



COMPLIANCE REPORT

OPERATIONAL PHASE (2019 – 20)

DA 86-04-01 and LEC 10397 of 1995

MITCHELL AVE KURRI KURRI NSW

REVISION : 0
DATE : 04 September 2020

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		Prepared By:	C. McClung
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1. EXECUTIVE SUMMARY

This Compliance Report has been prepared in accordance with Schedule 4, Conditions 61 and 62 of Development Consent (DA 86-04-01 MOD 12 and LEC 10397 of 1995 MOD 10; identically worded, and referred to herein as the Consent), and per requirements of the Department of Planning and Environment's *Compliance Reporting Post Approval Requirements* (PARs; June 2018), to monitor and report on the compliance status of Weston Aluminium's Resource Recovery Facility.

A total of five (5) Non-Compliances were identified for the Compliance Reporting period, as follows (refer context and actions described in **Section 5**):

- Elevated Cyanide emission concentration reported for Point 1 (0.74 mg/m³ vs 0.5 mg/m³ limit; 16 Dec 2019);
- Elevated Coarse Particulate load reported for the 2018-19 Annual Return reporting interval (6,722 kg vs 6,538 kg);
- Elevated Solid Particulates emission concentration reported for Point 14 (11 mg/m³ vs 10 mg/m³ limit; 21 Nov 2019);
- Overdue Air Emissions Verification Report required for DA 86-04-01 MOD 12 and LEC 10397 of 1995 MOD10; and
- Overdue monitoring report required for DA 86-04-01 MOD 12 and LEC 10397 of 1995 MOD10 (same as above; different Consent Condition).

2. INTRODUCTION

2.1 General

Weston Aluminium operates an aluminium recycling and refining facility at 129 Mitchell Avenue Kurri Kurri, NSW, traditionally recycling aluminium dross and scrap to produce aluminium sow, ingot and puck, and on-trading various forms of scrap. Spent Potlining residues, derived from the primary aluminium sector, are also detoxified and beneficiated for various reuse opportunities in the construction products manufacturing industry. The facility has the capacity to process up to a combined 40,000 t/yr of dross and SPL, and up to 35,000 t/yr of scrap.

As part of business diversification activities, WA undertook regulatory Trials designed to thermally process quantities of Pharmaceutical and Illicit Drug wastes in existing rotary furnaces, and in response to Trial successes, sought Regulatory Approval to construct and construct and operate a Medical and Other Waste Thermal Processing Plant as a brownfield development at its Kurri Kurri facility, with Consent granted in December 2018 (SSD 7396).

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In parallel with the SSD Consent, a Modification of conventional consents (DA 86-01-04 and LEC 10397 of 1995) was also sought to permit the ongoing thermal processing of pharmaceutical and illicit drug wastes (2,000 and 5 t/yr respectively; contributing to the 40,000 t/yr limit) in existing rotary furnaces, with Consent granted on 02 August 2019 (the Modification to which this Compliance Report relates).

2.2 Scope of Compliance Report

Compliance Monitoring and reporting requirements associated with the Development are defined in the Department's PARs, and Conditions 61 and 62 of the Consent. Consent wording is reproduced below:

61. No later than 1 week after the date notified for the commencement of operation of DA 86-010-01 MOD 12 [and DA 10397 of 1995 MOD 10], 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. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

Notification of commencement of operation occurred on 16 August 2019 (following same-day issue of the Varied Environment Protection Licence). In accordance with Condition 61, a Compliance Monitoring and Reporting Program was submitted to DPIE on 21 September 2018 (i.e. within 1-week of commencement notification; also refer **Section 3**), and accepted.

A Pre-Operational Compliance Report was submitted on 04 September 2019, covering the 02 August 2019 – 04 September 2019 Reporting Period.

This Compliance Report has been prepared in accordance with Condition 62 for the **Operational phase** of the Development, and the Reporting interval amended (to 16 August 2019 – 15 August 2020) in accordance with DPIE correspondence of 17 September 2019.

Note: for completion, this Compliance Report reflects compliance status with respect to all Consent Conditions relating to the Development (DA 86-04-01 and LEC 10397 of 1995), and not just those specifically relating to the 2019 Modification.

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Project Name and Project Application Number

Project Name: **Extensions to an existing aluminium dross recycling plant**
Project Application Number: **DA 86-04-01 and LEC 10397 of 1995**

2.3 Project Address

129 Mitchell Avenue Kurri Kurri NSW 2327

The Development footprint and context is illustrated below in **Figure 1**.

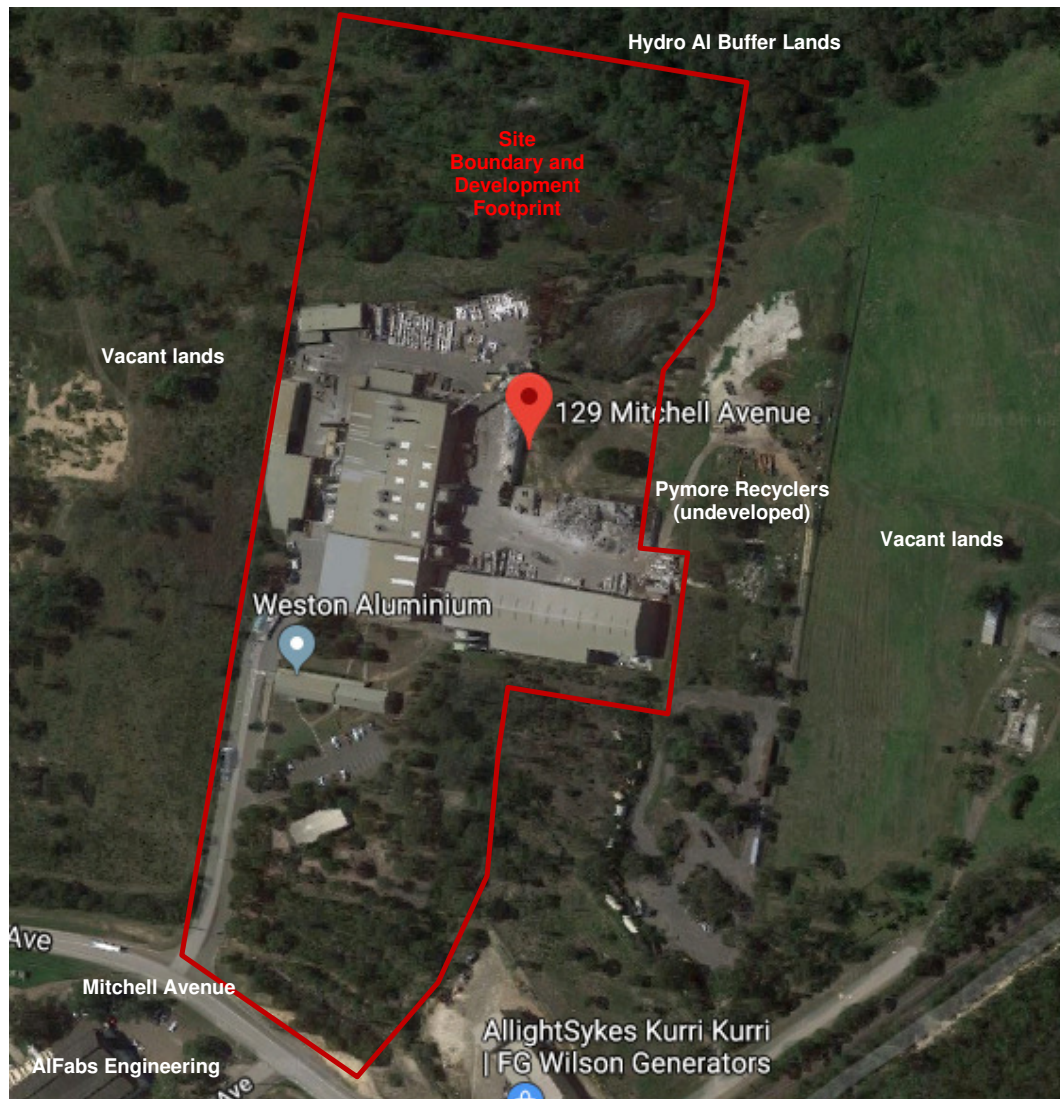


Figure 1 – Development footprint and context (Source: Google Maps; accessed 12 August 2019).

