



Notice

Environmental Protection Act 1994

Decision about an application for an environmental authority

This statutory notice is issued by the administering authority pursuant to section 198 of the Environmental Protection Act 1994 to advise you of a decision on your application for an environmental authority.

To: Broad Water Downs Pty Ltd
PO Box 8127
TOOWOOMBA QLD 4350
Masato.araki@macquariewagyu.com

ATTN: Mr Masato Araki

Our reference: QEMM0537

Decision about an application for an environmental authority

1 Application details

The application for an environmental authority was received by the administering authority on 24 May 2018.

Application reference number: QEMM05371

Land description: Lot 312 and Lot 356 ML1095.

2072 Millmerran Leyburn Road
TUMMAVILLE, QLD

2 Decision

The administering authority has decided to approve the application.

3 Annual fee

The first annual fee is payable within 20 business days of the effective date shown in the attached environmental authority.

The anniversary day of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee will be due each year on this day.

4 Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the relevant court. Information about

your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.



Signature

18 June 2018

Date

Mitchell Furness
Manager, Environmental Regulation

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Agriculture and Fisheries
Animal Industries (J Block)
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23

Fax: 07 4529 4192

Email: livestockregulator@daf.qld.gov.au

Attachments

Environmental authority 2018-14

Information sheet: Internal review and appeal (ESR/2015/1742)

Permit¹

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the delegate of the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: 2018-14

Environmental authority takes effect when your related development application is approved

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date. Payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

| Name and Suitable Operator Reference | Registered address |
|--|-----------------------------------|
| BROAD WATER DOWNS PTY LIMITED Suitable operator reference: 702430 | PO Box 8127 TOOWOOMBA QLD 4350 |

Environmentally relevant activity and location details

| Environmentally relevant activity | Location |
|--|--|
| ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – (b) more than 1,000 but not more than 10,000 | Lot 312 and Lot 356 ML1095 2072 Millmerran Leyburn Road TUMMAVILLE QLD |

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect


Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise- one the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



18 June 2018

Mitchell Furness

Manager, Environmental Regulation

Delegate of the administering authority

Environmental Protection Act 1994

Enquiries

Department of Agriculture and Fisheries
Animal Industries (J Block)
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23

Fax: 07 4529 4192

Email: livestockregulator@daf.qld.gov.au

Department of Agriculture and Fisheries

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Natural Resources and Mines (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Agriculture and Fisheries to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

| Agency interest: General | |
|--------------------------|---|
| Condition number | Condition |
| G1 | Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken. |
| G2 | Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations: a) No more than 4,920 standard cattle units are to be kept in a feedlot on the property lots described above at any one time. |
| G3 | The feedlot controlled drainage area and associated facilities must be constructed generally in accordance with the plans: 1. DEVELOPMENT COMPLEX CONTROLLED DRAINAGE AREA PLAN, prepared by Stafford Adamson, 12 June 2018, Drawing Number: G7-116-150-04, Revision C; and 2. DEVELOPMENT COMPLEX STORMWATER DRAINAGE PLAN, prepared by Stafford Adamson, 12 June 2018, Drawing Number: G7-116-150-B1, Revision C. |
| G4 | All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities. |
| G5 | The activity must be undertaken in accordance with written procedures that: a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and f) ensure that reviews of environmental performance are undertaken at least annually; and g) Identify risk of harm or nuisance to surrounding land uses and measures to minimise any environmental harm or nuisance; and h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses. |
| G6 | All records must be kept for a period of at least five years and provided to the administering authority upon request. |
| G7 | Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system . |

