

# 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.

Clay Preshaw  
Executive Director  
Energy, Resources and Industry Assessments

Sydney 2022

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## SCHEDULE 1

**Development consent:** 09\_0161 granted by the Planning Assessment Commission of New South Wales (the Commission) on 2 November 2011

**For the following:** NRE Wongawilli Colliery – Nebo Area Project

**Applicant:** Wollongong Coal Limited

**Consent Authority:** Minister for Planning

**The Land:** See Appendix 1

**Modification:** Modification of North West Mains Development and extension of time.

## SCHEDULE 2

1. In the list of Definitions, delete the terms “DPI Water”, “DRE”, “DSC”, “MSB”, “OEH”, “Project” and “RMS”, including their definitions and insert the following in alphabetical order:

Applicant	Wollongong Coal Limited (formally Gujarat NRE FCGL Pty Ltd), or any person carrying out any development under this consent
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity Conservation and Science Directorate within the Department
Development	The development as described in the EA
DPE Water	The Water Group within the Department
EA	Environmental assessment titled <i>NRE Wongawilli Colliery Nebo Area Environmental Assessment, Volumes 1-2</i> , dated October 2010, including the associated response to submissions
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
MEG	Department of Regional NSW – Mining, Exploration and Geoscience
Modification 1	Modification Application 09_0161 MOD 1, accompanying letter report from Wollongong Coal Limited dated 9 June 2015, including the associated response to submissions
Modification 2	Modification Report titled <i>Wongawilli Colliery Modification Report</i> dated December 2020 as modified by the Submissions Report titled <i>Wongawilli Colliery Modification 2 – North West Mains Development Submissions Report</i> dated September 2021 and additional information responses dated September 2021, November 2021, December 2021 and January 2022
NRAR	NSW Natural Resources Access Regulator
RR	Department of Regional NSW – Resources Regulator
SA NSW	Subsidence Advisory NSW
TFNSW	Transport for NSW
2. In the definition of “EP&A Regulation”, delete “2000” and replace with “2021”.
3. In the definition of “First Workings”, delete “longwall gate roads, related” and replace with “roadways”. After “cut throughs and the like” insert “, provided that such workings are long-term stable and do not generate more than 20 mm of vertical subsidence at the surface”.
4. Delete the definition of “Mining operations” and replace with “The carrying out of mining, including first workings, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and reject material”.
5. In the definition of Secretary, insert “Planning” prior to “Secretary”.
6. In Schedules 1 to 6, delete all references to “Proponent” and replace with “Applicant”.
7. In Schedules 1 to 6, delete all references to “approval” and replace with “consent”, except in:
  - (a) the notes to conditions 2, 8 and 10 of Schedule 2;
  - (b) conditions 6(a), 6(c) and 13 of Schedule 2;
  - (c) the note to condition 6 of Schedule 3;
  - (d) condition 7(b) of Schedule 3;
  - (e) the first instance of the word in conditions 8(a) and 14(a) of Schedule 4;
  - (f) condition 21 of Schedule 4;
  - (g) the notes to condition 26 of Schedule 4;
  - (h) conditions 3 and 5 of Schedule 5;
  - (i) the first instance of the word in condition 1(a) of Schedule 6;
  - (j) condition 2(b) of Schedule 6; and
  - (k) the last reference in condition 4 of Schedule 6.
8. In Schedules 1 to 6, delete all references to “project” and replace with “development”, except in Schedule 1 where it states, “Nebo Area Project” and condition 8 of Schedule 2.

9. In Schedules 1 to 6, delete all references to “shall” and replace with “must”, except in:
  - (a) conditions 3 and 9 of Schedule 2;
  - (b) condition 5 of Schedule 3; and
  - (c) the last instance of the word in condition 4 of Schedule 5.
10. In Schedules 1 to 4, delete all references to “DPI Water” and replace with “DPE Water”.
11. In Schedules 1 to 4, delete all references to “DRE” and replace with “RR”, except in condition 7(i) of Schedule 3 and condition 28(a) of Schedule 4.
12. In Schedules 1 to 4, delete all references to “DSC” and replace with “Dams Safety NSW”.
13. In Schedules 1 to 4, delete all references to “MSB” and replace with “SA NSW”.
14. In Schedules 1 to 4, delete all references to “RMS” and replace with “TFNSW”.
15. In condition 2 of Schedule 2 (including the notes):
  - (a) insert “, Modification 1 and Modification 2” after “in accordance with the EA”; and
  - (b) delete “general layout of the project” and insert “development layout”.
16. In condition 5 of Schedule 2, delete “31 December 2020” and insert “30 June 2027”.
17. Following condition 5 of Schedule 2, insert:
  - 5A. Underground mining operations may only be carried out within the boundaries of the area covered by the approved mine plan shown in Appendix 2.
  - 5B. The Applicant must limit the coal extraction method utilised for the development to first workings only and must not undertake second workings.
18. In condition 6 of Schedule 2:
  - (a) delete “2 million” and insert “486,000”;
  - (b) delete “per calendar year” and replace with “over the remaining life of consent”;
  - (c) delete the four bullet points and insert “4 train movements (maximum weekly rolling average) a day.”;
  - (d) delete the *Notes* and replace with:

