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Notice of decision – Change to an existing approval

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.33 of the Integrated Planning Act 1997 to advise of a decision or action.

ROCKAQUA PTY LTD
4 ROCKY POINT ROAD
WOONGOOLBA QLD 4207

Our reference: 221961
MBH350-4

Attention: SERENA ZIPF

Dear Ms ZIPF

Re: Application to change a condition of the Water Schedule of your development approval

The Environmental Protection Agency (EPA), acting as assessment manager, wishes to advise that your application to change or cancel a condition of your existing development approval [Permit Ref: ENDC00237705], received on 27-JUL-2005, has been assessed, and on 26-AUG-2005 was granted .

1. Your application requested:

Change or cancel conditions (C6) and (C7).

A copy of the changed concurrence agency response with the amalgamated conditions is attached.

2. The details of the original approval were:

Property/Location: :
Street address - Melcers Road RIVERVIEW QLD 4670
Lot/Plan - Lot 102 Plan CK495

An attached extract from the *Integrated Planning Act 1997* details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

Should you require any further information please contact Matt Karle the project manager, on the telephone number listed below.

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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Yours sincerely

Delegate
Environmental Protection Agency

26-AUG-2005

Enquiries:
SouthReg Env Ops (Wide Bay District)
PO Box 101 MARYBOROUGH QLD 4650
Phone: (07) 4121 1800
Fax: (07) 4121 1650

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

4.1.27 Appeals by applicants

(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.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court only against -
   (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
   (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
   (a) the giving of a development approval;
   (b) any provision of the approval including-
      (i) a condition of, or lack of condition for, the approval; or
      (ii) the length of a currency period for the approval.

(3) However, a submitter may not appeal if the submitter-
   (a) withdraws the submission before the application is decided; or
   (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).

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

4.1.29 Appeals by advice agency submitters

(1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(1A)The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

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

(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

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

(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 3.5.33A(9)(b) or 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.

4.1.32 Appeals against enforcement notices

(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.

4.1.33 Stay of operation of enforcement notice

(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.

4.1.34 Appeals against decisions on compensation claims

(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.

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

(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.

4.1.37 Appeals from tribunals

(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.

4.1.38 Court may remit matter to tribunal

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

4.1.39 How appeals to the court are started

(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).

4.1.41 Notice of appeal to other parties (div 8)

(1) An appellant under division 8 must give written notice of the appeal to-
  (a) if the appellant is an applicant-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any concurrence agency; and
    (iv) any principal submitter whose submission has not been withdrawn; and
    (v) 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-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any referral agency; and
    (iv) the applicant; or
  (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    (i) the chief executive; and
    (ii) the deciding entity; and
    (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
(2) The notice must be given within-
  (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
(3) 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 -
  (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

(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.

4.1.43 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
(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) Any submitter may elect to become a co-respondent to the appeal.
(5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
(6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
(8) 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.
(9) For an appeal under section 4.1.30-
    (a) the assessment manager is the respondent; and
    (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

(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.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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

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

4.1.47 Lodging appeal stops certain actions

(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.

Appendix 1

Schedule of conditions

This development approval 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 - Waste management
- Schedule H - Self monitoring and reporting
- Schedule I - Definitions
- Schedule J - Site plans

Schedule A - General conditions

Access to Copy of Development Approval

(A1) A copy of this Development Approval must be kept in a location readily accessible to personnel carrying out the activity.

Records

(A2) Any record or document required to be kept by a condition of this Development Approval must be kept at the place to which the approval relates for a period of at least five (5) years and be available for examination by an Authorised Person. For daily and weekly records, 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.

Alterations

(A3) 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 Development Approval.

An example of a substantial increase in the risk of environmental harm is an increase of 10% of more in the quantity of the contaminant to be released into the environment.

