APPLICATION FOR CONSIDERATION UNDER THE SUPERSEDED PLANNING SCHEME, ACCOMMODATION PREMISES AND ERA 15A (ONSITE WASTE WATER TREATMENT FACILITY – RYKERS ROAD, CAPE TRIBULATION) – DIVISION 10

J Elphinstone : 8/35/77 : #1982584

PROPOSAL: ACCOMMODATION PREMISES AND ERA 15(A) (ONSITE WASTE WATER TREATMENT FACILITY)

APPLICANT: AMSAL PTY LTD
C/- FLANAGAN CONSULTING GROUP
PO BOX 5820
CAIRNS QLD 4870

LOCATION OF SITE: RYKERS ROAD, CAPE TRIBULATION

PROPERTY: LOT 9 ON RP727756

LOCALITY: SETTLEMENT AREAS NORTH OF THE DAINTREE RIVER

PLANNING AREA: CONSERVATION

DAINTREE PRECINCT PLAN: NORTHERN MANAGEMENT AREA – RAINFOREST RESIDENTIAL

FNQ 2031 REGIONAL PLAN: REGIONAL LANDSCAPE AND RURAL PRODUCTIVE AREA

PLANNING SCHEME: 1996 DOUGLAS SHIRE PLANNING SCHEME

ZONE: RESORT BUSINESS

STRATEGIC PLAN: AREA OF HIGH BIOLOGICAL AND / SCENIC AMENITY

DCP: DCP 2 – DAINTREE – BLOOMFIELD, PRECINCT A
**REFERRAL AGENCIES:**
DEPARTMENT OF NATURAL RESOURCES & WATER
ENVIRONMENTAL PROTECTION AGENCY

**NUMBER OF SUBMITTERS:**
NOT APPLICABLE

**STATUTORY ASSESSMENT DEADLINE:**
15 APRIL 2009

**APPLICATION DATE:**
03/09/2008

**DIVISION:**
10

**APPENDIX:**
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. SUPPORTING INFORMATION TO PLANNING REPORT

**LOCALITY PLAN**

![Locality Plan](image)

**RECOMMENDATION:**

That Council resolve to recommend to the Iconic Places Panel for the former Douglas Shire Council that the development application for an Accommodation Premises and the establishment of an ERA 15(a) on-site waste water treatment (for more than 21 equivalent persons and less than 100 equivalent persons) over land described as Lot 9 on RP727756, located at Rykers Road, Cape Tribulation, be approved subject to the following:
### APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

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<td>Thomson Architects, Project 9567.13, Sheet: NS_01, Revision A</td>
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<td>Concept Floor Plans, Rumahs, Showing Assessable Areas</td>
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<tr>
<td>Partial Detail Survey</td>
<td>C&amp;B Group Drawing 62490-1</td>
<td>5 June 2005</td>
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ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:

   a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;

   b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

   Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:

   a. A maximum gross floor area of 320m² with gross floor area as defined by the Planning Scheme;

   b. Removal of all structures and sign that have been constructed on the adjacent Esplanade area;

   c. Detail the extent of clearing required to the existing access track and internal vehicle paths. Clearing to these areas must be minimised;

   d. Include a splayed apron entry and construct a bitumen turnout in front of the proposed access. Provide supporting information to demonstrate safe intersection which includes assessment of horizontal and vertical site lines;

   e. The internal access road on the site is to be provided with an impervious seal;

   f. Include a “No Through Access” sign on the common boundary to the adjacent Esplanade area;

   g. Inclusion of bollards on the footpath to the adjacent Esplanade area, at the common boundary of the land with the adjacent Esplanade, to inhibit vehicle access to the Esplanade area; and
h. Revegetation of a ten (10) metre setback from the northern boundary, adjacent to the existing cleared area.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply

4. The applicant is to install the following water storage infrastructure:
   a. A minimum 25,000 litre water storage tank provided to each rumah; and
   b. A backup water storage tank(s) with a minimum capacity not less than 50,000 litres. The backup water storage tank(s) must be able to supply water under gravity to each rumah; and

All water storage tanks must be installed prior to occupation of the premises. Details of the water tanks must be shown on plans submitted with the building application. Such water tanks must be provided with:

i. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm aperture mesh of substantial construction and installed in such manner so as not to cause or accelerate corrosion; or

ii. Flap valve at every opening of the tank or other receptacle; or

iii. Other approved means for preventing the ingress or egress of mosquitoes; and

iv. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and

v. The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.

Refuse Storage

5. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from CRC Water & Waste.

Vehicle Parking

6. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.
External Works

7. Undertake the following works external to the land at no cost to Council:
   
a. Provide a splayed apron entry and construct a bitumen turnout in front of the proposed access. Provide supporting information to demonstrate safe intersection which includes assessment of horizontal and vertical site lines.

