

## Environmental Objectives and Performance Outcomes - Land Use Assessment (DA)

<b>Name of Site/Operator</b>	South Toolburra Poultry	<b>ERA</b>
<b>Type of Activity</b>		
<b>Climate</b>		
<b>Completed By:</b>	<b>Signed:</b>	<b>Date:</b>
<b>Confirmed By:</b>		<b>Date:</b>

**Environmental value** is—  
 (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or  
 (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

NOTE: a **release** of a contaminant into the environment, includes—  
 (a) to deposit, discharge, emit or disturb the contaminant; and  
 (b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and  
 (c) to fail to prevent the contaminant from being deposited, discharged, emitted or disturbed; and  
 (d) to allow the contaminant to escape; and  
 (e) to fail to prevent the contaminant from escaping.

Site Suitability	Performance Outcome	Adverse effect	Have all reasonable and practical measures been taken to minimise the adverse effect?	Justification
<b>The choice of the site, at which the activity is to be carried out, minimises serious environmental harm on areas of high conservation value and special significance and sensitive land uses at adjacent places.</b>	1(a) areas of high conservation value and special significance likely to be affected by the proposal are identified and evaluated and any adverse effects on the areas are minimised, including any edge effects on the areas;	The activity causes environmental harm to areas of high conservation and/or special significance.	YES	Mapping has revealed that there is a small area of vegetation classified as: 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect on areas of high conservation value and special significance.
	1(b) the activity does not have an adverse effect beyond the site.	The activity causes environmental harm or nuisance beyond the site.	NO	
	2(a) areas of high conservation value and special significance likely to be affected by the proposal are identified and evaluated and any adverse effects on the areas are minimised, including any edge effects on the areas;	The activity causes environmental harm to areas of high conservation and/or special significance.	YES	Mapping has revealed that there is a small area of vegetation classified as: 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect.
	2(b) critical design requirements will prevent emissions having an irreversible or widespread impact on adjacent areas.	Contaminant emissions have an irreversible and/or widespread impact on adjacent areas.	YES	The applicant has acknowledged that the activity has the potential to impact on adjacent land holders through noise, odour and dust. To manage this, all sheds and facilities on site will be build and operated to current best practise standards. All fans will vent to the West (opposite side to sensitive receptors) and vegetative buffers will be constructed around the sheds. Odour modelling shows that design has ensured that no receptors are within the 2.5 odour unit model.
Location on Site	Performance Outcome	Adverse effect	Have all reasonable and practical measures been taken to minimise the adverse effect?	Justification
	1 The location for the activity means there will be no adverse effect on any environmental values.	Environmental values are at risk due to location of the site.	N/A	

<b>The location for the activity on a site protects all environmental values relevant to adjacent sensitive uses.</b>	2(a) the activity, and components of the activity, are carried out on the site in a way that prevents or minimises adverse effects on the use of surrounding land and allows for effective management of the environmental impacts of the activity;	The activity or components of the activity hinders the use of the surrounding land and/or the effective management of it's environmental impacts.	YES	Construction of flooring and management of waste disposal and carcass composting, water usage and storage of contaminants have been planned to prevent, minimise, and manage (in this order) the potential for such impacts. There will be no egress of water from the proposed sheds. Any water used within the sheds shall not be permitted to leave the shed and join the stormwater system. The applicant has committed to ensuring that litter moisture is kept at an optimum level to ensure dust emissions will not have an adverse impact. As previously mentioned odour modelling has shown that sheds will be operated and positioned to effectively manage odour.
	2(b) areas used for storing environmentally hazardous materials in bulk are located taking into consideration the likelihood of flooding.	Leaching of, and contamination from environmentally hazardous material during flood events.	YES	Site not located in a floodplain. All environmentally hazardous materials are enclosed within sheds

Critical Design Requirements	Performance Outcome	Adverse effect	Have all reasonable and practical measures been taken to minimise the adverse effect?	Justification
<b>The design of the facility permits the operation of the site, at which the activity is to be carried out, in accordance with best practice</b>	1. The activity does not involve the storage, production, treatment or release of hazardous contaminants, or involve a regulated structure.	Hazardous contaminants stored, produced, treated or released on site cause environmental harm.	YES	The majority of the waste associated with the operation is through manure produced by the meat chickens. This is removed from the sheds via a front-end loader and transported offsite in appropriately covered trucks. Dead birds will be collected daily from the sheds and composted at the carcass composting area. The composting area is to be set up on an impermeable pad (compacted clay).
	2(a) all storage provided for hazardous contaminants includes secondary containment to prevent or minimise releases to the environment from spillage or leaks;	Release of contaminants to the environment due to inadequate, or lack of effective means of secondary containment.	N/A	
	2(b) regulated structures comply with the 'Manual for Assessing Hazard Categories and Hydraulic Performance of Dams' published by the department;	Release of contaminants to the environment due to non-compliance of regulated structures.	N/A	
	2(c) provide containers for the storage of hazardous contaminants that are secured to prevent the removal of the containers from the site by a flood event;	Design failures allow for hazardous contaminants to escape from site during a flood event.	N/A	
	2(d) the design of the facility prevents or minimises the production of hazardous contaminants and waste;	Failure to meet design requirements causes increased likelihood of release of contaminants.	N/A	
	2(e) if the production of hazardous contaminants and waste is not prevented or minimised under paragraph (d)—the design of the facility contains and treats hazardous contaminants rather than releasing them.	Design of facility allows for production and release of hazardous contaminants.	N/A	

**Environmental objectives and performance outcomes - Operational assessment (EA)**

<b>Name of Site/Operator</b>	South Toolburra Pty Ltd	<b>ERA</b>	4 - Poultry Farming
<b>Type of Activity</b>	ERA 4 (2) - farming more than 200 000 birds	<div style="border: 1px solid black; padding: 5px; font-size: small;"> <p><b>Environmental value is—</b></p> <p>(a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or</p> <p>(b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.</p> </div> <div style="border: 1px solid black; padding: 5px; font-size: x-small; margin-top: 5px;"> <p><b>NOTE: a <u>release</u> of a contaminant into the environment, includes—</b></p> <p>(a) to deposit, discharge, emit or disturb the contaminant; and</p> <p>(b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and</p> <p>(c) to fail to prevent the contaminant from being deposited, discharged, emitted or disturbed; and</p> <p>(d) to allow the contaminant to escape; and</p> <p>(e) to fail to prevent the contaminant from escaping.</p> </div>	
<b>Climate</b>			
<b>Completed By:</b>	Matthew Norton	<b>Signed:</b>	
<b>Confirmed By:</b>	Dan Savill	<b>Date:</b>	

AIR	Performance Outcome	Adverse effect	Have all reasonable and practical measures been taken to minimise the adverse effect?	Justification
<b>The activity will be operated in a way that protects the environmental values of air.</b>	1. There is no discharge to air of contaminants that may cause an adverse effect on the environment from the operation of the activity.	Discharge of contaminants to air as a result of the operation of the activity.	NO	
	(2a) fugitive emissions of contaminants from storage, handling and processing of materials and transporting materials within the site are prevented or minimised.	Material management contributes fugitive emissions.	YES	The use of tunnel-ventilated sheds to maintain optimum moisture content of the litter. The use of tunnel-ventilated sheds with fans discharging away from the nearest neighbouring residences. Variable control of ventilation rates on the sheds to maintain optimum temperature and humidity. Installation, inspection and maintenance of drinking watering systems that minimise spillage. Insulation of shed roofs to minimise condensation. Create a bed of litter to a minimum depth of 45 mm prior to bird placement. Adding additional litter or replacing litter that becomes wet during the growing cycle with dry litter material. Dead poultry are collected daily from the sheds and moved directly to the composting area. Birds are covered with at least 300 mm of co-composting material to ensure no odour is generated. Compost piles are either turned or moved during the process to introduce new oxygen and avoid odour generation. Spent litter removed from the property in appropriately covered vehicles following shed cleanup unless required to be temporarily stored on-farm as a contingency. Ensure carcasses are covered with sufficient co-composting material. Ensure carcasses are composted fresh (daily), otherwise carcasses to be kept in onsite cold room until composting can be undertaken. Maximum vehicle speeds limited on farm to 30 km/h and internal roads will be watered in dry conditions. Due to these litter management strategies, the risk of fugitive emissions to air is considered low.
	(2b) contingency measures will prevent or minimise adverse effects on the environment from unplanned emissions and shut down and start up emissions of contaminants to air;	Contaminant emissions to air due to inadequate, or lack of contingency measures in place.	YES	The applicant has stated that the site will implement the following contingency measures: Investigate the use of litter additives should such products become available that are shown to be both cost effective and are able to reduce odour generation. Provide adequate notice to neighbours by letter box drop of any proposed unusual circumstances regarding the farm. Adjust or replace faulty equipment. Adjust shed ventilation as deemed necessary to control litter moisture. Modification of site drainage to stop any ingress of water. Liaise with providers of poultry and diets to reduce incidence of wet manure. Removal and replacement of wet litter with dry litter material during the batch. Incorporate a dust and odour barrier where required (tree and vegetation) between the exhaust and outlets and a landscape buffer to the end of the sheds. Remove mortalities daily to on-site cold room and remove off-site by an approved contractor. Reduce the time between the removal of dead poultry from the farm. Modify the covering of the spent litter in truck or change the vehicle type removing the spent litter. An external sprinkler system will be installed if dust becomes an issue. Alternative bedding will also be investigated. Speed limits to internal unsealed roads will be reduced. Addition of 1L of water per 3 carcasses to compost to minimise dust emissions from compost pile.
	(2c) releases of contaminants to the atmosphere for dispersion will be managed to prevent or minimise adverse effects on environmental values.	Air contaminants released to the atmosphere are not dispersed.	YES	The applicant has proposed the following manage environmental impacts: Conduct odour observations. Construction and maintenance of vegetative screens where required to minimise dust impact on nearby residences. Maintain a complaints register and respond to complaints appropriately. Visual dust assessments will be undertaken by the site manager each batch a few days before the first thin-out or more regularly during particularly dry periods or following a complaint.

