

Notice

Addition, change or cancellation to a condition of a development approval

This notice is issued by the administering authority pursuant to section 378 of the Sustainable Planning Act 2009 and section 73C of the Environmental Protection Act 1994.

Aberdare Collieries Proprietary Limited
CS Energy
PO Box 2227
FORTITUDE VALLEY BC QLD 4006

Our reference: EHP Project No. 260990

Re: Change to conditions of a development approval

1. Details of the development approval for the original application

Applicant: Aberdare Collieries Proprietary Limited

Assessment manager ref: Nil – EHP is assessment manager

Date application made or referred to the administering authority: 10 December 2012

Permit Applied For	Permit Number	Decision
Development Approval under Sustainable Planning Act	SPDE04947312	Granted

Property/location description(s): Banana Bridge Road, BRIGALOW QLD 4412 (Lot1&2 on DY187, Lot 11 on DY61, Lot26 on DY374, Lot 28 on DY275, Lot 34 on DY604, Lot 7 on RP176345)

Date of decision for the original application and development approval: ... December 2012

2. The administering authority has decided to change conditions of development approval SPDE04947312 on 20 December 2012.

3. The grounds for changing development conditions are outlined below.

- a. The registered operator for the development approval has requested in writing to the change.

4. The facts and circumstances forming the basis for the grounds are as follows:

Addition, change or cancellation to a condition of a development approval

- a. The client requested to make changes in the development approval via email dated 21 November 2012 and 23 November 2012.
5. The changed condition or cancellation will take effect from the day the notice is given to the owner of the land.

sch4 - Personal information

Delegate

Sarah Horton
Department of Environment and Heritage Protection
20 December 2012

Enquiries

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Attachment(s)

Permit Number: SPDE04947312
Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

Permit

Sustainable Planning Act 2009

EHP Permit¹ number: SPDE04947312

This notice is issued by the Department of Environment and Heritage Protection pursuant to section 334 (decision notice) section 363 (negotiated decision notice) of the Sustainable Planning Act 2009 ("the Act").

Assessment manager reference (if any):

Date application received: 10 December 2012

Permit type: Amendment to a development approval

Date of decision: 20 December 2012

Decision: Granted

Relevant laws and policies: Sustainable Planning Act

Jurisdiction(s):
Jurisdiction

Legislation

Section 378(4) of the *Sustainable Planning Act 2009*

Development Description(s)

Property	Lot/Plan	Aspect of Development
Banana Bridge Road BRIGALOW QLD 4412	Lot 1 & 2 Plan DY187, Lot 11 Plan DY61, Lot 26 Plan DY374, Lot 28 Plan DY275, Lot 34 Plan DY604, Lot 7 Plan RP176345	ERA 60-1(d) operating a facility for disposing of, in a year, more than 200000t of regulated waste or regulated waste and any, or any combination, of general waste; limited regulated waste; or if the facility is in a scheduled area—no more than 5t of untreated clinical waste in a year.

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit¹ required by the concurrence agency response for the application are as follows.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

EHP RTI DL Release

CONDITIONS

Conditions of Approval

Schedule A - General
Schedule B - Air
Schedule C - Water
Schedule D - Noise and vibration
Schedule E - Waste
Schedule F - Land
Schedule G - Community
Schedule H - Definitions

Schedule A - General

Financial assurance

- (A1) Provide a financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this authority, unless financial assurance has already been provided pursuant to the Environmental Authority for ML 50074.

NOTE: The calculation of financial assurance for condition (A1) must be in accordance with Guideline 17 and may include a performance discount. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas of the ash cells, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the Plan of Operations and calculated using the formula: (Financial Assurance = Highest Total Annual Rehabilitation Cost x Percentage Required)

- (A2) The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.

NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.

Maintenance of measures, plant and equipment

- (A3) The holder must:
- a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
 - b) maintain such measures, plant and equipment in a proper condition; and
 - c) operate such measures, plant and equipment in a proper manner.