   The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Internal Access Road

8. The internal access road on the site is to be provided with an impervious seal to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

9. The applicant/owner must undertake a local drainage study on the subject land to demonstrate how stormwater is conveyed to a lawful point of discharge being nominally Rykers Creek. In particular, the study must address the following:
   
a. The contributing catchment boundaries;
   b. The extent of the 100 year ARI flood event in Rykers Creek;
   c. Primary and secondary flow paths for the 2 and 100 year ARI flood events and the delivery of the water to an approved stormwater outlet through the provision of drainage infrastructure in accordance with the FNQROC Development Manual;
   d. Scour protection must be provided at the outlet of culverts and pipe systems;

   The Drainage Study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Construction Access

10. Vehicular access to the site for construction and demolition purposes must be provided from Rykers Road only, unless authorised by the Chief Executive Officer.
Demolish Structures

11. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use. All rubbish, including disused vehicles on the site, must be removed and disposed of appropriately prior to Commencement of Use.

Landscaping Plan

12. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

Planting Design

a. Demonstrate that the location of buildings have had regard to the retention of significant vegetation and other environmental constraints.

b. Detail which trees are to be retained and removed in vicinity of the building/s. Detail the finished ground levels if filling is to occur in the vicinity of any tree.

c. A planting design which is in accordance with the FNQROC Development Manual;

e. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;

f. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;

Hard Landscaping Works

g. Details of any perimeter or private yard fencing;

h. Details of any constructed pathways;

i. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction; and

Weed Management

i. Details of proposed weed management strategy to remove existing weeds and mitigate against the future establishment of weeds.

All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.
Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Vegetation Clearing

13. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 of Local Law No. 56 Vegetation Management.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

An Ecoaccess approval must be obtained from the Environmental Protection Agency (EPA) prior to the clearing of vegetation and/or tree removal as plant species protected under the provisions of the Nature Conservation Act 1992 are known to occur within the area covered by this development approval. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609. A copy of any approval issued by the EPA for removal of protected species must be provided to the Chief Executive officer within five (5) business days.

Council’s Development Assessment Branch must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

Building Colours

14. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown.

Details of the proposed materials and finishes, including colours must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Wildlife

15. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Parkland Protection

16. Any common boundaries with Council Esplanade parkland, general parkland or drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.

Existing Creek and Drainage Systems

17. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Water for carrying out works in a watercourse.

Minimum Fill and Floor Levels

18. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Sediment and Erosion Control

19. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

20. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Details Of Development Signage

21. The development must provide clear and legible signage incorporating the rural road address for the benefit of the public.
Crime Prevention Through Environmental Design

22. The applicant/owner must ensure that all lighting and landscaping requirements complies with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

23. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

24. The proprietor of proposed rental accommodation premises must make application for approval under Douglas Shire Council Local Law 38 (Motels) prior to the commencement of operation. Contact the Council's Public Health Unit for further information on the application process.

Generators

25. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

Fuel Storage

26. All fuels must be stored in an undercover and secure location at all times.

Construction Signage

32. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant):

   a. Developer;
   b. Project Coordinator;
   c. Architect / Building Designer;
   d. Builder;
   e. Civil Engineer;
   f. Civil Contractor;
   g. Landscape Architect
CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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<td>24 February 2009</td>
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<td>Environmental Protection Agency</td>
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Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular attention is drawn to the requirement to hold a license for residential occupation under the Douglas Shire Council Local Law 38 (Motels).

4. The taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the Water Act 2000 and issued by the regional office of the Department of the Natural Resources and Water. Further information can be obtained from the Department of Natural Resources and Water on (07) 4039 8431 or at www.nrw.qld.gov.au.

5. Note separate IDAS approval is required under the Douglas Shire Planning Scheme for a Development Permit for Operational works for the placement of advertising signage on the land.

6. Any upgrading of the existing access track will result in damage to specimens of several plant species listed as Rare and protected under the Nature Conservation Act 1992 namely specimens of Haplostichanthus ramiflorus, Pseuduvaria froggattii, Rourea brachyandra and Cleistanthus myrianthus. Appropriate approvals must be achieved prior to any upgrading of the existing access track onto the property.
The area of non-remnant vegetation contains small areas of remnant vegetation, areas of regrowth as well as numerous exotic fruit trees and palms etc. Within this area there are scattered specimens of several plant species listed as Rare and protected under the provisions of the NCA namely *Rourea brachyandra*, *Haplostichanthes ramiflorus*, *Pseuduvaria froggatti* and *Cleiatanthus myrianthus*. Any approval should be conditional on an approval being obtained prior to any development that requires clearing of the non-remnant areas.

Attention is made to Condition 16 of the approval.


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**EXECUTIVE SUMMARY:**

A superseded planning scheme application has been made to establish an Accommodation Premises on the land for ten (10) non-self contained accommodation units together with staff quarters and ancillary facilities. The development is at Rykers Creek, Cape Tribulation with access to the Esplanade beach front and relies on a self sufficiency for power, water and onsite waste disposal. Council has previously determined that the application be assessed against the 1996 Planning Scheme and the Queensland Iconic Places Panel has nominated that it will determine the application.

Under the Integrated Planning Act 1997 and the 1996 Planning Scheme the development is code assessable and cannot be refused. There is only the ability to impose conditions. The DCP 3 for Daintree – Bloomfield seeks an overall reduction in overnight visitor accommodation and this intent is reflected in the Scheme provision for the development of an Accommodation Premises on land zoned Resort Business by limiting floor area to 320m$^2$. No request was made as part of the application for application to override the Planning Scheme and a condition of the approval reflects this limiting requirement. The conditions seek to ensure that the development has minimal impact on the land and the surrounding environment. State concurrence agencies have also imposed conditions. The report recommends approval subject to an amended design.

