

**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

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:

DA No. 86-04-01

Applicant:

Weston Aluminium Pty Ltd

Consent Authority:

As appropriate

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Site:

~~Lot 796 DP 39877~~, Lot 61 DP 1237125 129 Mitchell Avenue
Kurri Kurri

Development:

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").

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA 86-04-01 Mod M1	10 October 2001	Minister	Alternations to the administration building extension
DA 86-04-01 Mod M2	21 August 2002	Minister	Addition of an annex on the process building
DA 86-04-01 Mod 3 –	4 September 2009	Deputy Director General	Addition of new process and storage areas, and increased operational efficiency of the existing development
DA 86-04-01 Mod 4 –	5 August 2010	Executive Director	The proposed 2 week trial of processing spent potlining material, as described in the Modification Application DA-86-04-01 Mod 4 and 10397 Mod 2, and the enclosed Letter dated 26 May 2010 and Attachments 1, 2 and 3.

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DA 86-04-01 Mod 5 –	7 February 2011	Executive Director	Construction and operation of a briquetting facility within an existing building, as described in the Modification Application DA-86-04-01 Mod 5 and 10397 Mod 3 and the Statement of Environmental Effects dated November 2010 by GHD
DA 86-04-01 Mod	25 October 2011	Deputy Director-General	DA-86-04-01 Mod 6 12 month trial of processing spent potlining material
DA 86-04-01 Mod 7	7 September 2012	Deputy Director-General	DA-86-04-01 Mod 7 commercial scale processing of spent potlining
DA 86-04-01 Mod 8	17 February 2013	Deputy Director-General	DA 86-04-01 Mod I a 12 month trial processing mixed spent potlining material
DA 86-04-01 Mod 9	15 September 2015	A/ Executive Director	A 24 month trial processing illicit drug and pharmaceutical wastes
DA 86-04-01 Mod 10	determined 1 March 2017	Executive Director	To allow the commercial scale processing of First Cut SPL
DA 86-04-01 Mod 12 –	determined 2 2019	Executive Director	TDA-96-04-01 MOD 12 to allow the processing of up to 2,000 tonnes per year of pharmaceutical waste and 5 tonnes per year of illicit drug waste in existing furnaces
DA 86-04-01 Mod 14	September 2020	Director	reconfigure air emissions including diversion of process air from the reverberatory furnace to the Baghouse 1 complex
DA 86-04-01 Mod 15	10 November 2023	Director	Shredding up to 20,000 tpa of consumer product waste
DA 86-04-01 Mod 16		Director	Concurrent operation of the Rotary Furnace and Reverberatory furnace

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DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Weston Aluminium Pty Ltd
BCA	Building Code of Australia
Council	Cessnock City Council
Court	Land and Environment Court
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning and Infrastructure
Department	Department of Planning, Industry and Environment
Department	Department of Planning and Environment
Department	Department of Planning, Housing and Infrastructure
Development	Establishment of a dross recycling facility and associated infrastructure (as described in the EIS and SEE, see below)
Planning Secretary	Planning Secretary of the Department (or delegate)
EIS	<p>Environmental Impact Statement prepared by URS for Weston Aluminium Pty Ltd entitled <i>Additions to the Kurri Kurri Aluminium Refining and Recycling Facility</i>, Volumes 1-3 (dated 23 April 2001), including the following supporting documentation:</p> <ul style="list-style-type: none"> • Preliminary Hazard Analysis, prepared by Granherne Pty Ltd (dated 25 October 1999); • Molten Metal Transportation Risk Assessment, prepared by Granherne Pty Ltd (dated 25 October 1999); • Additional Information Requested by EPA for Noise Impact Assessment, prepared by URS (dated 19 June 2001); • Additional Information Requested by EPA for Noise Impact Assessment - Supplement 1, prepared by URS (dated 3 July 2001); • Additional Information Requested by EPA for Noise Impact Assessment - Supplement 2, prepared by URS (dated 3 July 2001); • Response to EPA Request for Information in respect of air quality impacts, prepared by URS (dated July 2001); • Flora and Fauna Habitat Investigations for Proposed Extensions to Existing Aluminium Recycling Facility, Kurri Kurri, NSW, prepared by HLA-Envirosciences Pty Ltd (dated 25 June 2001); and <p>: Environmental Impact Statement prepared by Envirosciences Pty Ltd for Weston Aluminium Pty Ltd entitled <i>Environmental Impact Statement for an Aluminium Dross Recycling and Alloying Plant at Kurri Kurri</i> (dated July 1994), including the following supporting documentation:</p> <ul style="list-style-type: none"> • Inspection Protocol for Imported Dross, approved by the Land and Environment Court on 7 April 2000; • Attachment A, entitled Supplementary Information Relating to Plant Design Refinements and Improvements to a Proposed Aluminium Dross Recycling and Alloying Plant at Kurri Kurri (exhibited from 10 July 1995 to 9 August 1995); • Waste Management Plan, prepared by Mr P.C. Raymond (dated 2 August and approved by EPA on 5 May 1995); and • Preliminary Hazard Analysis prepared by BHP Engineering (dated July 1994);
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm

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Extended Spent Potlining Material Processing Trial	The proposed 12 month trial of processing spent potlining material, as described in the Modification Application DA-86-04-01 Mod 6 and 10397 Mod 4, and Environmental Assessment dated June 2011
First cut spent potlining	spent potlining material originating from the carbon lining of aluminium reduction cells (pots)
Consumer product waste	As described in the Modification Report dated 9 June 2023
LEC	Land and Environment Court
Minister	Minister for Planning and Infrastructure
Minister	Minister for Planning and Public Spaces
Mixed spent potlining	Combination of first and second cut spent potlining material
DA-86-04-01-Mod 1	Alternations to the administration building extension, as approved by the Minister on 4 October 2001
DA-86-04-01-Mod 2	Addition of an annex on the process building, as approved by the Minister on 8 August 2002
DA-86-04-01-Mod 3	Addition of new process and storage areas, and increased operational efficiency of the existing development, as described in the Statement of Environmental Effects to Support Modification Applications for Aluminium Dross Recycling Facility, prepared by ENRS Australia Pty Ltd for Weston Aluminium Pty Ltd (dated 21 November 2007)
DA-86-04-01-Mod 5	Construction and operation of a briquetting facility to process Aldex ash into briquettes in the existing Aldex building, as described in the assessment prepared by GHD and dated November 2010
DA-86-04-01 Mod 8	A 12 month trial processing mixed spent potlining in existing rotary furnaces as described in the assessment prepared by Weston Aluminium and dated 30 November 2012
DA-86-04-01 Mod 9	A 24 month trial processing illicit drug and pharmaceutical waste in existing furnaces as described in the assessment prepared by Weston Aluminium and dated 12 March 2015 and the Response to Submissions prepared by Weston Aluminium and dated 15 July 2015
DA-86-04-01 Mod 10	Removing the distinction between spent potlining types thereby allowing the commercial scale processing of 1st Cut and 2nd Cut spent potlining as well as a mixture of both as described in the assessment prepared by AECOM and dated 8 September 2016 and the Response to Submissions prepared by AECOM and dated 13 December 2016
DA-86-04-01 Mod 12	To allow the processing of up to 2,000 tonnes per year of pharmaceutical waste and 5 tonnes per year of illicit drug waste in existing rotary furnaces
DA-86-04-01 Mod 14	The modification as described in the Statement of Environmental Effects prepared by AECOM, titled Weston Aluminium Facility Emissions Reconfiguration and dated 4 June 2020 and the letter dated 24 Jul 2020 prepared by Todoroski Air Sciences including the Emissions Testing Report October 2013 Stack 5 and 6 dated 22 November 2013 prepared by AECOM as amended by the Weston Aluminium Facility Emission Reconfiguration Modification Report Addendum dated 9 March 2021 prepared by AECOM and the letter dated 29 Jul 2021 prepared by Todoroski Air Sciences
DA-86-04-01 Mod 15	The modification as described in the Modification Report prepared by AECOM titled Modification Report Weston Aluminium – Waste Shredding dated 9 June 2023 as amended by
DA-86-04-01 Mod 16	The modification as described in the Modification Report prepared by AECOM titled Modification Report Weston Aluminium – Concurrent Operations dated 18 March 2024 as amended by Response to Submissions Report Weston Aluminium –

