

Notice

Environmental Protection Act 1994

Decision to approve a draft transitional environmental program

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

To: QGC Pty Limited (ACN089642553), BG International (AUS) Pty Limited (ACN130856843), Australia Pacific LNG Pty Ltd (ACN001646331), SGA (Queensland) Pty Ltd (ACN114116068), BG International Limited (ACN114818825), CNOOC Coal Seam Gas Company Pty Ltd (ACN142591179), Tokyo Gas QCLNG Pty Ltd (ACN147864319).

QGC Pty Limited
Level 30, 275 George Street
BRISBANE QLD 4000

Our reference: 101/0006086/MAN19660

26 June 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 a draft transitional environmental program (TEP) is issued to QGC Pty Limited ACN 089 642 553 (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 QGC Pty Limited ACN 089 642 553 at the Kenya Central Processing Facility and associated gas fields on PL's 180, 228, 179, 229 situated at the Kenya Project Area (the premises).

Background

Your submission for the approval of a draft TEP was received on 28 April 2017 with an amended draft TEP being received by the department on 29 May 2017.

This TEP entitled Transitional Environmental Program for QGC Kenya Project Area relates to reducing environmental harm caused by the activity and achieving compliance with the noise limits under condition E7 of Environmental Authority EPPG00878413.

Decision

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

CM

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The approved TEP reference number MAN19660 consists of the following:

- the submitted application documents including any amendments made at the request of, or with the agreement of, the administering authority described in Transitional Environmental Program for QGC Kenya Project Area; and
- The conditions described below in Schedule 1 and imposed on you by the administering authority.
- The TEP will remain in force for the period of **1 May 2017** until **30 September 2018**.

Requirements

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 \$4670.40 has been determined as reasonable for the assessment of the draft TEP. This fee is payable by **30 July 2017** 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 **26 June**.

Conditions

The draft 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:

- You submitted a draft TEP on 28 April 2017 with an amended draft TEP being received by the department on 29 May 2017, stating that under section 330(1)(a) of the Act you would reduce environmental harm caused by the activity by achieving compliance with Condition E7, Schedule E, Table 1 – Noise Limits at Sensitive Receptors (EPPG00878413).
- The draft TEP you submitted also stated that under section 330(1)(c)(i) of the Act you would comply with a condition of an Environmental Authority (EA)/development condition, being Condition E7, Schedule E, Table 1 – Noise Limits at Sensitive Receptors (EPPG00878413).
- The draft TEP has been assessed in accordance with the criteria in section 338 of the Act. The standard criteria and any additional information provided in relation to the draft TEP has also been considered. The draft TEP also meets the content requirements under section 331 of the Act.
- Conditions have been developed to confirm and clarify the requirements for compliance with the relevant Environmental Authority conditions and the requirements for noise monitoring during the period of the approved TEP.
- The TEP is approved on the grounds that by the completion of the program, you will no longer cause a noise nuisance at the identified sensitive receptor location in contravention of condition E7, Schedule E, Table 1 – Noise Limits at Sensitive Receptors (EPPG00878413).

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

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- On 21 November 2016, QGC provided to the department a report 'Environmental Protection Order (STAT1085) Long Term Noise Monitoring October-November 2016 (Requirement 1 and 2 EPOSTAT1085)' which confirmed during four 15min sample periods, night time noise limit of 28dBA (10pm and 6am) were exceeded at the representative location.
- The predominant noise source identified was the Kenya Central Processing Plant with possible contributions from high point vents.
- QGC has monitored noise levels at a 'representative location' relative to the identified sensitive receptor location as a requirement of an Environmental Protection Order STAT1085. This monitoring indicated non-compliance with Condition E7, Schedule E, Table 1 – Noise Limits at Sensitive Receptors (EPPG00878413).

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

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*.

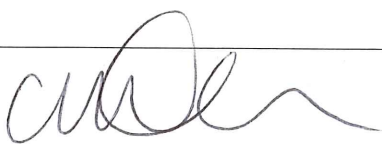
For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court ([ESR/2015/1572](#)).

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

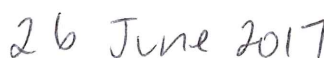
Should you have any queries in relation to this notice, please contact Sthree Hilton of the department on telephone number (07) 45298385.

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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Signature



Date

Clancy Mackaway
 Manager (Compliance)
 Delegate of the Chief Executive
 Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

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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 draft TEP or amendment of a TEP MAN19660

Schedule 1—Conditions of transitional environmental program MAN19660

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

Condition number	Condition
Agency interest: Monitoring and Reporting	
TEP - 1	You must comply with Environmental Authority EPPG00878413 condition E7 by 1 November 2017.
TEP - 2	You must demonstrate compliance with Environmental Authority EPPG00878413 condition E7 from 1 November 2017. You must ensure an independent acoustic expert undertakes noise monitoring for at least one week each month at the sensitive receptor or representative location from 1 November 2017 to 30 September 2018. By the first day of each month you must submit a report to the administering authority which outlines if the results of the noise monitoring comply with Environmental Authority EPPG00878413 condition E7.