

## Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue  
**Director**  
**Resource Assessments**

Sydney

12 April 2022

### SCHEDULE 1

The development consent (08\_0150) for the Bulli Seam Operations Project, granted by the Planning Assessment Commission of New South Wales on 22 December 2011

### SCHEDULE 2

1. In the list of definitions, delete the terms "DPI Water", "DRE", "Executive Director Mineral Resources", "Heritage Division", "MSB", "OEH" and "Secretary", including their definitions, and insert the following in alphabetical order:

Appin Mine Ventilation and Access Site	Ventilation and access site located at 345 Menangle Road, Menangle
Appin Mine Ventilation and Access Site early works	Site establishment, demolition of buildings and structures, removal and erection of fencing, installation of erosion and sediment controls (including drainage and sediment dams), civil and earthworks, utilities (including power supply infrastructure), commissioning of site offices, shaft pre-sinking, and intersection upgrades
BC Act	<i>NSW Biodiversity and Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division within the Department
DPE Water	Water Group within the Department
Heritage NSW	Heritage Branch within the Department
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Resources Regulator	Resources Regulator within the Department of Regional NSW
SA NSW	Subsidence Advisory NSW
Shaft pre-sinking	The construction of the temporary headframe and winder, establishment of a shaft collar and intake evase, and the excavation of the shafts No. 7 and 8 at the Appin Mine Ventilation and Access Site to a depth of 30-50 m (depending on geological conditions) in preparation for the main shaft sinking activities
Shaft sinking	The controlled blasting and excavation of ventilation shafts No. 7 and 8 at the Appin Mine Ventilation and Access Site at depths greater than 30-50 m (depending on geological conditions) and the progressive lining of the shafts

2. In the definition of "Construction", insert after "covered by this approval":  
"including the construction of fans, evase(s), ancillary site infrastructure, mine access infrastructure (winder, headframe, etc) and shaft sinking activities at the Appin Mine Ventilation and Access Site, but not including Appin Mine Ventilation and Access Site early works".
3. In the definition of "EA", insert after the last paragraph:  
Modification application 08\_0150 MOD 3, and Modification Report titled Appin Mine Ventilation and Access Project dated 30 June 2021, including the Response to Submissions dated October 2021,

and additional information reports from South 32 Illawarra Coal Pty Limited dated 5 October 2021, 5 November 2021, 26 November 2021, 9 December 2021, 22 December 2021, and 24 February 2022.

4. Replace the definition of “Material harm to the environment” with:  
Is harm that:
  - involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or
  - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent or mitigate or make good harm the environment).
5. In Schedules 2 - 6, insert the word “Planning” before the words “Secretary” and “Secretary’s”.
6. In Schedules 2 – 6, except in condition 5(k) of Schedule 3 and condition 24(a) of Schedule 4, replace all references to “OEH” with “BCD”.
7. In condition 5(k) of Schedule 3, and condition 24(a) of Schedule 4, replace the references to “OEH” with “Heritage NSW”.
8. In Schedule 4, delete all references to “Heritage Division” and replace with “Heritage NSW”.
9. In Schedules 2 – 6, replace all references to “MSB” with “SA NSW”.
10. In Schedules 2 – 6, replace all references to “DPI Water” with “DPE Water”.
11. In Schedules 2 – 6, replace all references to “RMS” with “TfNSW”.
12. In condition 2 of Schedule 2:
  - i. replace “shall” with “must”.
  - ii. delete “generally in accordance with the:”.
  - iii. delete bullet points (a) – (e) and replace with the following:
    - (a) generally in accordance with the EA, Statement of Commitments and PPR;
    - (b) in accordance with the conditions of this approval; and
    - (c) in accordance with any written directions of the Planning Secretary.
13. Delete condition 4 of Schedule 2 and replace with the following:
  - 4 Consistent with the requirements of this approval, the Planning Secretary may make written directions to the Proponent in relation to:
    - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and
    - (b) the implementation of any actions or measures contained in any such document referred to in condition 4(a).
14. In the notes of condition 5 of Schedule 2:
  - i. insert “decommission and” after “the Proponent is required to”.
  - ii. replace “to the satisfaction of either the Secretary or the Executive Director Mineral Resources” with “in relation to mining operations.”.
  - iii. insert the following after the last bullet point:
    - Mining operations and rehabilitation are also regulated under the Mining Act 1992.
15. In the notes of condition 7A of Schedule 2, in the second bullet point, insert “in Tables 1A and 1B” after “Emergency purposes”.
16. After condition 7A of Schedule 2, insert the following new condition:
  - 7B. The Proponent must comply with the construction and operating hours listed in Table 1B for the Appin Mine Ventilation and Access Site:

*Table 1B: Construction and operating hours*

<b>Activity</b>	<b>Hours</b> (Other than for emergency or safety purposes as approved by the Planning Secretary in the Construction Traffic Management Plan required under Schedule 4A Condition 12)
<u>Construction, including:</u> <ul style="list-style-type: none"> <li>• Appin Mine Ventilation and Access Site early works</li> <li>• fans, evase(s), ancillary site infrastructure and mine access infrastructure (winder, headframe, etc)</li> <li>• Shaft sinking activities prior to the construction of acoustic sheds/mitigation</li> </ul>	7.00am to 6.00pm, Monday to Friday 8.00am to 1.00pm Saturday No works on Sunday or Public Holidays
<ul style="list-style-type: none"> <li>• Shaft sinking activities once the acoustic sheds/mitigation is in place</li> <li>• Any works that are inaudible at residential premises.</li> </ul>	24 hours per day, 7 days per week
<u>Operation, including:</u> <ul style="list-style-type: none"> <li>• Operation of the site and site access</li> <li>• Operation and commission of the ventilation shafts</li> </ul>	24 hours per day, 7 days per week
<ul style="list-style-type: none"> <li>• Heavy vehicle movements to and from the site except concrete deliveries during shaft sinking activities once the acoustic sheds/mitigation is in place</li> </ul>	7.00am to 6.00pm, Monday to Saturday No movements on Sunday or Public Holidays
<ul style="list-style-type: none"> <li>• Concrete deliveries during shaft sinking activities once the acoustic sheds/mitigation is in place</li> </ul>	24 hours per day, 7 days per week

17. In the notes for condition 10 of Schedule 2:
- replace "4A" with "6"; and
  - delete "Part 8 of the EP&A Regulation" and replace with "Parts 1-9 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021"
18. In condition 5(k) of Schedule 3, delete "23" and replace with "24"
19. In the heading above condition 2A of Schedule 4, insert "- Appin East Mine Safety Gas Management Project" after "Construction Noise".
20. After condition 2B of Schedule 4, insert the following:  
**Operational Noise - Appin Mine Ventilation and Access Site**
- 2C. The Proponent must ensure that the noise generated by operational activities at the Appin Mine Ventilation and Access Site does not exceed the noise impact assessment criteria set out in Table 2B at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 2B: Operational noise criteria dB(A)

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>	
	<i>L<sub>Aeq</sub> (15 min)</i>	<i>L<sub>Aeq</sub> (15 min)</i>	<i>L<sub>Aeq</sub> (15 min)</i>	<i>L<sub>Amax</sub></i>
All privately owned residences	43	43	39	54

However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Notes:

- To identify the privately owned residences referred to in Table 2B, refer to titled “Appin Mine Ventilation and Access Project – Sensitive Receivers” in Appendix 5; and
- Noise generated by the Appin Ventilation and Access Site is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (EPA, 2017).

21. In condition 5 of Schedule 4:
- delete “and implement” after “The Proponent shall prepare”.
  - delete “and” after condition (e) and insert after condition (f);
  - in condition (f), insert “, including at the Appin Mine Ventilation and Access Site;” after “performance of the project”;
  - insert the following after condition (f):
    - prior to commencement of construction of the operational winder/cage, describe the outcome of investigations into alternatives to the use and implementation of audible warning alarms for the operation of the winder/cage at the Appin Mine Ventilation and Access Site; and
22. After condition 5 of Schedule 4, insert the following new condition:
- 5A The Proponent must implement the Noise Management Plan approved by the Planning Secretary.