Monitoring and Measurements

(A4) All determinations of the quality of contaminants released to the environment and all measurement and reporting of noise levels that are required by this Development Approval must be undertaken by a person of body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

(A5) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this Development Approval must be calibrated and appropriately operated and maintained.

Site-Based Management Plan

(A6) You must:

(a) develop and implement a Site-Based Management Plan which provides for the following functions:

(i) the development and implementation of the Stormwater Management Plan;
(ii) the development and implementation of the Noise Management Plan;
(iii) the development and implementation of the Waste Management Program;

(iv) routine operating procedures to prevent or minimise environmental harm; and
(v) maintenance practices and procedures; and
(vi) contingency plans and emergency procedures to deal with foreseeable risks and hazards; and
(vii) monitoring of the release of contaminants into the environment; and
(viii) assessment of the environmental impact of any releases of contaminants into the environment; and
(ix) handling of environmental complaints; and
(x) keeping and production of environmental records and reports; and
(xi) staff training and awareness of environmental issues.

(b) on or before **14 August 2002** have completed and implemented the Site-Based Management Plan.

(A7) You must:

- keep at the licensed place, in a location readily accessible to personnel carrying out the activity, a copy of the Site-Based Management;
- review the Site-Based Management Plan on at least an annual basis;
- submit copies of the Site-Based Management Plan with the annual return following any amendment to the Site-Based Management Plan; and
- not develop and implement a Site-Based Management Plan which would result in a contravention of any condition of this Development Approval.

Competency

(A8) Ensure the operation and maintenance of plant and equipment associated with the activities covered by this Development Approval is carried out by or under the supervision of a person competent to operate and maintain the equipment.

Area of Ponds

(A9) This Development Approval applies to the operation of not more than 4 hectares of aquaculture ponds.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Odour

(B1) Activities which are the subject of this Development Approval must be carried out in such a manner to ensure that no odour deemed offensive to an Authorised Person and caused by the activities can be detected beyond the boundaries of the place to which this Development Approval relates.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Non-Specified Releases of Contaminants to Water

(C1) Except as otherwise provided by the conditions of the Water Schedule of this Development Approval, the activities which are the subject of this Development Approval must be carried out by such reasonable and practicable means necessary to prevent the release or likelihood of release of contaminants to water.

(C2) Where it is not practicable to prevent a release of contaminants to water as required by condition **(C1)**, the activities must be carried out by such reasonable and practicable means necessary to minimise the release or likelihood of any such release of contaminants to water.

Release of Contaminants to Waters

(C3) The only contaminants to be released from the place to which this Development Approval relates at the designated release point is effluent from the prawn farm growout ponds.

Release Points

(C4) Contaminants that may cause environmental harm must not be directly or indirectly released from any source on the place to which this Development Approval relates to any waters at any location other than the contaminants and sources at the location listed in **Schedule C Table 1.**

Sampling and Monitoring Point Details

(C5) To check conformity with the release quality characteristics specified by condition **(C7)**, determinations of the quality of contaminants released to waters must be undertaken at the sampling point(s) described in **Schedule C Table 1.**

Quantity and Quality of Contaminants Released

(C6) The total quantity of contaminants released from the release point during any day must not exceed 5000 m^3.

(C7) The release of contaminants to waters must comply, at the sampling and *in situ* monitoring point specified in condition **(C5)**, with each of the limits, and at the frequency specified by **Schedule C Table 2** for each quality characteristic.

(C8) Monitoring of the quality of contaminants released to waters must include but is not limited to samples taken at a time when maximum flow rate is occurring from the outlet.