M. J. F. Jones
14/06/2018

| G8 | All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses. | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------|---|-------------------|---------------------|-------------|--|--|--|--------------------------------|---|----------|---|---|---|--------------------------------------|--|------------------------------|--|----|---|
| G9 | A receiving environment monitoring program must be designed and implemented by an appropriately qualified person(s) to monitor the effects of the activity on soils, groundwater and waters within or adjacent to the effluent utilisation areas. | | | | | | | | | | | | | | | | | | | | |
| G10 | <p>The receiving environment monitoring program must include at least the following:</p> <ul style="list-style-type: none"> a) initial monitoring of soil chemistry within the effluent utilisation areas to obtain background soil chemistry in accord with Table 1 –Monitoring in condition G11 below; and b) establish threshold levels for nutrients within the effluent utilisation areas that trigger the remediation measures required by condition G10 (d) below to be undertaken; and c) periodic monitoring of soil chemistry within the effluent utilisation areas; and d) describe all remediation measures that will be employed to ensure that contaminants generated by the activity do not cause environmental harm. | | | | | | | | | | | | | | | | | | | | |
| G11 | <p>An appropriately qualified person(s) must monitor and record all indicator(s) required by and in accordance with Table 1 – Monitoring, and condition G6 of this environmental authority.</p> <p>Table 1 – Monitoring</p> <table border="1" data-bbox="392 824 1522 1688"> <thead> <tr> <th data-bbox="392 824 632 999">Indicator(s)</th> <th data-bbox="636 824 839 999">Measurement (units) and depth intervals</th> <th data-bbox="844 824 1015 999">Minimum frequency</th> <th data-bbox="1019 824 1522 999">Monitoring location</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="392 1005 1522 1039">Land</td> </tr> <tr> <td data-bbox="392 1046 632 1167">Colwell Phosphorus (Colwell P)</td> <td data-bbox="636 1046 839 1167">mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> <td data-bbox="844 1046 1015 1688" rowspan="6">Annually</td> <td data-bbox="1019 1046 1522 1688" rowspan="6">Soil samples are to be collected from the specified depth intervals from representative sites within all effluent and manure utilisation areas.</td> </tr> <tr> <td data-bbox="392 1173 632 1294">Nitrate Nitrogen (NO₃⁻ - N)</td> <td data-bbox="636 1173 839 1294">mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td data-bbox="392 1301 632 1422">Exchangeable Sodium Percentage (ESP)</td> <td data-bbox="636 1301 839 1422">SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td data-bbox="392 1429 632 1550">Electrical Conductivity (EC)</td> <td data-bbox="636 1429 839 1550">µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td data-bbox="392 1556 632 1688">pH</td> <td data-bbox="636 1556 839 1688">pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> </tbody> </table> | Indicator(s) | Measurement (units) and depth intervals | Minimum frequency | Monitoring location | Land | | | | Colwell Phosphorus (Colwell P) | mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | Annually | Soil samples are to be collected from the specified depth intervals from representative sites within all effluent and manure utilisation areas. | Nitrate Nitrogen (NO ₃ ⁻ - N) | mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | Exchangeable Sodium Percentage (ESP) | SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | Electrical Conductivity (EC) | µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | pH | pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m |
| Indicator(s) | Measurement (units) and depth intervals | Minimum frequency | Monitoring location | | | | | | | | | | | | | | | | | | |
| Land | | | | | | | | | | | | | | | | | | | | | |
| Colwell Phosphorus (Colwell P) | mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | Annually | Soil samples are to be collected from the specified depth intervals from representative sites within all effluent and manure utilisation areas. | | | | | | | | | | | | | | | | | | |
| Nitrate Nitrogen (NO ₃ ⁻ - N) | mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | | | | | | | | | | | | | | | | | | | | |
| Exchangeable Sodium Percentage (ESP) | SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | | | | | | | | | | | | | | | | | | | | |
| Electrical Conductivity (EC) | µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | | | | | | | | | | | | | | | | | | | | |
| pH | pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m | | | | | | | | | | | | | | | | | | | | |
| G12 | When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity . The monitoring results must be provided within 10 business days to the administering authority upon its request. | | | | | | | | | | | | | | | | | | | | |
| G13 | <p>Feedlot pens must be managed to:</p> <ul style="list-style-type: none"> a) minimise the amount of organic matter available for decomposition, and b) minimise the amount of water that mixes with organic matter, and c) maximise the rate of drying of wet organic matter. | | | | | | | | | | | | | | | | | | | | |