*Note: For the purposes of this condition each train entering and exiting the site is classified as 2 train movements; a day refers to the 24 hours from midnight to midnight the next day.*
19. Delete condition 7 of Schedule 2 (excluding the *Note*) and replace with
  7. The Applicant must restrict the following activities to between the hours of 7am to 6pm Monday to Friday and 8am to 4pm Saturday, unless the Secretary agrees otherwise:
    - (a) operation of the lower pit top, including the operation of plant or equipment, the conveyance of coal from the upper pit top to lower pit top, loading/unloading to/from the coal stockpile and coal storage bins and train loading;
    - (b) train movements on the Wongawilli rail spur; and
    - (c) construction and demolition.
20. In the *Notes* to condition 10 of Schedule 2:
  - (a) delete the text from the second bullet point and insert “deleted”; and
  - (b) in the third bullet point delete “*Section 15 of the Mine Subsidence Compensation Act 1961*” and insert “*the Coal Mine Subsidence Compensation Act 2017*”.
21. Following condition 12 of Schedule 2 insert:
  - 12A. The Applicant must not operate a crusher, sizer or screen at the surface within the surface facilities sites.
22. In condition 14 of Schedule 2 delete “*Mine Subsidence Compensation Act 1961*” and insert “*Coal Mine Subsidence Compensation Act 2017*”.

23. After condition 14 of Schedule 2 insert the following:

### **RELOCATION OF SURFACE INFRASTRUCTURE**

15. Within nine months of the date of approval of Modification 2, or as otherwise agreed by the Secretary, the Applicant must relocate the existing crusher, sizer and screen underground, as described in Modification 2, or remove this infrastructure from the site.

24. In the *Notes to Table 1* in condition 1 of Schedule 3:

- (a) delete "(see condition 7(i) of schedule 3 and conditions 20 - 21 of schedule 4 below)"; and
- (b) delete "OEH" and replace with "BCS".

25. In conditions 6 and 9 of Schedule 3 insert "or Subsidence Monitoring Program" after "Extraction Plan".

26. Following condition 6 of Schedule 3 insert:

#### **Dam Safety Management Plan**

- 6A. The Applicant must prepare a Dam Safety Management Plan for the development. The plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with Dam Safety NSW, RR and WaterNSW;
  - (c) be submitted to the Secretary prior to mining operations progressing to within 150 metres of Lake Avon;
  - (d) describe the subsidence monitoring program proposed for mining operations within 150 metres of Lake Avon;
  - (e) describe the risk control measures proposed to identify and manage potential zones of elevated hydraulic conductivity and measure to prevent potential inflows from Lake Avon into the first workings;
  - (f) describe the water monitoring program designed to identify potential inflows from Lake Avon into the first workings;
  - (g) include suitable Trigger Action Response Plans, which contain:
    - appropriate triggers to warn of increased risks of mining-related impacts to Lake Avon;
    - specific actions to respond to increasing risk; and
    - adaptive management measures where monitoring indicates the potential for unacceptable mining-related impacts to Lake Avon, and
  - (h) include a contingency plan to prevent or halt inrush.

