Internal Review

Internal review of approval of an amendment application

Application

1. By application dated 19 July 2018, Gladstone Conservation Council (GCC) sought, pursuant to s.521 of the Environmental Protection Act 1994 (Qld) (the Act), an internal review of an original decision by the administering authority, hereby referred to as the Department of Environment and Science (the Department) to approve an amendment application to Environmental Authority EPPG00711513 (EA).

Internal review jurisdiction and procedure

Section 521 of the Act sets out the procedure for internal review of decisions.

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 days 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 submissions 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; and
(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 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, 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.

(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.

2. In considering the application, I am to ‘review the original decision’ and ‘consider any submissions properly made by a recipient of the review notice...’ and ‘make a decision... to confirm or revoke the original decision; or vary the original decision in a way the administering authority considers appropriate’, as detailed under s.521(5) of the Act.

3. I must therefore determine whether, having regard to the information provided by GCC in support of its application, the decision to approve an amendment application made by the Department on 29 June 2018 should be confirmed, revoked or varied.

4. I am a duly authorised delegate of the administering authority, the chief executive of the Department, in accordance with s.521 of the Act.

5. At the time of making the decision, my position within the Department as Manager (Assessment) was not a less senior office than that of the original decision maker, as required by s.521(7) of the Act.

6. Pursuant to s.521(2)(a)(i) of the Act, an application for internal review must be made in the approved form within 10 business days from receiving notice of the original decision. This application was received on 19 July 2018 in the approved form (ESR/2015/1573). Therefore, I am satisfied that GCC complied with the statutory requirements for making an internal review application.

7. Pursuant to s.521(3) of the Act, an applicant for the internal review application is required to send a copy of the notice of the application (the review notice) and a copy of the application and supporting documents to other persons who were given notice of the original decision. Based on information provided by the applicant as part of the internal review application, I am satisfied that GCC complied with this statutory requirement.

8. In accordance with s.521(4) a recipient of the review notice may make a submission on the application to the administering authority within 5 business days after the internal review application is made to the administering authority. A submission was received on 25 July 2018. Therefore I am satisfied that the recipient of the review notice complied with the statutory requirements for making a submission on the application.

Background
9. QCLNG Operating Company Pty Ltd (QGC) is the holder of the EA, which authorises a resource and ancillary environmentally relevant activities at Petroleum Facility Licence (PFL) 11 (the facility) located on Curtis Island, near Gladstone Harbour within the Curtis Island Industrial Precinct of the Gladstone State Development Area.

Chronology of Events
10. On 2 May 2017, the Department received an amendment application from QGC to amend various conditions on EA EPPG00711513 (the amendment application).
11. The amendment application sought to amend existing conditions of the EA related to conditions on flaring activities including seeking authorisation to increase the time in which visible smoke is permitted from flaring events from its LNG facility on Curtis Island.

12. On 12 May 2017 the Department made an Assessment Level Decision on the amendment application, being a major amendment. The Department also determined on the same day that public notification would be required.

13. On 23 June 2017 the Department made an additional information request to QGC.

14. On 28 August 2017, the Department received the response to the additional information request from QGC.

15. Further information was sought by the Department from QGC on 4 September 2017.


17. Monitoring of Polycyclic Aromatic Hydrocarbons was undertaken by the Department’s Environmental Monitoring and Assessment Sciences division during non-operating periods.

18. On June 2018 HRL Technology Group Pty Ltd provided the Department with a final report which provided a review of the LNG plant licence amendment application.

19. On 29 June 2018, pursuant to s. 172(2)(a) of the Act, the Department decided that the application be approved subject to conditions.

20. On 29 June 2018 the Department issued the amended EA and a Notice of the decision (the Decision Notice) to QGC and submitters to the public notification stage.

21. EA dated 29 June 2018 included new and amended conditions on the EA which are reproduced below to the extent that it is material to the amendment application:

(B11) Visible smoke must not be produced from the flares except for a total of 5 minutes in any two hour period during normal operating conditions.