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	Concurrent Furnace Operations prepared by AECOM and dated 7 June 2024 as amended by the letter titled Re: Weston Aluminium – Further to Response to Submissions by Todoroski Air Sciences and dated 25 July 2024
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
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.
Second cut spent potlining	Spent potlining material originating from the refractory lining of aluminium reduction cells (pots)
SEE	Statement of Environmental Effects provided to support Modification Applications for Aluminium Dross Recycling Facility, prepared by ENRS Australia Pty Ltd for Weston Aluminium Pty Ltd (dated 21 November 2007)
Planning Secretary	The Planning Secretary of the Department of Planning and Environment, or nominee
Site	Land to which the development application applies
SPL	Spent Potlining
Spent Potlining Material Processing Trial	The proposed 2 week trial of processing spent potlining material, as described in the Modification Application DA-86-04-01 Mod 4 and 10397 Mod 2, and the enclosed Letter dated 26 May 2010 and Attachments 1, 2 and 3.

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SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- 1 The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the development.

TERMS OF APPROVAL

- 2 The Applicant shall carry out the development generally in accordance with the:
 - (a) EIS as modified by the SEE;
 - (b) site plans (see Appendix A);
 - (c) conditions of this approval; and, during the spent potlining material processing trial,
 - (d) modification application DA-86-04-01 Mod 4 and 10397 Mod 2, and the enclosed Letter dated 26 May 2010 and Attachments 1, 2 and 3.
 - (e) Modification application DA-86-04-01 Mod 5 and 10397 Mod 3, and the enclosed SEE, dated November 2010, prepared by GHD; and
 - (f) during the extended spent potlining material processing trial, modification application DA-86-04-01 Mod 6 and 10397 Mod 4, and the enclosed Environmental Assessment, dated June 2011 and the Response to Submissions dated 17 August 2011, prepared by Weston Aluminium.
 - (g) Modification application DA-86-04-01 Mod 7 and 10397 DA 10397 of 1995 Mod 5, and the enclosed Environmental Assessment, dated 10 May 2012, prepared by AECOM and the Response to Submissions dated 21 June 2012, prepared by Weston Aluminium.
 - (h) Modification application DA-86-04-01 Mod 8 and DA 10397 of 1995 Mod 6, and the enclosed Environmental Assessment, dated 30 November 2012, prepared by Weston Aluminium.
 - (i) Modification request DA 86-04-01 Mod 9 and DA 10397 of 1995 Mod 7 and the enclosed Environmental Assessment, dated 12 March 2015, prepared by Weston Aluminium and the Response to Submissions, dated 15 July 2015, prepared by Weston Aluminium.
 - (j) Modification request Modification request DA 86-04-01 Mod 10 and DA 10397 of 1995 Mod 8 and the enclosed Environmental Assessment, dated 8 September 2016, prepared by AECOM and the Response to Submissions, dated 13 December 2016, prepared by AECOM.
 - (k) Modification request DA 86-04-01 Mod 12 and DA 10397 of 1995 Mod 10 and the enclosed Environmental Assessment, dated 10 July 2017, prepared by AECOM and the Response to Submissions, dated 3 November 2017 as amended by the additional information received on 12 April 2018, 30 August 2018, 22 October 2018, 13 December 2018, 28 February 2019, 8 April 2019 and 3 May 2019.
 - (l) Modification application DA 86-04-01 MOD 14 and the enclosed Statement of Environmental Effects, dated 4 June 2020 prepared by AECOM and the letter dated 24 Jul 2020 prepared by Todoroski Air Sciences including the Emissions Testing Report October 2013 Stack 5 and 6 dated 22 November 2013 prepared by AECOM as amended by the Weston Aluminium Facility Emission Reconfiguration Modification Report Addendum dated 9 March 2021 prepared by AECOM and the letter dated 29 Jul 2021 prepared by Todoroski Air Sciences
 - (m) Modification application DA-86-04-01-MOD-15 and the enclosed Modification Report dated 9 June 2023 prepared by AECOM as amended by the Response to Submissions Report dated 12 October 2023 prepared by AECOM
 - (n) The modification as described in the Modification Report prepared by AECOM titled Modification Report Weston Aluminium – Concurrent Operations dated 18 March 2024 as amended by Response to Submissions Report Weston Aluminium – Concurrent Furnace Operations prepared by AECOM and dated 7 June 2024 as amended by the letter titled Re: Weston Aluminium – Further to Response to Submissions by Todoroski Air Sciences and dated 25 July 2024

if there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.

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- 3 The Applicant shall comply with any reasonable requirement/s of the **Planning Secretary** arising from the Department's assessment of:
- (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.
- 4 Prior to each of the events listed below, or within such period otherwise agreed by the **Planning Secretary**, the Applicant shall certify in writing to the satisfaction of the **Planning Secretary**, that it has complied with all conditions of this consent applicable prior to that event:
- (a) commencement of any physical works associated with the development; and
 - (b) commencement of operations.