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2.4 Project Phase(s)

Operational

2.5 Compliance Reporting Period

16 August 2019 – 15 August 2020

2.6 Project Activity Summary

The following works are associated with the current Compliance Reporting period:

- **Conventional site operations;**
- **Processing of non-liquid pharmaceutical and illicit drug wastes;**
- **Air emissions monitoring events in support of Air Emissions Verification Report preparation (in-progress); and**
- **Update of Emergency Response Plan and Safety Management System Manual.**

2.7 Key Project Personnel

Site Contact: Mr Christopher McClung
Company: Weston Aluminium Pty Limited

General Manager: Mr Graham Snedden
Company: Weston Aluminium Pty Limited

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3. COMPLIANCE MONITORING AND REPORTING PROGRAM

The Compliance Monitoring and Reporting Program, issued to DPIE 21 August 2019, and reproduced in **Table 1**, has been developed for applicable phases of the Development, and in accordance with the *Compliance Reporting Post Approval Requirements (Department 2018)*.

Table 1: Compliance Monitoring and Reporting Program

Compliance Report	Project Development Phase	Anticipated Duration	No. Reports Required	Status
Pre-Operational Compliance Report	Pre-Operation	1 month	Single report only	Completed (04 Sep 2019)
Operational Compliance Report	Operation	Ongoing	Annually (every 52 weeks)	Provided herein

Note: As above, and per DPIE correspondence received 17 September 2019, the Compliance Reporting interval has been amended from the former 12-months to 04 September 2020 (per WA's original 2019 Compliance Monitoring and Reporting Program) to the 12-months to 15 August 2020.

4. COMPLIANCE STATUS SUMMARY

The Compliance Report prepared for the Operational stage of the Development is provided in **Appendix A**. The format of this Report is consistent with PAR requirements.

5. NON-COMPLIANCES

A total of **five (5)** non-compliances occurred during the Reporting Period. A summary of non-compliances is provided in **Table 2**.

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Table 2: Summary of Non-Compliances during Reporting Period

NC Number	ID Number	Details of Non-Compliance	WA Response	Action Status
1	Schedule 3 Condition 11	A Stack 1 (EPL Point 1) cyanide concentration of 0.74 mg/m ³ was reported for the 16 Dec 2019 monitoring event, representing an exceedance of the 0.5 mg/m ³ limit prescribed for this discharge point.	WA has reported this exceedance as part of the 2018-19 Annual Return (11 Feb 2020), and has provided further correspondence to the EPA (05 Jun 2020) in response to a Show Cause Notice. Emissions monitoring event performed in conjunction with dross, pharmaceutical (ibuprofen) and illicit drug (cannabis, amphetamines and pharmaceuticals) waste processing in the rotary furnaces. No operational or maintenance issues evident, no cyanide nor cyanide-forming precursors processed in furnace feedstock, and sampling and analysis methodologies have been verified.	WA has provided correspondence to EPA (05 Jun 2020) regarding this exceedance and Show Cause Notice. Standard Operating Procedures updated to further mitigate a recurrence of elevated cyanide emissions. WA will continue to operate in accordance with mature standard operating procedures, operate emissions control and monitoring systems in accordance with manufacturer's requirements, and apply preventative maintenance and inspection protocols to all pollution control devices to ensure optimal operation. WA is also seeking EPL Variation to achieve industry equity. Currently awaiting EPA response.
2	Schedule 3 Condition 11	An exceedance of the Coarse Particulates load limit was reported in the 2018-19 Annual Return.	Elevated Coarse particulate load (6,722 kg vs 6,538 kg limit) attributed to increased site activities directly serviced by EPL Point 15 (Stack 7). WA acknowledges EPA's formal position not to take regulatory action with respect to the exceedance, and has taken the opportunity to seek a review of Load Limits, as suggested by the EPA.	Analysis of pollutant loads prepared by AECOM and included in the Show Cause Notice response of 05 Jun 2020. Analysis forecasts projected loads reflecting increased activity for Stack 7 (c.f. recent years) and also captures load contributions for future Thermal Waste Processing Plant operations. EPL Variation sought 05 Jun 2020. Currently awaiting EPA response.

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NC Number	ID Number	Details of Non-Compliance	WA Response	Action Status
3	Schedule 3 Condition 11	A Stack 6 (EPL Point 14) solid particulates concentration of 11 mg/m ³ was reported for the 21 Nov 2019 monitoring event, representing an exceedance of the 10 mg/m ³ limit prescribed for this discharge point.	Elevated solid particulate concentration (11 mg/m ³ vs 10 mg/m ³ limit) attributed to the application of a 3% oxygen reference correction, as legislated under the Clean Air Regulations. Particulate concentration without correction is negligible. WA acknowledges EPA's formal position not to take regulatory action with respect to the exceedance, and has taken the opportunity to seek a review of a more appropriate oxygen reference correction, as suggested by the EPA.	Rather than seeking to increase the solid particles concentration limit to an applicable Group 6 limit (50 mg/m ³), WA has sought to retain the current limit of 10 mg/m ³ and instead seek a Variation to the oxygen reference from 3% to 15% to better reflect facility design. This Variation is consistent with the rationale and approach taken by Midal Cables (16 Jul 2015) in relation the application of a more appropriate oxygen reference to their furnace configuration at that time.
4 & 5	Schedule 3 Conditions 13A and 54G	Air Emissions Verification Report sought within 12 months of commencement of DA 86-04-01 MOD12 is currently overdue (required by 16 Aug 2020).	Very limited pharmaceutical and illicit drug waste processed in the Rotary Furnaces under Mod 12 due to 1. elevated CN concentration detected in the 16 Dec 2019 emissions monitoring event (refer above), and 2. focus on Construction & Commissioning of the TWTP (SSD 7396). Subsequent emissions monitoring performed in conjunction with routine annual testing event (June 2020). Emissions reporting currently remains outstanding (and awaiting feedback from EPA re: EPL Variation request).	Reporting currently in progress. Air emissions monitoring performed Oct and Dec 2019 and June 2020. Currently awaiting results of 2020 testing program before Report completion. Anticipate completion in September 2020.

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6. PREVIOUS REPORT ACTIONS

Nil

7. INCIDENTS

Nil

8. COMPLAINTS

A total of 5 complaints were received during the Reporting Period, and are summarised below in **Table 3**.

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Table 3: Summary of Complaints received during the Reporting Period.

No	Time Date	Method	Details	Complaint	Response / Action Taken
1	20/02/2020 (02:27 am)	By email	Mr John Crichton (0412 794 484) 112 Alexandra Street Kurri Kurri NSW 2327	Noise	Complaint <i>'Excessive noise from industrial area that I believe to be coming from Weston Aluminium'.</i> Mr Crichton contacted Team Leader phone. Mr Crichton then called Signode, who said that they were not operating any fan or air noise. Review & Response Contacted Mr Crichton by phone (morning of 20/02) to understand nature of complaint: - Hearing 'air' or 'fan' noise. Possibly air up chimney. Noise reported is on and off at times, most nights, and louder at some times; - Mr Crichton indicated that he has industrial deafness, but can still hear a sound with hearing aids off; - Note: WA is approx 1.5 km from Mr Crichton's residence; - Was a very still night. Baghouse 7 can be detected by Team Leader from cnr Mitchell Ave and Northcotte Street, but when Team Leader travelled to cnr Northcotte and Alexander Streets, could not detect any industrial noise. When returning to site and close to rear of Signode, apparent that Signode had turned all systems off; and - Mr Crichton happy for our Team Leader to visit his residence at any time to listen for noise. I also discussed phone messaging and redirection protocol, and Mr Crichton confirmed that this was okay. Consultation with Team Leader and Operations Sheets reveal that Rotary Furnace operations within Plant Building were in heat mode at the time of the Complaint. Therefore, no mobile plant movements. Processing Plant operating, but Baghouse 7 operation stable and unchanging. No maintenance or batch issues. Prevailing Weather Conditions Moderate ESE winds, dry, 1009 hPa, RH 59 %, 14 °C. Actions Sound barriers remain in place around baghouse fans on site. WA Team Leader to observe possible noise sources under differing operating and weather conditions.

