

Notice

Environmental Protection Act 1994

Decision to approve a transitional environmental program

This notice is issued by the administering authority pursuant section 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).

RTA Weipa Pty Ltd
123 Albert Street
BRISBANE QLD 4000

Your reference: EPPR03383115
Our reference: MAN19460, CR68203, 101/0008737

17 January 2017

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 RTA Weipa Pty Ltd (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 with respect to the activities of RTA Weipa Pty Ltd on land described as Lot 14 on SP120446 and Lot 15 on SP116851 situated at Lorim Point, Weipa (the premises).

Background

Your submission for the approval of an amendment to a TEP was received by the department on 2 December 2016.

This TEP entitled "Lorim Point STP Transitional Environmental Program – As Amended" relates to upgrading the treatment process at Lorim Point STP focussing on discharge effluent quality. The purpose of this TEP is for the operator of Lorim Point STP to achieve compliance with condition C4 of environmental authority EPPR03383115.

Decision

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

The approved TEP reference number MAN19460 consists of the following:

- the submitted application documents including any amendments made at the request of, or with the

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agreement of, the department; and

- any conditions imposed by the department.
- The TEP will remain in force until **31 May 2017**

Requirements

Please note that, under section 354 of the Act, 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 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 a 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 **23 December**

Conditions

The TEP is approved subject to the conditions set out in Schedule 1 of this notice.

Grounds

The decision to approve your application with conditions is made under the following 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.
- Water quality release information has been used to determine release limit values within the conditions set out in Schedule 1.

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:

- 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

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.

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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*.

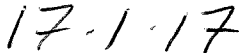
For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court ([ESR/2015/1572](#)).

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 Calvin Quick of the department on telephone number 07 4222 5161.



Signature



Date

Paul Butcher

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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Attachments

Information sheet – Internal review and appeal to Planning and Environment Court ([ESR/2015/1572](#))

Form: Annual return for TEP ([ESR/2016/2225](#))

Copy of amendment of TEP MAN19460 - "Lorim Point STP Transitional Environmental Program – As Amended"

Schedule 1—Conditions of transitional environmental program MAN19460

Decision regarding amended transitional environmental program

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	This decision notice does not affect the obligation of the holder of the decision notice to comply with all conditions of the Environmental Authority which do no conflict with the conditions in this decision notice and the approved transitional environmental program												
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 the transitional environmental program and planned future works.												
4	The holder of this decision notice must submit an updated Site Based Management Plan at the end of the transitional environmental program.												
5	This decision notice does not affect the obligation of the holder of the decisions notice to comply with the Quality Characteristics listed in condition C4 of the Environmental Authority (apart from faecal coliforms).												
6	Releases from the Lorim Point Sewage Treatment Plant (LP STP) must not cause the level of faecal coliforms in the receiving environment of the Embley River to exceed 1,000 CFU/100ml.												
7	Monitoring of the level faecal coliforms must be carried out at the locations and minimum frequencies specified in the table below: <table><tr><th>Monitoring Location</th><th>Location Description</th><th>Minimum Monitoring Frequency</th></tr><tr><td>SW/EMBMID3*</td><td>In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline</td><td rowspan="4">When disinfection of the LP STP effluent has not been occurring for a period of 12hrs or more, a sample must be obtained within 24 hrs, and thereafter weekly while disinfection is not occurring. At all other times monthly</td></tr><tr><td>SW/EMBMID3A*</td><td>In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline</td></tr><tr><td>SW/EMBMID3B*</td><td>In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline</td></tr><tr><td>Outfall Pipeline*</td><td>For information purposes only, discharge point of the LP STP outfall pipeline.</td></tr></table>	Monitoring Location	Location Description	Minimum Monitoring Frequency	SW/EMBMID3*	In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline	When disinfection of the LP STP effluent has not been occurring for a period of 12hrs or more, a sample must be obtained within 24 hrs, and thereafter weekly while disinfection is not occurring. At all other times monthly	SW/EMBMID3A*	In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline	SW/EMBMID3B*	In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline	Outfall Pipeline*	For information purposes only, discharge point of the LP STP outfall pipeline.
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SW/EMBMID3A*	In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline												
SW/EMBMID3B*	In the receiving environment, midstream in the Embley River and downstream of the outfall pipeline												
Outfall Pipeline*	For information purposes only, discharge point of the LP STP outfall pipeline.												