WATER	Performance Outcome	Adverse effect	Have all reasonable and practical measures been taken to minimise the adverse effect?	Justification
<b>The activity will be operated in a way that protects environmental values of waters.</b>	1. There is no actual or potential discharge to waters of contaminants that may cause an adverse effect on an environmental value from the operation of the activity.	Discharge of contaminants to waters as a result of the operation of the activity.	NO	
	(2a) the storage and handling of contaminants will include effective means of secondary containment to prevent or minimise releases to the environment from spillage or leaks;	Release of contaminants due to inadequate, or lack of effective means of secondary containment.	YES	All stormwater runoff from the poultry sheds on Pad 1 is directed to the existing stormwater retention dam. Floor of sheds raised above natural surface to prevent the ingress of water. The base of the sheds will be constructed of compacted clay with concrete rat walls to prevent the ingress of water. Land sloped away from the sheds to prevent the ingress of stormwater. All stormwater runoff from the carcass composting area is kept within a controlled drainage area and is directed to a designated stormwater retention dam.
	(2b) contingency measures will prevent or minimise adverse effects on the environment due to unplanned releases or discharges of contaminants to water;	Contaminant discharged to waters due to inadequate, or lack of contingency measures in place.	YES	Following heavy rain – stormwater retention dam will be checked for overtopping. There should be no overtopping events from the stormwater retention dams, as stormwater will be irrigated on a regular basis onto surrounding grassed areas and/or vegetative buffers. Pad 3 Following heavy rain – vegetative filter strip should be checked for erosion.
	(2c) the activity will be managed so that stormwater contaminated by the activity that may cause an adverse effect on an environmental value will not leave the site without prior treatment;	Untreated contaminated stormwater is released off-site.	YES	All stormwater runoff from the poultry sheds on Pad 3 is directed through a vegetative filter strip to remove any suspended solids and other pollutants.
	(2d) the disturbance of any acid sulfate soil, or potential acid sulfate soil, will be managed to prevent or minimise adverse effects on environmental values;	Release of sulphuric acid into waters due to disturbance of acid sulfate soils.	N/A	
	(2e) acid producing rock will be managed to ensure that the production and release of acidic waste is prevented or minimised, including impacts during operation and after the environmental authority has been surrendered;	Release of sulphuric acid into waters due to disturbance of acid producing rock.	N/A	
(2f) any discharge to water or a watercourse or wetland will be managed so that there will be no adverse effects due to the altering of existing flow regimes for water or a watercourse or wetland;	Existing flow regimes for waters are altered due to direct discharge of waste water.	N/A		

	(2h) the activity will be managed so that adverse effects on environmental values are prevented or minimised.	Waters are contaminated as a result of the operation of the activity.	YES	Minimal water usage during shed cleaning to maximise adsorption and evaporation while minimising runoff. Upstream water is diverted around the controlled drainage area by banks/bunds. Compost piles are peaked so that rainfall will shed from the pile. Spent litter stockpiled inside sheds before removal. Spent litter only stored outside the sheds in emergencies, where it will be stored adjacent to the sheds, on a compacted surface, bundled and covered. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. Check the weather and do not irrigate when > 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water. Monitor the soil during irrigation to ensure that surface pooling and runoff does not occur. Check the irrigator every two to three hours to ensure it is working correctly.
<b>WETLANDS</b>	<b>Performance Outcome</b>	<b>Adverse effect</b>	<b>Have all reasonable and practical measures been taken to minimise the adverse effect?</b>	<b>Justification</b>
The activity will be operated in a way that protects the environmental values of wetlands.	1. There will be no potential or actual adverse effect on a wetland as part of carrying out the activity.	There are wetlands that are at risk due to the operation of the activity.	YES	There are no referable wetland ecosystems identified in the proposed development area or the subject property
	2. The activity will be managed in a way that prevents or minimises adverse effects on wetlands.	Wetlands are contaminated due to the operation of the activity.	N/A	
<b>GROUNDWATER</b>	<b>Performance Outcome</b>	<b>Adverse effect</b>	<b>Have all reasonable and practical measures been taken to minimise the adverse effect?</b>	<b>Justification</b>
The activity will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems.	(1a) there will be no direct or indirect release of contaminants to	Contaminants are released to groundwaters.	NO	
	(1b) there will be no actual or potential adverse effect on groundwater from the operation of the activity.	Groundwaters are contaminated due to the direct or indirect release of contaminants.	NO	
	2. The activity will be managed to prevent or minimise adverse effects on groundwater or any associated surface ecological systems. Note - Some activities involving direct releases to groundwater are prohibited under section 56 of this regulation.	Groundwaters or associated surface ecological systems are contaminated due to management practices.	YES	Shed bases will be constructed with compacted clay or concrete to maximise their impermeability to water. Sheds will be constructed with concrete rat walls and a block wall on the base of the sheds to prevent the ingress of water. Drinkers and water reticulation system checked daily to avoid shed floors being wet. Dead poultry are composted in a designated composting area on an impermeable base within a controlled drainage area. The stormwater retention dam for Pad 1 was constructed to minimise leaching of nutrients. The stormwater retention dam for the carcass composting area will be constructed to minimise leaching of nutrients. Both stormwater retention dam will be checked after > 20 mm rain has been received in less than a 48 hour period. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. If groundwater contamination becomes an issue, carcasses will be composted in covered bins / bags and they will change management practices for dead poultry - alternatively store in an on-site coldroom and remove off-site by an approved contractor.
<b>NOISE</b>	<b>Performance Outcome</b>	<b>Adverse effect</b>	<b>Have all reasonable and practical measures been taken to minimise the adverse effect?</b>	<b>Justification</b>
The activity will be operated in a way that protects the environmental values of the acoustic environment.	1. Sound from the activity is not audible at a sensitive receptor.	Sound from the activity is audible at a sensitive receptor.	NO	
	2. The release of sound to the environment from the activity is managed so that adverse effects on environmental values including health and wellbeing and sensitive ecosystems are prevented or minimised.	Unreasonable noise is detected at a sensitive receptor.	YES	The applicant has stated that if the activity is not well managed it does have the potential to cause a noise nuisance. To ensure that noise does not cause nuisance at a sensitive receptor the following has been proposed: Contractors will be informed of noise nuisance concerns and requested to limit noise generation, regular noise monitoring will be conducted and all noise generating equipment onsite will be well maintained.
<b>WASTE</b>	<b>Performance Outcome</b>	<b>Adverse effect</b>	<b>Have all reasonable and practical measures been taken to minimise the adverse effect?</b>	<b>Justification</b>
Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.	(1a) waste generated, transported or received is managed in accordance with the waste and resource management hierarchy in the Waste Reduction and Recycling Act 2011;	Waste from the activity is disposed of; or Waste is not managed in accordance with the waste and resource management hierarchy.	YES	
	(1b) if waste is disposed of, it is disposed of in a way that prevents or minimises adverse effects on environmental values.	Waste disposed of causes environmental harm.	YES	Spent litter stockpiled inside sheds before removal. All spent litter will be loaded directly onto trucks before removal off-site. Spent litter only stored outside the sheds in emergencies, where it will be stored adjacent to the sheds, on a compacted surface, bundled and covered.
<b>LAND</b>	<b>Performance Outcome</b>	<b>Adverse effect</b>	<b>Have all reasonable and practical measures been taken to minimise the adverse effect?</b>	<b>Justification</b>
The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.	1 There is no actual or potential disturbance or adverse effect to the environmental values of land as part of carrying out the activity.	The land is disturbed and or contaminated due to carrying out the activity.	N/A	
	(2a) activities that disturb land, soils, subsoils, landforms and associated flora and fauna will be managed in a way that prevents or minimises adverse effects on the environmental values of land;	Management practices that lead to disturbance of the land, soils, subsoils, landforms and associated flora and fauna result in the environmental values of land being contaminated.	N/A	
	(2b) areas disturbed will be rehabilitated or restored to achieve sites that are: (i) safe to humans and wildlife; and (ii) non-polluting; and (iii) stable; and (iv) able to sustain an appropriate land use after rehabilitation or restoration;	Disturbed areas cannot be or are not rehabilitated or restored to achieve the performance outcome.	N/A	
	(2c) the activity will be managed to prevent or minimise adverse effects on the environmental values of land due to unplanned releases or discharges, including spills and leaks of contaminants;	The land is contaminated due to unplanned releases or discharges.	N/A	
	(2d) the application of water or waste to the land is sustainable and is managed to prevent or minimise adverse effects on the composition or structure of soils and subsoils.	The composition and structure of the soils and subsoils are degraded as a result of applying water or waste to the land.	YES	Stormwater collected from Pad 1 in the existing stormwater retention dam will be irrigated grassed areas surrounding the pads and any vegetative buffers. Stormwater collected from the carcass composting area will be irrigated onto grassed areas within the carcass composting controlled drainage area. Check the weather and do not irrigate when > 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water.

