DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT UNDER SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

I, the Minister for Urban Affairs and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act") and clause 8 of *State Environmental Planning Policy No. 34 - Major Employment-Generating Industrial Development*, determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2. The reason for the imposition of conditions is to minimise any adverse environmental impacts associated with the development.

Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 20 September 2001 File No. S00/00975

SCHEDULE 1

Application made by:	Weston Aluminium Pty Ltd ("the Applicant');
To:	The Minister for Urban Affairs and Planning ("the Minister");
In respect of:	Lot 796 DP 39877, Parish of Heddon, Cessnock local government area;
For the following:	Additions and extensions to an existing aluminium dross recycling plant including: a) construction of an open scrap storage and sorting pad and an enclosed scrap storage warehouse; b) extension of the existing plant building to allow for ingot casting, molten aluminium handling and aluminium alloying; c) construction of an ingot storage and loading facility; d) construction of an enclosed ALDEX storage and dispatch facility, incorporating a workshop area; and e) extensions to the existing administration building, carpark and dross off-loading and sorting areas ("the development").

Development Application:	Integrated DA No. 86-04-01, lodged with the Department of Urban Affairs and Planning on 30 April 2001;
State Significant Development	Under Section 76A(7) of the Act, the proposed development is classified as State Significant development because it is a type of development (metals, minerals or extractive materials processing) listed in Schedule 1 of *State Environmental Planning Policy No. 34 - Major Employment Generating Industrial Development* and has a capital investment in excess of $20 million.
BCA Classification:	Class 5 - administration building Class 8 - plant building bag houses ALDEX building Class 10a - warehouse
Note:	1) To ascertain the date upon which this consent becomes effective, refer to Section 83 of the Act. 2) To ascertain the date upon which this consent is liable to lapse, refer to Section 95 of the Act. 3) If the Applicant is dissatisfied with this determination, Section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	*Environmental Planning and Assessment Act, 1979*
AEMR	Annual Environmental Management Report
Applicant	Weston Aluminium Pty Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Cessnock City Council
Department	NSW Department of Urban Affairs and Planning
Director-General	Director-General of the NSW Department of Urban Affairs and Planning, or delegate
dross plant additions	the development to which this consent applies
dust	any solid material that may become suspended in air
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
existing development	development on the site prior to this consent, as granted approval by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995), Department reference DA No. 21/94
Minister	Minister for Urban Affairs and Planning, or delegate
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	*Environmental Planning and Assessment Regulation, 2000*
POEO Act	*Protection of the Environment Operations Act, 1997*
site	the land to which this consent applies, being described as Lot 796 DP 39877, Parish of Heddon, Cessnock local government area

1. GENERAL

Obligation to Minimise Harm to the Environment

1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and where relevant, the decommissioning of the dross plant additions.

Scope of Development

1.2 [1]The Applicant shall carry out the development generally in accordance with:

- a) Development Application No. 86-04-01, lodged with the Department of Urban Affairs and Planning on 30 April 2001;
- b) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume I Environmental Impact Statement*, prepared by URS and dated 23 April 2001;
- c) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume I Environmental Impact Statement Appendices Part A*, prepared by URS and dated 23 April 2001;
- d) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume I Environmental Impact Statement Appendices Part B*, prepared by URS and dated 23 April 2001;
- e) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume II Construction Environmental Management Plan*, prepared by URS and dated 23 April 2001;
- f) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume II Construction Environmental Management Plan Appendices*, prepared by URS and dated 23 April 2001;
- g) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume III Operational Environmental Management Plan*, prepared by URS and dated 23 April 2001;
- h) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume III Operational Management Plan Appendices*, prepared by URS and dated 23 April 2001;
- i) *Dross Processing Plant Additions at Weston Kurri Kurri, NSW - Preliminary Hazard Analysis*, prepared by Granherne Pty Ltd and dated 25 October 1999;
- j) *Proposed Additional Facilities at the Weston Dross Recycling Plant Weston, NSW - Molten Metal Transportation Risk Assessment*, prepared by Granherne Pty Ltd and dated 25 October 1999;
- k) *Additional Information Requested by EPA for Noise Impact Assessment*, prepared by URS and dated 19 June 2001;
- l) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility, Additional Information Requested by EPA for Noise Impact Assessment - Supplement 1*, prepared by URS and dated 3 July 2001;
- m) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility, Additional Information Requested by EPA for Noise Impact Assessment - Supplement 2*, prepared by URS and dated 3 July 2001;
- n) *Additions to the Kurri Kurri Refining and Recycling Facility - Response to EPA Request for Information* in respect of air quality impacts, prepared by URS and dated July 2001;
- o) *Flora and Fauna Habitat Investigations for Proposed Extensions to Existing Aluminium Recycling Facility, Kurri Kurri, NSW*, prepared by HLA-Envirosciences Pty Ltd and dated 25 June 2001;