Monitoring

- (A4) Record, compile and keep for a minimum of five years all monitoring results required by this development approval and make available for inspection all or any of these records upon request by the administering authority.
- (A5) Where monitoring is a requirement of this development approval, ensure that an appropriately qualified person conducts all monitoring.

Storage and handling of flammable and combustible liquids

- (A6) Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with section 5.9 of Australian Standard 1940:2004.

END OF CONDITIONS FOR SCHEDULE A

Schedule B – Air

Dust nuisance

- (B1) Subject to Conditions (B2) and (B3) the release of dust or particulate matter or both resulting from the ash disposal activity must not cause an environmental nuisance, at any sensitive place.
- (B2) When requested by the Administering Authority, dust and particulate monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
- (B3) If evidence can be provided through monitoring that the following limits are not being exceeded by emissions from the ash disposal activity then the holder is not in breach of (B1):
- a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method of 1991; and
 - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a sensitive place downwind of the operational land, when monitored in accordance with:
 - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method, when monitored in accordance with AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM (sub) 10 high volume sampler with size-selective inlet - Gravimetric method of 1990; or
 - Any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.
- NOTE: You must propose which monitoring method is appropriate in accordance with condition (B3) (a) or (b) or both.
- (B4) If monitoring indicates exceedence of the relevant limits in Condition (B3), then dust abatement measures must be implemented immediately so that emissions of dust from the activity do not result in environmental nuisance; or if considered appropriate by the administering authority, undertake appropriate dispute resolution.

Odour nuisance

- (B5) Subject to condition (B6), the release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the ash disposal activity must not cause an environmental nuisance at any sensitive place.
- (B6) When requested by the Administering Authority, odour monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
- (B7) If monitoring indicates Condition (B5) is not being met then the odour abatement measures must be implemented immediately so that emissions of odour from the activity do not result in further environmental nuisance; or if considered appropriate by the administering authority, undertake appropriate dispute resolution.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

- (C1) Contaminants must not be directly or indirectly released from the licensed place and as a result of the ash disposal activity to any waters or the bed and banks of any waters except as detailed in Schedule C.

Tailings and process water dams

- (C2) The design storage allowance on 1st November of each year for any high hazard dam containing hazardous waste constructed or operated within the operational land must comply with Schedule C - Table 1.

Schedule C - Table 1: Storage design for high hazard dams containing hazardous waste

Name of Dam ^{**}	Design Storage Allowance ⁽⁵⁾	Spillway Critical Design Storm ⁽⁶⁾	Mandatory Reporting Level ⁽⁷⁾
Ash Cells	1: 10> Year ARI 4 month wet season plus process inputs for the 4 month wet season	1: 100 year ARI	1: 10 year ARI

Note: ARI means annual recurrence interval.

Note^{**}: Applies to dams with contents with high hazard only.

Note⁽⁵⁾: The design storage allowance on 1st November of each year for any high hazard dam containing hazardous waste constructed within the operational land must be equivalent to the run-off from a 1 in 10 year ARI 4 month wet season plus process inputs for the equivalent wet season. Process inputs refers to hazardous mineral process waste and water, which is being disposed of in the storage facility.

Note⁽⁶⁾: The critical design storm has a duration that produces the peak discharge for the catchments.

Note⁽⁷⁾: The mandatory reporting level refers to the volume below the spillway crest, either the 10 ARI 72 hour storm or the 10 ARI wave allowance, whichever is lower.

- (C3) The spillway and associated waterways for any high hazard dam containing hazardous waste, constructed or operated within the operational land must be designed and maintained to withstand the peak flow for the spillway critical design storm defined in Schedule C - Table 1.

- (C4) The holder of the development approval must mark the mandatory reporting level defined in Schedule C - Table 1 on the upstream side of the spillway of all high hazard dams containing hazardous waste within the operational land.
- (C5) The holder of the development approval must notify the administering authority when the pondage level of the high hazard dam containing hazardous waste, reaches the mandatory reporting level defined in Schedule C - Table 1.

Groundwater

- (C6) Groundwater must be monitored at the locations defined in Schedule C - Table 2.

