



SARA reference: 2206-29534 SRA
 Council reference: MC18/63 Hayley Thompson
 Applicant reference: **Applicant reference**

9 August 2022

Charters Towers Regional Council
 PO Box 189
 Charters Towers Qld 4820
 mail@charterstowers.qld.gov.au

Attention: Ms Hayley Thompson

Dear Ms Thompson

SARA response—5289,5291 and 5293 Flinders Highway, Reid River

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 24 June 2022.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	9 August 2022
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use (Other Change) Undefined Use (Cattle holding yards)) to provide for an Intensive Animal Industry (Beef cattle feedlot)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 5, Division 4, Table 2, Item 1 (Planning Regulation 2017) Development application for a material change of use for Environmentally relevant activity	

	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Development impacting on State transport infrastructure and thresholds (Cattle Feedlot)
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) Development application within 25m of a state controlled road
SARA reference:	2206-29534 SRA
Assessment Manager:	Charters Towers Regional Council
Street address:	5289, 5291 and 5293 Flinders Highway, Reid River
Real property description:	Lot 1 on RP743456, Lot 2 on RP743456 and Lot 600 on SP310657
Applicant name:	Reid River Export Depot Pty Ltd as trustee for the Reid River Unit Trust c:\ RDC Engineers Pty Ltd
Applicant contact details:	PO Box 2499 IDALIA QLD 4811 rod.davis@rdcengineers.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: QHTG0093 2022-09 • Effective date: when your related development application is approved by Charters Towers Council • Prescribed environmentally relevant activity (ERA): ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – (b) more than 1,000 but not more than 10,000 <p>If you are seeking further details about the environmental authority, please contact the Department of Agricultural and Fisheries (DAF) at: livestockregulator@daf.qld.gov.au</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Catherine Hobbs, Principal Planning Officer, on 4758 3412 or via email NQSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Kenna', with a stylized flourish at the end.

Graeme Kenna
Manager (Planning)

cc Reid River Export Depot Pty Ltd as trustee for the Reid River Unit Trust c:\ RDC Engineers Pty Ltd,
rod.davis@rdcengineers.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v3.0]. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The development does not create a safety hazard for users of a state-controlled road
- The development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- The development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- The development does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- The development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- The development does not create a safety hazard for users of state transport infrastructure or public passenger services
- The development does not result in a worsening of the physical condition or operating performance of the state transport network
- The development does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure
- The development is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- The development avoids impacts on matters of state environmental significance, and where avoidance is not reasonably possible, minimise and mitigate impacts, and provide an offset for significant residual impacts where appropriate.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [3.0]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Notice

Environmental Protection Act 1994

Decision about an application for an environmental authority

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

To: Reid River Export Depot Pty Ltd
PO Box 2499
IDALIA QLD 4811

ATTN: Mr Paul Andrew Heil

Our reference: QHTG0093

Decision about an application for an environmental authority

1 Application details

The application for an environmental authority was received by the administering authority on 29 June 2022.

Application reference number: QHTG0093

Land description: 600SP310657; 1RP743456; 2RP743456
5291 Flinders Highway Reid River Queensland

2 Decision

The administering authority has decided to approve the application.

3 Annual fee

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

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

4 Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the relevant court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

Luke Boucher
A/Manager, Environmental Regulation

8 August 2022

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Agriculture and Fisheries
Agribusiness Operations and PLS & SWP
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Attachments

Environmental authority 2022-09

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

Permit

Environmental Protection Act 1994

Environmental authority 2022-09

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

Permit¹ number: 2022-09

Environmental authority takes effect: when your related development application is approved.

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

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
Reid River Export Depot Pty Ltd Suitable operator reference: 100220868	PO Box 2499 IDALIA QLD 4811

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – (b) more than 1,000 but not more than 10,000	600SP310657; 1RP743456; 2RP743456 5291 Flinders Highway Reid River Queensland

Additional information for applicants

Environmentally relevant activities

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

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

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

Contaminated land

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

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days) that is causing, or is reasonably likely to cause, serious or material environmental harm.

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

Take effect

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

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

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

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

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

Luke Boucher
A/Manager, Environmental Regulation

8 August 2022

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries

Department of Agriculture and Fisheries
Agribusiness Operations and PLS & SWP
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Agriculture and Fisheries

Obligations under the *Environmental Protection Act 1994*

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

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

Other permits required

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

Development Approval

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

Conditions of environmental authority

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

Agency interest: General

Condition number	Condition						
G1	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.						
G2	<p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and f) ensure that reviews of environmental performance are undertaken at least annually; and g) Identify risk of harm or nuisance to surrounding land uses and measures to minimise any environmental harm or nuisance; and h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses. 						
G3	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.						
G4	<p>a) The maximum number of cattle kept, and the minimum pen area provided in the feedlot at any time, expressed in terms of Standard Cattle Units (SCU) and m² per SCU must be in accord with the table below:</p> <table border="1" data-bbox="371 1323 1522 1462"> <thead> <tr> <th data-bbox="371 1323 668 1391">Feedlot Location</th> <th data-bbox="668 1323 1027 1391">Number of SCU</th> <th data-bbox="1027 1323 1522 1391">Minimum Pen Area (m² per SCU)</th> </tr> </thead> <tbody> <tr> <td data-bbox="371 1391 668 1462">600SP310657</td> <td data-bbox="668 1391 1027 1462">3,050</td> <td data-bbox="1027 1391 1522 1462">16.85</td> </tr> </tbody> </table>	Feedlot Location	Number of SCU	Minimum Pen Area (m ² per SCU)	600SP310657	3,050	16.85
Feedlot Location	Number of SCU	Minimum Pen Area (m ² per SCU)					
600SP310657	3,050	16.85					