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No	Time Date	Method	Details	Complaint	Response / Action Taken
2	15/04/2020 (12:19 am)	By email (NSW EPA Environm ent Line Report)	Mr Graham Ward (0408 985 908) 139 Northcote Street Kurri NSW 2327	Noise	Complaint <i>'Noise from Weston Aluminium at Kurri Kurri affecting caller at home at Northcote Street, Kurri Kurri. Caller is particularly affected by noise from midnight to 6am. It is waking him at 3am - sounds like a furnace. Caller complained to EPA about three months ago and it settled down for a bit but is louder again recently - perhaps a week or so. Caller tries not to focus on it but the last two nights have been awful and caller drove to the site at 3am to identify categorically which company was causing the problem. There is a beeping alarm very clearly 200m up the street. Caller's home is approx. 500m - 1km from the site.'</i> Review & Response Contacted Mr Ward by phone (afternoon of 15/04) to understand nature of complaint: - Hearing 'roaring' or 'reverberating' noise. Possibly a stack? Drove to WA driveway approx 03:30 am, and is confident of noise coming from WA. Concerned that 'stacks are very low and the Plant is set low', and this could be contributing; - Cannot hear beeping noise from his residence (1 km away). Not an issue. Just reporting that this can be heard approx 200m from WA site; and - Was a very still night, and considered that inversion conditions may amplify any noise in the Industrial area. Consultation with Team Leader and Operations Sheets reveal normal rotary furnace operations and normal mobile plant movements during shift. No maintenance issues experienced. Processing Plant (crushing and screening) was idle due to Operator redeployment to Plant for shift, and hence, southernmost baghouse (closest to Mr Ward) was turned off. Prevailing Weather Conditions Calm conditions winds, dry, 1023 hPa, RH 72 %, 10 °C. Actions Maintenance Department reviewing status of all baghouses and fan assemblies – also refer below.

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No	Time Date	Method	Details	Complaint	Response / Action Taken
3	16/04/2020 (02:30 am)	By phone	Mr John Crichton (0412 794 484) 112 Alexandra Street Kurri Kurri NSW 2327	Noise	Complaint Phone message and text received regarding 'excessive noise' at the WA Plant. Review & Response Contacted Mr Crichton by phone (morning of 16/04) to understand nature of complaint: - Hearing 'roaring noise', which 'drops away' over time. Only evident some times; - Reassured Mr Crichton that all Complaints are recorded and investigated for rectification. Complaint summary provided to NSW EPA as part of each annual reporting period. Mr Crichton content that WA have a formal system in place; and - Note: WA is approx 1.5 km from Mr Crichton's residence. Following receipt of text message, Team Leader drove to Mr Crichton's house to observe. Noise described not heard at the time of visit, but understood that noise may fade in and out. 2IC Team Leader observed that Baghouse 1 fan appears to be louder than usual. Bearings, fan housing and impellor investigated by Maintenance Department, and whilst fan balanced in March, appears that fan impellor again out-of-balance. Consulted with Kenshaw Electrical, who advises that WA consider impellor and shaft replacement due to age and rapid rate of imbalance. Prevailing Weather Conditions Low NNW winds, dry, 1015 hPa, RH 55 %, 12 °C. Actions Order placed with AeroVent, and anticipate a 2 - 4 week lead time for fabrication and supply. In interim, Maintenance Department is conducting daily inspection and performing temporary repairs, where feasible, to attenuate. Update: Repairs to structural (inlet and outlet ducting, fan housing), and fan impeller assembly replacement installed Sunday 17 May 2020. Returned to service 17 May 2020 with noticeably reduced sound level.

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No	Time Date	Method	Details	Complaint	Response / Action Taken
4	15/05/2020 (6:47 pm)	By email (NSW EPA Environm ent Line Report)	Details withheld	Visible dust	Complaint <i>'The caller regularly notices a cloud of dust above the Weston Aluminium premises. The caller notices the dust cloud most afternoons when collecting their child from school, as they have a vantage point above the premises at that time. They have also sometimes noticed dust above and around the site at other times of the day when in the area - the caller indicated it appeared to be a continuous issue.'</i> Review & Response Scrap shredder operations are considered a potential source of dust – inspection of scrap inventory reveals some entrainment of dirt, which can be agitated as part of shredding process, and potentially overwhelming existing dust suppression systems. Other plant operations and status of associated pollution control systems (baghouse-scrubbers) confirmed to be operating as normal, with no issues (no filter breakage, dP readings normal, pulsing sequences normal). It is also noted that, during reverbatory furnace production campaigns (typically 10 – 15 days/month), a significant quantity of steam is generated as part of the metal casting-water-cooling process. This steam is visible during casting, and is most pronounced in the cooler months of the year (typically April – September). Prevailing Weather Conditions Not applicable. Actions Scrap inspection requirements and quality standards for incoming scrap enhanced from 18 May 2020. Existing dust suppression systems associated with the scrap metal shredder inspected as priority on next operating day (18 May 2020). Additional plant and equipment (additional water-spray and manifolds) ordered, and installed on 19 May 2020. Maintenance and performance assessment to be ongoing. System can be further augmented with additional sprays, as required, for continuous improvement.

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No	Time Date	Method	Details	Complaint	Response / Action Taken
5	23/07/20 (9:30 am)	By phone	Graham Ward (0408 985 908) 139 Northcote Street Kurri NSW 2327	Noise	Complaint Noise suspected to be originating from WA could be heard from residence from approximately 2am. Constant sound. Sounds like a tumble dryer. Rumbling sound. Mr Ward attempted to contact the Team Leader's phone three times, but no answer. Review & Response Complaint and observations documented. Interested that Team Leader's phone was not answered, and Mr Ward confirmed that there was no answering message. Suspected that the number called was not the Team Leader mobile. I offered to, and followed through, sending Mr Ward an sms from the Team Leader's mobile phone (approx 10:15 am, 23/07/20) to ensure that he had the correct number. Notes: 1. No missed calls overnight; 2. Complaints number (4936 2166) displayed on front Main Gate and on Company website; and 3. After hours messaging (on 4936 2166) also provides Team Leader's mobile number (0418 658 746) Consultation with Team Leader and Operations Sheets reveal normal rotary furnace operations (both Rotary Furnace 1 and 2) and normal mobile plant movements during shift. No maintenance issues experienced. Processing Plant (crushing and screening) was idle from 12:30am to end of shift (05:30 am) due to duct blockage and Rotex screen belt failure. Understood that Baghouse 7 continued to operate during this interval, though no operational/maintenance or noise issues were experienced or noted. Prevailing Weather Conditions Calm conditions winds (0 km/hr), dry, 1024 hPa, RH 96 %, 6 °C. Exacerbated by calm conditions and potential inversion. Actions WA staff (GS) inspected and drive beyond WA boundary to Northcote Street early morning (2 am) on 24 July 2020 (calm, dry 4 °C, 1025 hPa), RH 97 %) to understand and discriminate noise and potential source(s). A faint 'Dryer-like' sound can be heard (2 - 3 am) whilst at the Northcote-Mitchell Avenue round-about and in the vicinity of the Railway Parade-Wormol Street intersection. Cannot be heard during slight breeze or background traffic at distance. Cannot be heard in the vicinity of Mr Ward's address. Actual source of noise cannot be discriminated (WA, Signode and AlFabs Engineering operating at the time). Regardless, WA proposes to perform a fan balance at Baghouse 7, and augment attenuation barriers around Baghouse 3 fan (each of which are southernmost and continuous-operation baghouse units).

