

Notice of Modification

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

As delegate of the Minister for Planning and Environment, under the instrument of delegation executed on 14 September 2011, I hereby approve the modification of the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
A/ Director
Industry, Key Sites and Social Projects

Sydney **2 MAY**

2014

SCHEDULE 1

Project approval 08_0083 granted by the then Minister for Planning on 5 May 2009 for the National Biodiesel Soybean Processing and Biodiesel Production Facility.

The project approval is modified by:

1. Replacing all the Definitions as follows:

AEMR	Annual Environmental Management Report
BCA	Building Code of Australia
Council	Wollongong City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
EA	Environmental Assessment titled <i>Soybean Processing and Biodiesel Production Facility, Environmental Assessment</i> , dated 5 December 2008 and Response to Submissions titled "Addendum to Environmental Assessment" dated 25 March 2009
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environmental Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Full Operation	Construction and operation of the soybean processing and biodiesel production facility and associated infrastructure.
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval

Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
MP 08_0083 MOD 1	Modification application MP 08_0083 MOD 1, accompanying Environmental Assessment dated November 2012 and Response to Submissions Reports dated 17 December 2012, 19 December 2012 and 25 January 2013, prepared by National Biodiesel Ltd
MP 08_0083 MOD 2	Modification application MP 08_0083 MOD 2, accompanying Modification Justification dated March 2014, prepared by National Biodiesel Ltd.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Project	The development as described in the EA, as modified by MP 08_0083 MOD 1.
Proponent	National Biodiesel Pty Ltd, or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Riparian Zone	The area along the Garungaty Waterway, adjacent to sites A and C (identified on the site plan in appendix A) at least 10 m wide, measured from the top of the bank of the watercourse, horizontally landward
RMS	Roads and Maritime Services
Secretary	Secretary of the Department of Planning and Environment, or delegate
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in Appendix B

2. Replacing the following references:

- "Director-General" with "Secretary"

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Terms of Approval

3. Replace condition 2 with the following:

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) project layout plan as modified by MP 08_0083 MOD 1 (see Appendix 1);
 - (c) modification proposal MP 08_0083 MOD 1;
 - (d) modification proposal MP 08_0083 MOD 2;
 - (e) statement of commitments; and
 - (f) conditions of this approval.

4. Replace condition 5 with the following:

5. If the proponent does not substantially commence the building works associated with the project by 5 May 2015, this approval shall lapse.

5. Replace condition 11 with the following:

Development Staging

11. The Proponent may elect to construct and/or operate the development in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Secretary prior to the commencement of the first proposed stage. The Staging Report shall provide details of:
 - (a) how the project would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and
 - (b) details of the relevant conditions of approval, which would apply to each stage and how these shall be complied with across and between the stages of the project.
12. Where staging of the project is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).
13. The Proponent shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Secretary prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

Note: These conditions do not relate to staged development within the meaning of section 83B of the EP&A Act.

Staged Submission of Plans or Programs

14. With the approval of the Secretary, the Proponent may:
 - (a) submit any strategy, plan or program required by this approval on a progressive basis; and/or
 - (b) combine any strategy, plan or program required by this approval.

Notes:

- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.*
- *There must be a clear relationship between the strategy, plan or program that are to be combined.*

End of Modification MP 08_0083 MOD 2