

**YOUR REF:** (28-2014).DSC02062014  
**OUR REF:** MCU (425820)

8 August 2014

Port Douglas Master Fishermen's Association Inc  
C/- RECS Consulting Engineers & Building Designers  
PO Box 894  
**PORT DOUGLAS QLD 4877**

Attention: Mr Peter Dutailis

Dear Sir

**DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING  
ACT 2009: DEVELOPMENT APPLICATION FOR  
WHARF STREET, PORT DOUGLAS**

With reference to the abovementioned request to amend the existing Material Change of Use approval for Marina and Waterfront Industry, which was determined by Council at the Ordinary Meeting held on 5 August 2014, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number 07 4099 9482.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Port Douglas Master Fishermen's Association Inc  
C/- RECS Consulting Engineers & Building Designers  
PO Box 894  
PORT DOUGLAS QLD 4877

**ADDRESS**

Wharf Street, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lots 1 & 3 on SP262338

**PROPOSAL**

Request to amend existing Material Change of Use (Marina & Waterfront Industry)

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

The Amended Decision Notice for the Material Change of Use dated 5 August 2014 replaces the Changed Decision Notice dated 19 December 2011.

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

Not applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Work  
Development Permit for Plumbing Work  
Development Permit for Operational Work

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

## ASSESSMENT MANAGER CONDITIONS

### Plan of Development

- 4.1 The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development:
- a) are generally in accordance with the plan titled 'general Arrangement' drawing No Q014043/C)1-G drawing prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014; and
  - b) may be carried out in stages with the first stage of the use being generally shown on drawing No.Q014043-TP1 prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014;
- 4.1.1 All development must be contained within the land currently known as Lot 1 on SP262338 and the term lease over Lot 3 on SP262338.
- 4.1.2 All dry dock storage (marine based industry) must be contained within stage 1(b) (proposed Lot 11).

### Amenity

- 4.2 The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.

### Landscaping and Fencing

- 4.43 The applicant shall prepare a detailed landscaping plan for the subject site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Local Planning Policy No.4 – Landscaping. This plan shall be submitted to Council for consideration and approval.
- 4.54 The landscaping plan submitted with the proposed development, titled 'Landscape Concept', dated 30 July 2003 and prepared by Landscape is to be amended as follows:
- a) The following species listed on the Proposed Plant Schedule are not endemic to the Port Douglas area and should **NOT** be used in the landscape plan.
    - Carpentaria acuminata*
    - Casuarina inophloia* (*C. equistefolia* to be used)
    - Pandorea jasminoides*
    - Pennisetum alopecuroides*

- b) Based on the species proposed in the plant schedule the following have been identified as being suitable for use in the landscape area on this site as they will tolerate the harsh conditions. These species **SHOULD** be the dominant species used in the landscape plan.

*Crinum pendiculatum*

*Cynometra iripa*

*Deplanchea tetraphylla*

*Heritiera littoralis*

*Ipomea pes-carpa*

*Randia fitzlandii*

*Scaevolea sericea (taccada)*

*Vitex ovata*

The amended plan is to be submitted to Council for Operational Works approval

- 4.65 The landscape areas adjoining the car parking area shall be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.
- 4.76 The landscaping shown on the approved plan is to be completed in stages. Before development in that stage may be occupied, the landscaping for that stage is to be completed and maintained thereafter.

### **Footpath Damage Liability**

- 4.87 All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

### **Sewerage**

- 4.98 A sewerage reticulation design incorporating pump stations, property sewers, design flows, pipe sizes, grades pump rates, catchments, and pressure main hydraulics is to be submitted to Council for Operational works approval. All works must be designed and constructed in accordance with the FNQROC Development Manual.
- 4.409 Other than that approved, no additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
- 4.4110 Waste water generated by the proposed development must be discharged to Council's sewer in accordance with the Environmental Protection Act 1994. As-constructed details of the existing external sewer from the site to council's sewer in Wharf Street must be provided with Operational Works submission.

4.4211 The unregulated waste storage area must be located within the development site and be screened from the road frontage. The location of this storage area must be indicated on plans submitted for Operational Works approval.