23. In condition 9 of Schedule 4:
- insert after “of any privately-owned land”:
 

“, and that the particulate emissions from the Appin Mine Ventilation and Access Site do not exceed the criteria listed in Table 6A at any residence on privately-owned land or on more than 25 percent of any privately-owned land”.
  - insert after Table 6 and before the notes:

*Table 6A: Criteria for Appin Mine Ventilation and Access Site*

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>a</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 25 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a</sup> 8 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>a</sup> 25 µg/m <sup>3</sup>

- In the notes, insert “A” after “6”.
  - After the notes, insert:
 

However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.
24. In condition 10 of Schedule 4, insert “, subject to the independent review procedure in conditions 2-3 of Schedule 5,” after “the Proponent shall”.
25. In condition 12 of Schedule 4:
- delete “and implement” after “shall prepare”.
  - delete “and” after condition (c) and insert after condition (d);
  - in condition (d), delete “uses a combination of high volume samplers and dust deposition gauges to”, and insert “s” at the end of “evaluate”;
  - after condition (d), insert:
    - include a site specific air quality monitoring and management plan for the Appin Mine Ventilation and Access Site which includes:
      - an odour management plan and gaseous emissions monitoring program for the operation of the ventilation shafts;
      - a comprehensive air quality management system that uses real-time monitoring and implements both proactive and reactive air quality mitigation measures”

26. After condition 12 of Schedule 4, insert the following condition:  
12A The Proponent must implement the Air Quality and Greenhouse Gas Management Plan approved by the Planning Secretary.
27. In condition 16 of Schedule 4:  
i. delete “and implement” after “The Proponent must update”;  
ii. in condition (b), after “erosion and sediment controls”, insert the following:  
• on-site sewage management systems; and  
iii. in condition (b), after “measures to minimise potable water use and to reuse and recycle water”, insert the following:  
• trigger levels for investigating any potentially adverse impacts on water resources or water quality
28. After condition 16 of Schedule 4, insert new condition:  
16A The Proponent must implement the Surface Water Management Plan approved by the Planning Secretary.
29. In condition 17 of Schedule 4, delete “and implement” after “The Proponent shall prepare”.
30. After condition 17 of Schedule 4, insert the following condition:  
17A The Proponent must implement the West Cliff Coal Wash Emplacement Area Management Plan approved by the Planning Secretary.
31. In conditions 21 and 22 of Schedule 4, delete “and implement” after “The Proponent shall prepare”.
32. After condition 21 of Schedule 4, insert the following condition:  
21A The Proponent must implement the Gas Drainage Management Plan approved by the Planning Secretary.
33. After condition 22 of Schedule 4, insert the following condition:  
22A The Proponent must implement the Surface Activities Management Plan approved by the Planning Secretary.
34. In condition 24 of Schedule 4, delete “update the approved” and replace with “prepare a”.
35. After condition 24 of Schedule 4, insert the following condition:  
24A The Proponent must implement the Heritage Management Plan approved by the Planning Secretary.
36. After condition 26A of Schedule 4, insert the following conditions:  
26B. If it is determined that the corridor of the proposed Outer Sydney Orbital Stage 1 would intersect with the Appin Ventilation and Access Site, the Proponent must develop a specific Infrastructure Management Plan in consultation with, and to the satisfaction of, TfNSW. The plan must include:  
(a) detailed design and engineering parameters required for co-existence;  
(b) measures to ensure the ongoing safety and serviceability of the site and Outer Sydney Orbital Stage 1 during construction and operation;  
(c) any upgrades or augmentations required to the site associated with the construction and operation of the Outer Sydney Orbital Stage 1;  
(d) assessment of risks generated by co-location of surface infrastructure; and  
(e) costings of proposed measures and cost sharing arrangements.  
26C The Proponent must implement the Traffic Management Plan approved by the Planning Secretary.
37. After condition 27(c) of Schedule 4, insert the following heading and condition:  
**Visual Screening of Appin Mine Ventilation and Access Site**  
27A The Proponent must:  
(a) ensure that the visual appearance of all new buildings, structures, facilities or works (including paint colours and specifications) at the Appin Mine Ventilation and Access Site are aimed at blending as far as possible with the surrounding landscape; and

- (b) implement site-specific landscaping strategies at the Appin Mine Ventilation and Access Site and at the privately owned residences at 310 Menangle Road and 30 Finns Road, Menangle to minimise the visual impacts of the Appin Mine Ventilation and Access Site, including:
  - i. notification and consultation with affected residents and WSC;
  - ii. carrying out screen tree planting at the residences prior to the commencement of construction of the Appin Mine Ventilation and Access Site;
  - iii. maintenance and/or replacement of the planted trees established over the life of the Appin Ventilation and Access Site to maintain an effective visual screen to the satisfaction of the Planning Secretary

Note: b(ii) and b(iii) do not apply if the Proponent has a written agreement with the landowners at 310 Menangle Road and 30 Finns Road, Menangle in relation to visual impact mitigation, and the Proponent has advised the Department in writing of the terms of this agreement.