H. Turner
19/6/2018

| | |
|-------------------------------|---|
| G14 | Feedlot controlled drainage areas must be constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the specification of Appendix G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition. The holder of the environmental authority is to carry out compaction testing to demonstrate compliance with this specification. |
| G15 | The holder of the environmental authority must submit to the administering authority evidence that the expanded feedlot pens, effluent holding pond, sediment basins and manure and carcass processing areas have been constructed in accord with the specification of Appendix G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition prior to stocking the reconfigured feedlot controlled drainage area. |
| G16 | Animal carcasses shall be disposed of so as not to cause environmental harm or nuisance . The permeability of the base of composting areas must not exceed 0.1mm/day. The permeability of burial pits must not exceed 0.1mm/day. Carcasses must, at all times, be covered with a minimum of 300mm of soil or organic material. |
| G17 | Feedlot controlled drainage areas must be suitably designed to be protected from a 1% AEP flood event. |
| Agency interest: Air | |
| Condition number | Condition |
| A1 | Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place . |
| A2 | Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority. |
| Agency interest: Water | |
| Condition number | Condition |
| WT1 | Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater . |
| WT2 | Any release of contaminants generated by the activity to waters must not cause environmental harm . |
| WT3 | The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. |

M. Turner
R/10/10/13

Agency interest: Noise

| Condition number | Condition |
|------------------|-----------|
|------------------|-----------|

N1 Noise generated by the **activity** must not cause **environmental nuisance** to any **sensitive place** or **commercial place**.

N2 Noise from the **activity** must not include **substantial low frequency noise** components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance **sensitive place** or **commercial place**.

Table 3 – Noise limits

| Noise level measured in dB(A) | Monday to Saturday | | | Sunday and Public Holidays | | |
|-------------------------------|---|----------------|----------------|----------------------------|----------------|----------------|
| | 7am-6pm | 6pm-10pm | 10pm-7am | 9am-6pm | 6pm-10pm | 10pm-9am |
| | Noise measured at a nuisance sensitive place | | | | | |
| LAeq adj, 1 hr | Background +5 | Background +3 | Background +3 | Background +5 | Background + 3 | Background + 3 |
| LAm _{ax} , 1 hr | Background +10 | Background +8 | Background +5 | Background +10 | Background +8 | Background +5 |
| | Noise measured at a commercial place | | | | | |
| LAeq adj, 1 hr | Background +10 | Background +8 | Background +5 | Background +10 | Background +8 | Background +5 |
| LAm _{ax} , 1 hr | Background +15 | Background +13 | Background +10 | Background +15 | Background +13 | Background +10 |

Agency interest: Land

| Condition number | Condition |
|------------------|-----------|
|------------------|-----------|

L1 Any **release** of contaminants generated by the **activity** to **land** must not cause **environmental harm**.

L2 Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.

Agency interest: Waste

| Condition number | Condition |
|------------------|-----------|
|------------------|-----------|

WS1 All waste generated in carrying out the **activity** must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

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| | |
|------------|---|
| WS2 | Waste being treated must be lawfully treated to render it less hazardous and be fit for its intended use or disposal. |
| WS3 | Any release or utilisation of waste products generated by the activity must not cause environmental harm . |

END OF PERMIT

Attachments

DEVELOPMENT COMPLEX CONTROLLED DRAINAGE AREA PLAN, prepared by Stafford Adamson, 12 June 2018, Drawing Number: G7-116-150-04, Revision C; and

DEVELOPMENT COMPLEX STORMWATER DRAINAGE PLAN, prepared by Stafford Adamson, 12 June 2018, Drawing Number: G7-116-150-B1, Revision C.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994* (the Act), its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

administering authority means the Department of Agriculture and Fisheries or its successor or predecessors.

appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and/or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

background means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response.

commercial place means 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.

controlled drainage areas means a self-contained catchment surrounding those parts of the feedlot complex from which uncontrolled stormwater runoff would constitute an environmental hazard. It is typically established using a series of:

- catch drains to capture runoff from the feedlot pens and all other surfaces within the feedlot complex, and ultimately convey that runoff to a treatment, collection or disposal system, and

diversion banks or drains placed immediately upslope of the feedlot complex, which are designed to divert 'clean' or uncontaminated upslope runoff around the feedlot complex.

delegate of the administering authority means an officer of the Department of Agriculture and Fisheries or its successor as cited by the administering authority.

disturbed areas includes areas:

M. J. Turner
14/06/2018

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

environmental harm as defined in Chapter 1 of the Environmental Protection Act 1994.

environmental nuisance as defined in Chapter 1 of the Environmental Protection Act 1994.

groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

$L_{Aeq\ adj,T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

land does not include **waters**.

