

Notice

Environmental Protection Act 1994

Decision to approve an amendment to a transitional environmental program

This notice is issued by the administering authority pursuant to sections 340 and 344 of the Environmental Protection Act 1994 (the Act) to advise of a decision made on a proposed amendment to a transitional environmental program (TEP).

RTA Weipa Pty Ltd
123 Albert Street
BRISBANE CITY QLD 4000

Your reference: C-CPLRC-100034818

Our reference: E-100034819

12 July 2021

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this notice advising of the decision to approve an amendment to a transitional environmental program (TEP) is issued to RTA Weipa Pty Ltd (ACN 137 266 285) (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 Lorim Point Power Station on Mining Lease ML7024 situated at Lorim Point, Weipa, QLD (the premises).

Background

Your submission for the approval of an amendment to a TEP was received by the department on 15 June 2021.

This TEP entitled Transitional environmental program for Lorim Point Power Station 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 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 Lorim Point Power Station (submitted on 15 June 2021); and
- any conditions imposed by the administering authority; and

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- The TEP will remain in force for the period of 12 July 2021 until 31 October 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 \$258.50 has been determined as reasonable for the assessment of the amendment to a TEP. This fee will be detailed in an invoice that will be issued shortly.

Annual Return and annual return fees

As your TEP is valid for less than 12 months, an annual return will not need to be lodged. However, fees for the monitoring of the compliance program may be incurred. If fees are incurred, an invoice will be sent to you.

Grounds

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

- The department has considered sections 338 and 344 of the Act which details the criteria for deciding the amended TEP.
- In accordance with section 339 (1) (a) (i) the department has decided to approve the amended 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 the EA; and
- The interim operating state of the Lorim Point Power Station (i.e. supported by temporary 1.1MW 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; and
- The department is reasonably satisfied that the amendment of the TEP to authorise use of temporary power generating units over a longer approved timeframe will not result in increased environmental harm than would have been approved under the original TEP approval.

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/2015/1572)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 Samuel Hedge of the department on telephone number (07) 4222 5395, or by email at Samuel.Hedge@des.qld.gov.au.



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 amendment of a TEP E-100034819

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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