The unregulated waste storage area must:

- a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
- b) Include a stop cock and stormwater diversion valve at the drainage point;
- c) Contain two (2) industrial waste bins of nominal capacity 1500 litres and not less than two (2) 240 litre bins.
- d) Drain into a sewerage inlet.

**Refuse storage, removal and collection methods shall be in accordance with the *'Environment Protection (Interim Waste) Regulations 1996' Water***

4.4312 The water reticulation design shall be submitted for approval at Operational Works stage. The water reticulation infrastructure including private property water mains must be designed and constructed in accordance with the FNQROC Development Manual.

4.4413 The Council will make all connections to existing main. The developer is to prepay to the Council the estimated cost of the connection of the new main to the existing system. The applicant will be responsible for meeting the actual cost of the work.

4.4614 The developer is responsible for the external works to connect the site with Council's water supply at a point specified at Operational Works stage.

4.4815 Prior to connection of the new work by the Council, the developer's Engineer shall certify that:

- a) All mains have been satisfactorily pressure tested in accordance with the water resource guidelines.
- b) All mains have been cleared and sterilised by chlorination to his satisfaction.

4.4916 The mains shall be maintained by the developer for a period of twenty four (24) months after completion of the work. In the event of urgent maintenance work being carried out by the Council at the subdivider's expense.

4.2017 The Developer is to provide appropriate sized water metres for all town water entering the development.

### **Electrical and Telephone Services**

4.2418 Prior to the commencement of the use the developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:

- a) an underground electrical supply to the lot; and
- b) street lighting in accordance with Council's adopted standards.
- c) locating of all above ground transformer cubicles clear of footpath and parkland areas.

Prior to the commencement of the use, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:

- 4) an underground telephone service to the lot; and
- b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

4.2219 The developer shall provide underground electricity to the development in accordance with Ergon Energy requirements. It shall be the developer's responsibility to provide tapered tubular steel light posts within the road reserve at locations as directed by Ergon Energy.

### **Road Construction**

4.2320 The thickness of pavement gravel will be determined at Operational Works stage after soaked C.B.R. tests have been carried out on subgrade. The minimum depth of pavement shall be 200mm compacted.

4.2421 The access road serving the development shall have hot mixed asphalt pavement, 30mm mix complying with Department of Transport's Hot Mixed Asphalt Pavement Specification (11.09 8/88). Port Street access handle is to be constructed to an 8.0m wide bitumen surface.

4.2522 The developer shall upgrade the intersection of Port and Wharf streets in accordance with the requirements of *QLD Streets* 1995. The intersection is to be widened to incorporate two lanes entering and exiting the service road. Designs and specifications are to be approved by Council at Operational Works stage.

4.2623 The developer shall undertake revegetation of road embankment batters utilising indigenous species compatible to the surrounding environment. This revegetation shall be included in the landscape plan submitted for Operational Works approval.

### **Traffic Management and Car Parking**

4.2724 The ingress/egress to the site shall be provided with a physical means of speed control. This speed control device shall be shown on the plans submitted for Operational Works approval and shall be constructed prior to the use commencing and maintained at all times.

4.2825 The applicant shall provide bollard lighting at the property boundary to indicate access to the site. This lighting shall be installed prior to the commencement of the use.

4.2826 All car parking areas shall be constructed, sealed, drained and line marked to the satisfaction of Council. A minimum of ~~32~~ 27 car parking spaces shall be provided in and constructed in stages in accordance with approved plans of development Q014043-TP4 prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014. The car parking for stages is as follows:

Stage 1(a) ~~48~~ a minimum of 13 car parking spaces  
Stage 1(b) a minimum of 14 car parking spaces.

Stage 1(a) is represented by proposed Lot 12 and Stage 1(b) is represented by proposed Lot 11.

Car parking shall be maintained in a safe, serviceable condition throughout the life of the use;

4.2927 Where a refuse collection service is to be provided to collection points within the development, the internal road construction should allow for use by multi axle trucks with a total capacity of 24 tonnes. A minimum road width of 3.5 metres is required, with a minimum turning circle of 10.3 meters and an adequate corner curves are to be included suitable for the passage of such vehicles.

### **Drainage**

4.3028 All stormwater run-off from non-permeable surfaces occurring on the site must be collected within the lease boundary and discharge, excluding roofwater, to the legal and practical point of discharge via the storm water quality improvement devices (SQIDs) as identified on figure E3 dated 10/11/2003 (attached).