#### **Subsidence Monitoring Program**

- 6B. The Applicant must prepare and implement a Subsidence Monitoring Program. The program must:
- (a) be prepared by a suitably qualified and experienced person who appointment has been endorsed by the Secretary;
  - (b) be approved by the Secretary prior to the recommencement of mining operations under Modification 2;
  - (c) be prepared in consultation with the Resources Regulator, Dam Safety NSW and Water NSW;
  - (d) describe the ongoing conventional and non-conventional subsidence monitoring program, which must:
    - provide for the collection of sufficient baseline data;
    - provide data to assist with the management of the risks associated with subsidence; and
    - validate the subsidence predictions;
  - (e) ensure that mining does not cause greater than 20mm vertical subsidence at the ground surface;
  - (f) include suitable Trigger Action Response Plans, which contain:
    - all features in Tables 1 and 2 and appropriate triggers to warn of increased risk of exceedance of any performance measure;

- specific actions to respond to increasing risk; and
  - adaptive management measures where monitoring indicates the potential for unacceptable mining-related impacts;
- (g) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 1 and Table 2, or where any such exceedance appears likely.

27. In condition 7(i) and the *Notes* of Schedule 3 delete:

- (a) “OEH” and insert “BCS”; and
- (b) “DRE” and insert “MEG”.

28. In condition 1 of Schedule 4 delete Table 3 and replace with the following:

*Table 3: Noise Criteria dB(A) – Intrusive Noise Limits – Existing Residences*

<b>Location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>
	<b>LAeq (15 min)</b>	<b>LAeq (15 min)</b>	<b>LAeq (15 min)</b>
R2	41	38	38
R9	41	35	35
R20	47	39	39
R55	40	35	35
R57	40	35	35
R58	40	35	35

29. In the *Notes to Tables 3 and 4* in condition 1 of Schedule 4:

- (a) insert “in” before “Table”;
- (b) delete “s 2 and”; and
- (c) delete “*Industrial Noise Policy*” and replace with “*Noise Policy for Industry*”.

30. Delete condition 2 of Schedule 4 (including the heading).

31. In Table 6 in condition 3 of Schedule 4:

- (a) delete “65” and insert “60”;
- (b) delete “60” and insert “45”; and
- (c) include a new column next to the column for “Day” as follows:

<b>Evening</b>
<b>L<sub>Aeq</sub> (period)</b>
50

32. In the *Notes* in condition 3 of Schedule 4 delete “*Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects*” and replace with “*Rail Infrastructure Noise Guideline (EPA 2013)*”.

33. In condition 6 of Schedule 4 delete condition 6(a) and 6(b) and insert:

- (a) take all reasonable steps to minimise the construction, operational and rail noise associated with the development, including low frequency noise and other audible characteristics;
- (b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas, and monitors and reports on these measures;
- (c) monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;
- (d) minimise the noise impacts of the development during all meteorological conditions in order to satisfy the noise criteria in Table 3;
- (e) operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive

- management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
- (f) carry out attended noise monitoring (quarterly or as otherwise agreed with the Secretary) to determine whether the development is complying with the relevant conditions of consent; and
- (g) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent.

34. After condition 7 of Schedule 4 insert:

#### **Noise Mitigation**

- 7A Within nine months of the date of approval of Modification 2, or as otherwise agreed by the Secretary, the Applicant must complete the installation, construction or procurement of all reasonable and feasible noise mitigation measures identified in the EA, including:
- (a) augmentation of rail load-out facilities;
  - (b) noise suppression kits for, or procurement of new, dozer and front-end loader; and
  - (c) extension of the existing rail noise barrier as shown in Appendix 2.

35. In Tables 7 and 10 in conditions 11 and 12 of Schedule 4 delete “30” and insert “25”.

36. In condition 14 of Schedule 4

- (a) delete “OEH” and insert “BCS and EPA”; and
- (b) delete “minimise the greenhouse gas emissions from the site;” and insert:

:

- ensure best practice management of greenhouse gas emissions is being employed at the site in respect of minimising greenhouse gas emissions and improve energy efficiency;
- reduce or offset greenhouse gas emissions by four per cent per year from 2022 to 2027; and
- monitor and report on the development’s Scope 1 and Scope 2 greenhouse gas emissions.

