

Smith Kim

From: Smith Kim
Sent: Thursday, 10 February 2011 4:35 PM
To: [REDACTED] s.73 irrelevant information
Subject: s.73 irrelevant information, ATP806, [REDACTED] s.73 irrelevant information Amendment Applications

Attachments: OME EOT & INF REQ ATP806 10 2 11.pdf; PURE ENERGY EOT & INFO REQ [REDACTED] s.73 irrelevant information
INF REQ.pdf; is-bi-review-and-appeal-court[1].pdf



OME EOT & INF
REQ ATP806 10_2_

[REDACTED] s.73 irrelevant information

Hi [REDACTED] s.73 irrelevant information

Please find the information requests for all 5 amendment applications as discussed.

s.73 irrelevant information if GGC wishes to delay the fracking pond component of the amendment to get the seismic component approved sooner just let me know.

I've sent the original copies today by post.

Regards

Kimberley Smith

Senior Environmental Officer

Petroleum and Gas Unit

Environment and Natural Resource Regulation

Department of Environment and Resource Management

Telephone No: (07) 3330 5609

Facsimile No: (07) 3330 5634

Email: kimberley.smith@derm.qld.gov.au

www.derm.qld.gov.au

Department of Environment and Resource Management

GPO Box 2454, Brisbane, QLD 4001.

Smith Kim

From: Nand Parma
Sent: Friday, 4 February 2011 3:41 PM
To: s.73 irrelevant information
Cc: Smith Kim; Menzies Janet
Subject: RE: Amendment of level 2 EA's for seismic

Hi s.73 irrelevant information

Your applications are being processed. Kim Smith is your Project Manager and the decision dates have been extended to 11/2/11.

Regards

Parma Nand

Team Leader

Petroleum and Gas Unit

Environment and Natural Resource Regulation

Department of Environment and Resource Management

Telephone No: (07) 3330 5616

Facsimile No: (07) 3330 5634

Email: parma.nand@derm.qld.gov.au

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Department of Environment and Resource Management

GPO Box 2454, Brisbane, QLD 4001.

*Nominations for the 2011 Premier's ClimateSmart Sustainability Awards, which recognise Queenslanders who are ClimateSmart champions achieving excellence in sustainability, are open until **Friday 4 March 2011**. For more information on how to enter visit www.derm.qld.gov.au/premiersawards*

From: s.73 irrelevant information
Sent: Friday, 4 February 2011 3:35 PM
To: Nand Parma
Cc: Losada Vanessa
Subject: Amendment of level 2 EA's for seismic

Hi,

I am just following up on a number of EA amendment applications which were lodged to allow QGC to walk geophones through ERE to undertake our seismic program.

The amendments were for ATP806, s.73 irrelevant information

These were lodged on the 20th December which makes the application date 6th January. Thus the decision date should have been yesterday for these applications.

Can you please advise whether these applications have been approved or whether an extension of time has been granted?

Hope you have a great weekend

Many thanks,

s.73 irrelevant information

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Notice

Environmental and Natural Resource Regulation

Additional information required

This statutory notice is issued by the administering authority pursuant to Section 556 of the Environmental Protection Act 1994, to advise you of a decision to require additional information for your application.

OME Resources Australia Pty Limited
Level 30, 275 George Street
BRISBANE QLD 4000

Your reference : ATP806/PEN200013707

Our reference : 335806/BNE40250-1

Attention: Ms [REDACTED] s.73 irrelevant information

**RE: Application for amendment of a level 2 Environmental Authority (Chapter 5A Activities)
PEN200013707 by OME Resources Australia Pty Limited at Authority to Prospect (ATP) 806.**

The existing Environmental Authority (EA) PEN200013707 covers the following:

Authorities to Prospect:

806

Scope of EA amendment application:

OME Resources Australia Pty Limited has applied to the Department of Environment and Resource Management (DERM) to amend its existing level 2 EA PEN200013707 to permit the following petroleum activities within environmentally sensitive areas:

- limited petroleum activities; and
- ponds containing stimulation fluids.

