Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00726207

This registration certificate is issued by the administering authority and takes effect from: 05-DEC-2011.

The anniversary day for the purposes of the Annual Return remains: 4th 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 SPCE03285311attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-
CJ Nutracon Pty Ltd
Ambrosiussen Accountants & Advisors
70 Neil Street, TOOWOOMBA QLD 4350

Place:-
Lot 13 Plan SP189283

Located at:-
Hermitage Road,TOOWOOMBA QLD 4350

Registered Activity: -
ERA 25 Meat processing Threshold 3(b) - rendering, without any other processing, in a year, more than 500t of meat or meat products

Delegate
Derek Robson
Department of Environment and Resource Management
Environmental Protection Act 1994

05-DEC-2011

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

Enquiries: Graham Glover
Contact: Planning Office, 4688 6357
Our Reference: MCUI/2006/817/A

TOOWOOMBA REGIONAL COUNCIL

17 April 2008

Environmental Protection Agency
PO Box 731
TOOWOOMBA QLD 4350

Attention: David Darvall

RECEIVED
18 APR 2008
TOOWOOMBA

Dear Sir/Madam,

Development Approval for:	**Material Change of Use - Impact - Change to Conditions**
Location:	**49-57 Hermitage Road, CRANLEY QLD 4350**
Property Description:	**L13/SP189283:PAR DRAYTON**

Please find attached a signed copy of the above Decision Notice as per your request dated 2 April 2008.

If you have any further queries in relation to this matter, please contact Council's Senior Planning Officer, Michelle Milton on the above number.

Yours faithfully

Ilija Susnja
Senior Planning Officer, Development Assessment Urban

Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350
T 07 4688 6611 F 07 4631 9292
E info@toowoombaRC.qld.gov.au
W www.toowoombaRC.qld.gov.au

SERVICE CENTRES

CLIFTON
95 King Street
Clifton Q 4361
T 07 4697 4222

CROWS NEST
25 Emu Creek Road
Crows Nest Q 4355
T 07 4698 1155

GOOMBUNGEE
89 Mocatta Street
Goombungee Q 4354
T 07 4696 7900

GREENMOUNT
54 Hodgson Street
Greenmount Q 4359
T 07 4697 0200

HIGHFIELDS
O'Brien Road
Highfields Q 4352
T 07 4630 8925

MILLMERRAN
2-16 Campbell Street
Millmerran Q 4357
T 07 4695 1399

OAKEY
64 Campbell Street
Oakey Q 4401
T 07 4691 1388

PITTSWORTH
85 Yandilla Street
Pittsworth Q 4356
T 07 4619 8000

TOOWOOMBA
153 Herries Street or
543 Ruthven Street
Toowoomba Q 4350
T 07 4688 6611

ABN 997 8830 5360

Enquiries: Graham Glover
Contact: 4688 6357
Our Reference: MCUI/2006/817/A

Decision Notice
CHANGE TO EXISTING APPROVAL
Integrated Planning Act 1997 Sections 3.5.25 & 3.5.33

11 May 2007

Wiley & Co
Level 3
100 Ipswich Road
WOOLLOONGABBA QLD 4102

Dear Sir/Madam,

Location: **49-57 Hermitage Road, TOOWOOMBA QLD 4350**
Property Description: **L13/SP189283:PAR DRAYTON**

I wish to advise that, on 11 May 2007, the request to change or cancel conditions was approved to the extent detailed on the attached Schedule and highlighted in **bold** print.

COPY

Rights of Appeal:

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

Yours faithfully

....
Ilija Susnja
Acting Principal Planner, Development Assessment

TOOWOOMBA CITY COUNCIL A.B.N. 69 653 021 471
DEVELOPMENT ASSESSMENT BRANCH

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2006/817
APPLICANT:	Wiley & Co
LOCATION:	49-71 Hermitage Road, TOOWOOMBA QLD 4350
REAL PROPERTY DESCRIPTION:	L13/SP189283:PAR DRAYTON (previously described as Lot 9 on SP116983 PAR DRAYTON)
APPROVED USE:	Industrial Premises - Heavy Industry (Beef Products Facility – Rendering Plant)
ZONING:	Industry
PRECINCT:	Investigation Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

Approved Plans

1. **The development shall be carried out generally in accordance with the following approved plans and material contained on the development application and supporting information, and subject to the following clarifications:**

- **Site Plan No. W05092 – 00K007 Issue P02 prepared by Wiley Australia, dated February 2006 and received by Council on 9 March 2006;**
- **Floor Plan No. W05092 – 01K103 Issue P03 prepared by Wiley Australia, dated December 2005 and received by Council on 9 March 2006;**
- **Elevations Plan No. Wd0592 – 01K203 Issue P01 prepared by Wiley Australia, dated January 2006 and received by Council on 9 March 2006;**
- **Sediment Control Plan W05092 – 00K008 P01, prepared by Wiley Australia, dated February 2006 and received by Council on 9 March 2006; and**
- **Landscape Plan No. 26049 LP01 & LP02 Issue B prepared by Jeremy Ferrier Landscape Architect dated March 2007 and received by Council on 5 April 2007.**

1.1 A 10m setback shall be provided from the building to the front boundary alignment at all times. The front boundary alignment is determined to be the ultimate road frontage as shown on Site Plan No. W05092 – 00K007 Issue P02 prepared by Wiley Australia dated February 2006 and received by Council on 9 March 2006;

1.2 A 5m wide landscape area be provided along the entire road frontage of the site, exclusive of accessways, and including the western boundary of the site which will ultimately form a road frontage as shown on Site Plan No. W05092 – 00K007 Issue P02 prepared by Wiley Australia dated February 2006 and received by Council on 9 March 2006. In this regard the applicant must:

1.2.1 Submit for approval by the Manager, Development Assessment an amended plan that provides a minimum 5m wide landscaping area along the frontage of the future lot boundary of the site. The amended plan must be submitted prior to making application for a Development Permit for Building Works; or

1.2.2 Enter into a formal agreement with the Toowoomba City Council and Department of Main Roads to retain a minimum 5m wide landscape area along the entire frontage of the site. Where this landscape area is to be accommodated within the future road reserve, the landscaping will be retained and/or reinstated where necessary for roadworks associated with the future Toowoomba Bypass. Such an agreement may be in the form of a Statutory Covenant registered on the title of the subject land (or similar agreement to the satisfaction of the Manager Development Assessment) and must be signed by all parties and lodged with the Manager, Development Assessment prior to commencement of the use.