LIMITS ON APPROVAL

- ~~5 The applicant shall not process on site more than a combined total of 40,000 tonnes of dross aluminium and second cut spl and 35,000 tonnes of scrap aluminium metal per year.~~
- ~~5 The Applicant shall not process on site more than a combined total of 40,000 tonnes of dross aluminium and SPL and 35,000 tonnes of scrap aluminium metal per year.~~
- 5 The Applicant shall not process on site more than a combined total of 40,000 tonnes of dross aluminium, SPL, General Solid Waste (consumer product waste) and illicit and pharmaceutical waste and 35,000 tonnes of scrap metal aluminium per year
- 5A The Applicant shall not process on site more than 2,000 tonnes of pharmaceutical waste and 5 tonnes of illicit drug wastes per year.
- 5B No more than 5 % by mass of pharmaceutical and illicit drug waste is to be co-processed with Aluminium Dross and/or SPL in the furnaces.
- 5C The Applicant must not process liquid pharmaceutical or illicit drug waste unless approval is granted by the EPA.
- 6 The Applicant shall not process more than 15,000 tonnes per year of dross aluminium sourced from overseas smelters and secondary aluminium processors.
- ~~6A The Applicant shall ensure that the combined total of Second Cut SPL and aluminium dross stored on site does not exceed 5,000 tonnes at any time.~~
- 6A The Applicant shall ensure that the combined total of SPL and aluminium dross stored on site does not exceed 5,000 tonnes at any time.
- 6AA The Applicant must ensure not more than 250 tonnes of General Solid Waste (consumer product waste) is stored onsite at any one time.
- 6B The Applicant shall ensure that DA-86-04-01 Mod 8:
- (a) is undertaken over a period of 12 months only; and
 - (b) during the operation of DA-86-04-01 Mod 8:
 - (i) no more than 3,000 tonnes of mixed spent potlining material is received on site over the 12 month trial period; and
 - (ii) no more than 1,000 tonnes of mixed SPL is stored on site at any one time.
- 6C The Applicant shall ensure that DA 86-04-01 Mod 9:
- (a) is undertaken over a trial period of not more than 24 consecutive months only; and
 - (b) during the operation of DA 86-04-01 Mod 9:
 - (i) no more than 200 tonnes of illicit drug waste is received or processed on site over the 24 month trial period; and
 - (ii) no more than 1,000 tonnes of pharmaceutical waste is received, stored or processed on site over the 24 month trial period.

Management Plans/Monitoring Programs

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- 7 With the approval of the **Planning Secretary**, the Applicant may submit any management plan or monitoring program required by this approval on a progressive basis.

Structural Adequacy

- 8 Within six months of the commencement of DA-86-04-01-Mod 3, the Applicant shall obtain and provide copies of all necessary building certificate(s) from Cessnock City Council to the Planning Secretary, for the following works:
- (a) extension of the ALDEX building;
 - (b) eight dross storage bays within the ALDEX building;
 - (c) pre-processing plant within the ALDEX building;
 - (d) annex to the Plant Building;
 - (e) covered conveyor between the ALDEX building and the Plant Building;
 - (f) Workshop in the north-western corner of the site; and
 - (g) Stack 6.
- 9 The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Operation of Plant and Equipment

- 10 The Applicant shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant Australian Standards.

Spent Potlining Material Processing Trial

~~10.a prior to the commencement of the spent potlining material processing trial, the applicant must:~~

- ~~(a) Obtain an updated EPL allowing the spent potlining material processing trial to proceed; and~~
- ~~(b) Notify the planning planning secretary, council and EPA's regional manager hunter in writing, 1 week prior to the commencement of the and within 2 days of the conclusion of the trial.~~

Extended Spent Potlining Material Processing Trial

~~10.a prior to the commencement of the extended spent potlining material processing trial, the applicant must:~~

- ~~(a) obtain an updated EPL allowing the Spent Potlining Material Processing Trial to proceed; and~~
- ~~(b) notify the Planning, Council and EPA's Regional Manager Hunter in writing, 1 week prior to the commencement of the trial and within 2 days of the conclusion of the trial.~~

10A. Prior to the commencement of the DA-86-04-01 MOD 8, the applicant must:

- (a) obtain an updated EPL allowing DA-86-04-01 Mod 8 to proceed; and
- (b) notify the Planning Secretary, Council and the EPA's Regional Manager Hunter in writing, 1 week prior to the commencement of DA-86-04-01 Mod 8 and within 2 days of the conclusion of the trial.

Illicit Drug Waste and Pharmaceutical Waste Processing Trial (DA 86-04-01 Mod 9)

10B. Prior to the commencement of DA 86-04-01 MOD 9, the applicant must:

- (a) obtain an updated EPL allowing DA 86-04-01 Mod 9 to proceed; and
- (b) notify the Planning Secretary, Council and the EPA's Regional Manager Hunter in writing, two weeks prior to the commencement of DA 86-04-01 Mod 9 and within two weeks of the conclusion of the trial.

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FOR INFORMATION

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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

AIR

Emission Limits

- 11 ¹The Applicant shall ensure that the emissions from discharge points serving the facility do not exceed the emission limits in Table 1.

Table 1: Air Emission Limits

Parameter/Pollutant	Unit of Measure	100% Limit	Discharge Point ¹
Nitrogen Oxides	grams per cubic metre	2.5	1
		0.1	6, 13
Hydrogen Chloride	milligrams per cubic metre	400	1
		10	13
Solid Particles	milligrams per cubic metre	25	1
		35	2
		20	3
		15	7
		24	4
		10	6, 13
	kilograms per hour	5.43	Total plant emissions
Sulfuric acid mist and sulfur trioxide (as SO ₃)	milligrams per cubic metre	100	1, 6, 13
Carbon monoxide	parts per million	100	1
	milligrams per cubic metre	125	6
		125 ²	13
Gaseous fluoride	milligrams per cubic metre	2	1
	milligrams per cubic metre	1.4 ²	1
	kilograms per hour	0.25	Total plant emissions
Type 1 and Type 2 substances in aggregate	milligrams per cubic metre	10	1
		5	13
Volatile organic compounds	milligrams per cubic metre	77 ³	13
		40	6
Dioxins & Furans	nanograms per cubic metre	0.1 ⁴	13
Cyanide	Milligrams per cubic metre	0.5	1

Notes: —

- Discharge points 1, 2, 3, 4, and 13 as defined in the EPL. Discharge points 6 and 7 as defined in the SEE.
- Limit value is a rolling 1-hour average.
- Limit value is a rolling 1-hour average. VOC as n-hexane (dry, 273 K, 101.3 kPa).
- Limit value is a rolling annual average. Polychlorinated-dibenzo-p-dioxins (PCDD) and polychlorinated-dibenzofurans (PCDF) as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) — equivalent calculated in accordance with the procedures included in Part 4, Clause 29 of the Protection of the Environment Operations (Clean Air) Regulation 2002, (dry, 273 K, 101.3 kPa).

¹ EPA General Term of Approval

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Monitoring

- 12 ²Unless EPA specifies otherwise, the Applicant shall monitor the concentration of each parameter specified in Table 2 at the discharge points serving the facility.