The administering authority has reviewed the application and the supporting information received on 22 December 2010 and requests OME Resources Australia Pty Limited provide the following additional information to assist DERM to appropriately assess and decide the application:

1. Ponds Containing Stimulation Fluid (Fracturing Ponds)

The application requests that the definition of limited petroleum activities is changed to include hydraulic fracturing ponds. DERM does not consider fracturing ponds to be consistent with limited petroleum activities and therefore does not support the installation of these ponds within environmentally sensitive areas and associated protection zones due to the nature of the contaminants, and risk of environmental harm within

Additional information required

these protected areas. DERM intends to assess each pond on a case by case basis against the *Environmental Protection Act 1994* standard criteria.

DERM requests the following information:

- Location (GPS coordinates etc.) of all proposed fracturing ponds;
- A description of the chemicals/contaminants used in the stimulation activities and consequently stored within the proposed ponds (including total mass, composition and properties), their mixtures and the resultant compounds that are stored in the ponds;
- Identify environmental values/sensitive receptors at each pond location and potential impacts on these environmental values/sensitive receptors;
- Design standards of ponds. This should also include methods to minimise impacts on environmental values/sensitive receptors; and
- Justification that stimulation activities and ponds are essential and that no other alternatives are available.

2. Seismic Activities

Please provide a copy of QGC Pty Ltd's "Seismic Survey Information Flyer, April 2010" referenced in the application's supporting information.

3. Relevant Resource Authorities – Data Acquisition Authority (DAA)

The document "Support Information – Bowen Basin Exploration Program EA Amendment" (Rev 0, November 2010) refers to authorisation of seismic activities within some Category B and C environmentally sensitive areas of DAA 9. The current environmental authorities do not refer to the DAA 9, and the amendment application forms do not refer to adding a new resource authority to a chapter 5A activity project.

Please provide:

- Confirmation that the DAA is to be added to an existing environmental authority, and the environmental authority number that the DAA is to be added to.
- Evidence that a relevant resource authority application has been made to the Department of Employment, Economic Development and Innovation.
- Addendum of supporting information for DAA 9, including a map depicting the proximity of seismic lines to environmentally sensitive areas.

4. Seismic Activities within Environmentally Sensitive Areas and Protection Zones

The proposed conditions (4 and 5, pg 16) would permit seismic surveys to be undertaken in Category C ESAs or associated protection zones only. This excludes DAA 9 where the proposed condition (6, pg 17) would permit seismic activities to be undertaken in Category B ESAs (endangered RE), protection zones, and Category C ESAs.

Please provide confirmation that entry into Category B ESAs and protection zones for the purpose of seismic activities relates to DAA 9 only.

5. Drilling Activities

Please complete the below table in relation to existing and proposed activities.

Schedule A, Table 1 – Authorised Petroleum Activity(ies)

Tenure No.	Petroleum Activity	Number of Existing Petroleum activity(ies)	Number of Proposed Petroleum activity(ies)	Maximum size (where applicable)
	Seismic (kms)			
	Total wells			
	Exploration Wells (indicative)			
	Appraisal Wells			

Notice
Additional information required

	(indicative)			
	Development Wells			
	(indicative)			
	Compressor Station(s)			
	Regulated dam(s) >401 megalitres			
	Regulated dam(s) <400 megalitres			
	Non-regulated dam(s)			
	Water treatment Facility(ies)			
	Brine Encapsulation Facility(ies)			
	Sewage Treatment Plant(s)			

Note 1: Development wells will only be authorised when the applicant holds or has made application for a petroleum lease.

Note 2: Total wells equals the sum of exploration, appraisal and development wells.

The information requested in this Notice is to be provided to the administering authority in writing by no later than closure of business, 23 March 2011.

You may apply to the administering authority for a review of the decision to request additional information within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this Notice. This information is intended as a guide only. You may have other legal rights and obligations.

