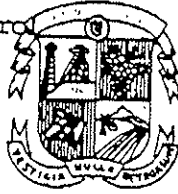


## Council of The City of Cessnock

CONTACT:  
OUR REF:Development Control  
118/692/102ADDRESS ALL COMMUNICATIONS TO  
THE TOWN CLERK  
P.O. BOX 152  
CESSNOCK, N.S.W. 2325

YOUR REF:

TELEPHONE: (049) 90 2044  
FACSIMILE: (049) 90 2384

The Manager,  
Alcan Australia Limited,  
P.O. Box 1,  
KURRI KURRI. 2327.

Dear Sir,

Development Application No. 118/692/102 for Upgrades to Waste Storage  
Facilities on Portions 318, 413 & 414, Hart Road, Loxford.

I refer to your application of 17th June, 1992 and wish to advise that this application has been determined in the manner specified in the enclosed notice.

It should be noted that where a consent relates to the erection of new buildings or the extension, renovation or rebuilding of existing buildings, work on the proposed development shall not commence until such time as the appropriate Building Permit has been obtained from the Council. All enquiries in this regard should be directed to the Council's Environmental Services Department. It is suggested that the Environmental Services Department be contacted before final plans are prepared.

Yours faithfully,

Handwritten signature of J.R. Stapleton in cursive script.

(J.R. STAPLETON),  
ACTING GENERAL MANAGER.

Per:   
Enclosures.

11 January, 1993  
1.52



ADMINISTRATIVE CENTRE, 1 NORTH AVENUE, CESSNOCK, N.S.W. 2325

# Council of The City of Cessnock

CONTACT:  
OUR REF:  
YOUR REF:



ADDRESS ALL COMMUNICATIONS TO  
THE TOWN CLERK  
P.O. BOX 152  
CESSNOCK, N.S.W. 2325  
TELEPHONE: (049) 90 2044  
FACSIMILE: (049) 90 2384

Environmental Planning and Assessment Act, 1979.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION.

To: Alcan Australia Limited of Kurri Kurri being the applicant in respect of Development Application No. 118/692/102.

Pursuant to Section 92 of the Act notice is hereby given of the determination by the Council of the City of Cessnock of Development Application No. 118/692/102 relating to the land and development described as follows:-

Land:

Portions 318, 319, 413 & 414, Hart Road, Loxford, Parish of Heddon.

Development:

Upgrades to Waste Storage Facilities at Alcan's Kurri Kurri Smelter.

The development application has been determined by:-

Granting of consent subject to the conditions specified in the attached notice.

(The conditions of consent are listed in the schedule annexed to this notice.)

Endorsement of date of consent 11 January, 1993.

.....*D.L. Coode*.....  
DEVELOPMENT CONTROL MANAGER

.....11/1/93.....  
DATE

NB: PLEASE READ THE NOTES ATTACHED REGARDING LAPSING OF CONSENT, APPEALS, ETC.

1.53



ADMINISTRATIVE CENTRE, 1 NORTH AVENUE, CESSNOCK, N.S.W. 2325

DEVELOPMENT APPLICATION NO. : 118/692/102  
APPLICANT/OWNER : ALCAN AUSTRALIA LIMITED  
PROPERTY : PORTIONS 318, 319, 413 & 414,  
HART ROAD, LOXFORD, PARISH OF HEDDON  
AREA : 91.03HA  
ZONING : 1(a) RURAL 'A'

---

Report prepared by Town Planner, Mr. Gary Wallis

SUMMARY:

Alcan Australia Limited have submitted an application to upgrade the waste storage facilities at their Kurri Kurri Smelter. The development is designated development. The proposed alterations are superior to current procedures. No objections were received. The application is supported.

Proposal:

Alcan's Kurri Kurri Smelter creates aluminium in pots which are lined. The life of the lining is limited and eventually it fails and is removed. The waste is called Spent Pot Lining or S.P.L. This S.P.L. is rich in many chemicals of which fluoride and cyanide are the principal environmental concerns.

