

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).

RTA Weipa Pty Ltd
123 Albert Street
BRISBANE QLD 4000

Attention: Mr Glenn Woodrow - Principal Advisor Approvals & Compliance
By email: glenn.woodrow@riotinto.com

Your reference: EPML00725113

Our reference: 101/0008737, C-CPLRC-100034818 and E-100034819

[Click here to enter a date.](#)

Dear Mr Woodrow,

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 RTA Weipa Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

This notice is issued in respect to the activities of RTA Weipa Pty Ltd at the Lorim Point Power Station on mining lease (ML) 7024 on situated at the Weipa township (the premises).

Background

Your submission for the approval of a draft TEP was received by the department on 15 January 2021

This TEP entitled *Lorim Point TEP RTAW temporary power generators 2021.docx* (version 1) of TEP relates to transitioning the Lorim Point Power Station to an operational state consistent with conditions of environmental authority (EA) EPML00725113 and demonstrating that the interim state of the Lorim Point Power Station (i.e. supported by temporary 1.1 MW power generating units) does not pose an increased risk of environmental harm

Decision

The administering authority has decided to approve your application.

The approved TEP reference number E-100034819 consists of the following:

- The notice of decision to approve the draft transitional environmental program; and

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- The draft TEP submission document titled 'Lorim Point TEP RTAW temporary power generators 2021.docx (version 1)' submitted to the department on 15 January 2021; and
- Information provided under the program notice accepted by the department on 23 November 2020.

The TEP will remain in force for the period of 15 February 2021 until **31 July 2021**.

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 \$3 718.10 has been determined as reasonable for the assessment of the draft TEP, and an invoice will follow shortly. **Conditions**

Nil.

Grounds

The decision to approve your application is made under the following grounds:

- The department has considered section 338 of the Act which details the criteria for deciding the draft program.
- In accordance with section 339(1)(a)(i) the department has decided to approve the TEP as submitted.

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

- The TEP provides a framework for the Lorim Point Power Station to transition back to an operational state consistent with conditions of the EA; and
- The interim operating state of the Lorim Point Power Station (i.e. supported by temporary 1.1 MW power generating units) was assessed to not cause an increased risk of environmental harm when compared to the operational state as authorised by the EA.

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.

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.des.qld.gov.au.

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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)².

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 Millie Grant of the department on telephone number (07) 4222 5301.



Signature



Date

Gus Gonzo

Manager (Minerals)

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

Minerals and Northern Compliance

Ph: (07) 4222 5334

Email: ESTownsville@des.qld.gov.au

Attachments

Information sheet – Internal review and appeal to Planning and Environment Court ([ESR/2015/1572](#))

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

Copy of draft TEP E-100034819

