

Notice of Modification

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

Under Section 96(2) of the *Environmental Planning and Assessment Act 1979*, I, the Deputy Director-General, Office of Sustainable Development Assessments and Approvals, modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Sam Haddad
Deputy Director-General
Office of Sustainable Assessments and Approvals
(as Delegate for the Minister for Planning)

Sydney,

2005

S02/01646

SCHEDULE 1

The development consent (DA 312-7-2003-i) granted by the Minister for Infrastructure and Planning on 2 August 2004 for the Jimmys Beach Sand Nourishment Project.

SCHEDULE 2

1. Delete Condition 1.2 of Schedule 2 and replace with:

- 1.2 Unless otherwise specified in these conditions of development consent, the development shall be carried out generally in accordance with:
 - (a) ²Development Application No. 312-7-2003;
 - (b) ³EIS entitled: *Environmental Impact Statement. Jimmy's Beach Sand Extraction and Beach Nourishment Scheme Volumes 1 and 2*, dated 11 February 2003, and prepared by Jelliffe Environmental Pty Limited;
 - (c) *Jimmys Beach Sand Extraction and Beach Nourishment Scheme Statement of Environmental Effects Addendum*, dated June 2005, and prepared by Patterson Britton & Partners Pty Ltd; and
 - (d) Conditions of this consent.

2. Insert after condition 1.21 of Schedule 2 the following:

Temporary Pipeline

- 1.22 In the event the temporary pipeline is damaged, the Applicant shall be responsible for the removal and disposal of all material and debris discharged from the pipeline into the water and beach area.

3. Delete Condition 2.6 of Schedule 2 and replace with:

- 2.6 The recent Coastal Surveillance photography of September 2001 will be utilised as the baseline photogrammetrical data set for monitoring of the proposed sand extraction and placement activities by the Council.

The Department of Natural Resource's (DNR) Coastal Unit will provide full colour ortho-rectified aerial photo mosaic images of the Jimmys Beach portion of Port Stephens to the Department of Primary Industries (DPI) and Council as required. These images will map the extent of visible seagrass beds from coastal surveillance photography from the early 1990s to present.

The following monitoring is proposed over the duration of the sand extraction and placement activities:

- (a) The Council, DPI and DNR will monitor the movement of extracted and placed material through detailed assessment of Digital Terrain Models (DTM) based upon DNR hydrographic survey and land based survey data throughout the duration of the proposed activities;
- (b) Prepare baseline DTM of seabed, sub aerial beach and dunes covering the area from Barnes Rock (western extent) to east of the intended extraction zone on the Yacaaba Isthmus. This DTM will be based upon the DLWC September 2001 hydrographic survey and associated RTK land survey work;
- (c) DNR will undertake a detailed hydrosurvey of the embayment (covering similar extent to the 2001 hydro work) and land survey prior to the initial extraction and placement exercise (40,000 m³). Identical surveys will be undertaken prior to each of the subsequent 6-month (10,000 m³) placement exercises. DNR will provide Council with DTM surfaces of each survey exercise for co-ordination of data assessment and analysis;
- (d) Council will co-ordinate the preparation and submission of an Annual Report (as required under Condition 3.14), covering the extraction and placement exercises and assessment of monitoring survey information, to the DPI, DEC and DNR.

4. Delete Condition 2.7 of Schedule 2 and replace with:

2.7 The Council shall establish an Expert Panel prior to work commencing.

- (a) The membership of the Expert Panel shall include representatives of Council, DPI, DEC and DNR, and any other public authority as determined by the Expert Panel;
- (b) The Panel shall meet annually or as required by the Director- General;
- (c) The Panel shall monitor and report to Council and the Director General on the operation of the development, and consider the implications from the Annual Report prepared under Condition 3.14. The Panel shall make recommendations to Council on any corrective measures and improvements to the efficiency and environmental outcomes of the project (as may be deemed necessary) throughout its duration; and
- (d) The Council shall implement the recommendations of the Expert Panel.

5. Delete Condition 2.17 of Schedule 2 and replace with:

2.17 Prior to the commencement of any works relating to this project, the Applicant shall obtain a licence under Part 5 of the *Water Act 1912* from DNR and shall ensure that:

- (a) The approval holder must allow DNR or any duly authorised officer, unrestricted access to the works either during or after construction, for the purpose of carrying out any inspection or test of the works and its fittings;
- (b) The approval holder must carry out any work or make any alterations deemed necessary by DNR, for the protection or proper maintenance of the works, or for the control of the water extracted or prevention of pollution of groundwater;
- (c) If a work is abandoned at any time the approval holder must notify DNR that the work has been abandoned and seal off the aquifer by:
 - (i) casing (lining) to the satisfaction of DNR; or
 - (ii) such other methods as agreed to or directed by DNR.
- (d) The approval holder must ensure that water is not pumped from the bore(s) for any purpose other than the consent given by the Minister;
- (e) The approval holder must notify DNR of any proposed changes or modification to operations (eg. Rate or duration of pumping);
- (f) The approval holder must ensure that a record of all water extracted from the works is kept and supplied to DNR on request;
- (g) The approval holder must maintain water quality records for the water extracted and provide reports to DNR on request; and
- (h) The approval holder must undertake remedial action if monitoring results indicate that the agreed standards or performance indicators are not being achieved due to failure or ineffectiveness of the management strategies.

6. Insert after Condition 2.19 of Schedule 2 the following:

Management of Dredge and Discharge Waters

- 2.19A In the event that a turbid plume develops in the water adjacent to the dredge, the dredging operation is to immediately shut down. Dredging activities may recommence once the source of the problem has been established and corrective action taken. Corrective action may include the deployment of a turbidity curtain.

2.19B In the event that a plume of turbid water develops in the water adjacent to the sand placement area, the dredging operations are to immediately shut down. Dredging activities may recommence once the source of the problem has been established and corrective action taken. Corrective action may include the deployment of silt fencing, turbidity curtain or the construction of sediment detention basins to treat the hydraulic slurry.

7. Delete Conditions 3.6, 3.12 and 3.13 of Schedule 2.