Since the commissioning of the smelter in 1969, S.P.L. has been stored onsite in an above ground, uncovered landfill known as the Spent Cathode Pile. The pile is enclosed by an earthen bund wall which fills with leachate. This then leaks into streams and ground water effecting the environment downstream.

After considering a range of alternatives, it has been decided to cover the Spent Cathode Pile with a capping and to separate future S.P.L. for storage in above ground sheds.

A copy of the Environmental Impact Statement has already been distributed for the benefit of Council.

Site Characteristics:

The land is located to the north of Kurri Kurri off Hart Road. The Spent Cathode Pile and the location of the proposed sheds are within the grounds of the smelter site. For the benefit of Council a plan of the smelter is provided.

The land uses in the general vicinity of the smelter are varied and few of these will be affected. The area most beneficial is that down stream of the smelter. This would be Swamp Creek and Wentworth Swamps.

LEP/DCP/Council Policy Requirements:

The land is zoned 1(a) Rural "A" under the Cessnock Local Environmental Plan, 1989. The proposal, as well as the smelter itself, is prohibited under the zoning. The application has been considered under existing use rights provisions. The proposed increase in area is 1% and thus complies with Clause 52 of the Environmental Planning and Assessment Regulation. The application also falls within the ambit of designated development and the associated statutory requirements.

.../2

Relevant Section 90 Matters:

Any Environmental Planning Instrument -

In accordance with the provisions for designated development, the application was accompanied by an Environmental Impact Statement which was satisfactory in form and content.

The application was advertised and notified as required. No responses were received. Those statutory authorities which may have had an interest in the application were also notified. Five responses were received.

Impact of the Development of the Environment -

The proposed alterations do not involve any increased environmental impact. They have been designed to mitigate those impacts already existing. At worst, if the measures fail, the result is no worse than the current situation. However, from the information supplied and the input of statutory authorities, it is believed that the upgrades will successfully control further impact associated with the storage of S.P.L.

Risk -

In accordance with State Environmental Planning Policy 33, Hazardous and Offensive Development, a preliminary hazard analysis was undertaken. Due to the nature of S.P.L. there was no risk associated with it's storage which could not be overcome through appropriate design. These measures have been incorporated in the proposal.

Relationship to Adjoining Land -

The nearest property located downstream of the proposal, not owned by Alcan, is 1.5km. The proposed development can only improve, not worsen, any impact originating from the Spent Cathode Pile.

Soil Erosion -

The application involves the extraction of clay from a pit on Alcan's property for use in the capping. This and the capping process itself have the potential to cause erosion. An appropriate condition of consent will ensure no harm is caused.

Representation from other Authorities -

The following statutory authorities were notified. Environmental Protection Authority, National Parks and Wildlife Service, Hunter Water Corporation, Conservation and Land Management, Department of Water Resources, N.S.W. Agriculture and the Hunter Valley Catchment Management Trust. The latter 2 declined to comment.

No authority who commented believed the proposal to be inappropriate or raised concerns which would warrant non-support of this application. Suggested conditions have been incorporated in the proposed conditions of consent.

.../3

Any Submission made under Section 87 -

The application was advertised and notified in accordance with Section 87 of the Environmental Planning and Assessment Act, 1979. Very little interest was shown during the exhibition period, and ultimately, no submissions from the general public were received.

Conclusion:

The application submitted will upgrade the waste storage procedures to current best standards. Although the proposal is designated development, there can be no greater environmental impact as a consequence of this development, only the distinct possibility of a decrease. This being the case, the application is supported.

RECOMMENDATION that the application be approved subject to the following conditions.

