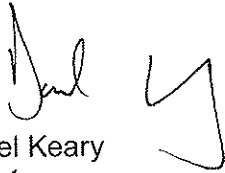


# Modification of Concept Plan Approval

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

I, Daniel Keary, Director, Infrastructure Projects, Major Projects Assessment, in accordance with the Instrument of Delegation issued by the Minister for Planning on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Daniel Keary  
**Director**  
**Infrastructure Projects**  
as delegate for the Minister for Planning

Sydney, 2 JULY 2010

MOD 2 (MP 07\_0128)

### SCHEDULE 1

**Project Approval:** granted by the Minister for Planning on 28 April 2009 (MP 07\_0128).

**Land:** Part Lot 7 DP 1037092, Lot 327 DP 822130, Lot 88 DP 755259, ML 23 and ML 7, Cessnock local government area.

**For the following:** Hunter Economic Zone, Kurri Kurri – Precinct 1 Subdivision, Associated Infrastructure and a Wall and Floor Manufacturing (WIPS) Facility

**Modification:** To vary the timeframe associated with the provision of the biodiversity land offset required for the development of Precinct 1, and to vary the timing and value of payments required for the monetary contribution for the Regent Honeyeater.

## SCHEDULE 2

The approval is modified as follows:

**1. replacing existing condition 1.1(g) with the following:**

- g) *Modification Application MP07\_0128 MOD 2* dated 10 May 2010 including *Appendix A – supporting information for variations to Concept Approval 07\_0128*; and
- h) the conditions of this approval.

**2. replacing existing condition 1.2 with new condition 1.2, as follows:**

1.2 In the event of an inconsistency between:

- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1g) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any of the documents listed from condition 1.1a) to 1.1g) inclusive, the most recent document shall prevail to the extent of the inconsistency.

**3. Adding the following to Schedule 2 (definitions):**

DECCW	Department of Environment, Climate Change and Water
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**4. Deleting the following from Schedule 2 (definitions):**

DECC	Department of Environment and Climate Change
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**5. replacing all references to DECC with DECCW with the exception of the reference to DECC in condition 2.4(f) and 2.4(h).**

**6. replacing condition 3.1 with a new condition 3.1, as follows:**

3.1 The Proponent shall provide a land offset equal to at least 10 hectares of land (in addition to any land zoned 7(b) environmental protection (conservation) outlined in the *Cessnock Local Environmental Plan 1989* and conserved in Precinct 1 under condition 2.1(a)). The offset land is to be contiguous with conservation lands, may be provided on land owned by a third party, and is subject to the following requirements:

- a) the nominated land shall be of equal ecological value to the highest ecological valued lands being developed in Precinct 1 and contain habitat for the threatened flora and fauna species and endangered ecological communities impacted on by the development of Precinct 1. If the nominated land is of lesser ecological value to the highest ecological valued land proposed for development in Precinct 1, then a different rate of offsetting will apply;
- b) the offset land shall be provided within three years (36 months) of the date of this concept approval. After this time, no further construction certificates will be issued, unless otherwise agreed by the Director-General in consultation with DECCW;
- c) the exact size and configuration of the offset land must be subject to independent ecological review with regards to how recognised impacts on threatened flora and fauna species and endangered ecological communities from the development of Precinct 1 will be adequately mitigated. Prior to the ecological review being undertaken, the person(s) engaged to conduct the independent ecological review must be approved by the Director-General; and
- d) the offset land shall be conserved and managed for conservation purposes in perpetuity to the satisfaction of the DECCW and the Director-General.

**7. replacing condition 3.6 with a new condition 3.6, as follows:**

- 3.6 The monetary contribution required by condition 3.5 shall be provided as follows, unless otherwise agreed by the Director-General in consultation with DECCW:
- a) First Payment of \$68,000 is required on or before 1 January 2011;
  - b) Second Payment of \$136,000 is required on or before 1 July 2011; and
  - c) Third and Final Payment of \$136,000 is required on or before 1 July 2012.
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