4.3129 The subject site must be graded so that it drains freely to the storm water quality improvement devices as shown on figure E3 dated 10/11/2003 (attached).

4.3230 Drainage easements and/or reserves as deemed necessary following submission of engineering drawings and designs are to be registered in Council's favour at no cost to the Council.

4.3331 The calculated design frequency for all storm water drainage shall be determined on a five year recurrence interval and all relevant design data shall be submitted with the engineering drawings.

### **Acid Sulphate Soils**

4.3432 The developer shall dispose of acid sulphate soils or potential acid sulphate soils in accordance with the Queensland Acid Sulphate Soils Investigation Team (QASSIT) Guidelines.

4.3533 The developer shall provide Council a certificate from a certified engineer indicating that the disposal of the acid sulphate soils or potential acid sulphate soils has been undertaken in accordance with the QASSIT guidelines prior to the commencement of the use.

4.3634 The transport route for the disposal of the acid sulphate soils or potential acid sulphate soils shall be identified on a plan lodged with Council for approval at Operational Works stage.

### **Dredging**

4.3735 The developer shall gain approval from the Environmental Protection Agency for the section 86 and 67 applications referring to dredging works prior to the commencement of works onsite.

### **Engineering Drawings and Designs**

4.3836 Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, stormwater drainage and lot improvement at Operational Works Application stage. Drawings should, in general, include the following:

- a) locality plan;
- b) layout and staging plan, where applicable;
- c) earthworks plan;
- d) layout plan for each new road;
- e) longitudinal section of each road;
- f) cross sections for each road, including standard cross sections;
- g) detailed plan of each intersection and cul-de-sac head where longitudinal grades do not exceed one (1) per cent;
- h) layout plan for each stormwater drainage;
- i) longitudinal sections for each stormwater drain line;
- j) details for non-standard drainage structures;
- k) Sewerage Reticulation Plan;
- l) Water Reticulation Plan;
- m) Erosion and Sediment Control Strategy;
- n) The location, extent and proposed treatment of acid sulphate soils on the site;
- o) Service providers conduit plan, including street lighting; and
- p) Such other details for the proper construction of the works ie retaining walls etc.



- 4.3937 The developer is responsible for the external works to connect the site with Council's sewerage reticulation system at a point of discharge specified by the Director of Engineering Services.

### **Compliance**

- 4.4038 All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and Council's engineering standards.
- 4.4139 All conditions relevant to each stage shall be complied with prior to the occupancy of any building or the commencement of the approved use for that stage.

### **Security**

- 4.4240 Payment of \$150 000 security bond is required prior to the issue of a development permit for building work. The bond may be in the form of cash or an irrevocable bank guarantee issued by a major trading bank operating within Australia. Council will not accept a guarantee, which has a termination date. The purpose of the security is to guarantee the satisfactory completion of building, site works, landscaping, drainage works and any required works external to the land.

### **Sewerage**

- 4.4341 Precast manholes and pump station units not yet constructed at the time of this approval to extend the relevant period are not permitted for use on this development.

### **Sewer Easement**

- 4.4442 Create an easement in favour of Council over any Council sewerage infrastructure located within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council.

The approved easement document must be lodged and registered with the Department of Environment and Resource Management prior to the Commencement of Use.

### **Inspection of Sewers**

- 4.4543 CCTV inspections of all constructed sewers (including property sewers) must be undertaken. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.

## **Damage to Infrastructure**

- 4.4644 In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use.

## **Refuse Storage**

- 4.4745 Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Water & Waste.

## **Liquid Waste Disposal**

- 4.4846 Trade waste discharge to sewer must meet the requirements of Water & Waste's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to commencement of use.

## **FNQROC Development Manual**

- 4.4947 All construction/operational works are to be in accordance with FNQROC Development Manual requirements and are subject to the associated application procedures.

## **Currency Period**

- 4.4348 This development approval lapses four (4) years after the day that this development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

## **Mangrove Remediation**

- 4.4449 Within two (2) years of the issuing of the amended Decision Notice (Change of Conditions), the applicant is to demonstrate to Council in written documentation that the construction of the drainage pipes recommended in the Natural Resource Assessment report (dated 22/12/2003) (Attachment A) has facilitated the recolonisation of the identified mangrove dieback area to the satisfaction of the Department of Primary Industries and Fisheries. To ensure the successful recolonisation of the identified mangrove dieback area, the developer shall lodge with Council a Cash Bond or Guarantee to the value of \$7500. Such guarantee shall be lodged prior to the commencement of the approved use if recolonisation has not been adequately demonstrated and will be returned on receipt of the required documentation.