37. In condition 15(b) of Schedule 4, delete “Industrial” and insert “*for Industry*” after “*Noise Policy*”.

38. Delete condition 20 of Schedule 4 and insert:

#### **Water Management Plan**

20. The Applicant must prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with DPE Water, EPA, WaterNSW, Dams Safety NSW and Council;
  - (c) be approved by the Secretary prior to the recommencement of mining operations following approval of Modification 2;
  - (d) describe the measures to be implemented to ensure compliance with the water resources and watercourses performance measures in Table 1;
  - (e) include a:
    - i. **Site Water Balance** that includes details of:
      - predicted annual inflows to and outflows from the site;
      - sources and security of water supply for the life of the development;
      - water storage capacity;
      - water use and management on the site, including any water transfers or sharing with other industries;
      - licensed discharge points and limits; and
      - reporting procedures, including the annual preparation of an updated site water balance;
    - ii. **Salt Balance** that includes details of:
      - sources of saline material on the site;
      - saline material and saline water management on the site;
      - measures to minimise discharge of saline water from the site; and
      - reporting procedures, including the annual preparation of an updated salt balance;

- iii. **Erosion and Sediment Control Plan** that:
- is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
  - identifies activities that could cause soil erosion, generate sediment or affect flooding;
  - includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 1;
  - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
  - describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
  - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
- iv. **Surface Water Management Plan** that:
- is consistent with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018);
  - includes detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including:
    - stream and riparian vegetation health;
    - channel stability (geomorphology); and
    - water supply for other surface water users;
  - includes a detailed description of the surface water management system;
  - includes detailed plans, design objectives and performance criteria for water management infrastructure, including:
    - water run-off diversions and catch drains;
    - water storages and sediment dams; and
    - reinstated drainage networks on rehabilitated areas of the site;
  - includes detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
    - downstream surface water flows and quality;
    - channel stability;
    - downstream flooding impacts;
    - stream and riparian vegetation health;
    - water supply for other water users; and
    - post-mining water pollution from rehabilitated areas of the site;
  - includes a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 1 and the performance criteria in this plan;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - surface water inflows, outflows and storage volumes, to inform the Site Water Balance; and
    - the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan;
  - includes reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
  - includes a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
- v. **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development;
  - a detailed description of the groundwater management system;
  - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on:
    - regional and local aquifers (alluvial and hardrock);

- groundwater supply for other water users such as licensed privately-owned groundwater bores; and
- groundwater dependent ecosystems and swamps;
- a program for confirming zones of elevated hydraulic conductivity and preventing potential inflows from Lake Avon into the first workings;
- a program designed to satisfy Before After Control Impact (BACI) principles to monitor and evaluate:
  - compliance with the relevant performance measures listed in Table 1 and the performance criteria in this plan;
  - the hydrology of swamps in the vicinity of the approved mine plan, and include a minimum of 12 months of baseline monitoring prior to undermining any swamp;
  - water loss/seepage from water storages into the groundwater system;
  - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
  - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development;
  - the effectiveness of the groundwater management system;
- reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
- a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
- a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and a comparison of monitoring results with modelled predictions; and
- vi. a protocol to report on the measures, monitoring results and performance criteria identified above in the Annual Review referred to in Schedule 6 condition 3.

20A. The Applicant must implement the Water Management Plan as approved by the Secretary.

39. In condition 21 of Schedule 4:

- (a) insert “Historic” before “Heritage” in the subheading and first paragraph;
- (b) following “Management Plan” insert “, in respect of all non-Aboriginal cultural heritage items,”;
- (c) delete “OEH, the Aboriginal community” and insert “Heritage NSW and”;
- (d) delete “and any local historical organisations,”;
- (e) delete “this approval” and insert “the date of approval of Modification 2,”; and
- (f) delete condition 21(b)

40. After condition 21 of Schedule 4 insert:

21A The Applicant must implement the Historic Heritage Management plan as approved by the Secretary.

**Aboriginal Cultural Heritage Management Plan**

21B. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:

- (a) be prepared by suitably qualified and experienced persons;
- (b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
- (c) be submitted to the Secretary for approval within six months of the date of approval of Modification 2;
- (d) include the outcome of Aboriginal community consultation that meets the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010);
- (e) describe the measures to be implemented on the site to:
  - (i) comply with the heritage-related operating conditions of this consent;
  - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
  - (iii) monitor identified Aboriginal objects and Aboriginal places within the development disturbance area;

- (iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
- (v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places; and
- (vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

21C. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Secretary.

41. In condition 26 of Schedule 4 delete:

- (a) “to the satisfaction of the DRE” and insert “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”; and
- (b) “EA” and insert “documents listed in condition 2(a) of Schedule 2,”

42. In condition 28 of Schedule 4

- (a) delete “, to the satisfaction of the Secretary of DRE” and insert “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.”;
- (b) delete “OEH” and insert “BCS, MEG”;
- (c) delete “, and be submitted to the DRE for approval within 6 months of this approval, or as otherwise agreed with the Secretary”;
- (d) delete “EA” and insert “documents listed in condition 2(a) of Schedule 2”;
- (e) insert a “s” at the end of “*Note*”; and
- (f) insert the following in the *Notes* to the condition, after “this consent.”

