Tomago SPL Processing Facility Capacity Expansion

Pre-operational Compliance Report

Application Number

The Project is the subject of NSW Department of Planning, Industry and Environment (DPIE) Major Project Approval MP06_0050 as modified MOD 2 dated 22 August 2019 (MP06_0050 MOD 2).

Reporting Period

Single report only.

Version Control

Version	Date Prepared	Date Issued	Declaration By	Title
1.1	28 Mar 2024	28 Mar 2024		

Person who Provided Compliance Report Declaration

Title – Managing Director, Regain Services Pty Ltd

Name – Bernard John Cooper

Report prepared by:

Regain Services Pty Ltd

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1. Executive Summary

This Pre-operational Compliance Report has been prepared for the process plant constructed for increased processing capacity of the Spent Potlining Recycling Facility located inside the boundaries of the Tomago Smelter. The facility operated initially under NSW Department of Planning, Industry and Environment Major Project Approval MP06_0050 dated 7th August 2009. The expanded capacity process plant is to operate under NSW Department of Planning, Industry and Environment (DPIE) Major Project Approval MP06_0050 as modified MOD 2 dated 22 August 2019 (MP06_0050 MOD 2).

Condition 28D of MP06_0050 MOD 2 requires that Compliance Reports of the Project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018). The Compliance Reporting Post Approval Requirements June 2018 requires a Pre-operational Compliance Report to be submitted prior to commencement of operation. The Compliance Monitoring and Reporting Program prepared by Regain and submitted on 7 May 2020 also includes the requirement for a Pre-operational Compliance Report.

2. Introduction

2.1. Project Name

Spent Potlining Recycling Facility at Tomago Road, Tomago.

2.2. Project Address

Spent Potlining Recycling Facility located inside the boundaries of the Tomago Smelter, Tomago Road, Tomago

2.3. Project Phase

Commissioning of Stage 1 was completed in March 2024. The capacity expansion project will move from the Pre-operational Phase into Operations Phase with Stage 1 operations scheduled to commence on 2nd April 2024.

2.4. Compliance Reporting Period

This Pre-operational Compliance Report is a single report only as required in table 1 of the Compliance Reporting Post Approval Requirements June 2018.

2.5. Project Activity Summary

Construction of the project was completed in mid-2020. Pre operational activities including commissioning have been severely disrupted by the COVID pandemic initially by restricted access to the Tomago site and then in disruptions to supply chains of critical materials and equipment in the aftermath of COVID. A change in the nature of the raw materials available from Septermbe 2022 meant that the required quantity of suitable raw materials to complete commissioning did not become available until February 2024. During the reporting period two Independent Audits were undertaken. The reports from the audits are key reference documents for this Pre-operational Compliance Report.

2.6. Key Project Personnel

Key personnel who are responsible for the environmental management of the development are:

- John Cooper, Operations Manager, Tomago Spent Potlining Recycling Facility
- Bernie Cooper, Managing Director of Regain Services Pty Ltd.

3. Compliance Status Summary

The Compliance Table which commences on the following page:

- identifies the compliance requirements of MP06_0050 MOD 2
- sets out the compliance monitoring methodology used to assess compliance with each compliance requirement
- sets out the type of data or evidence that has been or is to be provided as evidence of compliance
- the status of each compliance requirement applicable during or at the end the reporting period.