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APPENDIX A

COMPLIANCE MONITORING AND REPORTING PROGRAM								
Compliance Table								
ID NO.	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	LEAD TIME	MONITORING METHODOLOGY	EVIDENCE REQUIRED	RECEIVING AUTHORITY/DEPARTMENT	EVIDENCE AND COMMENTS	COMPLIANCE
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.	All Development stages	At all times	Implementation of CEMP and OEMP and adherence to management and mitigation commitments.	Incident reports. Incident Notification. AEMRs. Compliance Reporting	Department of Planning, Industry & Environment (DPIE), NSW Environment Protection Authority (EPA) and Cessnock City Council (CCC), as required.	Mature Standard Operating Procedures, operator competency training, Environmental Management System, Environmental Management Plans, routine testing and inspection and Preventative Maintenance Program implemented. Plans updated to reflect Modifications to operations, activities and any changes to environmental aspects, as required. Strong compliance and high standard of environmental management history. Certification to ISO14001 achieved 2020.	Compliant
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, prepare by Weston Aluminium and the Response to Submissions, dated 15 July 2015, prepared by Weston Aluminium. j) 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. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.	All Development stages	At all times	Implementation and monitoring of design, management and mitigation measure commitments and performance. AEMRs. Annual Returns. Compliance Monitoring and Reporting. This tool.	Compliance Reporting	DPIE and/or EPA, as applicable	Development and associated Modifications undertaken generally in accordance with Development Applications and associated Environmental Assessments. Management and Mitigation measures incorporated into Operational Environmental Management Plan, and updated on routine basis, or as part of Change Management.	Compliant
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.	All Development stages	At all times	Implementation and monitoring in accordance with strategies and plans	Compliance Reporting	DPIE and/or EPA, as applicable	Plan / Strategy updates performed in accordance with Department requirements (refer Modifications).	Compliant
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.	Construction and Operation	Prior to commencement of construction and commencement of Operational Phase	Notification to Department	Written Notification to Department	DPIE (and predecessors)	COMPLETED. Notification requirements associated with Modifications satisfied. Notification of MOD 12 provided to DPIE 16 August 2019.	Compliant
5	The Applicant shall not process on site more than a combined total of 40,000 tonnes of dross aluminium, SPL and illicit and pharmaceutical waste and 35,000 tonnes of scrap aluminium metal per year.	Operational	Annual (historically reported as part of AEMR; coinciding with EPL anniversary (19 Dec - 15 Aug))	AEMR (historically (pre-2019) and now Compliance Monitoring	Compliance Reporting	Historically DPIE, EPA and CCC. Now DPIE	Historically Compliant. Current Reporting period - well-below limits (Reporting Period 16 Aug - 15 Aug): Combined dross, SPL, illicit and pharma waste: 16,908 T (no SPL processed since Mar 2020); Scrap: 7,466 T	Compliant
5A	The Applicant shall not process on site more than 2,000 tonnes of pharmaceutical waste and 5 tonnes of illicit drug waste per year.	Operational	Annual (historically reported as part of AEMR; coinciding with EPL anniversary (19 Dec - 15 Aug))	AEMR (historically (pre-2019) and now Compliance Monitoring	Compliance Reporting	Historically DPIE, EPA and CCC. Now DPIE	Illicit waste: 1.7 T; Pharmaceutical Waste: 5.1 T	Compliant
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.	Operational	At all times	SOPs and training. Operational Data Sheets and SiteTracker	Operational Data Sheets and SiteTracker. Excursions to be reported via Compliance	DPIE	Maximum rate during Compliance Period has been 4.9% of total feed. Typically charged at rate of <2.5% (w/w). Co-processing ratios defined in Standard Operating Procedures.	Compliant
5C	The Applicant must not process liquid pharmaceutical or illicit drug waste unless approval is granted by the EPA.	Operational	Following commencement of MOD 12	Operations-coordination and recommencement following Consent and EPL Variation issue.	Notification to EPA of commencement of Proof of Performance (PoP) Testing in accordance with EPL requirements.	EPA	No liquid pharmaceutical or illicit wastes have been processed since MOD12 commencement. EPL Variation sought 05Jun20 (amongst other variations) to delete requirement for PoP testing on the basis of clarifications provided in relation to furnace operating protocols, temperatures attained, processing residence times, and emissions control performance demonstrated as part of MOD9 regulated Trials (2015-17).	Not triggered
6	The Applicant shall not process more than 15,000 tonnes per year of dross aluminium sourced from overseas smelters and secondary aluminium processors.	Operational	Annual (historically reported as part of AEMR; coinciding with EPL anniversary (19 Dec - 15 Aug))	Weighbridge reporting database, Rotary Furnace Operational Sheets and SiteTracker Database	Internal reporting	DPIE	No overseas dross processed since 2011 (clean-slatng of NZ Dross). Secondary dross (Hayes Metal, Sims, etc.) processing well-below 15,000 tpa limit. Recent history (Reporting Period 16 Aug -15 Aug): 544 T	Compliant
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.	Operational	Annual (historically reported as part of EHC Act Licence reporting (04 Dec - 15 Aug))	Monthly stocktaking records	Stocktake records and photographs	DPE & EPA (as part of Environmentally Hazardous Chemicals Act Licence reporting obligations)	Historically compliant - below 5,000 T limit. Maximum stock holdings recorded (Reporting Period 16 Aug -15 Aug): 3,379 T	Compliant
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.	Operational (during 12-mth Trial)	For duration of Mod 8 Trial program. Reporting as part of Monitoring & Verification Report (following Trial completion)	Furnace Operational Sheets, SiteTracker Database, Weighbridge database and monthly Stocktake records	Furnace Operational Sheets, SiteTracker Database, Weighbridge database and monthly Stocktake records and photographs	DPE, EPA, CCC	COMPLETED. Trial performed Aug 2015 - Apr 2016 (< 12 months). Total tonage delivered and processed: 352 tonnes. Stock quantity limit (<1,000 tonnes at any time) satisfied. Reported as part of Monitoring & Verification Report (20 May 2016). Regulatory approval for the Mixed SPL Processing Trial was granted by the NSW Department of Planning & Environment and the NSW Environmental Protection Authority (EPA) on 17 February 2013 and 15 March 2013 respectively. A variation to our Environmental Protection Licence (EPL) was subsequently sought from the EPA to improve the consistency of EPL wording with that of the Development Consent (approved 10 July 2014). Sourcing constraints.	Compliant
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 86-01-01 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.	Operational (during 24-mth Trial)	For duration of Mod 9 Trial program. Reporting as part of Monitoring & Verification Report (following Trial completion)	Furnace Operational Sheets, SiteTracker Database, Weighbridge database and monthly Stocktake records	Furnace Operational Sheets, SiteTracker Database, Weighbridge database and monthly Stocktake records and photographs	DPE, EPA, CCC	COMPLETED. Trial performed Dec 2015 - Oct 2017 (<24 months). 1.9 tonnes illicit drugs received and processed during the Trial. 141 tonnes of pharmaceutical drugs received, stored and processed during Trial. Reported as part of Monitoring & Verification Report (10 Nov 2017).	Compliant
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.	All Development stages	As required by the Planning Secretary	Compliance Reporting	Management Plan / Monitoring Program	DPE, EPA, CCC, as required	Various updated Plans required as part of some Modification Instruments (e.g. updates to SMS, EMP, OEMP). Plans updated and issued to agencies, as required. Updated SMS and ERP prepared to the satisfaction of MOD 12 and SSD 7396 requirements in Sep 2019 (with minor updates to SMS provided Feb and May 2020). Approval of Planning Secretary granted 18 Sep 2019 and 13 May 2020 respectively). OEMP updated 04 Apr 2020 and approved by the Planning Secretary 14 May 2020.	Compliant