- *The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.*

43. After condition 28 of Schedule 4 insert:

## **BIODIVERSITY**

### **Biodiversity Credit Requirements**

29. Unless otherwise agreed by the Secretary, the Applicant must retire the biodiversity credits specified in Table 14 below, prior to commencing vegetation clearing. The retirement of credits must be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act.

**Table 14:** Biodiversity credit requirements

<b>Credit Type</b>	<b>Area (ha)</b>	<b>Offset Liability</b>
<b>Ecosystem Credits</b>		
PCT 906 - Lilly Pilly - Sassafras - Stinging Tree subtropical/warm temperate rainforest on moist fertile lowlands, southern Sydney Basin Bioregion - moderate	0.01	1
PCT 1245 - Sydney Blue Gum x Bangalay - Lilly Pilly moist forest in gullies and on sheltered slopes, southern Sydney Basin Bioregion - low	0.02	1
<b>Species Credits</b>		
Large Bent-winged Bat	0.02	1
Little Bent-winged Bat	0.02	1
Large-eared Pied Bat	0.02	1

Notes:

- The credits in Table 14 were calculated in accordance with Biodiversity Assessment Methodology (BAM) (DPIE, 2020).
- The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

## Biodiversity Management Plan

30. The Applicant must prepare a Biodiversity Management Plan for the development, to the satisfaction of the Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with BCS;
  - be approved by the Secretary prior to the recommencement of mining operations following approval of Modification 2;
  - establish baseline data for the existing habitat on site, including water table depth, vegetation condition, stream morphology and threatened species habitat;
  - describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and habitat on the site;
  - include detailed performance indicators for the biodiversity related performance measures in Table 1
  - describe the measures that would be implemented to:
    - ensure compliance with the biodiversity related performance measures in Table 1;
    - minimise impacts to biodiversity on the site, including any species and communities listed under the BC Act and EPBC Act;
    - protect vegetation and fauna habitat outside of the approved disturbance areas;
    - control weeds, including measures to avoid and mitigate the spread of noxious weeds;
    - control feral pests;
    - control erosion;
    - control access to vegetated or revegetated areas; and
    - manage bushfire hazards;
  - include a program to monitor and report on the effectiveness of the above measures and identify measures that could be implemented to improve biodiversity outcomes; and
  - include details of who would be responsible for monitoring, reviewing, and implementing the plan.
31. The Applicant must implement the Biodiversity Management Plan as approved by the Secretary.
44. In condition 3 of Schedule 6 delete:
- “December” and insert “September”; and
  - “EA” and insert “documents listed in condition 2(a) of Schedule 2”.
45. Delete condition 6 of Schedule 6 and insert:
- The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.
46. Delete condition 7 of Schedule 6 and insert:
- Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development 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.

