

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00888309

This registration certificate is issued by the administering authority and takes effect from: 11-AUG-2011.

The anniversary day for the purposes of the Annual Return is 1 March.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following places; subject to the conditions set out in a development approval attached to the premises.

Registered Operator:-

JBS Australia Pty Limited
1 Lock Way
RIVERVIEW QLD 4303

Development Approval Number: IPDE01368109

Place:-

Lot 105 Plan EP1535

Located at:-

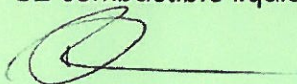
Bruce Highway, STUART QLD 4811

Registered Activities:-

ERA 25 Meat processing Threshold 2(b) - processing, including rendering, in a year, more than 5000t to 50000t of meat or meat products

ERA 63 Sewage treatment Threshold 2(b) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of more than 100 to 1500EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme

ERA 8 Chemical storage Threshold 3(a) - storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3



Delegate

Derek Robson

Department of Environment and Resource Management
Environmental Protection Act 1994

11-AUG-2011

Item Id 1430984
NOR/ 045133

FOLIO 6 TSV 67
TSV 200 6 / 4845

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.

Australia Meat Holdings Pty Ltd
PO Box 139
BOOVAL QLD 4304

Our reference: 223401
TSV67

Attention: Mr. N. House

Dear Sir,

Re: Application to change a condition of your development approval
Townsville Food Processing Facility

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: ENCD00516106], received on 06-APR-2006, has been assessed and approved.

1. Your application requested:

Removal of:

Schedule 2- Table 2

Release Point Number	Source Description	Minimum Release Height Above Ground (metres)	Minimum Efflux Velocity At Maximum Capacity (metres/second)
1	Coal Boiler Stack	26	8
2	Oil-Fired Boiler Stack	35	7

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



M.P. 04/05/06

And replaced with:

Schedule 2- Table 2

Release Point Number	Source Description	Minimum Release Height Above Ground (metres)	Minimum Efflux Velocity At Maximum Capacity (metres/second)
1	Coal Boiler Stack	26	8
2	Oil-Fired Boiler Stack	27	7

2. The details of the original approval were:

Property/Location: :

Street address - Bruce Highway STUART QLD 4811

Lot/Plan - Lot 105 Plan EP1535

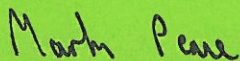
3. IDAS Referral Agencies

Nil

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 Anne McLaughlin the project manager, on the telephone number listed below.

Yours sincerely



Mark Pease

Delegate
Environmental Protection Agency

09-MAY-2006

Enquiries:

Northern Regional Office (Townsville)
PO Box 5391 TOWNSVILLE MC QLD 4810
Phone: (07) 4722 5368
Fax: (07) 4722 5351

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.

M.P. 09/05/06

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.

M.P. 09/05/06

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 4.1.31⁷³ has been given - the entity that gave the notice; or
 - (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
 - (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
 - (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
 - (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
 - (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

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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.

M.P. 09/05/06



Notice – Decision to give registration certificate and development permit

Section 621(4) *Environmental Protection Act 1994*

EPA Development
permit (converted
environmental
authority) number:

ENCD00516106

Relevant Laws
and Policies:

Environmental Protection Act 1994 and subordinate legislation

This development permit is issued under the provisions of the *Environmental Protection Act 1994*

In respect of the following environmentally relevant activity:

32 Meat processing—slaughtering animals for commercially producing meat or meat products for human consumption, or processing (other than smoking mentioned in item 35) or packaging of meat or meat products for human consumption-

(a) if an integral part of the activity involves the operation of a rendering plant with a design capacity of more than 300 tonnes per year - in works (other than a retail butcher shop) having a design production capacity of

(iii) 6 000 t or more per year

85 Regulated waste treatment- operating a facility for receiving and treating regulated waste to render it less or non-hazardous, other than by-