If you have any questions in relation to this Notice, please contact Kimberley Smith of DERM on telephone (07) 3330 5609.

sch4p4(6) Personal information

Signature

10 FEBRUARY 2011

Date

Parma Nand
Delegate
Environmental Protection Act 1994

Enquiries:

Department of Environment and Resource
Management
Gas and Petroleum Unit
Level 7, 400 George Street
BRISBANE QLD 4000
GPO Box 2454
BRISBANE QLD 4001
Ph. (07) 3330 5609 Fax. (07) 3330 5634

Smith Kim

Release

From: s.73 irrelevant information
Sent: Wednesday, 9 March 2011 4:41 PM
To: Smith Kim
Cc: s.73 irrelevant information
Subject: RE: s.73 irrelevant information ATP806, s.73 irrelevant information Amendment Applications
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Signed Response to s.73 irrelevant information Signed Response to FIR ATP 806.pdf;
Signed response to s.73 irrelevant information

Hi Kim,

Please find attached scanned copies of the responses to the information requests QGC received on 10 February 2011 for s.73 irrelevant information ATP 806 & s.73 irrelevant information

The original signed letters are in the post today addressed for your attention.

s.73 irrelevant information

I will forward a copy of the seismic survey fact sheet to you in a separate email because the file size was too large to include in this email.

Please don't hesitate to contact me if you have any queries regarding this.

Kind Regards,

s.73 irrelevant information

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Sent: Thursday, 10 February 2011 4:35 PM
To: s.73 irrelevant information

Subject: ATP806,

s.73 irrelevant information

Amendment Applications.

Release

<<OME EOT & INF REQ ATP806 10_2_11.pdf>>

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review-and-appeal-court[1].pdf>>

Hi s.73 irrelevant information

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h 78B, Section 78B(2)(c) - Individuals Privacy if GGC wishes to delay the fracking pond component of the amendment to get the seismic component approved sooner just let me know.

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Regards

Kimberley Smith

Senior Environmental Officer

Petroleum and Gas Unit

Environment and Natural Resource Regulation

Department of Environment and Resource Management

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Department of Environment and Resource Management

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EHP RTI DL Release

Permit and License Management
Department of Environment and Resource Management
GPO Box 2454
BRISBANE QLD 4001

9th March 2011

Dear Sir/Madam,

Re: Request for further information on the application for an amendment to Level 2 Environmental Authority PEN200013707 over ATP 806.

OME Resources Australia Pty Ltd has applied to amend its existing level EA PEN200013707 to permit the following Level 2 petroleum activities:

- Limited petroleum activities
- Ponds containing stimulation fluid within ERE buffer zones

DERM has requested additional information to assist in the assessment of this application. QGC Pty Limited (QGC) acting on behalf of OME Resources Australia provides the following additional information:

1. Ponds containing stimulation fluid (Fracturing Ponds)

Hydraulic fracturing (fracking) is a process using high-pressure pumps to inject mostly water and sand into wells to increase the porosity of the target formation(s). Sand is used as a proppant to keep the fractures open once the hydraulic pressure is reduced.

Hydraulic fracturing ponds are temporary structures constructed adjacent to a well pad to provide a short term storage location for hydraulic fracturing fluids (mostly water, with some chemicals and sand added). These ponds are required to be installed adjacent to a well site for a frac procedure to be undertaken. It is not currently a practical solution to install these ponds away from the well lease due to the logistical problems in moving the water between the sites. QGC requested permission to install these frac ponds within the endangered regional ecosystem (ERE) buffer zones where required. to assist QGC in appraising the CSG potential of the tenement.

Fracturing fluid (frac fluid) comprises water, sand and chemicals that are combined and injected into the coal seam at high pressure. The fluid is formulated with chemicals, or additives, that aid the frac process (e.g. viscosifiers, surfactants, pH control agents) and biocides that inhibit biological fouling and subsequent downhole corrosion. Water and sand comprise more than 99% of the frac fluid and chemical additives comprise less than 1% of the fluid.

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Frac ponds will have a construction footprint of approximately 1ha, and an operational footprint of approximately 2000m² to 5000m². Frac ponds are used to store the water required for the frac process and to store the initial flowback and produced water. All frac ponds are temporary structures that will be HDPE lined.

In regards to the request for the identification of Environmental values at each pond location within an ERE buffer, this is not currently possible as the pond details at this date have not been assessed on ground by an environmental representative. These assessments will be undertaken and QGC will provide details to DERM once the information becomes available.

All frac pond locations undergo an environmental site assessment prior to being selected as a frac pond site. This environmental assessment is undertaken by an environmental professional to ensure that the site is environmentally responsible and complies with all licence conditions. This assessment is consistent with assessments undertaken for well sites and follows the same criteria. All frac ponds are also fenced to ensure that stock and other wildlife is excluded from the frac pond area.