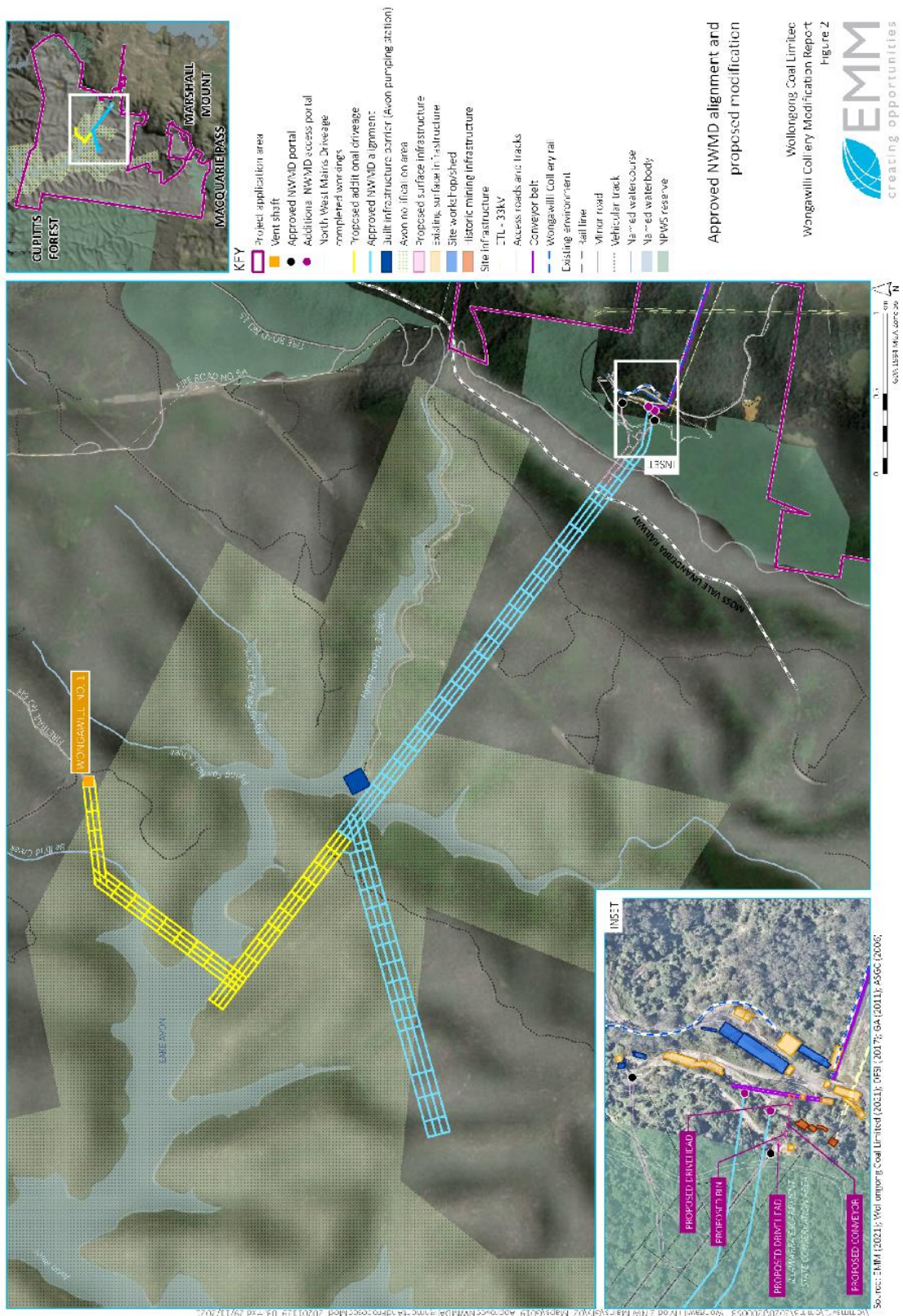
*Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance*

47. In condition 10 of Schedule 6 delete “EA” and insert “documents listed in condition 2(a) of Schedule 2”.

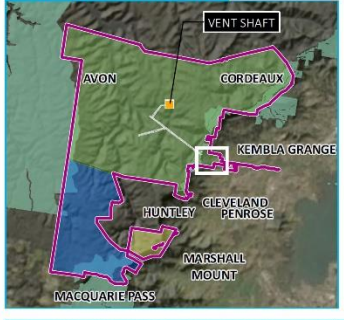
48. Delete Appendix 2, including the heading, and replace with the following:

RECOMMENDATION

## APPENDIX 2: DEVELOPMENT LAYOUT PLANS



PROJECT APPLICATION AREA INSET



Source: EMM (2020); WCL (2020); DFIG (2017); GA (2011); ASGC (2006)



KEY

- Project application area
- Approved NWMD portal
- Additional NWMD access portal

Site infrastructure

- ETL - 33kV
- Access roads and tracks
- Conveyor, coal stockpile bin and driveheads
- Wongawilli Colliery rail
- Underground workings

- Existing surface infrastructure
- Existing site workshop/shed
- Water collection and treatment
- Historic mining infrastructure
- Existing environment
- Minor road
- Watercourse/drainage line
- NPWS reserve