## SARA technical agency assessment response

### Technical agency (TA)— DAFF

DSDIP reference: SDA-0214-008126  
DSDIP Role: referral agency  
DSDIP regional office: SARA Darling Downs South West  
DSDIP email: ToowoombaSARA@dsdip.qld.gov.au  
[NB. All responses are to be returned to this email address]  
TA reference: QHSD0141  
TA contact name: Mitchell Furness  
TA contact details: 4688 1374  
TA approver: Mitchell Furness

#### 1.0 Application details

Street address: 3497 Leyburn Cunningham - Cunningham, Southern Downs Regional - QL  
Real property description: 1/SP106506; 1/SP106507; 2/SP106505, 2/SP232584, A/CPAP19854, A/CPAP19856  
Local government area: Southern Downs Regional; Southern Downs Regional; Southern Downs Regional  
Applicant name: South Toolburra Pty Ltd  
Applicant contact details:

#### 2.0 Aspects of development and type of approval being sought

Development approval for a material change of use for an environmentally relevant activity (ERA) No. 4 — Poultry farming (2) farming more than 200000 birds.

#### 3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009<sup>1</sup>:

Schedule 7 Referral agencies and their jurisdictions — matters of interest specific to technical agency		
Trigger ID	Description	Technical Agency
7.2.1	A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1	EHP
7.3.2	An aspect of development identified in schedule 9 that - (a) is for a purpose	TMR

mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold - (i) for development in LGA population 1 - mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2 - mentioned in schedule 9, column 3 for the purpose. However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.

7.3.10 Material change of use of a lot that is 5 ha or larger, if - (a) for development for which a preliminary approval is sought under the Act, section 242, the lot contains native vegetation shown on the regulated vegetation management map as a category A area or category B area (b) for other development that is not sole or community residence clearing - (i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and (ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on land the subject of a lease issued under the Land Act 1994 for agriculture or grazing purposes

NRM

<sup>1</sup> MyDAS does not collect data on assessable development aspects under Schedule 8—this is a matter confirmed by DSDIP during the validation process.

RTI DL RELEASE - DAF

## 4.0 Assessment

### 4.1 Considerations and assessment

Concurrence environmentally relevant activities state code

Table 4.1.2: All environmentally relevant activities and Table 4.1.4: Intensive animal industries

Schedule 5 Table 2 of *Environmental Protection Regulation 2008*

## 5.0 Recommendations

### 5.1 Technical agency advice for SARA as concurrence agency

Our department:

- (a) recommends the following conditions be attached to any development approval (SPA section 287(1)(a)):

No.	Conditions of development approval	Condition timing
<b>Schedule 1: Site Suitability</b>		
1.	The activity must be designed, constructed and operated in accordance with a management system that ensures that best practice environmental management is achieved.	
<b>Schedule 2: Location on Site</b>		
2.	The activity must be located and constructed in a manner that prevents or minimises impacts to waters.	
3.	The activity must be located and constructed in a manner that prevents or minimises odour, dust and noise impacts to a sensitive place;	
<b>Schedule 3: Critical Design Requirements</b>		
4.	All waste treatment and containment structures must be designed and operated to prevent or minimise the risk of environmental harm occurring.	
5.	The facility must be designed in a manner that permits the operation at the site, at which the activity is to be carried out, in accordance with best practice environmental management.	

- (i) The reasons for the inclusion of these conditions are:
- To ensure compliance with the environmental provisions as described in Schedule 5, Table 2 of the Environmental Protection Regulation 2008.
- (A) Findings on material questions of fact:
- The development application is seeking approval for an ERA 4 (2) – Poultry farming, farming more than 200000 birds
  - The application proposes two (2) additional pads with 8 sheds containing 52000 birds on each pad
  - The site contains an area of mapped vegetation classified as “remnant vegetation containing of concern ecosystem”

- The application proposes that carcasses are composted on site
  - The nearest sensitive receptors are within 2 km of the proposed pads
- (B) Evidence or other material on which the findings were based:
- Development application SDA-0214-008126, Volume 1 - Planning Report & Volume 2 - Specialist Assessment Reports
  - Queensland Guidelines: Meat Chicken Farms
  - Environmental Protection Regulation 2008
  - Environmental Protection (Air) Policy 2008
  - Environmental Protection (Noise) Policy 2008
  - Environmental Protection (Waste Management) Regulation 2000
  - Environmental Protection (Water) Policy 2009
  - Google Globe, Ecomaps and Spinmap mapping tools

## 5.2 Approved plans and specifications

Plans and specifications relied upon for this response are referred to in the advice or conditions supplied earlier in this response.

## 6.0 Endorsement

<b>Officer</b>	Benjamin Gilmour	Environmental Scientist Environmental Regulation	07 4688 1589
<b>Approver</b>	Mitchell Furness	Manager Environmental Regulation	07 4688 1374



## SARA technical agency assessment response

### Technical agency (TA)— DAFF

DSDIP reference: SDA-0214-008126  
DSDIP Role: referral agency  
DSDIP regional office: SARA Darling Downs South West  
DSDIP email: ToowoombaSARA@dsdip.qld.gov.au  
[NB. All responses are to be returned to this email address]  
TA reference: QHSD0141  
TA contact name: Mitchell Furness  
TA contact details: 4688 1374  
TA approver: Mitchell Furness

#### 1.0 Application details

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Real property description: 1/SP106506; 1/SP106507; 2/SP106505, 2/SP232584, A/CPAP19854, A/CPAP19856  
Local government area: Southern Downs Regional; Southern Downs Regional; Southern Downs Regional  
Applicant name: South Toolburra Pty Ltd  
Applicant contact details:

#### 2.0 Aspects of development and type of approval being sought

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#### 3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009<sup>1</sup>:

#### Schedule 7 Referral agencies and their jurisdictions — matters of interest specific to technical agency

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7.3.2	An aspect of development identified in schedule 9 that - (a) is for a purpose	TMR

	<p>mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold - (i) for development in LGA population 1 - mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2 - mentioned in schedule 9, column 3 for the purpose. However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p>	
7.3.10	<p>Material change of use of a lot that is 5 ha or larger, if - (a) for development for which a preliminary approval is sought under the Act, section 242, the lot contains native vegetation shown on the regulated vegetation management map as a category A area or category B area (b) for other development that is not sole or community residence clearing - (i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and (ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on land the subject of a lease issued under the Land Act 1994 for agriculture or grazing purposes</p>	NRM

<sup>1</sup> MyDAS does not collect data on assessable development aspects under Schedule 3—this is a matter confirmed by DSDIP during the validation process.

