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environmental licences and permits

# Registration certificate

*Environmental Protection Act 1994*

# Certificate of Registration

## No: ENRE00259305

This amended registration certificate is issued by the administering authority and takes effect from: 15 March 2010.

The anniversary day for the purposes of the Annual Return remains: 20 December.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following place; subject to the conditions set out in a development approval ENDC00259405 attached to the premises, or the relevant code of environmental compliance.

**Registered Operator:-**
**Corinthian Industries (Australia) Pty Limited**
**17-35 Lee Holm Road**
**ST MARYS NSW 2760**

**Place:-**
Lot 12 Plan RP133538.
**Located at:-**
16 Colebard Street East, ACACIA RIDGE QLD 4110.
**Registered Activity:-**
ERA 61 Waste incineration and thermal treatment Threshold 2(a) - incinerating or thermally treating, in a year, less than 5000t of general waste.

Delegate
Administering authority
Environmental Protection Act 1994

15-MAR-2010

# Replacement Development Approval
## Section 621(4) *Environmental Protection Act 1994*

| | |
|---|---|
| **EPA Development Application (Converted Environmental Authority) number:** | ENDC00259405<br>SR0330 |
| **Relevant Laws and Policies:** | *Environmental Protection Act 1994* and subordinate legislation |

Under the provisions of the Environmental Protection Act 1994 this development approval is issued to:

Corinthian Industries (Qld) Pty Limited
16 Colebard Street East
ACACIA RIDGE QLD 4110

**Development Description:**

**Carrying out of Environmentally Relevant Activity (ERA):**

**ERA No. 76(c)(i) - Incinerating Waste -** Operating a waste incineration facility for incinerating general waste (other than vegetation or clean paper or cardboard) whether alone or in combination with vegetation or clean paper or cardboard, designed to incinerate waste at the rate of not more than 5 000 tonnes per year)

**at the following place(s):**

Lot 12 RP 133538, County of Stanley, Parish of Yeerongpilly

**located at:**

16 Colebard Street East
ACACIA RIDGE QLD 4110

The environmentally relevant activity must be constructed, operated and maintained in accordance with the conditions as set out in the attached schedule of conditions.

## Further development permits required

Nil

## Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.
It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being

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carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

## Appeal

This development approval is issued pursuant to section 621 of the Environmental Protection Act 1994. The rights of review and appeal are attached to this notice.

This development approval takes effect 10 Business days after you receive this notice, or if there is an appeal from the day the appeal is finally decided or is otherwise ended.

C. Zambelli
Signed

7/9/05
Date

**Luke Zambelli**
**Manager (Licensing)**
Delegate of Administering Authority
*Environmental Protection Act 1994*

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# Conditions of the development approval

This development approval consists of the following schedules of conditions relevant to various issues:

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

This Authority incorporates the following schedules of conditions relevant to various issues:

- Schedule A - General Conditions
- Schedule B - Air
- Schedule C - Water
- Schedule D - Stormwater Management
- Schedule E - Land Application
- Schedule F - Noise
- Schedule G - Waste Management
- Schedule H - Monitoring and Reporting
- Schedule I - Definitions

## SCHEDULE A – GENERAL CONDITIONS

**Release of Contaminants not otherwise provided for**

(A1) In carrying out the environmentally relevant activity, the holder of this environmental authority must take all reasonable and practicable measures to prevent and/or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, may cause environmental harm, in a manner that could be prevented, shall be carried out in a proper manner by a competent person in accordance with the conditions of this authority.

**Display of Environmental Authority**

(A2) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.

**Records**

(A3) Any record or document required to be kept by a condition of this environmental authority must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

(A4) Copies of any record required to be kept by a condition of this environmental authority must be provided to any authorised person or the administering authority on request.

**Alterations**

(A5) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental authority.



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**Calibration**

(A6) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority must be calibrated, and appropriately operated and maintained.

**Nuisance**

(A7) Notwithstanding any other condition of this environmental authority, this environmental authority does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the licensed place.

**Competency**

(A8) The licensee shall ensure that the operation and maintenance of the incinerator is carried out by or under the supervision of a person competent to operate and maintain the incinerator.

**End of Conditions for Schedule A**

## SCHEDULE B - AIR

**Release of Contaminants to the Atmosphere**

(B1) Contaminants resulting from the operation of the sources described in Table 1 of the Air Schedule must only be released to the atmosphere from those release points specified in Table 1 of the Air Schedule.