QGC recognises frac ponds as temporary structures and as such endeavours to rehabilitate frac pond locations within a reasonable timeframe following the completion of the fracture job. The rehabilitation will be conducted pursuant to the conditions of the EA. Generally this will involve the removal of the HDPE liner, reprofiling of the land followed by reseeding/revegetation with species consistent with the surrounding areas. If soil testing is deemed necessary it will be undertaken as required.

Where alternate options are practicable and feasible for QGC, such as the use of tanks to store this fluid, these alternate option/s will be used within these sensitive areas in preference to the construction of a pond. However, not all locations and fracing requirements support the use of tanks.

DERM has indicated in its request for Additional Information Required that it will not include frac ponds within the definition of limited petroleum activities. QGC request that DERM include a condition in the amended EA setting out the application and assessment process for QGC to apply for approval of a frac pond located within an ERE buffer within a reasonable timeframe. It would be preferable if this was through receiving written authorisation from DERM to construct the frac pond at the location, as opposed to requiring a full EA amendment. QGC would be happy to provide sufficient information for DERM to make an assessment of the application, prior to receiving such an authorisation.

QGC seeks a condition that would allow QGC in situations where it is suitable, to have such a pond in these areas as a means to seek consent from DERM.

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2. Seismic Activities

A copy of QGC's Seismic Survey Information Flyer has been attached to this letter.

3. Relevant Resource Authorities – Data Acquisition Authority (DAA)

The reference to DAA 9 mentioned in the amendment application which stated "When undertaking seismic activities within 'Endangered' RE, 'Endangered' RE buffer and Of Concern RE on DAA 9" was actually a mistake and should have stated "ATP 806" in place of DAA 9 for this application. For this reason QGC ask that the additional information requests for points 3 and 4 be removed.

Accordingly, QGC would like to formally amend its application so that conditions 4 to 6 read:

Condition 4 – Category A, B and C Environmentally Sensitive Areas (ESA)

The holder of this environmental authority must ensure that petroleum activities:

- (a) are not conducted in or within 200m of any Category A, B or C ESA;
- (b) do not involve activities other than limited petroleum activities within 1km of a category A ESA, or within 500m of a listed category B or C ESA (buffer zone)

Condition 5 remains the same

Condition 5A remains the same

Condition 5B remains the same

Condition 5C remains the same.

Condition 6 – Conducting seismic activities within Endangered RE, Endangered RE Buffer and Of Concern RE.

When undertaking seismic activities within Endangered RE, Endangered RE Buffer and of concern RE, the holder of the environmental authority must:

- (a) Not cause disturbance and/or clearing of vegetation within the endangered RE, endangered RE buffer and Of Concern RE
- (b) Use existing access and fence line transect and other disturbed areas
- (c) Not construct new access tracks
- (d) Conduct seismic activities by foot where there are no existing access tracks
- (e) Not clear or stick rake in any Endangered RE
- (f) Utilise existing vehicular crossings for seismic activities in watercourses and where vehicular crossings do not exist, either:
 - a. Deploy and retrieve geophones and cable through the crossing by foot; or
 - b. Skip acquisition over the watercourse and start on the other side.

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- (g) Not establish exploration camps within the Endangered RE, Endangered RE Buffer or Of Concern RE
- (h) Commence rehabilitation of lines as soon as practicable but not more than one month after completion of line acquisition ; and
 - a. Monitor lines following rehabilitation at intervals not longer than three (03) monthly for the first 12 months, or until demonstrated that:
 - b. The landform is stable and similar to that of the surrounding undisturbed areas; and
 - c. Vegetation is successfully re-established.

New Condition Proposed: Condition 7 – Hydraulic Fracture Ponds within Endangered RE buffer zone.

Any pond for the purposes of holding hydraulic fracturing fluids within an ERE buffer zone must have its location approved in writing by the administering authority, prior to any disturbance occurring. The holder should provide:

- GPS coordinates of proposed pond site;
- Environmental assessment of the site (including photographs) detailing the potential environmental impacts on the ERE area.

The details above should be submitted to the administering authority prior to disturbance and allow 20 business days for the administering authority to respond to the application.