General

1. The applicant shall carry out the development in accordance with the Environmental Impact Statement prepared by Dames and Moore, titled "Upgrades to Waste Storage Facilities at the Alcan Australia Limited, Kurri Kurri Smelter", in accordance with Section 77(3) of the Environmental Planning and Assessment Act, 1979, and certified by Gordon Sutcliffe and the Supplementary Report to accompany the Environmental Impact Statement compiled by Hugh McLean, John Swan and Paul Wenta and as may be modified by the following conditions.
2. This consent is limited to the erection of storage buildings only within that area designated future storage sheds on plans numbered 83A-30001 and 83A-30002. No further extension shall be granted without approval of the consent authority.
3. Building or construction work must be confined to the hours between 7.00 a.m. and 6.00 p.m. Monday to Friday, and 7.00 a.m. to 1.00 p.m. Saturday, with a total exclusion of such work on Public Holidays and Sunday. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, magnesite flooring, painting, building or site cleaning by hand shovel and site landscaping or such work as approved by Council's City Health and Building Surveyor shall be permitted between the hours of 1.00 P.m. to 4.00 p.m. Saturdays.

Borrow Pit

4. An erosion control and rehabilitation plan for the borrow pit shall be submitted to Council. This plan shall be prepared to the satisfaction of the Development Control Manager and approved prior to commencement of operations.

.../4

Capping of Spent Cathode Pile

5. A construction safety program shall be prepared and submitted for approval by the Development Control Manager prior to commencement of any on-site construction.

This plan shall address, but not be limited to:-

- a) measures to protect the environment from accidental spillage of SPL during transfer of buried material for incorporation on Spent Cathode Pile.
  - b) measures to protect the environment during refuelling and maintenance of plant used in regrading and capping the Spent Cathode Pile.
  - c) measures to ensure the safety of personnel involved in the capping of the Spent Cathode Pile.
6. The regrading of the spent cathode pile shall cease at any time when the average hourly wind velocity exceeds 5.6 metres per second from any direction up until such time as the hydraulic layer is in place.
  7. Prior to the commencement of works a report indicating the means by which to control erosion of the capping shall be submitted and approved by the Development Control Manager. This report shall address, but not be limited to:-
    - a) means by which top soil will be retained.
    - b) means used to promote growth of vegetation.
    - c) types of vegetation proposed to be used.
    - d) reparatory measures where erosion may occur.
  8. All bund walls or batters shall have gradients of 1:2 or less.
  9. Prior to commencement of works a quality control programme in relation to waste disposal shall be submitted and approved by the Development Control Manager.
  10. Upon completion of the capping a report detailing the work conducted at the site and quality control certification, shall be submitted to Council.
  11. Upon completion of the capping a survey indicating the absolute extent of the spent cathode pile shall be undertaken by a suitably qualified professional. Details of this survey shall be supplied to Council.
  12. Any leachate within the leachate collection pond shall be disposed of to the satisfaction of the Council. Details in this regard shall be provided seven (7) days prior to disposal.

Storage and Segregation Buildings

13. Building 67C shall be upgraded to equal those requirements outlined for storage buildings in "Supplementary report to accompany Environmental Impact Statement", Appendix B, Scope of Work, Spent Potlining Storage Building or better. Details in this regard are to be submitted with building application for the construction of the first storage shed.

.../5

14. Design of the storage buildings shall be in accordance with the Scope of Works, Spent Potlining Storage Building being Appendix B in "Supplementary Report to accompany Environmental Impact Statement" or better and to the satisfaction of the Environment Protection Authority to release of the building permit.
15. An Engineer's report certifying the buildings meet the requirements of the Scope of Works, Spent Potlining Storage Building being Appendix B in "Supplementary Report to accompany Environmental Impact Statement" shall be submitted with the building application.
16. All leachate storage tanks shall be situated above the 1 in 100 year flood level. Details in this regard shall be included with the building application.
17. Leachate collected by internal drainage system shall be disposed of to the satisfaction of Council.
18. A washdown bay in accordance with the Scope of Works, Spent Potlining Storage Building being Appendix B of "Supplementary Report to accompany the Environmental Impact Statement" shall be constructed in conjunction with the capping works.

#### Handling Procedures

19. Trucks transporting Spent Pot Lining shall be covered at all times.
20. All vehicles and plant used for the transport and handling of Spent Pot Lining shall be washed down only in the washdown bay.
21. Prior to commencement of storage of Spent Pot Lining in proposed buildings a report detailing the proposed method of handling shall be submitted to Council.