*Monitoring locations are shown in the attachment Figure 1 below.

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Attachment – Figure 1.



Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539 of the Environmental Protection Act 1994 and subordinate legislation. This information sheet replaces the two information sheets (1) Internal review and appeal to Land Court (EM1157) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).

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1 Introduction

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

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

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

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

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

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

What is the relevant court?

Land Court

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

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

Planning and Environment Court

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

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

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

¹ Note: In accordance with section 521(13) internal reviews are not undertaken for an original decision to issue a clean-up notice.

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

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

Division 1—Interpretation

Section 519 Original decisions

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

Section 520 Dissatisfied person

- (1) A dissatisfied person, for an original or review decision, is—
 - (a) if the decision is about an environmental impact statement (EIS) or the EIS process for an EIS—the relevant proponent under chapter 3, part 1, for the project to which the EIS relates; or
 - (b) if the decision is to refuse to accredit an Environmental Risk Management Plan (ERMP)—the person who submitted it; or
 - (c) if the decision is about an application for an environmental authority—the applicant; or
 - (d) if the decision is about an environmental authority, including financial assurance for an authority—the holder of the authority; or
 - (e) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
 - (f) if the decision is about a registered suitable operator—the operator; or
 - (g) if the decision is to give an audit notice under section 322 or 323—the recipient; or
 - (h) if the decision is to conduct an environmental audit or prepare an environmental report for an audit under section 326—the relevant environmental authority holder; or
 - (i) if the decision is about an ERMP direction, environmental investigation or environmental protection order—the recipient; or
 - (j) if the decision is about a transitional environmental program—the holder of an approval for the program or person or public authority that is required to submit, or submits, the program; or
 - (ja) if the decision is about a temporary emissions licence—
 - (i) the applicant for the licence; or
 - (ii) the holder of the licence; or
 - (k) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or
 - (l) if the decision is about recording particulars of land in, or removing particulars of land from, the environmental management register or contaminated land register—the land's owner; or
 - (o) if the decision is about a site management plan for contaminated land—
 - (i) the recipient for the notice to prepare or commission the site management plan, other than for a decision under section 399; and
 - (ii) the land's owner; and

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

2 Internal review of decisions

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

Division 2—Internal review of decisions

Section 521 Procedure for review

- (1) A dissatisfied person may apply for a review of an original decision.
- (2) The application must—
 - (a) be made in the approved form to the administering authority within—
 - (i) 10 business days¹ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the 'review date'); 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.

- (3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - (a) notice of the application (the 'review notice');
 - (b) a copy of the application and supporting documents.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days (the 'submission period') after the application is made to the authority.
- (5) If the administering authority is satisfied the applicant has complied with subsections (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 subsection (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*, s. 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.
- (5) This section applies subject to sections 522A and 522B.

Section 522A Stay of decision about financial assurance

- (1) This section applies to an application under section 522 for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 522B Stay of decision to issue environmental protection order

- (1) This section applies to an application under section 522 for a stay of a decision to issue an environmental protection order.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

3 Appeals to Land Court

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

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

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

Section 524 Right of appeal

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

Section 525 Appeal period

- (1) The appeal must be started within 22 business days after the appellant receives notice of the decision.

- (2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

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

Section 527 Nature of appeal

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

Section 528 Land Court's powers for appeal

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

Section 530 Decision for appeals

- (1) In deciding the appeal, the Land Court may—
- (a) confirm the decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- (2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- (3) However, this part does not apply to a power exercised under subsection (2).
- (4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

4 Appeals to the Court

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

Division 3—Appeals

Subdivision 2—Appeals to Court

Section 531 Who may appeal

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

Section 532 How to start appeal

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

Section 533 Appellant to give notice of appeal to other parties

- (1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - (a) if the appellant is the chief executive—all persons who were given notice 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.
- (5) This section applies subject to sections 535A to 535C.