Compliance Table

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 1	The proponent 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.	At all times	Include compliance as item for audits	Audit reports	Compliant
Condition 2	The proponent shall carry out the project generally in accordance with the: a) Project Application 06_0050 b) EA c) MOD 1 d) MOD 2 e) Project layout plans and drawing listed in Appendix A f) Statement of commitments listed in MOD 2; and g) Conditions of this approval	At all times	Include compliance as item for audits	Audit reports	Compliant
Condition 3	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.	At all times	Include compliance as item for audits	Audit reports	Compliant
Condition 4	The proponent shall comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment: • 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.	At all times	Respond to requirements of the Planning Secretary	Correspondence with the Planning Secretary Audit Reports	Not triggered
Condition 5	The proponent must not receive or process more than 60,000 tonnes of SPL per year.	At all times	Production Reports	Annual Reporting – NSW EPA Audit reports	Compliant
Condition 6	The SPL Recycling Facility shall recycle SPL into non-hazardous waste or a useable product.	At all times	Environmental Hazardous Chemicals Act (EHC Act) Licence – Licence Number 88	EHC Act Licence Annual Reports Audit reports	Compliant
Condition 7	With the approval of the Planning Secretary, the Proponent may submit any management plan required by this approval on a progressive basis.	At all times	Submission of management plans to the Planning Secretary	Audit reports	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 8	The proponent shall ensure that all new buildings and structures on the sire are constructed in accordance with the relevant requirements of the BCA. *Notes:* • *Under part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the propose building works* • *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*	At all times	Building Code of Australia (BCA) Appointed BCA Certifier	Construction Certificate Occupation Certificate	Compliant
Condition 9	Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from the service providers, including Hunter Water.	At all times	Correspondence from Hunter Water	Correspondence from Hunter Water	Compliant
Condition 10	The Proponent 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.	At all times	Lifecycle Management System (LMS) Regain Management System (RMS)	Audit reports	Compliant
Condition 11	The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997.*	At all times	Stormwater Management Plan Site Environmental Protection Licence (EPL) Licence Number 13269	Annual EPL Returns Audit reports	Compliant
Condition 12	All SPL waste must be stored and processed under cover or within the thermal treatment plant	At all times	Include compliance as item on audits	Audit reports	Compliant
Condition 13	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund.	At all times	Regular housekeeping inspections Include compliance as item on audits	Housekeeping check sheets Audit reports	Compliant
Condition 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.	Pre-construction	Inspection during construction	246C004 Erosion and Sediment Control Plan v2.2 Inspection checklists	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
condition 15A.	Prior to the commencement of Stage 1 operations, the Proponent 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 the plans at Appendix A 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.	prior to stage 1 operations	Submission of name of suitably qualified person to the Planning Secretary Drawings of stormwater management system prepared by suitably qualified person	DPIE approval of qualified person 116C011 Stormwater Management Plan v2.2 Stormwater Management System Drawings	Compliant
Condition 15B	Prior to the commencement of Stage 1 operations, works-as-executed drawing signed by a registered surveyor must be submitted to the certifying authority demonstrating the stormwater and drainage and finished ground levels have been constructed as approved.	Prior to the commencement of Stage 1 operations	Engage a registered surveyor to inspect the works	As-built drawings signed by registered surveyor	Compliant
Condition 15C	The surface water management system must be operated and maintained for the duration of the project	At all times	Include compliance as item on audits	Audit report	Compliant
Condition 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 Proponent must prepare and submit for the approval of the Planning Secretary the studies set out under subsections 16(a) to 16(c) below (the preconstruction 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. b) Construction Safety Study prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 7'Construction Safety'.	Pre construction	HAZOP report and Construction Safety Study to be submitted to the Planning Secretary	246R005 HAZOP Report for 40,000 tpa SPL Treatment Plant Planning Secretary approval of HAZOP 246R007 Capacity Expansion Stage 1 Construction Safety Study Planning Secretary approval of Construction Safety Study	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 16A	The Proponent must develop and implement the plans and systems set out under subsections 16A(a) and 164(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 Proponent 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'.	Pre-commissioning	Emergency Plan and Safety Management System document to be submitted to the Planning Secretary	116C031 Emergency Response Plan Planning Secretary approval of Emergency Response Plan 246R009 Safety Management System document Planning Secretary approval of Safety Management System document	Compliant
Condition 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 Proponent 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 Proponent 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 Proponent intends to defer the implementation of a recommendation, reasons must be documented.	Within 12 months the commencement of stage 1 operations of the Project and every five years thereafter	Independent auditor to be identified and submitted for approval of Planning Secretary Audits as scheduled	Planning Secretary approval of independent auditor Audit reports	Not triggered

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 16C	The Proponent 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 168 inclusive, within such time as the Planning Secretary may agree.	At all times	Respond to requirements of the Planning Secretary	Correspondence with the Planning Secretary	Not triggered
Condition 17	The Proponent must carry out all reasonable and feasible measures to minimise dust generated by the project	At all times	Include in technical design and OEMP management reviews	Records of review meetings Commissioning reports on improvement projects	Compliant
Condition 18	The Proponent 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.	At all times	6 monthly emissions monitoring	Emissions monitoring reports	Compliant
Condition 18A	The Proponent 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 d) compliance with key performance indicators; e) identify the control measures that that will be implemented for each emission source; and f) 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	prior to stage 1 operations	Suitable qualified person to be identified and submitted for approval of Planning Secretary AQMP to be submitted to the Planning Secretary	AQMP document Planning Secretary approval of suitable person	Compliant

