

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
A/ Executive Director
Energy, Resource and Industry Assessments

Sydney

11 April 2025

SCHEDULE 1

Development Consent

Development consent: MP06_0050 granted by the then Director-General on 7 August 2009
For the following: Spent Potlining Recycling Facility at Tomago Road, Tomago

Modification 3

Modification Application: MP06_0050-Mod-3
Modification to:

- Incorporate an improvement in the thermal treatment process, involving injecting steam into the thermal treatment kiln to enhance SPL hydrolysis.

Applicant: Regain Services Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 638 Tomago Road, Tomago
Lot 3 in DP 808004

SCHEDULE 2

The consent is modified as follows:

In Schedule 1:

1. In definitions, delete the definitions for Project, Proponent and Statement of Commitments and insert the following definitions in alphabetical order:

Applicant	Regain Services 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
Project	The Project as described in the EA, MOD 1, MOD 2, MOD 3 and MOD 4
Statement of Commitments	The Proponent's commitments contained within the EA and documents associated with MOD 1, MOD 2, MOD 3 and MOD 4.

In Schedule 2, Administrative Conditions:

2. Delete all references to "Proponent" and replace with "Applicant"
3. Delete Condition 2 and replace with the following:
 2. The Applicant shall carry out the project generally in accordance with the:
 - a) Project Application 06_0050;
 - b) EA;
 - c) MOD 1;
 - d) MOD 2;
 - e) MOD 3;
 - f) MOD 4;
 - g) Project layout plans and drawings listed in Appendix A and Appendix A1;
 - h) statement of commitments; and
 - i) conditions of this approval.
4. Immediately after Condition 6 insert new subheadings and Conditions 6A to 6C as follows:

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 demonstrating that emissions limits required by the EPA can be achieved
 - d) contingency measures for ensuring that emissions limits required by the EPA can be achieved

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.

In Schedule 3, Specific Environmental Conditions:

- 5. Delete all references to "Proponent" and replace with "Applicant"
- 6. In Condition 15A, replace the words "prior to the commencement of Stage 1 and MOD 4 operations" with "prior to the commencement of Stage 1 operations and the operation of the container cleaning station approved under MOD 4"
- 7. In Condition 15B, replace the words "MOD 4" with "the container cleaning station approved under MOD 4"

In Schedule 4, Environmental Management and Reporting:

- 8. Delete all references to "Proponent" and replace with "Applicant"

End of modification

(MP06_0050-Mod-3)