

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

2013

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 6 a 12 month trial processing mixed spent potlining material

SCHEDULE 2

1. Insert the following definitions in the definitions list in alphabetical order

DA 10397 of 1995 Mod 6	A 12 month trial processing mixed spent potlining in existing rotary furnaces as described in the assessment prepared by Weston Aluminium and dated 30 November 2012
First cut spent potlining	spent potlining material originating from the carbon lining of aluminium reduction cells (pots)
Mixed spent potlining	combination of first and second cut spent potlining material
Second cut spent potlining	spent potlining material originating from the refractory lining of aluminium reduction cells (pots)
2. Replace condition 2 with the following condition 2 in Schedule 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;
- 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; and
- 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.

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

3. Insert the following condition 6B after condition 6A in Schedule 2

- 6B. The Applicant shall ensure that DA 10397 of 1995 Mod 6:
- a) is undertaken over a period of 12 months only and;
 - b) during the operation of DA 10397 of 1995 Mod 6:
 - i. no more than 3,000 tonnes of mixed spent potlining material is received on site over the 12 month trial period;
 - ii. no more than 1,000 tonnes of mixed SPL is stored on site at any one time; and
 - iii. mixed spent potlining material is stored on site for no more than 3 weeks.

Mixed Spent Potlining Material Processing Trial (DA 10397 of 1995 Mod 6)

4. Replace condition 10A with the following condition 10A in Schedule 2:

- 10A. Prior to the commencement of DA 10397 of 1995 Mod 6, the Applicant must:
- a) obtain an updated EPL allowing DA 10397 of 1995 Mod 6 to proceed; and
 - b) notify the Director-General, Council and the EPA's Regional Manager Hunter in writing, 1 week prior to the commencement of DA 10397 of 1995 Mod 6 and within 2 days of the conclusion of the trial.

5. Replace condition 54A with the following Condition 54A, in Schedule 3:

- 54A. For the duration of the DA 10397 of 1995 Mod 6, 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 Director-General, should laboratory results indicate emissions of cyanide are greater the limits in the EPL;
 - b) 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; and
 - c) undertake real-time monitoring of fluoride and particulate emissions and immediately cease processing, and notify the EPA and the Director-General, should any exceedance of the limits in the EPL occur.

6. Replace condition 54B with the following condition 54B in Schedule 3:

- 54B. The Applicant must prepare a detailed monitoring report, on the outcomes of DA 10397 of 1995 Mod 6, to the satisfaction of the EPA and the Director-General. The report must:
- a) be submitted to EPA, Council and the Director-General within 90 days of the completion of the DA 10397 of 1995 Mod 6;
 - 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.