Schedule C - Table 2: Groundwater monitoring locations

Monitoring Point	Easting	Northing	Aquifer	Surface RL (m)	Total Depth (m)
MB1 : North	280 500	7 020 251	Condamine Alluvium	311	~24m
MB2 : North East	281 369	7 019 804	Condamine Alluvium	311	~16m
MB6 : South	278 508	7 017 531	Walloon Coal Measures	319	~64m
MB7 : South East	279 694	7 017 861	Walloon Coal Measures	319	~81m
MB9 : Initial Ash (1)	276 154	7 018 215	Springbok Sandstone	315	~24m
MB10 : Initial Ash (2)	276 808	7 018 029	Springbok Sandstone	313	~21m
KC1273: Northern boundary of OPAC	280 349	7 019 254	Walloon Coal Measures	314	~30m
KC1276: North east boundary of OPAC	281 317	7 019 566	Walloon Coal Measures	312	~24m
KC1277: South west boundary of OPAC	281 399	7 019 910	Condamine Alluvium	309	~24m
KC1278: Southern boundary of OPAC	281 073	7 019 785	Condamine Alluvium	308	~24m

Note: Coordinate Datum Horizontal AMG Zone 56 & Vertical AHD

- (C7) The holder of the development approval must conduct monitoring and keep records of groundwater quality for the relevant bores listed in Schedule C Table 2. All determinations of groundwater quality must be;
- conducted for the water quality characteristics and at the minimum frequency stated in Schedule C - Table 3;
 - taken from sufficient monitoring points and /or bores to obtain representative samples of groundwater both up-gradient and down-gradient of the potential influence;
 - carried out with sufficient regularity, spatial and temporal replication to make reasonably valid conclusions about the presence or absence of contamination or other impact;
 - carried out in accordance with the method of sampling of groundwater set out in the latest edition of the Environmental Protection Agency's Water Quality Sampling Manual;
 - subject to an interpretative review conducted once every 3 years of the data gathered from Schedule C – Table 3.

Schedule C – Table 3: Groundwater contaminant trigger levels

Quality characteristics	Unit	Contaminant Range ² Alluvium	Contaminant Range ² Springbok	Contaminant Range ² Walloon Coal Measures	Monitoring Frequency
Na	mg/L	50-300	2500 - 6000	300 - 1800	Twice yearly
SO ₄	mg/L	5-80	100 - 1000	<1 - 250	Twice yearly
Al	mg/L	<0.01 – 0.15	<0.01 – 0.3	<0.01 – 0.04	Twice yearly
Zn	mg/L	0.01 – 0.3	0.05 – 0.4	0.005 – 0.4	Twice yearly
Cl	mg/L	50 – 400	4000 – 10,000	100 - 3000	Twice yearly
EC	µS/cm	280 – 1400	13,000 – 27,000	1500 - 7000	Twice yearly
pH	unit	6.5 – 8	6 – 8	6.5 - 8	Twice yearly
Standing water level (SWL)	m	NA ¹	NA ¹	NA ¹	Quarterly

¹ For SWL – trigger level for exceedence is non-pumping fluctuations greater than 2m for bores listed in Table 2.

² Range of values with acceptable upper and lower values of a stratum. Contaminant ranges apply to bores in specific aquifer groups, Table 2.

- (C8) A record of the monitoring results must be kept and forwarded to the administering authority on request.
- (C9) If the groundwater parameters sampled from the locations specified in C6 do not fall within the defined range in Schedule C – Table 3, then the holder is to complete an investigation into whether or not the change in groundwater quality was caused by ash disposal activity and if so, undertake an investigation into the potential for environmental harm. An investigation report is to be provided to the administering authority within 3 months of receiving the analysis results.

Erosion and Sediment Control

- (C10) All reasonable and practicable measures must be implemented and maintained to minimise erosion and the release of sediment.
- (C11) Erosion protection measures and sediment controls must be provided and maintained to effectively minimise any likelihood of erosion and release of sediments from the approved place and be maintained during site clearing, construction, mining operations and rehabilitation. Such measures should include diversion drainage works and sedimentation traps and dams.
- (C12) Erosion control and sediment control structures must be maintained at all times and repaired or replaced as required after each rainfall event.