<p>G5</p>	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. Development application - Material Change of Use Proposed Development – Production Pen Development, RDC Engineers, Figure 09, D1-130-00-09, C, 04/08/22, and 2. Development application - Material Change of Use Proposed Development – Controlled Drainage Area 1 – Catchment Area Plan – Stage 1, RDC Engineers, Figure 11, D1-130-00-11, C, 04/08/22; and 3. Development application - Material Change of Use Proposed Development – Controlled Drainage Area 2 – Catchment Area Plan – Stage 1, RDC Engineers, Figure 12, D1-130-00-12, C, 04/08/22; and 4. Development application - Material Change of Use Proposed Development – Waste Utilisation Areas, RDC Engineers, Figure 14, D1-130-00-14, C, 04/08/22.
<p>G6</p>	<p>Feedlot controlled drainage areas must be constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition. The holder of the environmental authority is to submit compaction testing for approval to the administering authority to demonstrate compliance with this specification prior to stocking the expanded facility.</p>
<p>G7</p>	<p>Following the completion of the proposed feedlot complex, the holder of this environmental authority shall arrange for 'as-built' surveys to be carried out to confirm the size of the feedlot complex, all associated waste management facilities, the storage volumes of all effluent treatment systems and storage ponds. The results of these surveys shall be submitted to the administering authority for approval prior to stocking the expanded feedlot controlled drainage area.</p>
<p>G8</p>	<p>The holder of this environmental authority must not make any material alteration to the activity which may affect the operating capacity of the activity or change the way in which the activity operates, without the prior written approval of the administering authority.</p>
<p>G9</p>	<p>The environmentally relevant activity to which this environmental authority relates must be established and operated in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition and the National Beef Cattle Feedlot Environmental Code of Practice 2nd Edition or subsequent versions.</p> <p>In the event of any inconsistency between the conditions of this Environmental Authority, the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition and the National Beef Cattle Feedlot Environmental Code of Practice 2nd Edition and the development information, the documents will prevail in the following order to the extent of the inconsistency:-</p> <ul style="list-style-type: none"> • the conditions of this Environmental Authority; • the National Guidelines for Beef Cattle Feedlots in Australia and the National Beef Cattle Feedlot Environmental Code of Practice; and • the development information.

Feedlot Controlled Drainage Area and Pen Management	
G10	<p>General Operating Requirements:</p> <ul style="list-style-type: none"> • Feeding out equipment shall be operated to minimise spillage; • Stock watering facilities shall be maintained to minimise overflows and spillage; • Facilities shall be managed to ensure that wastewater generated by routine water trough cleaning operations is disposed of without causing erosion or significant ponding on the pen surface; • Levee banks, diversion banks and drains shall be maintained as soon as practically possible following any damage; • Deposited sediment shall be removed from drains if the flow of liquid effluent is being impeded; • Erosion damage of feedlot drains shall be rectified as soon as practically possible.
G11	<p>Feedlot pens must be managed to:</p> <ol style="list-style-type: none"> a) minimise the amount of organic matter available for decomposition, and b) minimise the amount of water that mixes with organic matter, and c) maximise the rate of drying of wet organic matter.
G12	Animal carcasses shall be disposed of so as not to cause environmental harm or nuisance .
G13	Runoff storage ponds (effluent holding ponds) shall be managed to prevent over-topping. Ponds are to be managed to ensure they are generally empty. Effluent is not to be held in ponds for periods of time such that an odour nuisance may occur.
G14	Sedimentation basins shall be cleaned and maintained following the deposition of sediment.
G15	Any release of effluent from containment structures must be reported to the administering authority within 24 hours of becoming aware of the release . Records must be kept including full details of the release and any subsequent actions taken.
G16	<p>Details (including the date and location) of the following feedlot operations are to be recorded:</p> <ul style="list-style-type: none"> • Pen management practices described in Condition G11; and • Number and average weight of cattle introduced and removed from the premises; and • Effluent irrigation events; and • Manure utilisation events; and • Sediment basin and effluent holding pond desludging events.
G17	Feedlot controlled drainage areas must be suitably designed to be protected from a 1% AEP flood event.
Monitoring	
G18	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities certification, or an equivalent certification, for such analyses.
G19	Soil chemistry of lands the subject of this environmental authority that receive waste generated by the environmentally relevant activity must be conducted in accord with Condition G21.