SCHEDULE C TABLE 1 - PERMITTED WASTE RELEASES

Release Point	Release Point Description	Permitted Contaminant Releases
W1	Discharge structure from settling pond to unnamed tributary of the Elliott River	Aquaculture pond effluents

SCHEDULE C TABLE 2 - QUALITY OF CONTAMINANTS RELEASED

Quality Characteristic	Release Point	Release Limit	Limit Type	Monitoring Frequency
Total Nitrogen (mg L^{-1})	W1	1.0	Mean	Monthly while discharging
Total Nitrogen (mg L^{-1})	W1	4.0	Maximum	Monthly while discharging
Total Phosphorous (mg L^{-1})	W1	0.2	Mean	Monthly while discharging
Total Phosphorous (mg L^{-1})	W1	0.6	Maximum	Monthly while discharging
Dissolved Oxygen (mg L^{-1})	W1	4.0	Minimum	Daily while Discharging
Suspended Solids (mg L^{-1})	W1	Equal to Background	Mean	Monthly while discharging
Suspended Solids (mg L^{-1})	W1	Background + 10%	Maximum	Monthly while discharging
pH	W1	6.5 to 8.5	Range	Daily while Discharging
Chlorophyll 'a'	W1	0.02	Maximum	Monthly while discharging
BOD5	W1	10	Mean	Monthly while discharging
BOD5	W1	20	Maximum	Monthly while discharging

Note – Background value to be obtained from impact monitoring in accordance with condition (C15) and (C16).

(C9) All determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Water Quality Sampling Manual.

(C10) All determinations of the quality of contaminants must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Time of Release

(C11) Except as provided for in condition C12, the release of contaminants to waters from release point W1 may only occur from 1 hour after local high water until 1 hour before local low water.

(C12) A passive release of contaminants to waters from release point W1 must not exceed 20 litres per minute from 1 hour before local low water until 1 hour after local high water.

Monitoring of Volume of Release

(C13) The daily volume of effluent released must be determined by a method which is accurate to within 10% of the actual amount.

(C14) Records must be kept of the results of all determinations of the daily quantity of contaminants released to waters.

Impact Monitoring

(C15) Environmental Impact Monitoring must be conducted to determine the presence of any impacts to water quality of the receiving water including, but not limited to, the monitoring of the following water quality criteria monthly while discharging, at the time of the monitoring required by condition **(C7)**:

(a) pH;
(b) dissolved oxygen;
(c) total nitrogen;
(d) total phosphorous;
(e) chlorophyll 'a'; and
(f) suspended solids.

(C16) Determination of water quality to assess impacts being caused by the Environmentally Relevant Activity in accordance with condition **(C15)** must be undertaken at the monitoring point described as:

Monitoring Point 1: **located midstream, up current and 100 meters from the outlet of the final settlement pond.**

(C17) Environmental Impact Monitoring must be conducted to determine the presence of any impacts to ground water quality due to seepage of pond water. Such monitoring must include, but is not limited to, the monitoring of the following water quality criteria on at least a quarterly basis:

(a) pH;
(b) dissolved oxygen;
(c) total nitrogen;
(d) total phosphorous;
(e) salinity;
(f) conductivity; and
(g) temperature.

(C18) The holder of this Environmental Authority must prepare an interpretive report on an annual basis on the results of impact monitoring required by conditions **(C15)** and **(C17)**.

BNO 26/8/1

Spillage Control

(C19) Washing, degreasing, servicing or other maintenance of vehicles, plant or other equipment must not occur on the licensed place in any area where resulting contaminants will or may be released to any stormwater drain, land or water.

Sediment Storage Area

(C20) Runoff from any designated pond sediment storage area must be directed in such a manner as to be retained within the catchment of the settlement ponds.

Stormwater Management Plan

(C21) You must develop and implement a Stormwater Management Plan which:

- diverts uncontaminated stormwater away from contaminated areas;
- minimises the size of contaminated areas;
- contains and treats contaminated stormwater on site before allowing it to leave the site.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Land application

Release of Contaminants to Land

(D1) The release of pond sediment to land must only occur in a dedicated pond sediment storage area which is located, designed and operated to prevent the release of contaminants to the environment.

