

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.

Mr Gopal Hota
Birla Mt Gordon Pty Ltd
Level 3, Septimus Roe Square
256 Adelaide Terrace
Perth WA 6000

Your reference: EPML00911413

Our reference: NOR/045024

7 March 2014

Dear Sir

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 is issued to Birla Mt Gordon Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

This notice is issued in respect to the activities of Birla Mt Gordon Pty Ltd at the Mt Gordon Operation located approximately 120 north-west of Mt Isa on mining leases: ML5407, ML5412, ML5413, ML5418, ML5419, ML5420, ML5429, ML5430, ML5441, ML5442, ML5443, ML5444, ML5451, ML5454, ML5457, ML5459, ML5467, ML5485, ML5486, ML5489, ML5500, ML5548, ML5549, ML5550, ML5562, ML5563, ML90180, ML90181 & ML90182.

A. Application details

Your application for the approval of a draft transitional environmental program (TEP) was received by the department on 20 September 2013, the department has completed assessment of the amended draft TEP as submitted by Birla Mt Gordon Pty Ltd on 25 February 2014 .

This draft program relates to reducing environmental harm caused by the mining activities carried out at the Mt Gordon Operation and transitioning to compliance with conditions (C2-1) and (C3-2) of environmental authority EPML00911413 (EA) for receiving waters of Gunpowder Creek and Magazine Creek.

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B. Decision

The administering authority has decided to approve your application with conditions.

The approved TEP consists of the following:

- the submitted application document titled '*Draft Transitional Environmental Program SURFACE WATER CONTAMINATION AND IMPACT ON RECEIVING ENVIRONMENT Birla Mt Gordon*' as amended on 6 March 2014; and
- a copy of the certificate of approval, including conditions (**attached**).

The TEP will remain in force until **1 March 2019**.

C. Grounds

- The department has decided to approve the draft TEP in accordance with section 339(1)(a)(ii) of the Act.
- In approving the draft TEP, the department has imposed conditions (as specified on the attached certificate of approval) considered to be appropriate pursuant to section 339(2)(c) of the Act. The department has decided that the conditions are appropriate for the following reasons:
 1. TEP condition 1 is required to clearly define EA conditions that Birla Mt Gordon Pty Ltd must continue to comply with during the term of the TEP;
 2. TEP condition 2 is required to ensure there is no further deterioration to environmental values of receiving waters during the term of the TEP;
 3. TEP condition 3 is required to clearly define the extent to which EA condition (C2-1) will not apply during the term of the TEP;
 4. TEP conditions 4 and 5 are required to clearly define the extent to which EA condition (C3-2) will not apply during the term of the TEP;
 5. TEP condition 6 is required to ensure sufficient environmental monitoring and review is undertaken during the term of the TEP to demonstrate compliance with TEP condition 2;
 6. TEP condition 7 is required to ensure the administering authority is notified should any non-compliance with a TEP condition occur;
 7. TEP condition 8 is required to ensure reporting on the progress of the approved TEP is undertaken at suitable intervals to inform the department and relevant stakeholders.

D. 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 department, may be able to apply to have the department 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 department to decide the application for review; and

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- be made using the application for review of an original decision form (EM709).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 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*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866).

You may have other legal rights or obligations and should seek your own legal advice.

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.ehp.qld.gov.au.

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E. Fee and annual return

Fees apply for the assessment of a draft TEP and any subsequent annual returns lodged. The applicable fees are outlined in the attached operational policy - transitional environmental program fees (EM335).

A total fee of \$3,211.90 has been determined as appropriate for the assessment of the application, and is in accordance with the operational policy. This fee is payable and an invoice will follow shortly.

As your TEP is valid for 12 months or more, an annual return and assessment fee apply while the TEP has effect. These must be submitted to the administering authority no later than 22 business days after each anniversary of the day the TEP was approved. A blank annual return for a TEP has been attached.

Should you have any queries in relation to this notice, please contact Jacob Toe of the department on telephone number (07) 4222 5332.



Signature



Date

Hamish Butler
Team Leader
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

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Email: jacob.toe@ehp.qld.gov.au

Attachments

Certificate of approval MAN17560
Internal review and appeal to Planning and Environment Court (EM1866)
Operational policy - Transitional Environmental Program Fees (EM335)