Particular Use

2. This approval is for the particular use stated, being an Industrial Premises - Heavy Industry (Beef Rendering Plant) and does not imply approval for other similar uses (i.e. Warehouse or other uses not currently identified in the processing activities such as an abattoir or tannery). To this end, the use of any of the proposed structures associated with the Industrial Premises, inclusive of car parking and any associated outdoor areas on site, are not permitted to be used for any other purpose, unless, in the opinion of the Manager, Development Assessment, such use is ancillary and incidental to the predominant use of the site for an Industrial Premises – Heavy Industry (Beef Rendering Plant).

Compliance with Conditions

3. Unless otherwise stated all conditions shall be completed prior to commencement of the proposed change of use of the site or as determined by the Manager, Development Assessment.

Landscaping

4. Landscaping is to be carried out to achieve the following performance criteria:

- **To enhance the appearance of the development internally and externally; and**
- **To make a positive contribution to the streetscape; and**
- **To screen unsightly objects from public view; and**
- **To contribute to a comfortable living environment by providing shade to reduce glare, head absorption and radiation; and**
- **To ensure private open space is useable; and**
- **To provide long term erosion protection; and**
- **To integrate with existing vegetation and other natural features of the site and adjoining lands; and**
- **To provide adequate vehicle sightlines and road safety.**

5. Delete

6. Delete

7. Delete

8. The landowner must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Manager, Development Assessment. Any amendments approved by the Assessment Manager are taken to be a part of the approved Landscape Plan.

9. The landscaping must be completed prior to commencement of use unless level 4 or level 5 water restrictions apply.

10 **If level 4 or level 5 water restrictions apply, the landowner must either:**

(a) **Perform all landscaping in accordance with the approved Landscape Plan in compliance with the level 4 or level 5 water restrictions, prior to the commencement of use;**
or

(b) **Undertake the following:**

(i) **Provide an accurate estimate of costs for landscaping works including:**

- **The costs for plants, and**
- **The costs for any action necessary to complete the landscaping works (eg. costs for work to install plants); and**

(ii) **Perform the site works necessary to prepare the site for planting in accordance with the approved Landscape Plan (eg. creating and mulching the landscape beds); and**

(iii) **Implement and maintain all works necessary to control dust and erosion and the loss or movement of soil until the landscaping is completed in accordance with the approved Landscape Plan; and**

(iv) **Perform all landscaping in accordance with the approved Landscape Plan within 12 months of the Council resolving to lower the level of water restriction to level 3, 2, 1 or no water restrictions; and**

(v) **All contracts of sale over an allotment the subject of the approved Landscape Plan must contain a condition that clearly records that prospective purchasers of an allotment are required to comply in every respect with this condition. A copy of the condition and the approved Landscape Plan must be included with the contract; and**

Paragraphs (i), (ii) and (iii) must be completed prior to commencement of use.

11. A 5m wide landscape strip must be provided along the entire frontage of the site, and including the western boundary of the site which will ultimately form a road frontage as shown on Site Plan No. W05092 – 00K007 Issue P02 prepared by Wiley Australia (dated February 2006 and received by Council on 9 March 2006). The vegetation used for landscaping shall include trees that will attain a minimum height of 5m within three (3) years of the commencement of the use. To this end, semi-mature trees should be used at the construction stage of the development. Landscaping shall provide adequate sightlines for vehicles entering and exiting the site.

12. Existing vegetation within the Minor Waterways Area identified on Regulatory Map No, 3 must be retained, with the exception of weeds which must be removed.

13. Landscaped areas must be maintained, and the site shall remain in a clean and tidy state at all times.

14. Apart from privet and/or celtus, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action shall be taken to minimise disturbance during construction work.

15. All privet and/or celtus must be removed from the subject land and the site kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.

16. Any outdoor storage areas and contents, including waste water treatment areas must be screened from public view of Hermitage Road, including the future road to be provided along the western boundary of the land as part of the Toowoomba Bypass.

17. Any removal or modification of any existing Council street tree will require the separate written approval of Council's Parks and Recreation Branch.

Noise Impact

18. Submit for the approval of the Manager, Development Assessment a supplementary noise report that assesses the impact of noise from the proposed development on potential future residential properties (ie. properties at 93 and 107 Hermitage Road) and demonstrates compliance with the relevant standards for Noise Control as specified by the *Environmental Protection Act* and *Environmental Protection (Noise) Policy 1997*. Any additional mitigation measures, if required, shall be implemented prior to the commencement of the use.

Outdoor Lighting

19. The provision of advertising, security and flood lighting shall be designed, constructed, located and maintained to the satisfaction of the Manager, Development Assessment so as not to cause disturbance to the occupants of nearby properties or passing traffic.

20. All lighting shall be of a subdued nature and any light overspill that may occur must be no greater than the maximum levels specified in Australian Standard No. 4282-1997 "Control of Obtrusive Effects of Outdoor Lighting".

Fencing

21. Fencing must be provided generally in accordance with the Landscape Concept Plan No. 26049 – 00L001 Issue A prepared by Jeremy Ferrier Landscape Architect dated may 2006 and received by Council on 11 May 2006 and shall include the following:

    21.1 Fencing provided along the frontage of the site and western boundary of the site shall be green coated chainwire fence;

    21.2 Where fencing crosses the Minor Waterways Area identified on the Regulatory Map No. 3, such fencing must be of wire strand or similar material that minimises disruption to flood flows.

Earthworks/Retaining Walls

22. There must be no filling or earthworks within the Minor Waterways Area identified on the Regulatory Map No. 3 unless otherwise approved in writing from the Manager, Development Assessment.

Water Conservation

23. A rainwater storage tank/device shall be provided which collects rainwater from 65% of the roof area and is plumbed to service the toilets and all wash-down areas and outdoor taps.

24. The minimum capacity of the rainwater storage tank/device is to be 3kL per $100m^2$ of roof area.

Vermin Harbourage

25. All raw and processed materials and products must be stored in a manner that prevents opportunities for vermin harbourage.

Advertising

26. Any advertising shall accord with the provisions of Chapter 10 – (Advertising Signs) of the *Toowoomba Planning Scheme 2003.* A separate permit may be required.