**TOWN PLANNING CONSIDERATIONS:**

**Background**

**Planning Schemes & Controls**

Under the 1981 Planning Scheme for the Whole of the Douglas Shire the land was originally included in the Rural Residential Zone. Council approved a rezoning of the land to include it in a Resort Business Zone under the 1981 Scheme. The application included an indicative plan for a future Youth Hostel.
This use was defined by the 1981 Scheme as Accommodation buildings and a consent approval was required to develop Accommodation buildings in the Resort Business Zone. No specific application for any consent approval was lodged with the rezoning application.

In December 1996 Council adopted a new planning scheme. The land remained in a Resort Business Zone. However the Resort Business Zone in the 1996 Scheme was different with different levels of assessment, from the Resort Business Zone of the 1981 Scheme. The affect of the differences renders the rezoning conditions under the 1981 Scheme no longer applicable to the land.

The land was also affected by the Development Control Plan for the Daintree-Bloomfield area. The land was listed in the DCP Accommodation Register for 180 people in 45 units. The DCP included the land in the Precinct A area. The Strategic Plan designated the land as an Area of High Biological and/or Scenic Value. Tourism Development Node 1 is sited just south of the land on the Strategic Plan. The Strategic Plan notes that, “A small amount of low-density tourist accommodation has already been approved in the node and this is considered sufficient to meet the objectives for the node for the life of the plan.” The siting of the node would appear indicative. The inclusion of the site in the register would indicate that the land is included in the description under the Strategic Plan of the “low-density tourist accommodation has already been approved in the node.” Other land within the indicative location of the Tourism Development Node is included in the Resort Business Zone.

In October 2003 an application was lodged with Council for a building approval for a backpacker’s hostel. A backpacker’s premises would fall within the definition of Accommodation premises under the 1996 and the use was Code Assessable development in the Resort Business Zone. No application for a Development Permit was lodged concurrently for approval under the planning scheme. The applicant asserted that no approval was necessary as the rezoning approval in effect had given previous approval for such development and this was still applicable to the land. Council at the time concurred with the applicant and issued a building approval. This building approval has since lapsed.

On 2 June 2004 Council resolved to adopt a Temporary Local Planning Instrument (TLPI) for Areas North of the Daintree River. The land was included in the area affected by the TLPI. The TLPI nominated that the development of a “House” or a “Caretaker’s residence” to be Impact Assessable (Inconsistent) development in areas north of the Alexandra Range. The TLPI was applicable for a year – until 2 June 2005. The Council adopted TLPI was replaced with a similar TLPI approved by the Minister on 13 September 2005. This TLPI was in effect for a year or until the effect of the Douglas IPA Planning Scheme whichever occurred first.

On the 4 September 2006 Council’s IPA Planning Scheme came into effect. This Scheme included the land in the Settlement Areas North of the Daintree River Locality in the Conservation Planning Area in the Rainforest Residential Precinct. The Rainforest Tourism Precinct for the Cape Tribulation area did not include any of the seven (7) approvals (land zoned Resort Business or Special Facilities for a Motel) of the 1996 Scheme. The extent of tourism development on the land is essentially limited under the 2006 Scheme to a bed and breakfast facility associated with a House.
In consideration of the restrictions of the new Scheme against the development of Houses, the former Douglas Shire Council and the State Government partnered an agreement, through Environment Protection Agency, for compensation and buy-back. This financial agreement does not extend beyond the use of a Dwelling-house applied for under the 1996 Planning Scheme.

**Separate Application**

A separate application over the land was initially lodged for a development permit (application 8/37/6) for Multiple Dwellings (Tourist) and caretaker’s premises. The application is currently with the Planning and Environment Court (Appeal 73 of 2008). Development application 8/37/6 was lodged prior to the introduction of the 2006 Scheme and therefore the outcome of the Appeal does not give rise to an opportunity to lodge a compensation claim.

**Superseded Scheme Consideration**

Council at the Ordinary Meeting held on 25 September 2008 resolved that this application be assessed against the superseded (1996) Planning Scheme. As the application is a Code Assessable (3B) application under this Scheme the application cannot be refused and an approval can only apply conditions. Should the application not be determined within the statutory decision period then the approval defaults to a deemed approval and no conditions apply.

**Iconic Queensland Places Act 2008**

The Iconic Places Panel for the former Douglas Shire has directed that it will determine the application.

**Proposal**

The application has been lodged for an Accommodation Premises consisting of ten (10), separate non-self contained double storey units, one of which will be used by staff for accommodation a communal laundry facility and plant room.

The development also includes the establishment of an Environmentally Relevant Activity (ERA) for an on-site waste water treatment facility for more than 21 equivalent persons (EP) and not more than 100 equivalent persons (EP).

A copy of the development proposal is included in Appendix 1.

Each accommodation unit consists of three (3) bedrooms, living areas, a kitchenette, bathroom and car parking facilities. Further buildings provide for a communal laundry, a reception office and a plant room.

Vehicle access to the site will utilise an existing track from Ryker’s Road. It was stated in the accompanying planning document to the application that the track will require some upgrade but no further clearing of vegetation.