Max $L_{pA,T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

measures has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

receiving environment monitoring program means a monitoring program designed to monitor and assess the potential impacts of controlled and/or uncontrolled releases of contaminants to the environment from the activity.

records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

release of a contaminant into the environment includes:

1. to deposit, discharge, emit or disturb the contaminant; and
2. to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
3. to fail to prevent the contaminant from being deposited, discharged emitted or disturbed; and
4. to allow the contaminant to escape; and
5. to fail to prevent the contaminant from escaping.

secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) caretaker's accommodation; or
- b) a childcare centre; or
- c) a community care centre; or
- d) a community residence; or
- e) a detention facility; or
- f) a dual occupancy; or
- g) a dwelling house; or
- h) a dwelling unit; or
- i) an educational establishment; or
- j) a health care service; or

*M. J. Turner
18/02/2017*

- k) a hospital; or
- l) a hotel, to the extent the hotel provides accommodation for tourists or travellers; or
- m) a multiple dwelling; or
- n) non-resident workforce accommodation; or
- o) a relocatable home park; or
- p) a residential care facility; or
- q) a resort complex; or
- r) a retirement facility; or
- s) rooming accommodation; or
- t) rural workers' accommodation; or
- u) short-term accommodation; or
- v) a supervised accommodation service; or
- w) a tourist park.

standard cattle unit meaning and calculation

- (1) A *standard cattle unit* is a unit of measurement based on the live weight of cattle.
- (2) The number of standard cattle units that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

| Column 1 | Column 2 |
|----------------------|---------------------------------|
| Live weight (kg) | Number of standard cattle units |
| up to 350 | 0.67 |
| more than 350 to 400 | 0.74 |
| more than 400 to 450 | 0.81 |
| more than 450 to 500 | 0.87 |
| more than 500 to 550 | 0.94 |
| more than 550 to 600 | 1.00 |
| more than 600 to 650 | 1.06 |
| more than 650 to 700 | 1.12 |
| more than 700 | 1.18 |