(B2) Contaminants released from each release point specified in Table 1 of the Air Schedule must be directed vertically upwards without any impedance or hindrance.

(B3) Contaminants must be released to the atmosphere from a release point at a height not less than the corresponding height stated for that release point in Table 1 of the Air Schedule.

**Fuel Burning**

(B4) The only fuel to be burned in industrial fuel burning equipment is untreated wood waste.

(B5) There are to be no visible emissions from the stack of the fuel burning equipment.

**SCHEDULE B - TABLE 1**

| SOURCE DESCRIPTION | RELEASE POINT NUMBER AND STACK DESCRIPTION | MINIMUM RELEASE HEIGHT (metres) |
|---|---|---|
| Incinerator | 1 | 11 (from ground level) |

**End of Conditions for Schedule B**



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## SCHEDULE C - WATER

**Release of Contaminants to Waters**

(C1) Contaminants must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters except:

(i) as permitted under the Water Schedule; or
(ii) as permitted under the Stormwater Management Schedule; or
(iii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

**End of Conditions for Schedule C**

## SCHEDULE D – STORMWATER MANAGEMENT

Nil conditions

**End of Conditions for Schedule D**

## SCHEDULE E – LAND APPLICATION

**Release of Contaminants to Land**

(E1) There must be no release nor likelihood of release of any contaminants to land.

**End of Conditions for Schedule E**

## SCHEDULE F – NOISE

**Emission of Noise**

(F1) The environmentally relevant activity must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes annoyance.

(F2) In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the noise limits specified in Schedule F, Table 1 apply.



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**SCHEDULE F - TABLE 1**

| **NOISE LIMITS AT A NOISE SENSITIVE PLACE** | |
|---|---|
| ***Period*** | ***Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 5 dB(A) |
| 6 pm - 10 pm | Background noise level plus 5 dB(A) |
| 10 pm - 7 am | Background noise level plus 3 dB(A) |
| **NOISE LIMITS AT A COMMERCIAL PLACE** | |
| ***Period*** | ***Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$ |
| 7 am - 6 pm | Background noise level plus 10 dB(A) |
| 6 pm - 10 pm | Background noise level plus 10 dB(A) |
| 10 pm - 7 am | Background noise level plus 8 dB(A) |

**End of Conditions for Schedule F**

## SCHEDULE G – WASTE MANAGEMENT

### Waste conditions

(G1) All storages of raw waste must be sealed or covered to prevent loss of contents or exposure of the contents to the atmosphere or waters.

**End of Conditions for Schedule G**

## SCHEDULE H – MONITORING AND REPORTING

### Complaint Recording

(H1) All complaints received by the holder of this environmental authority relating to releases of contaminants from operations at the licensed place must be recorded and kept in a log book with the following details:

(i) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.



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**Noise Monitoring**

(H2) For the purposes of investigation of complaint of noise annoyance checking compliance with condition F2 of the Noise Schedule, monitoring and recording of the noise levels from the activity/activities must be undertaken for the following descriptors, characteristics and conditions:

(i) $L_{Amax, Adj\ T}$;
(ii) $L_{Abg, T}$ or $L_{A90, T}$;
(iii) $L_{AN, T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99);
(iv) $L_{pA\ T}$;
(v) $L_{Aeq, T}$;
(vi) The level and frequency of occurrence of impulsive or tonal noise; and
(vii) Atmospheric conditions including temperature, relative humidity and wind speed and direction.

(H3) Noise monitoring must be undertaken to investigate any complaint of noise annoyance upon receipt of a written request to carry out such monitoring.

(H4) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition, March 1995, or more recent additions or supplements to that document as become available.

(H5) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

**Notification of Emergencies and Incidents**

(H6) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone or facsimile.

(H7) The notification of emergencies or incidents as required by condition number H6 must include but not be limited to the following:

(i) the holder of the environmental authority;
(ii) the location of the emergency or incident;
(iii) the number of the environmental authority;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the holder of the environmental authority became aware of the release;
(vi) the suspected cause of the release;
(viii) the environmental harm and/or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

(H8) Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with condition number H7 in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident; and
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.



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(H9) As soon as practicable, but not more than six (6) weeks following the conduct of any environmental monitoring performed in relation to the emergency or incident which results in the release of contaminants not in accordance with the conditions of this environmental authority, the holder of this environmental authority must provide written advice of any such environmental monitoring performed.