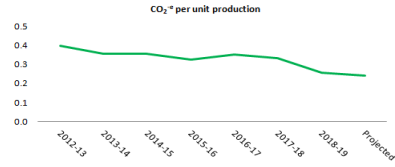
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8	Within six months of the commencement of DA-86-04-01-Mod 3, the Applicant shall obtain and provide copies of all necessary building certificate(s) from Cessnock City Council to the Planning Secretary, for the following works: a) extension of the 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.	Within six-months of Mod 3 commencement	Within six-months of Mod 3 commencement	Engagement of PCA (AcroCert)	Building Certification	Planning Secretary	COMPLETED. Certification conducted by AcroCert as nominated PCA and issued to DPE (24 Jul 2008). Building Certificate (CCC-issued) also held in archives dated 21 July 2010. Original Construction Consent Certificates (80161001 & 80161002) issued 27 Sep 2001 and 10 Oct 2001.	Compliant
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.	Construction	Prior to commencement of operations				COMPLETED. Refer Archives (circa 1998)	Compliant
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.	Operational	At all times	Maintenance Database. Equipment supplier specifications	Maintenance Database		MEX Maintenance system - Asset Register and Preventative Maintenance programs developed, implemented and plant operated in accordance with Australian Standards and equipment supplier requirements / specifications.	Compliant
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.	Prior to Mod 8 commencement (EPL) and 1 week prior to commencement and within 2 weeks of conclusion of Trial (Notification)	Prior to Mod 8 commencement (EPL) and 1 week prior to commencement and within 2 weeks of conclusion of Trial (Notification)		EPL variation issue and written notification	Planning Secretary, EPA and CCC	COMPLETED. Regulatory approval for the Mixed SPL Processing Trial was granted by the NSW Department of Planning & Environment and the NSW Environmental Protection Authority (EPA) on 17 February 2013 and 15 March 2013 respectively. A variation to our Environmental Protection Licence (EPL) was subsequently sought from the EPA to improve the consistency of EPL wording with that of the Development Consent (approved 10 July 2014). Notification to Authorities provided 14 Oct 2015 (Trial Commencement) and 12 May 2016 (Trial conclusion).	Compliant
10B	Prior to the commencement of the 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.	Prior to Mod 9 commencement (EPL) and 1 week prior to commencement and within 2 weeks of	Prior to Mod 9 commencement (EPL) and 1 week prior to commencement and within 2 weeks of		EPL variation issue and written notification	Planning Secretary, EPA and CCC	COMPLETION. EPL Variation received 01 Oct 2015 (Notice 1534264). Email Notification to Authorities by email 29 Sep 2015 (commencement) and 07 Nov 2017 (conclusion)	Compliant
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.	Operational	At all times	Real-time, continuous emissions monitoring systems, routine compliance stack emisisions monitoring.	Emissions monitoring Reports, AEMR, Annual Returns	DPiE and EPA, as required	Real-time fluoride (Stack 1) and particulate (all stacks; excl stack 6) monitoring systems operated. Pollution Control Systems (baghouses and baghouse-scrubbers) and associated monitoring systems operated and maintained in accordance with manufacturer's requirements. Filters changed routinely. Compliance stack testing conducted by independent provider in accordance with EPL requirements. Strong history of compliance achieved (refer former AEMR, Annual Returns). Elevated cyanide emission concentration reported for Point 1 (0.74 mg/m3) vs compliance limit of 0.5 mg/m3. Coarse Particulate Load Limit exceedance reported for the 2018-19 interval (6,722 kg vs 6,538 kg). Elevated Solid Particulate emission concentration reported for Point 14 (11 mg/m3 vs limit of 10 mg./mg). Correspondence to EPA of 05Jun20 providing context and discussion. WA currently seeking EPL Variation; currently awaiting EPA response.	Non-compliant
13	The Applicant shall update its existing Air Quality Monitoring Program for the development to the satisfaction of the Planning Secretary. This program must: 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 12; and 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.	Operational	Within 1 month of commencement of Mod 12		EPA advice re: recommended conditions of Approval - defining Mod requirements. Formal submission of updated AQMP	DPiE	COMPLETED: Air Quality Management Plan updated to reflect both SSD 7396 (Medical & Other Waste Thermal Processing) and Mods 12 & 10 (Commercial Scale Pharmaceutical & Illicit Drug Waste Processing). Issued 23 Sep 2019. Minor amendment issued 19 Dec 2019 to Hamish Rutherford (EPA) to correct Stack references in line with EPL Variation (being considered at the time).	Compliant
13A	Within 12 months of commencement of DA 86-04-01 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 emissions 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 <i>Protection of the Operations (Clean Air) Regulation 2010</i> .	Operational	Within 12 months of commencement of DA 86-04-01 Mod 12			DPiE and EPA	Very limited pharmaceutical and illicit drug waste processed in the Rotary Furnaces under Mod 12 due to 1. elevated CN concentration detected in the 16 December 2019 emissions monitoring event, and 2. focus on Construction & Commissioning of TWTP (SSD 7396). Subsequent emissions monitoring performed in conjunction with routine annual testing event (June 2020). Emissions reporting remains outstanding (and awaiting feedback from EPA re: EPL Variation request). AEVR to be prepared and submitted following receipt of monitoring results.	Non-Compliant
14	The 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 and Operational	At all times	Discharge point design, construction and operation (routine compliance monitoring)	Emissions monitoring reports, describing stack dimensions, configuration and flow	N/A	All discharge points constructed and operated in accordance with planning assessments and EPL parameters.	Compliant
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.	Construction	At all times	Routine inspection		Upon request	COMPLETED: Traffic management commitments defined in original EIS (1996) and adhered to.	Compliant
16	The Applicant shall implement all reasonable and feasible measures to minimise the dust generated by the development.	All Development stages	At all times	Routine inspection	Routine inspection and housekeeping records	N/A	Production areas enclosed within buildings and ventilated to fabric filter dust collectors. Storage bunkers/bays enclosed with curtains. Internal and external housekeeping performed routinely to mitigate dust generation from trafficable and/or storage areas. Dust suppression used during sweeper and mobile shredder operations, and misting water curtains used in Plant Building (Front Bays) entry.	Compliant
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.	Operational	Within 3 months of Mod 3 commencement		Confirmation to DPiE (DoP)	DPiE (DoP)	COMPLETED. Mod 3 determined 4 Sep 2009; commencement of Mod 3 date to be confirmed. Confirmation of curtain installation by end Nov 2009 provided 12 Apr 2010 as part of responses to DoP Orders.	Compliant
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.	Operations	Within 6 months of Mod 3 commencement		Confirmation to DPiE (DoP)	DPiE (DoP)	COMPLETED. Confirmation provided 12 Apr 2010 and 27 Jul 2010 (delayed installation and commissioning program explained). Commencement of operations occurred 23 Jul 2010 (per 27 Jul 2010 correspondence).	Compliant
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.	Operational	Within 9 months of Mod 3 commencement	Assessment of Baghouse 7 emisisions control performance upon commissioning	Confirmation of Baghouse 7 performance	DPiE (DoP)	COMPLETED. Confirmation provided 17 Sep 2010 of compliance Baghouse 7 emissions control performance. Confirmation that Baghouse 3 relocation will not be required. DPI letter received 23 Dec 2010 acknowledging BH7 emissions control performance, no requirement to relocate BH3, and confirmation of Condition satisfaction.	Compliant

