering authorities' pollution hotline or the district office located in the area where the release occurred. Any such release must be reported as soon as practicable, but no later than 24 hours after the holder of the development permit becomes aware of the release

Information to Follow Notification

A21 Within 14 days of any notification advice in accordance with **Condition A20**, a written notice detailing the following information must be provided to the administering authority:

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

 25/9/12

EHP Permit number: SPDE03834612

Alterations

A22 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided for by this permit.

END OF SCHEDULE A CONDITIONS


35/9/12

Schedule B - Air

Nuisance

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

Obligation to Investigate Nuisance Complaints

B2 Subject to condition (**B3**), the person undertaking the activity to which this approval relates must investigate, or commission the investigation of, all complaints alleging nuisance from the activity to which this approval relates.

B3 The obligation for the person undertaking the activity to which this approval relates to investigate a nuisance complaint is extinguished if all the following apply:

- (a) the facts and circumstances forming the basis for the complaint are substantially the same as those alleged in a former complaint by the same complainant; and
- (b) the results of an investigation into the former complaint was that the complaint cannot be substantiated; and
- (c) the administering authority or an authorised person has not, by written notice, otherwise revived the obligation to investigate the complaint.

Reasonable Adjustment for Validated Nuisance Complaints

B4 The person undertaking the activity to which this approval relates must make reasonable adjustment² for practices, procedures or equipment to resolve any validated complaint investigated under condition **B2**.

END OF SCHEDULE B CONDITIONS

² See section 319 of the *Environmental Protection Act 1994* (General environmental duty) for things that must be considered in determining whether a change is a reasonable adjustment.

25/9/12

EHP Permit number: SPDE03834612

Schedule C - Water

Water Release

- C1 Contaminants that will, or have the potential to cause environmental harm must not be released directly or indirectly to any waters.

Stormwater Management

- C2 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.
- C3 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

Water Contamination

- C4 The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas where contaminants cannot be released to any waters.
- C5 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any waters.

END OF SCHEDULE C CONDITIONS


25/9/12

Schedule D – Noise

Nuisance

- D1 Noise resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

Obligation to Investigate Noise Nuisance Complaints

- D2 Subject to condition (D3), the person undertaking the activity to which this approval relates must investigate, or commission the investigation of, all complaints alleging noise nuisance from the activity to which this approval relates.
- D3 The obligation for the person undertaking the activity to which this approval relates to investigate a nuisance complaint is extinguished if all the following apply:
 - (a) the facts and circumstances forming the basis for the complaint are substantially the same as those alleged in a former complaint by the same complainant;
 - (b) the results of an investigation into the former complaint was that the complaint cannot be substantiated; and
 - (c) the administering authority or an authorised person has not, by written notice, otherwise revived the obligation to investigate the complaint.

Reasonable Adjustment for Validated Nuisance Complaints

- D4 The person undertaking the activity to which this approval relates must make reasonable adjustment³ for practices, procedures or equipment to resolve any validated complaint investigated under condition D2.

END OF CONDITIONS FOR SCHEDULE D

³ See section 319 of the *Environmental Protection Act 1994* (General environmental duty) for things that must be considered in determining whether a change is a reasonable adjustment.

2/24/12
JG

Schedule E - Land

Protecting Land from Contaminants

- E1 Contaminants must not be released to land, except where otherwise stated in a condition of this permit.
- E2 Activities on site must be conducted in a way that prevents any potential or actual release of contaminants to land that constitutes environmental nuisance or harm.

Chemicals and Flammable or Combustible Liquids

- E3 All flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm and maintained in accordance with the current edition of AS 1940 – *Storage and Handling of Flammable and Combustible Liquids*.
- E4 Spillage of all flammable and combustible liquids must be controlled in a manner that prevents environmental harm.
- E5 Spillage of all chemicals must be controlled in a manner that prevents environmental harm.
- E6 All corrosive substances, toxic substances, gases and dangerous goods must be stored and handled in accordance with the relevant Australian Standard.
- E7 All chemicals and flammable or combustible liquids stored on site that have the potential to cause environmental harm must be stored in or serviced by an effective containment system that is impervious to the materials stored and managed to prevent the release of liquids to waters or land. Where no relevant Australian Standard is available, the following must be applied:
 - a) storage tanks must be banded so that the capacity and construction of the bund is sufficient to contain at least 110% of a single storage tank or 100% of the largest storage tank plus 10% of the second largest storage tank in multiple storage areas; and
 - b) drum storages must be banded so that the capacity and construction of the bund is sufficient to contain at least 25% of the maximum design storage volume within the bund.

Disposing Water to Land

- E8 Stormwater released from bunding must be visually inspected by an appropriately qualified person for potential contaminants prior to release.
- E9 Stormwater released off-site must not cause scouring to the bed or banks of any watercourse or land.

