

BRIEFING NOTE



Title: Biodiversity Certification & Biodiversity Stewardship Sites

To: James Lowe, Development Officer, McCloy Group.

From: Jeffrey Bretag, Planning Director, McCloy Group.

Date: 27 May 2025.

Subject: Biodiversity approvals to enable the development of residential and employment lands within the project known as 'Regrowth – Kurri Kurri'.

Purpose: The purpose of this Briefing Note is to provide an overview of proposed Biodiversity Certification and Biodiversity Stewardship Sites at 'Regrowth – Kurri Kurri' (**APPENDIX A**).

Issue: The issue is that the proposed Biodiversity Certification is required to approve the biodiversity impact at 'Regrowth – Kurri Kurri' due to Significant Areas of Indigenous/Important Habitat (SAII), such as the Regent Honeyeater and Swift Parrot.

Key Facts/Background:

Since the closure of the Kurri Kurri Aluminium Smelter in 2012, the future use of its lands, has been under investigation for a mixture of employment, residential and environmental.

Given the larger scale of 'Regrowth – Kurri Kurri', the proponents, being Hydro Aluminium and Loxford Project Management Pty Ltd (McCloy and Stevens Groups) commenced the process of obtaining Biodiversity Certification under the Biodiversity Conservation Act 2016.

It was also considered that the consent authority, being Cessnock City Council, was unlikely to approve multiple Biodiversity Development Assessment Reports (BDAR)s that incrementally proposed to remove SAII Habitat, such as the Regent Honeyeater and Swift Parrot.

Over the past decade, ecological surveys and regular meetings have taken place with the NSW Department of Climate Change, Energy and the Environment (DCCEEW). In 2022, a key milestone was achieved when DCCEEW confirmed that no further avoidance would be requested by stating:

'I can confirm that we will not request any further avoidance of impacts that relate to swift parrot and regent honeyeater or their habitat. I am not aware of any other biodiversity issues that would require changes to the proposed zone boundaries at this stage either'.

This Statement from DCCEWW then provided the Department of Planning, Housing and Infrastructure (DoPHI) with the confidence to finalise the planning proposal in multiple stages.

This Statement also provided Loxford Project Management Pty Ltd with the confidence to refer the project to Commonwealth under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC) Act. On 7 March 2025, the decision to approve 'Regrowth – Kurri Kurri' was received by the Commonwealth DCCEWW (**APPENDIX B**).

Current Situation/Context:

NSW DCCEWW have advised that the Biodiversity Stewardship Site Agreements will need to be in place before the Biodiversity Certification Agreement can be finalised.

In September 2025, the McCloy Group were provided with draft Biodiversity Stewardship Site Agreements. However, these draft agreements required that the Total Fund Deposit (TFD) be paid upfront (circa \$11M). This was in stark contrast to the staged approach that had previously been discussed with NSW DCCEWW. The upfront payment was considered to be unacceptable by Loxford Project Management Pty Ltd and so the draft agreements could not be signed.

A revised approach has since been negotiated whereby the total remaining TFD would be paid five years after signing the Biodiversity Stewardship Site Agreements, subject to some fencing and weed management actions being completed within the first five years. Since this time, a number of meetings have taken place with NSW DCCEWW regarding this fencing and weed management.

On 18 May 2026, NSW DCCEWW advised that they were aiming to have the Biodiversity Stewardship Agreements finalised and signed by the end of June 2026. While the separate section of NSW DCCEWW that is managing the Biodiversity Certification advised on 1 May 2026 that they have made the appropriate changes and that it is now awaiting Director's approval.

From this point, it is reasonable to expect that a minimum of three months is left in the approval process for the Biodiversity Stewardship Sites and Biodiversity Certification.

Attachments/References:

APPENDIX A – Map of Certification and Stewardship Sites

APPENDIX B – EPBC Approval