The application included copies of the referral agency decisions in regards to development application 8/37/6.
The plans included in the application nominate a track connecting the site, through the adjacent Esplanade area to the foreshore. No owner’s consent or inclusion of this land has been submitted as part of the application forms.

**FNQ 2031 Regional Plan**

The Department of Infrastructure and Planning has advised that the proposed development complies with the definition of a “small scale tourist facility” under the draft State Planning Regulatory Provisions (Regional Plans). The level of assessment is therefore not affected by the Regional Plan. The development complies with the Regional Plan requirements. A copy of the Department’s advice is included in Appendix 2.

**1996 Douglas Shire Planning Scheme**

**Compliance Issues**

The DCP 3 Daintree – Bloomfield seeks to conserve the Area as an undeveloped, low-key tourist and recreation experience and to provide for uses and facilities that are necessary to support visitor’s exploration and appreciation of the natural environment. The development is consistent with these objectives. The DCP seeks to limit the extent of tourist accommodation to limit the need to upgrade the Daintree River ferry. The DCP seeks to limit approvals to those that would not require rezoning or consent for additional tourist accommodation. The DCP makes reference to an Accommodation Register for the DCP Area stating that the desired target accommodation is less than the capacity for existing and approved development.

The development is listed in the “Existing and Approved” schedule of the Register. However such inclusion does not give support for the development for the particular extent proposed.

The DCP requires sufficient potable water supply is provided as well as due consideration be given to vegetation clearance, waste disposal and access, traffic and parking. These issues are reiterated in Section 8 of the Scheme provisions. The development is sited within existing cleared areas. On site waste disposal has been approved under the Environment Protection Agency’s requirements for the ERA. Conditions of the approval address access, traffic and parking (which is appurtenant to each unit).

Planning Scheme provision section 10.9.2 limits the gross floor area of Accommodation Premises in this location to 320m². An application under S.3.6.1 of the Integrated Planning Act 1997 is required to override the planning scheme provision. No such application has been lodged with the current proposal. The applicant (who is also the same applicant as for DA 8/37/6) is of the opinion that provided a development comply with the provisions of the Development Control Plan there is no need to comply with all the specific requirements of the Scheme provisions. Council officers and Council solicitors hold a contrary opinion and consider the use must be limited to that nominated by the Scheme provision. This issue is likely to be explored during the course of hearing of the appeal for DA 8/37/6 later in 2009. A condition of the approval limits the approval to a floor area of 320m².
Referrals

The Department of Natural Resources and Water has advised of conditions to be attached to the decision. These conditions are included in Appendix 2. The Department has also raised third party advice concerns regarding stormwater discharge including possible interference with native vegetation within watercourses, possible insufficient potable water supply and setback distance from waterways (to be 30m from the high bank of Ryker’s Creek rather than being measured from the top of bank). These issues are addressed through the Assessment Manager’s conditions and the advice statements.

The Environment Protection Agency has advised of conditions regarding the on-site waste. A copy of these requirements is included in Appendix 2.

HEADWORKS / CONTRIBUTIONS:

The proposed development does not trigger Developer’s Headwork’s Contributions.

Jenny Elphinstone
Senior Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Our ref: RAC6/Ben Collings/DIP
Your ref: 1566/03 L-KSD489

13 January 2009

The Assessment Manager
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attention: Simon Clarke

Dear Mr Clarke,

Referral Agency’s Response Pursuant to s 3.3.16 of the Integrated Planning Act 1997 (Qld)
Proposal: Development Approval for Material Change of Use for accommodation units and communal facilities
Property Description: Lot 9 on RP727756
Site Locality: Rykers Road, Cape Tribulation
Applicant: Amsal Pty Ltd

I refer to a development application received by this office on 12 December 2008 seeking the Department of Infrastructure and Planning’s concurrence response.

The Department of Infrastructure and Planning has assessed the proposal and confirm that the development is classified as a small scale tourist accommodation facility in accordance with schedule 2 of the State Planning Regulatory Provisions (Regional Plan) Draft 2008 (SPRP) and accordingly the application does not trigger referral to the Department as a concurrence agency for assessment against the SPRP.

Additionally, the Department of Infrastructure and Planning recommends that the council attach specific conditions to any development approval to ensure that the proposed
development remains compliant with the SPRP. The recommended Conditions of Development and Statement of Reasons are attached.

The Department of Infrastructure and Planning has sent a copy of this letter and attached the associated table of recommended Conditions of Development and Statement of Reasons to the applicant.

Additionally, please treat this response as a properly made submission.

I trust this information is of assistance to you. If you require any further information, please contact Ben Collings on 4760 7533 who will be pleased to assist.