Table 2: Source Emissions Monitoring Requirements

Pollutant/ Parameter	Units of Measure	Frequency	Discharge Point ¹
Carbon monoxide	parts per million	Yearly	4
Gaseous fluoride	milligrams per cubic metre	Continuous	4
Hydrogen chloride	milligrams per cubic metre	Yearly	4
		Quarterly	6, 13
Nitrogen Oxides	milligrams per cubic metre	Yearly	4, 6, 13
Solid Particles	milligrams per cubic metre	Yearly	1, 2, 3, 4, 7
		Quarterly	6, 13
Sulfuric acid mist and sulphur trioxide (as SO ₃)	milligrams per cubic metre	Yearly	4, 6, 13
Type 1 and Type 2 substances in aggregate	milligrams per cubic metre	Yearly	4, 6, 13
Dioxins & Furans	milligrams per cubic metre	Quarterly	6, 13
Fluorides	milligrams per cubic metre	Yearly	6, 13
Volatile organic compounds	milligrams per cubic metre	Quarterly	6, 13
Velocity	metres per second	Quarterly	6, 13
Volumetric flow rate	Normal cubic metres per second	Quarterly	6, 13
Dry gas density	kilograms per cubic metre	Quarterly	6, 13
Moisture content in stack gases	percent	Quarterly	6, 13
Temperature	Degrees Celsius	Quarterly	6, 13
Oxygen in stack gases	percent	Quarterly	6, 13
Cyanide	milligrams per cubic metre	Special Frequency 1	4

Notes:

1. Discharge points 1, 2, 3, 4, and 13 as defined in the EPL. Discharge points 6 and 7 as defined in the SEE.
2. The EPA will specify the sampling methods for this monitoring in the EPL for the development.
3. Where Special frequency 1 means quarterly testing frequency for the first year of SPL processing operations. Following four consecutive tests demonstrating compliance with the concentration limit and stable emission parameters, the licensee can apply to EPA for a reduced monitoring frequency.

- 11 The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements, as specified in the EPL applicable to the site.
- 12 Prior to the commencement of DA 86-04-01 Mod 14, The Applicant must increase the height of Stack 1 from 20 metres to 30 metres
- 13 3The Applicant shall update its existing Air Quality Monitoring Program for the development to the satisfaction of the Planning Secretary. This program must:

² EPA General Term of Approval

³ EPA General Term of Approval

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- (a) be prepared in consultation with the EPA;
- (b) be submitted to the Planning Secretary for approval within one month from the commencement of ~~DA-86-04-01-Mod 7~~ DA 86-04 01 Mod 12 Mod 14 **Mod 16**
- (c) include:
 - a program to validate the air emissions of the development, which involved carrying out monitoring of the emissions from the development;
 - mitigation measures and timeframe for their implementation in case of non-compliances with the emission limits referred to in condition 11; and
 - a program to monitor the ongoing performance of the development.

~~13A The Applicant shall:~~

- ~~(a) undertake additional Stack Testing at point 15 (as specified in EPL 6423) within 90 days from the commencement of DA-86-04-01-Mod 5;~~
- ~~(b) submit a report which contains the results of the stack testing to the Planning Secretary and EPA; and~~
- ~~(c) describe, in the report, actions that will be implemented to ensure compliance with air emission limits for Stack 7 if air emission limits referred to in condition 11 are exceeded.~~

13A Within 12 months of commencement of DA 08-04-01 MOD 12, the Applicant must prepare, to the satisfaction of the Planning Secretary, and submit to the EPA, an Air Emissions Verification Report. The Air Emissions Verification Report must include:

- (a) air emission sampling results undertaken for the previous 12 months;
- (b) a comparison of the emission sampling results against the discharge limits specified for point 1 in the EPL for the site; and
- (c) the approach, including timeframe for implementation, to resolve any non-compliances with the EPL and the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

- 14 4The Applicant shall ensure that discharge points serving the facility are designed, constructed and operated generally in accordance with the parameters outlined in the EPL for the Development.

Construction

- 15 During construction, the Applicant shall ensure that:
- a) all trucks entering or leaving the site with loads have their loads covered;
 - b) trucks associated with the development do not track dirt onto the public road network; and
 - c) the public roads used by these trucks are kept clean.

Operation

- 16 The Applicant shall implement all reasonable and feasible measures to minimise the dust generated by the development.
- 17 Within three months of the commencement of DA-86-04-01-Mod 3, the Applicant shall isolate each of the eight dross storage bays by curtains to improve the collection efficiency of dust from the localised area.
- 18 Within 6 months of the commencement of DA-86-04-01-Mod 3, the Applicant shall certify to the Planning Secretary that it has installed and commenced the operation of bag house No 7 in accordance with the SEE.
- 19 Within 9 months of the commencement of DA-86-04-01-Mod 3, the Applicant shall certify to the Planning Secretary that it has installed and commenced the operation of bag house No 3 in accordance with the SEE, should the air quality monitoring referred to in condition 13 indicate that the air emission limit for BH No 7 referred to in condition 11 is exceeded.
- 20 Within 6 months of the commencement of DA-86-04-01-Mod 3, the Applicant shall certify to the Planning Secretary that bag house No 2 has being detached from the ALDEX building and is servicing the dross storage area in the Plant Building only.

⁴ EPA General Term of Approval

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- 21 5The Applicant must maintain a continuous fluoride emission monitoring system, which in the event that the concentration of fluoride emitted to atmosphere exceeds the limit value of 1.4 milligrams per cubic metre must activate visible and audible alarms.
- 22 6If the one hour average concentration of gaseous fluoride emitted to atmosphere exceeds 1.4 milligrams per cubic metre at discharge point 1, then the plant or the section of the plant where the exceedance occurred, must cease operating until the Applicant is able to ensure compliance with the emission limits specified in the EPL for the Development.
- 23 7A continuous recording and alarmed bag leak detector must be installed in each stack servicing the facility, excluding the stack 6, with calibration to detect bag failure. The results shall be included in the annual report required under condition 58 of this consent. In the event of a bag failure the failed bag shall be repaired or replaced as soon as possible within the current operational cycle.

23A The Applicant must ensure all SPL is appropriately banded and covered to prevent the emission of SPL dust, flammable gases and the contamination of stormwater

23B General Solid Waste (consumer product waste) associated with DA-86-04-01 Mod-15 must be stored and processed in an enclosed building at all times.

Health Impact Assessment

- 24 The Applicant shall participate and implement recommendations from any regional Health Impact Assessment to the satisfaction of the **Planning Secretary**.

SOIL AND WATER

Discharge Limits

- 25 8Except as may be expressly provided in an EPL for the development, the Applicant shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

25A All pharmaceutical waste must be stored in an enclosed (appropriately banded and covered) area to prevent the contamination of stormwater.

Erosion and Sediment Control

- 26 Prior to commencement of construction, the Applicant shall implement erosion and sediment controls in accordance with the Department of Housing and Landcom's *Managing Urban Stormwater: Soils and Construction*.
- 27 The Applicant shall prepare and implement its Erosion and Sediment Control Plan, Site Rehabilitation Plan and Water Management Plan detailing monitoring requirements and measures to control runoff from the site, contain spillages, minimise stormwater contamination, and dispose of contaminated water and process effluent. These plans shall be submitted to Council and **EPA** for approval prior to the commencement of construction of the development.

NOISE

⁵ EPA General Term of Approval

⁶ EPA General Term of Approval

⁷ EPA General Term of Approval

⁸ EPA General Term of Approval

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Operating Hours

- 28 9The Applicant shall comply with the restrictions in Table 3, unless otherwise agreed by the [Planning Secretary](#).