<p>G20</p>	<p>An analysis of relevant water courses must be conducted for the elements listed in the table below in accord with Condition G22.</p> <table border="1" data-bbox="598 248 1305 801"> <tr> <td>Bacteria</td> </tr> <tr> <td><i>E.coli</i> and/or Thermotolerant Coliforms</td> </tr> <tr> <td>Enterococci</td> </tr> <tr> <td>Chemical Analysis</td> </tr> <tr> <td>Biochemical Oxygen Demand (BOD)</td> </tr> <tr> <td>Electrical Conductivity</td> </tr> <tr> <td>Dissolved Oxygen</td> </tr> <tr> <td>Nitrogen- Ammonia</td> </tr> <tr> <td>Nitrogen-Total (and its forms-nitrate and nitrite)</td> </tr> <tr> <td>Cations (Calcium, Magnesium, Sodium and Potassium)</td> </tr> <tr> <td>Sodium Adsorption Ratio</td> </tr> <tr> <td>pH</td> </tr> <tr> <td>Phosphorus (Total)</td> </tr> <tr> <td>Total Suspended Solids</td> </tr> </table>	Bacteria	<i>E.coli</i> and/or Thermotolerant Coliforms	Enterococci	Chemical Analysis	Biochemical Oxygen Demand (BOD)	Electrical Conductivity	Dissolved Oxygen	Nitrogen- Ammonia	Nitrogen-Total (and its forms-nitrate and nitrite)	Cations (Calcium, Magnesium, Sodium and Potassium)	Sodium Adsorption Ratio	pH	Phosphorus (Total)	Total Suspended Solids						
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<p>G21</p>	<p>An appropriately qualified person(s) must monitor and record all indicator(s) required by and in accordance with Table 1 – Monitoring.</p> <p>Table 1 – Monitoring</p> <table border="1" data-bbox="384 965 1522 1832"> <thead> <tr> <th>Indicator(s)</th> <th>Measurement (units) and depth intervals</th> <th>Minimum frequency</th> <th>Monitoring location</th> </tr> </thead> <tbody> <tr> <td colspan="4">Land</td> </tr> <tr> <td>Colwell Phosphorus (Colwell P)</td> <td>mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> <td rowspan="6">Annually, when effluent and/or feedlot manure is applied onsite</td> <td rowspan="6">Soil samples are to be collected from the specified depth intervals from representative sites within all effluent and manure utilisation areas where feedlot effluent or manure have been applied onsite.</td> </tr> <tr> <td>Nitrate Nitrogen (NO₃⁻ - N)</td> <td>mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td>Exchangeable Sodium Percentage (ESP)</td> <td>SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td>Electrical Conductivity (EC)</td> <td>µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> <tr> <td>pH</td> <td>pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m</td> </tr> </tbody> </table>	Indicator(s)	Measurement (units) and depth intervals	Minimum frequency	Monitoring location	Land				Colwell Phosphorus (Colwell P)	mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m	Annually, when effluent and/or feedlot manure is applied onsite	Soil samples are to be collected from the specified depth intervals from representative sites within all effluent and manure utilisation areas where feedlot effluent or manure have been applied onsite.	Nitrate Nitrogen (NO ₃ ⁻ - N)	mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m	Exchangeable Sodium Percentage (ESP)	SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m	Electrical Conductivity (EC)	µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m	pH	pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m
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<p>G22</p>	<p>Monitoring described in condition G20 must be undertaken at any time a contaminant is released by the activity to surface waters.</p>																				

G23	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G24	All records must be kept for a period of at least five years and provided to the administering authority upon request.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
Agency interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT2	Any release of contaminants generated by the activity to waters must not cause environmental harm .
WT3	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite.
WT4	Effluent and solid waste shall be applied to crops or pastures using a managed waste application program. The waste application program shall ensure the effluent and solid waste is applied sustainably across the whole of the available waste utilisation area. The rate and volume of effluent and solid waste applied to utilisation areas shall be such that surface pooling and runoff is kept to a practical minimum and excessive deep percolation is avoided.
Agency interest: Noise	
Condition number	Condition

N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .																																																							
N2	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place.</p> <p>Table 3 – Noise limits</p> <table border="1"> <thead> <tr> <th rowspan="2">Noise level measured in dB(A)</th> <th colspan="3">Monday to Saturday</th> <th colspan="3">Sunday and Public Holidays</th> </tr> <tr> <th>7am-6pm</th> <th>6pm-10pm</th> <th>10pm-7am</th> <th>9am-6pm</th> <th>6pm-10pm</th> <th>10pm-9am</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="6" style="text-align: center;">Noise measured at a nuisance sensitive place</td> </tr> <tr> <td>L_{Aeq} adj, 1 hr</td> <td>Background +5</td> <td>Background +3</td> <td>Background +3</td> <td>Background +5</td> <td>Background + 3</td> <td>Background + 3</td> </tr> <tr> <td>L_{Amax}, 1 hr</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> </tr> <tr> <td></td> <td colspan="6" style="text-align: center;">Noise measured at a commercial place</td> </tr> <tr> <td>L_{Aeq} adj, 1 hr</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> </tr> <tr> <td>L_{Amax}, 1 hr</td> <td>Background +15</td> <td>Background +13</td> <td>Background +10</td> <td>Background +15</td> <td>Background +13</td> <td>Background +10</td> </tr> </tbody> </table>	Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays			7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am		Noise measured at a nuisance sensitive place						L _{Aeq} adj, 1 hr	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3	L _{Amax} , 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5		Noise measured at a commercial place						L _{Aeq} adj, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	L _{Amax} , 1 hr	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
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Agency interest: Land																																																								
Condition number	Condition																																																							
L1	Any release of contaminants generated by the activity to land must not cause environmental harm .																																																							
L2	Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.																																																							
Agency interest: Waste																																																								
Condition number	Condition																																																							
WS1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.																																																							
WS2	Waste being treated must be lawfully treated to render it less hazardous and be fit for its intended use or disposal.																																																							
WS3	Any release or utilisation of waste products generated by the activity must not cause environmental harm .																																																							

WS4	Feedlot waste products must be applied to land in a manner that does not result in leaching or overland flow of contaminants to waters .
WS5	The rate of application of effluent and solid wastes from the activity must not exceed the rates at which the critical constituents of the wastes, that is, water, nutrients (especially nitrogen and phosphorus) and salts, are: <ul style="list-style-type: none"> (a) taken up by plants and removed from the waste utilisation areas by harvesting; (b) safely stored within the soil profile; or (c) released into the surrounding environment in an acceptable form.
WS6	Manure and sludge removed from the feedlot pens, drains, sedimentation system(s) and holding pond(s), and spilt and/or spoilt feedstuffs, shall be either: <ul style="list-style-type: none"> • stored in a manner that minimises the risk of harm to environmental values; or • exported from the feedlot property; or • applied immediately, at sustainable rates, to crop or pasture on the feedlot property.
WS7	Solid waste stockpile and composting areas shall be protected from rainfall runoff by diversion banks or drains and shall be located within a controlled drainage area .
WS8	Stockpiles of manure, sludge and spilt or spoilt feedstuff shall be managed to avoid burning, including spontaneous combustion. Any fires shall be extinguished as soon as practically possible.

