

Development Consent

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

Under the Minister for Planning's delegation of 4 March 2009, I approve the project referred to in Schedule 1, subject to the conditions in Schedules 1 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

SHaddad

Sam Haddad

Director-General

as delegate of the Minister for Planning

Sydney

7 August 2009

SCHEDULE 1

Application Number:	MP06_0050
Applicant:	Regain Services Pty Ltd
Approval Authority:	Minister for Planning
Land:	638 Tomago Road, Tomago Lot 3 in DP 808004
Project:	Spent Potlining Recycling Facility

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP06_0050-MOD-1	6 November 2016	Director – Industry Assessment	<ul style="list-style-type: none"> remove the restrictions on the source supplier of spent potliner (SPL) waste.
MP06_0050-MOD-2	22 August 2019	Acting Director – Industry Assessment	<ul style="list-style-type: none"> increase the processing capacity of SPL from 20,000 tonnes per year to 60,000 tonnes per year and the installation and operation of an additional thermal treatment plant
MP06_0050-MOD-3	11 April 2025	Acting Executive Director - Energy & Resource Assessment	<ul style="list-style-type: none"> Incorporate an improvement in the thermal treatment process, involving injecting steam into the thermal treatment kiln to enhance SPL hydrolysis.
MP06_0050-MOD-4	14 November 2024	Team Leader – Industry Assessment	<ul style="list-style-type: none"> Construction and operation of a container cleaning station, and use an existing container hardstand area as a transit area for temporary storage of SPL containers.

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DEFINITIONS

Applicant	Regain Services Pty Ltd
BCA	Building Code of Australia
Construction	the demolition and removal of buildings or works, the carrying out of works for the purpose of the Project, including the installation of an additional thermal treatment plant, bulk earthworks, and erection of buildings and other infrastructure permitted by this approval
Council	Port Stephens Council
DECC	Department of Environment and Climate Change
Department	Department of Planning, Housing and Infrastructure
Director General	Director General of Department of Planning, or delegate
EA	Environmental Assessment titled "Construction and Operation of a Spent Potliner Processing Facility, Tomago", dated 1 May 2009 and prepared by ENSR Australia PtyLtd
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection licence
FRNSW	Fire and Rescue NSW
Hydro Aluminium Smelter	Hydro Aluminium Kurri Kurri Ply Ltd, Hart Road, Loxford,
Minister	Minister for Planning and Public Spaces or delegate
MOD 1	Supporting documentation titled Spent Potliner (SPL) Recycling Facility at Tomago Aluminium Smelter - 75W Modification, dated 19 September 2016, prepared by AECOM Australia Pty Ltd and Response to Submissions titled Spent Potliner (SPL) Recycling Facility at Tomago Aluminium Smelter - S75W Modification, dated 19 October 2016 prepared by AECOM Australia Pty Ltd
MOD 2	EA titled Environmental Assessment: Capacity Increase at the Regain Spent Potlining Facility, Tomago, dated 13 November 2018 prepared by AECOM Australia Pty Ltd and Response to Submissions titled Response to Submissions Report: Environmental Assessment-Capacity Increase at the Regain Spent Potlining Facility, Tomago, dated 29 March 2019 prepared by AECOM Australia Pty Ltd and supplementary information titled Regain Spent Potlining Treatment Facility - Response to Submissions MP06-0050 Modification 2: NSW EPA letter dated 24 May 2019 prepared by AECOM Australia Pty Ltd
MOD 3	Environmental Assessment titled Modification Report Process Amendments at the Regain Spent Potlining Facility, Tomago dated 31 August 2023, prepared by AECOM Australia Pty Ltd, Response to Submissions Report titled Process Amendments at the Regain Spent Potlining Facility dated 13 February 2024 prepared by AECOM Australia Pty Ltd, and Additional information titled Regain Services - MOD 3 - Response to agencies RTS Advice, dated 2 August 2024 prepared by AECOM Australia Pty Ltd

