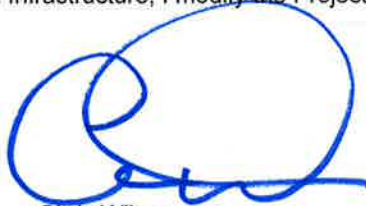


Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, I modify the Project Approval referred to in Schedule 1, as set out in schedule 2.



Chris Wilson
Acting Deputy Director-General
Development Assessment and Systems Performance

Sydney

19 October

2011

SCHEDULE 1

Application Number:	MP05_0037 MOD 2
Proponent:	Transpacific Industries Group Ltd
Approval Authority:	Minister for Planning
Land:	Lot 223 DP1037300, 11 Kyle Street, Rutherford, Maitland Local Government Area.
For the following:	Modification to the project approval in relation to monitoring requirements to ensure consistency with the Environment Protection Licence.

SCHEDULE 2

1. Delete the definitions for "DEC", "Department", and "Minister" and insert in alphabetical order the following:

Department	Department of Planning and Infrastructure
Minister	Minister for Planning and Infrastructure or delegate
OEH	Office of Environment and Heritage

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

3. Replace condition 1.1 with the following:

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) EAR as amended by the preferred project report (*Resource Recovery and Recycling Facility, Rutherford – Preferred Project Report*) prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated May 2006
 - b) statement of commitments, prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated 19 May 2006;
 - c) Modification application titled *Environmental Assessment for Transpacific Refiners, Modifications to Existing Development* prepared by Transpacific Industries Pty Ltd, dated 12 April 2007;
 - d) Modification application titled *Streamlining the Project Approval for the Construction and Operation of a Resource Recovery and Recycling Facility* prepared by Transpacific Industries Pty Ltd and dated 7 July 2011;
 - e) conditions of this approval.

4. Replace condition 2.6 with the following:

Air quality criteria

- 2.6 The Proponent shall design, operate and maintain the project in a manner that would achieve emissions compliance with the EPL. The Proponent must advise the Department of any variations to the EPL as approved by OEH.
5. Replace condition 5.2 with the following:

ANNUAL PERFORMANCE REPORTING

- 5.2 The Proponent shall submit an **Annual Environmental Management Report (AEMR)** for the project to the OEH, Council, and the Department. The AEMR shall be submitted annually on the 22 December, unless otherwise approved by the Department, and include:
 - a) details of compliance with the conditions of this approval, and any other licences and approvals for the project;
 - b) a list of variations obtained to approvals applicable to the development and to the site during the preceding twelve-month period;
 - c) a copy of the Complaints Register for the preceding twelve month period (exclusive of personal details), and a description of how these complaints were addressed and resolved;
 - d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person;
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;
 - f) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in the EA and the additional information listed under condition 0;
 - g) identification of trends in monitoring data over the life of the development to date; and
 - h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.