## **General Advice**

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act* 1999 applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environment Australia's Community Information unit (1800 803 772) or from the following website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc). EPBC Act *Administrative Guidelines on Significance* (July 2000) are available to assist people in deciding whether activities are likely to need consideration under the Act.

You are advised that 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 Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act* 1997. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, telephone 4039 8275.

## **Marine Plants**

### Advice

1. Prior to the removal of marine plants the applicant must gain a permit to remove, destroy or damage marine plants pursuant to section 51 of the *Fisheries Act* 1994.

## **Landscaping**

### Advice

1. The species selected are determined by a listing defining a thorough vegetation analysis of ecological communities within a close proximity and relative to the same soil type as located at the project site. Council has this information on database and can provide this to the applicant.
2. Where possible, species of local provenance must be sought and utilised. All effort must be expended to ensure that this integrity is maintained. Where the securing of some species of local provenance is not possible, the responsible persons must liaise with Council's Technical Officer of Parks and Recreation and disclose the difficulties encountered thus ensuring that every avenue of procurement has been exhausted.
3. There are a number of other species that are suitable to be used on the site that are already growing onsite which would be preferable to use which the landscape architects have not considered. It is recommended that these be incorporated into the landscape plan as they are tolerant to the conditions

*Melaleuca leucodendron* \*

*M. quinquenervia* \*

*M. dealbata* \*

*M. viridiflora* \*

*Euroschinus falcatus*

*Hibiscus tiliaceus*\*

*Casuarina equisetifolia*

\* Note: caution should be used in planting these trees near buildings or structures. A minimum of ten (10) metres should be maintained between the tree and the building to avoid root damage, especially if a dense row of trees is planted. However these species should still be incorporated in the landscape if possible.

## **Flammable Liquids**

### Advice

1. The storage of flammable and combustible liquids must be in accordance with the *Building (Flammable and Combustible) Liquids Regulation 1944*.
2. The storage of chemicals of more than 10m<sup>3</sup> amounts to an environmentally relevant activity (ERA), which requires a further development approval under the *Integrated Planning Act 1997* and an environmental authority under the *Environmental Protection Act 1994*.
3. You are advised that 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 Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act 1997*. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, telephone 4039 8275.
4. The provision of the *Integrated Planning Act 1997*, the *Building Act*, the *Fire Safety Act*, the *Health Act*, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
5. The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.

## **Advertising Signage**

### Advice

1. Any onsite signage is to comply with the relevant requirements of s 8.16 of the Douglas Shire Planning Scheme gazetted December 1996 or any amendments relating to signage from time to time.

## **Road Works**

### Advice

1. Road works involved with the development shall be maintained by the developer for a period on twenty-four (24) months after the completion of work. In the event of urgent maintenance work, Council will carry out the work at the developer's expense.

## **5. Concurrence Agency Conditions**

**Relevant Laws:** *Environmental Protection Act* and subordinate legislation and Policies

### **Development Description:**

#### **Carrying out Environmentally Relevant Activities:**

73(a) – Marina for less than 20 berths or moorings.

11(a) – Crude oil or petroleum storage in tanks or containers having a combined storage capacity 10 000L or more but less than 500 000L.

69 – Boat maintaining or repairing facility.

23(a) – Abrasive blasting at a permanent location.

25(a) – Metal surface coating having an annual throughput of metal products less than 2000T

#### **At the following place:**

Lot A SR808245 Parish of Salisbury, County of Solander.

#### **Located at:**

Un-named service road off Port Street, Port Douglas Qld 4877.