(H10) Noise monitoring must be undertaken to investigate any complaint of noise annoyance upon receipt of a written request to carry out such monitoring.

**End of Conditions for Schedule H**

## SCHEDULE I – DEFINITIONS

For the purposes of this environmental authority the following definitions apply:

(I1) "Act" means the Environmental Protection Act 1994.

(I2) "administering authority" means the Environmental Protection Agency or its successor.

(I3) "land" in the land application schedule means land excluding waters and the atmosphere.

(I4) "$L_{Amax\ adj,\ T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response.

(I5) "background noise level" means either:

$L_{A90,\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response, or

$L_{abg,\ T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response.

(I6) "noise sensitive place" means -

(a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
(b) a motel, hotel or hostel; or
(c) a kindergarten, school, university or other educational institution; or
(d) a medical centre or hospital; or
(e) a protected area; or
(f) a park or gardens.

(I7) "commercial place" means a place used as an office or for business or commercial purposes.

**End of Conditions for Schedule I**

# END OF CONDITIONS

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## Extract from the Integrated Planning Act 1997

## Division 8—Appeals to court relating to development applications

### Appeals by applicants

4.1.27 (1) An applicant for a development application may appeal to the court against any of the following -

(a) the refusal, or the refusal in part, of a development application;
(b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
(c) the decision to give a preliminary approval when a development permit was applied for;
(d) the length of a currency period;
(e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **"applicant's appeal period"**) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

### Appeals by submitters

4.1.28 (1) A submitter for a development application may appeal to the court about -

(a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
(b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the **"submitter's appeal period"**) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

### Appeals by advice agency submitters

4.1.29 (1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -

(a) the development application involves impact assessment; and
(b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.



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**Appeals for matters arising after approval given (co-respondents)**

4.1.30 (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request for an extension of the currency period for an approval;
(b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

## Division 9 - Appeals to court about other matters

**Appeals for matters arising after approval given (no co-respondents)**

4.1.31 (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -

(a) a notice giving a decision on a request to change or cancel a condition of a development approval;
(b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Appeals against enforcement notices**

4.1.32 (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.

(2) The appeal must be started within 20 business days after the day notice is given to the person.

**Stay of operation of enforcement notice**

4.1.33 (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -

(a) the court, on the application of the entity issuing the notice, decides otherwise; or
(b) the appeal is withdrawn; or
(c) the appeal is dismissed.

(2) However, subsection (1) does not apply if the enforcement notice is about -

(a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
(b) carrying out development that is the demolition of a work.

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**Appeals against decisions on compensation claims**

4.1.34 (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -

(a) the decision; or
(b) a deemed refusal of the claim.

(2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

**Appeals against decisions on requests to acquire designated land under hardship**

4.1.35 (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -

(a) the decision; or
(b) a deemed refusal of the request.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

**Appeals from tribunals**

4.1.37 (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -

(a) of error or mistake in law on the part of the tribunal; or
(b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

(2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

**Court may remit matter to tribunal**

4.1.38 If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

## Division 10 - Making an appeal to court

**How appeals to the court are started**

4.1.39 (1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).



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**Certain appellants must obtain information about submitters**

4.1.40 (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.

(2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

**Notice of appeal to other parties (div 8)**

4.1.41 (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to -

(a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
(b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal - the assessment manager, the applicant and any concurrence agency; or
(c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.

(2) The notice must state -

(a) the grounds of the appeal; and
(b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

**Notice of appeal to other parties (div 9)**

4.1.42 (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -

(a) if the appellant is a person to whom a notice mentioned in section 4.1.31[73] has been given - the entity that gave the notice; or
(b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
(c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
(d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
(e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
(f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

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**Respondent and co-respondents for appeals under div 8**

4.1.43 (1) This section applies to appeals under division 8 for a development application.

(2) The assessment manager is the respondent for the appeal.

(3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

(4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

(5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.

(6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

(7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

**Respondent and co-respondents for appeals under div 9**

4.1.44 (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.

(2) The entity given written notice is the respondent for the appeal.

(3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.

(4) The second entity mentioned in the provision may elect to be a co-respondent.

**How a person may elect to be co-respondent**

4.1.45 (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.

(2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

**Minister entitled to be represented in an appeal involving a State interest**

4.1.46 If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

**Lodging appeal stops certain actions**

4.1.47 (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



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