Refuse

27. The location of the refuse storage area must be approved by the Manager, Environment and Health having regard to the neighbouring properties. Refuse storage, removal and collection methods must be generally in accordance with the "Environmental Protection (Interim Waste) Regulations 1996" and Council Policies. This must include provision for recyclable materials.

28. The owners and occupiers must comply at all times with the provisions of the "Environmental Protection (Interim Waste) Regulations 1996.

Construction Management

29. The applicant must prepare a Construction Management Plan and submit the plan to Council for the approval of Manager, Development Assessment prior to commencement of any works on the subject site. The Construction Management Plan must address the following issues and demonstrate compliance with the relevant Environmental Protection Policies and Regulations of the *Environmental Protection Act 1994*:

- Dust Control;
- Erosion and Sedimentation Control;
- Construction Noise;
- Heavy Vehicle Movements;
- Vegetation Removal; and
- Complaints Management.

Trade Waste

30. The applicant shall comply with Council's requirements for trade waste disposal. A separate approval for discharge to Council's sewer system will be required.

Stormwater Management

31. A gross pollutant trap must be installed in all stormwater drains located on the site to prevent gross pollutants entering the stormwater system

32. Contaminants or contaminated water must not be directly or indirectly released from the Premise or to the ground or groundwater at the Premise except for:

    32.1 Uncontaminated Overland Stormwater flow;
    32.2 Uncontaminated Stormwater to the stormwater system;
    32.3 Contaminants released to sewer under and in accordance with a trade waste permit granted by the local government under the Sewerage and Water Supply Act 1949.

'Uncontaminated Overland Stormwater Flow' and 'Uncontaminated Stormwater' refer to stormwater that does not contain contaminants.

Premises Identification

33. The street number of the Office is to be clearly displayed on, or adjacent to, the main entrance to the building. The street numbers are to be clearly visible from the street.

34. All entrances/ exits to the building is to be lit and signed, and signage is to include hours of operation.

Engineer's Certification/Supervision Of Works

35. Plans and specifications for all work associated with car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, shall be prepared and certified by a Registered Professional Engineer. A Registered Professional Engineer shall supervise the execution of the works, all work detailed on a certificate of supervision, and a copy of the supervision certificate submitted to Council upon completion.

36. Where any condition refers to or requires an Engineer to perform any task or function, the Engineer shall hold professional indemnity insurance and run-off cover to the satisfactions of the Chief Executive Officer.

Earthworks/Retaining Walls

37. All earthworks batters and retaining walls shall be undertaken in accordance with Council's Development Works Code 9.1 *Excavation and/or Filling.* For this proposal, heights of cut/fill and retaining walls shall comply with the following:

    37.1 All proposed retaining walls must be constructed in accordance with the engineering details and proposed plans submitted to and approved by Council – heights shall not exceed those specified in Drawing Number 00C105, dated March 2006 prepared by Wiley & Co Pty Ltd Consulting Engineers, and received by Council on the 19 April 2006.

    37.2 There must be no filling or earthworks within the Minor Waterways Area identified on the Regulatory Map No. 3 unless otherwise approved in writing from the Manager, Development Assessment.

Easements

38. All works are to be kept clear of the existing and proposed easement within the subject land, unless otherwise approved by the Grantee of the easements.

39. A registered stormwater drainage easement shall be provided over the minor waterways area within the subject land, with the required easement in favour of Council. In this regard, the survey plan and associated easement documentation shall be registered with the Department Of Natural Resources prior to the commencement of use.

Stormwater Discharge

40. Stormwater from roofed and sealed areas shall be picked up and discharged by way of sealed underground pipe, generally in accordance with the Stormwater Management Plan. Design and construction of all internal stormwater drainage works shall comply with the relevant section/s of AS/NZS 3500.3.2:1998.

41. Outlets Out/2 and Out/3 shall be designed and constructed to ensure the stormwater discharge at the boundary is spread as sheet flow prior to leaving the site, with flow directed towards the adjacent minor waterways area.

External Roadworks/Provision Of Vehicular Access/Council Approvals

42. The existing road shall be widened and kerbed along the frontage of the development site, as follows:

Street	Classification	Construction Standard
Hermitage Road	Collector	Ultimate width 12.0m between kerb inverts

42.1 Alignments for kerb and channelling shall be established prior to detailed design, having due regard to the location of existing kerb and channel in the vicinity, significant vegetation and/or other existing or proposed services. Such kerb and channelling shall be provided on the northern side of the road only and shall consist of industrial barrier type extending from the eastern boundary of the subject land to a point 20.0 metres west of the proposed access along northern edge of Hermitage Road.

42.2 Any resultant pavement widening shall join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement is to be brought to a satisfactory standard to allow for the above.

42.3 Additional widening is required on southern side of Hermitage Road to facilitate the safe passing of vehicles turning right into the site.

43. The proposed vehicular property access shall be sealed from the street kerb to the property boundary. The accesses shall be designed by a Registered Professional Engineer and shall include the provision of adequate access width, suitable tapers and flares to suit the proposed entry and exit manoeuvres. The following will also apply:

43.1 The access shall be constructed in accordance with the requirements of the Department of Main Roads. The final design of the access shall be approved in writing by Main Roads, prior to obtaining necessary permits from Council.

43.2 The final design and layout of the property access shall be subject to a separate approval and permit from Council, in conjunction with the other works external to the site, prior to the commencement of any construction within the road reserve.

43.3 Both sides of the proposed property access shall join neatly in line and level to the verge with a maximum of 5% crossfall for pedestrian movement across the access.

43.4 The proposed access shall be located a minimum of 1 metre clear of existing power poles, streetlights, or other signage. In addition, the developer is responsible for any necessary relocation of other existing services clear of the access that will serve the property and is required to contact all relevant authorities and comply with their requirements in relation to these works.

43.5 Care shall be taken when setting internal access levels to ensure that the property access grades meet the design conditions set out by the Standard Commercial Driveway Plan (Drawing No. 18390) attached. A long-section of the proposed driveway accesses shall be included in the design drawings to be submitted to Council for approval.

Approval Of Works

44. As there are works associated with this development that will ultimately become a Council asset, the following is advised:

44.1 Where the required works are carried out by someone other than Council, the following conditions will apply:

44.1.1 All works shall be designed and constructed in accordance with Toowoomba City Council's requirements as set out in the 'EDROC Regional Standards Manual'. Certified engineering plans, prepared and certified by a Registered Professional Engineer, shall be submitted for the approval of Council's Senior Engineer Development Engineering prior to the issue of a development permit for building works.

