

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE OF MODIFICATION TO A DEVELOPMENT CONSENT GRANTED
UNDER SECTIONS 76A (9) and 80 OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979, PURSUANT TO SECTION 96(1A) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Planning, under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development and is of minimal environmental impact.

Andrew Refshauge MP
Minister for Planning

Sydney,

2002

File No : S00/01177

SCHEDULE 1

Development consent granted by the then Minister for Urban Affairs and Planning on 20 November 2001 to a Development Application submitted by BHP Billiton for Stage 1 of an underground coal mine, and construction and operation of associated surface facilities.

SCHEDULE 2

Proposed modification for which development approval is now sought (DA MOD-11-2-2002-i) includes:

- Permitting the access of construction traffic to the Bradford Breaker Emplacement Area (Drift Spoil Emplacement Area 1) via Cordeaux Road and Benjamin Road, Mt Kembla.

(a) **Inserting a new subclause after Condition 1.1(a)(ix):**

- (xi) “and the modification application received 30 May 2002, including:
- a letter dated 24 May 2002 from Dendrobium Coal Pty Ltd to the Department of Planning outlining the proposed modification ;
 - a letter dated 24 May 2002 from Masson Wilson and Twiney to BHP Billiton Dendrobium Coal containing a construction traffic impact assessment.”

(b) **Inserting a new clause after Condition 7.2(f):**

- (g) “Prior to commencement of construction of the Bradford Breaker Emplacement Area (Drift Spoil Emplacement Area 1) the Applicant shall modify the Traffic Management Plan referred to in Condition 7.2 (a) to include construction traffic to the Bradford Breaker Emplacement Area, in consultation with WCC and to the satisfaction of the Director-General. The modification to the Plan shall include:
- defining acceptable hours of operation for all construction vehicles to the Bradford Breaker Emplacement Area which shall be outside school drop-off and pick-up periods and generally between 7-8am, 9:30am-2:30pm, and 4pm-5pm Monday-Friday, and 8am-1pm Saturday, except where there is a safety related emergency (refer to Condition 7.2(d)). These times may be amended should an agreement be reached between the Applicant, Mt Kembla Primary School and WCC, and to the satisfaction of the Director General;
 - details of specific measures to implement traffic and road safety management for Benjamin Road and the Benjamin Road - Cordeaux Road intersection to mitigate the risks and impacts of construction traffic for the duration of the construction of the Bradford Breaker Emplacement Area including temporary signage warning of heavy vehicles turning, restricted parking zones, removal of obstructing vegetation, temporary speed limits on Benjamin Road, and measures to ensure adherence to speed limits;
 - details of procedures for managing low loader and heavy vehicle movements during construction of the Bradford Breaker Emplacement Area including restriction of hours of operation of heavy vehicles, use of stop/go persons at the intersection of Benjamin Road and Cordeaux Road, and the use of escort vehicles for oversized loads;
 - details of procedures to notify Mt Kembla Public School and local residents of heavy vehicle movements on Benjamin Road;
 - details of procedures for ensuring safe conduct of vehicles along Benjamin Road;
 - details of how relevant sections of Condition 7.2 (a) will be applied to construction traffic for the Bradford Breaker Emplacement Area.

(c) **Inserting a new clause after Condition 7.5(e):**

- (f) The Applicant shall share the reasonable costs associated with the maintenance of Benjamin Road and Kirkwood Place during the construction of the Bradford Breaker Emplacement Area with WCC.
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