Section 535A Stay of decision to issue clean-up notice

- (1) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.

- (2) In deciding the application, the Court must have regard to—
- (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

Section 535B Stay of decision about financial assurance

- (1) This section applies to an application under section 535 for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 535C Stay of decision to issue environmental protection order

- (1) This section applies to an application under section 535 for a stay of a decision to issue an environmental protection order.
- (2) The Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

Section 536 Hearing procedures

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

Section 537 Assessors

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

Section 538 Appeals may be heard with planning appeals

- (1) This section applies if—
 - (a) a person appeals against an administering authority's decision (whether an original or review decision)—
 - i. to refuse to accredit an 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 1 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.

5 Judicial review

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

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

Disclaimer

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

Approved:

10 October 2016

Enquiries:

Permit and Licence Management

Email: palm@ehp.qld.gov.au

Phone: 1300 130 372 (Option 4)

Fax: (07) 3330 5875

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

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the Land Court website at www.landcourt.qld.gov.au.

³ Subdivision 1 is about appeals to the Land Court.

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

Approved form

Transitional environmental program

Annual return for transitional environmental program

This form must be completed and submitted to the administering authority¹ each year by the holder of an approval for a transitional environmental program, as required under section 345 of the Environmental Protection Act 1994. Please label any attachments alphabetically (e.g. Attachment A).

GUIDE

Q1. IMPORTANT: This is the period for which all of the questions within this annual return relate to.

If the anniversary day has changed, since your last annual return for a transitional environmental authority, you must ensure that there is no gap in reporting because of the change.

Annual return details

1. Annual return period

FROM	<INSERT return from date>
TO	<INSERT return to date>

2. Current environmental authority number (if applicable)

ENVIRONMENTAL AUTHORITY NUMBER

3. Transitional environmental program (TEP)

CERTIFICATE OF APPROVAL NUMBER

HOLDER OF THE CERTIFICATE OF APPROVAL

PERSON RESPONSIBLE FOR THE IMPLEMENTATION OF TEP
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TITLE/TOPIC OF TEP

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

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Q4. See sections 332 and 333 of the *Environmental Protection Act 1994* for the grounds for creating a transitional environmental program.

4. On what grounds was the program created?

- ☐ Required as a condition of an environmental authority or development approval
- ☐ Required for reduction of environmental harm
- ☐ Required as compliance with an environmental protection policy or regulation could not be achieved
- ☐ Required as a condition of an environmental authority had been contravened
- ☐ Required as a prescribed condition for the carrying out of a small scale mining activity had been contravened
- ☐ Required as a development condition of a development approval had been contravened
- ☐ Voluntarily submitted (including after first submitting a program notice)
- ☐ Other (please describe below)

DESCRIBE GROUNDS

Q5. The objectives to be achieved and maintained will be listed in the contents of the program.

5. List the objectives to be achieved and maintained under the program

OBJECTIVES

Q6. The performance indicators and the time interval can be found in the content of the program documentation that was submitted to the administering authority.

6. List the performance indicators, the timetable to achieve the objectives for each indicator and the progress that has been achieved (attach separate sheets if you require more space)

Performance Indicator	Time interval	Progress to date

Q7. For information about the monitoring requirements, see the provisions for monitoring and reporting in the TEP documentation that was submitted to the administering authority and approved.

7. List the monitoring requirements of the program

MONITORING REQUIREMENTS

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Q8. This question does not authorise late completion of a transitional environmental program. Contravention of a transitional environmental program is an offence under the *Environmental Protection Act 1994*.

8. Do you expect that the program will be completed before the date contained in the program?

- ☐ Yes → provide the projected time of completion below
- ☐ No → go to question 9

MONTH	YEAR

9. Have you fully complied with the conditions in the certificate of approval (if applicable)?

- ☐ Yes
- ☐ No → ☐ I have already provided all non-compliance information to the administering authority. No further documentation has been attached.

