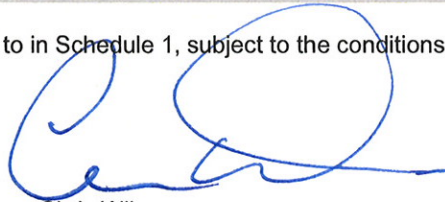


Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Project Assessment
(as Delegate for the Minister for Planning)

Sydney

22 July

2008

SCHEDULE 1

The development consent (DA 211-93) for the Bengalla Coal Mine, granted by the Minister for Urban Affairs and Planning on 7 August 1995.

SCHEDULE 2

1. Delete condition 2(e) of schedule 2 and replace with:
 - (e) the modification application DA 211/93 – MOD 3 and accompanying Environmental Assessment entitled *Bengalla Mining Company Development Consent Modification Environmental Assessment*, dated March 2008; and
 - (f) the conditions of this consent.
2. Delete the reference to "31 March 2008" in note (a) accompanying Table 2 in condition 2 of schedule 3, and replace with "31 March 2009".
3. Delete all references to "Link Road" and replace with "Bengalla Link Road".
4. Insert the following after condition 38 of schedule 3:
 - 38A. Prior to constructing the section of the Bengalla Link Road between the Bengalla Access Road and Wybong Road, the Applicant shall revise (and following approval implement) the Aboriginal Cultural Heritage Management Plan, in consultation with DECC and relevant local Aboriginal communities and to the satisfaction of the Director-General. The revised plan must include a detailed description of the measures that would be implemented to salvage or protect Aboriginal sites along the road alignment.

Note: Aboriginal sites identified along the alignment of the section of the Bengalla Link Road between the Bengalla Access Road and Wybong Road are shown in Figure 4 of Bengalla Mining Company Development Consent Modification Environmental Assessment, dated March 2008.
5. Delete conditions 42(b) and (c) of schedule 3 and insert the following:
 - (b) the design and construction to AUSTROADS standards for a Type CH(R) intersection at the junction of the Bengalla Link Road and the Applicant's infrastructure area;
 - (c) the design and construction to AUSTROADS standards for a Type BA intersection at the junction of the Bengalla Link Road and Roxburgh Road;
 - (d) the design and construction to AUSTROADS standards for a Type CH(L&R) intersection at the junction of the Bengalla Link Road and Wybong Road.
6. Insert the following after condition 42 of schedule 3:
 - 42A. The Applicant shall prepare and implement a Construction Management Plan for all activities relating to the construction of the section of the Bengalla Link Road between the Bengalla Access Road and Wybong Road. The plan must:
 - (a) be prepared in consultation with the RTA and Council, and be submitted to the Director-General for approval prior to the commencement of construction;
 - (b) include details of:
 - construction methods, activities, site depot locations, and construction hours;
 - controls to manage and mitigate noise impacts;
 - controls to manage and mitigate air quality impacts;
 - controls to protect Aboriginal sites not proposed to be disturbed; and
 - controls to protect native flora and fauna not proposed to be disturbed; and
 - (c) include a detailed construction traffic management plan.

7. Delete the schedule of land in Appendix 1, and replace with:

Lot	DP
1	998477
2	998477
111	556761
110	556761
9	39345
72	626353
71	626353
1	570070
2	570070
2	735667
1	735667
7	236668
6	236668
21	776758
22	776758
1	236668
97	750919
98	750919
105	43390
103	43389
20	706045
21	706045
5	236668
3	236668
1	189134
111	551930
8	236668
92	630639
5	560963
A	925975
43	792447
Various Crown Road Reserves	
Part Wybong Road	
Part Roxburgh Road	