MOD 4	Environmental Assessment titled Modification Report SPL Container Cleaning Station and Transit Area dated 26 July 2024, prepared by AECOM Australia Pty Ltd, Response to submissions report titled Regain Services - Additional Information for MOD 4 dated 22 February 2024 prepared by AECOM Australia Pty Ltd, and Supplementary information titled Regain Services - MOD 4 - Request for Additional Information, July 2024 dated 1 August 2024 prepared by AECOM Australia Pty Ltd
Planning Secretary	Secretary of the Department or delegate
Project	The Project as described in the EA, MOD 1, MOD 2, MOD 3 and MOD 4
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
Recycling Facility	The SPL Recycling Facility at the Tomago Aluminium Smelter
Site	The land referred to in Schedule 1
SPL	Spent Pollining
Stage 1 construction	the carrying out of works for the purpose of the Project, as identified in MOD 2 including the construction and installation of the 40,000 tonne per year thermal treatment plant and stormwater controls required to receive and process 60,000 tonnes per year of SPL
Stage 2 construction	the carrying out of works for the purpose of the Project, as identified in MOD 2 including the construction and installation of the drying plant, fine grinding feed bin, fine grinding plant and bulk product bin.
Statement of Commitments	The Applicant's commitments contained within in the EA and documents associated with MOD 1, MOD 2, MOD 3 and MOD 4.
TAC	Tomago Aluminium Company Pty Ltd
Thermal Treatment Plant	The thermal process plant whereby cyanide and flammable gas would be neutralised. Valuable materials such as carbon and fluorides would be retained. The Thermal Treatment Plant is not within a covered building.
Thermal treatment	involves the heat treatment process which would destroy the cyanide and neutralise the flammable gas hazard associated with SPL while retaining carbon, fluorides, and other inorganic compounds

SCHEDULE2

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

Terms of Approval

2. The Applicant shall carry out the project generally in accordance with the:
 - i) Project Application 06_0050;
 - ii) EA;
 - iii) MOD 1;
 - iv) MOD 2;
 - v) MOD 3;
 - vi) MOD 4;
 - vii) Project layout plans and drawings listed in Appendix A and Appendix A1;
 - viii) statement of commitments; and
 - ix) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the [Planning Secretary](#) arising from the Department's assessment of:
 - any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Limits on Approval

5. [The Applicant must not receive or process more than a total of 60,000 tonnes of SPL per year.](#)
6. The SPL Recycling Facility shall recycle SPL into non-hazardous waste or a useable product.

Graphitised Carbon SPL Proof of Performance

Proof of Performance Trial Plan

- 6A. Prior to the commencement of operation of MOD 3, the Applicant must prepare and submit a detailed proof of performance trial plan for the MOD 3 process changes, to the satisfaction of the Planning Secretary and the EPA. The trial plan must include but not be limited to:
 - (a) details of the trials to be undertaken including:
 - i) number of trials and/or batches of SPL to be processed
 - ii) material types, compositions, and quantities to be processed.
 - (b) a description of the air emission monitoring to be undertaken during the trials, including:
 - i) air pollutants to be monitored
 - ii) air pollutant parameters to be monitored (i.e. oxygen content)
 - iii) monitoring methods
 - iv) frequency of monitoring
 - v) duration of monitoring; and
 - vi) location of monitoring.
 - (c) methods for determining cyanide destruction efficiency across the process during the trials
 - (d) methods for determining process temperatures and residence time of the thermal treatment plant, during the trials.

Proof of Performance Report

- 6B. Within 3 months of completion of the proof of performance trial plan required by condition 6A, the Applicant must submit a proof of performance report to the satisfaction of the Planning Secretary and the EPA. The proof of performance report must outline:
- (a) details of the trials undertaken
 - (b) the data collected during the trials
 - (c) the results and calculations for the cyanide destruction efficiency achieved during the trials.

Ongoing Process Changes

- 6C. The Applicant must not commence the MOD 3 process changes (outside of the proof of performance trial required by condition 6A) until such time as the Planning Secretary, in consultation with the EPA, has indicated in writing that it is satisfied with the results in the proof of performance report required under condition 6B.

Management Plans

7. With the approval of the [Planning Secretary](#), the Applicant may submit any management plan required by this approval on a progressive basis.

Structural Adequacy

8. The Applicant shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
 - *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*
9. Prior to the construction of any utility works, the Applicant shall obtain the relevant approvals from service providers, including Hunter Water.

Operation of Plant and Equipment

10. The Applicant shall ensure that all plant and equipment used on the site is:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

SCHEDULE 3

SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Discharges

11. The Applicant shall comply with Section 120 of the Protection of the Environment Operations Act 1997.
12. All SPL waste must be stored and processed under cover or within the thermal treatment plant.

Bunding

13. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with:
 - the requirements of all relevant Australian Standards; and
 - the DECC's *Storing and Handling Liquids: Environmental Protection, Participants Manual*.