Table 3: Construction Hours for the Development

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil

Note: Construction activities may be conducted outside the hours in Table 3 provided that the activities are not audible at any residence beyond the boundary of the site.

Noise Limits

- 29 10The Applicant shall ensure that the noise from the operation of the development does not exceed the noise limits presented in Table 4.

Table 4: Development Noise Limits (dB(A))

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 10 th 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

Note: Condition 30 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.

Operating Conditions

- 30 11The Applicant shall ensure that trucks are not entering and leaving the site outside the hours of 7.00am to 10.00pm.

30A All doors adjacent the briquetting plant are to be closed at all times

Noise Monitoring

⁹ EPA General Term of Approval

¹⁰ EPA General Term of Approval

¹¹ EPA General Term of Approval

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- 31 12The Applicant shall prepare and implement a Noise Monitoring Program, in consultation with the EPA. The Program shall be submitted for the approval of the Planning Secretary within three months of the commencement of operation of the development, and must include a noise monitoring protocol to evaluate compliance with development noise limits specified in Condition 28 and management measures to address any exceedances.

- 31A If noise limits specified in Condition 28 are exceeded as a result of the briquetting plant modification, the Applicant shall fully enclose the concrete slab on the southern side of the Aldex building to the satisfaction of the Planning Secretary.

HAZARDS

Pre-construction Studies

- 32 At least one month prior to construction of the development (except for construction of preliminary works that are outside the scope of the hazard studies), the Applicant shall submit for the approval of the Director General, the following studies:
- (a) a Hazard and Operability Study for the process operations and fuel supply. This shall include the rotary cooler cooling water system, safeguards for hydrogen fluoride release, rotary furnaces and holding furnaces. The study shall be chaired by an independent qualified person approved by the Planning Secretary;
 - (b) a Final Hazards Analysis (FHA) prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.6 'Guidelines for Hazard Analysis'*; and
 - (c) arrangements covering the transport of hazardous materials including details of routes to be used for the movement of trucks. Further, the applicant shall enter into contractual arrangements with contract drivers to require the use of routes determined under this condition except where necessary for local deliveries. This should include a management plan and emergency procedures.

Pre-commissioning Studies

- 33 At least two months prior to commissioning of the development, the Applicant shall prepare and submit for the approval of the Planning Secretary a Preliminary Hazards Implementation Update, certifying that the recommendations made in following studies have been fully implemented:
- (a) Dross Processing Plant Additions at Weston Kurri Kurri, NSW - Preliminary Hazard Analysis, prepared by Granherne and dated 25 October 1999; and
 - (b) Proposed Additional Facilities at the Weston Dross Processing Plant Weston, NSW - Molten Metal Transportation Risk Assessment.

Where it has been decided not to implement a particular recommendation, the reasons shall be clearly stated.

Pre-operation Emergency Services Cooperation Agreement

- 34 Prior to the commencement of operation of the development, 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 and Rescue, 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;

¹² EPA General Term of Approval

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- (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 this consent. The Applicant shall supply a copy of the Emergency Services Cooperation Agreement to the **Planning Secretary** prior to the commencement of operation.

Dross Importation Protocol

- 35 Dross sourced from overseas smelters and secondary aluminium processors must be inspected prior to processing in accordance with the Inspection Protocol for Imported Dross, approved by the Land and Environment Court on 7 April 2000.

Dangerous Goods

- 36 The Applicant shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
 - (a) all relevant Australian Standards;
 - (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Emergency Stop System

- 37 At the commencement of DA-86-04-01-Mod 3, The Applicant shall have in operation emergency stop systems in ALDEX and Plant buildings, including a temperature sensor and an alarm, in the event of a fire.

Waste Shredding

- 37B The Applicant must ensure that the shredder associated with DA-86-04-01-Mod-15 is located:
 - (a) Located within the blue areas as shown on the layout plan in Appendix A
 - (b) located more than 30 m from a Class 3 dangerous goods handling or storage area; and
 - (c) cleaned daily.

TRANSPORT

Road Network and Parking

- 38 The Applicant shall ensure that that haulage of molten aluminium is 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).
- 39 The Applicant shall ensure that all parking generated by the development is accommodated on site. No vehicles associated with the development shall park on the public road system at any stage.

Vehicle Queuing

- 40 During the development, the Applicant shall ensure that the development does not result in any vehicles queuing on the public road network.

Transport Code of Conduct

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- 41 Prior to the commencement of operation of the development, the Applicant shall submit for the approval of the [Planning Secretary](#) 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:
- (a) restrictions to routes, consistent with condition 37 of this consent;
 - (b) restrictions to the hours of transport operations, consistent with condition 29 of this consent, to avoid travelling built-up areas late at night or at times of high traffic flows in those areas;
 - (c) speed limits to be observed along routes to and from the site, in particular through built-up areas;
 - (d) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
 - (e) load coverage requirements; and
 - (f) behavioural requirements for vehicle drivers.

VISUAL

Lighting

- 42 The Applicant shall ensure that the lighting associated with the development:
- (a) complies with the latest version of Australian Standard *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Landscape Management Plan

- 43 The Applicant shall prepare a Landscape Management Plan in consultation with Council prior to the commencement of construction of the development and provide details of existing and proposed tree and shrub species, finish of exposed surfaces (including paved areas), and outline a program for implementation.

WASTE

Operating Conditions

- 44 13The Applicant shall ensure that all waste generated on the site during construction and operation of the development is classified in accordance with the [EPA's Waste Classification Guidelines](#) and disposed of to a facility that may lawfully accept the waste.
- 45 14Except as expressly permitted by an EPL, 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.

Waste Recycling Investigation

- 46 The Applicant shall investigate recycling options for ash and fume wastes and submit findings to Council and [EPA](#) within 12 months of the commissioning of the development, and every 12 months thereafter, until a feasible recycling alternative is found and implemented.
- 47 The Applicant shall maximise on site waste recycling, in particular packaging materials, paper and any other such wastes.

¹³ EPA General Term of Approval

¹⁴ EPA General Term of Approval

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FLORA AND FAUNA

- 48 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.
- 49 Clearing for the development shall be restricted to areas of the site covered by the Angophora/Stringybark/Grey Gum community. The Forest Red Gum, (*Eucalyptus tereticornis*) community shall be preserved for its habitat value and ecological significance.
- 50 The Typha swamp in the north-western corner of the site and Swamp Creek (and its associated drainage lines) shall be protected from siltation by appropriate means detailed in the Erosion and Sediment Control Plan.
- 51 The Applicant shall implement a program to minimise the presence and spread of weeds, in particular camphor laurel, on the site.

ABORIGINAL CULTURAL HERITAGE

- 52 In the event that Aboriginal objects are uncovered during the course of the development, the Applicant shall cease all works in the immediate areas, notify the EPA and implement any reasonable and feasible measures recommended by the EPA.

GREENHOUSE GAS

Energy Savings Action Plan

- 53 The Applicant shall prepare and implement an Energy Savings Action Plan for the development to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the requirements of the EPA and the *Guidelines for Energy Savings Action Plans*, DEUS 2005, and be submitted to the Planning Secretary for approval within six months from the commencement of DA-86-04-01-Mod 3.