[1] Incorporates an EPA General Term of Approval

p) plans 99177-A1 (revised 7 June 1999), 99177-A2 (revised 10 June 1999), 99177-A3 (revised 5 October 2000), 99177-A4 (revised 9 June 1999), 9177-A5 (revised 15 March 2000), 99177-A6 (revised 15 March 2000), prepared by T.G. Thomas & Associates Pty Ltd; and
q) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under a) to p) above, the condition of consent shall prevail to the extent of the inconsistency.

Relationship with Existing Development

1.3 In implementing this consent, the Applicant shall have regard to the requirements of the consent for the existing development, as granted by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995).

1.4 In the event of an inconsistency between this consent and the consent for the existing development, as granted by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995), this consent shall prevail to the extent of the inconsistency.

> Note: No provision of this consent prevents a combined document or action to address identical or similar requirements of this consent and the consent for the existing development, as granted by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995), provided the requirements of both consents are fully addressed.

Statutory Requirements

1.5 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the dross plant additions. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Compliance

1.6 The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent. The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.

1.7 Prior to the commencement of construction of the dross plant additions, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to construction.

1.8 Prior to the commencement of operation of the dross plant additions, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to operation.

1.9 Notwithstanding conditions 1.7 and 1.8 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

1.10 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

Dispute Resolution

1.11 In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. CONSTRUCTION CERTIFICATION

2.1 The Applicant shall ensure that fire safety measures for all existing buildings on the site (as present prior to the date of this consent) comply with the fire safety requirements of the Building Code of Australia as at the date of this consent. A certificate prepared by the Principal Certifying Authority shall be submitted to the Director-General detailing compliance with this requirement, prior to the operation of the dross plant additions.

In the event that fire safety measures need to be upgraded to meet the requirements of the BCA, the Applicant shall bear the full cost of those works.

2.2 In relation to the construction and occupation of the dross plant additions, the Applicant shall provide to the Director-General and Council the following:

a) written notification of the appointment of a Principal Certifying Authority;
b) copies of all Construction Certificates issued for the dross plant additions;
c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
d) copies of all Occupation Certificates issued for the dross plant additions; and
e) written notification of the intention to occupy the dross plant additions, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.

2.3 The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the dross plant additions will comply with the Building Code of Australia, and all relevant provisions of the Act, including the payment of a long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

3. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

Dust Emissions

3.1 [2]The Applicant shall design, construct, operate and maintain the dross plant additions in a manner that minimises dust emissions from the site.

Stack Design

3.2 [3]The Applicant shall ensure that each air monitoring/ air discharge point (stack) indicated in Table 1 is designed, constructed, operated and maintained generally in accordance with the parameters specified for the respective air monitoring/ air discharge point (stack).

Table 1 - Stack Dimension Requirements

Discharge Point	Discharge Point Description	Minimum Stack Height (m)	Maximum Stack Exit Diameter (m)
1	Baghouse 5 Stack, discharging air emissions from Alloy Furnaces No.1 and No. 2	30	1.5
2	Baghouse 6 Stack, discharging air emissions from Alloy Furnaces No. 1 and No. 2, Metal Recovery machine No. 2 and Dross Cooler No. 2	30	1.5
3	Holding Furnace stack	18	0.25
4	ALDEX Stack	15	0.5

3.3 [4]The Applicant may seek the Director-General's approval to vary the minimum stack heights or maximum stack exit diameters provided under condition 3.2 of this consent. In seeking the approval of the Director-General, the Applicant shall provide written evidence of the agreement of the EPA with the proposed variation to the minimum stack heights or maximum stack exit diameters.