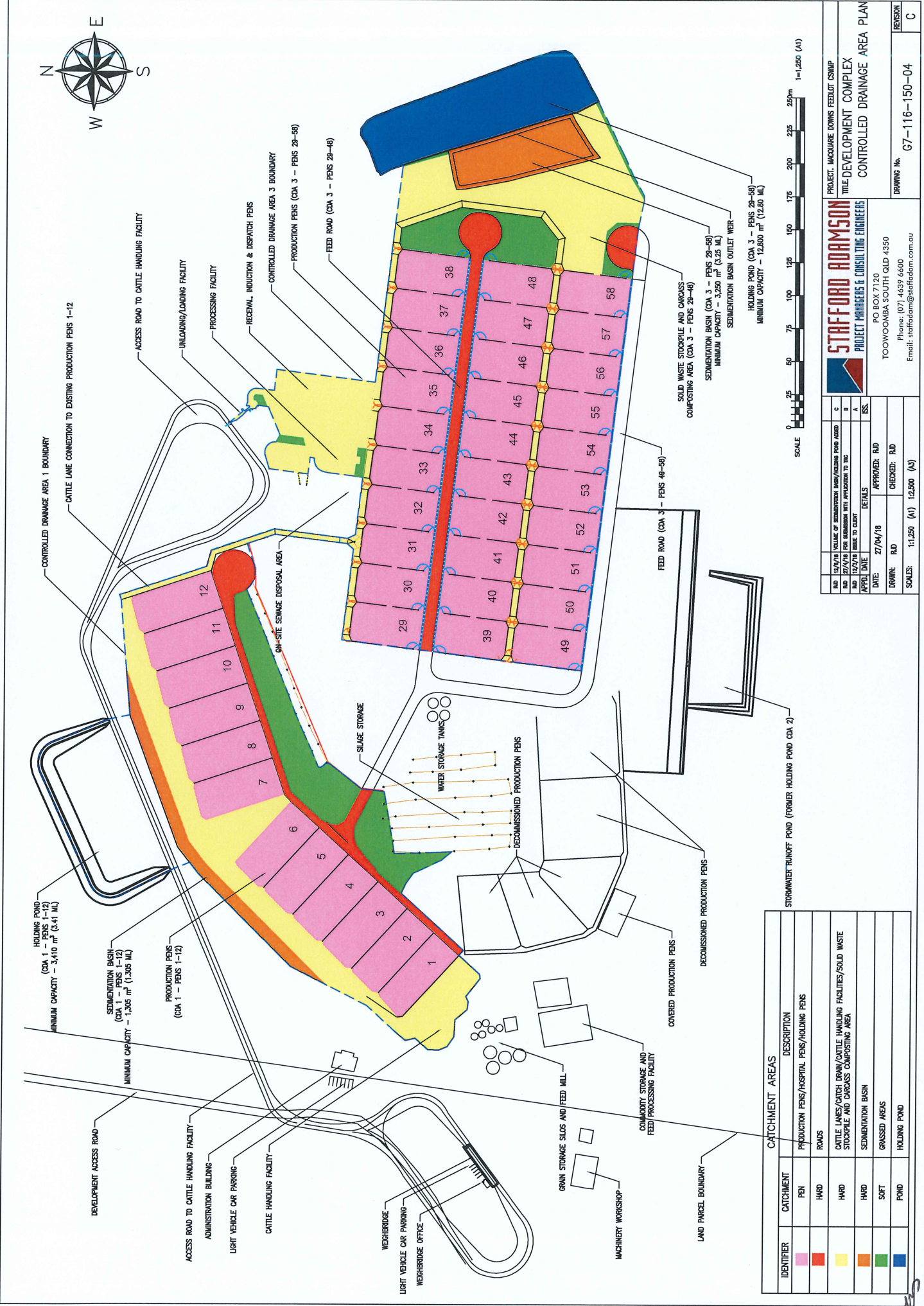
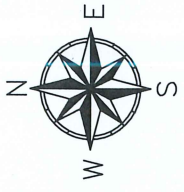
substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise sensitive place exceeding 55 dB(Z).

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 the environmental authority.

24 hour storm event with an average recurrence interval of 1 in 10 years means the maximum rainfall depth from a 24-hour duration precipitation event with an average recurrence interval of once in 10 years. For example, an Intensity–Frequency–Duration table for a 24-hour duration event with an average recurrence interval of 1 in 10 years, identifies a rainfall intensity of 8.2mm/hour. The rainfall depth for this event is therefore 24 hour x 8.2mm/hour = 196.8mm.

*M. J. ...
20/10/2017*



SCALE 1:1,250 (A1)

| | | | |
|--------|----------------------------|---|-----|
| NO | 12/4/18 | VOLUME OF SUBMISSION REVISED/NO PWD ADDED | C |
| NO | 27/4/18 | FOR SUBMISSION WITH APPLICATION TO THE | B |
| NO | 12/2/18 | DATE TO CREDIT | A |
| APPL | DATE | DETAILS | BSS |
| DATE: | 27/04/18 | APPROVED: | RJD |
| DRAWN: | RJD | CHECKED: | RJD |
| SCALE: | 1:1,250 (A1), 1:2,500 (A2) | | |

STAFFORD ADAMSON
 PROJECT MANAGERS & CONSULTING ENGINEERS
 PO BOX 7120
 TOOWOOMBA SOUTH QLD 4350
 Phone: (07) 4639 6600
 Email: staffadam@staffadam.com.au

