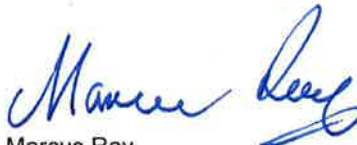


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Marcus Ray
Acting Deputy Director General
Development Assessment and Systems Performance

Sydney

7th July

2011

SCHEDULE 1

Project Approval:

05_0193 granted by the Minister for Planning on 30 November 2006 and as modified by the Minister for Planning on 23 May 2007 (05_0193_Mod1).

For the following:

The reintroduction of tidal waters to the Hexham Swamp to facilitate rehabilitation to an estuarine wetlands system.

Modification:

05_0193_Mod 2:
Amendment of condition 1, inserting of new condition 1A and removal of condition 17 to remove requirements referring to or relating to matters on Wallsair Land or that relate to Wallsair Pty Ltd.

SCHEDULE 2 CONDITIONS

GENERAL

Scope of Project

Delete condition 1 and replace with the following:

- 1 The Proponent must carry out the project generally in accordance with:
 - (a) the Environmental Assessment (EA) for the project comprising:
 - (i) Environmental Assessment Supplement Hexham Swamp Rehabilitation Project, prepared by WBM Oceanics Australia and dated April 2006;
 - (ii) Environmental Assessment Supplement Hexham Swamp Rehabilitation Project; Volumes 1 and 2, prepared by WBM Oceanics Australia and dated August 2005—
but only to the extent that the EA in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd;
 - (b) the Submissions Report prepared by the Hunter–Central Rivers Catchment Management Authority and dated 24 August 2006 but only to the extent that the Submissions Report in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd;
 - (c) the e–mail to the Department dated 18 October 2006 and letter to the Department dated 1 November 2006 from Hunter–Central Rivers Catchment Management Authority in relation to altering the timing of mitigative works, but only to the extent that the e–mail and letter (including the attachments thereto) in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd; and
 - (d) the modification request submitted to the Department on 27 March 2007 by the Proponent, and accompanied by a letter from WBM to the Proponent, dated 14 March 2007;
 - (e) the modification request submitted to the Department on 9 May 2011 by the Proponent; and
 - (f) the conditions of this approval but only to the extent that the conditions in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd.

Insert the following condition after condition 1:

- 1A In condition 1:
 - (a) "Requirements" means any matter to be performed or undertaken by the Proponent or for which the Proponent is responsible;
 - (b) "Wallsair Land" means the land at 59 Creek Road, Maryland being Lot 102 DP 606506 including the Wallsair airstrip and any other part or parts of that land.
- 2 In the event of an inconsistency between:
 - (a) the conditions of this approval and the documents listed under 1(a) to 1(e), the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed under condition 1(a) to 1(e), the most recent document shall prevail to the extent of the inconsistency.

ENVIRONMENTAL PERFORMANCE

Water Quality

Tidal Inundation Impacts

Delete condition 17.