44.1.2 Checking and inspection fees will be payable prior to approval of the engineering plans. The required fees will be advised following confirmation of the extent of works required upon submission of engineering plans for approval.

44.1.3 A security against defects is to be lodged for the external works prior to Council accepting these works 'on-maintenance'. The amount of security required will be advised following submission of engineering drawings for Council approval. This security will be released upon Council acceptance of the external works, at the end of the 12-month defects liability period.

44.2 Where Council is requested to carry out the design and/or construction of the works, the following procedure will apply:

44.2.1 The developer may engage Council's Design and Survey Branch to carry out the design of the works, Ph 4688 6798, in consultation with Council's Development Engineering Section. The quote for the work is to be paid in full prior to the issue of a development permit for building works.

44.2.2 Following completion of Council's design the developer may engage Council's Construction and Maintenance Branch, pH: 46 886561, to carry out the construction the works. The quote for the work is to be paid in full prior to the commencement of building works associated with the development, with the works completed prior to the commencement of use of the development. (In this instance, no checking and inspection fees, defect's liability security, or 12-month defect's liability period will apply).

44.2.3 The developer may choose to have the required works carried out by someone other than Council following completion of Council's design. In this regard, a simplified approval process through Council's Development Engineering Section will still be required. (Inspection fees, a defect's liability security, and 12-month defect's liability period will also apply).

45. During the course of constructing the works, the developer shall ensure that the works are carried out by a Council approved Contractor, and shall be responsible for all aspects of the works, including public safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times. Prior to commencement of works the developer, (or his representative/contractor), shall submit a traffic control plan for all works affecting external roads, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

Parking And Manoeuvring

46. The area required for carparking, driveways and manoeuvring areas shall be provided with a suitable sealed surface, together with thirty (30) carparking spaces, and standing for loading/unloading of an articulated vehicle, each linemarked or otherwise delineated to the minimum dimensions detailed in the Town Planning Scheme and/or AS2890 – Parking Facilities, and shall include the following:

 46.1 Any disabled carparking spaces shall be located in close proximity to an accessible primary entry to the building it is serving, and shall meet the minimum requirements outlined in AS2890.1 Clause 2.4.5 and AS1428.1.7.2. As the proposed disabled space obstructs the one-way driveway, it shall either be indented towards building or located elsewhere, clear of the access roadway.

 46.2 Provision of a sign and/or pavement markings that show the location of the carparking areas and access thereto, and that clearly indicate the proposed flow of traffic through the site.

 46.3 Provision shall be made for all vehicles to turn within the site so that they can drive in forward gear when entering or leaving the site.

Headworks/Stormwater Drainage Contributions

47. Contributions towards water supply and sewerage headworks, (and water supply and sewerage works external), shall be paid in accordance with Council's Statements of Policy for Water Supply and Sewerage Headworks and Works External as detailed below:

 47.1 The contributions shall be made on the basis of a total increase in loading of 26.175 Equivalent Tenements (ET's) for water supply and 26.175 ET's for sewerage.

 47.2 The calculation of the contribution payable shall be based on the contribution rate applicable as at the date of payment and therefore will vary depending on the date of payment. Based on current contribution rates, the required contributions are as follows:

Water Supply	$40,048 (Kynoch Zone)
Sewerage	$39,524 (Gowrie Creek Catchment)

 47.3 The contributions shown have been calculated using the current 2006/2007 rates. The contributions shall be recalculated using the ET's shown above, and the contribution rates applicable as at the date of payment.

 47.4 The contributions are payable prior to the issue of a development permit for building works for the development.

48. Pursuant to Council's Planning Scheme Policy No. 6, it is required that the developer makes a contribution towards construction of the trunk stormwater drainage system for Catchment M4.

 48.1 The contribution shall be made on the basis of a total impervious area of 0.647 hectares, and shall be calculated based on the contribution rate applicable as at the date of payment. Based on the current contribution rate of $40,220 / impervious hectare, for Catchment M4, the required contribution is $26,022.

 48.2 The above contribution is payable prior to the issue of a development permit for building works for the development.

Erosion And Sedimentation Control

49. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction shall be provided. Such works shall include, but not be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems. All disturbed areas shall be mulched or turfed/grassed as soon as possible during construction. The following issues will require attention:

    49.1 Erosion and sedimentation controls shall be implemented as necessary, and shall be maintained to at all times during the course of the project. Should the proposed controls prove to be ineffective then Council will require the developer to install additional measures.

    49.2 Measures shall be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project.

    49.3 Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water shall be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

    49.4 Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at the developer's expense. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

Nuisance Management

50. Wastewaters and any other potentially odourous materials in any open pond or vessel or place must be treated or managed so as to not cause an environmental nuisance at any odour sensitive place.

51. Notwithstanding any other condition of this approval, the release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

Protected Trees

52. As there are a total of 40 protected trees that are proposed to be removed from the subject land to make way for building works and infrastructure, approval to remove the trees will be granted in accordance with Local Law 50, subject to the following:

    52.1 Protected trees removed shall be replaced by two semi-mature (3.0m high trees with a 50mm caliper) for every one removed. The required replacement trees shall be planted as part of the proposed landscaping required for the development and shall be located on the landscaping plan required to be lodged for Council's approval.

B. REASONS FOR DECISION:

1. The use does not compromise the DEOs for the City and assists in the implementation of DEO 1 –Economic Development with respect to the Industry Strategy 2.2.2;

2. The proposed development is consistent with the intent of the Industry Zone and is generally consistent with the purpose and performance criteria of the relevant codes;

3. The location will provide appropriate separation distances from other incompatible residential uses;

4. The applicant has demonstrated that the potential environmental impacts associated with the development can be managed. Such measures are included as conditions of approval; and

5. The grounds of submission can be addressed through the inclusion of conditions.

C. ADVICES:

Fire Ants

(i) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the Plant Protection Act 1989 apply. Developers must ensure compliance with statutory provisions.