END OF CONDITIONS FOR SCHEDULE E

Schedule E - Noise

Emission of Noise

(E1) In the event of a complaint about noise that the Administering Authority considers is reasonable and not frivolous or vexatious, then the emission of noise from the activity must not result in levels greater than those specified in **Schedule E Table 1** until circumstances which gave rise to the complaint are resolved.

Noise Management Plan

(E2) You must carry out the Environmentally Relevant Activities under a Noise Management Plan. The terms the Noise Management Plan must deal with include, but are not limited to, the following:

(h) measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values of the receiving environment; and

(i) who is responsible for carrying out each of the measures; and

(j) the recording of noise complaints received by the holder of this Environmental Authority. Details to be recorded include:

(i) time, date and nature of noise 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 noise complaint;
(v) name of person responsible for investigating the noise complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.

AND 26/6/

Noise Monitoring

(E3) At the written request of the Administering Authority, the holder of this Environmental Authority must carry out noise monitoring to assess the impacts of the activities covered by this Development Approval on the surrounding acoustic environment.

(E4) The method of measurement and reporting of noise levels must comply with the Noise Measurement Manual.

SCHEDULE E TABLE 1 - NOISE LIMITS

Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 5 dB(A)	0700 hours to 1800 hours
Background plus 5 dB(A)	1800 hours to 2200 hours
Background plus 3 dB(A)	2200 hours to 0700 hours
Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 10 dB(A)	0700 hours to 1800 hours
Background plus 10 dB(A)	1800 hours to 2200 hours
Background plus 8 dB(A)	2200 hours to 0700 hours

END OF CONDITIONS FOR SCHEDULE F

Schedule F - Waste management

General

(F1) The holder of this Environmental Authority must develop and implement a Waste Management Program which addresses the following matters:

- a description of the authorised activities that may generate waste;
- the types and amounts of waste that may be generated by the authorised activities;
- how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each of the waste management practices mentioned in the waste management hierarchy of Section 10 of the *Environmental Protection (Waste Management) Policy 2000*;
- procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources and otherwise improve the waste management practices employed;
- procedures for dealing with accidents, spills and other incidents that may impact on the waste management;
- details of any accredited management system employed or planned to be employed, to deal with the waste;
- how often the performance of the waste management practices will be assessed;
- the indicators or other criteria on which the performance of the waste management practices will be assessed;
- staff training on matters relevant to waste management.

END OF CONDITIONS FOR SCHEDULE G

Schedule G - Definitions

Some of the words and phrases used throughout this licence are defined below:

(G1) **"Site-Based Management Plan"** means the Site-Based Management Plan required by condition **(A6)** of this Development Approval. Reference to the Site-Based Management Plan also includes reference to the Stormwater Management Plan, Noise Management Plan and Waste Management Program.

(G2) **"Waste Management Program"** means the Waste Management Program which is required by condition **(F1)** of this Development Approval.

(G3) **"Stormwater Management Plan"** means the Stormwater Management Plan which is required by condition **(C20)** of this Development Approval.

(G4) **"Noise Management Plan"** means the Noise Management Plan which is required by condition **(E2)** of this Development Approval.

(G5) **"Administering Authority"** means the Environmental Protection Agency or its successor at law.

(G6) **"mg L^{-1}"** means milligrams per litre.

(G7) **"mean (maximum)"** means that the arithmetic mean of the measured values of any five consecutive samples must not be greater than the release limit stated.

(G8) **"maximum"** means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(G9) **"minimum"** means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(G10) **"range"** means that the measured value of the quality characteristic or contaminant must not be greater than the higher release limit stated nor lower than the lower release limit stated.

(G11) **"$L_{Amax\ adj,T}$"** 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.

(G12) **"background noise level"** means either:

- LA90,T being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 mins, using fast response; or
- Ladj,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.

(G13) **"noise sensitive place"** means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area; or
- a public park or gardens.

(G14) **"commercial place"** means a place used as an office or for business or commercial purposes.