This report shall address, but not be limited to:-

- a) measures to ensure the safety of personnel involved in the transfer of material.
  - b) measures to protect the environment from accidental spillage of Spent Pot Lining.
22. No transfer of Spent Pot Lining shall take place during periods of high wind or rain. Details in this regard shall be incorporated in the procedures of handling Spent Pot Lining.
  23. A register of all waste stored in the buildings shall be kept. This register shall detail the quantity stored, the nature of material as well as date stored. Details in this regard shall be supplied to Council on an annual basis.
  24. The buildings shall be used for the storage of materials indicated in the Environmental Impact Statement only. Under no circumstances shall material other than that indicated be stored without the prior consent of Council.

.../6

### Monitoring

25. Upon completion of the capping of the Spent Cathode Pile, the state of the capping shall be monitored every quarter for one (1) year and a report is to be furnished to Council quarterly. After one year the pile shall be inspected no less than twice a year and a report furnished to Council annually.
26. The capping shall be regularly maintained and a log kept of this maintenance.
27. A report prepared to the satisfaction of the Development Control Manager shall be submitted to Council prior to commencement of capping detailing the proposed means of monitoring gas generation, ground water and surface water. This report shall detail frequency of testing and methodology and the results of this monitoring shall be submitted to Council on an annual basis.
28. The condition of the buildings used to store Spent Pot Lining shall be monitored annually by Council building inspectors. It shall be the responsibility of the applicant to facilitate such inspections as well as undertake any required works.
29. A copy of all water testing results shall be referred to the Department of Water Resources on an annual basis.

### Licencing

30. The applicant must apply for all appropriate licences and approvals from the Environment Protection Authority.
31. All ground water monitoring bores are required to be licenced under Part V of the Water Act with the Department of Water Resources.
32. Prior to commencement of works, proof of discussions with the Work Cover Authority of New South Wales shall be provided.
33. A copy of all approvals required under conditions 30, 31 and 32 to be submitted to Council within seven (7) days of issue.

### Waste Management Strategy

34. A report shall be submitted to Council before 30th June, 1993 detailing Alcan's comprehensive waste management strategy for the site.
35. A report shall be prepared and submitted annually to Council detailing options for the current status of recycling and reuse of Spent Pot Lining.

### Hazard Assessment

36. An updated hazard analysis and risk assessment shall be prepared and submitted for approval by the Development Control Manager prior to the commencement of any on-site works. An annual report is to be provided to Council over the life of the project.

.../7



37. The existing emergency plan shall be amended to account for any emergency, spillage, accident or the like which may result as a consequence of this development.

Advice

The following information is provided as an advice to the applicant.

- a) The applicant is advised that where a consent relates to the erection of new buildings or the extension, renovation or rebuilding of existing buildings, work on the proposed development shall not commence until such time as the appropriate Building Permit has been obtained from the Council. All enquiries in this regard should be directed to Council's Environmental Services Department. It is suggested that the Environmental Services Department be contacted before final plans are prepared.
- b) Each new building will require the submission of a new Building Application.
- c) Should any monitoring programme show that remediation of the immediate area is required, the Environment Protection Authority will require it to be carried out.
- d) A fee for inspection of buildings as required by condition 28 will be charged at the rate defined by Council.

To: The General Manager  
(Environmental Services  
Committee - 16/12/92)

(L. HAWKINS)  
MANAGER ENVIRONMENTAL SERVICES.  
7th December, 1992.

# Council of The City of Cessnock

CONTACT: Mr. G. Wallis  
OUR REF: 118/692/102  
YOUR REF:



ADDRESS ALL COMMUNICATIONS TO  
THE TOWN CLERK  
P.O. BOX 152  
CESSNOCK, N.S.W. 2325

TELEPHONE: (049) 90 2044  
FACSIMILE: (049) 90 2384

---

The Manager,  
Alcan Australia Limited,  
P.O. Box 1,  
KURRI KURRI 2327

Dear Sir,

Development Application No. 118/692/102 -  
Conditions of Development Consent

Further to our previous telephone conversation, please find enclosed the schedule of the conditions which require some attention. Some of these are not imperative at this stage, however, it would be prudent to undertake preliminary work so as to prevent hold ups at the subsequent stages. Those that must be finalised at this stage are identified.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "C.L. Cowan".

