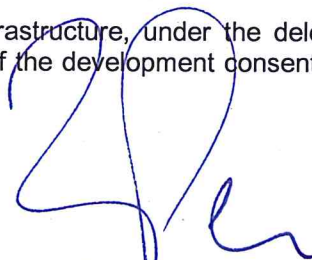


Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Richard Pearson
Deputy Director-General
Development Assessment and Systems
Performance

Sydney

7 September 2012

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 5 commercial scale processing of spent potlining

SCHEDULE 2

1. Replace all references to the OEH in the conditions of approval with EPA
2. Delete OEH from the definitions
3. Insert the following definitions in the definitions list in alphabetical order

EPA	Environment Protection Authority
SPL	Spent Potlining
4. Replace condition 2, Schedule 2 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;

- e) Modification application DA-86-04-01 Mod 5 and 10397 Mod 3, and the enclosed SEE, dated November 2010, prepared by GHD;
- 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; and
- g) Modification application DA-86-04-01 Mod 7 and 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 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.

5. Replace condition 5, Schedule 2 with the following condition 5:

- 5 The Applicant shall not process on site more than a combined total of 40,000 tonnes of dross aluminium and Second Cut SPL and 35,000 tonnes of scrap aluminium metal per year.

6. Replace condition 6A, Schedule 2 with the following Condition 6A

- 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.

7. Insert the following row into Table 1 in Condition 11, Schedule 3

Parameter/Pollutant	Unit of Measure	100% Limit	Discharge point
Cyanide	Milligrams per cubic metre	0.5	1

8. Replace Condition 12, Schedule 3 with the following Condition 12

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

Table 2: Source Emissions Monitoring Requirements

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

Cyanide	milligrams per cubic metre	Special Frequency 1	1
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Notes:

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

9. Replace Condition 13, Schedule with the following Condition 13

- 13 The Applicant shall update its existing Air Quality Monitoring Program for the development to the satisfaction of the Director-General. This program must:
- a) be prepared in consultation with the EPA;
 - b) be submitted to the Director-General for approval within one month from the commencement of DA 10397 of 1995 Mod 5; 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.

10. Insert the following Condition 23A after Condition 23, Schedule 3

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

11. Insert the following Condition 56A after Condition 56, Schedule 4

- 56A The Applicant shall update the studies required in Conditions 56 c), d) and e), above to reflect the requirements of this consent. The Applicant shall submit the amended Plans for the approval of the Director-General within three months from the commencement of DA 10397 of 1995 Mod 5.