END OF CONDITIONS FOR SCHEDULE C

Schedule D – Noise

Noise nuisance

- (D1) Subject to Conditions (D2) and (D3) noise from the ash disposal activity must not cause an environmental nuisance, at any sensitive place.
- (D2) When requested by the Administering Authority, noise monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the

authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.

- (D3) If the development approval holder can provide evidence through monitoring that the limits defined in Schedule D - Table 1 are not being exceeded by noise from the ash disposal activity then the holder is not in breach of Condition (D1). Monitoring must include:
- LA, max adj, T and L_{Ar}, 1 hour and L_{A10}, adj, 10 mins
 - the level and frequency of occurrence of impulsive or tonal noise;
 - atmospheric conditions including wind speed and direction; and
 - location, date and time of recording.
- (D4) If monitoring indicates exceedence of the limits in Schedule D - Table 1, then the development approval holder must immediately implement noise abatement measures so that emissions of noise from the activity do not result in environmental nuisance or if considered appropriate by the administering authority, undertake appropriate dispute resolution.
- (D5) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

Schedule D - Table 1: Noise limits

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
Noise measured at a 'Noise sensitive place'						
L _{Ar} , 1 hour	50	45	40	50	45	40
Noise measured at a 'Commercial place'						
L _{A10} , adj, 10 mins	55	50	45	55	50	45

END OF CONDITIONS FOR SCHEDULE D

Schedule E – Waste Destination of Waste

- (E1) The holder of this approval must take all reasonable and practicable measures to prevent the release or likelihood of release of contaminants to land except the following wastes emanating from the Kogan Creek Power Station:
- Collected fly ash, economiser ash and boiler bottom ash material removed from the boilers, economisers, fabric filter dust collectors (FFDC) released to any ash cell in a manner that will ensure the stability of the dam and in accordance with the conditions of this development approval; and
 - pulverised fuel (PF) and other coal material either as a solid or in a slurry form; released to the ash cells in a manner that will ensure the stability of the dam and in accordance with the conditions of this development approval; and

- (iii) other power station waste products that include the ash fabric filter bags, waste ion exchange resins, coal laboratory waste, sediment dam waste, cooling tower sludges, drain sediments, effluent from chemical cleans, boiler blowdown and other water mixed with the ash slurry, quantities of oils and hydrocarbons that will not cause environmental harm, and other solid or liquid wastes that will not cause environmental harm released to any ash cell in a manner that will ensure the stability of the dam and in accordance with the conditions of this development approval.

Ash Disposal Management Plan

- (E2) Within twelve months of the date of this approval in conjunction with the Plan of Operations for ML50074 the holder of this approval must prepare and submit an Ash Dam Management Plan (**ADMP**) detailing practices and measures necessary to minimise the likelihood of environmental harm being caused by disposal of ash.

The ADMP must include a strategy detailing the future method/s for disposal of ash to the ash cells. The strategy must include –

- (i) expected life of each ash cell and remaining ash storage capacity of the ash cell;
- (ii) location of ash cells, including any staged relocation of the ash deposition to maintain the stability of bund walls;
- (iii) longer term strategy for the disposal of ash and other wastes and alternative disposal methods to minimise the amount of waste water and conserve ash cells space;
- (iv) Groundwater monitoring and assessment – the ADMP must include monitoring of groundwater quality and interpretation of the results and conclusions by an expert in the field of groundwater monitoring as to whether there is any contamination and if so, the level of environmental harm caused as a result of such contamination. Assessment of groundwater monitoring must be undertaken in accordance with Condition C(7)(v) every three years to assess the impact of any release of contaminants from the ash cells to groundwater.