(C.L. COWAN),  
GENERAL MANAGER.

Per: Handwritten initials, possibly "OC".

7 April, 1993  
3.8

## SCHEDULE OF CONDITIONS

### Condition 4

Will need to be approved by the Development Control Manager prior to commencement of capping.

### Condition 5

Should be prepared prior to commencement of any work, however, must now be completed prior to transfer of S.P.L. to storage or work on building 67C.

### Condition 7

Will need to be approved by the Development Control Manager prior to commencement of capping.

### Condition 9

A report indicating the means by which quality control will be assured for the whole of the S.P.L. waste stream shall be submitted. This should address also quality control for the construction of the storage buildings, building 67C and the capping process. Those details pertaining to storage buildings required prior to release of Building Application.

### Condition 13

Detailed submission describing the design specifications for the Building 67C (as opposed to the structural specifications) indicating its satisfaction of requirements indicated in E.I.S. prior to release of Building Application

### Condition 14

Proof of satisfaction of E.P.A. is required prior to release of Building Application.

### Condition 15

To assist in qualifying condition 14, an engineers report certifying the appropriate details is required.

### Condition 16

Details of any leachate drainage and storage system have been omitted. These are required as are heights showing 1:100 year flood level.

### Condition 18

Washdown bay will be required at this stage of development to satisfy quality control and proper handling of S.P.L. Details should be submitted as a Building Application and work completed prior to commencement of storage.

### Condition 21

Needs to be completed prior to commencement of storage.

Condition 32

Needs to be satisfied prior to release of Building Application.

Condition 33

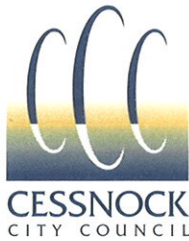
All approvals must be passed on to Council Within 7 days of issue.

Condition 36

The current Hazard Analysis must be updated. Given the need for improvement to existing situation update should be completed prior to commencement of storage.

Condition 37

The current Hazard Analysis must be updated. Given the need for improvement to existing situation update should be completed prior to commencement of storage.



Mr. Paul Wenta,  
Environment Officer,  
Capral Aluminium Ltd.,  
P.O. Box 1,  
KURRI KURRI. 2327

Contact: Mr. N. Selmon  
Our Ref: 118/692/102  
Your Ref: -

Dear Sir,

Upgrading of Waste Storage Facilities - DA. No.118/692/102

I refer to the above and your meeting with Council's Development Services Manager, Mr. Neil Selmon, on Wednesday February 26, 1997.

I confirm that your drawing No.OA-30164 dated November 7, 1996 and amended in red appears to be generally in accordance with the plans identified in Council's Consent No.118/692/102 (i.e. 83A-30001 and 83A-30002).

While filling and levelling of the site for the SPL buildings is not covered in great detail in the EIS for the project, the building of the sheds and associated works is clearly part of the proposal as described in the EIS and is covered by the abovementioned consent, particularly Condition 2. Naturally, all conditions of the consent relating to environmental monitoring and the like still apply.

The siteworks including relocation of the open drain inside the existing fence line should be carried out in a manner which minimises the potential for erosion and sedimentation of the drainage system, i.e. banks should be stabilised by way of mulching and seeding or the like. Presumably, the drains will eventually be concrete lined as part of your on-going upgrading program.

It is further confirmed that the relocated open drain will be linked into the existing system via a concrete v-drain and will discharge into the eastern surge pond, i.e. there will be no discharge off the site.

Should you have any further enquiries please contact Mr. N. Selmon of Council's Environmental Services Department between 8.30 a.m. and 9.30 a.m., Monday to Friday on (049) 91 0353.