(a) manufacturing a saleable product under another item of this schedule; or

(b) incineration under item 76; or

(c) recycling, reprocessing or reconditioning under items 77 to 79 or 81

15(b) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 100 equivalent persons or more but less than 1 500 equivalent persons

17 Fuel burning - Any process involving the use of fuel burning equipment (including, for example, a standby power generator) that is capable of burning (whether alone or in total) 500 kg or more of fuel per hour

7(a) Chemical storage - Storing chemicals (other than crude oil, natural gas and petroleum products), including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers having a design storage volume of more than 10m³ but less than 1 000 m³

The approval for the activity of 7(a) Chemical storage remains in force until the 1 March 2011



11(a) Crude oil or petroleum product storing - Storing crude oil or a petroleum product in tanks or containers having a combined total storage capacity of 10 000 l or more but less than 500 000 l

The approval for the activity of 11(a) Crude oil or petroleum product storing remains in force until the 1 March 2011

Being carried out at the following approved place described as:

Lot 105 on EP1535

Located at:

Bruce Highway, Stuart

M.P. 09/05/06



Further development permits required

Nil

Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Appeal

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

This development permit and registration certificate take effect 14 days after the decision date or if there is an appeal from the day after the appeal is finally decided or is otherwise ended.

Mark Pease

Signed

09 May 2006

Date

Mark Pease

Delegate of Administering Authority
Environmental Protection Act 1994

SCHEDULE A - GENERAL CONDITIONS

Access to Copy of Development permit

- A1 A copy of this development permit 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 permit must be kept at the authorised place for a period of at least five 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 permit.

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

Operation and Maintenance of Plant and Equipment

- A4 All plant and equipment used in carrying out the environmentally relevant activities must be operated and maintained in a proper and efficient manner.

Monitoring and Measurements

- A5 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 permit must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.
- A6 Instruments and devices used for the measurement or monitoring of any parameter under any condition of this development permit must be appropriately operated and maintained, and calibrated when applicable.



Integrated Environmental Management System (IEMS)

- A7 The Integrated Environmental Management System development permit must be implemented.
- A8 Submit details of any amendment to the approved IEMS to the administering authority with the Annual Return which immediately follows the enactment of any such amendment.
- A9 A copy of the current Integrated Environmental Management System must be kept in a location readily accessible to personnel carrying out the activity.

End of Conditions for Schedule A

SCHEDULE B- AIR

Release of Contaminants to the Atmosphere

- B1 Contaminants must only be released to the atmosphere from those release points specified in Schedule B - Table 1.
- B2 Contaminants released from each release point specified in Schedule B - Table 1 must be directed vertically upwards without any impedance or hindrance.

Schedule B -Table 1

Release Point Number	Source Description
1	Coal Boiler Stack
2	Oil-Fired Boiler Stack
4	By-Products Cooker
5	Cooker Heat Exchanger
6	Blood Drier Furnace

- B3 Contaminants must be released to the atmosphere from a release point at a height not less than the corresponding height stated for that release point in Schedule B - Table 2.
- B4 Contaminants must be released to the atmosphere from a release point at a velocity not less than the corresponding velocity stated for that release point in Schedule B - Table 2.



Schedule B -Table 2

Release Point Number	Source Description	Minimum Release Height Above Ground (metres)	Minimum Efflux Velocity At Maximum Capacity (metres/second)
1	Coal Boiler Stack	26	8
2	Oil-Fired Boiler Stack	35	7

- B5 Contaminants must not be released to the atmosphere from a release point at a concentration in excess of that stated in Schedule B - Table 3.
- B6 Compliance with the release limit specified in Schedule B - Table 3 is deemed to be achieved if no test measured at a point specified in Schedule H, exceeds the limit specified.