Yours sincerely

Dan Staley
Manager, Townsville

Cc  Amsal Pty Ltd
    C/- Flanagan Consulting Group
    PO Box 5820
    CAIRNS QLD 4870

    Attention: Katrina Shoobridge
Recomended Conditions of Development
and
Statement of Reasons

Development Application Number: 8/35/77 (1830225)
Proposal: Development Approval for Material Change of Use for accommodation unit and communal facilities
Site Locality: Rykers Road, Cape Tribulation
Property Description: Lot 9 on RP727756
Applicant: Amsal Pty Ltd c/- Flanagan Consulting Group

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<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The development must generally comply with the attached Concept Site Plan, bearing date September 2008.</td>
<td>To ensure that the development proceeds in accordance with the proposal; and Achieving the purpose of the Integrated Planning Act 1997 (Qld).</td>
<td>s. 3.3.15 Integrated Planning Act 1997 (Qld)</td>
</tr>
<tr>
<td>2. To the extent that the premises is used for a small scale tourist accommodation facility, the gross floor area must not exceed 999m².</td>
<td>To prevent a compromise of the implementation of Far North Queensland Regional Plan; and Achieving the purpose of the Integrated Planning Act 1997 (Qld).</td>
<td>s. 3.5.5(2)(c)(ii) Integrated Planning Act 1997 (Qld) s. 3.5.5(2)(c)(iii) Integrated Planning Act 1997 (Qld) s. 2.4(2)(f) of the draft State Planning</td>
</tr>
<tr>
<td>Conditions of Development</td>
<td>Reasons</td>
<td>Condition Basis</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>To prevent a compromise of the implementation of Far North Queensland Regional Plan; and Achieving the purpose of the Integrated Planning Act 1997 (QLD).</td>
<td>s. 3.5.5(2)(c)(ii) Integrated Planning Act 1997 (Qld) s. 3.5.5(2)(c)(iii) Integrated Planning Act 1997 (Qld) s. 2.4(2)(f) of the draft State Planning Regulatory Provisions (Regional Plans) Policy 5.5.2 of the Draft Far North Queensland Regional Plan 2025</td>
</tr>
<tr>
<td>3. The number of units or spaces made available on the premises must not exceed 10.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note: The definition for “Small Scale Tourist Accommodation Facility” is taken to be that provided for in Schedule 2 of the State Planning</td>
<td></td>
</tr>
<tr>
<td>4. The total capacity of the small scale tourist accommodation facility is no more than 50 people.</td>
<td>To prevent a compromise of the implementation of Far North Queensland Regional Plan; and Achieving the purpose of the Integrated Planning Act 1997 (QLD).</td>
<td>s. 3.5.5(2)(c)(ii) Integrated Planning Act 1997 (Qld) s. 3.5.5(2)(c)(iii) Integrated Planning Act 1997 (Qld)</td>
</tr>
<tr>
<td>Conditions of Development</td>
<td>Reasons</td>
<td>Condition Basis</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------</td>
<td>-----------------</td>
</tr>
</tbody>
</table>
24 February 2009

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attention: Mrs Jenny Elphinstone

Dear Mrs Elphinstone

APPLICATION FOR MATERIAL CHANGE OF USE FOR SUPERSEDED 1996 DOUGLAS SHIRE PLANNING SCHEME, 10 ACCOMMODATION UNITS AND ANCILLARY USES, LOT 5 ON RPT72776, RYKERS RD, CAPE TRIBULATION – REFERRAL AGENCY RESPONSE

The Department of Natural Resources and Water (concurrence and third party advice agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the Integrated Planning Act 1997, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemmcne on 07 4057 3890.

Yours sincerely

Cristina Froemmcne
Natural Resource Officer
Landscapes and Community Services
North Region

ENCL. Referral Agency Response

CC
Amsal Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870
Department of Natural Resources and Water – Referral agency response

Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application details

1.1. Applicant’s name
Amsal Pty Ltd

1.2. Property description
Lot 9 RP727756

1.3. Development type
Material Change of Use (MCU) - Accommodation premises and ancillary facilities

1.4. Assessment manager
Cairns Regional Council

1.5. Referral date
11 December 2008

1.6. Our references
IC1208CNS0008
eLVAS Case No: 2008/009952

2. Concurrence agency response – Remnant Vegetation

Please refer to the attached concurrence agency response from Senior Vegetation Management Officer Kathryn Dark dated 19 February 2009.

3. Third Party Advice – Surface Water

Background

The proposed development is for 10 double storey accommodation units with 5 people per unit (total of 50 people per day) on 4.9 ha of land. The southern boundary is delineated by Rykers Creek, which is defined as a watercourse by the Water Act 2000.

Recommendation

NRW advises that any activities within this feature will require approval, under and must satisfy sustainability criteria described in the Water Act 2000. Any activity in a watercourse, lake or spring may be subject to an approval under a separate operational works application. NRW recommends that the applicant is advised that Riverine Protection Permits are required under Water Act 2000, for excavation, placement of fill, or destruction of native vegetation within a watercourse. Such permits are separate from the IPA process.

NRW recommends that Council consider this feature in respect of flooding and drainage issues both on-site and in adjacent areas as per State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

4. Third Party Advice – Water Supply

Background

The application does not contain evidence that a suitable, permanent potable water supply would be available to the proposed accommodation. It is assumed that rainwater tanks will be used for domestic supply.

NRW considers that it is unlikely that the collection of rainwater in tanks will supply sufficient water for all domestic and emergency purposes. NRW also advise that the
NRW - referral agency response

quantity and quality of groundwater resources will vary across the subject lot, especially if disposal of effluent occurs on the subject site.

NRW acknowledges that EPA issued a permit to carry out the Environmentally Relevant Activity (ERA 15a) - Operation of a sewage treatment works of less than 100 Equivalent Person for the original proposal consisting of 16 accommodation units with a total design flow of 12,000 L/day.

