

Notice

Environmental Protection Act 1994

Decision to approve an amendment to a transitional environmental program

This notice is issued by the administering authority pursuant to sections 340 and 344 of the Environmental Protection Act 1994 (the Act) to advise of a decision made on a proposed amendment to a transitional environmental program (TEP).

Mareeba Shire Council
65 Rankin Street
Mareeba QLD 4880

Your reference: EPPR01792213

Our reference: MAN18760, 101/0009051

3 June 2015

Dear Sir/Madam

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this notice advising of the decision to approve an amendment to a transitional environmental program (TEP) is issued to Mareeba Shire Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

This notice is issued in respect to the activities of Mareeba Shire Council at the sewage treatment plant on land described as Lot 888 on NR7943 situated at Hickling Avenue, Mareeba (the premises).

A. Application details

Your application for the approval of a proposed amendment to a TEP was received by the department on 6 May 2015.

This TEP relates to the delivery of a refurbished sewage treatment plant that is currently authorised under EPPR01792213 with associated approved TEP MAN18760.

B. Decision

The administering authority has decided to approve your application with conditions.

Please note that under section 354 failure to comply with the approved TEP will remove your immunity from prosecution for the continuation of the original offence stated in the program notice.

The approved TEP reference number MAN18760 consists of the following:

- the submitted application documents including any amendments made at the request of, or with the agreement of, the department; and
- any conditions imposed by the department.

Decision regarding a draft transitional environmental program

The TEP will remain in force until 17 November 2017.

An annual return and the payment of the assessment fee is due within 22 business days after the anniversary day, each year.

The anniversary day is 16 November.

C. Conditions

The draft TEP is approved subject to the conditions set out in Schedule 1.

D. Grounds

- Based on the information provided in the TEP the department has included conditions which are necessary to ensure the TEP achieves the desired outcomes.
- The requested amendment has been approved to accommodate changes required in relation to the refurbishment of the plant.
- An additional condition has been included to manage the potential environmental harm from the activity that sets limits for the quality characteristics of BOD and Ammonia.
- Limits have been determined based on historical data provided by Mareeba Shire Council.
- A condition has been included to clarify that the different term used in the amended TEP, i.e. REMP, is the same program referred to as the EIMP (Environmental Impact Monitoring Program) referred to in the original TEP and in the Environmental Authority EPPR01792213.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).¹

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866).

You may have other legal rights or obligations and should seek your own legal advice.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.ehp.qld.gov.au.

Decision regarding a draft transitional environmental program

F. Fee and annual return

Fees apply for the assessment of an amendment to an approval for a TEP and any subsequent annual returns lodged. The applicable fees are outlined in the attached operational policy - Transitional environmental program fees (EM335).

A total fee of \$213.20 has been determined as appropriate for the assessment of the application, and is in accordance with the operational policy. This fee is payable and an invoice will follow shortly. As your TEP is valid for 12 months or more, an annual return and assessment fee apply while the TEP has effect. These must be submitted to the administering authority no later than 22 business days after each anniversary of the day the TEP was approved. The annual return form for transitional environmental program can be found at www.ehp.qld.gov.au using the reference EM667.

G. Additional information**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 of the Act) 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 department in the approved form.

Obligations under the Act

In addition to the requirements of the TEP and the conditions imposed, 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); and
 - duty to notify of environmental harm (sections 320 - 320G);
- the holder must also ensure that they do not commit offences of:
 - causing serious or material environmental harm (sections 437 - 439);
 - causing environmental nuisance (section 440);
 - depositing prescribed water contaminants in waters and related matters (section 440ZG); and
 - placing contaminant where environmental harm or nuisance may be caused (section 443).

Decision regarding a draft transitional environmental program

Should you have any queries in relation to this notice, please contact Teale Gibbs of the department on telephone number (07) 4222 5385.



Signature



Date

Tim Brain
A/Manager Compliance
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

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Cairns QLD 4870
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Decision regarding a draft transitional environmental program

Schedule 1—Conditions of transitional environmental program MAN18760

The transitional environmental program at the location described above must be conducted in accordance with the following conditions of approval.

Condition number	Condition
1	Where there is any conflict with this decision notice and the Environmental Authority, the conditions in the decision notice and approved transitional environmental program prevail.
2	All other conditions of the environmental authority which do not conflict with this decision notice and the approved transitional environmental program must be complied with.
3	The holder of this decision notice must report in writing to the administering authority in accordance with the Implementation Timeframes of the approved transitional environmental program. The reporting must summarise the progress in the carrying out of the approved transitional environmental program, including performance indicators, completion dates, monitoring results over the period of transitional environmental program and planned future works.
4	For the duration of the transitional environmental program, all site discharge water must be managed in accordance with the Operation and Maintenance Manual.
5	The holder of this decision notice must submit an updated Site Based Management Plan at the end of the transitional environmental program.
6	If the transitional environmental program does not specify a due date within the month, the due date must be read as the last day of the month specified.
7	With the exception of Biochemical Oxygen Demand (BOD) and Ammonia Nitrogen, all Quality Characteristics listed in Schedule 5F.C – Table 1 “Release Quality Characteristic Limits” of the Environmental Authority must be complied with for the duration of the transitional environmental program.
8	For the duration of the transitional environmental program, the following maximum limits apply: - Biological Oxygen Demand (BOD) must not exceed a maximum of 60 mg/L; and - Ammonia Nitrogen must not exceed a maximum of 30 mg/L.
9	The term REMP referred to in the Transitional Environmental Program titled "Mareeba Shire Council, Mareeba Sewage Treatment Plant Upgrade, Transitional Environmental Program (Amended), 06 May 2015" is defined as being the same as the term EIMP referred to in the original Transitional Environmental Program approved in November 2014 and in Environmental Authority EPPR01792213.