(B12) Flaring events, except for those resulting from an emergency, occurring outside of normal operating conditions must not:
   a) 7 hours per annum during daylight hours; and
   b) 14 times per annum during daylight hours; and
   c) 30 minutes of continuous visible smoke during daylight hours except as authorised under condition (B13)

(B13) Notwithstanding condition (B12)(c), individual flaring events must not exceed 90 minutes of continuous visible smoke in the following circumstances:
   a) A flaring event associated with a plant maintenance activity that was planned to be completed outside of daylight hours, but was required to be undertaken during daylight hours to ensure the safe operation of the plant; or
   b) A flaring event associated with a plant maintenance activity that was not planned and was required to be undertaken during daylight hours to ensure the safe operation of the plant.

(B14) The holder of this authority must keep records of each flaring event to determine compliance with condition (B12) and (B13) and provide these records to the administering authority on request. Records must include, but not limited to:
   a) The duration of each flaring event; and
   b) The operational planning that was implemented to minimise flaring; and
   c) The operation controls that were implemented during flaring; and
   d) If the flaring event exceeds 30 minutes, the circumstances under condition (B13) which caused this exceedance.

**Definition** Daylight hours means those between sunrise and sunset times as shown on the Australian Government Geoscience Australia webpage

**Definition** CEMS means continuous emissions monitoring system. This includes a virtual continuous emissions monitoring system, which is a method used to determine flare gas composition to utilise the existing monitoring data available for gas temperature and pressure and the use of engineering calculations to determine the flare gas composition. The calculation methodology must be adopted from ISA-7.01.01-2007 Flow Equations for Sizing Control Valves
Materials considered in conducting this review
22. In conducting my review of the original decision, I have considered the following materials:
   a) Application for review of original decision and supporting information submitted by GCC on 19 July 2018;
   b) Submission received from recipient of the review notice on 25 July 2018.
   c) EA EPPG00711513 dated 31 May 2017 which was in effect prior to approval of the amendment application.
   d) The amendment application submitted to the Department on 2 May 2017 including all supporting information;
      i. supplementary information;
      ii. QCLNG Dry and Wet Gas Flares: Air Quality Assessment dated May 2015, prepared by Kestone Environmental Pty Ltd for QGC Pty Limited Pty Limited
      iii. Flare Calculator Technical Note
      iv. QCLNG Midstream Flaring Management Plan
   e) The relevant assessment report completed by the Department relating to the original decision signed 29 June 2018
   f) The Decision Notice to approve an amendment application issued by the Department on 29 June 2018;
   g) Various advises provided by the Department’s Technical Support and also Air Quality Sciences units
   h) the Department’s Environmental Monitoring and Assessment Sciences division memorandum regarding the Monitoring of Polycyclic Aromatic Hydrocarbons in Gladstone provided 4 June 2018.
   i) Additional information request issued by the Department on 23 June 2017
   j) QGC response to the Departments additional information request received by the Department on 28 August 2017.
   k) A further additional information request issued by the Department on 4 September 2017.
   l) QGC response to the Departments further additional information request received by the Department on 6 September 2017.
   m) Queensland Curtis LNG Environmental Impact Statement
   n) HRL Technology Group Pty Ltd report dated June 2018 Review of the LNG Plant Licence Amendment Application.
   o) The Act and subordinate legislation including the Environmental Protection (Air) Policy 2008 (EPP Air);

23. The materials above were only considered to the extent that they relate to the internal review decision

Applicant’s and submitter’s points for internal review
24. In the application for review of original decision by GCC (including the supporting information), GCC have indicated objection to the original decision particularly as it relates to the
   1. authorising the increase in total time allowed for flaring from 30 minutes to 90 minutes for shutdowns as conditioned in the EA; and
   2. the inclusion of the term ‘daylight hours’ for visible smoke in the amended EA
23. In support of the objections, GCC have indicated that the EA amendment application should have been refused by the Department on the basis of the proposal being contrary to aspects of the Standard Criteria and increase of environmental harm.

24. Review of the submission received has led me to determine an objection to the original decision as it relates to increased pollution and impacts on environmental values from approval of the amendment application.