RTI DL RELEASE - DAF

## 4.0 Assessment

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### 4.1 Considerations and assessment

Concurrence environmentally relevant activities state code

Table 4.1.2: All environmentally relevant activities

Site Suitability PO1

AO1.1 (**P/S**) Mapping has revealed that there is a small area of vegetation classified as; 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect on areas of high conservation value and special significance.

AO1.2 (**Achieved**) Mapping has revealed that there is a small area of vegetation classified as; 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect.

The applicant has acknowledged that the activity has the potential to impact on adjacent land holders through noise, odour and dust. To manage this, all sheds and facilities on site will be built and operated to current best practice standards. All fans will vent to the West (opposite side to sensitive receptors) and vegetative buffers will be constructed around the sheds. Odour modelling shows that design has ensured that no receptors are within the 2.5 odour unit model.

Location of activity on the site PO2

AO2.2 (**Achieved**) Construction of flooring and management of waste disposal and carcass composting, water usage and storage of contaminants have been planned to prevent, minimise, and manage (in this order) the potential for such impacts. There will be no egress of water from the proposed sheds. Any water used within the sheds shall not be permitted to leave the shed and join the stormwater system. The applicant has committed to ensuring that litter moisture is kept at an optimum level to ensure dust emissions will not have an adverse impact. As previously mentioned odour modelling has shown that sheds will be operated and positioned to effectively manage odour.

Site not located in a floodplain. All environmentally hazardous materials are enclosed within sheds

PO3 (**Achieved**)

There is a state biodiversity significance area which is located on one of the lot plans, however unlikely to be impacted by the the proposed activity. All wastes are banded and protected from run off. Shed wastes are contained and prevented from moving into state

areas. Areas of regional significance and wetlands are unlikely to be impacted.

#### Critical design requirements PO4

AO4.1 (**Achieved**) The majority of the waste associated with the operation is through manure produced by the meat chickens. This is removed from the sheds via a front-end loader and transported offsite in appropriately covered trucks. Dead birds will be collected daily from the sheds and composted at the carcass composting area. The composting area is to be set up on an impermeable pad (compacted clay).

#### Table 4.1.4: Intensive animal industries

##### Surface water PO1 (**Achieved**)

There are no referable wetland ecosystems identified in the proposed development area or the subject property

All stormwater runoff from the poultry sheds on Pad 1 is directed to the existing stormwater retention dam. Floor of sheds raised above natural surface to prevent the ingress of water. The base of the sheds will be constructed of compacted clay with concrete rat walls to prevent the ingress of water. Land sloped away from the sheds to prevent the ingress of stormwater. All stormwater runoff from the carcass composting area is kept within a controlled drainage area and is directed to a designated stormwater retention dam.

Following heavy rain – stormwater retention dam will be checked for overtopping. There should be no overtopping events from the stormwater retention dams, as stormwater will be irrigated on a regular basis onto surrounding grassed areas and/or vegetative buffers. Pad 3 Following heavy rain – vegetative filter strip should be checked for erosion.

All stormwater runoff from the poultry sheds on Pad 3 is directed through a vegetative filter strip to remove any suspended solids and other pollutants.

Minimal water usage during shed cleaning to maximise adsorption and evaporation while minimising runoff. Upstream water is diverted around the controlled drainage area by banks/bunds. Compost piles are peaked so that rainfall will shed from the pile. Spent litter stockpiled inside sheds before removal. Spent litter only stored outside the sheds in emergencies, where it will be stored adjacent to the sheds, on a compacted surface, bunded and covered. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. Check the weather and do not irrigate when > 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water. Monitor the soil during irrigation to ensure that surface pooling and runoff does not occur. Check the irrigator every two to three hours to ensure it is working correctly.

##### Groundwater PO2 (**Achieved**)

Shed bases will be constructed with compacted clay or concrete to maximise their impermeability to water. Sheds will be constructed with concrete rat walls and a block wall on the base of the sheds to prevent the ingress of water. Drinkers and water reticulation system checked daily to avoid shed floors being wet. Dead poultry are composted in a designated composting area on an impermeable base within a controlled drainage area. The stormwater retention dam for Pad 1 was constructed to minimise leaching of nutrients. The stormwater retention dam for the carcass composting area will be constructed to minimise leaching of nutrients. Both stormwater retention dam will be checked after > 20 mm rain has been received in less than a 48 hour period. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. If groundwater contamination becomes an issue, carcasses will be composted in covered bins / bays and they will change

management practices for dead poultry – alternatively store in an on-site cold room and remove off-site by an approved contractor.

#### Amenity PO3 (**Achieved**)

The use of tunnel-ventilated sheds to maintain optimum moisture content of the litter. The use of tunnel-ventilated sheds with fans discharging away from the nearest neighbouring residences. Variable control of ventilation rates on the sheds to maintain optimum temperature and humidity. Installation, inspection and maintenance of drinking watering systems that minimise spillage. Insulation of shed roofs to minimise condensation. Create a bed of litter to a minimum depth of 45 mm prior to bird placement. Adding additional litter or replacing litter that becomes wet during the growing cycle with dry litter material. Dead poultry are collected daily from the sheds and moved directly to the composting area. Birds are covered with at least 300 mm of co-composting material to ensure no odour is generated. Compost piles are either turned or moved during the process to introduce new oxygen and avoid odour generation.

Spent litter removed from the property in appropriately covered vehicles following shed cleanout unless required to be temporarily stored on-farm as a contingency. Ensure carcasses are covered with sufficient co-composting material. Ensure carcasses are composted fresh (daily), otherwise carcasses to be kept in onsite cold room until composting can be undertaken. Maximum vehicle speeds limited on farm to 30 km/h and internal roads will be watered in dry conditions. Due to these factors and management strategies, the risk of fugitive emissions to air is considered low.

The applicant has stated that the site will implement the following contingency measures: Investigate the use of litter additives should such product/s become available that are shown to be both cost effective and are able to reduce odour generation. Provide adequate notice to neighbours by letter box drop of any proposed unusual circumstance regarding the farm. Adjust or replace faulty equipment. Adjust shed ventilation as deemed necessary to control litter moisture. Modification of site drainage to stop any ingress of water. Liaise with providers of poultry and diets to reduce incidence of wet manure. Removal and replacement of wet litter with dry litter material during the batch. Incorporate a dust and odour barrier where required (tree and vegetation) between the exhaust and outlets and a landscape buffer to the end of the sheds. Remove mortalities daily to on-site cold-room and remove off-site by an approved contractor. Reduce the time between the removal of dead poultry from the farm. Modify the covering over the spent litter in truck or change the vehicle type removing the spent litter. An external sprinkler system will be installed if dust becomes an issue.

The applicant has proposed the following manage environmental impacts: Conduct odour observations. Construction and maintenance of vegetative screens where required to minimise dust impact on nearby residences. Maintain a complaints register and respond to complaints appropriately. Visual dust assessments will be undertaken by the site manager each batch a few days before the first thin-out or more regularly during particularly dry periods or following a complaint.

The applicant has stated that if the activity is not well managed it does have the potential to cause a noise nuisance. To ensure that noise does not cause nuisance at a sensitive receptor the following has been proposed: Contractors will be informed of noise nuisance concerns and requested to limit noise generation, regular noise internal monitoring will be conducted and all noise generating equipment onsite will be well maintained.

#### Native Flora and Fauna PO4 (**Achieved**)

Sufficient buffers/contours/retention ponds proposed to prevent any runoff to ecological communities. No proposed destruction or impacts to areas of environmental significance. Wastes contained in a CDA preventing movement to sensitive ecological areas.

Stormwater collected from Pad 1 in the existing stormwater retention dam will be irrigated grassed areas surrounding the pads and any vegetative buffers. Stormwater collected from the carcass composting area will be irrigated onto grassed areas within the carcass

composting controlled drainage area. Check the weather and do not irrigate when > 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water.