Flammable & Combustible Liquids

(ii) Should flammable or combustible liquids be stored on the premises in quantities exceeding those deemed as a Minor Storage under Section 2 of AS 1940-1993 "The Storage and Handling of Flammable and Combustible Liquids", then the premises is required to be licensed in accordance with the "Dangerous Goods Safety Management Regulation 2001".

Should you require any further clarification on licensable quantities of flammable and combustible liquid please contact Council's Environmental Officer on telephone (07) 4688 6637.

Waste Disposal – Construction Waste

(iii) The Environmental Protection (Interim Waste) Regulation 1996 prohibits the deposition and disposal of construction and demolition waste in a place and manner not approved by the local government and imposes a maximum penalty of $12,375 for each offence. Therefore, the disposal of construction and demolition waste on private property is prohibited and deemed to be an offence under the Environmental Protection (Interim Waste) Regulation 1996.

When Approval Takes Effect

(iv) This approval has effect in accordance with the provisions of Section 3.5.19 of the *Integrated Planning Act 1997* as follows:

(a) If there is no submitter and the applicant does not appeal the decision to the court - from the time the decision notice is given (or if a negotiated decision notice is given, from the time the negotiated decision notice is given); or

(b) If there is a submitter and the applicant does not appeal the decision to the court - when the submitter's appeal period ends; or

(c) If an appeal is made to the court - subject to the decision of the court, when the appeal is finally decided.

When Approval Lapses

(v) The currency period for this approval is 4 years starting the day the approval takes effect. If the use has not commenced before the end of the currency period, the approval will lapse.

Integrated Planning Act and Further Approvals

(vi) Further Development Permits, as required by the *Integrated Planning Act 1997*, shall be obtained in respect of any Operational Works, Building Works and/or Plumbing Works in relation to this approval before any such works are commenced.

Safety, Security, Accessibility and Amenity

(vii) Public toilets and public telephones shall be well illuminated and under casual surveillance.

(viii) Flood lighting shall be used to illuminate buildings and areas that may be susceptible to criminal activity, but should be designed to avoid 'light spill' which would detract from the amenity of nearby development or contribute to hazardous traffic conditions.

Aboriginal Cultural Heritage

(ix) In carrying out your activity you must take all reasonable and practicable measures to ensure that it does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). You will comply with the cultural heritage duty of care if you are acting in accordance with gazetted cultural heritage duty of care guidelines. An assessment of your proposed activity against the duty of care guidelines will help to determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may also be obtained from www.nrme.qld.gov.au.

Contaminated Land

(x) It is the owner's and occupants responsibility under the Environmental Protection Act 1994 to advise the Chief Executive of the Environmental Protection Agency, of any Notifiable Activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware of the operation of a Notifiable Activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.

Construction Management

(xi) The construction of the development shall comply with the approved Construction Management Plan, including covering of construction vehicles carrying loads/materials that may be potentially wind blown or become airborne.

Trade Waste

(xii) The approval offered by this Decision Notice does not give or infer approval to discharge trade waste into Council's sewers. A separate approval must be obtained for such discharge (Legislation under the Water Act 2000). It must be noted also that contaminated water must not be permitted to discharge into stormwater or a place where it may move into stormwater. (Environmental Protection Policy (Water)1997.

By definition, **'trade waste'** means "waterborne waste from a business, trade or manufacturing premises, other than-

(a) waste that is a prohibited substance; and
(b) human waste; and
(c) stormwater."

The following limits of discharge will be required:

-	Biochemical Oxygen Demand	400 milligrams per litre (mg/L)
-	Chemical Oxygen Demand	800 mg/L
-	Suspended Solids	400 mg/L
-	Total Dissolved Solids	1000 mg/L*
-	pH	between pH 6 to pH 10 (preferred pH 7)
-	Total Phosphorus	15 mg/L
-	Total Kjeldahl Nitrogen	150 mg/L
-	Temperature	Less than 38 degrees Celsius.

**Note this limit is lower than the standard Guidelines because of concerns that high salt loading on the receiving streams has an environmental impact and needs to be addressed*

(xiii) The development would be required to comply with the relevant standards for Trade Waste and any future approval to discharge would be subject to the following requirements:

- The treated effluent must be collected into a treated effluent holding tank that has a capacity equivalent to the maximum daily flow. The flow rate shall be controlled by an electronic adjustable valve so there is a constant flow rate to discharge the total day's flow over a 24 hour period or as otherwise directed by the Trade Waste Section.

- The discharge flow shall be measured by an electromagnetic "in-line" flow meter capable of transmitting flow data to a remote chart recorder and have a telemetry connection to a Council depot. It must also have a pulse output capable of activating a flow proportional sampling device.

- The flow quality shall be continuously monitored by in line conductivity and pH meters also connected to the chart recorder and via telemetry to a Council depot.

- A refrigerated Automatic Wastewater Sampler shall be provided in a secure roofed shed at the effluent meter site.

- A sampling site is installed in an above ground position in close proximity to the Refrigerated Sampler and Flow Meter.

- Unlimited access provided to Council officers to monitor the flow and sampler.

Provision should be made to ensure compliance with the above requirements. For further advice, please contact the Trade Waste Section on 07 4688 6712

Referral Agencies

(xiv) The development shall comply with the requirements of the following referral agencies:

- Environmental Protection Agency as per the concurrence response dated 26 June 2006; and
- Department of Main Roads as per the concurrence response dated 5 April 2006.

Recycling/Reuse of Water Within the Development

(xv) Council recognises the value and importance of water. In this regard it is recommended that the development incorporate a waste water treatment system to capture and recycle water for reuse within the development, particularly for landscaping areas and wash down/cleaning of plant and equipment.

D. ATTACHED POLICIES AND/OR STANDARDS:

- Approved Development Plans.
- Appeal provisions pursuant to the Integrated Planning Act 1997.
- Standard Commercial Driveway Plan (Drawing No. 18390)
- Planning Scheme Policy No.6 – Stormwater Management Contributions
- Planning Scheme Policy No.8 – Water Supply Headworks and Works External
- Planning Scheme Policy No.9 – Sewerage Headworks and Works External

SCHEDULE 2

CONCURRENCE AGENCY CONDITIONS

DEPARTMENT OF MAIN ROADS

TOOWOOMBA CITY COUNCIL
D000302487

Queensland Government

Department of Main Roads

5 April 2006

The Chief Executive Officer
Toowoomba City Council
PO Box 3021
Village Fair Post Office
Toowoomba Qld 4350

Dear Sir

Referral Agency's Response (conditions apply)
Toowoomba City:
Proposed Material Change of Use – Heavy Industry
Lot 9 SP116983
Situated at 49-71 Hermitage Road, Toowoomba

I refer to the Development Application dated 23 March 2006 and received by Main Roads on 27 March 2006, requesting approval for development.

Pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads as a Concurrence Agency has now assessed the impact of the proposed development on the state-controlled road network and requires that council include the conditions of development for the subject application as indicated on the attached Statement of Reasons.

This department would appreciate a copy of council's decision notice regarding the application.

A copy of this letter and list of conditions has been sent to the applicant.

Yours sincerely

f Gil Heaton
District Director (Southern)

Enc (1)

RETENTION	mcu
DOCUMENT NO	

RECEIVED 07 APR 2005

FILE NO	P-535847
B/U	V/V

Southern Queensland Region
Southern District
Floor 2 Toowoomba Main Roads Building
1-5 Phillip Street Toowoomba Queensland 4350
PO Box 645 Toowoomba Queensland 4350
ABN 57 836 727 711

Our ref E39396 830/246 P60019 Tr 3195
Your ref
Enquiries John Eaton
Telephone +61 7 4639 0865
Facsimile +61 7 4639 0750
Website www.mainroads.qld.gov.au

STATEMENT OF REASONS

Toowoomba City:
Proposed Material Change of Use: Heavy Industry
Lot 9 on SP116983
Situated at 49-71 Hermitage Road, Toowoomba

File Number: 830/246
Folio Number: P60019
Sheet No: 1of 1

Issue/Concern	Conditions of development for the subject application	The reasons used in the setting of conditions included:
1. Impact on the proposed future bypass	The design and layout is to comply with Project No. W05092 Plan No.00K007 received by this department.	To ensure the viability of the proposed lot is catered for with the future bypass of Toowoomba.

SCHEDULE 3

<u>CONCURRENCE AGENCY CONDITIONS</u>

ENVIRONMENTAL PROTECTION AGENCY

ecoaccess
environmental licences and permits

TOOWOOMBA CITY COUNCIL
D000304926

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Mr Paul Kelly
Principal Planner
Toowoomba City Council
153 Herries Street
TOOWOOMBA QLD 4350

CC: Wiley & Co Pty Ltd
Level 3
100 Ipswich Road
WOOLLOONGABBA QLD 4102

RETENTION	MCU1
DOCUMENT NO	

RECEIVED 28 JUN 2006

Our reference: 291223

Attention: Mr Paul Kelly

FILE NO	P-535847
B/U	VIV

Dear Mr Kelly,

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 03-APR-2006, has been assessed, and on 26 June 2006 it was decided that Toowoomba City Council, as assessment manager, must attach the conditions to any development approval.

3. **Property/Location:**
Lot/Plan - Lot 13 Plan SP189283

4. **Details of the recommendation**
Aspect of Development

- Concurrence Response for a MCU involving an ERA

ERA 50(b) Rendering operation - commercially processing or extracting substances, including, for example, fat, tallow, derivatives of fat or tallow or proteinaceous matter, from animal wastes or by-products (other than an operation using wastes solely derived from an activity mentioned in item 32(a) or 47) in works having a design production capacity of 300t or more a year.

Recommendation

- as per section 3.3.18(1)(a) of IP Act – the conditions that must attach to any development approval

EPA Ref Number

- IPCE00392606A11

5. **Currency period**
This approval will lapse unless substantially started within the currency period/s set by the Assessment Manager OR the standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* applying to each aspect of development in this.

ecoaccess
environmental licences and permits

6. **The approved plans**
The approved plans and/or documents for this approval are:

- nil

7. **Codes for self-assessable development**
Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

8. **Assessment Manager Responsibilities**
Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the *Integrated Planning Act 1997* that a copy of the final Decision Notice (which includes the EPA's concurrence response) for this application issued by the Toowoomba City Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA's Ecoaccess Customer Service Unit at PO Box 155, Brisbane Albert Street, 4002 and an electronic copy to eco.access@epa.qld.gov.au.

In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

If you require more information, please contact Geoff Power, the Project Manager, on the telephone number listed below.

Yours sincerely

Sarah Fenaughty
Delegate
Environmental Protection Agency

26-JUN-2006

Enquiries:

SouthReg Env Ops (South West District)
PO Box 731
Phone: (07) 4699 4333
Fax: (07) 4699 4399

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

EPA Permit[1] number: IPCE00392606A11

EPA Permit[1] number:	IPCE00392606A11
Assessment Manager reference:	
Date application received by EPA:	03-APR-2006
Permit[1] Type:	Concurrence Response for a MCU involving an ERA
Date of Decision:	26-JUN-2006
Decision:	The conditions must attach to any development approval
Relevant Laws and Policies:	*Environmental Protection Act 1994* and any subordinate legislation
Jurisdiction:	Item 1 in Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

Development Description

Property	Lot/Plan	Aspect of Development
	Lot 13 Plan SP189283	ERA 50(b) Rendering operation - commercially processing or extracting substances, including, for example, fat, tallow, derivatives of fat or tallow or proteinaceous matter, from animal wastes or by-products (other than an operation using wastes solely derived from an activity mentioned in item 32(a) or 47) in works having a design production capacity of 300t or more a year.

Reasons for inclusion of development conditions

In accordance with section 3.3.16(7) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

1) The Environmental Protection Agency is a concurrence agency under the *Integrated Planning*

[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

Regulation 1998 for the purposes of the *Environmental Protection Act 1994*.

2) Any development conditions placed on this permit[1] for an environmentally relevant activity are in accordance with section 73B of the *Environmental Protection Act 1994*.

Additional comments or advice about the application

nil

Additional information for applicants

Contaminated Land
It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

Environmentally Relevant Activities
The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions preval to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.

Sarah Fenaughty
Delegate
Environmental Protection Agency
26-JUN-2006

CONDITIONS OF APPROVAL

ERA 50(b) Rendering operation - commercially processing or extracting substances, including, for example, fat, tallow, derivatives of fat or tallow or proteinaceous matter, from animal wastes or by-products (other than an operation using wastes solely derived from an activity mentioned in item 32(a) or 47) in works having a design production capacity of 300t or more a year.

