

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MODIFICATIONS OF DETAILS OF CONSENT DATED 23 AUGUST, 1979, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 102 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

APPLICANT'S NAME AND ADDRESS: B.P. Coal Australia
110 Alfred Street
MILSONS POINT NSW 2061

WHEREAS:

- (a) The then New South Wales Planning and Environment Commission (hereinafter called "the Commission") gave a direction (hereinafter called "the direction") in writing in accordance with Section 342V(3) of the Local Government Act, 1919 to the Council of the Shire of Wollondilly (hereinafter called "the Council") to refer to the Commission for determination by it all development applications of the kind referred to in the direction;
- (b) A development application (hereinafter called "the application") for the development of a coal preparation plant and ancillary washery and reject area (hereinafter called "the development") on certain land and being an application to which the direction applied was received by the Council and referred to the Commission;
- (c) The application was determined by the Commission on 23 August, 1979, by granting consent subject to conditions (hereinafter called "the consent") which was amended under Section 102 on 16 September, 1985;
- (d) by letter dated 5 July, 1988, the applicant has sought a modification of the details of the consent;
- (e) Pursuant to Section 6 and clause 20 of Schedule 3 of the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979, the reference in the consent to the Commission is to be construed as a reference to the Director.
- (f) In pursuance of clause 8(c) of the Miscellaneous (Act) Savings and Transitional Provisions Regulations 1980,

Now I, Director of Planning, being satisfied that the development to which the consent as modified relates is substantially the same development as described in the application, in pursuance of Section 102 of the Environmental Planning and Assessment Act, 1979, do hereby modify the details of the consent by deleting conditions 5 and 6 and by inserting the following condition instead:

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5. All coal processed through the plant shall be transported from the site by rail except -

- (a) coal for local or domestic use delivered within the shire (not being in quantity more than 50,000 tonnes per annum and transported by road between the hours of 7 a.m. and 5 p.m. Monday to Saturday only and leaving the site via entrance on main road 620) and subject to records of on site storage of reject material being kept.
- (b) coal the transport of which by rail has become impossible because of a disruption to rail transport services, being a disruption extending beyond there (3) consecutive days, and subject to:

- (i) transportation by road being restricted to the hours between 7 a.m. and 5 p.m. Monday to Saturday.
- (ii) road haulage being along and only along the route shown on the plan submitted with the request by the Company on 8 July, 1988.
- (iii) a variation of State Environmental Planning Policy No. 7 to permit the receipt of coal by road from the Company's premises.

and all trucks shall be clean and loads covered at all times to avoid nuisance from wind blown dust.

Gabrielle Kibble

G. Kibble,
Director

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