



Our ref: DOC21/880003-2

Your ref: SSI-6666

Sheelagh Laguna

Principal Planning Officer
Energy Resource Assessment
Department of Planning, Industry and Environment
sheelagh.laguna@planning.nsw.gov.au

Dear Sheelagh

Hydro Aluminium Kurri Kurri Aluminium Smelter Remediation – MOD 2 Amend boundary and remove Condition B38 (SSI-6666) – Review of Environmental Impact Statement

I refer to your email dated 7 October 2021 in which Planning and Assessments Group (P&A) of the Department of Planning, Industry and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the proposed amendment of the boundary and removal of Condition B38 for the Hydro Aluminium Kurri Kurri Aluminium Smelter Remediation project, located at Kurri Kurri in the Cessnock City local government area.

BCD has reviewed the '*Hydro Remediation Project Modification 2 To SSD 6666 – Project Boundary and Aboriginal Heritage Amendments*' (prepared by Ramboll Australia Pty Ltd. and dated 7 September 2021), including relevant appendices, annexures and attachments in relation to impacts on biodiversity and flooding. The Modification generally relates to boundary amendments and changes to Aboriginal heritage requirements (Condition 38), including reduction of the vegetation clearance area, and the associated re-calculated biodiversity credit requirements (as described in Condition B41 of the development consent for SSD 6666).

BCD's recommendations on biodiversity and flooding are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you require any further information regarding this matter, please contact Steve Lewer, Senior Regional Biodiversity Conservation Officer on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

STEVEN CRICK
Senior Team Leader - Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B
Date: 20 October 2021

BCD's recommendations

Hydro Aluminium Kurri Kurri Aluminium Smelter Remediation – MOD 2 Amend boundary and remove Condition B38 (SSI-6666)

Biodiversity

1. The accredited assessor should reassess the impacts on koalas and recalculate the 'species credit' obligation for the remaining impacted koala habitat, namely Plant Community Type 1633 – *Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area*.

Flooding and flood risk

2. No further flooding assessment is required.

BCD's detailed comments

Hydro Aluminium Kurri Kurri Aluminium Smelter Remediation – MOD 2 Amend boundary and remove Condition B38 (SSI-6666)

Biodiversity

1. Assessment of koalas is still required

Previously the project required the retirement of 35 koala 'species credits' due to the removal of 1.35 ha of the Plant Community Type (PCT) 1633: '*Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area. Eucalyptus parramattensis* subsp. *parramattensis*' is considered a 'Koala use tree species' for the Central Coast koala management area, which includes City of Cessnock, under the revised State Environmental Planning Policy (Koala Habitat Protection) 2021.

In light of the amended footprint and reduction in vegetation clearance, Table 3.2 in Appendix 2 – Biodiversity Assessment of the EIS implies that these revised impacts have reduced the impact to koala habitat to zero. However, BCD notes that the revised clearing impact to PCT 1633 is still 0.97 ha.; a reduction in clearing of only 0.38 hectares. It appears the koala has been disregarded in this instance on the age of the known record (1980) and the uncertainty surrounding of the koala population in the Cessnock area and what its habitat requirements are (including feed trees).

BCD recommends the 'precautionary approach' is adopted when there is uncertainty or lack of clarity in potential koala habitat. As per the previous assessment, BCD agrees that the koala should be assumed to be present, unless appropriated surveys are undertaken in accordance with DPIE guidelines and *State Environmental Planning Policy (Koala Habitat Protection) 2021* to prove otherwise.

BCD considers that assessment of koalas for the project is appropriate and as such the 'species credits' obligation should be recalculated on the basis of the reduced development footprint, namely the remaining the 0.97 ha PCT1633.

Recommendation 1

The accredited assessor should reassess the impacts on koalas and recalculate the 'species credit' obligation for the remaining impacted koala habitat, namely Plant Community Type 1633 – *Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area*.

Flooding and flood risk

2. BCD is satisfied with the flooding and flood risk assessment

BCD is satisfied with the flooding and flood risk assessment in the EIS and no further flooding assessment is required.

Recommendation 2

No further flooding assessment is required.