Agency Interest: General

(A1G1) Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

(A1G2) Maintenance of measures, plant and equipment.

The operator of an ERA to which this approval relates must:
- install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

(A1G3) Site based management plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:
- Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

(A1G4) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

(A1G5) Records.

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

(A1G6) All records required by this approval must be kept for 5 years.

(A1G7) Waste records.

A record of all waste must be kept detailing the following information:

- date of pickup of waste;
- description of waste;
- quantity of waste;
- origin of the waste; and
- destination of the waste.

Note: Trackable wastes as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000* are not covered by this condition. Trackable wastes have similar recording requirements to this condition in accordance with a waste tracking system established under the above Regulation.

(A1G8) Notification.

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

(A1G9) Monitoring.

A competent person(s) must conduct any monitoring required by this approval.

(A1G10) Equipment calibration.

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

(A1G11) Trained / experienced operator(s).

The daily operation of the waste water treatment system and pollution control equipment must be carried out by a person(s) with appropriate experience and/or qualifications to ensure the effective operation of that treatment system and control equipment.

Agency Interest: Air

(A1A1) Odour nuisance.

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

The release of contaminants to the atmosphere

(A1A2) The release of contaminants to the atmosphere from a point source must only occur from those release points identified in **Table 1 - Contaminant release limits to air** and must be directed vertically upwards without any impedance or hindrance.

Table 1 – Contaminant release limits to air

Release point number	Minimum release height (metres)	Minimum velocity (m/sec)	Contaminant release	Maximum release limit	Sampling frequency
Boiler Stack A-1	13	15	Particulate matter	8 mg/sec	Within 6 months of commissioning stage
Boiler Stack A-1	13	15	Nitrogen dioxide	100 mg/sec	Within 6 months of commissioning stage
Boiler Stack A-1	13	15	Sulphur dioxide	0.2 mg/sec	Within 6 months of commissioning stage
Boiler Stack A-1	13	15	Carbon monoxide	85 mg/sec	Within 6 months of commissioning stage
Stack A-2 serving all cooking process emissions	13	20	Odour concentration	600 ou	Within 6 months of commissioning stage
Stack A-2 serving all cooking process emissions	13	20	Odour emission rate	21,600 ou.m3/s	Within 6 months of commissioning stage
Stack A-3 serving dryer	13	8.5	Odour concentration	2,920 ou	Within 6 months of commissioning stage
Stack A-3 serving dryer	13	8.5	Odour emission rate	7,000 ou.m3/s	Within 6 months of commissioning stage

Note: Within the 6 months of commissioning the rendering plant, the holder of this authority must conduct air emission monitoring to demonstrate compliance with air emission limits listed in Table 1.

(A1A3) Contaminants must be released to the atmosphere from a release point at a height and a flow rate not less than the corresponding height and velocity stated for that release point in **Table 1 - Contaminant release limits to air.**

(A1A4) Contaminants must not be released to the atmosphere from a release point at a mass emission rate and concentration, as measured at a monitoring point, in excess of that stated in **Table 1 - Contaminant release limits to air.**

(A1A5) Contaminants must be monitored not less frequently than specified in **Table 1 - Contaminant release limits to air.**

(A1A6) When requested by the administering authority, monitoring must be undertaken to investigate any complaint of environmental nuisance caused by a release to the atmosphere from a release point at the site, and the results thereof notified to the administering authority within 14 days following completion of monitoring.

(A1A7) Monitoring of any releases to the atmosphere required by a condition of this approval must be carried out in accordance with the following requirements:

- Monitoring provisions for the release points listed in **Table 1 - Contaminant release limits to air** must comply with the Australian Standard AS 4323.1 of 1995 'Stationary source emissions - Selection of sampling positions' (or more recent editions).
- The following tests must be performed for each required determination specified in **Table 1 - Contaminant release limits to air:**

a. gas velocity and volume flow rate;
b. temperature;
c. water vapour concentration (moisture content).

- Where practicable, samples must be taken when emissions are expected to be at maximum rates.
- During the sampling period the following additional information must be gathered:
  a. production rate at the time of sampling;
  b. raw materials used;
  c. size of boiler(s) operating;
  d. any control device in use;
  e. product made; and
  f. reference to the actual test methods and accuracy of the methods

Odour Complaint Investigation

(A1A8) In the event of a complaint about odour from an odour sensitive place, that constitutes noxious or offensive odour being made to the administering authority that the administering authority considers is not frivolous or vexatious, the holder of this development approval must undertake monitoring to investigate any complaint of odour nuisance upon receipt of a written request from the administering authority to carry out such monitoring.

(A1A9) The monitoring referred to in condition A1A8 must include but is not limited to any specific relevant monitoring included in the request and evaluation of the performance of the odour sources from the rendering operations. The evaluation should include an inspection of potential odour sources and associated emission control systems, and a review of existing monitoring data.

(A1A10) If monitoring is required to determine ambient air odour concentrations and contaminant releases to the atmosphere, all monitoring must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements. Odour monitoring must be conducted in accordance with Australian and New Zealand Standard AS/NZS 4323.3:2001, *Stationary source emissions - Determination of odour concentration by dynamic olfactometry;* and a method as approved by Queensland, New South Wales or Victorian EPAs.

Fuel Burning

(A1A11) The only type of fuel to be burnt in the boilers is natural gas.

(A1A12) The sulphur content of any fuel burned in industrial fuel burning equipment is not to exceed 0.5 percent by weight.

Air Contaminant Control Equipment

(A1A13) The rendering process must employ low temperature rendering to minimize odour generation.

(A1A14) Fully enclose all manufacturing process areas including processing and drying areas, raw material and finished product storage facilities to minimise fugitive odour emissions.

(A1A15) All gaseous pollutants leaving the cooking process vents must be diverted to a central location prior to being released to the atmosphere via a single stack.

Fugitive Emissions

(A1A16) The holder of this approval must ensure that all reasonable and practicable measures are taken in the design and operation of the plant to minimise fugitive emissions. Reasonable and practicable measures include but are not limited to:

- implementation of a monitoring program to regularly leak test all componentry including pumps, piping and controls, vessels and tanks;
- operating, maintenance and management practices to be implemented to mitigate fugitive

odour sources; and
- identification of all sensitive receptors that potentially could be affected by fugitive emissions and weather conditions likely to contribute to an odour nuisance.