4. Drilling activities

Given the type of tenure held by QGC, namely an Authority to Prospect, the location and extent of exploration drilling activities has not been fully determined. QGC are working to appraise the CSG potential of ATP 806 as the initial focus, with further exploration drilling locations to be determined after further investigations and data acquisition from these wells. For these reasons a full drilling schedule detailing where wells are proposed to be drilled is not possible.

Under QGC's ATP only certain petroleum activities are authorised. For this reason Schedule A, Table 1 – Authorised Petroleum Activity(ies) mentioned in item 5 of the information, which appears to be taken from the DERM Level 1 Model EA conditions and include a number of irrelevant activities, cannot be properly completed by QGC. It is proposed that this table is not included in a Level 2 Exploration tenement EA. It is also noted that a majority of the petroleum activities mentioned in the table are not authorised under a level 2 EA. QGC request that DERM do not include this table in the amended EA, as the drilling schedule for the tenement will be determined fully following the initial exploration wells.

The work program provided to DEEDI for the tenements details the minimum works that will be undertaken on the tenement by, or on behalf of, the holder.

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Should DERM not agree on the conditions suggested above QGC requests that a draft EA is provided by DERM to QGC for review, showing DERM's proposed conditions. It is proposed that further discussions can be held after this to negotiate appropriate conditions.

If you have any inquiries regarding this application please contact s.73 irrelevant information at QGC Pty Limited on

s.73 irrelevant information

Yours faithfully

s.73 irrelevant information

EHP RTI DL Release

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Release

Smith Kim

From: s.73 irrelevant information
Sent: Wednesday, 9 March 2011 4:47 PM
To: Smith Kim
Subject: s.73 irrelevant information ATP806, s.73 irrelevant information Amendment Applications
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Seismic_Survey Fact Sheet.pdf

Hi Kim,

As detailed in my previous email, please find attached a copy of the seismic survey information fact sheet that the letters refer to.

Kind Regards,

s.73 irrelevant information

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Senior Environmental Officer

Petroleum and Gas Unit

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Department of Environment and Resource Management

Telephone No: (07) 3330 5609**Facsimile No:** (07) 3330 5634**Email:** kimberley.smith@derm.qld.gov.au**www.derm.qld.gov.au**

Department of Environment and Resource Management

GPO Box 2454, Brisbane, QLD 4001.

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FACT SHEET

Seismic surveys

Seismic surveys are widely used around the world to produce a detailed image of the geology beneath the earth's surface. Oil and gas companies use this information to accurately plan the location of gas wells. This helps keep land disturbance to a minimum.

As part of our coal seam gas operations in southern Queensland, QGC Pty Limited will conduct seismic surveys, sometimes on private or leasehold land.

Seismic surveys are done under licences granted by the Queensland Government, either under Authorities to Prospect or Petroleum Licences, and are subject to associated environmental conditions.

This document provides landholders with more information about seismic surveys, in particular:

- What do seismic surveys involve and why are they necessary?
- What does QGC do to minimise the impact of seismic surveys on land holders?
- Is compensation available for disturbances from a seismic survey?
- Who can I contact for more information?

Seismic theory

Oil and gas companies use seismic surveys to produce a detailed image of the geology beneath the earth's surface. Data from the surveys are used to plan well locations, allowing companies to avoid drilling unnecessary wells. This helps ensure we keep land disturbance to a minimum.

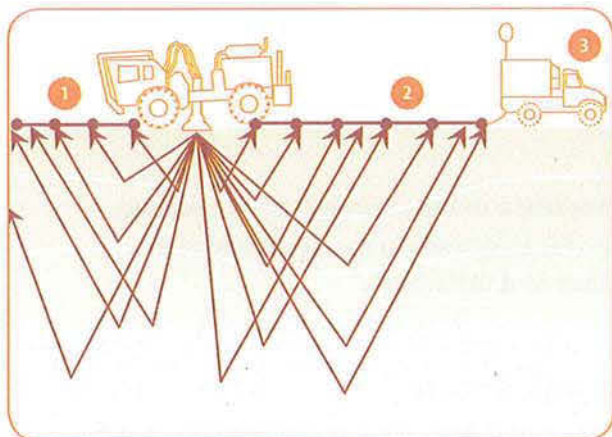
Seismic surveys have two main components. In the first, vibroseis trucks vibrate the earth's surface to send acoustic waves into the earth. This is done for about eight to 12 seconds every 10 to 15 metres along straight lines. If you stood next to a truck you may feel a tingling in your toes. These vibrations are rarely felt more than 20 metres from the truck.