PROJECT APPLICATION AREA INSET KEY

- Vent shaft
- Underground workings
- ML 1565
- ML 1596
- CCL 766

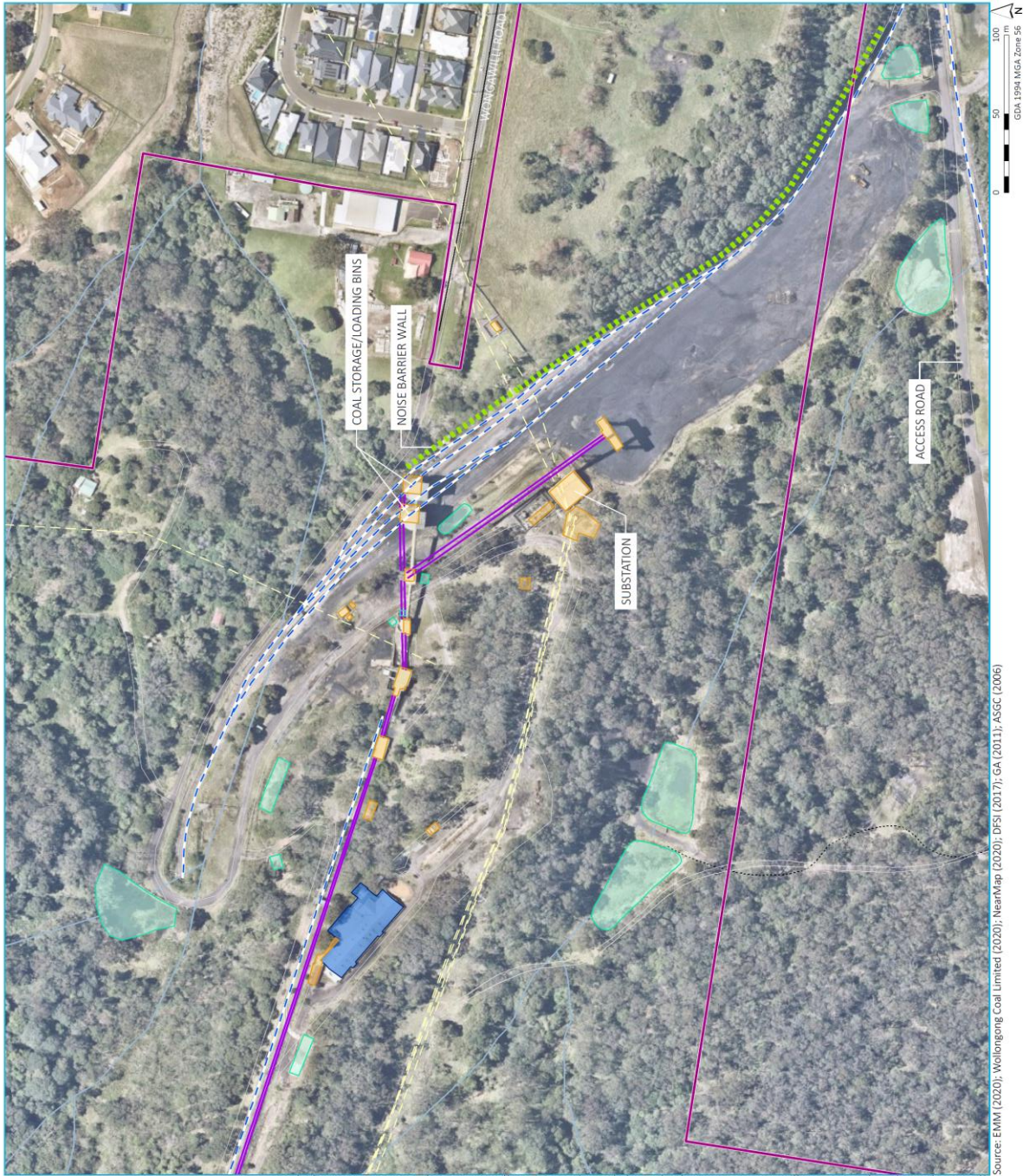
Wongawilli upper pit top

Wollongong Coal Limited





- KEY**
- Project application area
  - Site infrastructure
  - ETL - 33KV
  - Access roads and tracks
  - Conveyor belt
  - Wongawilli Colliery rail
  - Noise barrier (6 m height)
  - Existing surface infrastructure
  - Site workshop/shed
  - Grey water ponds
  - Existing environment
  - Minor road
  - Vehicular track
  - Watercourse/drainage line
- INSET KEY**
- Vent shaft
  - Underground workings
  - NPWS reserve
  - Mining title
  - ML 1565
  - ML 1596
  - CCL 766



Wongawilli lower pit top

Wollongong Coal Limited



49. Delete Appendix 3.

50. Delete Appendix 4, including the heading, and replace with:

## APPENDIX 4: RECEIVER LOCATION PLAN



51. Update the Table of Contents to reflect the modification.

**End of modification  
(SSD 09\_0161 MOD 2)**