<table>
<tr><th>Unique ID</th><th>Compliance Requirement</th><th>Development phase</th><th>Monitoring methodology</th><th>Evidence and comments</th><th>Compliance Status</th></tr>
<tr><td>Condition 18B</td><td>The Proponent 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.</td><td>prior to stage 1 operations</td><td>AQMP to be submitted to the Planning Secretary</td><td>Planning Secretary approval of AQMP</td><td>Compliant</td></tr>
<tr><td>Condition 19</td><td>Within 12 months of commissioning Stage 1 operations and Stage 2 operations, the Proponent 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 include details of any amendments to the EPL as a result of the EPA's review of the AEVR.</td><td>Within 12 months of commissioning Stage 1 operations and Stage 2 operations</td><td>Suitable qualified person to be engaged to undertake analysis and prepare AEVR</td><td>AEVR submitted to Planning Secretary</td><td>Not triggered</td></tr>
<tr><td>Condition 20</td><td>The Proponent shall comply with the following restrictions:
• Construction
○ Mon-Fri 7:00am - 6:00pm
○ Sat 6:00am - 1:00pm
○ Sun and Public Holidays Nil
• Operation
○ All days Anytime</td><td>At all times</td><td>Monitor site access gate logs</td><td>Site access gate logs</td><td>Compliant</td></tr>
<tr><td>Condition 21</td><td>The proponent 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))<table><tr><th>Location</th><th>Day/Evening/Night</th><th>Night</th></tr><tr><td>Residences on Tomago Road</td><td>35 $dBAL_{Aeq\ (15\ minutes)}$</td><td>45 $dBAL_{Aeq\ (1\ minute)}$</td></tr><tr><td>Industrial Receivers</td><td>70 $dBAL_{Aeq}$</td><td>70 $dBAL_{Aeq\ (1\ minute)}$</td></tr></table></td><td>At all times</td><td>Conduct noise survey after commencement of operations</td><td>Noise survey report</td><td>Compliant</td></tr>
</table>

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 22	At all times the Proponent 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.	At all times	Safe Work Check sheet Loading Trucks Housekeeping inspections	Safe Work Check sheets filled out Housekeeping inspection check sheets	Compliant
Condition 23	The Proponent 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.	At all times	Housekeeping inspections	Housekeeping inspection check sheets	Compliant
Condition 24	The proponent shall ensure that waste would be reused, recycled and if necessary, appropriately construction/operation treated and disposed of in accordance with DECC's Waste Classification Guidelines.	At all times	Include compliance as item on audits	Audit reports	Compliant
Condition 25	The Proponent shall ensure that the lighting associated with the project: a) complies with the latest version of Australian Standard AS 4282(/N7)-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.	At all times	Electrical lighting design check	Document on lighting design check	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 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.	At all times	Review each management plan for compliance with condition 26 requirements	Documented plans	Compliant
Condition 26A	The Proponent must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition 26 and to the satisfaction of the Planning Secretary.	Prior to construction	CEMP to be submitted to the Planning Secretary	246C003 Construction Environmental Management Plan Planning Secretary approval of the CEMP	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 26B	The Proponent must: a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and b) (b) 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.	Prior to and during construction	Inspections during construction Audit during construction	Inspection check sheets Audit Report	Compliant
Condition 26C	The Proponent 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.	Prior to stage 1 operations	OEMP to be submitted to the Planning Secretary	116C004 OEMP Planning Secretary approval of the OEMP	Compliant
Condition 26D	As part of the OEMP required under Condition 26C. of this approval, the Proponent must include the following: a) describe the role, responsibility, authority and accountability of al l key personnel involved in the environmental management of the Project; b) 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 c) include the following environmental management plans: (i) Air Quality Management Plan (see Condition 18A).	At all times	Review OEMP against requirement items	**Documented OEMP**	Compliant
Condition 26E	The Proponent must: a) not commence operation until the OEMP is approved by the Planning Secretary; 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).	At all times	Include compliance as item on audits	Planning Secretary approval of the OEMP Audit reports	Compliant
Condition 26F	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	At all times	See condition 26G below	See condition 26G below	Not triggered