PROJECT: MACQUEAR DOWNS FEEDLOT CSMP
 TITLE DEVELOPMENT COMPLEX
 CONTROLLED DRAINAGE AREA PLAN

DRAWING NO. G7-116-150-04
 REVISION C

| IDENTIFIER | CATCHMENT | DESCRIPTION |
|------------|-----------|---|
| | PEN | PRODUCTION PENS/HOSPITAL PENS/HOLDING PENS |
| | HARD | ROADS |
| | HARD | CATTLE LANES/CATCH DRAIN/CATTLE HANDLING FACILITIES/SOLID WASTE STOCKPILE AND CARCASS COMPOSTING AREA |
| | HARD | SEDIMENTATION BASIN |
| | SOFT | GRASSED AREAS |
| | POND | HOLDING POND |

Handwritten signature and date: A. J. ... 19/06/2018

Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539 of the Environmental Protection Act 1994 and subordinate legislation. This information sheet replaces the two information sheets (1) Internal review and appeal to Land Court (EM1157) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).

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1 Introduction

The *Environmental Protection Act 1994* (EP Act) includes provisions for the internal review and appeal of certain decisions made under the EP Act.

The decisions that are subject to internal review are referred to as 'original decisions' in Schedule 2 of the EP Act and subordinate legislation.

A person who is dissatisfied with an original decision made by the Department of Environment and Heritage Protection (the department) may apply to have that decision internally reviewed¹. Generally an application for a review of an original decision must be made:

- within 10 business days of the receiving a notice about the original decision or from when the department is taken to have made the decision;
- be supported by enough information to enable the department to decide the review application; and
- be made using the approved form Application for review of original decision (ESR/2015/1573²).

Where an application has been made for a review of an original decision, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review and any later appeal.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days of receiving the notice about the review decision. Schedule 2, Part 3 includes original decisions for internal review only.

What is the relevant court?

Land Court

Original decisions mentioned in Schedule 2, Part 1 are subject to Land Court appeal. These decisions generally relate to environmental authorities for resource activities.

The EP Act confers jurisdiction to the Land Court to hear and determine matters relating to natural resource issues, including appeals against decisions concerning the grant of mining tenures and other state land interests.

Planning and Environment Court

Original decisions mentioned in Schedule 2, Part 2 can be appealed against to the Planning and Environment Court. These decisions generally relate to environmental authorities for prescribed environmentally relevant activities.

The Planning and Environment Court is constituted by judges and hears matters including those relating to planning and development, environmental protection and management, nature conservation and heritage.

The relevant sections of Chapter 11, Part 3 of the EP Act that provide for the review of decisions and appeals are outlined below.

¹ Note: In accordance with section 521(13) internal reviews are not undertaken for an original decision to issue a clean-up notice.

² This form is available on the Queensland Government website at www.qld.gov.au, using the publication number ESR/2015/1573 as a search term.

Chapter 11—Administration, Part 3—Review of decisions and appeals

Division 1—Interpretation

Section 519 Original decisions

- (1) A decision mentioned in schedule 2 is an ‘original decision’.
- (2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an original decision.

Section 520 Dissatisfied person

- (1) A dissatisfied person, for an original or review decision, is—
 - (a) if the decision is about an environmental impact statement (EIS) or the EIS process for an EIS—the relevant proponent under chapter 3, part 1, for the project to which the EIS relates; or
 - (b) if the decision is to refuse to accredit an Environmental Risk Management Plan (ERMP)—the person who submitted it; or
 - (c) if the decision is about an application for an environmental authority—the applicant; or
 - (d) if the decision is about an environmental authority, including financial assurance for an authority—the holder of the authority; or
 - (e) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
 - (f) if the decision is about a registered suitable operator—the operator; or
 - (g) if the decision is to give an audit notice under section 322 or 323—the recipient; or
 - (h) if the decision is to conduct an environmental audit or prepare an environmental report for an audit under section 326—the relevant environmental authority holder; or
 - (i) if the decision is about an ERMP direction, environmental investigation or environmental protection order—the recipient; or
 - (j) if the decision is about a transitional environmental program—the holder of an approval for the program or person or public authority that is required to submit, or submits, the program; or
 - (ja) if the decision is about a temporary emissions licence—
 - (i) the applicant for the licence; or
 - (ii) the holder of the licence; or
 - (k) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or
 - (l) if the decision is about recording particulars of land in, or removing particulars of land from, the environmental management register or contaminated land register—the land’s owner; or
 - (o) if the decision is about a site management plan for contaminated land—
 - (i) the recipient for the notice to prepare or commission the site management plan, other than for a decision under section 399; and
 - (ii) the land’s owner; and