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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.	Operational	Within 6 months of Mod 3 commencement		Written confirmation of ducting arrangement modification	DPIE (DoP)	COMPLETED. Confirmation of ducting decommissioning and removal between Aldex Building and Baghouse 2 provided 27 Jul 2010 (Item 5).	Compliant																																															
21	The 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.	Operational	At all times	Real-time emissions monitoring system	System operation	DPIE (DoP)	Real-time, continuous fluoride emissions monitoring system installed at Discharge Point 1 (Stack 1). Controlled by Citect PLC (fluoride conc, lime slurry density, fluoride monitor signal strength, duct and BH temps, etc.). EPL defines hourly average limit of 1.4 mg/m3 and instantaneous limit of 2 mg/m3. Visible and audible alarms activate conservatively at an instantaneous fluoride concentration of 1.2 mg/m3. Lime slurry sprays activated from 0.6 mg/m3 to effect early control. No exceedances reported during Compliance Period.	Compliant																																															
22	If 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.	Operational	At all times	Real-time emissions monitoring system	Monitoring data history	N/A	In event of approaching instantaneous and/or hourly average limits, furnace operations idled and burners lowered until fluoride concentration lowered; also allowing Maintenance intervention (e.g. lime blockage), as required. This operating protocol is reflected in Standard Operating Procedures and reinforced by Environmental Bulletins. No exceedances reported during Compliance Period.	Compliant																																															
23	A 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.	Operational	At all times	Real-time emissions monitoring systems (all stacks, excluding Stack 6)	Monitoring data history	DPIE, EPA and CCC	Real-time, continuous and alarmed particulate monitors installed and operated on all stacks (excl Stack 6), and data used for broken bag detection and recovered for reporting. Weekly Enviro Inspections also document maximum readings. Monitoring data used as early indication of bag failure/leaks, and following dye checks, filter changes occur. Full compliance achieved (data available upon request).	Compliant																																															
24	The Applicant shall participate and implement recommendations from any regional Health Impact Assessment to the satisfaction of the Planning Secretary.	Operational					No regional Health Impact Assessments conducted, nor any request made, to date. WA will participate in the event of an Assessment being carried out.	Not triggered																																															
25	Except 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.	All Development stages	At all times	EPL monitoring	Monitoring data history	DPIE and EPA	Annual and rainfall-event-based water quality monitoring performed at Main Pond discharge point (Point 12) in accordance with EPL requirements. Since 2012, treated first flush waters reused on site for irrigation purposes. No s120 breaches to date	Compliant																																															
25A	All pharmaceutical waste must be stored in an enclosed (appropriately bunded and covered) area to prevent the contamination of stormwater.	Operational (Mod 9 and Mod 12)	At all times	Routine site inspections. Protocols followed for receipt and storage of pharmaceuticals in accordance with SOP.	Stocktake records and photos, weekly Enviro Inspection records		In accordance with SOP, all pharmaceutical wastes received are stored and handled within the Main Plant Building, which prevents the contamination of stormwater. Stocks of pharma waste are also maintained at very low/nil stock levels.	Compliant																																															
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.	Construction	Prior to Construction	Site inspections			E & S controls installed and maintained in accordance with the original EISs (1996 and 2001) and Erosion, Sediment and Water Management Plan (1997) - approved by EPA 17 Jul 97. Stormwater network and Main Pond continues to manage stormwater flows. Pits routinely cleared as part of Preventative Maintenance Program.	Compliant																																															
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.	Pre-Construction	Prior to Construction				COMPLETED. CEMP and OEMP prepared as part of 2001 EIS. Plans prepared byt Boyden & Partners 03 May 1997 and approved by EPA, CCC and DLWC. Plans reflected therein and implemented.	Compliant																																															
28	The Applicant shall comply with the restrictions in Table 3, unless otherwise agreed by the Planning Secretary. <table><tr><th>Activity</th><th>Day</th><th>Time</th></tr><tr><td>Construction</td><td>Monday – Friday</td><td>7:00am to 6:00pm</td></tr><tr><td></td><td>Saturday</td><td>8:00am to 1:00pm</td></tr><tr><td></td><td>Sunday and Public Holidays</td><td>Nil</td></tr></table> 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.	Activity	Day	Time	Construction	Monday – Friday	7:00am to 6:00pm		Saturday	8:00am to 1:00pm		Sunday and Public Holidays	Nil	Construction	At all times	CEMP implementation			COMPLETED. Single breach regarding construction works carried out on Sunday 30 November 1997 without prior approval. Letter issued by CCC 1 Dec 1997 in reference to Complaint. At all other times, construction activities strictly limited to times defined in the Consent. Compliant during Compliance Reporting period.	Compliant																																			
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29	The Applicant shall ensure that the noise from the operation of the development does not exceed the noise limits presented in Table 4. <table><tr><th colspan="8">Table 4: Development Noise Limits (dB(A))</th></tr><tr><th rowspan="2">Location</th><th colspan="2">Daytime</th><th colspan="2">Evening</th><th colspan="3">Night time</th></tr><tr><th>L_{max} (dB(A))</th><th>L_{eq} (dB(A))</th><th>L_{max} (dB(A))</th><th>L_{eq} (dB(A))</th><th>L_{max} (dB(A))</th><th>L_{max} (dB(A))</th><th>L_{eq} (dB(A))</th></tr><tr><td>Residences at the corner of Government Street and 10th Street</td><td>48</td><td>48</td><td>40</td><td>47</td><td>35</td><td>57</td><td></td></tr><tr><td>Residences on Northcote Street</td><td>44</td><td>44</td><td>-</td><td>44</td><td>40</td><td>57</td><td></td></tr><tr><td>Residences in the Light Industrial Zone on Mitchell Avenue and Railway Road</td><td>43</td><td>43</td><td>-</td><td>43</td><td>41</td><td>55</td><td></td></tr></table> Note: Condition 30 of this consent does not impose maximum allowable noise limits for residences on Horton Road and McCarna Road as the Applicant has established a negotiated agreement with the landowner of those properties in regard to noise.	Table 4: Development Noise Limits (dB(A))								Location	Daytime		Evening		Night time			L _{max} (dB(A))	L _{eq} (dB(A))	L _{max} (dB(A))	L _{eq} (dB(A))	L _{max} (dB(A))	L _{max} (dB(A))	L _{eq} (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		Operational	At all times	Independent Noise Surveys performed in accordance with EPL requirements and frequency	Noise Monitoring Reports	EPA (accompany Annual Return)	Monitoring performed on a triannual basis in accordance with EPL requirements - both attended monitoring and modelling assessment. Strong compliance achieved to date. Minor predicted (modelled) exceedances (1 or 2 dB(A)) not considered notable in accordance with INP.	Compliant
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30	The Applicant shall ensure that trucks are not entering and leaving the site outside the hours of 7.00am to 10.00pm.	Operational	At all times	Contract arrangements, weighbridge manning hours and Main Gate closure			Truck access and egress from the site typically limited to 7am - 5pm Monday to Friday. Occasionally trucks may access and exit site as late as 6pm by special arrangement. No weekend deliveries or outgoings.	Compliant																																															
31	The 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.	Operational	Prior to commencement of operations		Noise Monitoring Program development	EPA and DPIE	COMPLETED: Monitoring methodology defined as part of OEMP development (2001). Agreed Monitoring methodology is reflected in Noise Compliance Study Reports, which includes attended monitoring and modelling assessment.	Compliant																																															
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.	Operational	Following commencement of Briquetting plant (Mod	Compliance noise monitoring	Compliance noise moitoring reports		No exceedances to date as a result of Mod 5 activities. Therefore, no requirement to date to enclose concrete slab.	Compliant																																															
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-Construction	Propr to commencement of construction		Study preparations	DPIE	COMPLETED. Studies undertaken by Steve Sylvester (Granherne) as part of original Development. HAZOP, FHA, Fire Safety Study and Transport Risk Assessment Study forwarded to DUAP 09 Apr 1997. DUAP approved 28 April 1997. Studies subsequently updated in accordance with Modifications/SSD Approval requirements.	Compliant																																															

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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-comissioning	2 months prior to commissioning of original Development				COMPLETED. Refer archives.	Compliant
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 Rescues, 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 this consent. The Applicant shall supply a copy of the Emergency Services Cooperation Agreement to the Planning Secretary prior to the commencement of operation.	Pre-operational	Propr to commencement of operations				COMPLETED. Original intent was to facilitate molten aluminum transfers between Weston Aluminium and Hydro Alumnium Kurri Kurri (then VAW). Transfer of molten alumnium was not performed however, and is no longer part of the Development. Hydro Aluminium closure occurred in 2011. Unsure if Emergency Services Cooperation Agreement was ever developed.	Not triggered
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.	Operational	At all times		Protocol and Inspection records	Available upon request	COMPLETED: Dross inspection protocol developed (2002) and implemented for first 10 batches of dross delivered (NZAS dross).	Compliant
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.	Operational	At all times				Plant Building dross/SPL storage bunkers designed in accordance with AS requirements. Structures roofed and bunded. Diesel facility bund also designed and constructed with >110% capacity of the tank (earlier 5,000L and then 8,000L USTs; approx 21,000L capacity bund). 2020 upgrade to tank to self-bunded 20,000L tank, which is still accomodated within the original bund for back-up containment. DG Notification and updates, as required, provided to SafeWork NSW, including designation of Depots, development of Manifest (contacts, site plans, SDSs, Risk Assessments and DG Register). Manifest held in HAZCHEM cabinet at site entrance.	Compliant
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.	Operational	Commencement of Mod 3		Annual Fire Safety Certification	CCC - annual basis (21 July anniversary)	COMPLETED: Emergency stops, alarms and associated signage installed in both Plant and Aldex Buildings. Conveyor motor has overtemperature sensor, and will stop in event of fire. Systems inspected routineley and form part of the Fire Safety Measures assessed and certified annually in accordance with CCC's schedule.	Compliant
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).	Operational	At all times				COMPLETED. Original intent was to facilitate molten aluminum transfers between Weston Aluminium and Hydro Alumnium Kurri Kurri (then VAW). Transfer of molten alumnium was not performed and is no longer part of the Development.	Not triggered
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.	All Development stages	At all times				40 parking spaces provisioned in Main Carpark (including 2 Visitors and 1 Disabled), and areas along access driveway and throughout site to park trucks and other vehicles (e.g. contractor service vehicles), as required. No parking occurs on Mitchell Avenue or any other public road.	Compliant
40	During the development, the Applicant shall ensure that the development does not result in any vehicles queuing on the public road network.	All Development stages	At all times				As above, sufficient parking available on site. No parking occurs on Mitchell Avenue or any other public road.	Compliant
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 to 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.	Pre-operational	Prior to commencement of coperation			DPIE	Original Transport Code of Conduct prepared 2002. Transport Risk Assessment Study prepared for original development 1997 and forwarded to the then DUAP 09 Apr 97. DUAP approval received 28 Apr 97. Code of Conduct forms part of OEMP. Transport Code of Conduct (Route Selection) updated as part of Safety Management System update (Feb 2020) in response to Mod 12 and SSD7396 developments. Should significant changes to site activities / layout occur, this Transport Code of Conduct will again be updated. Code of Conduct also reflected in Transport Contractor Induction Package.	Compliant
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.	All Development stages	At all times				External floodlighting installed in such a way as to be sensitive to neighbouring landuse and public roadways. Lighting aimed at ground in trafficable areas within the site. Lighting is not considered obtrusive from Mitchell Avenue view.	Compliant
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.	Pre-Construction	Prior to commencement of construction				COMPLETED: Landscape Management Plan prepared as part of 2001 OEMP. Considered as part of subsequent Modifications, as applicable, and for consistency with the Asset Protection Zone (APZ) developed in consultation with FRNSW.	Compliant
44	The 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.	Operational	At all times		Weighbridge records and Inspection Sheets		Specific Immobilisation Approval sought from NSW EPA 2005 (2005-S-13). Protocol for sampling and assessment developed. Extensions to SIA sought as required, including provision of statistical data analysis demonstrating classification and compliance with Approval.	Compliant
45	Except 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.	Operational	At all times		Weighbridge Records, Inspection Sheets, Operational Data Sheets		Wastes are received on site for reprocessing and resource recovery. No waste disposal occurs on site. Accepted wastes are in accordance with EPL provisions (Note: no asbestos waste received or accepted).	Compliant
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.	All Development stages	At all times until a feasible recycling option is identified and implemented.		Annual Environmental Management Reports	CCC, EPA and DPIE	COMPLETED. Progress with WA's investigation of recycling options reflected in former Annual Environmental Management Reports. WA established the Alternative Materials Division in 2007 to profile ash and dust streams, develop viable reuse markets, and eliminate landfill disposal. Since peak landfilling in FY07 (10,991 tonnes), landfilling rates dramatically reduced to <500 tonnes (FY11), and have remained low (typically <200 tpa) ever since.	Compliant