<b>Schedule A</b>	-	General
<b>Schedule B</b>	-	Air
<b>Schedule C</b>	-	Water
<b>Schedule D</b>	-	Noise
<b>Schedule E</b>	-	Fuel Storage and Handling
<b>Schedule F</b>	-	Acid Sulphate Soils
<b>Schedule G</b>	-	Waste
<b>Schedule H</b>	-	Definitions

### **Schedule A – General**

**Prevent and/or minimise likelihood of environmental harm.**

- A1 In carrying out the environmentally relevant activities the holder of the development approval must ensure that all reasonable and practicable measures to prevent and/or to minimize 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 environmental relevant activities. It does not authorise environmental harm. Where there is no condition or the approval is silent in manner, the lack of a condition or silence shall not be construed as authorising harm.

### **Maintenance of measures, plant and equipment.**

- A2 You must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; 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.

### **Training of staff and users of facilities.**

- A3 The holder of the development approval must ensure that all staff, contractors and people using this facility are trained so that they have the appropriate skills and knowledge to be able to comply with the conditions of this approval and any Environmental Management Plan or Procedures that are in place.
- A4 A record of staff, contractors and customers that have received training must be kept on site for inspection by an authorised officer.

### **Monitoring and measurements**

- A5 All monitoring, assessments, sampling and field tests to be carried out in compliance with the conditions of the development approval and your Environmental Management Plans and Procedures must be done by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

### **Notifications of Emergencies, Incidents and Exceptions**

- A6 You must, as soon as practicable after becoming aware of:
- a) any emergency or incident which results in the release of contaminants not in accordance with the conditions of this development approval; or
  - b) any monitoring results that indicates an exceedance of any development approval limit, notify the administering authority of the release by telephone or facsimile.

## **Environmental Management Plans**

- A7 The submitted Draft Environmental Management Plan (Construction), Draft Environmental Management Plan (Operational), Draft Environmental Control System and Draft Waste Management System (Operational) must be amended only where appropriate to take into account the conditions contained within this development approval or otherwise to the prior approval of the concurrence agency.
- A8 The amended Environmental Management Plans and Procedures (specified in A7) must be approved by the administering authority prior to the commencement of any work.
- A9 The approved Environmental Management Plans and Procedures must be implemented in full from the commencement of construction of the activities.
- A10 All Environmental Management Plans and Procedures must provide for the review and continual improvement in the overall environmental performance of all environmental relevant activities that are carried out.

## **Schedule B – Air**

- 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 odour sensitive place.
- B2 The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.
- B3 Exceedance of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of B.2.
- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with AS 3580.10 of 1991; or
  - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place, when monitored in accordance with:
    - i) AS 3580.9.6 Ambient air – Particulate matter – determination of suspended particulate PM10 high volume sampler with size selective inlet – Gravimetric method; or
    - ii) any alternative method of monitoring PM10 which may be permitted by the Air Quality Sampling Manual as published from time to time by the Environmental Protection Agency.

- B4 Any abrasive blasting, spraypainting or spray application of anti-fouling agents must be carried out in a permanent and approved enclosure (paint shed) constructed for those purposes. The enclosure shall be effectively sealed to prevent any escape of airborne contaminants and be provided with a filtered exhaust system adequate to remove airborne contaminants and to satisfy workplace health and safety requirements.
- B5 Where an abrasive medium is used as part of the abrasive blasting process, the medium that is used must be "garnet".
- B6 Running and idling of motors and engines must be kept to a minimum and generally only occur if needed for servicing purposes or to enter and exit the marina.
- B7 No incineration or open burning is to be carried out at the site.
- B8 Only isocyanate free paints are to be used on site.

### **Schedule C – Water**

#### **Construction**

- C1 All works must be undertaken in line with Element E3 of the Draft Environmental Management Plan (Construction).
- C2 Construction works undertaken in Dickson Inlet such as pile driving, etc, must be contained within a silt curtain.
- C3 All water quality monitoring results undertaken in line with Table E3 of the Draft Environmental Management Plan must be faxed through to Douglas Shire Council at the end of each week of construction. If any test result falls outside the parameters set in table E3 or turbidity levels exceed 20 NTU then the Douglas Shire Council must be notified as soon as is practicable.
- C4 Excavation of the proposed fuelling/loading/unloading basin shall be, as far as is practicable, undertaken using land based excavation plant, leaving a bund between the excavation and Dickson Inlet.