END OF PERMIT

Attachments

1. Development application - Material Change of Use Proposed Development – Production Pen Development, RDC Engineers, Figure 09, D1-130-00-09, C, 04/08/22, and
2. Development application - Material Change of Use Proposed Development – Controlled Drainage Area 1 – Catchment Area Plan – Stage 1, RDC Engineers, Figure 11, D1-130-00-11, C, 04/08/22; and
3. Development application - Material Change of Use Proposed Development – Controlled Drainage Area 2 – Catchment Area Plan – Stage 1, RDC Engineers, Figure 12, D1-130-00-12, C, 04/08/22; and
4. Development application - Material Change of Use Proposed Development – Waste Utilisation Areas, RDC Engineers, Figure 14, D1-130-00-14, C, 04/08/22.

Definitions

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

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

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

Annual Exceedance Probability (AEP) An Annual Exceedance Probability (AEP) event is the probability of a level of flooding being equalled or exceeded, at least once, in any given year. For example, a 1% AEP, is a flood level that has a one per cent chance of occurring in any given year.

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

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

commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

- catch drains to capture runoff from the feedlot pens and all other surfaces within the feedlot complex, and ultimately convey that runoff to a treatment, collection or disposal system, and
- diversion banks or drains placed immediately upslope of the feedlot complex, which are designed to divert 'clean' or uncontaminated upslope runoff around the feedlot complex.

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

disturbed areas includes areas:

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

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

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

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

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

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

land does not include **waters**.

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

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

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

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

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

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

release of a contaminant into the environment includes:

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

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

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

- a) caretaker's accommodation; or
- b) a childcare centre; or
- c) a community care centre; or
- d) a community residence; or
- e) a detention facility; or
- f) a dual occupancy; or
- g) a dwelling house; or
- h) a dwelling unit; or
- i) an educational establishment; or
- j) a health care service; or
- k) a hospital; or
- l) a hotel, to the extent the hotel provides accommodation for tourists or travellers; or
- m) a multiple dwelling; or
- n) non-resident workforce accommodation; or
- o) a relocatable home park; or
- p) a residential care facility; or
- q) a resort complex; or
- r) a retirement facility; or
- s) rooming accommodation; or
- t) rural workers' accommodation; or
- u) short-term accommodation; or
- v) a supervised accommodation service; or
- w) a tourist park.

standard cattle unit meaning and calculation

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

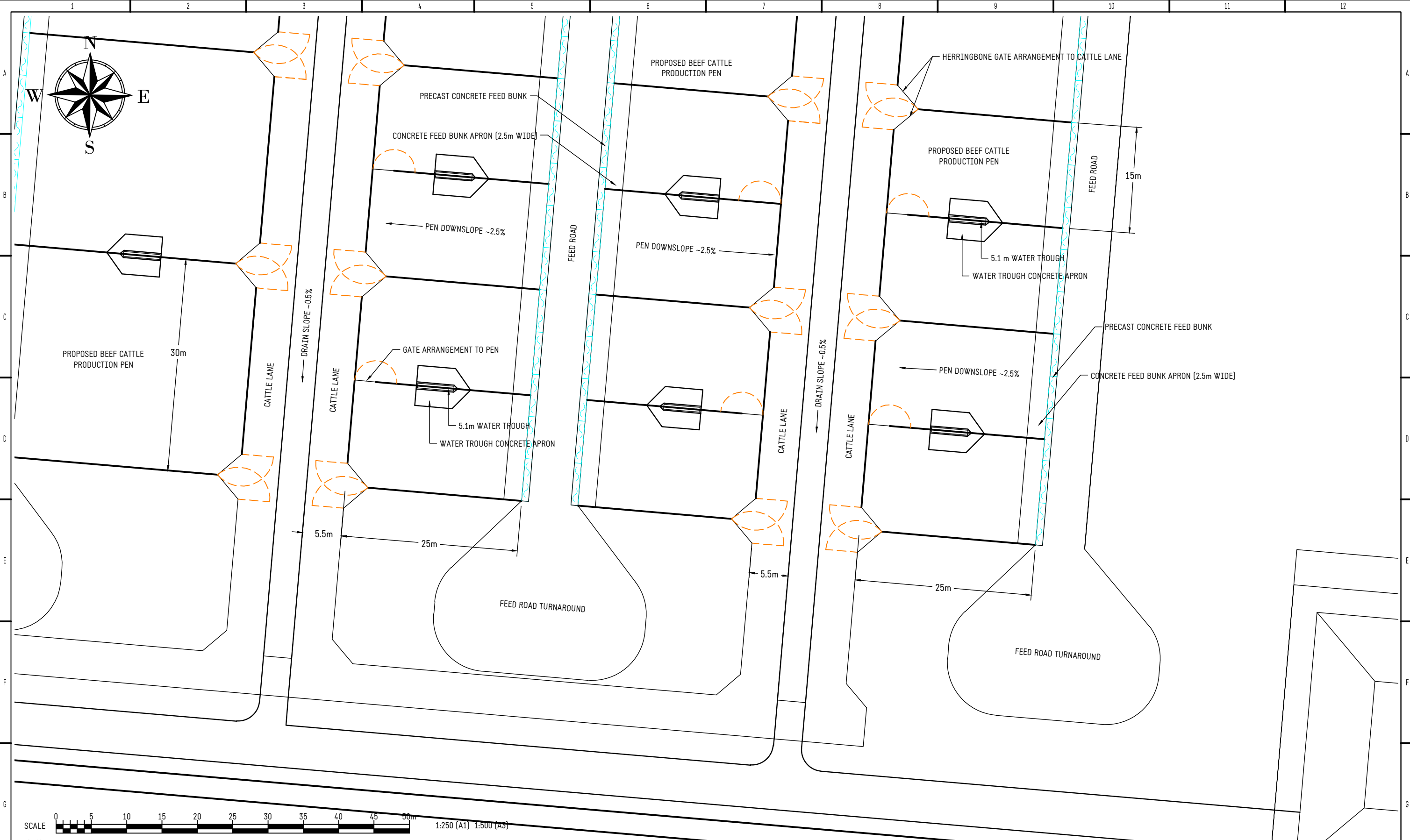
Column 1	Column 2
Live weight (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

