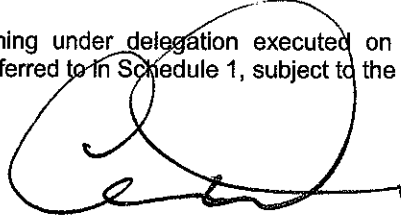


Notice of Modification

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

27 February

2011

SCHEDULE 1

Development consent DA 86-04-01, granted by the Minister for Planning on 27 February 2003

For the following: Additions and extensions to an existing aluminium dross recycling plant at Lot 796 DP 39877, Kurri Kurri, Cessnock local government area

Modification: 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

SCHEDULE 2

CONDITIONS

1) Insert the following definition in the definitions list:

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.

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Terms of Approval

2) Delete condition 2 and replace with the following condition 2:

- 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; and
 - (e) modification application DA-86-04-01 Mod 5 and 10397 Mod 3, and the enclosed SEE, dated November 2010, prepared by GHD.

3) Insert the following condition after condition 13:

- 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 Director-General and DECCW; 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.

SCHEDULE 3

Specific Environmental Conditions

Noise

Operating Conditions

4) Insert the following condition after condition 30

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

Noise Monitoring

5) Insert the following condition after condition 31

- 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 Director-General.