

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

26 October 2016

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).

Background

Your submission for the approval of an amendment to a TEP was received by the department on 27 September 2016.

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

Decision

The administering authority has decided to approve your application with the existing conditions still included.

The approved TEP reference number MAN18760 consists of 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.

The TEP will remain in force until **17 November 2017**.

Decision regarding an amended transitional environmental program

Requirements

Please note that under section 354 of the *Environmental Protection Act 1994* 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.

Fee to assess the draft TEP or amendment to a TEP

Payment of the assessment fee of the TEP is required to be paid.

A total fee of \$228.30 has been determined as reasonable for the assessment of the amendment to the TEP. This fee is payable and an invoice will follow shortly.

Annual Return and annual return fees

As your TEP is valid for 12 months or more, an annual return in the approved Form: Annual return for a transitional environmental program ([ESR/2016/2213](#)) must be submitted to the administering authority no later than 22 business days after each anniversary of the day the TEP was approved.

The anniversary day for this TEP is 16 November.

Grounds

The decision to approve your application is made under the following grounds:

- The requested TEP amendment will not result in increased environmental harm being caused by the carrying out of the activity under the amended approval than the environmental harm that would be caused by carrying out the activity if the approval were not granted.
- The requested TEP amendment:
 - Does not change the greater objective of the TEP to refurbish the STP.
 - Does not substantially change the program of works.
 - Does not change the overall TEP period provided under the original approval.
 - Does not change any of the prescribed effluent quality limits currently in the TEP.

The facts and circumstances forming the basis for these grounds are:

- On 8 September 2016, Mareeba Shire Council advised the administering authority that works on the new STP were progressing well, however the completion date of the physical construction of the STP had been delayed and an amendment of the TEP milestone (December 2016) was identified as being required to achieve compliance with that Notice.
- On 27 September 2016, Mareeba Shire Council lodged a TEP amendment application to change performance indicator dates and reporting requirements. There was no request to change the end date for the TEP which remains as 17 November 2017.

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 administering authority, may be able to apply to have the administering authority review that original decision.

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

Decision regarding an amended transitional environmental program

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the administering authority to decide the application for review; and
- be made using the application for review of an original decision form ([ESR/2015/1573](#)).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 administering authority 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 ([ESR/2015/1572](#)).¹

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

Should you have any queries in relation to this notice, please contact Arun Baskaran of the department on telephone number (07) 4222 5318.



Signature



Date

Manager Compliance
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

Level 3, 5B Sheridan Street
PO Box 7230
CAIRNS QLD 4870
Ph: (07) 4222 5385
Email: ESTownsville@ehp.qld.gov.au

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 an amended transitional environmental program

Schedule 1—Conditions of transitional environmental program reference number 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 updated written procedures in accordance with 5F.G13 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), Total Suspended Solids, Total Nitrogen, Total Phosphorus and Ammonia Nitrogen, all Quality Characteristics listed in Part 5F – Table 1 “Surface Water Release 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: - BOD must not exceed a maximum of 60mg/L - Ammonia Nitrogen must not exceed a maximum of 30mg/L - Total Suspended Solids must not exceed a maximum of 30mg/L - Total Nitrogen must not exceed a maximum of 35 mg/L - Total Phosphorus must not exceed a maximum of 8mg/L.

Decision regarding an amended transitional environmental program

9	For the duration of the transitional environmental program, the following management practices must be implemented: - Inflows must be monitored and bypassed to the effluent lagoons when inflows present a risk of sewage surcharge from the inlet works, gross solids carry over or ragging in downstream structures.
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