3.4 [5]All stacks the subject of this consent shall be designed, constructed, operated and maintained in accordance with good engineering practice, in order to minimise the effects of stack tip downwash and building wake effects on ground-level air pollutant concentrations. For the purpose of this condition, good engineering practice shall be a reference to:

a) USEPA, 1985, *Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)*, revised EPA-450/4-80-023R, United States Environmental Protection Agency, Washington DC, USA;

b) USEPA, 1995, *User's Guide to the Building Profile Input Program*, revised February 1995, EPA-454/R-93-038, United States Environmental Protection Agency, Washington DC, USA; and

c) USEPA, 1997, *Addendum to ISC3 User's Guide, The PRIME Plume Rise and Building Downwash Model*, United States Environmental Protection Agency, Washington DC, USA.

[2] EPA General Term of Approval
[3] EPA General Term of Approval
[4] Incorporates an EPA General Term of Approval
[5] EPA General Term of Approval

Discharge Limits

3.5 [6]The Applicant shall ensure that the maximum allowable discharge limit specified for each of the parameters/ pollutants in Table 2 is not exceeded at any time, at any of the discharge points specified for that parameter/ pollutant. Maximum allowable discharge limits shall be subject to the reference conditions and averaging period specified for that parameter/ pollutant and discharge point.

Table 2 - Maximum Allowable Discharge Limits to Air

Parameter/ Pollutant	Limit	Reference Conditions	Averaging Period	Discharge Point[1]
volumetric flowrate	18 Nm^3s^{-1}	dry, 273K, 101.3 kPa	rolling 1-hour average	1, 2
volumetric flowrate	0.3 Nm^3s^{-1}	dry, 273K, 101.3 kPa	as per test method	3
volumetric flowrate	4.7 Nm^3s^{-1}	dry, 273K, 101.3 kPa	as per test method	4
hydrogen chloride	10 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2	as per test method	1, 2
nitrogen dioxide (NO_2) or nitric oxide (NO) or both	100 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2	as per test method	1, 2, 3
solid particles	10 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2	as per test method	1, 2, 3
solid particles	10 mgm^{-3}	dry, 273K, 101.3 kPa	as per test method	4
poly-chlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans (PCDD and PCDF)[2]	0.1 ngm^{-3}	dry, 273K, 101.3 kPa, 11% O_2	rolling annual average	1, 2
volatile organic compounds (VOC) as n-hexane	77 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2	rolling 1-hour average	1, 2
carbon monoxide (CO)	125 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2	rolling 1-hour average	1, 2

[1] Discharge points as defined by condition 3.2 of this consent

[2] PCDD and PCDF as 2,3,7,8-tetrachloro-dibenxo-p-dioxin (TCDD) equivalent, calculated in accordance with the procedures included in Part 9, clause 19 of the *Clean Air (Plant and Equipment) Regulation 1997*

Note: Pollutant concentrations listed under condition 3.5 of this consent are maximum allowable concentration limits that must never be exceeded. The imposition of a maximum allowable concentration limit does not imply that the limit should be met, or approached, if the Applicant can reasonably operate the development to achieve lower discharge concentrations.

3.6 [7]The Applicant may seek the Director-General's approval to vary the limits, reference conditions and/ or the averaging periods provided under condition 3.5 of this consent. In seeking the approval of the Director-General, the Applicant shall provide written evidence of the agreement of the EPA with the proposed variation to the reference conditions and/ or the averaging periods.

[6] EPA General Term of Approval
[7] Incorporates an EPA General Term of Approval

3.7 [8]Prior to the commencement of construction of the dross plant additions, the Applicant shall submit, for the approval of the Director-General and the EPA, manufacturer's performance guarantees for all relevant plant and equipment the subject of this consent. The guarantees shall demonstrate that emissions of air pollutants from all relevant sources will comply with:

a) the maximum allowable discharge limits listed under condition 3.5 of this consent, where applicable; and
b) the stack dimension requirements specified under condition 3.2 of this consent, where applicable.

Manufacturer's performance guarantees shall specify the volumetric flowrate for discharge points 1, 2, 3, and 4, as defined under condition 3.2 of this consent.

Water Quality Impacts

3.8 [9]Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation to the site, section 120 of that Act (pollution of waters) shall be complied with in, and in connection with, the carrying out of the dross plant additions.

