

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



A/Director
Infrastructure Projects

Sydney 10 September 2012

SCHEDULE 1

Activity Approval:

granted by the Minister for Planning on 12 December 2005 under Section 115B

For the following:

Lake Illawarra Entrance Works Project

Modification:

12-DEC-05-Modification 1: modify the management methods and maintenance requirements for the bird habitat island.

SCHEDULE 2 CONDITIONS

1. Delete condition 1 and replace with the following:

- 1 The Proponent shall carry out the Activity generally in accordance with:
 - a) the procedures, safeguards and mitigation measures identified in the EIS, as modified by the Representations Report;
 - b) the Lake Illawarra Entrance Works, Management Methods and Maintenance Requirements of Sand "Bird Habitat" Island. Project Review and Supporting Information;
 - c) the Lake Illawarra Entrance Works (Stage 2) Modification of Maintenance Requirements for the Sand Bird Island as Required Under the Project Approval, dated 4 June 2012; and
 - d) the conditions of this approval.
- 1A In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1a) to 1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1a) to 1c) inclusive, and any other document listed from condition 1a) to 1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

2. Delete condition 28 and replace with the following:

28. As part of the OEMP, an Aquatic Bird Management Plan must be prepared by a suitably qualified expert. The Plan must be prepared in consultation with the Department, Environment Protection Authority, Office of Environment and Heritage, Department of Primary Industries (Fisheries), Wollongong City Council, Illawarra Bird Observers Club, Illawarra Birders Inc, and include:
 - a) objectives and performance criteria to measure the effectiveness of management methods (in addition to the aquatic bird monitoring required in condition 28e)).
 - b) reasonable and feasible management methods and maintenance requirements for enhancing bird habitat, including ongoing responsibilities for maintenance;
 - c) strategies for predator control and protection from human disturbance in the vicinity of the Lake Illawarra entrance;
 - d) an education program for the local community and stakeholders;
 - e) ongoing monitoring of aquatic bird populations in the vicinity of the Lake Illawarra entrance consistent with Condition 25;
 - f) a program for reporting on the effectiveness of the bird habitat management and mitigation measures against identified performance criteria for aquatic bird habitat management. Management methods and maintenance requirements must be reviewed and amended or new methods/maintenance requirements adopted where found to be ineffective.

3. Insert Condition 28A after to Condition 28

- 28A An Adaptive Management Review is to be conducted, in September each year, in consultation with Environment Protection Authority, Office of Environment and Heritage, Department of Primary Industries (Fisheries), Wollongong City Council, Illawarra Bird Observers Club and Illawarra Birders Inc. to determine

the management and maintenance measures to be implemented prior to the commencement of the Little Tern breeding season. The Adaptive Management Review is to:

- a) consider the prevailing conditions at the entrance of Lake Illawarra and reports prepared in accordance with condition 28f);
- b) consider the management methods undertaken in accordance with condition 28 (including the feasibility of reinstating the bird habitat island, predator control, monitoring and education) and maintenance requirements to enhance shorebird breeding habitat to achieve the identified performance criteria identified in condition 28a); and
- c) report on the management measures considered and to be implemented. The report must include justification for either adopting or not adopting each management measure considered.

A five year report is to be provided to the Department, by October 2017, summarising the implemented management and maintenance measures over that period and evaluating their effectiveness in providing optimal habitat for target species breeding.