Ash Handling

- (E3) All reasonable and practicable measures must be implemented to limit dust emissions which emanate from activities associated with fly ash and bottom ash collection, transportation and disposal. For the purpose of this condition, an example of a reasonable and practicable measure for the control of dust emissions includes but is not limited to conditioning of ash with water.

Inspection of Dams

- (E4) Dams containing hazardous waste shall be inspected by a suitably qualified and experienced Engineer on or about 1st October but definitely before 1st November each year, or at any time if disturbing, unusual or otherwise unsatisfactory conditions or changes to dams are observed or as directed by the administering authority.
- (E5) For each inspection, the engineer shall assess the condition of each dam and its foundations, determine the hydraulic adequacy of the dam and assess the adequacy of the works with respect to dam safety and containment of waste.
- (E6) For each inspection, the engineer shall review the risk evaluation criteria and monitoring results for the dam.

- (E7) For each inspection, two copies of the engineer's report and any recommendations as to measures to be taken to ensure the integrity of the dam shall be furnished to the administering authority within 28 days of the inspection.

Standards and Criteria

- (E8) The holder of the development approval must comply with the standard environmental conditions in the "Code of Environmental Compliance for Environmental Authorities for High Hazard Dams Containing Hazardous Waste".

Dams containing hazardous waste

- (E9) The construction or operation of any dam containing hazardous waste within the operational land must comply with Schedule E - Table 1.

Schedule E — Table 1: Size and purpose of high hazard dams containing hazardous waste

Name of dam containing hazardous waste ⁽¹⁾	Maximum surface area of cell (ha)	Maximum capacity of cell (million m ³)	Purpose of cell ⁽³⁾
Initial Ash Cell	80	5	Power station waste disposal
Out of Pit Ash Cell	72	7	Power station waste disposal
InPit West Ash Cell(s) each	40	5	Power station waste disposal
InPit East Ash Cell(s) each	40	5	Power station waste disposal

- (E10) Any high hazard dam containing hazardous waste constructed or operated within the operational land must be located at approximately the control points defined in Schedule E - Table 2.

Schedule E — Table 2: Location of high hazard dam containing hazardous waste

Name of cell containing hazardous waste	Latitude (GDA 94)	Longitude (GDA 94)
Initial Ash	26° 55' 00"	150° 44' 00"
Out of Pit	26° 55' 40"	150° 47' 30"
InPit West(1 st)	26° 56' 00"	150° 46' 30"
InPit West(2 nd)	26° 56' 15"	150° 46' 30"
InPit West(3 rd)	26° 56' 30"	150° 46' 30"
InPit East(1 st)	26° 56' 10"	150° 47' 15"
InPit East(2 nd)	26° 56' 25"	150° 47' 15"
Other In Pit cells	Holder of DA to advise prior to construction	Holder of DA to advise prior to construction

Decommissioning

- (E11) The development approval holder must, 6 months prior to the cessation of operation of any dam containing hazardous waste, develop:
- (a) a rehabilitation plan for decommissioning the dam such that, amongst other things, water will no longer be stored in the dam, the dam and its contents will be structurally stable and resistant to erosion, and seepage; and any other emissions will not cause environmental harm or nuisance; or
 - (b) a management strategy for the continued existence of the dam wherein the dam will be maintained such that it will not cause environmental harm or nuisance.
- (E12) The rehabilitation plan must include, but shall not be limited to:
- (a) maintenance of the integrity and effectiveness of final cover systems; and
 - (b) the continuation of any monitoring program required as a condition of this development approval.
- (E13) The rehabilitation plans or management strategies described in condition E11 are to be considered design plans and must be implemented in accordance with the Code of Environmental Compliance for Environmental Authorities for High Hazard Dams Containing Hazardous Waste.

END OF CONDITIONS FOR SCHEDULE E

Schedule F – Land

Rehabilitation landform criteria

- (F1) All areas significantly disturbed by ash disposal activities must be rehabilitated to the final land description as defined in Schedule F - Table 1.