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

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

you means the holder of the environmental authority.

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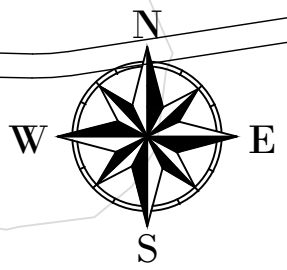
- SUBJECT LAND BOUNDARY
- LAND PARCEL BOUNDARY

DEVELOPMENT CAPACITY - 3050 SCUs

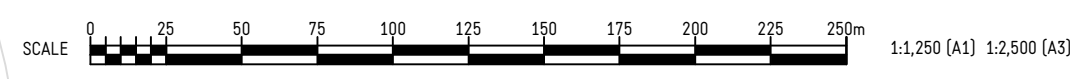
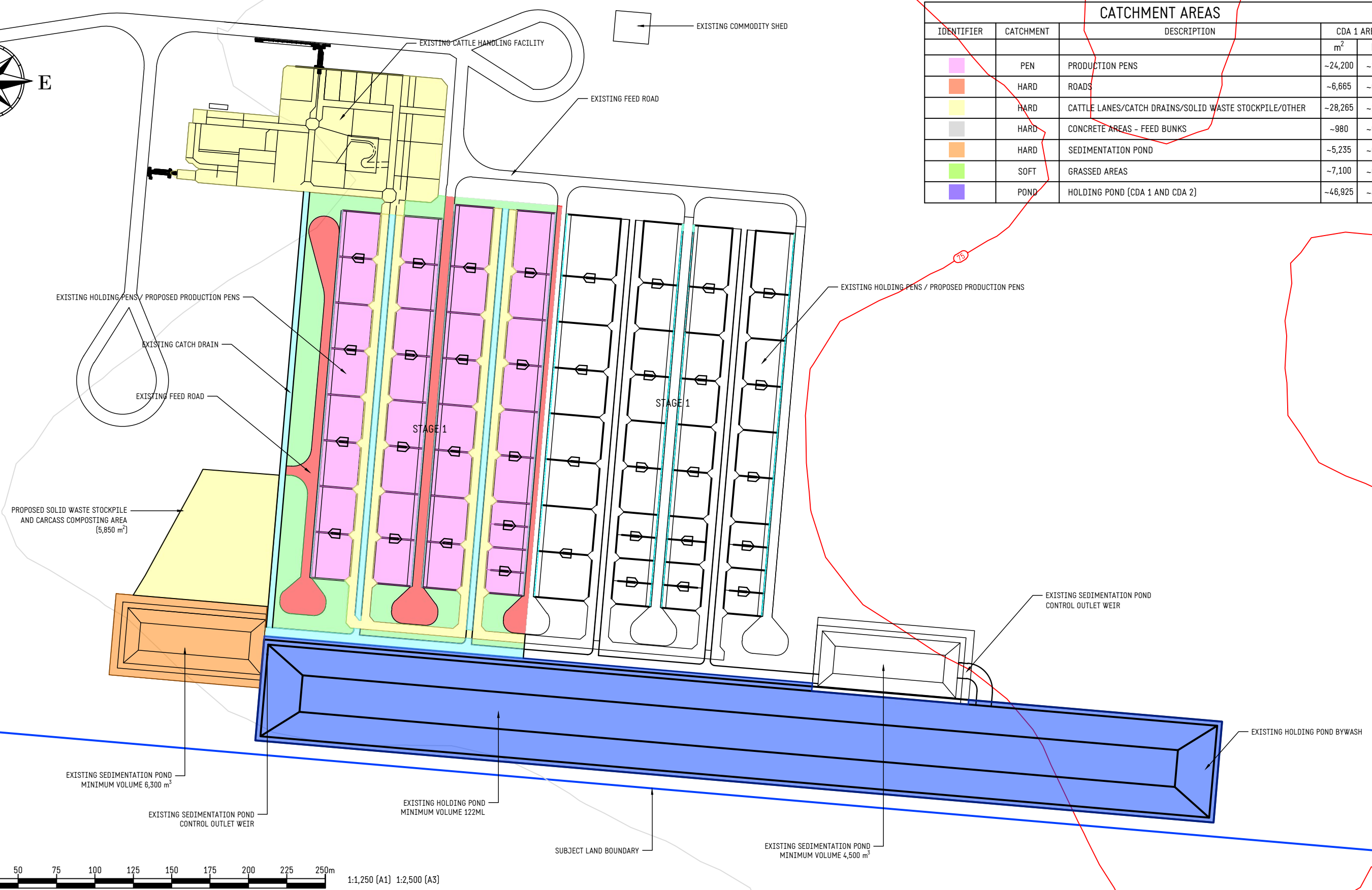
BEEF CATTLE PRODUCTION PEN DETAILS
 STOCKING DENSITY - ~16.85 m²/SCU
 PEN WIDTH - 30 m
 BUNK LENGTH - 30 m
 PEN DEPTH - 25 m
 BUNK SPACE PER SCU - ~715mm
 PEN AREA - 740 m²