(A1A17) The ducting and extraction systems that transfer effluent gases from one location to another must be constructed, operated and maintained so as to minimise any leakage of effluent gases and vapours to the atmosphere occurring from these sources.

(A1A18) In the event of emissions of contaminants occurring from industrial plant or ducting and extraction systems that transfer effluent gases from one location to another, the fault or omission that resulted in that emission must be corrected as soon as practicable.

(A1A19) Dust nuisance.

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

(A1A20) Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
- Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
- A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM_{10}) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
  a. Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM_{10} high volume sampler with size-selective inlet – Gravimetric method'; or
  b. any alternative method of monitoring PM_{10} which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

(A1A21) When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- for a complaint alleging dust nuisance, dust deposition; and
- for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM_{10}) suspended in the atmosphere over a 24hr averaging time.

Agency Interest: Land

(A1L1) Preventing contaminant release to land.

Contaminants must not be released to land.

(A1L2) Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 of 2004 – The storage and handling of flammable and combustible liquids.

(A1L3) Provision of treated effluent to other persons.

If responsibility of the treated effluent is given or transferred to another person:
- the responsibility of such effluent must only be given or transferred in accordance with a written

agreement (the third party agreement);
- include in the third party agreement a commitment from the person utilising the effluent to use effluent in such a way as to prevent environmental harm or public health incidences and specifically make the persons aware of the General Environmental Duty (GED) under section 319 of the *Environmental Protection Act 1994*, environmental sustainability of any effluent disposal and protection of environmental values of waters; and
- upon being notified or otherwise becoming aware that the person's use of effluent is causing or threatens to cause environmental harm or is posing a human health risk, and if the person does not rectify the situation upon written request, the giving and transferring responsibility for such effluent must cease.

Agency Interest: Noise

(A1N1) Noise nuisance.

Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place

(A1N2) All noise from activities must not exceed the levels specified in **Table 2 – Noise limits from plant.**

Table 2 – Noise limits from plant

Noise level dB(A) measured as	Monday to Sunday		
	7am–6pm	6pm–10pm	10pm–7am
	Noise measured at a Noise sensitive place		
$L_{A10, adj, 10 mins}$	56	48	-
L_{Amax}	-	-	45[a]
$L_{Ar, 1 hour}$	45	43	39
L_{Aeq}	-	-	30[b]
	Noise measured at a Commercial place		
$L_{A10, adj, 10 mins}$	61	53	-
L_{Amax}	-	-	50[a]
$L_{Ar, 1 hour}$	50	48	44
L_{Aeq}	-	-	35[b]

Note: [a] – Indoor sound pressure level not to exceed more than 15-times per night
[b] – Indoors

(A1N3) Noise monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- $L_{A10, adj, 10 mins}$
- L_{Amax}
- $L_{Ar, 1 hour}$

- L_{Aeq}
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

(A1N4) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Agency Interest: Social

(A1S1) Complaint response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- Time, date, name and contact details of the complainant;
- reasons for the complaint;
- any investigations undertaken;
- conclusions formed; and
- any actions taken.

Agency Interest: Water

(A1W1) Release to waters.

Contaminants must not be released from the site to any waters or the bed and banks of any waters.

(A1W2) Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.

(A1W3) Stormwater management

There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

(A1W4) Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

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

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

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

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

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

"Environmental Protection Agency" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and measurement of environmental noise – Application to specific situations.

"$L_{A\,10,\,adj,\,10\,mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10-minute measurement period, using Fast response.

"$L_{A\,1,\,adj,\,10\,mins}$" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10-minute measurement period, using Fast response.

"$L_{A,\,max\,adj,\,T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, 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 under the *Nature Conservation Act 1992*, the *Marine Parks Act 1982* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

"protected area" means –

- a protected area under the *Nature Conservation Act 1992*; or
- a marine park under the *Marine Parks Act 1982*; or
- a World Heritage Area.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"works" or **"operation"** means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

Divisi· 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;
(c) the length of a currency period;
(d) 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.

4.1.27 Appeals by submitters—general

(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.

4.1.28A Additional and extended appeal rights for submitters for particular development applications

(1) This section applies to a development application to which chapter 5, part 8A applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency response made by a prescribed concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency response to the extent it relates to—
(a) if the prescribed concurrence agency is the chief executive (environment)—development for an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 1;[79] or
(b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
(i) a material change of use of premises for aquaculture; or
(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 4.1.28(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
(a) a decision about a matter mentioned in section 4.1.28(2) if it is a decision of the chief executive (fisheries);
(a) a referral agency response mentioned in subsection (2).

79 *Environmental Protection Regulation 1998*, schedule 1, item 1 (Aquaculture)

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.[80]

(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.

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

(3) 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.

80 See section 3.3.19 (Advice agency's response powers).

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.

(4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.

(5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

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.

(3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.

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

4.1.33A Appeals against decisions to change approval conditions under the repealed Act

(1) A person who is dissatisfied with a decision made on an application to change the conditions attached to an approval given under section 2.19(3) or section 4.4 of the repealed Act may appeal to the court against—
(a) the decision; or
(b) a deemed refusal of the application.

(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.

4.1.33B Appeals against local laws

(1) An applicant who is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure permitted by the planning scheme may appeal to the court against the decision or the conditions applied.

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

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 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.

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—that the person may, within 10 business days after 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.

4.1.41 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 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 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 sections 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.

4.1.47 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.

Division 11 Alternative dispute resolution

4.1.48 ADR process applies to proceedings started under this part

(1) The *District Court of Queensland Act 1967*, part 7[81] and the *Uniform Civil Procedure Rules 1999*, chapter 9, part 4[82] (together, the ***ADR provisions***), apply to proceedings started under this part.

(2) However, to the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.

(3) In applying the ADR provisions to a proceeding under this part—
(a) a reference to the court or the District Court is taken to be a reference to the Planning and Environment Court; and
(b) a reference to a District Court judge is taken to be a reference to a judge constituting the Planning and Environment Court; and
(b) definitions and other interpretative provisions of the *District Court of Queensland Act 1967* and the *Uniform Civil Procedure Rules 1999* relevant to the ADR provisions apply.

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81 *District Court of Queensland Act 1967*, part 7 (ADR processes)
82 *Uniform Civil Procedure Rules 1999*, chapter 9 (Ending proceedings early), part 4
(Alternative dispute resolution processes)