Monitoring and Reporting

- 54 The Applicant shall, to the satisfaction of the Planning Secretary:
 - a) monitor the greenhouse gas emissions generated by the development;
 - b) investigate ways to reduce greenhouse gas emissions generated by the development; and
 - c) report on greenhouse gas monitoring and abatement measures and energy efficiency measures identified in the Energy Savings Action Plan.

EXTENDED SPENT POTLINING MATERIAL PROCESSING TRIAL

Monitoring and Verification Reporting

~~54A For the duration of the Spent Potlining Material Processing Trial, the Applicant must:~~

- ~~(c) monitor and record, air emissions, including cyanide, hydrogen cyanide, fluoride, particulates and all pollutants and parameters specified in the EPL;~~
- ~~(d) monitor and record all processing conditions for the trial, including:
 - ~~(i) the quantity and characteristics of all inputs;~~
 - ~~(ii) the processing methods, including the rotary furnace temperature profile and the duration of thermal treatment;~~~~

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- ~~(e) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify EPA and the Planning Secretary, should any exceedance of the limits in the EPL occur;~~
- ~~(f) ensure all spent potlining material is appropriately banded and covered to prevent the emission of spent potlining dust, flammable gases and the contamination of stormwater.~~

~~54A For the duration of the Extended Spent Potlining Material Processing Trial, the Applicant must:~~

- ~~(a) monitor and record, air emissions, including cyanide, hydrogen cyanide, fluoride, particulates and all pollutants and parameters specified in the EPL;~~
- ~~(b) cease processing, and notify the EPA and the Planning Secretary, should laboratory results indicate emissions of cyanide are greater than 0.09 mg/m³;~~
- ~~(c) monitor and record all processing conditions for the trial, including:~~
- ~~(d) the quantity and characteristics of all inputs;~~
- ~~(e) the processing methods, including the rotary furnace temperature profile and the duration of thermal treatment;~~
- ~~(f) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify the EPA and the Planning Secretary, should any exceedance of the limits in the EPL occur;~~
- ~~(g) ensure all spent potlining material is appropriately banded and covered to prevent the emission of spent potlining dust, flammable gases and the contamination of stormwater.~~

54A. For the duration of the DA-86-04-01 Mod 8, the Applicant must:

- (a) monitor and record, air emissions, including cyanide, hydrogen cyanide, fluoride, particulates and all pollutants and parameters specified in the EPL;
- (b) cease processing, and notify the EPA and the Planning Secretary, should laboratory results indicate emissions of cyanide are greater the limits in the EPL or the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
- (c) monitor and record all processing conditions for the trial, including:
 - (i) the quantity and characteristics of all inputs;
 - (ii) the processing methods, including the rotary furnace temperature profile and the duration of thermal treatment; and
- (d) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify the EPA and the Planning Secretary, should any exceedance of the limits in the EPL occur.

~~54B The Applicant must prepare a detailed monitoring report, on the outcomes of the Spent Potlining Material Processing Trail, to the satisfaction of EPA and the Secretary. The report must:~~

- ~~(e) be submitted to EPA, Council and the Secretary within 90 days of the completion of the Spent Potlining Material Processing Trial;~~
- ~~(f) detail the results of the monitoring required in condition 0 above;~~
- ~~(g) compare the results of the trial to the laboratory results described in the report dated 30 April 2010 prepared by K2 Environmental Limited, the limits in the EPL and EPA's air quality impact assessment criteria specified in the "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" (DEC 2005);~~
- ~~(h) describe any anomalies in the monitoring data, and any exceedances of the limits or assessment criteria;~~
- ~~(i) characterise the trial outputs and describe how these products are to be managed and disposed of, demonstrating compliance with condition 44;~~
- ~~(j) summarise the findings of the trial;~~
- ~~(k) recommend any actions that could be taken to minimise emissions during any future processing; and~~
- ~~(l) discuss the likely options for any future processing.~~

54B The Applicant must prepare a detailed monitoring report, on the outcomes of the Extended Spent Potlining Material Processing Trail, to the satisfaction of EPA and the Secretary. The report must:

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- ~~(m) be submitted to EPA, Council and the Secretary within 90 days of the completion of the Extended Spent Potlining Material Processing Trial;~~
- ~~(n) detail the results of the monitoring required in condition 0 above;~~
- ~~(o) compare the results of the trial to the laboratory results described in the report dated 30 April 2010 prepared by K2 Environmental Limited, the limits in the EPL and EPA's air quality impact assessment criteria specified in the "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" (DEC 2005);~~
- ~~(p) describe any anomalies in the monitoring data, and any exceedances of the limits or assessment criteria;~~
- ~~(q) characterise the trial outputs and describe how these products are to be managed and disposed of, demonstrating compliance with condition 44;~~
- ~~(r) summarise the findings of the trial;~~
- ~~(s) recommend any actions that could be taken to minimise emissions during any future processing; and~~
- ~~(t) discuss the likely options for any future processing.~~

54B The Applicant must prepare a detailed monitoring report, on the outcomes of DA-86-04-01 Mod 8, to the satisfaction of the EPA and the Planning Secretary. The report must:

- (u) be submitted to EPA, Council and the Planning Secretary within 90 days of the completion of DA-86-04-01 Mod 8;
- (v) detail the results of the monitoring required in condition 54A above;
- (w) compare the results of the trial to, the limits in the EPL and the EPAs air quality impact assessment criteria specified in the "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" (DEC 2005);
- (x) describe any anomalies in the monitoring data, and any exceedances of the limits or assessment criteria;
- (y) characterise the trial outputs and describe how these products are to be managed and disposed of, demonstrating compliance with condition 44;
- (z) summarise the findings of the trial;
- (aa) recommend any actions that could be taken to minimise emissions during any future processing; and
- (bb) discuss the likely options for any future processing.

54C For the duration of the DA 86-04-01 Mod 9, the Applicant must:

- (a) monitor and record, air emissions and all pollutants and parameters specified in the EPL. All air quality monitoring must occur on a quarterly basis and whenever Pharmaceutical and Illicit Drug Waste material is being processed;
- (b) ensure air quality emissions testing is completed in accordance with the EPA's Approved Methods for Sampling and Analysis of Air Pollutants in NSW
- (c) cease processing, and notify the EPA and the Planning Secretary, should laboratory results indicate emissions are greater the limits in the EPL or the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
- (d) monitor and record all processing conditions for the trial, including:
 - (i) the names, contact details and qualifications and experience of the person(s) conducting and supervising the trial;
 - (ii) the source facility, a description of the waste type, amount and date received of each load of waste accepted for disposal as part of the trial;
 - (iii) all process conditions for the trial including the quantity of pharmaceutical and/or illicit drug waste in each batch processed, any other materials/additives processed in each batch, the temperature profile of the furnace during each batch processed and the residence time of the material within the furnace; and
 - (iv) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify the EPA and the Planning Secretary, should any exceedance of the limits in the EPL occur.

