



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Tomago Road Industrial Development, Tomago, NSW, (EPBC 2007/3343)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

Person to whom the approval is granted WEPL Investments Pty Ltd  
ACN 093 498 116

Proposed action The proposed action is to develop an 111ha site on Tomago Road at Tomago, NSW, for industrial use and as described in the referral received on 12 March 2007 and final New South Wales Environment Assessment Report received on 15 September 2009.

Variation

Variation of conditions of approval The variation is:  
Delete condition 1 and substitute the condition specified below.

1. (a) In order to minimise potential impacts on the Hunter Estuary Ramsar Wetland site, the person taking the action must **establish**<sup>1</sup> a conservation area of at least 22 hectares (Identified as "9" at Annexure 1) prior to any **works**<sup>2</sup> commencing.
- (b) The title to the area referred to in condition 1a) must be transferred to the state of New South Wales (Department of Environment, Climate Change and Water) within 6 months from the commencement of **works**<sup>2</sup> associated with stage 1 (Within this 6 month period only works associated with Stage 1 can be carried out).

<sup>1</sup> **Establish:** Taking measures to define the conservation area (identified under Condition 1) on site. For Example: Survey Pegs, Fencing, and Exclusion Zone Signage.

<sup>2</sup> **Works:** Include any preparatory works required to be undertaken including clearing vegetation, the erection of any on-site temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

Date of effect This variation has effect on 15 January 2010

Person authorised to make decision

Name and position Tim Kahn  
Acting Assistant Secretary  
Environment Assessment Branch

Signature

Date of decision 15 January 2010

Plan of:  
 Proposed subdivision of Lot 1001  
 DP 1127780, Lot 161 DP 774440,  
 Lot 1 DP 1003492, Lot 1 DP 597372  
 and Lot 513 DP 585256

Location: Tomago Road  
 Tomago  
 Council: Port Stephens

Datum:  
 Origin: MGA 2011  
 Projection: MGA Zone 55  
 Origin: MGA 2011  
 North Direction: GSD  
 Contour Interval: N/A

Date:  
 Sheet: 1 of 2  
 Plan by: MPRC  
 Project Manager: CM  
 Office: Hunter  
 Plan Purpose: DA

Version:  
 Client: WPL Investments Pty Ltd  
 Survey: 2-CHD61m0111850sp  
 AutoCad: N:\111850-018-000.dwg  
 Our Ref: 11855

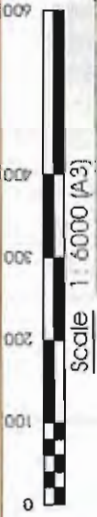


DIAGRAM "A"

- (B) EXISTING EASEMENT FOR OVER-HEAD ELECTRICITY AND OTHER PURPOSES 30.46m WIDE (G.S. 13/003/1964 No.29 FOLIO 561) TO BE EXTINGUISHED.
- (C) PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 30 WIDE
- (D) PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 15 WIDE.
- (F) EASEMENT TO DRAIN WATER 4 WIDE (DP. 577334)
- (G) EASEMENT TO DRAIN WATER 10 WIDE (BK.3887 No.834)
- (H) PROPOSED EASEMENT FOR TRANSMISSION LINE 60.56m WIDE (SHOWII I/D P. 557696) - NOT REQUIRED.
- (J) EASEMENT CREATED FOR DRAINAGE. (SEE O.P. 1127780).

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Ver.	Date	Comment
E	9/10/2009	Combine Lots. Update Address
D	1/10/2009	Adjust Boundary to Area
C	28/09/2009	Boundary adjusted, easements added.
B	24/09/2009	Amended Layout.