Erosion and Sediment Control

14. Erosion and sediment control at the site during construction shall be consistent with the requirements of *Landcom's (2004) Managing Urban Stormwater: Soils and Construction manual*.

Stormwater Management Plan

15. The Applicant shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the [Planning Secretary](#). This plan must:
 - (a) be submitted to the [Planning Secretary](#) for approval prior to construction;
 - (b) be prepared by a suitably qualified and experienced person in consultation with Council; and:
 - include details of erosion and sediment control during construction;
 - include detailed plans of the stormwater management system for the project;
 - ensure the SPL facility is constructed so that the truck loading areas are banded to prevent potential contamination of nearby stormwater drains;
 - describe the storage areas for SPL including details of how SPL will be kept dry and secure (to ensure protection of the groundwater); and
 - describe the procedures for the installation, inspection and maintenance of the stormwater system;
 - describe the monitoring that occurs at the site which would detect any discharges that may affect water quality.

Stormwater Management System

- 15A. Prior to the commencement of Stage 1 operations and the operation of the container cleaning station approved under MOD 4, the Applicant must design, install and operate a stormwater management system (SMS) for the Project. The SMS must:
 - (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be in accordance with the Project as modified by MOD 2 and MOD 4 and the plans at Appendix A and Appendix A1 of this approval;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.
 - (e) demonstrate that the first-flush system is adequately sized to accommodate all catchment areas that would report to the system.
- 15B. Prior to the commencement of Stage 1 and the container cleaning station approved under MOD 4 operations, works-as-executed drawings signed by a registered surveyor must be submitted to the certifying authority demonstrating the stormwater drainage and finished ground levels have been constructed as approved.

- 15C. The surface water management system must be operated and maintained for the duration of the Project.

Container Cleaning Station and Container Transit Area

- 15D. The hardstand area of the Container Cleaning Station must be impervious and fully bunded, to contain any contaminated liquids and solids.
- 15E. SPL shipping containers must remain closed and sealed until such time they are ready to be unloaded in Shed 5.

HAZARDS

Pre-construction

16. At least one month prior to the commencement of Stage 1 construction of the Project as modified by MOD 2 (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections 16(a) to 16(c) below (the pre- construction studies). Construction, other than the preliminary works that are outside the scope of the hazards studies must not commence until approval has been given by the Planning Secretary.
- (a) A Hazard and Operability Study for the Project inclusive of MOD 2, chaired by a qualified person, independent of the Project, approved by the Planning Secretary prior to the commencement of the study. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented. The study must include and not be limited to concurrent operation of the new and existing thermal treatment plants.
- (b) Construction Safety Study prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'.

Pre-commissioning

- 16A. The Applicant must develop and implement the plans and systems set out under subsections 16A(a) and 16A(b) below. No later than two months prior to the commencement of commissioning of the Project, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.
- (a) A comprehensive Emergency Plan and detailed emergency procedures for the proposal. The Emergency Plan shall include consideration of the safety of all people outside of the Project who may be at risk from the Project. The plan shall be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.
- (b) A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Planning Secretary upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

Ongoing - Hazard Audit

- 16B. Within 12 months the commencement of stage 1 operations of the Project and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the Project and within one month of each audit submit a report to the satisfaction of the Planning Secretary. The Hazard Audit must:
- (a) be carried out at the Applicant expense by a qualified person or team, independent of the Project, approved by the Planning Secretary prior to commencement of the audit. Hazard Audits shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*.
- (b) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

- (c) be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Further Requirements

- 16C. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions 16, 16A and 16B inclusive, within such time as the Planning Secretary may agree.

AIR

Air Quality Monitoring and Criteria

- 17. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the project.
- 18. The Applicant must install and operate all SPL plant equipment in line with best practice to ensure the Project complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.

Air Quality Management Plan

- 18A. Prior to the commencement of Stage 1 operations, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition 26D and be prepared in accordance with Condition 26. The AQMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) detail and rank all emissions from all sources of the Project, including particulate emissions;
 - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source; and
 - (e) nominate the following for each of the proposed controls:
 - i) key performance indicator;
 - ii) monitoring method;
 - iii) location, frequency and duration of monitoring;
 - iv) record keeping;
 - v) complaints register;
 - vi) response procedures; and
 - vii) compliance monitoring.
- 18B. The Applicant must:
 - (a) not commence operations until the AQMP required by Condition 18A is approved by the Planning Secretary; and
 - (b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the Project.