(G15) **"Noise Measurement Manual"** means the following document or more recent additions or supplements to that document as such become available:

Environmental Protection Agency. (2000). *Noise Measurement Manual Third Edition*, Environmental Protection Agency, Brisbane, Australia.

(G16) **"Water Quality Sampling Manual"** means the following document or more recent additions or supplements to that document as such become available:

Environmental Protection Agency. (1999). *Water Quality Sampling Manual Third Edition*, Environmental Protection Agency, Brisbane, Australia.

END OF CONDITIONS FOR SCHEDULE G

END OF DEVELOPMENT APPROVAL

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environmental licences and permits

PUBLIC REGISTER

Notice of decision – Change to an existing approval

This notice is issued by the Environmental Protection Agency pursuant to Section 3.5.33 of the Integrated Planning Act 1997 to advise of a decision or action.

ROCKAQUA PTY LTD
4 Rocky Point Road
WOONGOOLBA QLD 4207

Our reference: 221961
MBH350-5

Attention: Serena Zipf

Dear Ms Zipf

Re: Application to change or cancel a condition of your development approval

The Environmental Protection Agency (EPA), acting as assessment manager, wishes to advise that your application to change or cancel a condition of your existing development approval [Permit Ref: ENDC00237705], received on 08-MAY-2006, has been assessed, and on 12 October 2006 was approved.

1. Your application requested:

Change or cancel conditions contained within the Noise Schedule

1. Your application requested:

Change or cancel the following conditions:

Schedule E - Noise

Emission of Noise

(E1) In the event of a complaint about noise that the Administering Authority considers is reasonable and not frivolous or vexatious, then the emission of noise from the activity must not result in levels greater than those specified in **Schedule E Table 1** until circumstances which gave rise to the complaint are resolved.

Noise Management Plan

(E2) You must carry out the Environmentally Relevant Activities under a Noise Management Plan. The terms the Noise Management Plan must deal with include, but are not limited to, the following:

(a) measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values of the receiving environment; and
(b) who is responsible for carrying out each of the measures; and
(c) the recording of noise complaints received by the holder of this Environmental Authority. Details to be recorded include:

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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(i) time, date and nature of noise 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 noise complaint;

(v) name of person responsible for investigating the noise complaint; and

(vi) action taken as a result of the complaint investigation and signature of responsible person.

Noise Monitoring

(E3) At the written request of the Administering Authority, the holder of this Environmental Authority must carry out noise monitoring to assess the impacts of the activities covered by this Development Approval on the surrounding acoustic environment.

(E4) The method of measurement and reporting of noise levels must comply with the Noise Measurement Manual.

SCHEDULE E TABLE 1 - NOISE LIMITS

Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 5 dB(A)	0700 hours to 1800 hours
Background plus 5 dB(A)	1800 hours to 2200 hours
Background plus 3 dB(A)	2200 hours to 0700 hours
Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 10 dB(A)	0700 hours to 1800 hours
Background plus 10 dB(A)	1800 hours to 2200 hours
Background plus 8 dB(A)	2200 hours to 0700 hours

And replace with the following conditions;

Schedule E - Noise

Emission of Noise

(E1) Noise from the Environmentally Relevant Activity (ERA) must not cause an environmental nuisance at any sensitive place.

(E2) For the purposes of condition (E1), the ERA will not cause environmental nuisance where noise from the ERA does not exceed the criteria specified in Schedule F - Table 1.

Schedule F - Table 1 (Outdoors Noise Criteria) (1)

Sound pressure level dB(A) measured as	*Monday to Sunday (inclusive)*		
	7am - 6pm	*6pm - 10pm*	*10pm - 7am*
	Noise measured outside a 'sensitive place'		
$L_{A, max\ adj, T}$ (2)	Background (2) + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)
	Noise measured outside a 'commercial place'		
$L_{A, max\ adj, T}$	Background + 10 dB(A)	Background + 10 dB(A)	Background + 5 dB(A)

(1) Schedule F Table 1 does not purport to set operating hours or noise limits for the ERA.
(2) Where "T" is 15 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual*.