In the second step, receivers pick up and record a reflected signal. The receivers are connected to a central recording truck by wires that run along the seismic line.



Vibroseis trucks send acoustic waves into the earth. A recording truck is connected to up to 10km of cable to receive the seismic signal.

FACT SHEET



Vibroseis trucks ① send acoustic waves into the earth. The waves are reflected back and recorded by sensors ② which are in turn connected by up to 10km of cable. A recording truck connected to the cable receives the signal ③.

What happens during a seismic survey?

Initially, the location and route selection of the seismic lines is done in the office, using maps, satellite images and aerial photographs. It is important for data quality that the lines are kept as straight as possible.

In some sensitive areas, where vibroseis trucks cannot reach, other means may be used to generate acoustic waves. These include hand held vibrating equipment similar to that used to tamp road works. Another technique involves using small explosive devices planted in covered bores one to two metres deep.

The route of the seismic lines takes into account areas of subsurface interest and existing seismic line locations. To minimise the impact on land holders, the sides of roads, power line easements and fence lines are used as much as possible. It is not possible to route all lines so that they avoid private or leasehold land.

After the seismic line is determined in the office, it is checked in the field. When it has been checked on the ground and a provisional route selected, QGC's land access team seeks the formal consent of landholders for access. This agreement is known as a "consent to entry". When consent to entry is granted, and rules of access agreed, QGC and the landholder will scout the most acceptable route for the seismic line.

The route is then inspected by traditional owners of the land to check for cultural heritage sensitivities. An environmental scientist will also check for rare plants and animals, weed infestations and other environmentally sensitive areas. A surveyor then marks each receiver and source position on the seismic line with a wooden stake. Access routes are marked with coloured flags.

QGC compiles a detailed map of the route which is then used to calculate compensation due to the landholder. This calculation is attached to a formal agreement and signed by the landholder and QGC.

Throughout the seismic survey, QGC's land access team will advise when activities will commence and will remain the point of contact with landholders. All seismic crew will be made fully aware that they must comply with landholders' access rules while on their land.

Note that the drilling of shallow holes on the seismic line approximately 10km apart is sometimes necessary during a seismic survey. These holes are about 100 to 150 metres deep and are used to determine the velocity of seismic waves in the near surface. After the hole has been drilled and velocity measurements taken, the hole is immediately filled and rehabilitated.

Where land access agreements require it, QGC will ensure that all equipment used in seismic surveys is washed down and certified by qualified third-party experts before leaving one property and entering another.



When QGC conducts seismic surveys on private property our land access team will first seek the formal consent of landholders for access.

Equipment

Seismic data acquisition starts when the final route of the seismic line has been agreed and the recording equipment is deployed. Up to 10km of seismic cable is laid out on the ground at any one time, usually deployed by a group of about 19 people.

To help reduce environmental impacts along the seismic line, QGC uses modified equipment carriers to minimise impact on vegetation that has been cleared by a mulcher. Equipment may include utility vehicles with wider tyres or lighter John Deere Gator vehicles.

Clearing may be necessary if some sections of the seismic line are inaccessible due to excessive foliage or rough terrain. In such cases, equipment is carried by hand and the vehicles, including the vibrating equipment, follow the easiest path, even if this means they are some distance from the cable line.

QGC uses mulchers which can cut a path through vegetation close to the surface without damaging the root system. This allows plants to rapidly regrow and return to their original state. The use of graders and bulldozers is kept to a minimum and is a last resort in rough terrain.

Seismic sensors have a highly sensitive moving coil magnet encased in plastic with a 5cm metal spike that allows them to be buried just below the surface in lines 1.5 metres apart. The strings of sensors are in turn connected to a line cable that sends data to a recording truck.

The line is powered by 12 volt batteries. When the seismic line crosses roads or tracks, cables are either put in rubber mats or buried to protect them from traffic.

The vibroseis truck starts at the beginning of the line, vibrating the ground at points marked by wooden stakes. Two trucks constitute one group and each group will vibrate the ground either once or twice per vibration point.



