
Decision regarding a draft transitional environmental program

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).

Mareeba Shire Council
65 Rankin Street,
Mareeba, QLD 4880

Your reference: Transitional Environmental Program for Mareeba Landfill - Surface Waters

Our reference: MAN19680

28 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 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 with respect to the activities of Mareeba Shire Council at Mareeba Landfill on Lot 517 Plan SP171524 situated at Vaughan Street, Mareeba, Qld 4880 (the premises).

Background

Your submission for the approval of a draft TEP was received by the department on 31 May 2017

This TEP entitled "Transitional Environmental Program for Mareeba Landfill - Surface Waters" and dated 31 May 2017 relates to Mareeba Shire Council's objective to achieve compliance with conditions 3-W2, 3-W3, 3-W5, 3-W7, 3-W8 and 3-W9 of Environmental Authority (EA) EPPR01792213.

Decision

The administering authority has decided to approve your application.

The approved TEP reference number MAN19680 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 Mareeba Landfill - Surface Waters" dated 31 May 2017; and
- any conditions imposed by the administering authority.

The TEP will remain in force for the period of 28 June 2017 until **30 June 2018**.

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Requirements

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.

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 \$3,144.40 has been determined as reasonable for the assessment of the draft TEP. An invoice for this fee will follow shortly.

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:

- On 17 February 2017 you submitted a Program Notice for non-compliance with conditions 3-W2 and 3-W7 of EA EPPR01792213.
- Section 330 of the Act provides for a transitional environmental program (TEP) that when complied with, achieves compliance with the Act for the activity to which it relates by detailing the transition of the activity to comply with conditions of an environmental authority for the activity.
- Mareeba Shire Council has submitted a TEP to transition to compliance with conditions of its EA EPPR01792213 for the activity of waste disposal at the premises.
- Under section 338 of the Act, the regulatory requirements, standard criteria and relevant additional information were considered. As a result of these considerations, and specifically considerations about the protection of the environmental values of water, additional conditions are detailed in Schedule 1.
- The additional conditions imposed by the department clarify some commitments made by Mareeba Shire Council in the draft TEP. These conditions relate to setting reporting requirements associated with the erosion management construction completion dates; issues of primary importance to the purpose of the TEP and the department.

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

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- 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/2015/1742](#)).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 Ing Toh of the department on telephone number 07 4222 5355.



Signature



Date

Tim Brain

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Ing Toh

Ph: (07) 4222 5355

Email: ing.toh@ehp.qld.gov.au

Attachments

Copy of the Environmental Authority with the notation of approval of the TEP.

Copy of draft TEP MAN19680 "Transitional Environmental Program for Mareeba Landfill - Surface Waters" dated 31 May 2017.

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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Schedule 1—Conditions of transitional environmental program reference number MAN19680.

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

Condition schedule: General	
Condition number	Condition
G.1	By no later than 22 December 2017, Mareeba Shire Council must submit to the department a report confirming construction of at least 80% of the erosion and sediment control measures detailed in the Surface Waters Management Plan required in Action 3 of the TEP.
G2	By no later than 19 January 2018, MSC must submit to the department a report confirming construction of all erosion and sediment control measures detailed in the Surface Waters Management Plan required in Action 3 of the TEP.