

Notice of Modification

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

As delegate for the Minister for Planning, I modify the development consent DA 10397 of 1995 referred to in schedule 1, subject to the conditions in schedule 2.


Richard Pearson
Acting Director-General

Sydney

25th October

2011

File No: 10/01769

SCHEDULE 1

Application Number:	DA 10397 of 1995
Applicant:	Weston Aluminium
Approval authority:	Land and Environment Court
Project:	Aluminium Recycling Facility
Date of original approval:	30 August 1996
Modification:	DA 10397 of 1995 Mod 4 12 month trial of processing spent potlining material

SCHEDULE 2

The Development Consent is modified by:

1. Delete DECCW from the definitions.
2. Insert the following into the definitions after the definition of Night:
OEH Office of Environment & Heritage
3. Replace all references to DECCW in the conditions of approval with OEH.
4. Change the definition of the Department to read Department of Planning & Infrastructure.
5. Change the definition of Minister to read Minister for Infrastructure and Planning
6. Inserting the following definition in the definitions list:

Extended Spent Potlining Material Processing Trial	The proposed 12 month trial of processing spent potlining material, as described in the Modification Application DA-86-04-01 Mod 6 and 10397 Mod 4, and Environmental Assessment dated June 2011
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7. Replacing conditions 2 with the following:
 - 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.

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

8. Replace condition 6A with the following condition 6A:

6A. The Applicant shall ensure that:

- g) no more than 200 tonnes of spent potlining material is received on site;
- h) spent potlining material is stored on site for no more than 3 weeks; and
- i) spent potlining material is only processed during the 12 month spent potlining material processing trial period.

9. Replace condition 10A with the following condition 10A:

Extended Spent Potlining Material Processing Trial

10.A Prior to the commencement of the extended Spent Potlining Material Processing Trial, the Applicant must:

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

10. Replace condition 54A with the following Condition 54A:

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

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

11. Replace condition 54B with the following Condition 54B:

54B. The Applicant must prepare a detailed monitoring report, on the outcomes of the Extended Spent Potlining Material Processing Trial, to the satisfaction of OEH and the Director-General. The report must:

- a) be submitted to OEH, Council and the Director-General within 90 days of the completion of the Extended Spent Potlining Material Processing Trial;
- 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 OEH's air quality impact assessment criteria specified in the "*Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*" (DEC 2005);
- d) describe any anomalies in the monitoring data, and any exceedances of the limits or assessment criteria;
- e) characterise the trial outputs and describe how these products are to be managed and disposed of, demonstrating compliance with condition 44;
- f) summarise the findings of the trial;
- g) recommend any actions that could be taken to minimise emissions during any future processing; and
- h) discuss the likely options for any future processing.