OR

- ☐ I have not yet provided non-compliance information and have attached the following documentation.
- a) A statement describing the non-compliance/incident including photographs where appropriate.
 - b) A statement describing the environmental impacts resulting from the non-compliance/incident.
 - c) A statement describing the actions taken to repair any damage to the environment resulting from the non-compliance/incident.
 - d) Details of any monitoring data which exceeded any of the environmental limits set out in the conditions.

10. Do you have any monitoring or reporting requirements as part of the program or as a condition of your certificate of approval?

- ☐ Yes → Go to question 12.
- ☐ No → Go to question 15

11. Do you submit your water-related monitoring and reporting data to the WaTERS database?

- ☐ Yes → Go to question 122.
- ☐ No → Go to question 13.

12. Have you submitted the water-related monitoring and reporting to the WaTERS database?

- ☐ Yes → ☐ All monitoring and reporting has been submitted to the WaTERS

Q11. The Water Tracking and Electronic Reporting System (WaTERS) database has replaced the Point Source Database (PSD).

Important note: Only certain operations will submit data to the WaTERS database. If your site has not been implemented to WaTERS, select 'no' at question 11

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and go to question 12.

For more information about WaTERS, email psd.help@qld.gov.au or phone 13 QGOV (13 74 68).

database. There are no additional monitoring or reporting requirements. Go to question 16.

OR

- ☐ Only some of the monitoring and reporting has been submitted to the WaTERS database. Go to question 133.

☐ No

13. Has all of the monitoring and reporting been carried out in accordance with your certificate of approval?

☐ Yes

- ☐ No → Ensure question 9 is filled out correctly and includes all of the necessary details.

14. Provide a summary of your monitoring and reporting undertaken since your last annual return. Attach the monitoring results where applicable.

REPORT AND/OR MONITORING DATA TITLE	PREPARED BY	DATES COVERED BY REPORT/MONITORING	LOCATION OF REPORT/MONITORING

Q15. The applicable fee is based on the time spent assessing the annual return. The applicable fee payable with this annual return has been set out in the annual notice for a transitional environmental program.

If the assessment time is greater than two hours you will be invoiced for the additional amount.

To pay by credit card you will need to provide contact details so you can be contacted for your credit card payment to be made over the phone.

15. Payment

The applicable fee ² is:	\$
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You may pay the fee via cheque, money order or credit card.

Select the payment method below:

- ☐ Payment by cheque or money order made payable to the Department of Environment and Heritage Protection (attached)
- ☐ Please contact me (the applicant) for credit card payment:

Phone number: _____

² The applicable fee is detailed in the guideline Transitional Environmental Program (TEP) (EM1365). This guideline is available at <www.ehp.qld.gov.au> using the publication number (EM1365) as a search term or through Permit and Licence Management by phoning 13 QGOV (13 74 68).

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Where there is more than one holder of the TEP, this declaration is to be signed by all holders, unless there is an agreement between all holders that one can sign on behalf of the other.

Note: If only one holder is signing this annual return form, they are committing all holders to the content of the application and the declaration.

Where the TEP holder is a company, this form must be signed by an authorised person for that company.

16. Declaration

Note: If you have not told the truth in this annual return you may be prosecuted.

I declare that:

- I am the holder of the transitional environmental program or authorised signatory.
- I have supplied all of the required information.
- the information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.
- I understand that all information supplied on or with this annual return may be made available upon request, subject to the provisions of the *Right to Information Act 2009* and the *Evidence Act 1977*.