Recommendation

NRW recommends that the applicant provide to Council further information regarding the provision of a suitable, permanent and potable water supply including:

- Estimation of total daily potable water demand in accordance with ‘Chapter 5 - Planning Guidelines for Water Supply and Sewerage’ Department of Natural Resources and Mines -March 2009;
- Details on proposed sources of potable water supply and expected delivery rate of each source;
- Details of measures to reduce water consumption, e.g. installation of water reduction fixtures and equipment;
- Estimation of any water supply for ancillary use such as for landscaped gardens and fire fighting purposes;
- Information on proposed potable water quality control to meet the requirements of the ‘Australian Drinking Water Guidelines (NHMRC/NRMMC 2004)’

5. Third Party Advice – Setback distance from waterway

The application includes information on proposed setback distances of 30 m from the top bank of Rykers Creek and the edge of the proposed effluent disposal area (refer to drawing NS-01 (1) – Revision A – September 2008).

Recommendation

NRW recommends that the proposed setback distance of 30 m from the high bank of Rykers Creek (Stream Order 3) be implemented to protect water quality by filtering sediments, nutrients and other pollutants. This setback distance is an acceptable solution under the ‘Performance requirement PR P.3 of NRW Regional Vegetation Management Code: Coastal Bioregions – 20 November 2008’.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Cristina Froemmcck
Address: PO Box 937, Cairns QLD 4870
Phone: 07 4057 3890

Cristina Froemmcck
Natural Resource Officer
Landscapes and Community Services
North Region
24 February 2009
Referral Agency Response – Material Change of Use
s 3.3.16 Integrated Planning Act 1997

1. Application information:
   1.1. Applicant's name: Ansal Pty Ltd c/- Flanagan Consulting Group
   1.2. Property description: 9 RP77756 - Cairns Regional Council
   1.3. Assessment Manager/Reference: Cairns Regional Council (156603)
   1.4. Date application was referred to Department: 27 January 2009
   1.6. Type of development sought by the application:
       • Material Change of Use

2. Concurrence Agency response:
   The Chief Executive of the Department of Natural Resources and Water directs that the following conditions must be imposed on any approval given by the Assessment Manager:

   2.1. There is to be no clearing for the establishment of infrastructure — including buildings, fences, roads, tracks and firebreaks — as a result of the Material Change of Use of Lot 9 RP77756.

   2.2. Any clearing of remnant vegetation that is not authorised to be carried out under this approval, will be subject to a development application for operational works, unless the clearing is exempt development under Schedule 8 of the Integrated Planning Act 1997.

3. Reasons:
   NRW has assessed the application against the Concurrence Agency Policy for Material Change of Use (MCU) 23 August 2007 (MCU Policy) and has determined that the application meets the requirements of Criteria Table A, because clearing as a result of the MCU will not occur within assessable vegetation.

   The chief executive of NRW has directed the assessment manager to include conditions in any development approval given for the above mentioned application to ensure that:
   - Clearing as a result of the MCU (including future firebreaks) does not occur within assessable vegetation; and
   - The application remains consistent with the MCU Policy.

4. Additional comments or information:
   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 compliance with cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the Department's website, or in...
NRW – referral agency response

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 should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Natural Resources and Water. 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) 323 83838 or on the Department’s website www.nrm.qld.gov.au/cultural_heritage.

5. Authorised Officer Signature:

[Signature]

Kathryn Dark
Senior Vegetation Management Officer
North Region

Date of Response: 19 February 2009

Att.
Notice

Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Cairns Regional Council (Cairns)
P.O. Box 355
CAIRNS QLD 4870

CC: Amaali Pty Ltd
Cl- Flanagan Consulting Group
P.O. Box 5620
CAIRNS QLD 4870

Our reference: 302755
Assessment Manager reference: 113577

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

The Department of Environment and Resource Management (DERM) (formerly the Environmental Protection Agency), wishes to advise that the referral for a concurrence agency response, received on 19-DEC-2008, has been assessed, and on 15-APR-2009 it was approved.

1. Property/Location
   Lot 9 Plan RF727756
   Located at – Rykars Road, Cape Tribulation QLD

2. Details of the recommendation

   Aspect of Development:
   Concurrence Response for a MCU involving an ERA
   ERA 53 Threshold 2(a) Sewage Treatment – operating one or more sewage treatment works, either than no release works, having a total daily peak design capacity of 21 or more equivalent persons but less than 100 equivalent persons.

   Recommendation
   Granted in full with conditions

DERM Ref Number
IPCE0132538
Agenda – Ordinary Meeting 22/4/09 - #2017487

Concurrence Agency Response

Aspect of Development

Advice Agency Response for a MU of land in or within 100m of a conservation estate.

Recommendation

Granted in full with conditions.

DERM Ref Number

IPAR01325408

3. Currency period

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

4. The approved plans

The approved plans and/or documents for this approval are:

<table>
<thead>
<tr>
<th>Plan/Document No.</th>
<th>Plan/Document Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project number 5667.13, Sheet number NS_01(1), Revision A</td>
<td>“Concept Site Plan showing Waste Water Treatment Areas”</td>
<td>September 2008</td>
</tr>
<tr>
<td>Project number 5667.13, Sheet number NS_01(2), Revision A</td>
<td>“Concept Site Plan showing PMAV”</td>
<td>September 2008</td>
</tr>
</tbody>
</table>

5. 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.