Schedule F - Table 1: Final land use and rehabilitation approval schedule

Disturbance type	Projected Disturbance area (ha)	Pre-mine land description	Post-mine land description	Pre-mine land classification	Post-mine land classification	Slope Criteria
Initial Ash Cell	80	Light grazing and fauna habitat	Light grazing and fauna habitat / Water Storage	3/5	4/5	<10° Erosion Protection, Accepted design plan for water storage.
Out of Pit Ash Cell	72	Light grazing and fauna habitat	Light grazing and fauna habitat	3/5	4/5	<10° Erosion Protection
In Pit Ash Cells	40 each	Light grazing and fauna habitat	Light grazing and fauna habitat	3/5	4/5	<10° Erosion Protection

- (F2) Progressive rehabilitation must be implemented for ash cells not required for the ongoing conduct of ash disposal activities.

Grazing pasture outcome

- (F3) Areas that are to be progressively rehabilitated to grazing pasture must comply with the following rehabilitation outcomes:
- a) generate a self sustaining vegetation with projective cover, species composition and species distribution planting locally occurring native species of grass and shrubs. These vegetation species must be listed in the final land use and rehabilitation report; and
 - b) all areas disturbed by ash disposal activities must be rehabilitated to the landform design criteria defined in Schedule F - Table 1.

END OF CONDITIONS FOR SCHEDULE F

Schedule G – Community

Complaint response

- (G1) All complaints received must be recorded including details of complainant, reasons for the complaint investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

Notification of Emergencies and Incidents

- (G2) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority as soon as possible.
- (G3) The notification of emergencies or incidents as required by condition number G1 must include but not be limited to the following:
- i) the holder of the development approval;
 - ii) the location of the emergency or incident;
 - iii) the number of the development approval;
 - iv) the name and telephone number of the designated contact person;
 - v) the time of the release;
 - vi) the time the holder of the development approval became aware of the release;
 - vii) the suspected cause of the release;
 - viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - ix) actions taken to prevent any further release and mitigate any environmental harm and or environmental nuisance caused by the release.
- (G4) Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number G3 in addition to:

- i) proposed actions to prevent a recurrence of the emergency or incident;
- ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
- iii) the results of any environmental monitoring performed.

Any notification given under Section 320 or Section 350 of the *Environmental Protection Act* that contains the information described in Condition G3 is also a notification under this condition.

Exception Reporting

(G5) The holder of this development approval must notify the administering authority in writing of any monitoring result that indicates an exceedence of or non-compliance with any development approval limit within twenty-eight (28) days of completion of analysis.

(G6) The written notification required by condition number G5 above must include:

- i) the full analysis results;
- ii) details of investigation or corrective actions taken; and
- iii) any subsequent analysis.

Any notification given under Section 320 or Section 350 of the *Environmental Protection Act* that contains the information described in Condition G3 is also a notification under this condition.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this approval are defined below except where identified in the EP Act or subordinate legislation. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the Macquarie Dictionary.

Word definitions

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete (same as completion criteria).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

"appropriately qualified person" means any person who conforms to the EPA operational policy for an 'appropriately qualified person (analyst)' in accordance with Section 490(7) of the Environmental Protection Act 1994.

"ash cell" includes initial ash storage cell, in pit ash cells and out of pit ash cells; defined as an area underlain by a low permeability layer where powerstation ash, ash leachate and other waste is deposited for permanent storage; part of the ash cell where the leachate collects is a dam.

"commercial place" means a place used as an office or for business or commercial purposes, other than the Kogan Creek Power Station or a place within the boundaries of the operational land.

"construction" includes building a new dam and modifying or lifting an existing dam.

"dam" - means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognised standard.

"design plan" - in the context of a dam design is the documentation required under the "Code of Environmental Compliance for High Hazard Dams Containing Hazardous Waste" to describe the physical dimensions of the dam, the materials and standards to be used for construction of the dam, the procedures and criteria to be used for operating the dam and the decommissioning and rehabilitation objectives in terms of procedures, works and outcomes at the end of dam life. The documents can include design and investigation reports, drawings, specifications and certifications.