## 5.0 Recommendations

### 5.1 Technical agency advice for SARA as concurrence agency

Our department:

- (a) recommends the concurrence agency has no requirements relating to the application (SPA section 287(2)(a)):
- (A) Findings on material questions of fact:
- The development application is seeking approval for an ERA 4 (2) – Poultry farming, farming more than 200000 birds
  - The application proposes two (2) additional pads with 8 sheds containing 52000 birds on each pad
  - The site contains an area of mapped vegetation classified as “remnant vegetation containing of concern ecosystem”
  - The application proposes that carcasses are composted on site
  - The nearest sensitive receptors are within 2 km of the proposed pads
- (B) Evidence or other material on which the findings were based:
- Development application SDA-0214-008126, Volume 1 - Planning Report & Volume 2 - Specialist Assessment Reports
  - Queensland Guidelines: Meat Chicken Farms
  - Environmental Protection Regulation 2008
  - Environmental Protection (Air) Policy 2008
  - Environmental Protection (Noise) Policy 2008
  - Environmental Protection (Waste Management) Regulation 2000
  - Environmental Protection (Water) Policy 2009
  - Google Globe, Ecomaps and Spinmap mapping tools

### 5.2 Approved plans and specifications

Plans and specifications relied upon for this response are referred to in the advice or conditions supplied earlier in this response.

## 6.0 Endorsement

<b>Officer</b>	Benjamin Gilmour	Environmental Scientist Environmental Regulation	07 4688 1589
<b>Approver</b>	Mitchell Furness	Manager Environmental Regulation	07 4688 1374

## 4.1 Concurrence environmentally relevant activities state code

**Response column key:**  
 Achieved  
 P/S Performance solution  
 N/A Not applicable

**Table 4.1.2: All environmentally relevant activities**

Performance outcomes	Acceptable outcomes	Response	Comment
<b>Site suitability</b>			
<b>PO1</b> The choice of the site at which the activity is to be carried out minimises serious environmental harm on areas of high conservation value and special significance, and sensitive land uses at adjacent places.	<b>AO1.1</b> Both of the following apply: (1) areas of high conservation value and special significance likely to be affected by the activity are identified and evaluated, and any adverse effects on these areas are minimised, including any edge effects on the areas (2) the activity does not have an adverse effect beyond the site. OR	P/S	Mapping has revealed that there is a small area of vegetation classified as; 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect on areas of high conservation value and special significance.
	<b>AO1.2</b> Both of the following apply: (1) Areas of high conservation value and special significance likely to be affected by the proposal are identified and evaluated and any adverse effects on the areas are minimised, including any edge effects on the areas (2) Critical design requirements will prevent emissions having an irreversible or widespread impact on adjacent areas.	Achieved	Mapping has revealed that there is a small area of vegetation classified as; 'remnant vegetation containing of concern ecosystem'. Due to the nature of the activity and the fact that all potentially hazardous materials will be contained within sheds on site, it is not likely that the activity will have an adverse effect.  The applicant has acknowledged that the activity has the potential to impact on adjacent land holders through noise, odour and dust. To manage this, all sheds and facilities on site will be build and operated to current best practise standards. All fans will vent to the West (opposite side to sensitive receptors) and vegetative buffers will be constructed around the sheds. Odour modelling shows that design has ensured that no receptors are within the 2.5 odour unit model.
<b>Location of activity on the site</b>			
<b>PO2</b> The location for the activity on the site protects all environmental values relevant to adjacent sensitive land uses.	<b>AO2.1</b> The location of the activity means there will be no adverse effect on any environmental values. OR	P/S	
	<b>AO2.2</b> Both of the following apply: (1) The activity and components of the activity are located on the site in a way that prevents or minimises adverse effects on the use of adjacent land and allows for effective management of the	Achieved	Construction of flooring and management of waste disposal and carcass composting, water usage and storage of contaminants have been planned to

Performance outcomes	Acceptable outcomes	Response	Comment
	<p>environmental impacts of the activity.</p> <p>(2) Areas used for storing environmentally hazardous materials in bulk are located to take into consideration the likelihood of flooding.</p>		<p>prevent, minimise, and manage (in this order) the potential for such impacts. There will be no egress of water from the proposed sheds. Any water used within the sheds shall not be permitted to leave the shed and join the stormwater system. The applicant has committed to ensuring that litter moisture is kept at an optimum level to ensure dust emissions will not have an adverse impact. As previously mentioned odour modelling has shown that sheds will be operated and positioned to effectively manage odour.</p> <p>Site not located in a floodplain. All environmentally hazardous materials are enclosed within sheds</p>
<p><b>PO3</b> The activity avoids adverse impacts on matters of state environmental significance or, where this is not reasonably possible, impacts are minimised and, where this is not reasonably possible, residual impacts are offset.</p>	<p><b>AO3.1</b> Matters of state environmental significance likely to be affected by the activity are identified and evaluated, and any adverse effects on the matters of state environmental significance are avoided or, where this cannot be reasonably achieved, impacts are minimised, and where this cannot be reasonably achieved, and any residual impacts are offset.</p>	Achieved	<p>There is a state biodiversity significance area which is located on one of the lot plans, however unlikely to be impacted by the the proposed activity. All wastes are banded and protected from run off. Shed wastes are contained and prevented from moving into state areas. Areas of regional significance and wetlands are unlikely to be impacted.</p>
<b>Critical design requirements</b>			
<p><b>PO4</b> The design of the facility at which the activity is to be carried out permits the activity to be carried out in accordance with best practice environmental management.</p>	<p><b>AO4.1</b> The activity does not involve the storage, production, treatment or release of hazardous contaminants, or involve a regulated structure. OR</p>	Achieved	<p>The majority of the waste associated with the operation is through manure produced by the meat chickens. This is removed from the sheds via a front-end loader and transported offsite in appropriately covered trucks. Dead birds will be collected daily from the sheds and composted at the carcass composting area. The composting area is to be set up on an impermeable pad (compacted clay).</p>
	<p><b>AO4.2</b> Development ensures that:</p> <p>(1) All storage provided for hazardous contaminants includes secondary containment to prevent or minimise releases to the environment from spillage or leaks.</p> <p>(2) Regulated structures must comply with the <i>Manual for assessing hazard categories and hydraulic performance of dams</i>, Department of Environment and Heritage Protection, 2012.</p> <p>(3) Containers are provided for the storage of hazardous</p>		



Performance outcomes	Acceptable outcomes	Response	Comment
	<p>contaminants and are secured to prevent the removal of the containers from the site by a flood event.</p> <p>(4) The design of the facility:</p> <p>(a) prevents or minimises the production of hazardous contaminants and waste, or</p> <p>(b) contains and treats hazardous contaminants, rather than releasing them.</p>		

**Table 4.1.3: Environmentally relevant activities in a wild river area**

Performance outcomes	Acceptable outcomes	Response	Comment
<b>Concurrence ERAs (other than ERA 16 (extractive and screening activities))</b>			
<b>Riparian and wildlife corridor functions and water quality</b>			
<p><b>PO1</b> Riparian areas and wildlife corridors along streams in a wild river high-preservation area, or along nominated waterways in the wild river area, are preserved, and pollutants from the activity have a low probability of affecting water quality in adjacent waterways.</p>	<p><b>AO1.1</b> The activity is set back from a nominated waterway in the wild river area in accordance with the minimum distance prescribed in Schedule 3 of the relevant <i>wild river declaration</i>, available from the Department of Environment and Heritage Protection website.</p> <p>OR</p>		
	<p><b>AO1.2</b> If the activity is in a high-preservation area, the activity is set back from the outer bank of a stream in accordance with the minimum distance prescribed in Schedule 3 of the relevant <i>wild river declaration</i>, available from the Department of Environment and Heritage Protection website.</p>		
<p><b>PO2</b> Contaminated wastewater and stormwater does not degrade the quality of any receiving waters (both watercourse and groundwater).</p> <p>Note: There will be no degradation of the quality of the receiving waters if water quality downstream of the activity is consistent with water quality upstream of the activity.</p>	<p><b>AO2.1</b> Contaminated wastewater or stormwater is treated to the quality of the receiving waters prior to discharge.</p> <p>OR</p>		
	<p><b>AO2.2</b> Contaminated wastewater or stormwater is retained or stored on site.</p>		
<b>Concurrence ERAs (other than ERA 16 (extractive and screening activities))</b>			
<b>Geomorphic processes</b>			
<p><b>PO3</b> The activity will not result in the increased delivery of sediment to adjacent waterways.</p>	<p><b>AO3.1</b> Activities are not located on slopes of a greater value than prescribed in Schedule 3 of the relevant <i>wild river declaration</i>, available from the Department of</p>		

