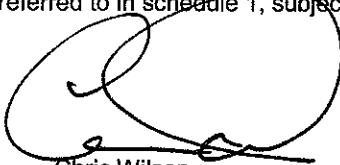


Notice of Modification

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I modify the development consent DA 10397 of 1995 referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

7 FEBRUARY

2011

SCHEDULE 1

Development Consent (DA 10397 of 1995), granted by the Land and Environment Court on 30 August 1996 for the construction and operation of an aluminium recycling facility at 129 Mitchell Avenue, Kurri Kurri, and as modified by the Land and Environment Court on 7 April 2000 to add new conditions regarding emission controls and an inspection protocol for imported dross aluminium.

SCHEDULE 2

CONDITIONS

1) Insert the following definition in the definitions list:

10397 Mod 3: Construction and operation of a briquetting facility to process Aldex ash into briquettes in the existing Aldex building, as described in the assessment prepared by GHD and dated November 2010.

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Terms of Approval

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

- 2 The Applicant shall carry out the development generally in accordance with the:
- (a) EIS as modified by the SEE;
 - (b) site plans (see Appendix A);
 - (c) conditions of this approval; and, during the spent potlining material processing trial,
 - (d) modification application DA-86-04-01 Mod 4 and 10397 Mod 2, and the enclosed Letter dated 26 May 2010 and Attachments 1, 2 and 3; and
 - (e) modification application DA-86-04-01 Mod 5 and 10397 Mod 3, and the enclosed SEE, dated November 2010, prepared by GHD.

3) Insert the following condition after condition 13:

- 13A The Applicant shall:
- (a) undertake additional Stack Testing at point 15 (as specified in EPL 6423) within 90 days from the commencement of 10397 Mod 3;
 - (b) submit a report which contains the results of the stack testing to the Director-General and DECCW; and
 - (c) describe, in the report, actions that will be implemented to ensure compliance with air emission limit for Stack 7 if air emission limits referred to in condition 11 are exceeded.

SCHEDULE 3

Specific Environmental Conditions

Noise

Operating Conditions

4) Insert the following condition after condition 30

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

Noise Monitoring

5) Insert the following condition after condition 31

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