Hazards and Risk Impacts

Emergency Coordination

3.9 Prior to the commencement of operation of the dross plant additions, the Applicant shall develop an **Emergency Services Cooperation Agreement** in consultation with the emergency response teams relevant to the site and proposed haulage routes for molten aluminium (NSW Fire Brigades, State Emergency Services and local bushfire fighting services, where relevant). The Agreement shall provide, but not necessarily be limited to:

a) policies and procedures for the on-going supply of hazards information to the emergency response teams in relation to the site, molten aluminium transport and dross transport, including quantities and locations of hazardous materials and possible hazardous events associated with the site and dross/ molten aluminium haulage;
b) policies and procedures for communication with the emergency response teams, and notification in the event of an emergency;
c) any agreement for access to water stores at the development in the event of a bushfire; and
d) any agreement for the provision of suitably qualified and appropriately trained employees from the site to assist where relevant in the event of a bushfire or emergency.

The Emergency Services Cooperation Agreement shall be consistent with the Emergency Plan required under condition 6.5a) of this consent. The Applicant shall supply a copy of the Emergency Services Cooperation Agreement to the Director-General prior to the commencement of operation of the dross plant additions.

[8] Incorporates an EPA General Term of Approval
[9] EPA General Term of Approval

Traffic and Transport Impacts

3.10 The Applicant shall ensure, in so far as is reasonably controllable by the Applicant, that haulage of molten aluminium shall be via Main Road 588 (Renshaw Drive) when travelling towards the Sydney- Newcastle Freeway (F3), rather than via Main Road 195 (Kurri Kurri-Mulbring Road) and Main Road 220 (Lake Road).

Noise Impacts

3.11 [10]In order to minimise the noise impacts of traffic movements, the Applicant shall not permit any truck to enter or leave the site outside the hours of 7:00 am to 10:00 pm.

3.12 [11]The Applicant shall design, construct, operate and maintain the dross plant additions to ensure that the noise emissions from the site do not exceed the maximum allowable noise limits specified in Table 3 at the times the locations indicated. The maximum allowable noise limits apply under winds up to 3ms^{-1} (measured at 10 metres height) and Pasquill Stability Categories from A to F.

Table 3 - Maximum Allowable Noise Limits

Location	Daytime	Evening		Night time		
	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{Aeq(evening)}$ (dB(A))	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{Aeq(night)}$ (dB(A))	$L_{Aeq(1\ minute)}$ (dB(A))
Residences at the corner of Government Street and 10th Street	48	48	40	47	35	57
Residences on Northcote Street	44	44	-	44	40	57
Residences in the Light Industrial Zone on Mitchell Avenue and Railway Road	43	43	-	43	41	55

For the purpose of this condition, periods of the day referred to in Table 3 shall defined as follows:

a) Daytime shall be any time:
   i) between 7:00 am and 6:00 pm on any day from Monday to Saturday, not being a public holiday; and
   ii) between 8:00 am and 6:00 pm on a Sunday or a public holiday.

b) Evening shall be any time between 6:00 pm and 10:00 pm on any day; and

c) Night time shall be any time
   i) between 10:00 pm and 7:00 am on any day from Monday to Saturday, not being a public holiday; and
   ii) between 10:00 pm and 8:00 am on a Sunday or a public holiday.

Note: condition 3.12 of this consent does not impose maximum allowable noise limits for residences on Horton Road and McCarva Road as the Applicant has established a negotiated agreement with the landowner of those properties in regard to noise.

[10] EPA General Term of Approval
[11] EPA General Term of Approval

3.13 The Applicant may seek the approval of the Director-General for exemption of a particular residence from the maximum allowable noise limits specified under condition 3.12 of this consent. In seeking the approval of the Director-General for such an exemption, the Applicant shall provide:

a) details of the noise levels experienced at the residence, as compared with the noise limits provided under condition 3.12 of this consent;
b) evidence of consultation with the EPA in relation to the proposed exemption from maximum allowable noise limits and any recommendations or requirements of the EPA in regard to the proposed exemption; and
c) evidence of a negotiated agreement between the Applicant and the landowner for the particular residence in regard to noise.

Waste Management Impacts

3.14 [12]The Applicant shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*.

Flora, Fauna and Visual Amenity Impacts

3.15 The Applicant shall not clear any native vegetation beyond the limits defined in Figure 4.1 of *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume II Construction Environmental Plan*, prepared by URS and dated 23 April 2001.

