



# Australian Government

## Department of the Environment, Water, Heritage and the Arts

### Approval

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

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

#### Proposed action

**person to whom the approval is granted** WEPL Investments Pty Ltd

**proponent's ACN and ABN (if applicable)** 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.

### Approval

Controlling Provision	Decision
Wetlands of international importance (sections 16 & 17B)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

#### conditions of approval

This approval is subject to the conditions specified below.

#### expiry date of approval

This approval has effect until 19 November 2039

#### Decision-maker

**name and position** Michelle Wicks  
Acting Assistant Secretary  
Environment Assessment Branch

#### signature

**date of decision** 18 November 2009

## Conditions attached to the approval

1. In order to minimise potential impacts on the Hunter Estuary Ramsar Wetland site, prior to any works commencing the person taking the action must establish the 22 hectare area (at Annexure 1) as a conservation area by transferring title of the area to the state of New South Wales (Department of Environment, Climate Change and Water).
2. In order to minimise potential significant impacts on the Hunter Estuary Ramsar Wetland site, prior to any commencement of works for each stage the person taking the action must submit to the Minister for approval a stormwater and groundwater management plan for that stage. Works must not commence until the plan is approved by the Minister. The approved plan must be implemented and address the following matters:
  - a. documented industry best practice water sensitive design principles and practices;
  - b. a review of the environmental values and water quality objectives for the Hunter Estuary Wetlands Ramsar site;
  - c. replication of natural surface and groundwater flows and water quality;
  - d. protection of the environmental values of receiving waters, including the Hunter Estuary Wetlands Ramsar site; and
  - e. the principle of continuous improvement.

The plan must include but not be limited to the following elements:

- a. the water treatment management practices and management practice treatment trains that will be used to achieve or exceed environmental performance targets as detailed in the final Redlake Enterprises Pty Ltd – Tomago Road, Tomago – Environmental Assessment Report dated 12 March 2008 "Concept Engineering, Servicing, Earthworks and Stormwater Management" Appendix F.
  - b. how attainment of water quality objectives for these receiving waters will be supported by the action;
  - c. how monitoring activities will be undertaken to track environmental performance of the action; and
  - d. groundwater and surface water monitoring must be undertaken pre, during and post development. This monitoring must continue until the Minister notifies that the construction and operation of this action is not impacting on the Hunter Estuary Wetlands Ramsar site.
3. If water quality measurements exceed the trigger levels set under the stormwater and groundwater management plan then works must stop immediately and the exceedance reported to the Minister within 7 days of detecting the exceedance. Failure to stop works and notify the Minister will be considered a breach of these conditions.
  4. Within 10 days of works, the person taking the action must advise the department of the actual date of commencement.
  5. If, at any time after 3 years from the date of this approval, the person taking the action has not reached substantial commencement, then the person taking the action must not substantially commence the action without the written consent of the Minister.

6. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
7. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in this approval, the person taking the action may submit for the Minister's approval a revised version of any such plan, report or strategy. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved. Unless the Minister has approved the revised plan, report or strategy, then the person taking the action must continue to implement the plan, report or strategy originally approved under this approval.
8. If the Minister believes that it is necessary or desirable for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to the conditions of this approval and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.
9. Within three months of every 12 month anniversary after the commencement of the action, the person taking the action must provide a report to the department addressing compliance with each of the conditions of this approval over the previous 12 months. These reports must be provided to the department each year until the Minister advises that the proponent has complied with all conditions of the approval.
10. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the department. Such records may be subject to audit by the department, and used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.

**Definitions:**

**Department:** The Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

**Minister:** The minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

**Commencement of Works:** Undertaking of any activity identified below under the definition of works.

**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.

**Significant Impact(s):** An impact that is important, notable or of consequence having regard to its context or intensity.

**Substantial Commencement:** The commencement of fill works on the site of Stage 1.



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 685256

Location: Tomago Road  
 Tomago  
 Council: Port Stephens

Drawn  
 Origin: P14 27760  
 Projector: MGA Zone 55  
 Origin: P14 27760  
 Norm Direction: SMC  
 Contour Interval: N/A

Date: 18th September 2009  
 Sheet: 1 of 2  
 Project Manager: CUI  
 Office: number  
 Plan Support: DA

Version: # 10411/2009/  
 Client: WSP, Investment Pty Ltd  
 Survey: 20405.mxd(115653P  
 AutoCAD: 11.115653P-005P  
 Cur Ref: 11565



Johnson

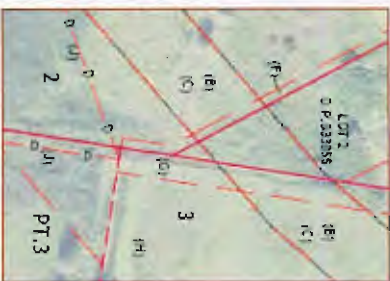


DIAGRAM "A"



- (B) EXISTING EASEMENT FOR OVERHEAD ELECTRICITY AND OTHER PURPOSES 30.45m WIDE (G.S. 13/03/1984 (to 29 FO.10 6611) TO BE EXTINGUISHED.
- (C) PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 30 WIDE.
- (D) PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 15 WIDE.
- (E) EASEMENT TO DRAIN WATER 4 WIDE (DP 577324)
- (G) EASEMENT TO DRAIN WATER 10 WIDE (R.S. 3887 (to 834)
- (H) PROPOSED EASEMENT FOR TRANSMISSION LINE 50.96m WIDE (SHOWING D.P. 5576991 - NOT REQUIRED).
- (J) EASEMENT CREATED FOR DRAINAGE. (SEE D.P. 1127780).

**CONTRACT WORK**  
 The following works are to be carried out in accordance with the provisions of the relevant legislation and the provisions of the contract documents. The works are to be carried out in accordance with the provisions of the contract documents. The works are to be carried out in accordance with the provisions of the contract documents.

Ver	Date	Comment
E	9/7/10/2009	Complete Lot's Update Area
D	1/10/2009	Adjust Boundary to Area
C	28/09/2009	Boundary adjusted, easements added.
B	24/09/2009	Amended Layout