"flowable substance" means matter or mixture of materials which can be forced to or otherwise flow under any conditions possible in a situation. It includes water, other liquids or a mixture that includes water or any other liquid or suspended solids.

" $L_{Ar, 1\text{hour}}$ " means the rating level measured over any one hour period, defined as:

$$L_{Ar, 1\text{hour}} = L_{Aeq, 1\text{hour}} + K_1 + K_2 \text{ where}$$

" K_1 " means the tone adjustment applicable to any one hour measurement period, and

" K_2 " means the impulse adjustment applicable to any one hour measurement period.

" $L_{Aeq, 1\text{hour}}$ " means the time-average A weighted sound pressure level over any one hour measurement period.

" $L_{A 10, \text{adj}, 10 \text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

"land" in the 'land schedule' of this document means land excluding waters and the atmosphere, "noise sensitive place" or a "commercial place"

"land capability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land suitability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

"leachate" means a liquid that has passed through or emerged from, or is likely to have passed through or emerged from, a material stored, processed or disposed of at the operational land which contains soluble, suspended or miscible contaminants likely to have been derived from the said material.

"noxious" means harmful or injurious to health or physical well being, other than trivial harm.

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively OR a staged approach to rehabilitation as mining operations are ongoing.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this development approval and, where relevant, includes remediation of contaminated land.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

"residual void" means an open pit resulting from the removal of ore and/or waste rock which will remain following the cessation of all mining activities and completion of rehabilitation processes.

"self sustaining" means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

"sensitive place" means:

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- an educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes which is not part of the mining activity, the operational land or Kogan Creek and does not include employees accommodation or public roads.

"stable" means land form dimensions are or will be stable within tolerable limits now and in the foreseeable future. Stability includes consideration of geotechnical stability, settlement and consolidation allowances, bearing capacity (traffic ability), erosion resistance and geochemical stability with respect to seepage and contaminant generation.

"suitably qualified and experienced person" means a person who is a Registered Professional Engineer of Queensland under the provisions of the *Professional Engineers Act 1988* or a Corporate Member of the Institution of Engineers Australia or holds equivalent professional qualifications and has the following:

- (a) knowledge of engineering principles related to the structures, geomechanics, hydrology, hydraulics, chemistry and environmental impact of dams; and
- (b) at least a total of five years of suitable experience and demonstrated expertise in at least four of the following areas:
 - investigation, design or construction of dams;
 - operation and maintenance of dams;
 - geomechanics with particular emphasis stability, geology and geochemistry;
 - hydrology with particular reference to flooding, estimation of extreme storms, water management or meteorology;
 - hydraulics with particular reference to sediment transport and deposition, erosion control, beach processes; and
 - hydrogeology with particular reference to seepage, groundwater,
 - solute transport processes and monitoring thereof; and
 - dam safety.

"tolerable limits" means that a range of values could be accepted to achieve an overall environmental management objective (eg a range of settlement of a tailing capping could still meet the objective of draining the cap quickly, preventing pondage and limiting infiltration and percolation).

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), and any under groundwater, any part thereof.

"waste" includes anything that is –

- (a) left over, or an un-wanted by-product, from an industrial, commercial, domestic or other activity; or
- (b) surplus to the industrial, commercial, domestic, or other activity generating the waste.

END OF DEFINITIONS IN SCHEDULE H

General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at *ES - Reg Serv - Western - Twba - EPA PO Box 731, , TOOWOOMBA, QLD 4350* and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Additional comments or advice about the application

Additional information for applicants

ERA 60-1(d) operating a facility for disposing of, in a year, more than 200000t of regulated waste or regulated waste and any, or any combination, of general waste; limited regulated waste; or if the facility is in a scheduled area—no more than 5t of untreated clinical waste in a year.

sch4 - Personal information

Delegate

Sarah Horton

Delegate, Chief Executive administering the
Department of Environment and Heritage Protection

Jalota Rajesh

From: HARTIGAN Roger <Roger.Hartigan@csenergy.com.au>
Sent: Friday, 1 November 2013 3:47 PM
To: Jalota Rajesh
Cc: MAPP Ivan; MCNICOL John; HARABASZ Samuel
Subject: CS Energy Notification of Water level - IADA & OPAC

Dear Rajesh,

I would like to advise you that the water level in the Initial Ash Disposal Area (IADA) at Kogan Creek Power Station as at 1 November 2013 is RL 313.71 m (actually measured on 31 October). This level is below the Design Storage Allowance (DSA) value of RL 314.0 m, and below the Mandatory Reporting Level (MRL) of 317.00 m.