- 38. In condition 28 of Schedule 4:
  - i. delete “and” after condition (a) and insert after condition (b);
  - ii. after condition (b), insert the following:
    - (c) manage on-site sewage treatment and disposal in accordance with the requirements of EPA and WSC.
- 39. In condition 31 of Schedule 4, replace “to the satisfaction of the Executive Director Mineral Resources” with “in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*”.
- 40. In condition 33 of Schedule 4:
  - i. insert “in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*.” after “Rehabilitation Management Plan for the project”.
  - ii. delete “, to the satisfaction of the Executive Director Mineral Resources”.
  - iii. after “This plan must”, delete the colon and sub conditions (a) to (e) and insert “be prepared in consultation with BCD, DPE Water, WCC and the CCC.”
- 41. Insert the following after condition 35, of Schedule 4:  
**Appin Mine Ventilation and Access Site**
  - 35A. Within 6 months of the commencement of Appin Mine Ventilation and Access Site early works, unless otherwise agreed by the Planning Secretary, the Proponent must retire two (2) ecosystem credits for the clearing of Plant Community Type (PCT) 849 *Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion* associated with the construction of the Appin Mine Ventilation and Access Site. The credits must be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.
- 42. In condition 36 of Schedule 4, insert “ and Appin Mine Ventilation and Access Site” after “Ventilation Shaft No. 6”.
- 43. After condition 36 of Schedule 4, insert the following condition:
  - 36A The Proponent must implement the Biodiversity Management Plan approved by the Planning Secretary.
- 44. After condition 36A of Schedule 4, insert the following Schedule on a new page:

#### **SCHEDULE 4A**

### **CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS – APPIN MINE VENTILATION AND ACCESS SITE**

#### **CONSTRUCTION NOISE**

- 1. The Proponent must ensure that the noise generated by the Appin Mine Ventilation and Access Site early works are managed in accordance with the requirements of the *Interim Construction Noise Guideline (DECC, 2009)*, as may be updated from time to time.
- 2. The Proponent must ensure that the noise generated by construction of the Appin Mine Ventilation and Access Site does not exceed the noise impact assessment criteria set out in Table 2B of condition 2C, Schedule 4 at any residence on privately-owned land, or on more

than 25 percent of any privately-owned land.

## CONSTRUCTION BLASTING

### Blasting Criteria

3. The Proponent must ensure that the construction blasting at the Appin Mine Ventilation and Access Site does not cause exceedances of the criteria in Table 11.

Table 11: Construction blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months

However, these criteria do not apply if the Proponent has a written agreement with the relevant owner and the Proponent has advised the Department in writing of the terms of this agreement, or if other criteria is agreed by the Planning Secretary

### Blasting Hours

4. Unless the Planning Secretary agrees otherwise, the Proponent must only carry out blasting on the Appin Mine Ventilation and Access Site Monday to Friday 9 am to 5 pm and Saturday 9 am to 1 pm. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Planning Secretary unless an additional blast is required following a blast misfire.
5. If the Proponent decides to seek the Planning Secretary's approval to carry out blasting outside of the hours specified in condition 5 above, then it must demonstrate that the airblast overpressure levels from the blasting complies with the night-time  $L_{Amax}$  sleep disturbance maximum noise trigger level criteria specified in Table 2B of condition 2C, Schedule 4.

### Blasting Frequency

6. The Proponent may carry out a maximum of 1 blast per 24 hour period at each of the Appin Mine Ventilation and Access Site ventilation shafts, unless an additional blast is required following a blast misfire.

This condition does not apply to blasts required to ensure the safety of the mine or its workers.

*Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a ventilation shaft of the site.*

### Property Inspections

7. If the Proponent receives a written request from the owner of any privately-owned land within 1 kilometre of vent shaft no 7 or vent shaft no 8, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, then within 2 months of receiving this request the Proponent must:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:
    - i. establish the baseline condition of any buildings and/or structures on the land, or update the previous property inspection report; and
    - ii. identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

### Property Investigations

8. If the owner of any privately-owned land within 1 kilometre of vent shaft no 7 or vent shaft no 8 claims in writing that buildings or structures on their land have been damaged as a result of blasting on the Appin Mine Ventilation and Access Site, and the Planning Secretary is satisfied that an investigation is warranted, then within 2 months of receiving this claim in writing from the landowner the Proponent must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent must repair the damages to the satisfaction of the Planning Secretary.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

### Operating Conditions

9. During blasting operations on the Appin Mine Ventilation and Access Site, the Proponent must:
- (a) engage suitably qualified and experienced person/s to oversee the process of blasting, including blast planning, design, supervision and monitoring;
  - (b) implement best management practice to:
    - i. protect the safety of people (including road users) and livestock in the surrounding area;
    - ii. protect public or private infrastructure/property in the surrounding area from any damage; and
    - iii. minimise the dust and fume emissions of any blasting;
- to the satisfaction of the Planning Secretary.