#### **Operational**

- C5 All surfaces of the site other than landscaped areas are to be sealed.
- C6 All areas of the facility where washdown and boat repairs will occur, or where there is potential for water to become contaminated, must be bunded or suitably graded to prevent contaminated water running offsite, except when the discharge exceeds that corresponding to a five year recurrence interval discharge.
- C7 The areas that are bunded or suitably graded to prevent stormwater runoff (C.6) must drain to a silt trap and a stormwater quality improvement device (SQID) for treatment. The silt trap and SQID must be capable of separating out all collected sediment, hydrocarbons and other potential toxicants such as biosides and heavy metals, using best available technology not exceeding excessive costs. Stormwater drainage from roofs may be discharged to Dickson Inlet.



- C8 The silt trap and SQID must be capable of treating a flow of at least the equivalent of the catchment's first 20mm of rainfall without any bypass. Where a rainfall exceeds the capacity of the silt trap and SQID it shall not resuspend any previously captured pollutants.
- C9 Contaminated water that has been treated by the SQIDs serving the washdown bay, dry storage bays, bulk fuel unloading bay, maintenance areas and any work areas where stormwater may become contaminated must then be pumped to Douglas Shire Council's saline sewage treatment plant for further treatment and disposal. This must be done to the satisfaction of Council's Engineering Services Department – for further information contact Peter Cymbala on 4099 9460. Water that has been treated by SQIDS serving areas other than those nominated above may be discharged to the legal point of stormwater drainage.
- C10 The SQID must be cleaned out on at least a six (6) monthly basis or more frequently as required.
- C11 A record is to be kept on site of the date the SQID was cleaned and the name of the person/business performing the cleaning and collecting the waste.
- C12 No scraping or cleaning of hulls is to be carried out outside the nominated wash down bay or dry storage/maintenance bays.
- C13 Vessels that have any part or section coated or treated with TBT (Tributyltin) shall not be accepted at this facility. All reasonable tests and investigations must be carried out to ensure that this condition is complied with.
- C14 Roller or brush application of paints and anti-fouling agents are only to be done within the enclosed shed or hardstand bays that are drained to the SQID. In addition, groundsheets are to be used to catch spills and drips which shall be collected and stored in the waste storage area for disposal.
- C15 All uncontaminated stormwater from offsite, from roofs or from uncontaminated areas must be directed away from or around contaminated areas.
- C16 A concrete pad must be provided to the bulk fuel unloading area. The pad must be graded to inlet pits sufficient to prevent any contaminants running off site. The inlet pits are to be constructed and installed in line with drawing number QSK99CO2. All discharge from the separator must be pumped to Council's sewage treatment plant.
- C17 Any vessel moored at the marina or using its facilities shall not discharge any bilge water or effluent to Dickson Inlet.
- C18 Effluent pump out facilities are to be provided at the marina. This effluent is to be pumped and discharged to Douglas Shire Council's saline sewage treatment plant to the satisfaction of Council's Engineering Services. It will be acceptable to use a mobile pump out facility of an appropriate size and construction that shall remain accessible at all times to vessels using the facility. Appropriateness of mobile pump out facilities will need to be assessed by the Manager of Environmental Services before operation begins.

- C19 A bilge water pump out facility is to be provided at the marine straddle carrier jetty. The bilge water shall be pumped into storage drums which are to be stored in a roofed bunded waste store prior to collection. It will be acceptable to use a mobile pump out facility of an appropriate size and construction that shall remain accessible at all times to vessels using the facility. Appropriateness of mobile pump out facilities will need to be assessed by the Manager of Environmental Services before operation begins.
- C20 All regulated waste, waste oil, oil, packaged fuel, paints, solvents, chemicals, batteries, lime and other possible contaminants must be stored within sealed containers in a roofed bunded storage area. This bund must be impervious and capable of holding at least 110 per cent of the volume of the largest container stored therein.
- C21 All waste generated by boat repairs in unroofed hardstand dry storage/maintenance bays must be cleaned up at the end of each job.
- C22 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. All such spills must be picked up using dry absorbent material or be contained and collected through the SQIDs.
- C23 The site must be cleaned up to remove all waste, potential contaminants and litter at the end of each day or more frequently as required.
- C24 Materials and parts visibly contaminated with oil, grease or other contaminants must be stored undercover and in such a manner as to prevent the contamination of stormwater or land.
- C25 A spill containment kit of the appropriate size must be kept at the site in an accessible position at all times.