END OF SCHEDULE E CONDITIONS

Schedule F – Waste

Waste Disposal

- F1 Waste disposal to land or waters must not occur on the licensed premises.
- F2 A record of all regulated waste must be kept detailing the following information;
 - a) date of pickup of waste;
 - b) description of waste;
 - c) quantity of waste;
 - d) origin of the waste; and
 - e) destination of the waste.
- F3 All regulated waste removed from the site must be removed by a person who holds a current permit to transport such waste under the provisions of the *Environmental Protection Act 1994*.
- F4 All waste generated in carrying out the activity must be disposed of at a facility that can lawfully accept that waste.

Receipt of Waste

- F5 The loading, unloading, handling and storage of wastes must be carried out in banded areas/s.
- F6 Do not cause or permit incompatible wastes to be mixed in the same container.

END OF SCHEDULE F CONDITIONS

 25/9/12

EHP Permit number: SPDE03834612

Schedule G - Social

Complaint Response

- G1** The operator of the activity must record the following details for all complaints received and provide this information to the administering authority on request:
- a) time, date, name and contact details of the complainant;
 - b) the allegation made by the complainant;
 - c) details of communications with the complainant;
 - d) any investigations undertaken; and
 - e) conclusions formed; and any actions taken.
- G2** The operator of the activity must attempt to make contact with any complainant within 24 hours of a complaint being received and initiate complaint resolution measures.

END OF SCHEDULE G CONDITIONS


29/9/12

Schedule H - Definitions

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

administering authority	means the Department of Environment and Heritage Protection or its successor.
authorised place	means the place authorised under this development permit for the carrying out of the specified environmentally relevant activities.
appropriately qualified person	means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.
Contaminant	means- a) a gas, liquid or solid; or b) an odour; or c) an organism (whether alive or dead), including a virus; or d) energy, including noise, heat, radioactivity and electromagnetic radiation; or a combination of contaminants
commercial place	means a place used as an office or for business or commercial purposes.
dwelling	means any of the following structures or vehicles that is principally used as a residence – a) a house, unit, motel, nursing home or other building or part of a building; b) a caravan, mobile home or other vehicle or structure on land; c) a water craft in a marina.
environmental nuisance	means unreasonable interference or likely interference with an environmental value caused by: a) noise, dust, odour, light; or b) an unhealthy, offensive or unsightly condition because of contamination; or c) another way prescribed by regulation (e.g. unreasonable noise or dust emissions).
land	in the context of this permit means land excluding waters and the atmosphere.
mg/L	means milligrams per litre.
measure	means an action, system, procedure and infrastructure that is intended as a means to an end (<i>ie to take measures to prevent dust release</i>).
nuisance sensitive place	includes – a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or b) a motel, hotel or hostel; or c) a kindergarten, school, university or other educational institution; or d) a medical centre or hospital; or e) a protected area under the <i>Nature Conservation Act 1992</i> , the <i>Marine Parks Act 1992</i> or a World Heritage Area; or f) a public thoroughfare, park or gardens.
offensive	means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

 25/9/12

receiving waters

means all groundwater and surface water that are not disturbed areas authorised by this Development Permit

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

release

means –
a) to deposit, discharge, emit or disturb the contaminant; and
b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
c) to allow the contaminant to escape; and
d) to fail to prevent the contaminant from escaping.

site

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

watercourse

has the meaning assigned to it in schedule 4 of the *Water Act 2000*

waters

mean –
a) river, creek, stream in which water flows permanently or intermittently either:
i. in a natural channel, whether artificially improved or not; or
ii. in an artificial channel that has changed the course of the river, creek or stream; or
b) lake, lagoon, pond, swamp, wetland, dam; or
c) unconfined surface water; or
d) storm water channel, storm water drain, roadside gutter; or
e) bed and banks and any other element of a river, creek, stream, lake, lagoon, pond, swamp, wetland, storm water channel, storm water drain, roadside gutter or dam confining or containing water; or
f) groundwater; or
g) non-tidal or tidal waters (including the sea); or
h) any part-thereof.

works or operation

means the development approved under this development permit.

END OF SCHEDULE H - DEFINITIONS

END OF CONDITIONS



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.

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.



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.
- (A5-2) 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 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 Environmental Protection Agency Water Quality Sampling Manual; and
 - carried out on samples that are representative of the discharge.

Schedule C - Table 1 (Release limits)

Monitoring point	Discharge location	Quality characteristics	Release limit			Monitoring frequency	
			Minimum	50th Percentile	80th Percentile		Maximum
prior to release	W1 on site map (see Schedule J)	Conductivity				67,000 µS/cm	3 monthly

2/11/05



Release to waters

(C3-2) Contaminants must only be released to waters from the discharge location and in compliance with the release limits listed in Schedule C Table 1.