A mulcher used to cut vegetation without damaging root systems.

The trucks cover about 10km a day and operations are restricted to daylight hours only. As the ground equipment is continually cycled from the back of the seismic line to the front at the same speed, most landholders will have equipment on their properties for only three or four days, unless the project is suspended due to bad weather. Sufficient rainfall may mean activity is suspended to prevent vehicle movements from damaging the ground.



Peak particle velocity meters provide real-time monitoring of vibrations when data is being collected close to sensitive receptors, such as residences.



Geophones – sensors are placed along the seismic line.

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After the survey

Equipment retrieval or pick up is carried out by a small number of people who load the cables, sensors and batteries into pick-up trucks for transport to the front of the line.

Restoration and rehabilitation of the area to its condition prior to the seismic survey occurs after the whole crew has passed over a section of line.

Crews check that all equipment and any accidentally discarded rubbish are removed. All temporary gates are removed. Fences and any accidentally damaged property are repaired.

About QGC

QGC is a leading Australian coal seam gas explorer and producer focused on developing world-class reserves in the Surat Basin and Bowen Basin for domestic and international supply.

Our headquarters are in Brisbane and we employ nearly 1000 people.

In 2009, QGC produced about 20% of Queensland's gas demand.

QGC is wholly owned by BG Group, a leading oil and gas company with headquarters in the United Kingdom and operations in more than 25 countries.

Our commitments

- We seek to minimise the effects of our operations on landholders
- We make a positive contribution to the protection of the environment
- We run our business in accordance with all government regulations, industry standards and the access rules that we agree with landholders
- Our staff, contractors and consultants follow QGC's Code of Conduct, outlined in the 'Information for Landholders' booklet and available via our website: www.qgc.com.au

Contact details

Please contact QGC for more information.

- 1800 030 443 (toll-free)
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Information sheet

Environmental Protection Act 1994

Internal review and appeal to Planning and Environment Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal to the Planning and Environment Court under the Environmental Protection Act and subordinate legislation. Refer to ss. 519 - 539 and schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Planning and Environment Court.

Introduction

The *Environmental Protection Act 1994* (EP Act) provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation¹ made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in part 1 of schedule 2 of the EP Act², may appeal the decision to the Planning and Environment Court (the Court).

Summary of the process for internal review and appeal to the Court

Chapter 11, Part 3 of the EP Act

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

This section nominates the dissatisfied person for an original or review decision.

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 days³ 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—

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Internal review and appeal to Planning and Environment Court

- 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 five business days after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within 10 business days after receiving the application—
- 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 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 person of their right of appeal against the decision.
- 10) If the administering authority does not comply with subsections (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*, section 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.

Section 522 Stay of operation of original decisions

- 1) If an application is made for review of an original decision, 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.

Internal review and appeal to Planning and Environment 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.

Division 4 — Appeals to Court

Section 531 Who may appeal

- 1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1⁴ applies, may appeal against the decision to the Court.
- 2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- 3) 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.

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- 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.

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

- 5) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.
- 6) 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 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 one 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) to refuse to grant a registration certificate or to accredit an environmental risk management plan (ERMP); 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 certificate or the ERMP or the application for the certificate relates.
- 2) On the application of a party to either of the appeals, the Court may order—
 - a) the appeals to be heard together or one immediately after the other; or
 - b) one appeal to be stayed until the other has been decided.
- 3) The application may be made—
 - a) by an appellant when starting an appeal or at any time before the appeals are decided; or
 - b) by another party at any time before the appeals are decided.
- 4) 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—

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- 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.

Further information

The latest version of this publication can be found at <www.ehp.qld.gov.au>. Note: where available, the publication number (e.g. EM1866 for this document) can be used as a search term.

¹ The original decisions under the subordinate legislation are subject to change. As at 11 May 2010 they are listed in:

- Regulation 110 of the Environmental Protection Regulation 2008; and
- Regulation 68C of the Environmental Protection (Waste Management) Regulation 2000.

² An appeal may be made to the Land Court for original decisions in part 1 of schedule 2.

³ Under the *Environmental Protection Act 1994* "business days does not include a business day between 26 December and 1 January in the following year".

⁴ Subdivision 1 is about appeals to the Land Court and information about this is contained in ss. 519 - 539.