Post Commissioning Air Emission Verification Report

- 19. Within 12 months of commissioning Stage 1 operations and Stage 2 operations, the Applicant must submit a post commissioning air emission verification report (AEVR) to the satisfaction of the Planning Secretary (the report). The AEVR must:
 - (a) must be prepared by a suitably qualified and experienced person(s);
 - (b) include all emission test and analytical results from post commissioning emission monitoring required to be undertaken by the EPL;
 - (c) compare the results of the post commissioning monitoring against emission limits contained in the EPL for the relevant emission points where the comparison shows monitored discharge concentrations higher than the EPL limits;
 - (d) must identify mitigation measures to achieve the EPL emission limits; and
 - (e) include details of any amendments to the EPL as a result of the EPA's review of the AEVR.

NOISE

Construction

20. The Applicant shall comply with the restrictions in Table 1, unless otherwise agreed by the Director-General.

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday-Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.

Noise Limits

21. The Applicant shall ensure that the noise from the operation of the project does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day/Evening/Night	Night
		dBA L
Residences on Tomago Road	35 dBA LAeq(15 minute)	45
Industrial receivers	70 dBA LAeq	70

Note:

- a) The noise emission limits identified in the above table apply under meteorological conditions of:
- wind speeds of up to 3 m/s at 10 metres above ground level; and
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

TRANSPORT

22. At all times the Applicant shall ensure that:
- all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the project do not track dirt onto the public road network; and
 - the public roads used by these trucks are kept clean of any Regain products or materials.
23. The Applicant shall ensure that:
- all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage;
 - that the project does not result in any vehicles queuing on the public road network;
 - vehicles associated with the project are operated at low speed or power within the TAC site and are turned off when not being used; and
 - vehicles are not to be left idling for prolonged periods.

WASTE

24. The Applicant shall ensure that waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the DECC's *Waste Classification Guidelines*.

VISUAL

Lighting

25. The Applicant shall ensure that the lighting associated with the project:
- (a) complies with the latest version of Australian Standard *AS 4282(NT)-Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

FOR INFORMATION

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

26. Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - ii) any relevant limits or performance measures and criteria; and
 - iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - i) impacts and environmental performance of the development; and
 - ii) effectiveness of the management measures set out pursuant to paragraph (b) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - ii) complaint;
 - iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

Construction Environmental Management Plan

- 26A. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition 26 and to the satisfaction of the Planning Secretary.
- 26B. The Applicant must:
- i) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - ii) carry out the construction of the Project in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

Operational Environmental Management Plan

- 26C. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Schedule 4 Condition 26 and to the satisfaction of the Planning Secretary.

- 26E. As part of the OEMP required under Condition 26C. of this approval, the Applicant must include the following:
- i) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project;
 - ii) describe the procedures that would be implemented to:
 - i) keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
 - ii) receive, handle, respond to, and record complaints;
 - iii) resolve any disputes that may arise;
 - iv) respond to any non-compliance;
 - v) respond to emergencies; and
 - iii) include the following environmental management plans:
 - i) Air Quality Management Plan (see Condition 1BA).
- 26F. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the Project in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- 26G. Within three months of:
- (a) the submission of a Compliance Report under Condition 28C;
 - (b) the submission of an incident report under Condition 27;
 - (c) the submission of an Independent Audit under Condition 29;
 - (d) the approval of any modification of the conditions of this approval; or
 - (e) the issue of a direction of the Planning Secretary under Condition 261 which requires a review.
- 26H. The strategies, plans and programs required under this approval must be reviewed, and the Department must be notified in writing that a review is being carried out.
- 26I. If necessary to either improve the environmental performance of the Project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

***Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the Project.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

27. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the Project (including the Project application number and the name of the Project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix B.

Non-Compliance Notification

28. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- 28A. A non-compliance notification must identify the Project and the application number for it, set out the condition of approval that the Project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- 28B. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- 28C. No later than six weeks before the date notified for the commencement of operations as described in MOD 2 a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- 28D. Compliance Reports of the Project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- 28E. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least seven days before this is done.

Independent Audit

- 29. No later than four weeks before the date notified for the commencement of operations as described in MOD 2 an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- 30. Independent Audits of the Project must be carried out in accordance with:
 - (a) the Independent Audit Program submitted to the Department under Condition 29 of this approval; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- 31. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
 - (a) the Independent Audit Program submitted to the Department under Condition 29 of this approval; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

Monitoring and Environmental Audits

- 32. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the Project to provide data on compliance with the approval or on the environmental impact of the Project, and an "environmental audit" is a periodic or particular documented evaluation of the Project to provide information on compliance with the approval or the environmental management or impact of the Project.