54D The Applicant must prepare a detailed monitoring report, on the outcomes of DA 86-04-01 Mod 9, to the satisfaction of the EPA and the Planning Secretary. The report must:

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- (a) be submitted to EPA, Council and the Planning Secretary within 90 days of the completion of DA 86-04-01 Mod 9;
- (b) detail the results of the monitoring required in condition 54C above;
- (c) compare the results of the trial to, the limits in the EPL and the EPA's air quality impact assessment criteria specified in the "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" (DEC 2005);
- (d) describe any anomalies in the monitoring data, and any exceedances of the limits or assessment criteria;
- (e) characterise the trial outputs and describe how these products are to be managed and disposed of, demonstrating compliance with condition 44;
- (f) summarise the findings of the trial;
- (g) recommend any actions that could be taken to minimise emissions during any future processing; and
- (h) discuss the likely options for any future processing.

Processing of Pharmaceutical and Illicit Drug Waste

- 54E** Should approval be granted by the EPA in accordance with Condition 5C, liquid waste must be charged to the suitably hot furnace:
- (a) after the molten aluminium is tapped out; and
 - (b) at the beginning of the next charge, prior to the addition of solid aluminium dross.
- 54F** For the duration of the DA 86-04-01 Mod 12, the Applicant must monitor all processing conditions, the quantity and characteristics of all inputs and processing methods, including the rotary furnace operating profile and the duration of thermal treatment.
- 54G** 12 months after the commencement of operation of DA 86-04-01 Mod 12 the Applicant must prepare a detailed monitoring report, on the outcomes of operation, to the satisfaction of the Planning Secretary. The report must:
- (a) detail the results of the monitoring required in condition 54F; and
 - (b) include a tracking summary of the implementation and monitoring of mitigation measures as listed under Hazards and Risk, Table 15 Summary of Management Measures of the EA and included in Appendix B

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT AND MONITORING

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 55 The Applicant shall implement the following Plans for the development:
- (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;
 - (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; and
 - (c) Construction Safety Study, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*.
- 55a The Applicant must prepare and implement a construction environmental management plan for the duration of the construction of DA 86-04 01 mod 14, the plan must be prepared in accordance with the relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements;
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (b) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint; and
 - (iii) failure to comply with statutory requirements.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- 56 The Applicant shall update the following Plans/Studies to reflect the requirements of this consent and submit the amended Plans for the approval of the **Planning Secretary** within three months from the commencement of DA-86-04-01-Mod 3:
- (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;
 - (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;
 - (c) Fire Safety Study prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study Guidelines'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The study shall also be submitted to the NSW Fire Brigade for approval;
 - (d) Emergency Plan detailing emergency procedures for the development, including detailed procedures for the safety of people outside of the development who may be at risk from the development. The Emergency Plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 'Industry Emergency Planning Guidelines'*; and

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- (e) Safety Management System covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System must specify all safety related procedures, responsibilities and policies, along with mechanisms for ensuring adherence to the procedures.

~~56A The Applicant shall update the studies required in Conditions 56 c), d) and e), above to reflect the requirements of this consent. The Applicant shall submit the amended Plans for the approval of the Secretary within three months from the commencement of DA 86-04-01 Mod 7.~~

56A Within three months of each of the modifications listed below, the Applicant shall submit, for approval of the Planning Secretary, the relevant updated studies (as required by Condition 56 and described in table 5) to reflect the requirements of that modification.

Modification	Plans
DA 86-04-01 Mod 7	56 c, d and e
DA 86-04-01 Mod 9	56 d and e
DA 86-04-01 Mod 12	56 d and e
DA-86-04-01 Mod 15	56 c and d

~~56B The Applicant shall prepare a Security Protocol for the management of pharmaceutical drug waste. The Protocol shall:~~

- ~~(a) be implemented for the duration of DA 86-04-01 Mod 9;~~
~~(b) be incorporated into the updated Safety Management System required by Condition 56B;~~
~~(c) describe the measures to be undertaken to ensure the secure transport, storage and processing of pharmaceutical waste; and~~
~~(d) include the security measures described in the Response to Submissions Report dated 15 July 2015.~~

56B The Applicant shall update the Safety Management System covering all on-site operations and security protocols for the storage, transport and incineration of pharmaceutical and illicit drug waste.

POST-STARTUP COMPLIANCE REPORT

~~56C Three months after the commencement of operation of DA 86-04-01 Mod 9, the Applicant shall submit to the Planning Planning Secretary, a report verifying that:~~

- ~~(a) the updated Emergency Plan required under condition 56B is effectively in place and that at least one emergency exercise has been conducted; and~~
~~(b) the updated Safety Management System required under condition 56B has been fully implemented and that records required by the system are being kept.~~

56C Six months after the commencement of operation of DA 10397 of 1995 MOD 10, the Applicant shall submit to the Planning Secretary, a report verifying that:

- (a) the updated site Emergency Plan required under condition 56 is effectively in place; and
(b) the updated Safety Management System required under condition 56 has been fully implemented and that records required by the system are being kept.

ENVIRONMENTAL REPORTING

Incident Reporting

~~57 Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Department and other relevant agencies of the exceedance/incident.~~

~~58 Within 7 days of notifying the Department and other relevant agencies of an exceedance/incident, the Applicant shall provide the Department and these agencies with a written report that:~~

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- (a) ~~describe the date, time, and nature of the exceedance/incident;~~
- (b) ~~identify the cause (or likely cause) of the exceedance/incident;~~
- (c) ~~describe what action has been taken to date; and~~
- (d) ~~describe the proposed measures to address the exceedance/incident.~~

Annual Reporting

- 59 ~~Within 12 months of this approval, and annually thereafter, the Applicant shall submit an AEMR to the Secretary and relevant agencies. This report must:~~
- (a) ~~identify the standards and performance measures that apply to the development;~~
 - (b) ~~describe the works carried out in the last 12 months;~~
 - (c) ~~describe the works that will be carried out in the next 12 months;~~
 - (d) ~~include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;~~
 - (e) ~~include a summary of the monitoring results for the development during the past year;~~
 - (f) ~~include an analysis of these monitoring results against the relevant:~~
 - ~~impact assessment criteria/limits;~~
 - ~~monitoring results from previous years; and~~
 - ~~predictions in the EA;~~
 - (g) ~~identify any trends in the monitoring results over the life of the development;~~
 - (h) ~~identify any non compliance during the previous year; and~~
 - (i) ~~describe what actions were, or are being, taken to ensure compliance.~~

AUDITING

Independent Environmental Audit

- 60 ~~Within 12 months of the commencement of operations, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:~~
- (a) ~~be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Secretary;~~
 - (b) ~~be undertaken in consultation with EPA, and Council;~~
 - (c) ~~include a Hazard Audit in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5—Hazard Audit Guidelines. The audit shall include a review of the Safety Management System and of all incidents recorded and be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, justification must be included.~~
 - (d) ~~assess whether the development is being carried out in accordance with industry best practice;~~
 - (e) ~~assess the environmental performance of the development, and its effects on the surrounding environment and sensitive receivers;~~
 - (f) ~~assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;~~
 - (g) ~~review the adequacy of any strategy/plan/program required under this approval; and, if necessary,~~
 - (h) ~~recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this approval.~~
- 61 ~~Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.~~
- 62 ~~Within 3 months of submitting an audit report to the Secretary, the Applicant shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Secretary.~~

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COMPLAINTS MANAGEMENT

63 ~~Prior to the commencement of construction works, 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.~~

~~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.~~

64 ~~The Applicant shall record details of all complaints received through the means listed under condition 62 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 Planning Secretary and/or EPA upon request.~~

ACCESS TO INFORMATION

65 ~~Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this approval, the Applicant shall provide a copy of the relevant document/s to:~~

- ~~(a) the relevant agencies, and~~
- ~~(b) any interested party upon request.~~

REPORTING AND AUDITING

Incident Notification, Reporting and Response

57 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix C.