### Site Entrance

10. Prior to the commencement of construction on the Appin Mine Ventilation and Access Site, the Proponent must construct the Appin Mine Ventilation and Access Site entrance and its intersection with Menangle Road to the satisfaction of WSC and TfNSW.

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

11. Prior to the commencement of Appin Mine Ventilation and Access Site early works, the Proponent must prepare a Construction Environmental Management Plan for the construction phase of the Appin Mine Ventilation and Access Site to the satisfaction of the Planning Secretary. This plan must:
- (c) be prepared in consultation with the EPA;
  - (d) provide specific environmental management and monitoring measures for construction works, including for:
    - i. minimising construction-related noise, dust, visual impacts, and surface disturbance;
    - ii. stormwater management including erosion and sediment controls and clean water diversion;
    - iii. monitoring and managing groundwater inflows and impacts to groundwater resources as a result of shaft construction activities at the Appin Mine Ventilation and Access Site;
  - (e) include details of vegetation clearing protocols, including procedures to minimise the amount of clearing required on the Appin Mine Ventilation and Access Site;
  - (f) include a **Construction Blast Management Plan** prepared by a suitably qualified and experienced person/s in consultation with the EPA that:



- i. describes the measures that would be implemented to ensure compliance with the relevant conditions of this approval and that best management practice is being employed;
  - ii. includes a real-time automated monitoring program prepared in accordance with the guidelines provided in *Australian Standard 2187.2-2006: Explosives-Storage and use, Part 2: Use of explosives* to:
    - evaluate the performance of the project and compliance with the applicable criteria;
    - control flyrock; and
    - minimise fume emissions from the site;
  - iii. includes public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blast schedule;
  - iv. includes a protocol for investigating and responding to blast-related complaints; and
  - v. includes a protocol for investigating and responding to noise complaints.
- (g) include a **Construction Traffic Management Plan** prepared in consultation with the TfNSW and WSC, that:
- i. includes strategies to manage construction traffic, including road closure protocols, community consultation and measures to avoid potential road safety conflicts with other road users;
  - ii. includes a program for conducting road safety audits, including both pre and post construction, of the intersection of the Appin Mine Ventilation and Access Site entrance with Menangle Road;
  - iii. includes a vehicle movement plan for:
    - managing light, heavy and over-dimensional vehicles during construction works;
    - transporting construction waste materials; and
    - restricting construction or transportation hours to avoid road user conflicts; and
- (h) include a **Construction Noise Management Plan** that:
- i. describes the measures that would be implemented to ensure compliance with the noise conditions of this approval;
  - ii. includes a noise monitoring program that:
    - uses a combination of real-time and supplementary attended monitoring to evaluate noise generated by the project during construction; and
    - includes a protocol for determining exceedances of the relevant conditions of this approval.
- (i) include a **Construction Air Quality Management Plan** that:
- i. describes the proactive and reactive air quality mitigation measures that would be implemented to ensure compliance with Condition 9 of Schedule 4 of this approval;
  - ii. includes an air quality monitoring program that:
    - includes real time monitoring to evaluate air quality impacts during construction; and
    - includes a protocol for determining exceedances of the relevant conditions of this approval.

45. In condition 1 of Schedule 5, insert “and no longer than 7 days” after “As soon as practicable”.

46. In condition 1 of Schedule 6:

- i. In condition (a) insert, “be prepared in consultation with WSC and ” before “be submitted to the Planning Secretary”.
- ii. In condition (e), insert “including a specific community and stakeholder notification and engagement strategy during the construction and operation of the Appin Mine Ventilation and Access Site;” after “performance of the project”.
- iii. in condition (f), insert “references to all relevant” before “strategies, plans and programs”.

47. After condition 5(d) of Schedule 6, insert:

- (e) a direction of the Planning Secretary under Condition 4 of Schedule 2.