(E3) The ERA must not cause noise exceeding the limit specified in Schedule F - Table 2, and for the purposes of condition (E1) the ERA will cause environmental nuisance where noise from the ERA exceeds the limit specified in Schedule F - Table 2.

Schedule F - Table 2 (Indoors Noise Limits)

Indoors noise limits for habitable rooms (1) of a "sensitive place"	
Period	**Measured as $L_{A90, Adj\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of a time period not less than 15 minutes, using Fast response, adjusted for noise characteristics**
10 pm - 7 am	30 dB(A)

(1) "habitable room" means any room within the confines of a building comprising a sensitive place other than a garage, storage area, laundry, toilet, pantry, patio, veranda or deck.

Noise Monitoring

(E4) Noise monitoring must be undertaken as directed by the administering authority to investigate any complaint about noise nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, noise monitoring must be done by a competent person in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual* and include:

(a) outdoors $L_{A, max\ adj, T}$ and/or indoor $L_{A90, Adj\ T}$;

(b) relevant outdoor background sound level;

(c) the level and frequency of occurrence of impulsive or tonal noise;

(d) atmospheric conditions including wind speed and direction; and

(e) location, date and time of measurements.

Noise Management Plan

(E5) You must carry out the Environmentally Relevant Activities under a Noise Management Plan. The terms the Noise Management Plan must deal with include, but are not limited to, the following:

a) measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values of the receiving environment; and
b) who is responsible for carrying out each of the measures; and
c) the recording of noise complaints received by the holder of this Environmental Authority. Details to be recorded include:

(i) time, date and nature of noise 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 noise complaint;

(v) name of person responsible for investigating the noise complaint; and

(vi) action taken as a result of the complaint investigation and signature of responsible person.

Your amendment application also requested to insert the following definitions;

Insert the following definitions;

"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

"dwelling" means any of the following structures or vehicles that is principally used as a place for human habitation-

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land; and
- a water craft in a marina.

"sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area under the Nature Conservation Act 1992 or the Marine Parks Act 1992, or a World Heritage Area;
- a public thoroughfare, park or gardens; and
- a commercial place;

- and includes that part of the curtilage of a building or structure used for purposes usually or reasonably associated with the building or structure.

2. The details of the original approval were:

Property/Location: :

Street address - Melcers Road RIVERVIEW QLD 4670
Lot/Plan - Lot 102 Plan CK495

3. Your application has been approved to the extent detailed below:

Remove the following conditions

Schedule E - Noise

Emission of Noise

(E1) In the event of a complaint about noise that the Administering Authority considers is reasonable and not frivolous or vexatious, then the emission of noise from the activity must not result in levels greater than those specified in **Schedule E Table 1** until circumstances which gave rise to the complaint are resolved.

Noise Management Plan

(E2) You must carry out the Environmentally Relevant Activities under a Noise Management Plan. The terms the Noise Management Plan must deal with include, but are not limited to, the following:

a) measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values of the receiving environment; and
b) who is responsible for carrying out each of the measures; and
c) the recording of noise complaints received by the holder of this Environmental Authority. Details to be recorded include:
d) time, date and nature of noise complaint;
e) type of communication (telephone, letter personal *etc*);
f) 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);
g) response and investigation undertaken as a result of the noise complaint;
h) name of person responsible for investigating the noise complaint; and
i) action taken as a result of the complaint investigation and signature of responsible person.

Noise Monitoring

(E3) At the written request of the Administering Authority, the holder of this Environmental Authority must carry out noise monitoring to assess the impacts of the activities covered by this Development Approval on the surrounding acoustic environment.

(E4) The method of measurement and reporting of noise levels must comply with the Noise Measurement Manual.