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47	The Applicant shall maximise on site waste recycling, in particular packaging materials, paper and any other such wastes.	All Development stages	At all times				WA introduced additional bins (Paper & Cardboard and Timber) in 2008 to improve recycling performance and reduce landfilling activity. WA has since moved to a more paper-free environment, and seeks low-packaging consumables purchases. Timber pallets are either reused on site for product dispatch, or othwise stacked near the Plant entrance for recovery by the public for reuse - strong and highly competitive demand observed.	Compliant
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.	All Development stages	At all times				Any clearing performed beyond that defined in CEMP has been performed in accordance with subsequent Modifications, and in consultation with FRNSW as part on APZ establishment and maintenance, particularly after the significant local/regional bushfires in 2014 and 2016. FRNSW and NSW RFS particularly concerned about regrowth fuel load (e.g. near carpark and pond), and insisted on more routine hazard reduction (slashing).	Compliant
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.	All Development stages	At all times				Vegetation Management Plan (15 May 1997) and supplementary information provided by WA (02 Jun 1997) indicated the majority of Forest Red Gum community would be retained. NPWS satisfied with VPM (letter 05 Jun 1997). Any clearing performed beyond that defined in CEMP has been performed in accordance with subsequent Modifications, and in consultation with FRNSW as part on APZ establishment and maintenance, particularly after the significant local/regional bushfires in 2014 and 2016. FRNSW and NSW RFS particularly concerned about regrowth fuel load (e.g. near carpark and pond), and insisted on more routine hazard reduction (slashing).	Compliant
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.	All Development stages	At all times				Wetland construction and maintenance in accordance with the E&S Plan. Silt fencing also established and maintained at the northern boundary at the steepest sloped location. NPWS in letter of 05 Jun 1997 confirmed entire Typha swamp would be retained. Pg 15 of Erosion, Sediment and Water Management Plan outlines erosion controls downstream of work areas prior to works commencement.	Compliant
51	The Applicant shall implement a program to minimise the presence and spread of weeds, in particular camphor laurel, on the site.	All Development stages	At all times		MEX database		Preventative Maintenance performed - removal and/or spraying of weeds, including Camphor Laurel. Weed Management Plan (03Mar15) implemented.	Compliant
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.					EPA / OEH	Nil artefacts identified to date	Compliant
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.	Operational	Within 6 months from commencement of Mod 3	ESAP preparation	ESAP	DPIE Planning Secretary	COMPLETED. Advitech engaged to prepare ESAP. Final Report (28 June 2010) submitted to the Planning Secretary (NSW DoP) on 27 Jul 2010. WA has since implemented numerous measures, including: routine Power Factor Correction checking and optimisation, installation of VSDs to various appliances, routine burner tuning and optimisation; installation of LED hi-bay lighting, turning off lights and AC units after hours, identifying and eliminating air leaks, and has installed pulse controllers on baghouses. Energy Conservation Plan also prepared for the original development and provided to CCC on 12 Mar 1997.	Compliant
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.	All Development stages	At all times beyond Mod 3	AEMR, NPI and NGER reporting	AEMR, NPI and NGER reporting	CCC, EPA and DPIE	GHG emissions reported via NGER (EERS) Reporting. Historical data demonstrates general improvements in energy efficiencies and reductions in GHG emissions per unit of production. 	Compliant
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; andundertake 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.	Operatonal	During Mod 8	Refer Monitoring and Verification Report	Monitoring and Verification Report	CCC, EPA and DPIE	COMPLETED: Monitoring and Verification Report for SPL Processing Trial (Mod 8) issued 20 May 2016, following Trial completion. All monitoring requirements satisfied. No exceedances of air emission criteria throughout Trial.	Compliant
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: a) be submitted to EPA, Council and the Planning Secretary within 90 days of the completion of DA-86-04-01 Mod 8; b) detail the results of the monitoring required in condition 54A above; c) 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); 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.	Operatonal	During Mod 8	Refer Monitoring and Verification Report	Monitoring and Verification Report	CCC, EPA and DPIE	COMPLETED: Monitoring and Verification Report for SPL Processing Trial (Mod 8) issued 20 May 2016, following Trial completion. All monitoring requirements satisfied. No exceedances of air emission criteria throughout Trial.	Compliant

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54C	For the duration of 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 than 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 e) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify the EPA and the Planning Secretary, should any exceedence of the limits in the EPL occur.	Operational	During Mod 9	Refer Monitoring and Verification Report	Monitoring and Verification Report	CCC, EPA and DPIE	COMPLETED: Monitoring and Verification Report for Pharmaceutical and Illicit Drug Processing Trial (Mod 9) issued 11 Nov 2017, following Trial completion. All monitoring requirements satisfied. No exceedances of air emission criteria throughout Trial.	Compliant				
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: a) be submitted to the EPA, Council and the Planning Secretary within 90 days of the completion of DA 86-01-01 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 exceedences 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 conditon 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.	Operational	During Mod 9	Refer Monitoring and Verification Report	Monitoring and Verification Report	CCC, EPA and DPIE	COMPLETED: Monitoring and Verification Report for Pharmaceutical and Illicit Drug Processing Trial (Mod 9) issued 11 Nov 2017, following Trial completion. All monitoring requirements satisfied. No exceedances of air emission criteria throughout Trial.	Compliant				
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.	Operational	During Mod 12				Nil liquid wastes processed since Mod 12 approval. SOPs updated nevertheless. Also refer EPL Variation issued to EPA 05 June 2020 providing additional processing description, and seeking to remove requirement for Proof of Performance program in relation to liquid waste processing. Awaiting EPA response.	Not triggered				
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.	Operational	During Mod 12 processing operations	Per SOP for Pharmaceutical and Illicit Drug Processing	Refer Rotary Furnace Operations Sheets, Illicit Drug Inspection Sheets and Citect data output files.		Quantities and nature of pharmaceutical and illicit drug inputs and operational conditions recorded on inspection and rotary furnace data sheets.	Compliant				
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 prepared by AECOM and dated 10 July 2017 and included in Appendix B.	Operational	12 months after Mod 12 commencement				Reporting currently in progress. Air emissions monitoring performed Oct and Dec 2019 and June 2020. Currently awaiting results of 2020 testing program before Report completion. Anticipate completion in September 2020.	Non-compliant				
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.	Initial facility construction	During construction phase	Per CEMP			COMPLETED: Understand that requirements defined in the CEMP and CSS were satisfied.	Compliant				
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 and Rescue 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 accordance with the Department’s Hazardous Industry Planning Advisory Paper No. 1 ‘Industry Emergency Planning Guidelines’; and 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.	Operational (Mod 3)	Within 3 months of commencement of Mod 3		Updated OEMP, FSS, ERP and SMS	Planning Secretary	COMPLETED: Original plans prepared and approved (by then Plannng NSW) in 2002. Updated documents: OEMP (AECOM; Dec 2009), FSS (AECOM, Dec 2009), ERP (WA, Nov 2009) and SMS (WA Nov 2009) issued to DPIE (03 Dec 2009) and subsequently approved. These documents have also bee updated as part of subsequent Mods (e.g. Mod 7, 12 and SSD 7396) and as part of routine review and updates.	Compliant				
56A	Within three months of each of the modifications listed below, the Applicant shall submit, for approval of the Planning Secretary, the relavent updated studies (as required by Condition 56 and described in table 5) to reflect the requirements of that modification. <table border="1"><tr><th>Modification</th><th>Plans</th></tr><tr><td>DA 86-04-01 Mod 12</td><td>56 d and e</td></tr></table>	Modification	Plans	DA 86-04-01 Mod 12	56 d and e	Operational (Mod 12)	Within 3 months of commencement of Mod 12	Diary entry	Submission of updated Plans	Planning Secretary	COMPLETED: Updated documents: ERP (WA, Sep 2019) and SMS (WA, Sep 2019; minor subsequent revisions Feb and May 2020) issued to DPIE (13 Sep 2019 and 03 Dec 2009). Also prepared in conjunction with corresponding Plan updates sought by SSD 7396.	Compliant
Modification	Plans											
DA 86-04-01 Mod 12	56 d and e											
56B	The Applicant shall update the Safety Management System covering all on-site operations and secuity protocols for the storage, transport and incineration of pharmaceutical and illicit drug wastes.	Operational (Mod 9)	Prior to commencement of Mod 9	Diary entry	Submission of updated SMS	Planning Secretary	COMPLETED: Updated SMS (Core Engineering) 27 Nov 15, and issued to DPIE. Also refer above in relation to MOD 12.	Compliant				
56C	Six months after commencement of operation of DA 86-04-01 Mod 12, the Applicant shall submit to the Planning Secretary, a report verifying that: a) the updated Emergency Response 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.	Operation (Mod 12)	6-months after Mod 12 commencement	Diary entry	Correspondence to DPIE	Planning Secretary	COMPLETED: ERP and SMS updated concurrently per Mod 12 and SSD 7396 requirements. ERP approved in Sep 2019, while SMS approved May 2020 following Department reviews and comment. Email of 06 Jul 2020 forwarded to DPIE confirming that thew ERP and SMS have been implemented and are currently in place.	Compliant				
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 develpment 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 our in Appendix C .	Operational	Immediately following incident, should a notifiable incident occur.	Routine Compliance monitoring and inspection	In-house documentation	DPIE and/or EPA, as applicable	Furnace fire incident opf 17 Dec 2009 investigated and notification provided to the then DECC (13 Jan 2010). Root Cause and Actions defined.	Not triggered				
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.	Operational	Within 7 days after becoming aware of a non-compliance, should	Routine Compliance monitoring and inspection	Formal notification	DPIE and/or EPA, as applicable	Refer Non-Compliances above. Reporting as part of Compliance Report	Compliant				