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B	04/06/22	FINAL ISSUE FOR LODGEMENT TO CTRC	RJD	RJD	RJD	DATE	04/08/22	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - PRODUCTION PEN DETAILS					
C	04/08/22	AMENDED FINAL ISSUE FOR ENVIRONMENTAL AUTHORITY	RJD	RJD	RJD	CHECKED	RJD	REPORT REFERENCE	SUPPLIED DRAWING NUMBER	A3	DRAWING NUMBER	D1-130-00-09	REV.	C
						APPROVED	RJD	FIGURE 9						
						DATE	04/08/2022							

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CATCHMENT AREAS				
IDENTIFIER	CATCHMENT	DESCRIPTION	CDA 1 AREA	
			m ²	ha
■	PEN	PRODUCTION PENS	~24,200	~2.42
■	HARD	ROADS	~6,665	~0.67
■	HARD	CATTLE LANES/CATCH DRAINS/SOLID WASTE STOCKPILE/OTHER	~28,265	~2.82
■	HARD	CONCRETE AREAS - FEED BUNKS	~980	~0.10
■	HARD	SEDIMENTATION POND	~5,235	~0.52
■	SOFT	GRASSED AREAS	~7,100	~0.71
■	POND	HOLDING POND (CDA 1 AND CDA 2)	~46,925	~4.69




LEGEND

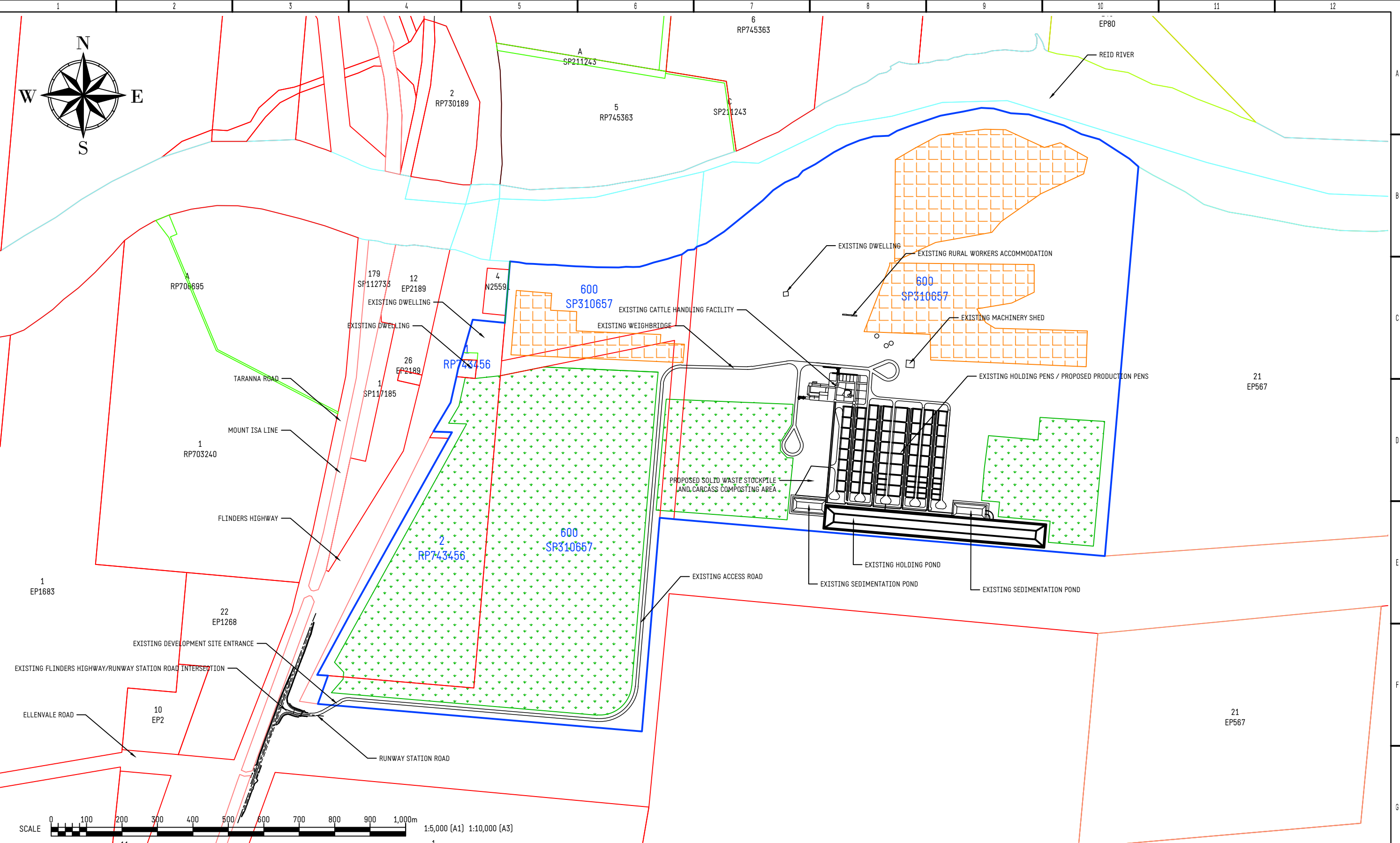
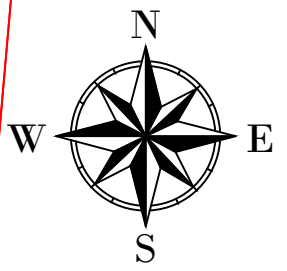
—	SUBJECT LAND BOUNDARY
—	LAND PARCEL BOUNDARY
—	CONTOUR - MAJOR (5m)
—	CONTOUR - MINOR (1m)