- (iii) if another person prepares or commissions the plan—the other person, other than for a decision under section 399; or
 - (p) if the decision is about erecting signs on contaminated land—the land’s owner; or
 - (q) if the decision is about a disposal permit—the applicant for the permit; or
 - (r) if the decision is about an exemption under chapter 8, part 3F, division 3—the person applying for, or given, the exemption; or
 - (s) if the decision is to give a notice under section 451(1)—the person to whom the notice is given; or
 - (t) if the decision is about an application for approval as an auditor under chapter 12, part 3A, division 2—the applicant; or
 - (u) if the decision is about an auditor—the auditor; or
 - (v) if the decision is about a complaint under chapter 12, part 3A, division 5—the person who made the complaint; or
 - (w) if the decision is about a conversion application under section 695—the applicant; or
 - (x) if the decision is a decision under an environmental protection policy or a regulation that the policy or regulation declares to be a decision to which this part applies—the person declared under the policy or regulation to be a dissatisfied person for the decision.
- (2) A submitter for an application is also a dissatisfied person if the decision is about—
- (a) a site-specific application for an environmental authority for a petroleum activity; or
 - (b) an amendment application under chapter 5, part 7 for an environmental authority for a resource activity, other than a mining activity; or
 - (c) the submission of a transitional environmental program to which section 335 applies.

2 Internal review of decisions

The relevant sections of the EP Act regarding the process for the internal review of original decisions are outlined below.

Division 2—Internal review of decisions

Section 521 Procedure for review

- (1) A dissatisfied person may apply for a review of an original decision.
- (2) The application must—
 - (a) be made in the approved form to the administering authority within—
 - (i) 10 business days¹ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the ‘review date’); or
 - (ii) the longer period the authority in special circumstances allows; and
 - (b) be supported by enough information to enable the authority to decide the application.

- (3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - (a) notice of the application (the ‘review notice’);
 - (b) a copy of the application and supporting documents.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days (the ‘submission period’) after the application is made to the authority.
- (5) If the administering authority is satisfied the applicant has complied with subsections (2) and (3), the authority must, within the decision period—
 - (a) review the original decision;
 - (b) consider any submissions properly made by a recipient of the review notice; and
 - (c) make a decision (the ‘review decision’) to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) The application does not stay (i.e. suspend or stop) the original decision.
- (7) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision.
- (8) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- (9) The notice must—
 - (a) include the reasons for the review decision; and
 - (b) inform the persons of their right of appeal against the decision.
- (10) If the administering authority does not comply with subsection (5) or (8), the authority is taken to have made a decision confirming the original decision.
- (11) Subsection (7) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (12) This section does not apply to an original decision made by—
 - (a) for a matter, the administration and enforcement of which has been devolved to a local government—the local government itself or the chief executive officer of the local government personally; or
 - (b) for another matter—the chief executive personally.
- (13) Also, this section does not apply to an original decision to issue a clean-up notice.
- (14) In this section—

‘decision period’ means—

 - (a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or

- (b) if no submissions are received within the submission period—10 business days after the administering authority receives the application.

Section 522 Stay of operation of particular original decisions

- (1) If an application is made for review of an original decision mentioned in Schedule 2, Part 1 or 2, the applicant may immediately apply for a stay of the decision to—
 - (a) for an original decision mentioned in Schedule 2, Part 1—the Land Court; or
 - (b) for an original decision mentioned in Schedule 2, Part 2—the Court.
- (2) The Land Court or the Court may stay the decision to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- (3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.
- (5) This section applies subject to sections 522A and 522B.

Section 522A Stay of decision about financial assurance

- (1) This section applies to an application under section 522 for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 522B Stay of decision to issue environmental protection order

- (1) This section applies to an application under section 522 for a stay of a decision to issue an environmental protection order.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

3 Appeals to Land Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Land Court are outlined below.

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

This subdivision applies if the administering authority makes an original decision mentioned in schedule 2, part 1.

