

# Notice of Modification

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

As delegate of the Minister for Planning, under delegation dated 10 November 2014, I approve the modification of the project approval referred to in Schedule 1, subject to the modified conditions in Schedule 2.



Chris Ritchie  
**Manager**  
**Industry Assessments**

Sydney 17 DECEMBER 2014

### SCHEDULE 1

The project approval (09\_0006) granted by the Planning Assessment Commission as delegate of the Minister for Planning for the National Ceramic Industries Australia Tile Manufacturing Facility Expansion Project on 19 January 2012.

### SCHEDULE 2

This approval is modified by:

1. Deleting the following from the list of Definitions:

|                  |  |
|------------------|--|
| Department       | Department of Planning and Infrastructure or its successors in title           |
| Director-General | Director-General of the Department of Planning and Infrastructure, or delegate |
| Minister         | Minister for Planning and Infrastructure, or delegate                          |
| RTA              | NSW Roads and Traffic Authority  |

2. Inserting new definitions in the list of Definitions in alphabetical order:

|            |  |
|------------|--|
| Department | Department of Planning and Environment or its successors in title  |
| Minister   | Minister for Planning, or delegate   |
| MOD 2      | Modification Application (09_0006 MOD 2) with supporting documentation titled <i>National Ceramic Industries Australia, Condition 60 AEMR Approval Modification</i> , prepared by AECOM dated 13 November 2014 |
| RMS        | NSW Roads and Maritime Services  |
| Secretary  | Secretary of the Department, or nominee  |

3. Deleting all references in the conditions to RTA and Director-General and replace them with RMS and Secretary respectively.
4. Replacing Condition 2 in Schedule 2 with the following:
  2. The Proponent shall carry out the project generally in accordance with the:
    - a) EA;
    - b) Statement of Commitments;

- c) Submissions Report;
- d) MOD 2; and
- e) conditions of this approval.

5. Replacing Condition 60a) in Schedule 4 with a new condition 60a) as follows:

- a) be conducted by a suitably qualified and experienced team;

---

## **APPENDIX B: MODIFICATION APPLICATION MP 09\_0006 MOD 2**

---

Refer to [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6813](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6813)



AECOM Australia Pty Ltd  
17 Warabrook Boulevard  
Warabrook NSW 2304  
PO Box 73  
Hunter Region MC NSW 2310  
Australia

+61 2 4911 4900 tel  
+61 2 4911 4999 fax  
ABN 20 093 846 925

13 November 2014

Commercial-in-Confidence

Chris Ritchie  
Manager – Industry  
Industry, Social Projects and Key Sites  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Ritchie

## **National Ceramic Industries Australia, Condition 60 AEMR Approval Modification MP 09-0006 Application**

### **1.0 Introduction**

National Ceramic Industries Australia Pty Ltd (NCIA) was granted project approval (MP 09\_0006) under section 75J of the *Environmental Planning and Assessment Act 1979*, by the Planning and Assessment Commission on 19 January 2012. This project approval rationalised and consolidated the development as already approved under NCIA's development consent (DA No. 449-12-2002-I, now surrendered) and that of a proposed expansion of NCIA's ceramic tile facility based in Rutherford, NSW.

### **2.0 Requested modification**

Schedule 6A of the *Environmental Planning and Assessment Act 1979*, provides that section 75W continues to apply for the purpose of the modification of project applications and concept plans approved before or after the repeal of Part 3A of the Act.

As such, NCIA wishes to formally request a modification to its project approval (MP 09\_0006) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*.

### **2.1 Condition 60**

Condition 60 relates to Annual Performance Reporting, and the Annual Environmental Management Report (AEMR). Condition 60 states:

*60. Every year from the date of this approval, unless the Director-General agrees otherwise, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and relevant agencies. The AEMR shall:*

- a) be conducted by a suitably qualified and independent team of whose appointment has been endorsed by the Director-General;*
- b) .....*

It is requested that the words '*and independent*' be removed from part a) of Condition 60. These words are underlined in the above.

### **2.2 Environmental implications of the requested modifications**

The requested modification would not result in any changes to the approved operation or environmental implications.

As the Department of Planning and Environment (DP&E) is aware, AECOM undertakes the regulatory environmental monitoring for NCIA and has done so for the previous 10 years. As such AECOM considers it has the relevant expertise and experience in house to prepare the annual environmental reporting for NCIA. Our team has a full understanding of the NCIA facility, its environmental obligations and reporting requirements. Additionally we have the information and monitoring data needed to prepare the AEMR.

The requested modification would allow the DP&E to endorse the AECOM as the most appropriate service provider to prepare the AEMR.