

Modification of Minister's Approval

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

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 16 February 2015, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 7 MARCH

2017

SCHEDULE 1

Project approval (MP 06_0020), granted by the former Minister for Planning on 21 December 2007 for the Four Arrows Ethanol and Dairy Project on Kidman Way in the Murrumbidgee local government area.

SCHEDULE 2

This approval is modified as follows:

In the Definitions

1. replacing the definition of 'Proponent' with Eagle Energy Pty Ltd.
2. inserting the following definition in alphabetical order:

MOD 2 Modification request MP 06_0020 MOD 2, submitted on 30 September 2016, with supporting documentation titled *Eagle Energy Input into Modification of Part 3A Approval Four Arrows Ethanol and Dairy Project*, prepared by Booth Associates and as amended on 7 December 2016, with supporting documentation titled *Re: Request for extension of and modification of Part 3A Approval for Coleambally Dairy*, prepared by Booth Associates.

In Schedule 2

3. replacing Condition 2(c) with the following:
(c) MOD 2.
4. replacing Condition 3 with the following:
 3. If there is any inconsistency between the plans and documentation listed under Condition 2 above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.
5. inserting new Condition 8A after Condition 8 as follows:
8A This approval shall lapse on 1 October 2019 unless works associated with the project have physically commenced on or before that date.

In Schedule 3

6. replacing all references to "RTA's Road Design Guide" in Condition 27 with "Austroads Guide to Road Design, as amended".

7. replacing the words "Auxillary Left Turn" in Condition 27 with the words "Channelised Right Turn – short (CHR(s))".
8. inserting new Condition 41 and heading after Condition 40 as follows:

Unexpected Finds Protocol

41. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
 - (a) not further harm the object;
 - (b) immediately cease all work at the particular location;
 - (c) secure the area so as to avoid further harm to the object;
 - (d) notify the Office of Environment and Heritage (OEH) as soon as practical, providing any details of the object and its location; and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

In the Appendices

9. replacing Appendix 1 with new Appendix 1, as follows:

**APPENDIX 1
SCHEDULE OF LAND**

Lot	DP	Owner
1, 2	519450	AgCAP Pty Ltd
83, 84, 85, 89, 90, 91, 92, 110, 111, 112, 113, 116, 117, 156, 157	750885	AgCAP Pty Ltd
78	750896	Margaret Sheppard
79 and 80	750896	Eagle Energy
112	750896	Adrian Hays
31, 32, 33, 34, 35, 36, 37, 39, 71, 72, 73, 74	750898	AgCAP Pty Ltd
1, 2	1177368	AgCAP Pty Ltd
1, 2, 3, 4	1185251	AgCAP Pty Ltd