

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Regional Assessments

Sydney 12 OCTOBER 2015

Schedule 1

Development Application: DA 391/80 granted by the then Minister for Planning and Environment on 6 March 1981

For the following: Tomago Aluminium Smelter

Proponent: Tomago Aluminium Company Limited

Consent Authority: Minister for Planning

The Land: 576-638 Tomago Road, Tomago

Modification: **DA 391/80 MOD 5:** increase in the production capacity of the aluminium smelter from 575,000 tonnes per annum to 585,000 tonnes per annum.

Schedule 2

The above approval is modified as follows:

1. The paragraph of the Consent preceding condition number 1 is modified by the inclusion of the **bold and underlined** words and deletion of the ~~struck out~~ words as follows:

Now, I, the Minister for Planning and Environment, after consideration of the findings and recommendations of the Commission of Inquiry, do hereby determine the application by granting consent to the application for the proposed development, generally in accordance with the Environmental Impact Statement for an Aluminium Smelter at Tomago, N.S.W., Volume 1 & 2, prepared by James B. Croft & Associates, Newcastle, and marked "Submission 36", and Environmental Impact Statement for an Aluminium Smelter at Tomago, N.S.W., Volume 3 Figures, prepared by James B. Croft & Associates, Newcastle, and marked "Submission 36A", as modified by the

environmental impact statement for the proposed expansion of the Tomago Aluminium Smelter, Tomago, NSW, dated July, 1990, prepared by Crooks Michell Peacock and Stewart Pty Limited and the Appendices to that EIS (the 1990 Smelter Expansion EIS), and as modified by the Statement of Environmental Effects (SEE) titled "Modification of Development Consent for the Proposed Production Capacity Increase at Tomago Aluminium Smelter", prepared by HLA-Envirosciences, and certified by Gary Freeland on 3 April 2001, and the Statement of Environmental Effects entitled "Production Capacity Increase Statement of Environmental Effects Tomago Aluminium Smelter", prepared by ENSR Australia Pty Ltd, dated May 2009; and **as modified by the project proposal titled Tomago Aluminium Company Pty Ltd Production Capacity Increase 575,000 to 585,000 Tonnes Saleable Metal and accompanied by a letter dated 5 August 2015 from the Tomago Aluminium Company Pty Limited** (which Environmental Impact Statements are hereinafter called the "Statement"), the development application for aluminium smelter at Tomago, N.S.W. dated the 20th August, 1980 and marked "Submission 36C", the Statement entitled "National Economic Impact of the Proposed Tomago Aluminium Smelter dated February, 1981 and marked "Submission 36E", And the Plan entitled Tomago Aluminium Company Pty. Limited Aluminium Smelter Project, Tomago, N.S.W., Extent of Property Controlled as at September, 1980 endorsed K41568 and marked "Submission 36G" all of which are deposited in the office of the Department, subject to the following conditions:-

End of Modification