ACCESS TO INFORMATION

33. At least 48 hours before the commencement of construction until the completion of all works under this approval, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - i) the documents referred to in Schedule 2 Condition 2 of this approval;
 - ii) all current statutory approvals for the Project;
 - iii) all approved strategies, plans and programs required under the conditions of this approval;
 - iv) the proposed staging plans for the Project if the construction, operation or decommissioning of the Project is to be staged;
 - v) regular reporting on the environmental performance of the Project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - vi) a comprehensive summary of the monitoring results of the Project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - vii) a summary of the current stage and progress of the Project;
 - viii) contact details to enquire about the Project or to make a complaint;
 - ix) a complaints register, updated monthly;
 - x) the Compliance Report of the Project;
 - xi) audit reports prepared as part of any Independent Audit of the Project and the Applicant's response to the recommendations in any audit report;
 - xii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX A

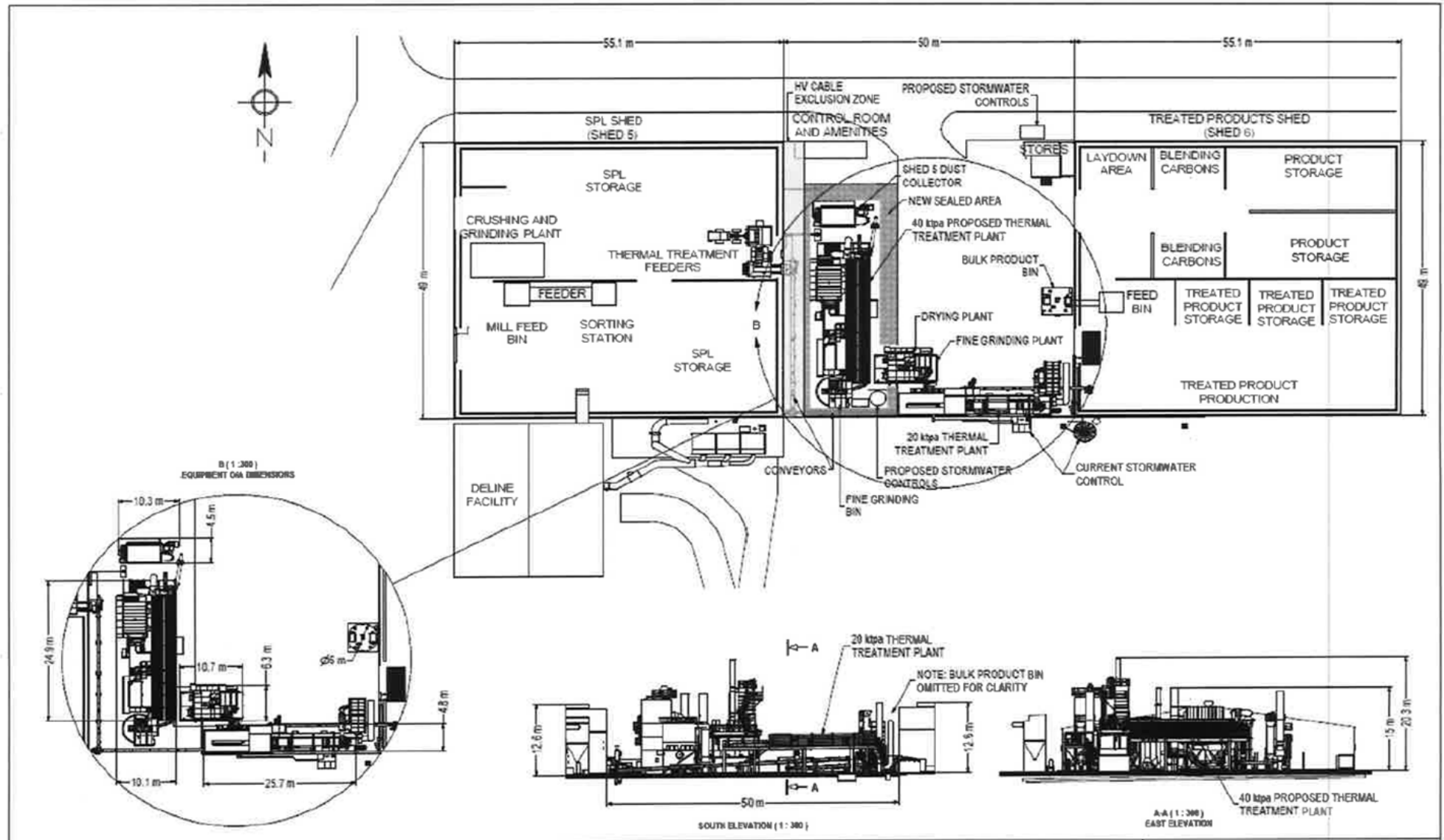


Figure 1: Conceptual Site Layout

APPENDIX A1

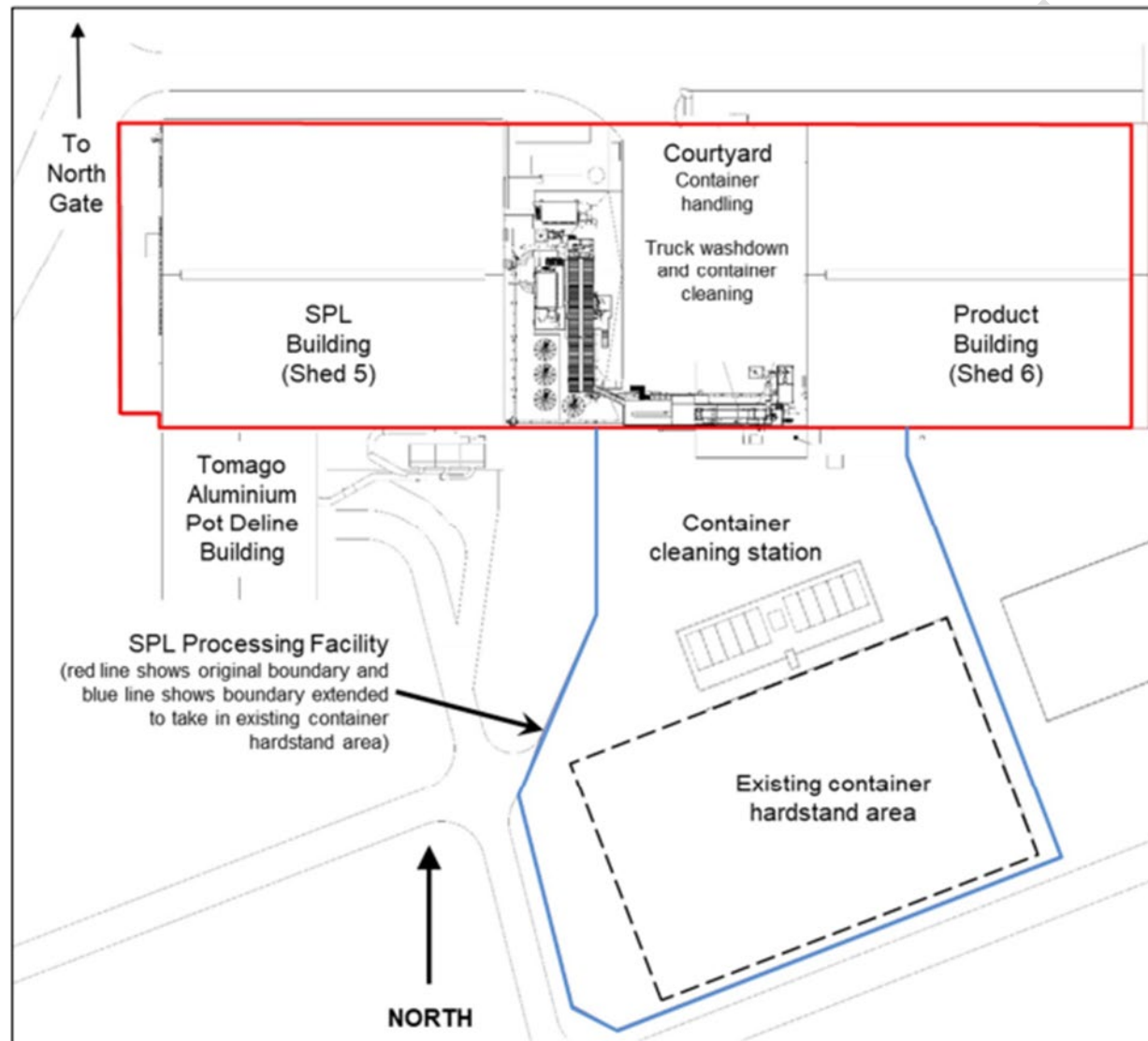


Figure 2: Extended Site Layout

APPENDIX B - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 27 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.