- NOTES**
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						DATE	04/08/22	REV.	C

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- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - ▤ EFFLUENT UTILISATION AREA (85Ha)
 - ▤ SOLID WASTE UTILISATION AREA (30Ha)

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C	04/08/22	AMENDED FINAL ISSUE FOR ENVIRONMENTAL AUTHORITY	RJD	RJD	RJD	CHECKED	RJD	REPORT REFERENCE SUPPLIED DRAWING NUMBER			
						DATE	04/08/2022	A3		DRAWING NUMBER D1-130-00-14	
						APPROVED	RJD	FIGURE 14		REV. C	
						DATE	04/08/2022				

Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539F of the Environmental Protection Act 1994 and subordinate legislation. This information sheet replaces the two information sheets (1) Internal review and appeal to Land Court (ESR/2015/1742) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).

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Version History

Version	Effective date	Description of changes
1.00	13 August 2015	First published version of the guideline.
2.00	13 August 2015	Minor changes and references to legislation updated.
3.00	10 October 2016	Updated to reflect latest version of <i>Environmental Protection Act 1994</i> .
3.01	6 July 2017	Replaced references to the <i>Sustainable Planning Act 2009</i> with <i>Planning Act 2016</i> (commenced 3 July 2017).
3.02	13 June 2018	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
4.00	01 April 2019	Update of conditions relating to financial assurance to reflect the introduction of the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the subsequent changes to the Environmental Protection Act 1994.
5.00	1 November 2019	Updated for the commencement of the progressive rehabilitation and closure plan framework.
6.00	15 September 2020	Updated to reflect changes introduced by the <i>Environmental Protection and Other Legislation Amendment Act 2020</i> .
6.01	14 April 2022	Facsimile number removed.

1 Introduction

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

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

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

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

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

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

What is the relevant court?

Land Court

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

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

Planning and Environment Court

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

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

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

¹ Note: In accordance with section 521(14) internal reviews are not undertaken for an original decision to issue a clean-up notice.

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

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

Division 1—Interpretation

Section 519 Original decisions

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

Section 520 Dissatisfied person

- (1) A dissatisfied person, for an original or review decision, is—
 - (a) if the decision is about an environmental impact statement (EIS) or the EIS process for an EIS—the relevant proponent under chapter 3, part 1, for the project to which the EIS relates; or
 - (b) if the decision is about an application for an environmental authority or proposed PRCP plan for the application—the applicant; or
 - (c) if the decision is about an environmental authority, including financial assurance for the environmental authority, or a PRCP schedule—the holder of the authority or schedule; or
 - (d) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
 - (e) if the decision is about a registered suitable operator—the operator; or
 - (f) if the decision is about taking action after receiving an audit report for an audit of a PRCP schedule—the holder of the schedule; or
 - (g) if the decision is to refuse an application to recognise an accreditation program for an agricultural ERA – the applicant; or
 - (h) if the decision is about a recognised accreditation program for an agricultural ERA – the owner of the program; or
 - (i) if the decision is to give an audit notice under section 322, 322A or 323—the recipient; or
 - (j) if the decision is to conduct an environmental audit or prepare an environmental report for an audit under section 326—the relevant environmental authority holder; or
 - (k) if the decision is about an environmental investigation or environmental protection order – the recipient; or
 - (l) if the decision is about a transitional environmental program—the holder of an approval for the program or person or public authority that is required to submit, or submits, the program; or
 - (m) if the decision is about a temporary emissions licence—
 - (i) the applicant for the licence; or
 - (ii) the holder of the licence; or
 - (n) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or

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

2 Internal review of decisions

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

Division 2—Internal review of decisions

Section 521 Procedure for review

- (1) A dissatisfied person may apply for a review of an original decision.

- (2) The application must—
 - (a) be made in the approved form to the administering authority within the following period (the 'review application period')—
 - (i) 10 business days¹ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the 'review date');
 - (ii) the longer period the authority in special circumstances allows; and
 - (b) be supported by enough information to enable the authority to decide the application.
- (3) The administering authority must, within 5 business days after the end of the review application period or, if 2 or more applications are received in relation to the original decision, the end of the latest of the review application periods, send the following documents to the other persons who were given notice under this Act of the original decision—
 - (a) notice of the application (the 'review notice');
 - (b) either-
 - (i) a copy of the application and supporting documents; or
 - (ii) details of where a copy of the application and supporting documents may be inspected or accessed.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days (the 'submission period') after the day the authority sends the review notice to the recipient.
- (5) If the administering authority receives only 1 application in relation to the original decision and is satisfied the applicant has complied with subsection (2), the authority must, within the decision period—
 - (a) review the original decision;
 - (b) consider any submissions properly made by a recipient of the review notice; and
 - (c) make a decision (the 'review decision') to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) If the administering authority receives 2 or more applications in relation to the original decision and is satisfied the applicants have complied with subsection (2), the authority must, within the decision period-
 - (a) review the original decision; and
 - (b) consider any submissions properly made by a recipient of any of the review notices; and
 - (c) make 1 decision (also the 'review decision') in relation to the applications to-
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (7) The application does not stay (i.e. suspend or stop) the original decision.

