

Modification of Minister's Approval

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

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 16 February 2015, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 20 JUNE

2017

File: 17/07626

SCHEDULE 1

Project Approval (MP 07_0086) granted by the former Minister for Planning on 7 August 2009 for the Redlake Industrial Estate and WesTrac Facility located at Tomago Road, Tomago in the Port Stephens local government area.

SCHEDULE 2

This approval is modified as follows:

1. Insert the following definition in alphabetical order:

MOD 2

Modification Request (MP 07_0086 MOD 2) accompanied by the letter dated 18 May 2017 from APN Funds Management Limited

In Schedule 2 of MP 07_0086: Administrative Conditions

2. In Condition 2 (f), delete the words "conditions of this approval" and replace with "MOD 2".

In Schedule 3: Specific Environmental Conditions

2. In Condition 4A, delete the words "the end of March 2016" and insert instead the words "30 September 2017".
3. Delete Condition 4B and replace with new Condition 4B as follows:

4B. The Proponent must describe the contingency measures to be implemented, including but not limited to, restoring drainage flows to the existing drainage channel to the south-east, if the alterations to drainage implemented in accordance with MOD 1 are resulting in adverse impacts, as agreed to by the Secretary. The contingency measures must be approved by the Secretary and implemented in a timeframe agreed with the Secretary.

For the purpose of this condition, adverse impacts are considered to occur when there is a decline in Phragmites Rushland vegetation cover of greater than 20% in extent and Swamp Oak Sedge Forest greater than 10% in extent on the 22 hectare NPWS reserve to the south of the site, when compared against the Kleinfelder April 2010 baseline report.

4. Delete Condition 12A and replace with new Condition 12A as follows:

12A. The Proponent shall:

- (a) by 30 September 2017, install a water level sensor on the upstream side of the sediment basin

- spillway to measure flows continuously when the spillway is overflowing;
- (b) report the results of spillway flow monitoring in the Annual Report required under Condition 44 in Schedule 4, including:
 - i. discharge rates and volumes exiting the basin (i.e. total via the pipe and spillway);
 - ii. a comparison of the rates and volumes described in point (i) above with those that would have occurred under pre-development conditions;
 - iii. the rates and volumes for any significant events or when concerns are raised about downstream impacts;
 - iv. annual volumes; and
- (c) monitor standing water levels in the sediment basin and drain on the eastern site boundary and report the results in the Annual Report required under Condition 44 in Schedule 4.

5. Delete Condition 13A.

6. Delete Condition 13B.

In Schedule 4: Environmental Management, Reporting and Auditing

- 7. In Condition 44 (e), insert the words "(including groundwater level data from the Hunter Water Corporation bore SK3520)" after the words "monitoring results".