25. I have therefore conducted the review of original decision based on:
   1. Objection to authorising an increase the total time allowed for flaring from 30 minutes to 90 minutes for shutdowns as conditioned in the EA
   2. Objection to the inclusion of the term ‘daylight hours’ for visible smoke in the amended EA
   3. Objection to the approval of the amendment application based on increased pollution and impacts on environmental values from approval of the amendment application

26. The following points have been addressed in accordance with the material specified as part of this internal review

Application of legislative provisions and guidelines as part of this internal review

27. The requirements the Department must consider when making a decision for a major amendment application are specified under s.176.

   In deciding the application, the administering authority must—
   (a) comply with any relevant regulatory requirement; and
   (b) subject to paragraph (a), have regard to each of the following—
       (i) the application;
       (ii) any standard conditions for the relevant activity or authority;
       (iii) any response given for an information request;
       (iv) the standard criteria.

28. In accordance with s.48 of the Environmental Protection Regulation 2008 (the Regulation), meaning of an 'environmental management decision', is a decision under the Act which the administering authority making the decision is required to comply with regulatory requirements. An application for an amendment that is a major amendment constitutes an environmental management decision and therefore triggers assessment under s.51 of the Regulation.

29. Pursuant to s.51 in making the decision on the review application I have considered requirements as reproduced below to the extent that they relate to the amendment application and the existing EA EPPG00711513.

For making an environmental management decision relating to an environmentally relevant activity, the Department must—

   (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2; and
   (b) consider the environmental values declared under this regulation; and
   (c) consider each of the following under any relevant environmental protection policies—
       (i) the management hierarchy;
       (ii) environmental values;
       (iii) quality objectives;
       (iv) the management intent;

30. For the purposes of this review, I have limited consideration of environmental values to those associated with qualities of the air environment as these values are directly related to the EA amendment application and environmental nuisance.

31. In accordance with Schedule 5, Part 3, Table 1 of the Regulation, the Environmental objective for Air is that the activity will be operated in a way that protects the environmental values of air.
The performance outcomes for this objective are that—
1. there is no discharge to air of contaminants that may cause an adverse effect to on the environment from the operation of the activity.
2. All of the following:
   a. Fugitive emissions of contaminants from storage, handling and processing of material and transporting materials within the site are prevented or minimized;
   b. Contingency measures will prevent or minimise adverse effects on the environment from unplanned emissions and shut down and start up emissions of contaminants to air;
   c. Contaminants release to the atmosphere for dispersion will not cause an adverse effect on an environmental value

32. The EPP Air applies to the air environment and as such requires consideration with relation to the amendment application. In accordance with s.7 of the EPP Air, the relevant environmental values to be enhanced or protected are:
   (a) the qualities of the air environment that are conducive to protecting the health and biodiversity of ecosystems; and
   (b) the qualities of the air environment that are conducive to human health and wellbeing; and
   (c) the qualities of the air environment that are conducive to protecting the aesthetics of the environment, including the appearance of buildings, structures and other property; and
   (d) the qualities of the air environment that are conducive to protecting agricultural use of the environment.

33. Furthermore, s.9 of the EPP Air stipulates the management hierarchy which requires consideration for air emissions and is as follows:
   (a) firstly—avoid;
   (b) secondly—recycle;
   (c) thirdly—minimise;
   (d) fourthly—manage.

34. The Standard Criteria is defined under Schedule 4 of the Act and must be considered when deciding all amendment applications. The Standard Criteria includes 11 criterion which is considered as part of a major amendment application.

Reasons for the review decision
When making my review decision, I considered the following:

Objection to authorising increase of the total time allowed for flaring from 30 minutes to 90 minutes for shutdowns as conditioned in the EA

35. As part of the EA amendment application, QGC sought authorisation to increase the time in which visible smoke would be permitted from flaring events from its LNG facility to enable safe maintenance activities to be undertaken on their facility where required.
36. As part of the EA amendment application, QGC have indicated that flaring at the QGC LNG facility is a safety procedure to burn off excess gas in a safe and controlled way, with the activity primarily including flaring of methane, nitrogen and carbon dioxide, and in certain conditions, flaring of refrigerants namely ethylene and propane.
37. I note that QGC has provided to the Department technical information as part of their application including an Air Quality Assessment by prepared by Kastone Environmental Pty Ltd which has been reviewed by suitably qualified individuals at the Department’s Air Quality Sciences and Technical Services Support unit as well as by suitably qualified individuals at HRL Technology Group Pty Ltd.
38. Technical documents reviewed as part of this internal review application process indicate that it is the flaring of refrigerants, namely ethylene and propane, which causes the black smoke.
39. I note that prior to approval of the amendment application, conditions were included in Schedule B – Air Emissions of the EA dated 31 May 2017 which authorised QGC to release visible smoke in certain conditions for up to 30 minutes, no more than 14 times per annum, which equates to a total of 7 hours per year.