Performance outcomes	Acceptable outcomes	Response	Comment
	Environment and Heritage Protection website.		
<b>Concurrence ERA 63 (sewage treatment) and ERA 64 (water treatment) in a wild river high-preservation area</b>			
<b>Riparian and wildlife corridor functions and water quality</b>			
<b>PO4</b> Water quality in watercourses and lakes is not adversely affected. Note: Water quality will not be adversely affected if water quality immediately downstream of the activity is consistent with water quality immediately upstream of the activity.	<b>AO4.1</b> Wastewater is treated to the quality of the receiving waters prior to discharge. OR		
	<b>AO4.2</b> Water is reclaimed or re-used.		
<b>Concurrence ERA 16 (extractive and screening activities)—other than riverine quarry extraction</b>			
<b>Riparian and wildlife corridor functions and water quality</b>			
<b>PO5</b> Riparian areas and wildlife corridors along streams in a wild river high-preservation area, or along nominated waterways in the wild river area, are preserved.	<b>AO5.1</b> Provision must be made for fish passage during works during the carrying out of the activity. AND		
	<b>AO5.2</b> Clearing of riparian vegetation is limited to the minimum area required for the activity to be carried out.		
<b>Concurrence ERA 16 (extractive and screening activities)—other than riverine quarry extraction</b>			
<b>Geomorphic processes</b>			
<b>PO6</b> Bed and bank stability is preserved.	<b>AO6.1</b> Excavation in the bed of a stream is limited to scour depth. AND		
	<b>AO6.2</b> Excavation in the bed of a stream is less than one-third of the bed width. AND		
	<b>AO6.3</b> Clearing of in-stream vegetation is limited to the minimum area required for the activity to be carried out. AND		
	<b>AO6.4</b> The final stream profile does not direct flow into a bank.		
<b>Concurrence ERA 16 (extractive and screening activities)—riverine quarry material extraction</b>			
<b>Geomorphic and hydrological processes</b>			

Performance outcomes	Acceptable outcomes	Response	Comment
<b>PO7</b> Extraction must occur from areas of active deposition including: (1) aggrading bars, or (2) sand slugs, or (3) benches and islands, or (4) sediment pockets in bedrock channels.	No acceptable outcome is prescribed.		
<b>PO8</b> Excavation must not occur below the current bed level of a watercourse or waters.	No acceptable outcome is prescribed.		
<b>PO9</b> Bed and bank stability is preserved during the operation or the carrying out of the activity.	<b>AO9.1</b> Vehicle access tracks and crossings associated with the activity have scour protection on the bed immediately downstream of the crossing. AND		
	<b>AO9.2</b> Access ramps and tracks are kept to a minimum and constructed to minimise erosion and turbulence problems at times of high flow. AND		
	<b>AO9.3</b> Ramps cut into the bank for vehicle access are orientated downstream. AND		
	<b>AO9.4</b> Vehicle crossings are orientated perpendicular to the stream channel $\pm 10^\circ$ . AND		
	<b>AO9.5</b> Where vehicle crossings are required, these will be at stream-bed level; OR if it can be demonstrated that stream-bed level crossings are inappropriate, any culverts for vehicle crossing are aligned with the direction of natural stream flow, when that flow is of a depth equal to the culvert height. AND		
	<b>AO9.6</b> The activity includes measures to prevent stormwater erosion in drains and cuttings on the bank. AND		

Performance outcomes	Acceptable outcomes	Response	Comment
	<b>AO9.7</b> Stream-bed controls are located upstream and downstream of the site. AND		
	<b>AO9.8</b> Excavation in the stream-bed is less than one-third of the bed width. AND		
	<b>AO9.9</b> Clearing of in-stream vegetation is limited to the minimum area required for the activity to occur.		
<b>PO10</b> Bed and bank stability is preserved.	<b>AO10.1</b> The stream is rehabilitated as near as possible to its natural state after the activity has been conducted. AND		
	<b>AO10.2</b> Exposed bank areas are prepared to facilitate natural regeneration of native plant species. AND		
	<b>AO10.3</b> Stream-bed and bank controls are retained upstream and downstream of the site of the activity.		
<b>Concurrence ERA 16 (extractive and screening activities)—riverine quarry material extraction</b>			
<b>Riparian and wildlife corridor functions</b>			
<b>PO11</b> Riparian areas and wildlife corridors along watercourses are preserved.	<b>AO11.1</b> Provision is made for fish passage during the carrying out of the activity. AND		
	<b>AO11.2</b> The width of the vegetation clearing in the riparian zone is limited to that required for the activity plus 2 metres each side. AND		
	<b>AO11.3</b> Areas of riparian zone cleared of vegetation and not required for the final stage of the activity will be prepared to facilitate natural regeneration of native plant species.		
<b>Concurrence ERA 1 (aquaculture) in a wild river preservation area</b>			
<b>PO12</b> Riparian and wildlife corridors along nominated waterways are preserved.	<b>AO12.1</b> The development is set back from a nominated waterway by at least the distance detailed in schedule 3 of the relevant <i>wild river declaration</i> available from the Department of Environment and Heritage Protection		

Performance outcomes	Acceptable outcomes	Response	Comment
	website.		
<b>PO13</b> The development will not result in the increased delivery of sediment to adjacent waterways.	<b>AO13.1</b> The slope of the land on which the development occurs is less than the value detailed in schedule 3 of the relevant <i>wild river declaration</i> available from the Department of Environment and Heritage Protection website.		
<b>PO14</b> Waste water and stormwater does not degrade the quality of any receiving waters.	<b>AO14.1</b> Measures are adopted to contain or prevent leakage from ponds or tanks and overflow from ponds or tanks due to rainfall or floodwaters.		

**Table 4.1.4: Intensive animal industries**

Performance outcomes	Acceptable outcomes	Response	Comment
<b>Surface water</b>			
<p><b>PO1</b> The structures containing and controlling run-off from the activity and waste re-use areas minimise adverse effects on surface waters external to the activity.</p> <p>Editor's note: To meet the requirements of this performance outcome, it is recommended that the applicant develop a management system for the activity, detailing:</p> <ol style="list-style-type: none"> <li>(1) environmental hazards</li> <li>(2) risk assessment processes</li> <li>(3) an auditable, risk-based management system for the operation of the activity</li> <li>(4) procedures for annual review</li> <li>(5) proposed maintenance operations</li> <li>(6) stock numbers</li> <li>(7) monitoring of pens, sheds, ponds, drainage and any obvious dust, noise and odour impacts.</li> </ol> <p>Note: Development should have regard to the following industry guideline for surface water for the applicable ERA.</p> <ol style="list-style-type: none"> <li>(1) <b>Cattle:</b> <i>National guidelines for beef cattle feedlots in Australia, 3rd Edition</i>, Meat &amp; Livestock Australia, 2012</li> <li>(2) <b>Cattle and sheep:</b> <i>National beef cattle feedlot environmental code of practice, 2nd Edition</i>, Meat &amp; Livestock Australia, 1997</li> <li>(3) <b>Pig keeping:</b> <i>National environmental guidelines for piggeries, 2nd Edition (Revised)</i>, Tucker, RW, McGahan, EJ,</li> </ol>	No acceptable outcome is prescribed.	Achieved	<p>There are no referable wetland ecosystems identified in the proposed development area or the subject property</p> <p>All stormwater runoff from the poultry sheds on Pad 1 is directed to the existing stormwater retention dam. Floor of sheds raised above natural surface to prevent the ingress of water. The base of the sheds will be constructed of compacted clay with concrete rat walls to prevent the ingress of water. Land sloped away from the sheds to prevent the ingress of stormwater. All stormwater runoff from the carcass composting area is kept within a controlled drainage area and is directed to a designated stormwater retention dam.</p> <p>Following heavy rain – stormwater retention dam will be checked for overtopping. There should be no overtopping events from the stormwater retention dams, as stormwater will be irrigated on a regular basis onto surrounding grassed areas and/or vegetative buffers. Pad 3 Following heavy rain – vegetative filter strip should be checked for erosion.</p>