Schedule B - Table 3

Release Point Number	Contaminant	Release Limit	Release Limit Units
1	particulates	250	milligrams in each normal cubic metre of effluent gas corrected to 12 per cent by volume of carbon dioxide

End of Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

- C1 Contaminants must not be directly or indirectly released from the authorised place to any waters or the bed and banks of any waters except as permitted under the stormwater management schedule or to a sewer as permitted or otherwise agreed from time to time by the Local Government.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Contaminant Releases Caused by Rainfall

- D1 Except as provided by the conditions of the stormwater management schedule and the water schedule of this development permit, the environmentally relevant activities must be carried out by such practicable means necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes or other contaminants, and prevent or minimise the release or likelihood of release of any such contaminated runoff from the authorised place.
- D2 Stormwater is to be managed in accordance with the procedures outlined in the IEMS.

Spillage Control

- D3 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or by any other methods that release wastes, contaminants or materials to any, roadside gutter or waters and must only be disposed of to a facility lawfully able to accept such wastes.

Bunding

- D4 All petroleum product storages must be banded so that the capacity of the band is sufficient to contain at least 100% of the largest storage tank plus 10 % of the second largest tank within the compound.
- D5 All petroleum product tanker loading/unloading areas must be within a spillage control compound sufficient to contain at least 100 % of the largest compartment of any tanker using the area.
- D6 All bunding must be constructed of materials that are impervious to the materials stored.
- D7 All salt storages must be banded so that any leachate is directed to the effluent treatment system.

Tailings Dam

- D8 Contaminated stormwater runoff and irrigation tail water from the land irrigation area must be directed to the Tailings Dam.

End of Conditions for Schedule D



SCHEDULE E - LAND APPLICATION

General

- E1 The only contaminants that are to be released to land are treated waste water, storm water and irrigation tail water.
- E2 Signage must be placed around the land irrigation area warning the public that the area has been set aside for irrigation by treated effluent, which is not to be used for drinking purposes. The signs must be maintained in a visible and legible condition.

Irrigation Management Strategy

- E3 The registered operator must:
- (a) Develop an Irrigation Management Strategy (IMS) which provides for the following functions:
 - i) reasonable and practicable measures to minimise the likelihood of environmental harm resulting from the release of contaminants to land;
 - ii) maintenance of the land irrigation area to provide for adequate assimilation, percolation, evaporation and transpiration of the irrigated waste water; and
 - iii) maintenance of the tailings dam to ensure maximum freeboard at all times.
 - (b) on or before 30 January 2000, submit a detailed description of the IMS to the administering authority for its review and comment;
 - (c) have due regard to that comment in the finalisation of the IMS; and
 - (d) on or before 30 October 2000, have completed and implemented the IMS.
- E4 The IMS must include but not be limited to:
- (a) an assessment of areas currently used for irrigation;
 - (b) the locations of watercourses and property boundaries;
 - (c) an assessment of the soils including types, structure, nutrient status, salinity and sodicity, cation exchange capacity and sodium absorption ratio (SAR) of the contaminant release area;
 - (d) an Irrigation Management Plan (IMP), based on the sustainable long term use of irrigated lands, taking into consideration at least the following matters:



- i) a water balance table based on an 'average' year and a 'ninetieth' (90th) percentile wet year;
 - ii) effluent allocation to the contaminant release area;
 - iii) nutrient balance, including loads of Nitrogen and Phosphorus;
 - iv) salt balance; and
 - v) proposed crop development and removal strategies.
 - (e) a monitoring program that includes:
 - i) soil and sub-soil analysis;
 - ii) groundwater monitoring that determines the existence and rate of infiltration of effluent that has been irrigated to land, and the potential or actual impacts on groundwater from such infiltration;
 - iii) plant analysis to assess nutrient export;
 - iv) determination of the quantity of effluent irrigated to land; and
 - v) determination of the quality of effluent for Suspended Solids, pH, Conductivity, total Nitrogen, total Phosphorus, 5 day Biochemical Oxygen Demand, and Faecal Coliforms.
- E5 The results from monitoring, measurements required by management practices and any assessments of the impact of the releases to the irrigated land area are to be kept at the authorised place.