40. As part of the EA amendment application assessment process, the Department’s Air Quality Sciences unit undertook ambient air quality monitoring of the facility on two occasions, during and post the first shutdown event, to determine, verify and assess possible health impacts associated with measured PAH levels by comparing the measured concentrations against recognised ambient air quality criteria.

41. As part of the EA amendment application assessment process HRL Technology Group Pty Ltd were requested to provide a critical analysis and review of QGC’s EA amendment application. In the report prepared, HRL Technology Group Pty Ltd considered it highly unlikely that QGC would be able to comply with the 30 minute limit as stipulated in the EA for those circumstances where workplace health and safety at the facility would need to be accommodated. The inability to meet the 30 minute limit has been supported in the report produced by HRL Technology Group Pty Ltd for the Department.

42. I have formed the view that allowing for additional flexibility in the time limit for flaring ensures workplace health and safety is optimised at the facility. I am also satisfied that workplace health and safety and/or plant safety considerations may in some cases require flaring events to occur in the facility where QGC may need to flare for up to 90 minutes.

43. I acknowledge that GCC have raised concerns regarding impacts of flaring emissions in terms of particulates and hazardous chemicals and impacts on human health, and the absence of clear scientific data in approving the application.

44. As presented by the Department’s Air Quality Sciences unit, results from the air quality monitoring undertaken by the Department show that emissions did not exceed human health or environmental limits as stipulated in relevant legislative requirements, Air Quality Objectives as specified under Schedule 1 of the EPP Air and other standards and guidelines.

45. I am of the view that that suitably qualified individuals have been involved in the verification, review and assessment of technical information available and that they are suitably qualified to undertake and produce the work that has been relied upon for the assessment of this amendment application.

46. I agree with the decision maker that as no air quality objectives are exceeded, the impacts from the visible smoke does not constitute serious or material environmental harm.

47. I also agree with the decision maker assessment that the proposed amendment would not compromise the protection for human health and wellbeing, and the health and biodiversity of ecosystems as required by the EPP Air and that the release of smoke is a visual amenity issue.

48. The amended EA dated 29 June 2018 restricts QGC to 30 minutes per flaring event except in circumstances where there could be potential workplace health and safety and/or plant safety issues. In these circumstances QGC are authorised to flare for up to 90 minutes. The Department has not approved QGC’s application to increase the authorised visible smoke emissions from the previously authorised 7 hours per year, 14 times per annum. Reference is specifically made to amended and new conditions included in Schedule B – Air Emissions of the EA dated 29 June 2018.

49. I am satisfied with the reasoning provided by the decision maker to continue to restrict QGC to release visible smoke for up to 30 minutes except in circumstances where there could be potential workplace health and safety and/or plant safety issues where flaring would be authorised for up to 90 minutes and to maintain in the amended EA the current limit for release of visible smoke no more than a total of 7 hours per year, 14 times per annum.

50. I have formed the view that the decision maker has considered protection of human health and wellbeing, and the health and biodiversity of ecosystems as stipulated under relevant legislation in making the decision to approve the amendment application.

51. I am also satisfied that the decision maker has considered matters prescribed by the Act and the Regulations in considering the amendment application, particularly as the application relates to the EPP Air, stipulated Air quality objectives and that the relevant values prescribed in the EPP Air are protected.

