Notice of Modification

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

As delegate of the Minister for Planning, under the delegation dated 16 February 2015, I hereby modify the development consent referred to in Schedule 1, subject to conditions as set out in Schedule 2.

Daniel Keary
A/Executive Director
Infrastructure and Industry Assessments

Sydney 15TH SEPTEMBER 2015

SCHEDULE 1

Application Number:	DA 10397 of 1995
Proponent:	Weston Aluminium Pty Limited
Approval Authority:	Minister for Planning
Land:	Lot 796 DP 39877 129 Mitchell Avenue, Kurri Kurri
Project:	Extensions to an existing aluminium dross recycling plant
Modification Number:	DA 10397 of 1995 Mod 7
Modification:	A 24 month trial processing illicit drug and pharmaceutical wastes

SCHEDULE 2

This development consent is modified as follows:

In the definitions table:

1. Deleting the definition for Department, Director-General and Minister and inserting the following definitions in alphabetical order:

Department	The Department of Planning and Environment or its successors in title
Minister	The Minister for Planning
Secretary	The Secretary of the Department of Planning and Environment, or nominee

2. Inserting the following definitions in alphabetical order:

DA 10397 of 1995 Mod 7	A 24 month trial processing illicit drug and pharmaceutical waste in existing furnaces as described in the assessment prepared by Weston Aluminium and dated 12 March 2015 and the Response to Submissions prepared by Weston Aluminium and dated 15 July 2015

In Schedules 2, 3 and 4:

3. Deletion of all instances of the word Director-General and replacing with the word Secretary.

4. Deletion of all instances of the words NSW Fire Brigade and replacing with the words NSW Fire and Rescue.

5. Inserting the following Condition 2i) after Condition 2h) of Schedule 2:

   2i) Modification request DA 86-04-01 Mod 9 and DA 10397 of 1995 Mod 7 and the enclosed Environmental Assessment, dated 12 March 2015, prepared by Weston Aluminium and the Response to Submissions, dated 15 July 2015, prepared by Weston Aluminium.

6. Inserting the following Condition 6C after Condition 6B:

   6C The Applicant shall ensure that DA 10397 of 1995 Mod 7:
   a) is undertaken over a trial period of not more than 24 consecutive months only; and
   b) during the operation of DA 10397 of 1995 Mod 7 :
      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.

7. Inserting the following Condition 25A after Condition 25 of Schedule 3:

   25A All pharmaceutical waste must be stored in an enclosed (appropriately bunded and covered) area to prevent the contamination of stormwater.

Illicit Drug Waste and Pharmaceutical Waste Processing Trial (DA 10397 of 1995 Mod 7)

8. Inserting the following Condition 10B after Condition 10A in Schedule 2:

   10A. Prior to the commencement of DA 10397 of 1995 Mod 7, the Applicant must:
   a) obtain an updated EPL allowing DA 10397 of 1995 Mod 7 to proceed; and
   b) notify the Secretary, Council and the EPA's Regional Manager Hunter in writing, two weeks prior to the commencement of DA 10397 of 1995 Mod 7 and within two weeks of the conclusion of the trial.

9. Inserting the following condition 54C after Condition 54B in Schedule 3:

54C For the duration of DA 10397 of 1995 Mod 7, 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 in 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 Secretary, should laboratory results indicate emissions are greater 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 Secretary, should any exceedance of the limits in the EPL occur.

10. Inserting the following condition 54D in after Condition 54C in Schedule 3:

54D The Applicant must prepare a detailed monitoring report, on the outcomes of DA 10397 of 1995 Mod 7, to the satisfaction of the EPA and the Secretary. The report must:

a) be submitted to EPA, Council and the Secretary within 90 days of the completion of DA 10397 of 1995 Mod 7 ;
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 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.

11. Replacing condition 56A with the following Condition 56A in Schedule 3:

56A Within three months of each of the modifications listed below, the Applicant shall submit, for approval of the Secretary, the relevant updated studies (as required by Condition 56 and described in table 5) to reflect the requirements of that modification.

Modification	**Plans**
DA 10397 of 1995 Mod 5	56 c, d and e
DA 10397 of 1995 Mod 7	56 d and e

12. Inserting the following Condition 56B after 56A in Schedule 3:

56B The Applicant shall prepare a Security Protocol for the management of pharmaceutical drug waste. The Protocol shall:

a) be implemented for the duration of DA 10397 of 1995 Mod 7;
b) be incorporated into the updated Safety Management System required by Condition 56B;

c) describe the measures to be undertaken to ensure the secure transport, storage and processing of pharmaceutical waste; and
d) include the security measures described in the Response to Submissions Report dated 15 July 2015.

13. Inserting the following Condition 56C after Condition 56B in Schedule 3:

POST-STARTUP COMPLIANCE REPORT

56C Three months after the commencement of operation of DA 10397 of 1995 Mod 7, the Applicant shall submit to the Secretary, a report verifying that:
a) the updated Emergency Plan required under condition 56B is effectively in place and that at least one emergency exercise has been conducted; and
b) the updated Safety Management System required under condition 56B has been fully implemented and that records required by the system are being kept.