Discharge Location 0.5 - namely release of saline waste waters from the water treatment plant to Dent Passage at W1 (see schedule 1, discharge point-water treatment plant)

(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.

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.

Pond conditions

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

- so as to minimise the likelihood of any release of effluent through the bed or banks of the pond to any waters (including ground water);
- so that a freeboard of not less than 0.5 metres is maintained at all times, except in emergencies; and
- so as to ensure the stability of the ponds' construction.

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*.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Preventing contaminant release to land

- (F3-1) Contaminants must not be released 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.

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

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

"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.

"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 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.

"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.

"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.

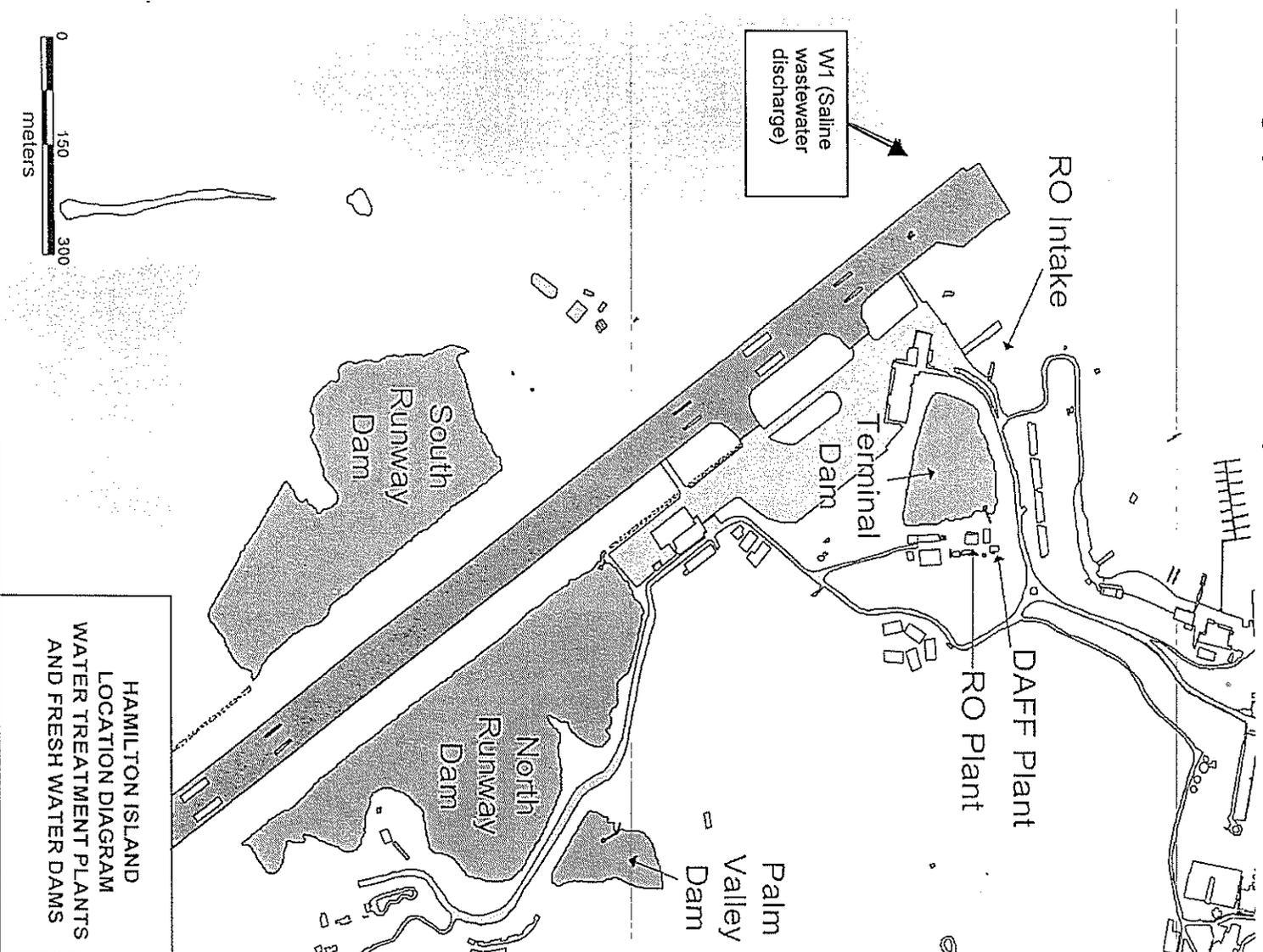
"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE H



Schedule 1 - Maps / Plans

Discharge point water treatment plant



HAMILTON ISLAND
LOCATION DIAGRAM
WATER TREATMENT PLANTS
AND FRESH WATER DAMS

END OF CONDITIONS FOR SCHEDULE 1.