

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).

Capricorn Copper Pty Ltd
Level 3, 232 Adelaide Street
Brisbane, QLD 4000

Our reference: 101/0008746; CA44550; TEP MAN17560

24 July 2017

Dear Sir/Madam

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 Capricorn Copper 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 Capricorn Copper Pty Ltd at Capricorn Copper Mine on all relevant tenures situated at Lot 5 on plan CP865892 (the premises).

Background

Your submission for the approval of an amendment to a TEP was received by the department on 7 March 2017. Further submissions to support the TEP amendment application were received by the department on 18 April 2017 and 17 July 2017.

This TEP titled 'Draft Transitional Environmental Program SURFACE WATER CONTAMINATION AND IMPACT ON RECEIVING ENVIRONMENT Birla Mt Gordon' is dated 6 March 2014 and relates to reducing the environmental harm caused by the release of contaminants from the mining activity located at the premises of Capricorn Copper Mine.

Certificate of approval MAN17560 as issued to Birla Mt Gordon Pty Ltd on 7 March 2014 also forms part of the approved TEP MAN17560.

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Decision

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

The approved amendment to the TEP reference number MAN17560 consists of the following:

- the submitted TEP amendment application documents:
 - First submission dated 7 March 2017;
 - Second submission dated 18 April 2017;
 - Third submission dated 17 July 2017; and
- the conditions imposed by the administering authority.

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

Requirements

Please note that under section 354 of the Act 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. A total fee of \$236.20 has been determined as reasonable for the assessment of the amendment to the TEP. This fee is payable by 20 business days after the issue of this notice, and an invoice will follow shortly.

Annual Return and annual return fees

As your TEP is valid for 12 months or more, an annual return in the approved Form: Annual return for a transitional environmental program ([ESR/2016/2213](#)); must be submitted to the administering authority no later than 22 business days after each anniversary of the day the TEP was approved.

The anniversary day for TEP MAN17560 is 7 March each year.

Conditions The TEP amendment is approved subject to the conditions set out in Schedule 1 of this notice.

Grounds

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

- The TEP amendment is approved on the basis of its purpose being to meet the TEP objectives within the TEP timeframe. The specific TEP objectives are returning to compliance with the water quality contaminant limits of environmental authority EPML00911413 for Magazine and Gunpowder Creeks as well as prevent unauthorised contaminant releases from the Old TSF area to Gunpowder Creek;
- The administering authority is reasonably satisfied the amendment will not result in increased environmental harm being caused by the carrying out of the activity under the amended approval than the environmental harm that would be caused by carrying out the activity if the approval were not granted;
- The amendment meets the standard criteria as stated under section 388(1)(b)(i) of the Act; and
- The TEP amendment is approved subject to the conditions stated in Schedule 1 of this notice.

Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

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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

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*.

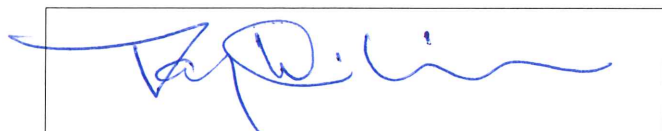
For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court ([ESR/2015/1572](#)).

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

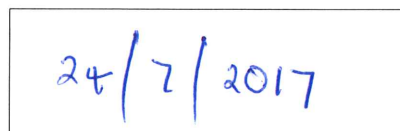
¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.ehp.qld.gov.au.

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Should you have any queries in relation to this notice, please contact Angela Sinopoli of the department on telephone number 07 4222 5353.



Signature



Date

Tony Williams
Manager Compliance
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

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Queensland 4870

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Attachments

Copy of TEP MAN17650 amendment documents – 'Transitional environmental program – amendment application' dated 6 March 2017 and 'Transitional environmental program – amendment application (3rd submission)' dated 17 July 2017.

Decision regarding an amended transitional environmental program

Schedule 1—Conditions of transitional environmental program MAN17650

The transitional environmental program at the location described above must be conducted in accordance with the following conditions of approval.

Condition number	Condition
1	The 'preferred rehabilitation strategies' for the Old TSF and HELP#2 landforms must be consistent with best practise management in accordance with s21 of the <i>Environmental Protection Act 1994</i>. Reports on the 'preferred rehabilitation strategies' must be provided to the administering authority by close of business on 1 March 2018. The reports must include, but not necessarily be limited to: a. Technical feasibility, engineered designs and project implementation plans; b. A description of the methodology and principles used to evaluate the preferred strategy; and c. A description of how the preferred strategy is determined to be superior to alternative strategies and consistent with best practise management in accordance with s21 of the <i>Environmental Protection Act 1994</i>.
2	Reports on site-water management must be provided to the administering authority detailing water management activities at the site. The reports must be provided on 1 September 2017 and quarterly thereafter and include: a. Volume of water reduction through each method used on site (including evaporation, water treatment and internal use); b. Maintenance log for the Minetek evaporators detailing operational use and down time for maintenance/repairs; c. Volumes of water treated, and treated water use, associated with the refurbished water treatment plant; d. Running totals, by month, including each method of water reduction, of the total volume of water reduced from the site; and e. Site water volume inputs.
3	The works determined to be carried out in accordance with the report required under condition 1 must be implemented and completed by 1 March 2019.