Objection to the inclusion of the term ‘daylight hours’ for visible smoke in the amended EA
52. 'Visible smoke' was defined in the EA dated 31 May 2017 as a visible suspension in the measured by a
Ringelmann number greater than 2 which was included based on the reasoning that the release of smoke at
night will not result in a Ringelmann reading of greater than 2, and that as such, the release of smoke at
night would not meet the definition of ‘visible smoke’.
53. In accordance with EA dated 31 May 2017, QGC was authorised to release smoke that was visible in
certain conditions for up to 30 minutes, no more than 14 times per annum, equating to a total of 7 hours per
year.
54. As part of the approval of the amendment application, on 29 June 2018 the Department issued an EA which
included the term ‘daylight’ hours.
55. I am satisfied with the reasoning provided by the decision maker that based on air quality modelling and
monitoring undertaken by suitably qualified persons, the amendment will not impact the environmental
values described in s.7 of the EPP Air as no air quality objectives as listed in Schedule 1 of the EPP Air are
exceeded, and that as such release of visible smoke would only constitute a visual amenity issue.
56. As part of the EA amendment application, QGC have indicated that flaring at the QGC LNG facility is a
safety procedure to burn off excess gas in a safe and controlled way, with the activity primarily including
flaring of methane, nitrogen and carbon dioxide, and in certain conditions, flaring of refrigerants namely
ethylene and propane.
57. Technical documents reviewed as part of this internal review application process indicates that flaring of
refrigerants namely ethylene and propane causes the black smoke. It is therefore relevant that as black
smoke is visible during daylight hours, there is the potential for the release to constitute an environmental
nuisance and affect public amenity.
58. Section 9 of the Act states that public amenity is determined to be an environmental value and
Environmental Nuisance is defined under the Act as unreasonable interference or likely interference with an
environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke or an unhealthy,
offensive or unsightly condition because of contamination.
59. It is relevant to note that the amended EA dated 29 June 2018 continues to restrict QGC to the release of 30
minutes of visible smoke, 7 hours total per year, no more than 14 times per annum. The exception to the
case is for circumstances where there could be potential workplace health and safety and/or plant safety
issues, where QGC will be authorised to release visible smoke for up to 90 minutes.
60. Given the Department has not modified the total amount of hours that visible smoke can be released (7
hours total per year), I have formed the view that public amenity has been maintained with the existing
conditions.
61. I note that the decision maker has included the term ‘daylight’ hours in the amended EA to ensure that the
intent of the relevant condition is clarified, and to allow for accurate determination of when daylight
commences and ends, through referencing the Australian Government Geoscience Australia webpage.
62. I agree with the decision maker’s assessment and have formed the view that the inclusion of the term
‘daylight’ hours in the amended EA improves compliance and enforceability of the relevant condition.
63. I acknowledge that GCC has in the internal review application referred to commitments made by QGC
during an Environmental Impact Statement (EIS) process, specifically those commitments made regarding
the installation of wet and dry flares to achieve smokeless and near-zero particulate releases during normal
operations.
64. It is noted that the currency period for the Coordinator-General’s report on the EIS expired on 23 June 2016
and that at the time of the amendment application, no site specific EISs had been conducted within that
time.
65. Additionally it is also noted that the EIS did not adequately consider the release of propane and ethylene to
the flare system from non-normal operations.
66. The ability to utilise available technologies which would achieve smokeless and near zero particulate
releases have been considered as part of the amendment application.
67. Since QGC’s flaring amendment application was received, QGC carried out two planned shutdowns; an
activity which included flaring and the potential production of visible smoke. For both shutdowns, QGC
complied with EA conditions in relation to visible smoke emissions and no reports from the community were
received for either shutdown.
68. Two effective technical options to minimise or eliminate the incidence of visible smoke emissions were
presented to the Department by QGC; both of these options came with prohibitively high costs.
69. HRL Technology Group Pty Ltd as part of its final report to the Department undertook a review the technology
feasibility analysis presented by QGC.
70. I am satisfied that the decision maker has adequately considered the findings of the review undertaken by HRL Technology Group Pty Ltd which determined that the feasibility analysis and technical options provided by QGC were appropriate.

71. Based on the decision maker’s assessment, I have formed the view that in the object of the Act stipulated under s.3, it is not appropriate to impose a significant financial burden on QGC.

72. As part of the amended EA, the Department has imposed requirements to minimise and manage emissions which includes utilisation of a virtual Continuous Emissions Monitoring Systems (CEMS) to determine the flare gas composition.