3.16 The Applicant shall implement a program to minimise the presence and spread of weeds, in particular camphor laurel, on the site.

Heritage Impacts

3.17 The Applicant shall invite a member of the Local Aboriginal Land Council (LALC) to attend all construction activities involving excavation or the clearing of vegetation on the site.

Note: The purpose of condition 3.17 is to provide a mechanism for the early identification of relics of indigenous significance, should any such relic be discovered during construction of the dross plant additions.

3.18 In the event that a relic of indigenous significance is uncovered during the construction of the dross plant additions, all construction work in the vicinity of the relic shall cease and the Applicant shall contact the National Parks and Wildlife Service as soon as practicable. The Applicant shall meet the requirements of the National Parks and Wildlife Service with respect to the treatment, management and/ or preservation of any such relic.

[12] EPA General Term of Approval

4. ENVIRONMENTAL MONITORING AND AUDITING

General Monitoring Requirements

4.1 [13]The results of all monitoring required under this consent shall be

a) in a legible form, or in a form that can readily reduced to a legible form;
b) kept for at least four years after the monitoring or event to which the results relate took place; and
c) produced in a legible form to any authorised officer of the EPA or the Director-General, upon request; and
d) kept with the following details for each sample required to be collected:
   i) the date(s) on which the sample was collected;
   ii) the time(s) at which the sample was collected;
   iii) the point at which the sample was collected; and
   iv) the name of the person who collected the sample.

Air Quality Monitoring

4.2 [14]All monitoring for the concentration of pollutants emitted to the air required to be conducted under this consent in relation to the dross plant additions shall be performed in accordance with:

a) any methodology which is required by or under the *Protection of the Environment Operations Act 1997* to be used for the testing of the concentration of the pollutant; or
b) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997* any methodology which this consent or a condition of the licence or a local calculation protocol (as the case may be) requires to be used for that testing; or
c) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997*, or this consent, or a condition of the licence or a local calculation protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

> Note: The *Clean Air (Plant and Equipment) Regulation 1997* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

4.3 [15]The Applicant shall periodically monitor (by sampling and obtaining results by analysis) the pollutant concentrations and emission parameters specified in Table 4 below, at the discharge points indicated and employing the sampling and analysis method specified. All pollutant concentrations and emission parameters for each discharge point shall be determined after the commencement of commissioning the dross plant additions, at the frequency indicated in the table.

[13] EPA General Term of Approval
[14] EPA General Term of Approval
[15] EPA General Term of Approval

Table 4 - Periodic Discharge Point Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Discharge Points	Method	Frequency
hydrogen chloride (HCl)	1, 2	TM-7 and TM-8	quarterly
nitrogen dioxide (NO_2)or nitric oxide (NO) or both	1, 2, 3	TM-11	annually
solid particles	1, 2	TM-15	quarterly
solid particles	3, 4	TM-15	annually
polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans (PCDD and PCDF)	1, 2	TM-18	quarterly
volatile organic compounds (VOC)	1, 2	OM-2	annually
velocity	1, 2	TM-2	quarterly
velocity	3, 4	TM-2	annually
volumetric flow rate	1, 2	TM-2	quarterly
volumetric flowrate	3, 4	TM-2	annually
temperature	1, 2	TM-2	quarterly
temperature	3, 4	TM-2	annually
Moisture	1, 2	TM-22	quarterly
Moisture	3, 4	TM-22	annually
dry gas density/ molecular weight of stack gases	1, 2	TM-23	quarterly
dry gas density/ molecular weight of stack gases	3, 4	TM-23	annually
oxygen	1, 2	TM-25	quarterly
oxygen	3	TM-25	annually
volatile organic compounds (VOC)	1, 2	CEM-8	continuous
carbon monoxide	1, 2	CEM-4	continuous
temperature	1, 2	TM-2	continuous
moisture	1, 2	TM-22	continuous
volumetric flowrate	1, 2	CEM-6	continuous
oxygen	1, 2	CEM-3	continuous
selection of sampling positions	1, 2, 3, 4	TM-1	-

Note: It is noted that the Applicant may not require long-term continuous monitoring of VOC emissions. Periodic monitoring of VOC emissions after the commencement of commissioning of the dross plant additions will be used to establish whether continuous or periodic monitoring of VOC's is required. In accordance with condition 4.4 of this consent, it is the Applicant's responsibility to obtain the EPA's agreement and the Director-General's approval to cease or vary the requirement for continuous monitoring of VOC emissions, should such a cessation or variation be appropriate in the context of the results of initial periodic VOC monitoring.