6. 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 DERM’s concurrence responses) for the application issued by the Cairns Regional Council (Cairns) be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the DERM’s Ecoaccess Customer Service Unit, PO Box 15156 CITY EAST 4002 and an electronic copy to eco.access@ecqld.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 DERM has not provided a notification to native title parties.
If you require more information, please contact Melanie Trent, the Project Manager, on the telephone number listed below.

Yours sincerely

Ingrid Formia, Assistant Director
Department of Environment and Resource Management
15 April 2009

Enquiries:
ES - Reg Serv - Cairns - William McCormack
PO Box 2086
Cairns QLD 4870
Phone: (07) 4040 8602
Fax: (07) 4045 8700
Concurrence Agency Response

Section 3.3.16 and 3.3.18 Integrated Planning Act 1997

DERM Permit¹ number: IPCE01325308

<table>
<thead>
<tr>
<th>Development Description</th>
<th>Lot/Plan</th>
<th>Aspect of Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot 2 Plan RP727756</td>
<td>ERA 83 Threshold 2(a) Sewage Treatment — operating one or more sewage treatment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>works, other than no release works, having a total daily peak design capacity of 21 or more equivalent persons but less than 100 equivalent persons.</td>
</tr>
</tbody>
</table>

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 1994, the reasons for the inclusion of development conditions are:

1) The Department of Environment and Resource Management (DERM) (formerly known as 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 permit for an environmentally relevant activity are in accordance with section 739 of the Environmental Protection Act 1994.

Additional information for applicants

This approval is for a Sewage Treatment Plant with a capacity to treat 10,000 litres of waste water per day (Daily Design Treatment Capacity of 40 Equivalent Persons).

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalents/similar as required by legislation administered by the Department of Environment and Resource Management (DERM)
Contaminated Land

It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware of 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 DERM.

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 aforementioned 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 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.

Ingrid Forlatti Minnema
Manager
For Northern Region
Regional Services
Environmental Services
Delegates
Department of Environment and Resource Management
15-APR-2009
CONDITIONS OF APPROVAL

Agency Interest: General

G1 Prevent and/or minimise likelihood of environmental harm.

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

G2 Maintenance of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:
(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
(b) maintain such measures, plant and equipment in a proper and efficient condition; and
(c) operate such measures, plant and equipment in a proper and efficient manner.

G3 Site Based Management Plan.

Prior to commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be drafted and submitted to the DERM for approval. The approved SBMP must be implemented at commencement of the ERA to which this approval relates. 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.
(l) Other requirements detailed in the Queensland Recycled Water Guidelines for a Recycled Water Management Plan.

G4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G5 Records.

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

G6 All records required by this approval must be kept for 5 years.
G7 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.

G8 Monitoring.

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

G9 Equipment Calibration.

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

G10 Trained / Experienced Operator(s).

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

G11 A copy of this approval must be maintained in a location readily accessible to personnel carrying out the activity.

Agency Interest: Air

A1 Nuisance.

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

A2 Dust Nuisance.

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

Agency Interest: Land

L1 Land Disposal.

The only contaminants permitted to be released to land are treated sewage effluent to the cleared areas or gardens in compliance with the limits stated in Table 1 – Contaminant release limits to land and the conditions of this approval.
Table 1 – Contaminant release limits to land

<table>
<thead>
<tr>
<th>Quality Characteristic</th>
<th>Release Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>E Coli (CFU/100mL)</td>
<td>-</td>
</tr>
<tr>
<td>BOD5 (mg/L)</td>
<td>-</td>
</tr>
<tr>
<td>Suspended Solids (mg/L)</td>
<td>-</td>
</tr>
<tr>
<td>TDS, mg/L or EC, μS/cm</td>
<td>-</td>
</tr>
<tr>
<td>pH</td>
<td>6</td>
</tr>
<tr>
<td>Dissolved Oxygen (mg/L)</td>
<td>2</td>
</tr>
<tr>
<td>Total Nitrogen (mg/L)</td>
<td>-</td>
</tr>
<tr>
<td>Total Phosphorus (mg/L)</td>
<td>-</td>
</tr>
</tbody>
</table>

L2
The irrigation of effluent must be carried out in a manner such that:

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

L3
Contact and keep records of any monitoring programs of contaminant releases from the treatment plant at the monitoring points, frequency, and for the parameters specified in Table 2 – Monitoring program.

Table 2 - Monitoring program

<table>
<thead>
<tr>
<th>Monitoring point</th>
<th>Quality characteristic</th>
<th>Units</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effluent discharge point</td>
<td>E Coli</td>
<td>CFU/100mL</td>
<td>Weekly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>BOD5</td>
<td>mg/L</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>Suspended Solids</td>
<td>mg/L</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>TDS or EC</td>
<td>mg/L or μS/cm</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>pH</td>
<td>pH Units</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>Dissolved Oxygen</td>
<td>mg/L</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>Total Nitrogen</td>
<td>mg/L</td>
<td>Monthly</td>
</tr>
<tr>
<td>Effluent discharge point</td>
<td>Total Phosphorus</td>
<td>mg/L</td>
<td>Monthly</td>
</tr>
<tr>
<td>Groundwater Monitoring Bore</td>
<td>E Coli</td>
<td>CFU/100mL</td>
<td>Annually</td>
</tr>
<tr>
<td>Groundwater Monitoring Bore</td>
<td>Total Nitrogen</td>
<td>mg/L</td>
<td>Annually</td>
</tr>
<tr>
<td>Groundwater Monitoring Bore</td>
<td>Total Phosphorus</td>
<td>mg/L</td>
<td>Annually</td>
</tr>
</tbody>
</table>
L4 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.