The water level in the Out of Pit Ash Cell (OPAC) as at 1 November 2013 is RL 321.66 m (actually measured on 31 October). This level is below the Design Storage Allowance (DSA) value of RL 323.30 m, and below the Mandatory Reporting Level (MRL) of 324.10 m.

Our consultants are currently completing the dam safety and capacity adequacy reports for the IADA and OPAC. The reports discuss the determination of the values for the DSA and MRL and the reports will be submitted to your Department later in November.

Regards

Roger

Roger Hartigan
Environment Manager

CS ENERGY
Phone 07 3854 7573 Fax 07 3854 7323 ~~Mobile~~ - Personal information

Brisbane Office
Level 2, HQ North Tower, 540 Wickham Street, Fortitude Valley Q 4006
PO Box 2227, Fortitude Valley BC Q 4006

www.csenergy.com.au

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Jalota Rajesh

From: Jalota Rajesh
Sent: Monday, 4 November 2013 9:26 AM
To: 'HARTIGAN Roger'
Cc: MAPP Ivan; MCNICOL John; HARABASZ Samuel
Subject: RE: CS Energy Notification of Water level - IADA & OPAC

Thanks Roger!
Kind regards!
Rajesh

From: HARTIGAN Roger [<mailto:Roger.Hartigan@csenergy.com.au>]
Sent: Friday, 1 November 2013 3:47 PM
To: Jalota Rajesh
Cc: MAPP Ivan; MCNICOL John; HARABASZ Samuel
Subject: CS Energy Notification of Water level - IADA & OPAC

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Roger Hartigan
Environment Manager

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EHP RTI DL Release

Jalota Rajesh

From: HARTIGAN Roger <Roger.Hartigan@csenergy.com.au>
Sent: Friday, 1 November 2013 3:47 PM
To: Jalota Rajesh
Cc: MAPP Ivan; MCNICOL John; HARABASZ Samuel
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Roger

Roger Hartigan
Environment Manager

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Jalota Rajesh

From: Jalota Rajesh
Sent: Friday, 8 November 2013 1:58 PM
To: 'MCNICOL John'
Subject: RE: Help needed

Hi John

To apply for any waters works you need to contact DNRM (Dept. of Natural Resources and Mines). I think you have to apply for a riverine permit. I will try to find who~~se~~ in DNRM you should contact about this.

Kind regards!

Rajesh

From: MCNICOL John [<mailto:john.mcnicol@csenergy.com.au>]
Sent: Thursday, 7 November 2013 4:45 PM
To: Jalota Rajesh
Subject: Help needed

Rajesh

I spoke to Ruth the other day and she suggested that I talk to you about an issue at the Mine in relation to Kogan Creek and Eastern Branch Creek.

I have had Stuart Macnish from Palaris doing work on a Stage 2 Eastern Branch Creek diversion and he visited site last week for a firsthand look.

During his inspection, he has discovered a "concerning " log jam in Kogan Creek that he feels will damage the existing Eastern Branch Creek diversion if left untreated.

I am addressing the issues with the current diversion through Golding Contractors and I have been told that I can apply for a Riverine Protection permit to enable me to remove the offending Log Jam but I need your help as I don't know who to apply to for that permit?

I have attached the preliminary report from Stuart so you can see what I am talking about.

Thank You and see you next Tuesday

John

Regards

John McNicol

Coal, Ash and Electrical Superintendent
Kogan Creek Power Station

 07 46652505

sch4 - Personal information

 John.mcnicol@csenergy.com.au