4.4 [16]The Applicant may seek the Director-General's approval to vary:

a) the frequency of monitoring for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, from quarterly, as provided under condition 4.3 of this consent, to another appropriate frequency; and/ or
b) the frequency of monitoring for volatile organic compounds (VOC) from continuous, as provided under condition 4.3 of this consent, to another appropriate frequency (or not at all).

In seeking the approval of the Director-General, the Applicant shall provide written evidence of the agreement of the EPA with the proposed variation.

[16] Incorporates an EPA General Term of Approval

Noise Monitoring

4.5 [17]The Applicant shall prepare and implement a **Noise Monitoring Program** to monitor noise emissions from the site. The Program shall meet the requirements of the Director-General, the EPA and Council, should there be any. The Program shall include details of the frequency of noise monitoring. Results of noise monitoring shall be provided to the Director-General, the EPA and Council no later than three months after the commencement of operation of the dross plant additions, and at a frequency established in the Program thereafter.

Auditing

4.6 Twelve months after the commencement of operation of the dross plant additions, or within such period as otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of all operations on the site. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as required by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.

4.7 Within three years from the commencement of operation of the dross plant additions and every three years thereafter, or as otherwise required by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of all operations on the site. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General, the EPA,and Council within one month of the completion of the Audit. The Audit shall:

a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
b) assess compliance with the requirements of this consent, and other relevant licences and approvals that apply to the site; and
c) review the effectiveness of the environmental management of all relevant operations on the site, including any environmental impact mitigation works.

The Director-General may, having considered any submission made by the EPA, or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may agree.

5. COMMUNITY INFORMATION AND INVOLVEMENT

5.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Applicant's internet site, should one exist.

[17] Incorporates an EPA General Term of Approval

Complaints Procedure

5.2 Prior to the commencement of construction of the dross plant additions, the Applicant shall ensure that the following are available for community complaints:

a) a telephone number on which complaints about operations on the site may be registered;
b) a postal address to which written complaints may be sent; and
c) an email address to which electronic complaints may be transmitted, should the Applicant have email capabilities.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public. These details shall also be provided on the Applicant's internet site, should one exist.

5.3 The Applicant shall record details of all complaints received through the means listed under condition 5.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

a) the date and time, where relevant, of the complaint;
b) the means by which the complaint was made (telephone, mail or email);
c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d) the nature of the complaint;
e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the EPA or the Director-General upon request.

6. ENVIRONMENTAL MANAGEMENT

Environmental Officer

6.1 Prior to the commencement of construction of the dross plant additions, the Applicant shall nominate a suitably qualified and experienced Environmental Officer. The Environmental Officer shall be employed on a full-time basis throughout operations on the site. The Environmental Officer shall be:

a) the primary contact point for the Department, the EPA and Council in relation to the environmental performance of operations on the site;
b) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the operations on the site;
c) responsible for receiving and responding to complaints in accordance with condition 5.3 of this consent;
d) required to facilitate an induction and training program for relevant persons involved with operations on the site; and
e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General, the EPA and Council of the name and contact details of the Environmental Officer upon appointment, and any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan (CEMP)

6.2 The Applicant shall implement the following Plans during the construction of the dross plant additions:

a) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume II Construction Environmental Management Plan*, prepared by URS and dated 23 April 2001; and

b) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume II Construction Environmental Management Plan Appendices*, prepared by URS and dated 23 April 2001;

6.3 Prior to the commencement of construction of the dross plant additions, the Applicant shall submit for the approval of the Director-General, the studies listed under a) and b) below. Construction shall not commence until approval of the studies has been received from the Director-General.

a) a **Fire Safety Study** for the dross plant additions, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to submission to the Director-General; and

b) a **Construction Safety Study** for the dross plant additions, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*.