End of Conditions for Schedule E

SCHEDULE F - NOISE

Emission of Noise

- F1 Upon receipt of a complaint regarding the emission of noise from the carrying out of the environmentally relevant activities, the registered operator must within a reasonable period of time:
- (a) take any actions necessary to resolve the complaint including the use of appropriate dispute resolution if required; or
 - (b) implement appropriate noise abatement measures.

End of Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

General

- G1 Waste must not be released to the environment, stored, transferred or disposed contrary to any condition of this development permit.
- G2 There shall be no open burning of waste material on the authorised premises.

Notification of Improper Disposal of Regulated Waste

- G3 If it becomes apparent that a person has removed waste from the authorised place and disposed of the waste in a manner which is not authorised by this development permit or improper or unlawful, then the registered operator must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.
- G4 Regulated wastes received and treated must be restricted to wastes listed in Schedule G - Table 1.

Schedule G - Table 1

Type Of Regulated Waste
Abattoir effluent
Food processing waste
Poultry processing wastes
Saline effluent and residues
Tallow
Tannery effluent and residues
Vegetable oils

End of Conditions for Schedule G

SCHEDULE H - SELF MONITORING AND REPORTING

Complaint Recording

- H1 Any complaint received relating to operations at the authorised place must be recorded in a logbook with complete details of actions and responses to the complaint.



Report Submission

- H2 The registered operator must ensure that the results of all monitoring performed in accordance with this development permit for the period covered by the return are submitted with the annual return.

Notification of Emergencies and Incidents

- H3 As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development permit the registered operator must notify the administering authority of the release by telephone or facsimile.
- H4 The notification emergencies or incidents as required by condition number H3 must include but not be limited to the following:
- (i) the registered operator of the environmentally relevant activities;
 - (ii) the location of the emergency or incident;
 - (iii) the number of the development permit;
 - (iv) the name and telephone number of the designated contact person;
 - (v) the time of the release;
 - (vi) the time the the release became apparent;
 - (vii) the suspected cause of the release;
 - (viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - (ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.
- H5 Not more than 14 days following the initial notification of an emergency or incident, the registered operator must provide written advice of the information supplied in accordance with condition number H4 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident;
 - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance, and
 - (iii) the results of any environmental monitoring performed.

Monitoring of Contaminant Releases to the Atmosphere

- H6 The registered operator must conduct a monitoring program of contaminant releases to the atmosphere at the release points, frequency, and for the parameters specified in Schedule H - Table 1 and which complies with the following:



- (a) All determinations must be made by a person or body registered by the National Association of Testing Authorities (NATA) for the required determinations, or a body acceptable to the Administering Authority.
- (b) Monitoring of coal fired boiler particulate emissions (Release Point 1, Schedule B - Table 1) shall be carried out at point in the boiler/stack connecting flue located 6 metres from the I.D. fan and 4 metres from the stack.
- (c) The following tests must be performed for each required determination specified in Schedule H - Table 1:
 - (i) gas velocity and volume flow rate
 - (ii) temperature
 - (iii) water vapour concentration
- (d) where practicable samples taken must be representative of the contaminants discharged during normal operating conditions.

Schedule H Table 1
Required Release Point Determinations

Release Point	Determination Required	Frequency
1	particulates	annual

Effluent Quality Monitoring

- H7 Monitor the quality of wastewater irrigated to land for the quality characteristics and frequency required in accordance with the Irrigation Management Strategy.
- H8 All determinations of the quality of waters must be made in accordance with methods prescribed in the Environmental Protection Agency Water Quality Sampling Manual, 3rd Edition, March 1999, or more recent additions or supplements to that document as such become available.
- H9 The Administering Authority is to be notified of any overflow from the Tailings Dam.

