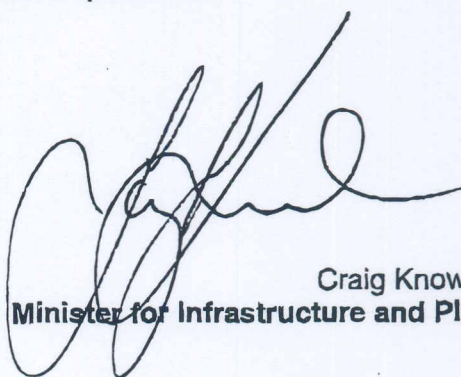


ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF MODIFICATION TO DEVELOPMENT CONSENT GRANTED UNDER SECTION 76(A)9 and 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, PURSUANT TO SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), under Section 96(2) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development.



Craig Knowles MP
Minister for Infrastructure and Planning

Sydney,

6/9/2004

File No: W92/01016

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 26 November 1996 to a Development Application made by Shellharbour City Council for the construction of a 350 berth boatharbour/marina at South Shellharbour Beach, enhancing and enlarging a wetland at Shadforth, and the placement of treated contaminated landfill in engineered cells adjacent to a realigned quarry road, as modified on 9 November 2001.

SCHEDULE 2

The development consent is modified as follows:

Condition 1

Replace condition 1(a) and condition 1(b) with the following;

1. The development shall be carried out generally in accordance with:
 - (a) the Environmental Impact Statement (EIS) dated June 1995 prepared by LFA (Aust) Pty Limited certified by Alf Lester in accordance with section 77(3) of the *Environmental Planning and Assessment Act 1979*;
 - (b) the Applicant's submissions to the Commission of Inquiry (including its answers to questions);

- (c) the modification application made by Shellharbour City Council on 7 June 2001, the accompanying Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Limited dated May 2001 and the Supplementary Report "Assessment of Environmental Noise Impact of Quarry Haul Road" prepared by Acoustic Logic Consultancy Pty Ltd dated 4 June 2001; and
- (d) the modification application made by Shellharbour City Council on 8 December 2003 with the accompanying Statement of Environmental Effects (SEE) prepared by LFA (Pacific) Pty Limited dated November 2003,
- except where conflicted by the following conditions, in which case the following conditions shall apply.

Condition 3

Add the following to the end of condition 3;

The extraction of waste material (in accordance with the approved EMP required in Condition 15(a)) from Shellharbour Swamp and its emplacement in the new single landfill cell may be commenced at any time and need not be deferred until practical completion of the wetland, subject to meeting the requirements of this consent applicable prior to the commencement of these works.

Condition 15 (a)

Replace condition 15(a) with the following;

- 15(a) "An Environmental Management Plan (EMP) shall be prepared for each of the four components: the boatharbour, Shadforth/Tongarra Creek Wetland System, the acoustic barriers adjacent to the Quarry Haul Road, and the extraction of waste material from Shellharbour Swamp and its emplacement in the single landfill cell. The EMPs for the boatharbour, extraction of waste from Shellharbour Swamp and construction of the landfill cell, and the construction of acoustic barriers adjacent to the Quarry Haul Road shall be prepared by the Applicant for approval by the Director General of DIPNR, in consultation with the Shell Cove Compliance Committee. The EMP for the Shadforth/Tongarra Creek Wetland System shall be prepared by the Applicant, for approval by the Director General of DIPNR, in consultation with the Shell Cove Compliance Committee and the Shadforth Management Committee."

Condition 15 (b)

Replace condition 15(b) with the following:

- 15(b) An Environmental Management Plan for each of the four components shall be approved before the construction of each respective component.

Condition 15 (c)

Replace condition 15(c) with the following:

- 15(c) All works shall be undertaken in accordance with each respective Environmental Management Plan for the boat harbour, the Shadforth/Tongarra Creek wetland system, the acoustic barriers adjacent to the quarry haul road and the extraction of waste material from Shellharbour Swamp and its emplacement in the single landfill cell components of the proposed development.

Condition 18

Add the following to the end of condition 18;

"or disposed at a DEC licensed landfill site."
