



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

**Approval**

**ELLA BAY RESIDENTIAL AND TOURISM DEVELOPMENT, ELLA BAY, QUEENSLAND,  
(EPBC 2005/2159)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

**person to whom the approval is granted** Satori Resorts Ella Bay Pty Ltd

**proponent's ACN** 096 551 352

**proposed action** To develop and operate a residential and tourism integrated community and associated infrastructure located at Ella Bay, including a suitable access route from Flying Fish Point to Ella Bay, Queensland [See EPBC Act referral 2005/2159].

**Approval decision**

Controlling Provision	Decision
World heritage properties (sections 12 & 15A)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved

**conditions of approval** This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 26 January 2063.

**Decision-maker**

**name and position** The Hon Tony Burke MP, Minister for Sustainability, Environment, Water, Population and Communities.

**signature**

**date of decision**

11.12.12

## Conditions attached to the approval.

1. Within 10 days after the **commencement of the action**, the person taking the action must advise the Department in writing of the actual date of **commencement of the action**.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.
3. Within three months of every 12 month anniversary of the **commencement of the action**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and details of non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
4. Within three months of every 24 month anniversary of the **commencement of the action** or upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. For each audit the independent auditor must be approved by the **Minister** prior to the commencement of the audit, the audit criteria must be agreed to by the **Minister**, and the audit report must address the criteria to the satisfaction of the **Minister**.
5. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the varied plan in writing. The **Minister** will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised plan, that plan must be implemented in place of the plan originally approved.
6. If the **Minister** believes that it is necessary or convenient for the better protection of World Heritage properties (sections 12 & 15A) and/or Listed threatened species and communities (sections 18 & 18A) the **Minister** may request that the person taking the action make specified revisions to the plans specified in the conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The approved revised plan must be implemented. Unless the **Minister** has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, as specified in the conditions.
7. If, at any time after the first 24 month anniversary of the date of this approval, the person taking the action has not **commenced the action**, then the person taking the action must not **commence the action** without the written agreement of the **Minister**.
8. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish and make publicly available on their website, for the life of this approval, all plans referred to in these conditions of approval. Each plan must be published on the website within 1 month of being approved; this includes any revised plans.

9. The person taking the action must submit to the **Department** a **final master plan** of the proposed Ella Bay Residential and Tourism Development (EBRTD – including the upgraded access road), consolidating the final design elements from the **assessment documentation**. The final master plan must be based on information contained in the **assessment documentation**; it must cross reference where in the **assessment documentation** the design elements can be found; and, must include details of all areas that: will be under conservation agreement; will undergo clearing; and, will undergo revegetation work. The final master plan must include 200m wide fauna corridors, or as near as possible, where such a width will not impact on the location and extent of currently planned building structures.

The final master plan must include design details for the access road as proposed in the 'Ella Bay Integrated Resort Proposal – SEIS Submission Response' (SEIS Response – Volume Four, dated 1 June 2012). The access road design must include all mitigation elements (including cassowary and frog exclusion fencing, and fauna underpasses) stated in the SEIS Response (Volume Four, dated 1 June 2012) and cannot be wider than the design included in the SEIS Response. The final master plan must be submitted to the **Department** for approval. The person taking the action must not commence the action until they have received approval of the final master plan from the **Department**.

10. The person taking the action must undertake the action in accordance with the approved **final master plan** to ensure no unacceptable impacts to World Heritage properties (sections 12 & 15A), and Listed threatened species and communities (sections 18 & 18A).
11. The person taking the action must fund, construct, maintain and monitor all mitigation measures associated with the upgraded access road and development (including fauna exclusion fences, fauna escape gates and fauna underpasses described in the SEIS Response, dated 1 June 2012) to prevent unacceptable impacts to Listed threatened species and communities (sections 18 & 18A).
12. The person taking the action must prepare and submit an Environmental Management Plan (EMP), covering all facets of the development, construction and operation of all precincts (including, but not limited to the residential, resorts, recreation, open space, golf course, village, research and educational, and communal facilities) of the EBRTD for the **Minister's** approval to effectively manage and mitigate against negative impacts to:
- the Southern Cassowary (*Casuarius casuarius johnsonii*),
  - Stream Dwelling Rainforest Frog Species (*Litoria rheocola*, *Nyctimystes dayi*, and *Litoria nannotis*),
  - Spectacled Flying Fox (*Pteropus conspicillatus*),
  - Marine Turtle Species (*Chelonia mydas*, *Natator depressus*, *Caretta caretta*, *Eretmochelys imbricate*, *Lepidochelys olivacea*, *Dermochelys coriacea*),
  - World Heritage (Wet Tropics of Queensland World Heritage Area and Great Barrier Reef World Heritage Area),
  - as well as negative impacts arising from Exotic Flora and Fauna.

The EMP must describe the protocols and procedures for the disposal of treated effluent once the available storage capacity is reached. No discharge of waste will be authorised until the EMP is approved by the **Minister**.