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 26G	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.	At all times	Reviews conducted and strategies, plans and programs revised	Management review records Revised strategies, plans and program documents Notifications to the Department	Not triggered
Condition 26H	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.	At all times	Revised documents to be submitted to the Planning Secretary	Approval of the Planning Secretary	Not triggered
Condition 27	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent 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.	At all times	The Department to be notified in accordance with 116D002 Notifiable Incident Procedure v2.1 Subsequent investigation in accordance with 105B041 Hazard Incident and Investigation Reporting Standard v2.0 - 6 June 201	Notifications to the Department	Not triggered
Condition 28	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of any non-compliance.	At all times	The Department to be notified in accordance with 116D002 Notifiable Incident Procedure v2.1	Notifications to the Department	Not triggered
Condition 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.	At all times	Notifications to include information required	Content of notifications to the Department	Not triggered
Condition 28B	A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.	At all times	See condition 27	See condition 27	Not triggered

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 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.	6 weeks prior to the commencement of operations	Compliance Monitoring and Reporting Program to be prepared and submitted to the Planning Secretary	246G002 Compliance Monitoring and Reporting Program	Compliant
Condition 28D	Compliance Reports of the Project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	At all times	Review Compliance reports against Compliance Reporting Post Approval Requirements (Department 2018)	Compliance Reports	Compliant
Condition 28E	The Proponent 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.	At all times	Post Compliance Reports in Regain website	Compliance Reports on Regain website	Not triggered
Condition 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.	4 weeks prior to commencement of operations	Independent Audit Program to be submitted to the Department	Independent Audit Program document submitted	Compliant
Condition 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)."	Operations	Conduct Independent Audits in accordance with the program	Independent Audit Reports	Compliant
Condition 31	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Proponent must: a) review and respond to each Independent Audit Report prepared under Condition 30 of this approval; b) submit the response to the Department; and c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notifo the Department in writing at least seven days before this is done.	Operations	Post Audit Reports in Regain website	Independent Audit Reports submitted to the Department and posted on Regain website Letter from Department January 2024	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Condition 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.	At all times	Audit review of compliance with requirement of condition 32	Audit reports	Compliant
Condition 33	At least 48 hours before the commencement of construction until the completion of all works under this approval, the Proponent 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 Proponent'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.	48 hrs prior to the commencement of construction	Required information to be posted on Regain website	Information posted on Regain website at www.regainmaterials.com/about/operations/Tomago	Compliant

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Appendix B Item 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.aum 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.	At all times	The Department to be notified in accordance with 116D002 Notifiable Incident Procedure v2.1 Subsequent investigation in accordance with 105B041 Hazard Incident and Investigation Reporting Standard v2.0 - 6 June 201 Include compliance with the requirements of Appendix B Items 1 and 1 in audits	Incident notifications to the Department Audit Reports	Not triggered
Appendix B Item 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.	At all times	See Appendix B, Item 1 above	See Appendix B, Item 1 above	Not triggered
Appendix B Item 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.	At all times	Include compliance with the requirements of Appendix B Items 3 and 4 in audits	Incident Reports to the Department Audit reports	Not triggered

Unique ID	Compliance Requirement	Development phase	Monitoring methodology	Evidence and comments	Compliance Status
Appendix B Item 4	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.	At all times	See Appendix B, Item 3 above	See Appendix B, Item 3 above	Not triggered

4. Non-Compliances

There are no non-compliances to report.

5. Previous Report Actions

There were no previous report actions.

6. Incidents

There were no incidents to report.

7. Complaints

There were no complaints to report.

Appendix

Compliance Report Declaration Form

Appendix

Compliance Report Declaration Form

Project Name	Tomago Sent Potlining Processing Facility Capacity Expansion
Project Application Number	MP06_0050 MOD 2
Description of Project	Spent Potlining Recycling Facility at Tomago Road, Tomago
Project Address	Tomago Aluminium Smelter, Tomago Road, Tomago (Lot 3 in DP 808004)
Proponent	Regain Services Pty Ltd
Title of Compliance Report	Pre-operational Compliance Report
Date	28 March 2024

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer	Bernard John Cooper
Title	Managing Director
Signature	
Qualification	Bachelor of Engineering, Master of Business Administration, Fellow of the Institution of Engineers Australia, CPEng, EngExec, NER, APEC Engineer, IntPE(Aus), Member of the Australian Institute of Company Directors
Company	Regain Services Pty Ltd
Company Address	Unit G62, 63 to 85 Turner Street, Port Melbourne, VIC 3207, Australia