TEP HOLDER'S NAME	
SIGNATURE	
POSITION OF SIGNATORY	DATE
JOINT HOLDER'S NAME (IF APPLICABLE)	JOINT HOLDER'S SIGNATURE (IF APPLICABLE)
JOINT HOLDERS NAME (IF APPLICABLE)	JOINT HOLDERS SIGNATURE (IF APPLICABLE)

Applicant checklist

- ☐ Annual return form has been signed and completed
- ☐ Question 9: Non-compliance documentation attached (if applicable)

Please submit your completed annual return to:

Email: palm@ehp.qld.gov.au

Post:

Permit and Licence Management
Department of Environment and
Heritage Protection
GPO Box 2454

Courier or hand delivery:

Permit and Licence Management
Department of Environment and
Heritage Protection
Level 3, 400 George Street

Further information

The latest version of this publication and other publications referenced in this document can be found at www.ehp.qld.gov.au using the relevant publication number (EM1463 for this

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document) as a search term.

BRISBANE QLD 4001

BRISBANE QLD 4001

Business hours: 8:30 am – 4:30 pm
business days

Enquiries:

Permit and Licence Management

Website: www.business.qld.gov.au

Email: palm@ehp.qld.gov.au

Phone: 13 QGOV (13 74 68)

Privacy statement

The Department of Environment and Heritage Protection is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*.

The department is collecting the information on this form in order to assess the progress of your transitional environmental program. The Department is authorised to collect his information under section 345 of the EP Act. The information will only be accessed by authorised employees within the department.

Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law.

All information supplied on this form may be disclosed publically in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 6270.

Lorim Point STP Transitional Environmental Program - As Amended

Stage	Objective of Stage	How the Stage will Reduce Faecal Coliforms	Actions	Dates	Performance Indicators	Status	SAP Action ID
1. Biological Optimisation	Biologically optimise the plant through equipment changes and operational changes, to increase its ability to treat influent sufficiently	Modifications will include the installation of an inlet filter screen to assist in the removal of objects such as rags, plastics, and metals to prevent damage and clogging of plant equipment. This will additionally assist in decreasing the desludging times	Construct a 5m x 3m concrete slab with a perimeter bund (with a ramp at one end) for the screen to be placed on. The concrete slab will also feature a concrete channel that drains into the adjacent sludge holding tank.	To be completed by November 30 th 2015	Concrete slab and channel constructed.	Completed	100863522
			Install one (1) in-tank screen extractor with a 5mm screen including discharge chute, bagging unit, control panel, and manual internal bypass screen	To be completed by December 31st 2015	In-tank screen extractor installed.	Completed	100863523
		Modification will direct the screened wastewater into the bioreactor at a location away from the weir. This modification will also allow the volumes of screened waste water to be recorded.	Redirect the waste water inflow lines to the new screen and installing a new flow meter on the inlet to the screen	To be completed by 31 st December 2015	Waste water inflow lines redirected New flow meter installed on inlet to screen.	Completed	100863525
			Install all pipework, valves and fittings for the screen to bioreactor outflow line and the storm water bypass line.	To be completed by 31 st December 2015	All pipework, valves and fittings for screen installed.	Completed	100863526
			Install all electrical and control panel components	To be completed by 31 st December 2015	All electrical and control panel components installed.	Completed	100863527
			Remove redundant valve pit, distribution box, and flow meter from old inlet line	To be completed by 31 st January 2016.	Redundant valve pit, distribution box and flow meter removed.	Completed	100863528
			Pass existing Bioreactor volume through filter screen.	To be completed by 31 st January 2016	Existing bioreactor volume passed through filter screen.	Completed	100864010
		Modifications will increase the Mixed Liquor Suspended Solids (MLSS) and the sludge age, which will increase the biomass in the bioreactor to effectively treat inflow	Implement an operating strategy to increase the sludge age to optimal or recommended range in a staged approach: - 7 Days - 9.5 Days - 12.2 Days - 15.6 Days	To be completed by : - January 31st 2016 - February 29th 2016 - March 31st 2016 - April 30th 2016	Implement the operating strategy. F:M ratio within recommended range of 0.04 to 0.10 Sludge age increased in line with identified stage approach	Completed	100864011, 100864012, 100864013, 100864014
		Assess effectiveness of Stage 1 modifications	Conduct water quality testing to assess the effectiveness of the Stage 1 modifications and detail in a report submitted to the Administering Authority.	Weekly monitoring to be conducted from the 11 th December 2015 until June 30 th 2016. Report to be submitted by July 31st 2016	Weekly monitoring completed Report to administering authority submitted	Completed	100864016, 100864017