Performance outcomes	Acceptable outcomes	Response	Comment
<p>Galloway, JL and O'Keefe for Australian Pork Limited, 2010</p> <p><b>Poultry farming:</b> <i>Queensland guidelines for meat chicken farms</i>, Department of Agriculture, Fisheries and Forestry, 2012</p>			<p>All stormwater runoff from the poultry sheds on Pad 3 is directed through a vegetative filter strip to remove any suspended solids and other pollutants.</p> <p>Minimal water usage during shed cleaning to maximise adsorption and evaporation while minimising runoff. Upstream water is diverted around the controlled drainage area by banks/bunds. Compost piles are peaked so that rainfall will shed from the pile. Spent litter stockpiled inside sheds before removal. Spent litter only stored outside the sheds in emergencies, where it will be stored adjacent to the sheds, on a compacted surface, banded and covered. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. Check the weather and do not irrigate when &gt; 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water. Monitor the soil during irrigation to ensure that surface pooling and runoff does not occur. Check the irrigator every two to three hours to ensure it is working correctly.</p>
<b>Groundwater</b>			
<p><b>PO2</b> The activity is designed and managed to prevent or minimise adverse effects on groundwater or any associated surface ecological systems.</p> <p>Editor's note: Development should have regard to the following industry guideline for groundwater for the applicable ERA.</p> <p>(1) <b>Cattle:</b> <i>National guidelines for beef cattle feedlots in Australia, 3rd Edition</i>, Meat &amp; Livestock Australia, 2012</p> <p>(2) <b>Cattle and sheep:</b> <i>National beef cattle feedlot environmental code of practice, 2nd Edition</i>, Meat &amp; Livestock Australia, 1997</p> <p>(3) <b>Pig keeping:</b> <i>National environmental guidelines for piggeries, 2nd Edition</i></p>	No acceptable outcome is prescribed.	Achieved	<p>Shed bases will be constructed with compacted clay or concrete to maximise their impermeability to water. Sheds will be constructed with concrete rat walls and a block wall on the base of the sheds to prevent the ingress of water. Drinkers and water reticulation system checked daily to avoid shed floors being wet. Dead poultry are composted in a designated composting area on an impermeable base within a controlled drainage area. The stormwater retention dam for Pad 1 was constructed to minimise leaching of nutrients. The stormwater retention dam for the carcass composting area will be constructed to minimise leaching of</p>

Performance outcomes	Acceptable outcomes	Response	Comment
<p>(Revised), Tucker, RW, McGahan, EJ, Galloway, JL and O'Keefe for Australian Pork Limited, 2010</p> <p>(4) <b>Poultry farming:</b> <i>Queensland guidelines for meat chicken farms</i>, Department of Agriculture, Fisheries and Forestry, 2012</p>			<p>nutrients. Both stormwater retention dam will be checked after &gt; 20 mm rain has been received in less than a 48 hour period. The bunding of chemical and fuel storage areas will be impervious to prevent releases to the environment. If stormwater contamination becomes an issue, carcasses will be composted in covered bins / bays and they will change management practices for dead poultry – alternatively store in an on-site coldroom and remove off-site by an approved contractor.</p>
<b>Amenity</b>			
<p><b>PO3</b> The activity is designed and managed to minimise adverse effects on the amenity of the surrounding community.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Achieved</p>	<p>The use of tunnel-ventilated sheds to maintain optimum moisture content of the litter. The use of tunnel-ventilated sheds with fans discharging away from the nearest neighbouring residences. Variable control of ventilation rates on the sheds to maintain optimum temperature and humidity. Installation, inspection and maintenance of drinking watering systems that minimise spillage. Insulation of shed roofs to minimise condensation. Create a bed of litter to a minimum depth of 45 mm prior to bird placement. Adding additional litter or replacing litter that becomes wet during the growing cycle with dry litter material. Dead poultry are collected daily from the sheds and moved directly to the composting area. Birds are covered with at least 300 mm of co-composting material to ensure no odour is generated. Compost piles are either turned or moved during the process to introduce new oxygen and avoid odour generation.</p> <p>Spent litter removed from the property in appropriately covered vehicles following shed cleanout unless required to be temporarily stored on-farm as a contingency. Ensure carcasses are covered with sufficient co-composting material. Ensure carcasses are composted fresh (daily), otherwise carcasses to be kept in onsite cold room until composting can be undertaken. Maximum vehicle speeds limited on farm</p>

Performance outcomes	Acceptable outcomes	Response	Comment
			<p>to 30 km/h and internal roads will be watered in dry conditions. Due to these factors and management strategies, the risk of fugitive emissions to air is considered low.</p> <p>The applicant has stated that the site will implement the following contingency measures: Investigate the use of litter additives should such product/s become available that are shown to be both cost effective and are able to reduce odour generation. Provide adequate notice to neighbours by letter box drop of any proposed unusual circumstance regarding the farm. Adjust or replace faulty equipment. Adjust shed ventilation as deemed necessary to control litter moisture. Modification of site drainage to stop any ingress of water. Liaise with providers of poultry and diets to reduce incidence of wet manure. Removal and replacement of wet litter with dry litter material during the batch. Incorporate a dust and odour barrier where required (tree and vegetation) between the exhaust and outlets and a landscape buffer to the end of the sheds. Remove mortalities daily to on-site cold-room and remove off-site by an approved contractor. Reduce the time between the removal of dead poultry from the farm. Modify the covering over the spent litter in truck or change the vehicle type removing the spent litter. An external sprinkler system will be installed if dust becomes an issue.</p> <p>The applicant has proposed the following manage environmental impacts: Conduct odour observations. Construction and maintenance of vegetative screens where required to minimise dust impact on nearby residences. Maintain a complaints register and respond to complaints appropriately. Visual dust assessments will be undertaken by the site manager each batch a few days before the first thin-out or more regularly during particularly dry periods or following a complaint.</p>

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Performance outcomes	Acceptable outcomes	Response	Comment
			The applicant has stated that if the activity is not well managed it does have the potential to cause a noise nuisance. To ensure that noise does not cause nuisance at a sensitive receptor the following has been proposed: Contractors will be informed of noise nuisance concerns and requested to limit noise generation, regular noise internal monitoring will be conducted and all noise generating equipment onsite will be well maintained.
<b>Native flora and fauna</b>			
<p><b>PO4</b> The activity is designed and managed to minimise adverse effects on ecological communities.</p> <p>Editor's note: Development should have regard to the following industry guideline for native flora and fauna for the applicable ERA.</p> <p>(1) <b>Cattle:</b> <i>National guidelines for beef cattle feedlots in Australia, 3rd Edition</i>, Meat &amp; Livestock Australia, 2012</p> <p>(2) <b>Cattle and sheep:</b> <i>National beef cattle feedlot environmental code of practice, 2nd Edition</i>, Meat &amp; Livestock Australia, 1997</p> <p>(3) <b>Pig keeping:</b> <i>National environmental guidelines for piggeries, 2nd Edition (Revised)</i>, Tucker, RW, McGahan, EJ, Galloway, JL and O'Keefe for Australian Pork Limited, 2010</p> <p>(4) <b>Poultry farming:</b> <i>Queensland guidelines for meat chicken farms</i>, Department of Agriculture, Fisheries and Forestry, 2012</p>	No acceptable outcome is prescribed.	Achieved	<p>Sufficient buffers/contours/retention ponds proposed to prevent any runoff to ecological communities. No proposed destruction or impacts to areas of environmental significance. Wastes contained in a CDA preventing movement to sensitive ecological areas.</p> <p>Stormwater collected from Pad 1 in the existing stormwater retention dam will be irrigated grassed areas surrounding the pads and any vegetative buffers. Stormwater collected from the carcass composting area will be irrigated onto grassed areas within the carcass composting controlled drainage area. Check the weather and do not irrigate when &gt; 20 mm rain is predicted in a 48 hour period. Only apply irrigations when the soil is sufficiently dry to absorb the water.</p>

# Notice

*Environmental Protection Act 1994*

## Decision about an application for an environmental authority

*This notice is issued by the administering authority<sup>1</sup>, pursuant to Chapter 5 of the Environmental Protection Act 1994.*

To:

South Toolburra Pty Ltd  
PO Box 1150  
WARWICK QLD 4370

Attention: Sam Fessey

Our reference: QHSD0141

### Decision about an application for an environmental authority

1. **Application details**

The application for an environmental authority, made by South Toolburra Pty Ltd was received by the administering authority on 26 February 2014.