SCHEDULE E TABLE 1 - NOISE LIMITS

Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 5 dB(A)	0700 hours to 1800 hours
Background plus 5 dB(A)	1800 hours to 2200 hours
Background plus 3 dB(A)	2200 hours to 0700 hours
Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj,T}$	**Period**
Background plus 10 dB(A)	0700 hours to 1800 hours
Background plus 10 dB(A)	1800 hours to 2200 hours
Background plus 8 dB(A)	2200 hours to 0700 hours

And insert the following Schedule of conditions;

Schedule E - Noise

Emission of Noise

(E1) Noise from the Environmentally Relevant Activity (ERA) must not cause an environmental nuisance at any sensitive place.

(E2) For the purposes of condition (E1), the ERA will not cause environmental nuisance where noise from the ERA does not exceed the criteria specified in Schedule F - Table 1.

Schedule F - Table 1 (Outdoors Noise Criteria) (1)

Sound pressure level dB(A) measured as	*Monday to Sunday (inclusive)*		
	7am - 6pm	*6pm - 10pm*	*10pm - 7am*
	Noise measured outside a 'sensitive place'		
$L_{A,\ max\ adj,\ T}$ (2)	Background (2) + 5 dB(A)	Background + 5 dB(A)	Background + 3 dB(A)
	Noise measured outside a 'commercial place'		
$L_{A,\ max\ adj,\ T}$	Background + 10 dB(A)	Background + 10 dB(A)	Background + 5 dB(A)

(1) Schedule F Table 1 does not purport to set operating hours or noise limits for the ERA,
(2) Where "T" is 15 minutes and "Background" means background sound pressure level measured in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual.*

(E3) The ERA must not cause noise exceeding the limit specified in Schedule F - Table 2, and for the purposes of condition (E1) the ERA will cause environmental nuisance where noise from the ERA exceeds the limit specified in Schedule F - Table 2.

Schedule F - Table 2 (Indoors Noise Limits)

Indoors noise limits for habitable rooms (1) of a "sensitive place"	
Period	**Measured as $L_{A90,\ Adj\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of a time period not less than 15 minutes, using Fast response, adjusted for noise characteristics**
10 pm - 7 am	30 dB(A)

(1) "habitable room" means any room within the confines of a building comprising a sensitive place other than a garage, storage area, laundry, toilet, pantry, patio, veranda or deck.

Noise Monitoring

(E4) Noise monitoring must be undertaken as directed by the administering authority to investigate any complaint about noise nuisance being caused by the ERA, which complaint in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief, and the results thereof notified to the administering authority within 14 days following completion of monitoring. For the purposes of this condition, noise monitoring must be done by a competent person in accordance with the latest edition of the Environmental Protection Agency *Noise Measurement Manual* and include:

(a) outdoors $L_{A,\ max\ adj,\ T}$ and/or indoor $L_{A90,\ Adj\ T}$;

(b) relevant outdoor background sound level;

(c) the level and frequency of occurrence of impulsive or tonal noise;

(d) atmospheric conditions including wind speed and direction; and

(e) location, date and time of measurements.

Noise Management Plan

(E5) You must carry out the Environmentally Relevant Activities under a Noise Management Plan. The terms the Noise Management Plan must deal with include, but are not limited to, the following:

a) measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values of the receiving environment; and

b) who is responsible for carrying out each of the measures; and

c) the recording of noise complaints received by the holder of this Environmental Authority. Details to be recorded include:

d) time, date and nature of noise complaint;

e) type of communication (telephone, letter personal *etc*);

f) 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);

g) response and investigation undertaken as a result of the noise complaint;

h) name of person responsible for investigating the noise complaint; and

i) action taken as a result of the complaint investigation and signature of responsible person.

And insert the following definitions;

"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

"dwelling" means any of the following structures or vehicles that is principally used as a place for human habitation-

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land; and
- a water craft in a marina.

"sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area under the Nature Conservation Act 1992 or the Marine Parks Act 1992, or a World Heritage Area;
- a public thoroughfare, park or gardens; and
- a commercial place;
- and includes that part of the curtilage of a building or structure used for purposes usually or reasonably associated with the building or structure.

An attached extract from the *Integrated Planning Act 1997* details your appeal rights regarding this decision. You should seek independent advice to confirm all your available avenues.

Should you require any further information please contact Matt Karle the project manager, on the telephone number listed below.

Yours sincerely

T. B

Delegate
Environmental Protection Agency

12-OCT-2006

Enquiries:
SouthReg Env Ops (Wide Bay District)
PO Box 101 MARYBOROUGH QLD 4650
Phone: (07) 4121 1800
Fax: (07) 4121 1650

APPEAL RIGHTS - Extract from the *Integrated Planning Act 1997*

Division 8—Appeals to court relating to development applications

4.1.27 Appeals by applicants

(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.

4.1.28 Appeals by submitters

(1) A submitter for a development application may appeal to the court only against -
   (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
   (b) for an application processed under section 6.1.28(2) – the part of the approval about the aspects of the development that would have required public notification under the repealed Act.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
   (a) the giving of a development approval;
   (b) any provision of the approval including-
      (i) a condition of, or lack of condition for, the approval; or
      (ii) the length of a currency period for the approval.

(3) However, a submitter may not appeal if the submitter-
   (a) withdraws the submission before the application is decided; or
   (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).

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

4.1.29 Appeals by advice agency submitters

(1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(1A)The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

(3) 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.

(4) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

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

(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

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

(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 3.5.33A(9)(b) or 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.

4.1.32 Appeals against enforcement notices

(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.

4.1.33 Stay of operation of enforcement notice

(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.

4.1.34 Appeals against decisions on compensation claims

(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.

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

(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.

4.1.37 Appeals from tribunals

(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.

4.1.38 Court may remit matter to tribunal

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

4.1.39 How appeals to the court are started

(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).

4.1.41 Notice of appeal to other parties (div 8)

(1) An appellant under division 8 must give written notice of the appeal to-
  (a) if the appellant is an applicant-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any concurrence agency; and
    (iv) any principal submitter whose submission has not been withdrawn; and
    (v) 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-
    (i) the chief executive; and
    (ii) the assessment manager; and
    (iii) any referral agency; and
    (iv) the applicant; or
  (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given-
    (i) the chief executive; and
    (ii) the deciding entity; and
    (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
(2) The notice must be given within-
  (a) if paragraph (b) does not apply-10 business days after the appeal is started; or
  (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal-2 business days after the appeal is started.
(3) 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 -
  (c) that the person may, within 10 business days after the day the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

(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.

4.1.43 Respondent and co-respondents for appeals under div 8

(1) Subsections (2) to (8) apply for appeals under section 4.1.27 to 4.1.29.
(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) Any submitter may elect to become a co-respondent to the appeal.
(5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
(6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
(7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
(8) 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.
(9) For an appeal under section 4.1.30-
    (a) the assessment manager is the respondent; and
    (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.3 relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

(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.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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

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

4.1.47 Lodging appeal stops certain actions

(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.

ecoaccess
environmental licences and permits

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00237805

This registration certificate is issued by the administering authority and takes effect from: 06-OCT-2009.

The anniversary day for the purposes of the Annual Return remains: 14 August.

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 attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-
Rockaqua Pty Ltd
Rocky Point Road
WOONGOOLBA QLD 4207

Development Approval No.	Place	Location	Activity
ENDC00237705	Lot 102 Plan CK495	Melcers Road, RIVERVIEW QLD 4670	ERA 1 Aquaculture Threshold 1(a) - cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 100m2 to 10ha

Louise Karle
Delegate
Administering authority
Environmental Protection Act 1994

06-OCT-2009