Section 524 Right of appeal

A dissatisfied person who is dissatisfied with the decision may appeal against the decision to the Land Court.

Section 525 Appeal period

- (1) The appeal must be started within 22 business days after the appellant receives notice of the decision.

- (2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

- (1) Any party to the appeal may, at any time before the appeal is decided, ask the Land Court to conduct or provide mediation for the appeal.
- (2) The mediation must be conducted by the Land Court or a mediator chosen by the Land Court².

Section 527 Nature of appeal

The appeal is by way of rehearing, unaffected by the review decision.

Section 528 Land Court's powers for appeal

In deciding the appeal, the Land Court has the same powers as the administering authority.

Section 530 Decision for appeals

- (1) In deciding the appeal, the Land Court may—
 - (a) confirm the decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- (2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- (3) However, this part does not apply to a power exercised under subsection (2).
- (4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

4 Appeals to the Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Court are outlined below.

Division 3—Appeals

Subdivision 2—Appeals to Court

Section 531 Who may appeal

- (1) A dissatisfied person who is dissatisfied with a review decision may appeal against the decision to the Court.
- (2) However, the following review decisions cannot be appealed against to the Court—
 - (a) a review decision to which subdivision 1³ applies;
 - (b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3⁴.
- (3) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- (4) A dissatisfied person who is dissatisfied with an original decision to which s. 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

- (1) An appeal is started by—
 - (a) filing written notice of appeal with the registrar of the Court; and
 - (b) complying with rules of court applicable to the appeal.
- (2) The notice of appeal must be filed—
 - (a) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made; or
 - (b) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.
- (3) The Court may at any time extend the period for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Section 533 Appellant to give notice of appeal to other parties

- (1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - (a) if the appellant is the chief executive—all persons who were given notice of the original decision; or
 - (b) if the appellant is not the chief executive—the other persons who were given notice of the original decision.
- (2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

Section 534 Persons may elect to become respondents to appeal

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

Section 535 Stay of operation of decisions

- (1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
- (3) The period of a stay must not extend past the time when the Court decides the appeal.
- (4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.
- (5) This section applies subject to sections 535A to 535C.

Section 535A Stay of decision to issue clean-up notice

- (1) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.

- (2) In deciding the application, the Court must have regard to—
- (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

Section 535B Stay of decision about financial assurance

- (1) This section applies to an application under section 535 for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 535C Stay of decision to issue environmental protection order

- (1) This section applies to an application under section 535 for a stay of a decision to issue an environmental protection order.
- (2) The Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

Section 536 Hearing procedures

- (1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- (2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

Section 537 Assessors

If the judge hearing an appeal is satisfied the appeal involves a question of special knowledge and skill, the judge may appoint 1 or more assessors to help the judge in deciding the appeal.

Section 538 Appeals may be heard with planning appeals

- (1) This section applies if—
 - (a) a person appeals against an administering authority's decision (whether an original or review decision)—
 - i. to refuse to accredit an ERMP; or
 - ii. about an application for an environmental authority for a prescribed ERA; and
 - (b) a person appeals against the assessment manager's decision under the *Planning Act 2016* about a planning or development matter for the premises to which the ERMP or the application for the authority relates.
- (2) The Court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) one appeal to be stayed until the other has been decided.
- (3) This section applies even though the parties, or all of the parties, to the appeals are not the same.

Section 539 Powers of Court on appeal

- (1) In deciding an appeal, the Court may—
- (a) confirm the decision appealed against; or
 - (b) vary the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.
- (2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

5 Judicial review

Under the *Judicial Review Act 1991*, a person whose interests would be adversely affected by a decision made by the department has the right to:

- request a statement of reasons explaining a decision; and
- apply to the Supreme Court for a review of a decision if they are not satisfied with the statement of reasons for that decision.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:
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¹ Under the *Environmental Protection Act 1994* business days—'generally, does not include a day between 20 December in a year and 5 January in the following year'.

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the Land Court website at www.landcourt.qld.gov.au.

³ Subdivision 1 is about appeals to the Land Court.

⁴ Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.