73. HRL Technology Group Pty Ltd as part of its final report to the Department undertook a review of the proposed virtual CEMS and determined that the utilisation of the CEMS was a satisfactory tool to utilise as part of the flare event monitoring system.

74. I am satisfied that the decision maker has adequately considered s. 9 of the EPP Air that details the management hierarchy for air values.

Increased pollution and impacts on environmental values from approval of the amendment application

75. As part of the EA amendment application assessment process, the Department’s Air Quality Sciences unit undertook ambient air quality monitoring of the facility on two occasions, during and post the first shutdown event, to determine, verify and assess possible health impacts associated with measured PAH levels by comparing the measured concentrations against recognised ambient air quality criteria.

76. As part of the EA amendment application assessment process HRL Technology Group Pty Ltd were requested to provide a critical analysis and review of QGC’s EA amendment application. In the report prepared, HRL Technology Group Pty Ltd considered it highly unlikely that QGC would be able to comply with the 30 minute limit as stipulated in the EA for those circumstances where workplace health and safety at the facility would need to be accommodated. The inability to meet the 30 minute limit has been supported in the report produced by HRL Technology Group Pty Ltd for the Department.

77. I have formed the view that allowing for additional flexibility in the time limit for flaring ensures workplace health and safety is optimised at the facility. I am also satisfied that workplace health and safety and/or plant safety considerations may in some cases require flaring events to occur in the facility where QGC may need to flare for up to 90 minutes.

78. I acknowledge that concerns have been raised regarding impacts of flaring emissions in terms of particulates and hazardous chemicals and impacts on human health, and the absence of clear scientific data in approving the application.

79. As presented by the Department’s Air Quality Sciences unit, results from the air quality monitoring undertaken by the Department show that emissions did not exceed human health or environmental limits as stipulated in relevant legislative requirements, Air Quality Objectives as specified under Schedule 1 of the EPP Air and other standards and guidelines.

80. I am of the view that that suitably qualified individuals have been involved in the verification, review and assessment of technical information available and that they are suitably qualified to undertake and produce the work that has been relied upon for the assessment of this amendment application.

81. I agree with the decision maker that as no air quality objectives are exceeded, the impacts from the visible smoke does not constitute serious or material environmental harm.

82. I also agree with the decision makers assessment that the proposed amendment would not compromise the protection for human health and wellbeing, and the health and biodiversity of ecosystems as required by the EPP Air and that the release of smoke is a visual amenity issue.

83. The amended EA dated 29 June 2018 restricts QGC to 30 minutes per flaring event except in circumstances where there could be potential workplace health and safety and/or plant safety issues. In these circumstances QGC are authorised to flare for up to 90 minutes. The Department has not approved QGC’s application to increase the authorised visible smoke emissions from the previously authorised 7 hours per year, 14 times per annum. Reference is specifically made to amended and new conditions included in Schedule B – Air Emissions of the EA dated 29 June 2018.

84. I am satisfied with the reasoning provided by the decision maker to continue to restrict QGC to release visible smoke for up to 30 minutes except in circumstances where there could be potential workplace health and safety and/or plant safety issues where flaring would be authorised for up to 90 minutes and to maintain in
the amended EA the current limit for release of visible smoke no more than a total of 7 hours per year, 14 times per annum.

85. I have formed the view that the decision maker has considered protection of human health and wellbeing, and the health and biodiversity of ecosystems as stipulated under relevant legislation in making the decision to approve the amendment application.

86. I am also satisfied that the decision maker has considered matters prescribed by the Act and the Regulations in considering the amendment application, particularly as the application relates to the EPP Air, stipulated Air quality objectives and that the relevant values prescribed in the EPP Air are protected.

Review decision

In accordance with s. 521(5)(c) of the Act, on 9 August 2018 I decided to:

a) **Confirm** the original decision to approve the EA amendment application and to include the new and amended conditions and definitions as prescribed under the amended EA.

I accordance with section 521(9) of the Act, I advise the applicant has the right to appeal this decision in accordance with the relevant provisions in the Act. The standard information sheet is attached.

Filiz Tansley
Manager (Assessment)
Delegate of the Chief Executive
23 August 2018