### **Water Quality Monitoring.**

- C26 Water quality samples must be taken from Dickson Inlet at:
- 1) A point five (5) m upstream from and five (5) m on the waterway side of the lease boundary; and
  - 2) A point five (5) m downstream from and five (5) m on the waterway side of the lease boundary at the following frequencies:

Monthly over the first six (6) months and then at least three (3) monthly thereafter. The samples must be taken one (1) hour after the low tide and wherever possible during or immediately following a rainfall event.

Samples must be taken in line with Environmental Protection Agency Guidelines and be analysed by a NATA accredited laboratory.

Water quality testing results must be measured against:

- a) the default trigger values for physical and chemical stressors for tropical Australia (Ecosystem type – Estuaries) contained in **Table 3.3.4** of the ANZECC Guidelines for Fresh and Marine Water Quality (2000); and

- b) the turbidity trigger value - 20 NTU - for estuarine and Marine contained in **Table 3.3.5** of the ANZECC Guidelines for Fresh and Marine Water Quality (2000); and
- c) trigger values for toxicants in marine water contained in **Table 3.4.1** of the ANZECC Guidelines, at a 95 per cent level of protection (toxicants tested for must reflect the types of toxicants that may be used or generated on site, and must include – Copper, Zinc, Tributyltin as Sn, oils and petroleum hydrocarbons).
- d) any water quality objectives set for Dickson Inlet under Schedule 1 of the *Environmental Protection (Water) Policy 1997*.

If the results of the water quality monitoring carried out in C.26 exceed the default trigger values then the Douglas Shire Council must be notified as soon as is practicable.

All water quality testing results must comply with recreational water quality guidelines for general chemicals, contained in **Table 5.2.3** of the ANZECC Guidelines for Fresh and Marine Water Quality (2000). Those that do not must be brought to the attention of Douglas Shire Council as soon as is practicable.

### **Schedule D – Noise**

- D1 During the construction phase all work must be carried out in line with Australian Standard AS 2436-1981 (Guide to Noise Control of Construction, Maintenance and Demolition Sites).
- D2 Operation of activities likely to generate significant noise, such as abrasive blasting, construction work, the use of power tools, etc, shall be limited to the hours of 7:00 am to 7:00 pm on a business day or Saturday and 8:00 am to 12:00 noon on a Sunday or public holiday.
- D3 Noise from activities must not cause an environmental nuisance at any noise affected premises.
- D4 All noise from activities other than short term construction activities such as pile driving must not exceed the levels specified in Schedule D – Table 1 at any noise affected premises.

### **Schedule D – Table 1**

Noise Level DB(A) Measured as	Monday to Saturday			Sundays and public holidays		
	7:00 am – 6:00 pm	6:00 pm – 10:00 pm	10:00 pm – 7:00 am	9:00 am – 6:00 pm	6:00 pm – 10:00 pm	10:00 pm – 9:00 am
	Noise measured at noise sensitive place					
LA10,adj,10mins	45	40	30	45	40	30
LA1,adj,10mins	50	45	35	50	45	35
	Noise measured at a Commercial place					
LA10,adj,10mins	50	45	35	50	45	35
LA1,adj,10mins	55	50	40	55	50	40

## **Schedule E – Fuel Storage and Handling**

- E1 The construction and operation of the fuel facility must comply with AS 1940 – 1993 ‘The storage and handling of flammable and combustible liquids’.
- E2 Monitoring wells constructed in line with submitted drawing number SGR51014(A) shall be installed at each corner of the tank excavation. The wells are to be checked on a weekly basis to monitor the integrity of the underground fuel tanks.
- E3 Any fuel package storage areas that are classed as minor storage under AS 1940 must at all times comply with the precautions contained in **section 2.2** of that standard.
- E4 The operator of the fuel facility must acquire and maintain a license under the *Dangerous Goods Safety Management Regulation 2001*.