Non-Compliance Notification

58 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

59 59 A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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- 60 A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

~~61 No later than 6 weeks before the date notified for the commencement of operation of DA 86-04-01 MOD 12, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.~~

~~62 62 Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).~~

- 61 Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

- 63 The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

~~64 No later than 4 weeks before the date notified for the commencement of operation of DA 86-04-01 MOD 12, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.~~

~~65 Independent Audits of the development must be carried out in accordance with:~~

- ~~(a) the Independent Audit Program submitted to the Department under condition 64 of this consent; and~~
- ~~(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).~~

- 64 Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020);
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
- (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

- 65 In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition 0 of this consent;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

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- 66 In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition 65 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

- 67 Twelve months after the commencement of DA 86-04-01 Mod 12 and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development and within one month of each audit submit a report to the satisfaction of the Planning Secretary for approval.

The audits must be carried out at the Applicant's expense by a qualified person or team, independent of the development, approved by the Planning Secretary prior to commencement of the audit. Hazard Audits must be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'.

- 68 Within one month of each audit carried out in accordance with Condition 54, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented. The Applicant must implement the recommendations to the satisfaction of the Planning Secretary

Monitoring and Environmental Audits

- 69 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

- ~~70 Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or compliance reporting required under this approval, the Applicant shall provide a copy of the relevant document/s to:~~

- (a) the relevant agencies, and
- (b) any interested party upon request.

- 70 At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition Error! Reference source not found. of schedule 2 of this consent;
 - (ii) all current statutory approvals for the development;

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- (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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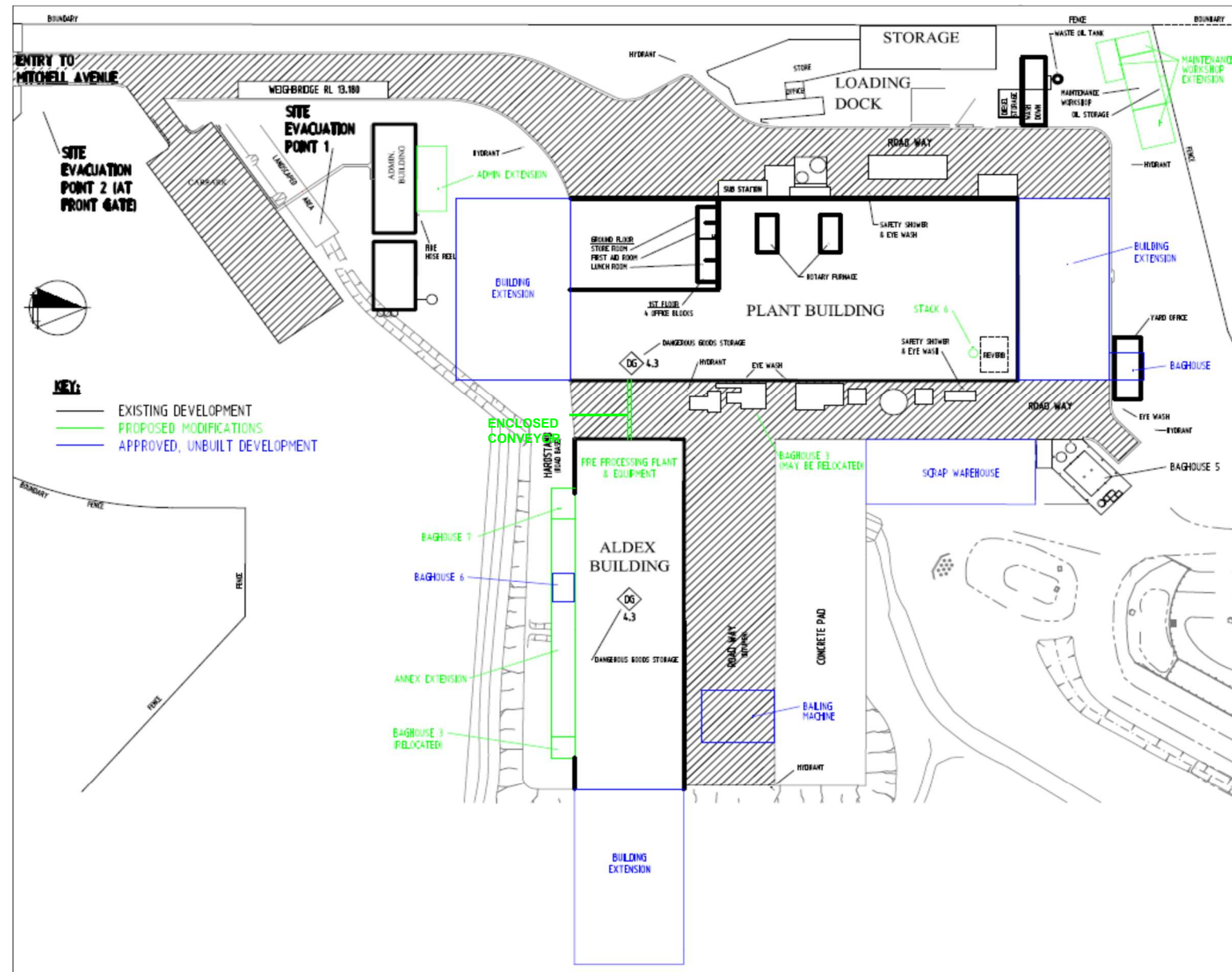


Figure 1: Site layout plan

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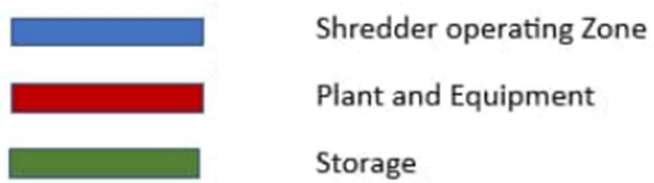


Figure 2 Layout of DA 86 04 01 Mod 15

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Appendix B Hazard and Risk Mitigation Measures

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Appendix C Incident Notification and Reporting Requirements

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 57 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.