

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice of decision on an environmental report for an environmental investigation

This notice is issued by the administering authority pursuant to section 326G(4) of the Environmental Protection Act 1994 to advise you that the administering authority has decided to Choose an item. an environmental report for an environmental investigation.

Whitsunday Regional Council
83-85 Main Street
PROSERPINE QLD 4800

Your reference: EPPR00190813

Our Reference: CA38878 / STAT1235

18 September 2018

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice of decision to accept an environmental report for an environmental investigation is issued to Whitsunday Regional Council (you) by the administering authority. The administering authority is the Chief Executive of Department of Environment and Science (the department).

The notice of decision to accept an environmental report for an environmental investigation is issued with respect to the activities by you on land described as the Kelsey Creek Landfill, Lot 160 on SP171910, Lot 277 on SP113325, and Lot 299 on SP113325 situated at Kelsey Creek Road, Proserpine QLD (the premises).

The decision

The decision to accept an environmental report about a stated matter is based on the following grounds:

1. You hold environmental authority EPPR00190813 (EA) (previously registration certificate ENRE00693807 and conditions prescribed in developmental approval IPDE00656507), approving environmentally relevant activity (ERA) 60 – Waste disposal, less than 50,000t of waste in a year [subsection 1(a) of the *Environmental Protection Regulation 2008*] and more than 20,000t, but less than 50,000t of waste in a year [subsection 2(e) of the *Environmental Protection Regulation 2008*] at the Kelsey Creek Landfill.
2. A notice requiring you to conduct or commission an environmental evaluation was given to you on 2 November 2017.
3. A request to extend the timeframe for the submission of the environmental report and remediation action plan was submitted to the department on 20 December 2017.
4. A notice approving the extension request was given to you on 30 January 2018.

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5. An environmental report was submitted to the department by you on 21 August 2018.

Specific Matters

The department is satisfied the report provided by you on 21 August 2018 generally addresses the requirements that were detailed in the notice which was given to you on 2 November 2017. However, the following concerns have been identified by the department:

1. Potential impacts in comparison to background values were identified in MW5 located adjacent to the lined landfill cells on the southern portion of the site. Further investigations are required to assess the source and extent of the elevated contaminant concentrations at this bore (requirement 6 and 13 of the notice STAT1235).
2. There was insufficient data to make a reliable comparison of certain parameters against the assessment criteria and determining impacts to environmental values. This was identified as a key data gap with further monitoring and assessment required (requirement 16 of the notice STAT1235).
3. Implementation of the recommendations detailed in section 13.2 of the environmental report for the Kelsey Creek Landfill.

As a result, the department is currently considering issuing a further statutory tool pursuant to section 326H of the Act.

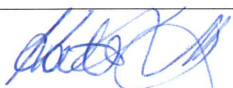
Please also note that as a result of the above matters, you are no longer required to submit the Remediation Action Plan on 20 November 2018. Any remedial actions required will be captured under the statutory tool currently being considered by the department.

Review and appeal

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*.

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 Naomi Camilleri of the department on telephone number (07) 4999 6884.



Signature

18 September 2018

Date

Kate Harbert
Manager (Compliance)
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

Enquiries:

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