Lorim Point STP Transitional Environmental Program - As Amended

Stage	Objective of Stage	How the Stage will Reduce Faecal Coliforms	Actions	Dates	Performance Indicators	Status	SAP Action ID	
2. Function Design Changes	Modify the plant to improve nutrient removal and include an anoxic treatment phase into the plant cycle	Modifications of pipework will redirect screened waste water into a holding tank to avoid short circuiting and hold peak volumes during high rainfall events. This will improve nutrient removal in the bioreactor.	If Stage 1 modifications are effective in transitioning to compliance to Faecal Coliform release limits in accordance with Condition C4 of Development Approval EHP Permit number SPCE05672613, as required by Environmental Authority EHP Permit number EPPR0383115, no further action under this TEP is required, and a final TEP report will be provided within one month of Stage 1 being completed.		Completed	Completed	100864018	
			If Stage 1 modifications are not effective in transitioning to compliance to Faecal Coliform release limits, RT Weipa will proceed with Stage 2.					
			Clean out sludge lagoon	To be completed by August 31 st 2016				Clean out of sludge lagoon complete.
			Install balance tank pump	If required, to be completed by 30th November 2016				Balance tank pump installed.
			Modify pipework to accommodate additional operational changes	To be completed December 31 st 2016				Pipework modified
		Modifications will include the installation of mixers in the bioreactor. This will reduce nitrate levels.	Modify coding of plant to incorporate changes and new plant operation cycles.	To be completed by December 31 st 2016	Coding of plant modified.	In Progress	100864026	

Lorim Point STP Transitional Environmental Program - As Amended

Stage	Objective of Stage	How the Stage will Reduce Faecal Coliforms	Actions	Dates	Performance Indicators	Status	SAP Action ID
3. Upgrade Plant with Selected Option		Assess effectiveness of Stage 2 modifications	Conduct water quality testing to assess the effectiveness of the Stage 2 modifications and detail in a report submitted to the Administering Authority.	Weekly monitoring to be conducted from August 1st 2016 to November 30th 2016 Report to be submitted by 31st December 2016	Weekly monitoring completed Report to administering authority submitted		100864028, 100864029
			If Stage 2 modifications are effective in transitioning to compliance to Faecal Coliform release limits in accordance with Condition C4 of Development Approval EHP Permit number SPCE05672613, as required by Environmental Authority EHP Permit number EPPR03383115, no further action under this TEP is required, and a final TEP report will be provided within one month of Stage 2 being completed. If Stage 2 modifications are not effective in transitioning to compliance to Faecal Coliform release limits, RT Weipa will proceed with Stage 3.			In Progress	100864050
	Install an additional disinfection treatment system that will achieve compliance to Faecal Coliform release limit	Purchase and installation of an additional disinfection treatment system	Identify, scope and order suitable upgrade option	To be completed by December 31 st 2016.	Selected Option purchased.	Completed	100864053
			Install selected option	To be completed by March 31 st 2017	Selected option installed.	In Progress	100864054

Lorim Point STP Transitional Environmental Program - As Amended

Stage	Objective of Stage	How the Stage will Reduce Faecal Coliforms	Actions	Dates	Performance Indicators	Status	SAP Action ID
		Assess effectiveness of Stage 3 modifications	Conduct water quality testing of key parameters to measure the performance of key equipment within the plant. Complete Final TEP close out report	Weekly monitoring to be conducted from- December 1st 2016 to 31st April 2017 To be completed 31st May 2017	Weekly monitoring completed Achieve compliance to Faecal Coliform release limits in accordance with Condition C4 of Development Approval EHP Permit number SPCE05672613 as required by Environmental Authority EHP Permit number EPPR03383115	Pending	100864055, 100864056