

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

File: EF21/8225

Sydney 4 March 2022

SCHEDULE 1

Development Consent

Development Consent: SSD 6666 granted by the Minister for Planning and Public Spaces on 23 December 2020

For the following:

Remediation of the former Hydro Kurri Kurri Aluminium Smelter site including:

- excavation of onsite contaminated areas
- excavation and treatment of Capped Waste Stockpile (CWS) material
- construction of a purpose-built containment cell
- placement of contaminated materials in the containment cell
- treatment of contaminated groundwater plume originating from the CWS
- ongoing management of the containment cell in perpetuity

Modification 2

Modification Application: SSD-6666-MOD-2

Modification to:

- reduce vegetation clearance area
- remove the designation of the northern area east of the Clay Borrow Pit as a potential archaeological deposit, and hence excavate and remediate this area

Applicant: Hydro Aluminium Kurri Kurri Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: Land as defined in Appendix 2 of the development consent

SCHEDULE 2

This consent is modified as follows:

In Schedule 2, Part B: Specific Environmental Conditions

1. Delete Condition B38.

2. Delete Condition B41, and replace with the following:

B41. Prior to vegetation clearing for remediation works, or within another timeframe agreed with the Planning Secretary, the Applicant must retire:

(a) 98 ecosystem credits, including:

- i. 68 ecosystem credits for removal of 0.97 ha of Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area; and
- ii. 30 ecosystem credits for removal of 0.56 ha of Spotted Gum – Red Ironbark – Narrow-leaved Ironbark – Grey Box shrub-gross open forest of the lower Hunter; and

(b) 96 species credits, including:

- i. 5 species credits for Green-thighed frog (*Litoria brevipalmata*);
- ii. 25 species credits for Koala (*Phascolarctos cinereus*);
- iii. 9 species credits for Southern Myotis (*Myotis macropus*);
- iv. 43 species credits for Regent Honeyeater (*Anthochaera phrygia*); and
- v. 14 species credits for *Eucalyptus parramattensis* subsp. *decadens* (*Eucalyptus parramattensis* subsp. *decadens*)

to offset the removal of 1.53 hectares of vegetation on site.

Note: *If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014.*