



DOC16/396401-7

Ms Kate Masters  
Industry, Key Sites & Priority Projects  
Department of Planning and Environment  
kate.masters@planning.nsw.gov.au

**RE: FORMER HYDRO ALUMINIUM SMELTER, KURRI KURRI – DEMOLITION AND REMEDIATION PROJECT (SSD 6666)**

I refer to your letter dated 8 August 2016, seeking comments on the proposed demolition and remediation of the former Hydro Aluminium smelter, Kurri Kurri. The Office of Environment and Heritage (OEH) has undertaken a review of the EIS titled '*Environmental Impact Statement: Former Hydro Aluminium Kurri Kurri Smelter and Demolition and Remediation*' and relevant appendices, prepared for Hydro Aluminium Kurri Kurri Pty Ltd by Ramboll Environ (dated July 2016). OEH's review is in relation to threatened biodiversity, Aboriginal cultural heritage, and flooding / floodplain management issues.

**Biodiversity**

OEH acknowledges that the work undertaken for the Demolition and Remediation Project has been completed concurrently with the Biodiversity Certification project. OEH also acknowledges that it has been consulted during the development of the survey methodology and effort and is therefore accepting of the approach taken. In regards to the BioBank calculations used to inform the credit requirements for the project, OEH has to assume that they are correct as the calculator was not reviewed as only the input data was provided.

The EIS states that in regards to the retirement of the necessary credits "*a credit transfer is to be completed subsequent to a BCAM assessment on the Hydro land*". However, it should be noted that the Biodiversity Certification process does not generate tradable credits, therefore, none of the credits generated within the Biodiversity Certification Assessment Area (BCAA) as part of the potential Biodiversity Certification are able to be utilised for this proposal. OEH understands that BioBank sites may be established outside of the BCAA and are likely to occur concurrently with the Biodiversity Certification. However, based on the above, the retirement of credits should not be contingent on the Biodiversity Certification in regards to the timing or as a source of credits

OEH is of the opinion that the cumulative impact of this project has not been adequately assessed. There is little consideration of the cumulative impact associated with the rezoning proposal that is being developed for the remainder of the Hydro owned lands.

In regards to the timing of the retirement of credits, OEH's preference is always to resolve these matters during the public consultation phase. However, OEH does not object to deferring the retirement of the necessary credits as long as conditions of consent ensure that the appropriate credits are retired. In regards to the wording of the conditions of consent, there needs to be a limit on how long the retirement

of credits can be deferred to ensure that any ecological risks from a time-lag in their delivery is minimised.

### **Aboriginal cultural heritage**

OEH has reviewed the report prepared by AECOM titled '*Former Hydro Aluminium Smelter: Aboriginal Cultural Heritage Assessment*' report prepared for Hydro Aluminium Kurri Kurri Pty Ltd (AECOM 2015).

OEH accepts the Management Strategies outlined in Section 10.0 of AECOM 2015:102. OEH acknowledge that no significant ground disturbance is proposed for the portion of the Project area that has been identified as likely to contain Potential Archaeological Deposits (PAD) with conservation value at the northern end of the project area as detailed in Figure 23 Archaeological Sensitivity map in AECOM 2015. It is noted, however, that Archaeological testing in accordance with the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* will be a requirement for this area prior to any future project related activities that may propose any disturbance to this PAD. OEH additionally requests that this identified area of PAD be registered on the OEH Aboriginal Heritage Information Management System (AHIMS).

### **Flooding and floodplain management**

OEH provided recommended Secretary's Environmental Assessment Requirements for this development which contained a number of flooding assessments. The EIS has not adequately addressed these flooding requirements.

The EIS states that the site of the containment cell is not in an area prone to flooding. A map of the 1% flood extent is provided in the EIS. The source of the map is not stated in the EIS and no other flooding information is provided. The map appears to show flooding from Swamp Creek. Examination of aerial views of the site available on 'Nearmap' indicate that an un-named tributary of Black Waterholes Creek passes through Hydro Aluminium Lands towards the western side of the proposed containment cell. This creek passes between the demolition site and the proposed containment cell. No flood analysis is provided in respect of this creekline and the EIS indicates that the "*un-named ephemeral watercourse*" will be blocked and diverted around construction works. The catchment area of this watercourse appears to be large as evidenced by crossing works provided for the Hunter Expressway and aerial views of the watercourse extent. Flooding information for this watercourse is required to be provided in the EIS together with details of how the watercourse may be diverted through the site. This may also trigger requirements for controlled activities approvals under the *Water Management Act 2000*.

Flooding is mentioned in the risk assessment section of the EIS, however, no analysis or mitigation is presented. The EIS is required to provide information regarding risks to the development from flooding up to and including the Probable Maximum Flood event. Insufficient flooding information is provided in the EIS to enable an assessment of impact to be made.

If you require any further information regarding this matter please contact Ziggy Andersons, Conservation Planning Officer, on 4927 3151.

Yours sincerely



12 SEP 2016

**RICHARD BATH**  
**Senior Team Leader Planning, Hunter Central Coast Region**  
**Regional Operations**