Operational Environmental Management Plan (OEMP)

6.4 The Applicant shall update the following Plans to reflect the requirements of this consent and submit the amended Plans for the approval of the Director-General prior to the commencement of operation of the dross plant additions:

a) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume III Operational Environmental Management Plan*, prepared by URS and dated 23 April 2001; and

b) *Additions to the Kurri Kurri Aluminium Refining and Recycling Facility - Volume III Operational Environmental Management Plan Appendices*, prepared by URS and dated 23 April 2001;

The Applicant shall implement the amended Plans, as approved by the Director-General, during all operations on the site.

6.5 Prior to the commencement of operation of the dross plant additions, the Applicant shall submit for the approval of the Director-General, the studies and reports listed under a) to d) below. Operation of the dross plant additions shall not commence until approval of the studies has been received from the Director-General.

a) an **Emergency Plan** for the site. The Plan shall be a revision of the Emergency Plan required by condition 35a) of the consent for the existing development, as granted by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995), to reflect the dross plant additions. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*.

b) a **Safety Management System**, covering all operations at the site and associated transport activities involving hazardous materials. The Plan shall be a revision of the Safety Management System required by condition 35b) of the consent for the existing development, as granted by the Land and Environment Court on 30 August 1996 (No. 10397 of 1995), to reflect the dross plant additions. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

c) a **Preliminary Hazards Implementation Update**, certifying that the recommendations made in following documents have been fully implemented:

   i) *Dross Processing Plant Additions at Weston Kurri Kurri, NSW - Preliminary Hazard* Analysis, prepared by Granherne and dated 25 October 1999; and
   ii) *Proposed Additional Facilities at the Weston Dross Processing Plant Weston, NSW - Molten Metal Transportation Risk Assessment*.

d) a **Transport Code of Conduct** to outline management of traffic impacts associated with the site and minimum requirements for the movement of heavy vehicles to and from the site. The Code shall meet the requirements of Council and the RTA, should there be any. The Code shall include, but not necessarily be limited to:
   i) restrictions to routes, consistent with condition 3.10 of this consent;
   ii) restrictions to the hours of transport operations, consistent with condition 3.11 of this consent, to avoid travelling built-up areas late at night or at times of high traffic flows in those areas;
   iii) speed limits to be observed along routes to and from the site, in particular through built-up areas;
   iv) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
   v) load coverage requirements; and
   vi) behavioural requirements for vehicle drivers.

7. ENVIRONMENTAL REPORTING

Incident Reporting

7.1 The Applicant shall notify the EPA and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.

7.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 7.1 of this consent, within such period as the Director-General may agree.

Note: Condition 7.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to operations on the site.

Annual Performance Reporting

7.3 [18]The Applicant shall submit an **Annual Return** to the EPA, as defined and required by a licence issued under the *Protection of the Environment Operations Act 1997*. In the Return, the Applicant shall:

a) report on the annual monitoring undertaken (where the activity has resulted in pollutant discharges);
b) provide a summary of complaints relating to the site;
c) report on compliance with licence conditions; and
d) provide a calculation of licence fees (administrative fees and, where relevant, load-based fees) that are payable. If load-based fees apply, the Applicant shall be required to submit load-based fee calculation worksheets with the Return.

7.4 The Applicant shall prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of operations on the site against the conditions of this consent and other licences and approvals relating to the site. The AEMR shall include, but not necessarily be limited to:

a) details of compliance with the conditions of this consent;
b) a copy of the Complaints Register (refer to condition 5.3 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how theses complaints were address and resolved;
c) a comparison of the environmental impacts of the dross plant additions against conclusions provided those documents listed under condition 1.2 of this consent;
d) results of all environmental monitoring required under this consent 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 site 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 list of variations obtained to approvals applicable to the site during the preceding twelve-month period;
g) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.

The Applicant shall submit a copy of the AEMR to the Director-General, the EPA, and Council every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the dross plant additions.

[18] EPA General Term of Approval

7.5 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the site, in response to review of the Annual Environmental Report and any comments received from the EPA or Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.

> Note: The AEMR does not aim to satisfy any requirement of the EPA with regard to any Annual Return (refer to condition 7.3 of this consent), required under any licence issued for the site under the *Protection of the Environment Operations Act 1997*. It is noted, however, that the Applicant may consult with the Directors-General of the Department of Urban Affairs and Planning and the Environment Protection Authority with the aim of combining the reporting requirements of the AEMR and the Annual Return. These reporting requirements shall only be combined with the agreement of both Directors-General.