Yours faithfully,

N.F. SELMON,  
For CESSNOCK CITY COUNCIL

February 28, 1997  
4-34cm

**DETERMINATION OF A DEVELOPMENT APPLICATION  
FOR STATE SIGNIFICANT AND INTEGRATED DEVELOPMENT  
UNDER SECTION 80 OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Planning, under section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reasons for the imposition of conditions are to:

- a) minimise any adverse environmental impacts associated with the development;
- b) provide for environmental monitoring, reporting, and independent review; and
- c) ensure consistency of the development with the existing development consent applying to the site.

Andrew Refshauge MP  
**Minister for Planning**

Sydney,

21 August

2002

File No. N91/00033

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**SCHEDULE 1**

<b>Development Application:</b>	DA No. 73-3-2002;
<b>Applicant:</b>	VAW Kurri Kurri Pty Ltd ("the Applicant");
<b>Consent Authority:</b>	The Minister for Planning;
<b>Land:</b>	Lots 318, 319, 411, 412, 413, 414, 415, 769, 776, in DP 755231, and Lot 3 in DP 456769, Parish of Heddon, Cessnock City Council local government area;
<b>Proposed Development:</b>	Alterations and additions to an existing aluminium smelter ("the smelter upgrade and retrofit") in the following stages: <ul style="list-style-type: none"><li>• <b>Stage 1</b> - Structural floor repairs and the installation of a Greenmix Plant scrubber;</li><li>• <b>Stage 2</b> – Anode Bake Plant upgrade and retrofit and the upgrade of Potlines 2 and 3; and</li></ul>

- **Stage 3** - Upgrade of Potline 1 and increase anode size across all three potlines.

### State Significant Development

The proposed development is within a class of development classified as State Significant development by virtue of a Declaration made by the Minister on 30 June 1998 and *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development* since, in the opinion of the Minister, the development has a capital investment of more than \$20 million;

### Integrated Development

The proposed development requires an additional approval from the EPA under the *Protection of the Environment Operations Act 1997*. Consequently it is classified as integrated development under section 91 of the *Environmental Planning and Assessment Act 1979*.

### BCA Classification:

Item	Proposed Building or Structure	Building Code Of Australia (BCA) Classification
1	7C Baking Furnace control room	5
2	49B North Potroom cavity cleanings storage building	8
3	7C Baking Furnace building extension	8
4	Baking Furnace project temporary contractor facilities	10a
5	Potroom projects temporary contractor facilities	10a
6	49B North 250 tonne ACM and ACCM storage silos and material handling	10b
7	49B South 250 tonne PACM storage silo and materials handling equipment	10b
8	Greenmix fume scrubber baghouse and exhaust stack	10b
9	Switchyard high voltage towers	10b
10	Switchyard busbar installation	10b
11	Potline 1 fume scrubber north compressor house	10b
12	Potline 1 fume scrubber south compressor house	10b
13	Main compressor house extension	10b
14	Potline 1 south fume scrubber reactor	10b
15	Potline 1 north fume scrubber reactor	10b
16	Potline 1 dense phase alumina conveying system storage silo and handling equipment	10b

Note: If the Applicant is dissatisfied with this determination, section 97 of the Act grants it a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination. To determine the date from which this consent operates refer to section 83 of the Act. To determine the date upon which this consent may lapse refer to section 95(1) of the Act.

## SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	VAW Kurri Kurri Pty Ltd
BCA	Building Code of Australia
commissioning	any activity, prior to the commencement of operation of the proposed development, with the aim of testing or verifying any component of the facility, but without the production, or intended production, of smelter products be transported for sale.
construction	any activity required to be undertaken for the construction of the smelter upgrade and retrofit including site preparation, demolition, and any activity requiring a Construction Certificate
Council	Cessnock City Council
DA	Development Application
Department	NSW Department of Planning
Director-General	Director-General of the NSW Department of Planning, or delegate
DLWC	NSW Department of Land and Water Conservation
dust	any solid material that may become suspended in air
EMP	Environmental Management Plan
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Existing development	the existing aluminium smelter, ancillary plant and equipment, offices and amenities, and environmental controls on the project site, currently operating under "Line 3" development consent (file no. 78/147) signed by the Minister on 19 August 1981.
Existing consent	"Line 3" development consent (file no. 78/147) signed by the Minister on 19 August 1981.
GTA	General Term of Approval
Minister	Minister for Planning, or delegate
NPWS	NSW National Parks and Wildlife Service
operation	any activity that results in the production, or intended production, of quantities of smelter products to be transported off site
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
RTA	NSW Roads and Traffic Authority
project site	the land to which this consent applies
SEE	Statement of Environmental Effects
smelter upgrade and retrofit	alterations and additions to the existing development including site preparation, construction, commissioning, and operation.
Stages 1, 2, and 3	As defined in the SEE and schedule 1 of this consent



## 1. GENERAL

### Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the smelter upgrade and retrofit.

### Scope of Development

- 1.2 The Applicant shall carry out the development generally in accordance with the :
- a) Development Application No. 73-3-2002, lodged with the Department of Planning on 21 March 2002;
  - b) *Statement of Environmental Effects – VAW Smelter Upgrade and Retrofit Projects prepared for VAW Kurri Kurri Pty Ltd* (one volume), dated 11 March 2002 and prepared by URS Australia Pty Ltd (URS);
  - c) Letter and reports from URS to the Department dated 11 June 2002, responding to EPA letter dated 29 April 2002 with reports on noise and air quality impacts;
  - d) Letter and appendices from URS to the Department dated 28 June 2002, responding to the Departments letter of 23 May 2002;
  - e) Letter from URS to the Department dated 4 July 2002, responding to the Departments fax dated 9 May 2002;
  - f) Letter and report from URS to the Department dated 5 July 2002, responding to the Departments letter of 31 May 2002; and,
  - g) the conditions of this consent.
- 1.3 In the event of an inconsistency between:
- a) the conditions of this consent and any document listed from condition 1.2a) to 1.2f) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.2a) to 1.2f) inclusive, and any other document listed from condition 1.2a) to 1.2f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

### Provision of Documents

- 1.4 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

Note: at the date of this consent, an appropriate electronic format for submission to the Director-General is the "portable document format" (pdf) or another format that may be readily converted to portable document format.

- 1.5 Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements shall only be combined with the prior agreement of the Director-General of Planning and the Director-General (or equivalent) of the other relevant party.

Note: the purpose of conditions 1.4 and 1.5 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent.

## **Statutory Requirements**

- 1.6 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the smelter upgrade and retrofit.

## **Dispute Resolution**

- 1.7 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the <i>Environmental Planning and Assessment Act 1979</i> provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.
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## **2. COMPLIANCE**

- 2.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 2.2 The Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 2.3 The Applicant shall meet the reasonable requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.
- 2.4 Any compliance report or compliance update required under condition 2.2 of this consent shall be made available for public inspection on request.
- 2.5 If at any time, the Director-General is made aware of the occurrence of any environmental impacts from the proposal that pose serious environmental and/or amenity concerns, due to the failure of environmental measures required by the Conditions of Consent to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.

## **3. CONSTRUCTION CERTIFICATION**

- 3.1 All new buildings and structures, and alterations or additions to buildings and structures, shall be carried out in accordance with the relevant requirements of the BCA.
- 3.2 In relation to the construction and occupation of the smelter upgrade and retrofit, the Applicant shall provide to the Director-General and Council with the following:
  - a) copies of all Construction Certificates issued for the smelter upgrade and retrofit buildings or structures;

- b) copies of all Occupation Certificates issued for the smelter upgrade and retrofit; and

Note: Part 4A of the *Environmental Planning and Assessment Act 1979* provides specific certification requirements.

- 3.3 The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the smelter upgrade and retrofit buildings and structures will comply with the Building Code of Australia, and all relevant provisions of the Act, including the payment of a long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.
- 3.4 All demolition work shall be carried out in accordance with *AS2601-1991 The Demolition of Structures*.

