

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 1 October 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 *9 January*

201*3*

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) and 7 July 2011 (05_0193_Mod2).

For the following:

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

Modification:

05_0193_Mod3:
Amendment to the monitoring and reporting requirements for the project.

SCHEDULE 2

1. Delete existing condition 1 and replace with the following new condition 1:

- 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;
 - (f) the modification request submitted to the Department on 22 August 2012 by the Proponent; and
 - (g) 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.

2. Deleting the definition of AEMR in Schedule 2, and replacing it with the following:

EMR Environmental Management Report

3. Insert new condition 40A immediately after existing condition 40, as follows:

- 40A Upon collection of at least 3 years of operational data, the Proponent shall determine, in consultation with the Committee, an **adaptive monitoring regime**, for the further monitoring of the impact of the project on the surrounding environment, and the performance of the project. This regime is to identify the key parameters/pollutants and monitoring sites, that will identify any changes or stabilisation of the wetland in the future, based on the previous results obtained from the 3 years of monitoring already undertaken.

4. In existing condition 53, inserting the following immediately after the first two words “The Proponent”:

”, in consultation with the Committee,”.

5. In existing condition 53, replacing the acronym “AEMR” with the new acronym “EMR”.

6. In existing condition 56, delete the word “Annual” and replace “(AEMR)” with “(EMR)” and insert the following immediately after (EMR):

"annually, for the first 3 years of operation, and subject to conditions 40 and 40A, at intervals of no more than three (3) years (36 months), to ensure ongoing analysis of monitoring information is used to determine the environmental impacts and performance of the project."

7. In existing condition 56(d), replace the word "twelve-month" with the word "monitoring".
8. In existing condition 56(f), replace the word "twelve-month" with the word "monitoring".
9. In existing condition 56(g), replace the word "twelve-month" with the word "monitoring".
10. In existing condition 56(h), replace the word "twelve-month" with the word "monitoring".
11. The replacement of all of the text in existing condition 57 with the following:

"The Proponent must submit a copy of each EMR prepared to the Director-General, DEC and the Committee.

Each EMR must be made publicly available upon request."