The application reference number is: QHSD0141

Land description: Lot 1 Survey Plan 106506, Lot 1 Survey Plan 106507, Lot 2 Survey Plan 106505, Lot 2 Survey Plan 232584, Lot A CPAP19854 and Lot A CPAP19856, 3497 Leyburn Cunningham Road, Pratten, Queensland

2. **Decision**

The administering authority has decided to approve the application with conditions that the applicant has not agreed to in writing.

3. **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 Planning and Environment 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.

<sup>1</sup> The Department of Environment and Heritage Protection is the administering authority under the *Environmental Protection Act 1994*.



## Decision about an application for an environmental authority

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Signature

Benjamin Gilmour  
Department of Agriculture, Fisheries and Forestry

Delegate of the administering authority  
*Environmental Protection Act 1994*

11 March 2014

Date

**Enquiries:**  
Department of Agriculture, Fisheries and Forestry  
203 Tor St  
TOOWOOMBA QLD 4350

Phone: 13 25 23  
Fax: 07 4688 1192  
Email: [livestockregulator@daff.qld.gov.au](mailto:livestockregulator@daff.qld.gov.au)

**Attachments**

Environmental authority (reference 2014-13)

Information sheet: Internal Review and Appeal to Planning and Environment Court (EM1866)

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# Permit<sup>1</sup>

Environmental Protection Act 1994

## Environmental authority

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

**Permit<sup>1</sup> number: 2014-13**

### 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. Payment of the annual fee will be due each year on this day.

### Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
South Toolburra Pty Ltd Suitable operator reference: 714403	PO Box 1150 WARWICK QLD 4370

### Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 4 — Poultry farming (2)— Farming more than 200000 birds	Lot 1 Survey Plan 106506, Lot 1 Survey Plan 106507, Lot 2 Survey Plan 106505, Lot 2 Survey Plan 232584, Lot A CPAP19854 and Lot A CPAP19856  3497 Leyburn Cunningham Road  PRATTEN QLD

### Additional information for holders of environmental authorities

#### Environmentally relevant activities

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

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

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

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

Contaminated land

It is a requirement of the Act that if an owner or occupier of land becomes aware that a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

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11 March 2014

Signature

Date

Benjamin Gilmour  
Department of Agriculture, Fisheries and Forestry

Delegate of the administering authority  
*Environmental Protection Act 1994*

**Enquiries**  
Department of Agriculture, Fisheries and Forestry  
203 Tor St  
TOOWOOMBA QLD 4350

Phone: 13 25 23  
Fax: 07 4688 1192  
Email: [livestockregulator@daff.qld.gov.au](mailto:livestockregulator@daff.qld.gov.au)

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**Department of Agriculture, Fisheries and Forestry**

**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)

**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 <b>delegate of the administering authority</b> within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G2	This environmental authority authorises <b>you</b> to conduct the <b>activity</b> listed above at the level specified.
G3	All reasonable and practicable <b>measures</b> must be taken to minimise the likelihood of environmental harm being caused.
G4	The <b>activity</b> must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> <li>• identify potential risks to the environment from the <b>activity</b> during routine operations and emergencies</li> <li>• establish and maintain control measures that minimise the potential for environmental harm</li> <li>• ensure plant, equipment and measures are maintained in a proper and effective condition</li> <li>• ensure plant, equipment and measures are operated in a proper and effective manner</li> <li>• ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i></li> <li>• ensure that reviews of environmental performance are undertaken at least annually</li> </ul>
G5	All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years.

G6	Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.
G7	If <b>you</b> become aware of any adverse impact on an <b>environmental value</b> likely to have been caused by the operation of the <b>activity</b> , <b>you</b> must notify the <b>delegate of the administering authority</b> in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.
<b>Agency interest: Air</b>	
<b>Condition number</b>	<b>Condition</b>
A1	Odours or airborne contaminants which are <b>noxious</b> or <b>offensive</b> or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any <b>nuisance sensitive place</b> or <b>commercial place</b> .
<b>Agency interest: Water</b>	
<b>Condition number</b>	<b>Condition</b>
WT1	Other than as permitted within this authority, contaminants must not be released from the site to any <b>waters</b> or the bed and banks of any <b>waters</b> .
WT2	Contaminants must not be released to groundwater.
WT3	Contaminants must not be released to surface waters.

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Agency interest: Noise																																																													
Condition number	Condition																																																												
N1	Noise from the <b>activity</b> must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance <b>sensitive place</b> or <b>commercial place</b> .																																																												
	<b>Table 3 – Noise limits</b> <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><math>L_{Aeq\ adj,T}</math></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><math>MaxL_{pA,T}</math></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><math>L_{Aeq\ adj,T}</math></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><math>MaxL_{pA,T}</math></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						$L_{Aeq\ adj,T}$	Background +5	Background +3	Background +3	Background +5	Background +3	Background +3	$MaxL_{pA,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5		Noise measured at a commercial place						$L_{Aeq\ adj,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	$MaxL_{pA,T}$	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 <b>activity</b> to land must not cause environmental harm.																																																												
L2	Before surrendering this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.																																																												
Agency interest: Waste																																																													
Condition number	Condition																																																												
WS1	Waste must only be removed from the site by a transporter lawfully able to transport it to a place lawfully able to receive it.																																																												
WS2	Any release or utilisation of waste products generated by the <b>activity</b> must not cause environmental harm.																																																												

END OF PERMIT



**Attachments**

NIL

**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 Environment and Heritage Protection or its successor or predecessors.

**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.

**delegate of the administering authority** means an officer of the Department of Agriculture, Fisheries and Forestry (DAFF) or its successor as cited by the administering authority.

**environmental nuisance** (the Act) is unreasonable interference or likely interference with an **environmental value** caused by—

- a) aerosols, fumes, light, noise, odour, particles or smoke; or
- b) an unhealthy, **offensive** or unsightly condition because of contamination; or
- c) another way prescribed by regulation.

**environmental value** (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an **environmental value** under an environmental protection policy or regulation.

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

**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.

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

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or

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- f) a public thoroughfare, park or gardens; or
- g) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

**you** means the holder of the environmental authority.

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# Information sheet

*Environmental Protection Act 1994*

## Internal review and appeal to Planning and Environment Court

*This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal to the Planning and Environment Court under the Environmental Protection Act 1994 (EP Act) and subordinate legislation. Refer to ss. 519-539 and Schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Planning and Environment Court.*

### Introduction

The 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 2 of the EP Act and within certain sections of the regulations and subordinate legislation<sup>1</sup> 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 2 of the EP Act<sup>2</sup>, 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 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

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 days<sup>3</sup> 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; and
  - b) be supported by enough information to enable the authority to decide the application.

Information sheet

Internal review and appeal to Planning and Environment Court

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- 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 five business days (the submission period) 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 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) The application does not stay (i.e. suspend or stop) 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 review 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 persons 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 the *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.
- 13) Also, this section does not apply to an original decision to issue a clean-up notice.
- 14) In this section—

'decision period' means—

  - a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or

- b) if no submissions are received within the submission period—10 business days after the administering authority receives the application.

#### Section 522 Stay of operation of particular original decisions

- 1) If an application is made for 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 to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- 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 time when the administering authority reviews the decision and any later period the Land Court 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 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 1<sup>4</sup> applies;
  - b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3<sup>5</sup>.
- 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 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 535A Stay of decision to issue a clean-up notice**

- 5) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.
- 6) 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 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 one 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)—

Information sheet

Internal review and appeal to Planning and Environment Court

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- i) to refuse to accredit an environmental risk management plan (ERMP); or
  - ii) about an application for an environmental authority for a prescribed ERA; and
  - b) a person appeals against the assessment manager's decision under the *Sustainable Planning Act 2009* about a planning or development matter for the premises to which the ERMP or the application for the authority relates.
- 2) The Court may order—
- a) the appeals to be heard together or one immediately after the other; or
  - b) one 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.

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<sup>1</sup> The original decisions under the subordinate legislation are subject to change. As at 31 March 2013 they are listed in:

- Regulation 110 of the Environmental Protection Regulation 2008; and
- Regulation 68C of the Environmental Protection (Waste Management) Regulation 2000.

<sup>2</sup> An appeal may be made to the Land Court for original decisions in Part 1 of Schedule 2.

<sup>3</sup> Under the *Environmental Protection Act 1994* "business days does not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year".

<sup>4</sup> Subdivision 1 is about appeals to the Land Court.

<sup>5</sup> Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.