Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, I modify the project approval referred to in schedule 1, subject to the conditions in schedule 2.

David Kitto
Director, Mining and Industry Projects

Sydney   **11 AUGUST**   2011

SCHEDULE 1

The Project Approval (07_0094) for the Salt Ash Sand Project, granted by the A/Deputy Director-General under delegation from the Minister for Planning on 29 October 2010.

SCHEDULE 2

1. In the list of DEFINITIONS, delete "DECCW - Department of Environment, Climate Change and Water", "Department – Department of Planning", "Director-General – Director-General of the Department of Planning", "I&I NSW – Department of Industry and Investment, trading as Industry & Investment NSW", "Markwell offset site – the proponent's biodiversity offset site at Markwell", "Minister – Minister for Planning", "NOW – NSW Office of Water (within DECCW)", and insert the following in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
DRE	Division of Resources and Energy (within the Department of Trade and Investment, Regional Infrastructure and Services)
Minister	Minister for Planning and Infrastructure, or delegate
NOW	NSW Office of Water (within the Department of Primary Industries)
OEH	Office of Environment and Heritage (within the Department of Premier and Cabinet)
Tomalla offset site	The proponent's offset site at Tomalla, Lot 2, DP707938

2. Delete all references to "DECCW" and replace with "OEH".

3. Delete all references to "I&I NSW" and replace with "DRE".

4. In condition 2 of schedule 2, delete all words after "Commitments;" (except the note) and insert:

    (c) the modification application 07_0094 MOD 1, and supporting documentation titled *Tomalla Botanical Survey and Vegetation Mapping – Offset Investigation: Lot 2 DP 707938, Tomalla, NSW* prepared by Orogen Pty Limited and dated November 2010, *Salt Ash Sand Quarry and Tomalla Offset Biobank Assessment Report*, prepared by Orogen Pty Limited and dated May 2011;

    (d) the modification application 07_0094 MOD 2, and supporting letter titled *Proposed Modification to Salt Ash Sand Extraction Project (MP 07_0094)*, dated 18 February 2011; and

    (e) conditions of this approval.

5. In condition 8 of schedule 3,
    (a) delete "4 to 6" from the first paragraph, and replace with "3 to 5"; and
    (b) delete "Table 4", "Table 5" and "Table 6", and replace with "Table 3", "Table 4" and "Table 5" respectively.

6.   Delete condition 19 of schedule 3, and replace with the following:

19.   By 1 February 2012, the Proponent shall:
    (a)   enter into a Biobanking agreement for the Tomalla offset site with the Minister for Environment and Heritage, in accordance with Part 7A of the *Threatened Species Conservation Act 1995*, to implement the Biodiversity Offset Strategy summarised in Table 6;
    (b)   ensure that adequate resources are dedicated towards implementing this strategy; and
    (c)   provide appropriate long term security for this offset;
to the satisfaction of the Director-General.

Table 6: Biodiversity Offset Strategy

Offset	Minimum number of Ecosystem Credits to be retired
Tomalla offset site	1857

Note: the Tomalla offset site is shown in the Figure in Appendix 4.

7.   In condition 23(c) of schedule 3, delete the words "and Biodiversity Offset Strategy".

8.   In condition 24 of schedule 3:
    (a)   delete the words "and Biodiversity Offset Strategy" from the first paragraph;
    (b)   insert the word "and" after the words "mature trees in paragraph (b);"
    (c)   delete the words "implement the Biodiversity Offset Strategy as shown in Appendix 4; and" in paragraph (b); and
    (d)   delete the words "and Biodiversity Offset Strategy areas" from paragraph (e).

9.   In Appendix 4, delete Figures 4 and 5, and replace with the figure on the following page:

Figure 4: Tomalla offset site

LEGEND

— Study Area Boundary

Biobank Vegetation Types

Silvertop Stringybark (Eucalyptus laevopinea) - White topped Box (Eucalyptus quadrangulata) Dry Sclerophyll Open Forest

Sandpaper Fig (Ficus coronata) - Whalebone Tree (Streblus brunonianus) Dry Rainforest

River She Oak (Casuarina cunninghamiana subsp. cunninghamiana) Dry Sclerophyll Forest

Snowgrass (Poa sieberiana var sieberiana) Derived Grassland

Forest Red Gum (Eucalyptus tereticornis) - Forest She Oak (Allocasuarina torulosa) - Apple (Angophora floribunda, Angophora subvelutina) Dry Sclerophyll Open Forest

○ Plot locations

NOTES
1. Map indicative only.
2. Map to be printed in A3.

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