L5 When conditions prevent the irrigation of treated effluent to land (such as during or following rain events), the contaminants must be directed to a wet weather storage or alternative measures must be taken to store or slowly dispose of effluent (such as wet weather storage or tanking off site to another treatment plant or sewer). A record must be kept of any removal or discharge off site, including destination, transporter, dates and volumes.

L6 Preventing Contaminant Release To Land.
Contaminants must not be released to land unless otherwise specified in this approval.

L7 Pipelines and fittings associated with the effluent irrigation system must be clearly identified. Lockable valves or removable handles must be fitted to all release pipes situated in public access areas.

L8 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 tanks must be designed, constructed and maintained in accordance with AS 1950 – Storage and Handling of Flammable and Combustible Liquids.

L9 A minimum area of 2,850 square meters of cleared land or gardens, excluding any necessary buffer zones, must be utilised for the irrigation of treated effluent at the rates indicated in Table 3. This excludes any remnant vegetation areas.

Table 3 - Maximum permitted rate of application

<table>
<thead>
<tr>
<th>Release point</th>
<th>Maximum rate of application during dry season (May to October)</th>
<th>Maximum rate of application during wet season (November to April)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Application Area</td>
<td>7.5 mm/day</td>
<td>2.5 mm/day</td>
</tr>
</tbody>
</table>

L10 Notwithstanding the quality characteristic limits specified in Table 1 – Contaminant release limits to land, releases of effluent must not have any properties nor contain any organisms or other contaminants in concentrations that are capable of causing environmental harm.

L11 Existing septic tanks and trenches are to be fully decommissioned. Any contamination associated with the existing trenches is to be removed and replaced with clean fill with soil characteristics similar to that of the site.

L12 Within one (1) year of commencing the ERA for which this approval relates, install a minimum of two (2) groundwater monitoring bores and conduct the monitoring set out in Table 2 – Monitoring program.
Implement and maintain an irrigation monitoring program (IMP) for the release of contaminants to land(s).

As a minimum, the IMP must include:

(a) soil and sub-soil analysis, including assessment of the soils including types, structure, phosphorus adsorption capacity, nutrient status, salinity and sodicity, cation exchange capacity and sodium absorption ratio (SAR) of the contaminant release area(s), to be carried out at no less than six representative sites on an annual basis;

(b) ground water monitoring that determines the existence and rate of infiltration of effluent that has been irrigated to land, and the potential or actual impacts on ground water from such infiltration, to be carried out on an annual basis;

(c) plant analysis to assess nutrient export to be carried out on a bi-annual basis;

(d) determination of the quantity and quality of contaminants applied;

(e) periodic re-assessment, including modelling of the water, nutrient and salt balances and irrigation rate and return period should be undertaken, if necessary, to ensure sustainable use of the contaminant release areas is being achieved; and

(f) reporting of monitoring results, and an assessment of the impact of the releases on the contaminant release areas.

A sampling point must be maintained for the treated sewage effluent immediately downstream of the final treatment point. The sampling point must be maintained so as to be readily accessible to an authorised officer at any reasonable time.

Agency Interest: Noise

N1 Noise Nuisance.

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

Agency Interest: Social

S1 Complaint Response.

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

a) Time, date, name and contact details of the complainant;

b) reasons for the complaint;

c) any investigations undertaken;

d) conclusions formed; and

e) any actions taken.

Agency Interest: Waste

W1 Site Control.

At all times while the ERA is operating, at least one person must be present who is responsible for the control and operation of the facility and whose duties must include but not be limited to:

a) controlling the reception, storage and removal of waste;

b) maintaining the facility;

c) controlling all employees working in the facility; and

d) supervising all persons entering the facility.
Agenda Interest: Water

WA1 Contaminant And Sewage Pump Station.

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.

WA2 Monitoring.


WA3 Any exceedance of the limits set out in Table 1 - Contaminant release limits to land must be reported to the administering authority in writing within 28 days of receipt of analysis results.

WA4 The written notification required under Condition WA3 must include:
   a) the full analysis results;
   b) details of investigation and corrective actions taken; and
   c) any subsequent analysis to verify the success of any corrective actions taken.

WA5 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.

WA6 Stormwater Management.

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

WA7 Wet weather storage capable of containing a minimum of 30,000L must be installed on site.
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 Resource Management (formerly 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 land 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 the 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, wall 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 the water by using dredging equipment or other equipment designed for use in extraction of earth or material.

"dwellings" 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 reasonably 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.N, adj. 10 min." means the A-weighted sound pressure level, (adjusted for total character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

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

"L.A.N, adj. 10 min." means the A-weighted sound pressure level, (adjusted for noise character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement 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 Regulations 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 watercourses, 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