48. After condition 6 of Schedule 6, insert the following after the heading “Reporting”:

**Incident Notification, Reporting and Response**

- 7. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the project (including the development application number and the name of the development if it has one)

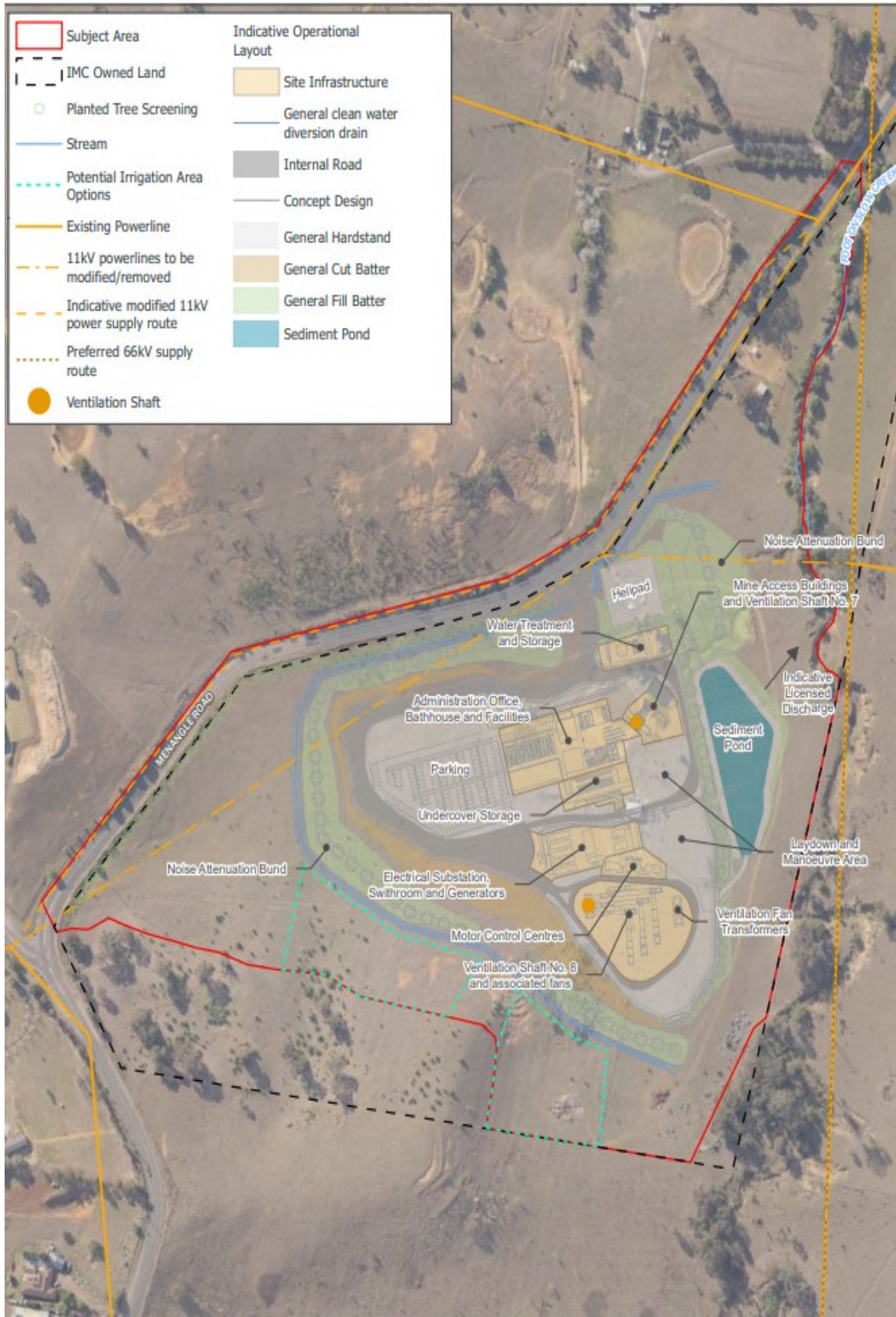
and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7.

### **Non-Compliance Notification**

- 7A. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance. A non-compliance notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

*Note: A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.*

49. In Appendix 4 insert after the figures:



Appin Ventilation and Access Site

50. In Appendix 5 insert after the figures:



*Appin Ventilation and Access Project – Sensitive Receivers*

**End of modification  
(SSD 08\_0150 MOD 3)**