End of Conditions for Schedule H



SCHEDULE I - DEFINITIONS

For the purposes of this development permit the following definitions apply:

- 11 "Act" means the *Environmental Protection Act 1994*.
- 12 "Administering Authority" means the Environmental Protection Agency or its successor.
- 13 "appropriate dispute resolution" means allowing parties in dispute about an alleged or potential noise nuisance to discuss the matter without the threat of legal action. Disputes caused through noise may be discussed in conference:
- (a) at a dispute resolution centre under the *Dispute Resolution Act 1990*;
 - (b) with a National Dispute Centre approved mediator;
 - (c) with a Queensland Law Society approved mediator;
 - (d) by a professional service offering independent mediation or dispute resolution conference process; or
 - (e) by an administering authority or industry organisation offering an independent mediation or dispute resolution conference process.
- 14 "facility lawfully able to accept such wastes" may include a waste disposal facility located on the authorised premises.
- 15 "Registered operator" has the meaning given by the *Environmental Protection Act 1994*.

End of Conditions for Schedule I

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Information sheet

Environmental Operations

Internal review (EPA), and appeal to Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994 (EP Act). It gives a summary of the process for review and appeal to the Planning and Environment Court under the EP Act and subordinate legislation. Refer to sections 519–539 and schedule 1 of the EP Act for complete information about the process for internal review and appeal to the Planning and Environment Court.

Introduction

The *Environmental Protection Act 1994* (EP Act) provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in schedule 1 of the EP Act and within certain sections of the regulations and subordinate legislation¹ made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in part 1 of schedule 1 of the EP Act², may appeal the decision to the Planning and Environment Court (the Court).

Summary of the process for internal review and appeal to the Court

Chapter 11, Part 3 of the EP Act

Division 1 — Interpretation

Section 519 Original decisions

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

Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision.

Division 2 — Internal review of decisions

Section 521 Procedure for review

- 1) A dissatisfied person may apply for a review of an original decision.
- 2) The application must—
 - a) be made in the approved form to the administering authority within—
 - i) 10 business days³ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the “review date”); or
 - ii) the longer period the authority in special circumstances allows not later than the review date; and
 - b) be supported by enough information to enable the authority to decide the application.

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

Section 522 Stay of operation of original decisions

- 1) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to—
 - a) for an original decision mentioned in schedule 1, part 1—the tribunal; or
 - b) for an original decision mentioned in schedule 1, part 2—the Court.

- 2) The tribunal or the Court may stay the decision to secure the effectiveness of the review and any later appeal to the tribunal or the Court.
- 3) A stay may be given on conditions the tribunal or the Court considers appropriate and has effect for the period stated by the tribunal or the Court.
- 4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the tribunal or the Court allows the applicant to enable the applicant to appeal against the review decision.

Division 4 — Appeals to court

Section 531 Who may appeal

- 1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1⁴ applies, may appeal against the decision to the Court.
- 2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- 3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

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

Section 533 Appellant to give notice of appeal to other parties

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

Section 534 Persons may elect to become respondents to appeal

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

Section 535 Stay of operation of decisions

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

Section 536 Hearing procedures

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

Section 537 Assessors

The judge hearing an appeal may appoint one or more assessors to assist where the appeal involves a question of special knowledge and skill.

Section 538 Appeals may be heard with planning appeals

Where an appeal is also made under the *Integrated Planning Act 1997* for a premises, the court may order that both appeals be heard together or consecutively, or one stayed until the other is decided. This may occur even if the parties to the appeals are not the same. This ensures that needless delays are minimised.

Section 539 Powers of Court on appeal

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

Disclaimer

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

¹ The original decisions under the subordinate legislation are subject to change. As at 1 January 2006 they are:

- Section 62 of the *Environmental Protection Regulation 1998*;
- Section 20 of the *Environmental Protection (Air) Policy 1997* (the issue of an abatement notice under section 19); and

- Section 68C of the *Environmental Protection (Waste Management) Regulation 2000*.

² An appeal may be made to the Land and Resources Tribunal for original decisions in part 1 of schedule 1.

³ Under the *Environmental Protection Act 1994* "business days does not include a business day between 20 December and 5 January in the following year".

⁴ Subdivision 1 is about appeals to the Land and Resources Tribunal and information about this is contained in Sections 519 to 539.