Note- See part 3, division 4 in relation to stays.

- (8) 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.
- (9) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice under this Act of the original decision.
- (10) The notice must—
- (a) include the reasons for the review decision; and
 - (b) inform the persons of their right of appeal against the decision.
- (11) If the administering authority does not comply with subsection (5), (6) or (9), the authority is taken to have made a decision confirming the original decision.
- (12) Subsection (8) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (13) 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.
- (14) Also, this section does not apply to an original decision to issue a clean-up notice.
- (15) In this section—
- 'decision period'*, for a review of an original decision, means—
- (a) if only 1 application is received in relation to the original decision and a submission is received within the submission period—
 - (i) 20 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (b) if only 1 application is received in relation to the original decision and no submissions are received within the submission period—
 - (i) 15 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (c) if 2 or more applications are received in relation to the original decision and a submission is received within the submission period for at least 1 of the applications—
 - (i) 20 business days after the administering authority receives the latest of the applications; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (d) if 2 or more applications are received in relation to the original decision and no submissions are received within the submission period for any of the applications—

- (i) 15 business days after the administering authority receives the latest of the applications; or
- (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides.

3 Appeals to Land Court

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

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

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

Section 524 Right of appeal

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

Section 525 Appeal period

- (1) The appeal must be started within 22 business days after the appellant receives notice of the review decision.
- (2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

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

Section 527 Nature of appeal

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

Section 528 Land Court's powers for appeal

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

Section 530 Decision for appeals

- (1) In deciding the appeal, the Land Court may—
 - (a) confirm the review decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- (2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- (3) However, this part does not apply to a power exercised under subsection (2).

- (4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

4 Appeals to the Court

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

Division 3—Appeals

Subdivision 2—Appeals to Court

Section 531 Who may appeal

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

Section 532 How to start appeal

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

Section 533 Appellant to give notice of appeal to other parties

- (1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - (a) if the appellant is the chief executive—all persons who were given notice under this Act of the original decision; or
 - (b) if the appellant is not the chief executive—the other persons who were given notice under this Act 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 536 Hearing procedures

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

Section 537 Assessors

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

Section 538 Appeals may be heard with planning appeals

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

Section 539 Powers of Court on appeal

- (1) In deciding an appeal, the Court may—
 - (a) confirm the decision appealed against; or
 - (b) vary the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.

- (2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

5 Stays

Division 4 — Stays

Section 539A Stay of operation of original decisions for internal review

- (1) If an application is made for internal review of an original decision mentioned in Schedule 2, Part 1 or 2, the applicant may immediately apply for a stay of the decision to—
- (a) for an original decision mentioned in Schedule 2, Part 1—the Land Court; or
 - (b) for an original decision mentioned in Schedule 2, Part 2—the Court.
- (2) The Land Court or the Court may stay the decision only if it considers the stay is desirable having regard to the following—
- (a) the interests of any person whose interests may be affected by the granting of the stay or the stay not being granted;
 - (b) any submission made to the Land Court or the Court by the entity that made the original decision;
 - (c) the public interest.
- (3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the end of the period within which an appeal against the review decision may be started under section 525 or 532.
- (5) This section applies subject to sections 539C and 539D.
- (6) In this section—
- 'internal review'*, of an original decision, means a review of the decision under section 521.

Section 539B Stay of operation of decisions appealed against to Land Court or Court

- (1) This section applies to—
- (a) an original decision appealed against to the Court if section 521 does not apply to the decision; or
 - (b) an original decision appealed against to the Land Court or the Court if the decision is confirmed or varied by a review decision.
- (2) The Land Court or the Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (3) A stay may be granted on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the Land Court or the Court decides the appeal.
- (5) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

- (6) This section applies subject to sections 539C to 539E.

Section 539C Stay of decision about financial assurance

- (1) This section applies to an application under section 539A or 539B for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 539D Stay of particular decisions if unacceptable risk of environmental harm

- (1) This section applies to an application under section 539A or 539B for a stay of a decision—
- (a) to ask the scheme manager for a payment of costs and expenses under section 316G; or
 - (b) to make a claim on or realise an EPA assurance under section 316G; or
 - (c) to issue an environmental protection order under section 358.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

Section 539E Stay of decision to issue clean-up notice

- (1) This section applies to an application under section 539B for a stay of a decision to issue a clean-up notice.
- (2) In deciding the application, the Court must have regard to—
- (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

Section 539F Effect of stay of ERC decision

- (1) This section applies if 1 of the following decisions is stayed –
- (a) an original decision that is an ERC decision;
 - (b) an original decision appealed against to the Land Court if the decision is an ERC decision that is confirmed or varied by a review decision.
- (2) Despite the stay the decision remains in effect for section 297 and the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.
- (3) However, if the holder of the environmental authority in relation to which the ERC decision has been made is required to give a surety under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, the holder is only required, during the period of the stay, to give a surety of 75% of the amount required.

6 Judicial review

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

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

Disclaimer

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

Approved:

15 September 2020

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

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the [Land Court website](#).

³ Subdivision 1 is about appeals to the Land Court.

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