## **Schedule F – Acid Sulphate Soils**

- F1 Wherever possible the disturbance of potential acid sulphate soils on the site shall be avoided.
- F2 All works on the site shall be carried out in line with the Queensland Acid Sulphate Soil Technical Manual (Version 3.7) and Element E3 of your Draft Environmental Management Plan (Construction).
- F3 Stockpiles of actual and potential acid sulphate soil (A&PASS) must be effectively bunded at all times to ensure that leachate does not escape the bunded area.
- F4 All leachate must be collected and treated prior to release. Settlement ponds must have a volume capacity capable of containing all run-off and leachate from the A&PASS stockpiles after a 20mm rainfall event.
- F5 During times of discharge from the treated settlement ponds pH must be monitored on an hourly basis to ensure that the pH range is between 6.0 and 8.2. Where this range is breached the discharge must be stopped immediately.
- F6 All stockpiled A&PASS that is to be removed offsite must be done so within 48 hours of excavation.
- F7 Vehicles transporting the A&PASS offsite must be constructed to ensure that no leachate or A&PASS material escapes during transport.
- F8 The A&PASS that is to be treated offsite must be done so at an approved location. The location and bunded area provided must be inspected and given approval by an authorised officer of the Douglas Shire Council before any A&PASS is taken in at the site.
- F9 All A&PASS material to be lime neutralised must receive a liming rate calculated and specified by an appropriately qualified person. Records of volumes of A&PASS, liming rates and pH tests must be provided to council on a weekly basis when treatment is underway.
- F10 Treated A&PASS can only be removed for reuse or disposal once a qualified person is satisfied that neutralisation is complete.

## **Schedule G – Waste**

- G1 The site must be operated at all times in line with your Draft Waste Management System (Operational).
- G2 Whenever possible the waste management hierarchy principles of waste avoidance, waste re-use and waste recycle must be applied in the operation of this site.
- G3 An area must be set aside for the segregation and storage of recyclable solid wastes.
- G4 Where a recycling collection service is available, recyclable material must not be deposited in the general waste stream.
- G5 All waste oil enclosures and waste storage areas must be supervised by trained staff that must ensure that all people using the facility do so as directed.
- G6 A sign must be placed on the waste oil enclosure that clearly and legibly states that – ‘All waste oil and waste oil containers are to be placed inside the bunded compound’.
- G7 You must ensure that all regulated waste is collected by an operator licensed to carry such waste by the Environmental Protection Agency.

## **Schedule H – Definitions**

Words and phrases used throughout this 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.

“**Administering authority**” means the Douglas Shire Council or its successor.

“**AHD**” means Australian Height Datum.

“**ANZECC**” means the Australia and New Zealand Environment and Conservation Council.

“**approval**” means ‘notice of development application decision’ or ‘notice of concurrence agency response’ under the *Integrated Planning Act 1997*.

“**Authorised officer**” means an officer of the Douglas Shire Council authorized under the *Environmental Protection Act 1994*

“**commercial place**” means a place used as an office or for business or commercial purposes.

“**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 center 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.

**“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.

**“LA<sub>10,adj,10mi</sub>”** means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for ten (10) per cent of any ten (10)minute measurement period, using Fast response.

**“LA<sub>1,adj,10 mins</sub>”** means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for one (1) per cent of any ten (10)minute measurement period, using Fast response.

**“LA<sub>max adj,T</sub>”** means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any ten (10) minute period, using Fast response.

**“leachate”** means a liquid that has passed through or emerged from, or is likely to have passed through or emerged from, a stockpile of actual or potential acid sulphate soil and is therefore likely to have a pH value less than seven (7).

**“maximum”** means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

**“minimum”** means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

**“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 center or hospital; or
  - a protected area; or
  - a park or gardens
 and includes the curtilage of such place.

**“NTU”** means nephelometric turbidity units.

**“odour sensitive place”** has the same meaning as a “dust sensitive place”.

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

**“plant and equipment”** includes:

- plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;
- devices and structures to contain foreseeable escapes of contaminants and waste;
- fuel burning equipment;
- devices and structures used to store, handle, treat and dispose of waste;
- monitoring equipment and associated alarms; and
- backup systems that act in the event of failure of a primary system.

**“recyclable material”** means material that can be used or recycled for a beneficial reuse including energy recovery.

**“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 the place to which this environmental authority relates or the premises to which this development approval relates.

**“tank”** means any individual container for holding a waste, hydrocarbon or chemical and having a capacity of more than 250 litres.

**“the Act”** means the *Environmental Protection Act* 1994.

**“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.

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

## **RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

**APPENDIX 1: APPROVED AMENDED PLAN**