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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.	Operational	Per Condition 58, in the event of a non-compliance.	Routine Compliance monitoring and inspection	Formal notification	DPIE and/or EPA, as applicable	Refer Non-Compliances above. Reporting as part of Compliance Report	Compliant
60	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Operational	n/a				Noted	Not triggered
61	No later than 1 week after 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.	Pre-Operational	Within 1 week of notification of Modification commencement		Compliance Monitoring and Reporting Program	DPIE	Compliance Monitoring and Reporting Program prepared and issued to DPIE Compliance Team on 21 August 2019 (once all necessary Regulatory Approvals attained). This is within 1 week of Notification of commencement (which occurred on 16 August 2019).	Compliant
62	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Pre-Operational and Operational	Per Compliance Monitoring and Reporting Program schedule. Pre-Operational Report to be submitted by 06 Sep 2019, and Operational Reports annually thereafter	Report preparation in accordance with the Department's 2018 Compliance Reporting Post-Approval Requirements	Compliance Reports completion and submission in accordance with Compliance Reporting Program schedule	DPIE	Pre-Operational Compliance Report submitted by email 05 Sep 2019. DPIE comments for future Compliance Reports below. Noted that "the date of 16 August 2019 was the date on which our Licence Variation was formally approved by the EPA, and was not strictly defined as Operational commencement. As per our Compliance Reporting Program (of 21 August 2019), we proposed that the 'Pre-Operational Compliance Report' would be issued on or before 06 September 2019, which was achieved with the submission of the Pre-Operational Compliance Report on 05 September 2019. Commencement of Operational Phase was to occur thereafter. - The contact details (phone number and email) of the key personnel who are responsible for the environmental management of the development; and - Please revise future submittal dates required by the consent, to be consistent with the project commencement date of 16 August 2019, as previously notified by Weston Aluminium via email (16 August 2019).	Compliant
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.	Pre-Operational and Operational	Publically available within 60 days of DPIE submission, and 7 days		Website upload, following formal written notification to DPIE	DPIE	Pre-Operational Compliance Report uploaded to Company Website same day as DPIE submission (05Sep19). Compliance Report for 16 Aug 19-15 Aug 20 period to be made publically available within 60 days of submission (i.e. by 03 Nov 20). DPIE to be notified.	Not triggered
64	No later than 1 week after 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.	Pre-Operational	Within 1 week of notification of Modification commencement			DPIE	Independent Program prepared and issued to DPIE Compliance Team on 21 August 2019 (once all necessary Regulatory Approvals attained). This is within 1 week of Notification of commencement (which occurred on 16 Aug 2019).	Compliant
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).	Operational	Per Independent Audit Program	Report preparation in accordance with the Department's 2018 Independent Audit Post-Approval Requirements	Independent Audit Reports completion and submission in accordance with Independent Audit Program schedule and per Department requirements	DPIE	Initial Audit due within 52 weeks following Modification commencement (i.e. On or before 16 Aug 2020), and 3-yearly thereafter. Initial Audit tentatively scheduled for Aug 2020 (following resolution of DPIE Notice). Supporting documentation and pre-Audit Meetings conducted. DPIE endorsement received of RPS (IEA) and Advitech (HA) Audit Teams. Document provision to Audit Team on 24 Aug 20. Audit site visit again rescheduled due to COVID-19 and isolation of an Audit Team Member. Audit site visit performed 1 and 2 Sep 2020. Audit Reports currently in preparation.	Not triggered
66	In accordance with specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: a) review an 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.	Operational	Submit and respond to Audit Reports in a timely manner. Publically available within 60 days of DPIE submission, and 7 days in writing to DPIE prior	In-house reporting	Website upload, following formal written notification to DPIE	DPIE	Initial Audit due within 52 weeks following Modification commencement (i.e. On or before 16 Aug 2020), and 3-yearly thereafter. Also refer above.	Not triggered
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 the commencement of the audit. Hazard Audits must be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'</i> .	Operational	12 months following commencement of Modification (i.e. By 06 Sep 2020) and every 3 years thereafter. Reports to be submitted to the Planning Secretary for approval within one	Execution of correspondence. Hazard Audit Reports to be prepared in accordance with the Department's HIPAP No. 5 requirements	Auditor endorsement by the Planning Secretary. Hazard Audit Reports.	DPIE	Initial Audit due within 52 weeks following Modification commencement (i.e. On or before 16 Aug 2020), and 3-yearly thereafter. Initial Audit tentatively scheduled for August 2020 (following resolution of Notice). Supporting documentation and pre-Audit Meetings conducted. DPIE endorsement received of RPS (IEA) and Advitech (HA) Audit Teams. Document provision to Audit Team on 24 Aug 20. Audit site visit again rescheduled due to COVID-19 and isolation of an Audit Team Member. Audit site visit performed 1 and 2 Sep 2020. Audit Reports currently in preparation.	Not triggered
68	Within one month of each audit carried out in accordance with Condition B17 (65; typo error in Consent), 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, resopns must be documented. The Applicant must implement the recommendations to the satisfaction of the Planning Secretary.	Operational	Within 1 month of Independent Audit Report submission.	Translation of Audit Recommendations into report with appropriate timeframes for implementation.	Report - Actions, Timeframes, Status	DPE	To be prepared following Independent Audit Report submission, as required.	Not triggered
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.	Pre-Operational and Operational					Noted	Not triggered
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.	Pre-Operational and Operational	As applicable (refer above)	Refer above	Refer above	DPIE and/or EPA, as applicable	As above	Not triggered

 Weston Aluminium Pty Ltd	DA 86-04-01 and LEC 10397 of 1995 COMPLIANCE REPORT OPERATIONAL	Revision	0
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		Prepared By:	C. McClung
		Authorised By:	G. Snedden
		Issue Date:	04-09-2020

APPENDIX B

	DA 86-04-01 and LEC 10397 of 1995 COMPLIANCE REPORT OPERATIONAL	Revision	0
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		Prepared By:	C. McClung
		Authorised By:	G. Snedden
		Issue Date:	04-09-2020

DECLARATION

Project Name	Weston Aluminium – Extensions to an existing aluminium dross recycling plant
Project Application No.	DA 86-04-01 MOD 12 and LEC 10397 of 1995 MOD 10
Description of Project	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
Project Address	129 Mitchell Avenue Kurri Kurri NSW 2327
Proponent	Weston Aluminium Pty Limited
Title of Compliance Report	Operational Phase
Date	04 September 2020

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer	Christopher McClung
Title	Projects & Environment Manager
Signature	
Qualification	B. Env. Sc (Chem Hons I)
Company	Weston Aluminium Pty Limited
Company Address	129 Mitchell Avenue Kurri Kurri NSW 2327