The EMP must also include strategies to benefit, where appropriate, **matters of national environmental significance**. The EMP must include and address management strategies to mitigate each potential impact, defining desired outcomes and establishing benchmark

and performance goals for each impact at all stages of the project. Management strategies must include the following management actions:

- Management measures to avoid or mitigate impacts
- Monitoring requirements – including timing and frequency of monitoring to determine impacts and effectiveness of management measures
- Performance indicators - clear and concise indicators of performance for outcomes to be achieved
- Corrective actions - appropriate corrective actions to be undertaken if performance indicators or outcomes are not being met
- Responsibilities - plan must clearly state persons responsible for implementing the EMP, including their position or status
- Contingency measures – accounts for human-induced and/or natural extreme events

The EMPs must be reviewed annually (within three months of every 12 month anniversary of the **commencement of the action**) by the person taking the action, with any revisions to be approved by the **Minister** before implementation of changes.

The approved EMPs must be implemented before **commencement of the action**.

13. The person taking the action must undertake the action in accordance with, and ensure all users of the EBRTD (including, but not limited to, permanent residents, resort operators and visitors, business operators, employees and contractors) comply with the approved EMPs to ensure no unacceptable impacts to World Heritage properties (sections 12 & 15A) and Listed threatened species and communities (sections 18 & 18A).
14. As part of the EMP the person taking the action must ensure dogs and cats are excluded from the site to avoid unacceptable impacts to the Southern Cassowary.
15. As part of the EMP the person taking the action must ensure that the maximum volume of effluent applied to the irrigation area (minimum 91 ha irrigation area) does not exceed 127,000,000 litres per year. The quality of onsite treated sewage effluent must conform to the values in the below table.

Monitoring point	Monitoring Frequency	Parameter	Release Limit		Load calculation
			Minimum	Maximum	
Final Pump Station	Monthly	Total Nitrogen		10 mg/L	5 mg/L
Final Pump Station	Monthly	Total Phosphorus		2 mg/L	1 mg/L
Final Pump Station	Daily	Dissolved Oxygen	2 mg/L		
Final Pump Station	Daily	pH	6.5	8.5	
Final Pump Station	Monthly	5 Day Biochemical Oxygen Demand (BOD)		20 mg/L	
Final Pump Station	Monthly	Suspended Solids		30 mg/L	
Final Pump Station	Monthly*	Enterococci Organisms (CFU / 100 ml)		200 colonies per 100 millilitres	
Final Pump Station	Monthly	Chlorine		0.2 mg/L	

The person taking the action must:

- maintain a written daily record of the volume of treated sewage effluent applied to the irrigation area in each 24 hour period;
  - maintain a written record for National Association of Testing Authority laboratory results.
  - maintain the above records for a period of seven (7) years; and
  - provide a copy of the records to the **Department** if requested.
16. The irrigation of effluent must be carried out in a manner such that: vegetation is not damaged; soil erosion and soil structure damage is avoided; there is no surface ponding of effluent; percolation of effluent beyond the plant root zone is minimised; the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded; and the quality of ground water (equivalent to pre-development) is not adversely affected.
17. Notices must be prominently displayed on areas undergoing effluent irrigation, warning the public that the area is irrigated with treated effluent and not to use or drink the effluent. These notices must be maintained in a visible and legible condition.
18. The person taking the action must provide offsets for the Southern Cassowary, in accordance with the offsets proposal within the 'Ella Bay Integrated Resort Development – SEIS Submission Response'. The proposed land-based offsets must be legally secured (including conservation covenants), with evidence provided to the department prior to the **commencement of the action**. The legal security and conservation covenants must be maintained for the life of the approval. A **Revegetation Works Plan** must be submitted for the **Minister's** approval prior to the **commencement of the action**. The approved **Revegetation Works Plan** must be implemented. The person taking the action must begin implementing the **Revegetation Works Plan** before **commencement of the action**.
19. The person taking the action must provide the department with a textual description and map to clearly define the location and boundaries of the direct Offset Area. This must be accompanied with the **offset attributes** and a **shapefile**.

## Definitions

**Assessment documentation** – the Ella Bay Integrated Resort Proposal Environmental Impact Statement, Ella Bay Integrated Report Proposal Supplementary Environmental Impact Statement and Ella Bay Integrated Resort Proposal – SEIS Submission Response.

**Commencement of the action** – the clearing of vegetation, pest and weed control, or construction of any infrastructure, including fences and signage, associated with the proposed action. Revegetation work is not considered commencement of the action.

**Department** – the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

**Final master plan** – a single plan (diagrams and text) detailing the layout and design features of all components of the development.

**Matters of national environmental significance** – those matters protected under the *Environment Protection and Biodiversity Conservation Act 1999*: world heritage properties, national heritage places, wetlands of international importance (Ramsar wetlands), nationally threatened species and ecological communities, migratory species, Commonwealth marine areas, Great Barrier Reef Marine Park, the environment where nuclear actions are involved (including uranium mines).

**Minister** – the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

**Offset attributes** – means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

**Revegetation Works Plan** – a single plan (diagrams and text) detailing the how, when and what revegetation work will be undertaken for the land-based offsets.

**Shapefile** – means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.