#### 4. ENVIRONMENTAL PERFORMANCE

##### Air Quality Impacts

- 4.1 <sup>1</sup> The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the atmosphere from the point.

Identification Number	Type of monitoring point	Type of discharge point	Description of location
1	Air emissions monitoring	Discharge to air	Anode Bake Plant Stack
2	Air emissions monitoring	Discharge to air	Greenmix Plant Stack

##### **Dust Emissions**

- 4.2 The Applicant shall design, construct, operate and maintain the smelter upgrade and retrofit in a manner that minimises dust emissions from the site.

##### **Discharge Limits**

- 4.3 <sup>2</sup>For each monitoring/discharge point or utilisation area specified in the tables below (by point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

##### Point 1

Pollutant	Units of measure	100 % limit	Reference conditions	Averaging period
Solid particles	mg/m <sup>3</sup>	50	dry, 273 K, 101.3 kPa	As per test method

##### Point 2

Pollutant	Units of measure	100 % limit	Reference conditions	Averaging period
Solid particles	mg/m <sup>3</sup>	50	dry, 273 K, 101.3 kPa	As per test method

<sup>1</sup> Incorporates an EPA General Term of Approval

<sup>2</sup> Incorporates an EPA General Term of Approval

Note: It is the EPA's intention to revise the limit concentrations for point 2 to reflect the proper and efficient operation of the Greenmix Plant Scrubber following submission of the best practice benchmarking report required by this consent.

- 4.4 The Applicant shall design, construct, operate and maintain the proposed greenmix scrubber facility so that there are no visible emissions from the stack.

#### ***Design and Construction***

- 4.5 <sup>3</sup>The Applicant shall design, construct, operate and maintain all stacks in accordance with good engineering practice in order to minimise the effects of stack tip downwash and building wake effects on ground-level air pollutant concentrations.

Note: the EPA refers to the following documents for determining "good engineering practice":

- a) USEPA, 1985, *Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)*, Revised EPA-450/4-80-023R, United States Environmental Protection Agency, Washington DC, USA;
- b) USEPA, 1995, *User's Guide to the Building Profile Input Program*, Revised February 1995, EPA-454/R-93-038, United States Environmental Protection Agency, Washington DC, USA; and
- c) USEPA, 1997, *Addendum to ISC3 User's Guide, The PRIME Plume Rise and Building Downwash Model*, United States Environmental Protection Agency, Washington DC, USA.

- 4.6 <sup>4</sup>Before commencement of construction of the Greenmix Plant scrubber stack the Applicant shall submit to the EPA's Regional Manager, Hunter such information as is necessary to demonstrate that the stacks for discharge points 1 and 2 are designed in accordance with good engineering practice in accordance with condition 4.5.

- 4.7 <sup>5</sup>Before commencement of construction of the Greenmix Plant scrubber stack the Applicant shall submit a cumulative air quality impact assessment of polycyclic aromatic hydrocarbons (PAH) to the EPA's Regional Manager, Hunter. The cumulative air quality impact assessment must account for PAH emissions to atmosphere from the Anode Bake Plant, Greenmix Plant scrubber and other sources at the smelter including the Potline Main Stack, Potline L2 South Stack, Potline L3 North Stack and Potline L3 South Stack. The cumulative air quality impact assessment must be conducted in accordance with the requirements of the EPA's *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*.

- 4.8 <sup>6</sup>Before commencement of construction of the Greenmix Plant scrubber stack the Applicant shall submit a report to the EPA's Regional Manager, Hunter that benchmarks the performance of the pollution control equipment proposed against best practice, with particular regard to emissions of polycyclic organic compounds and particulates. The benchmarking should include (but not be limited to) the following references:

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<sup>3</sup> Incorporates an EPA General Term of Approval

<sup>4</sup> Incorporates an EPA General Term of Approval

<sup>5</sup> Incorporates an EPA General Term of Approval

<sup>6</sup> Incorporates an EPA General Term of Approval

- US Title 40 CFR 63, Subpart LL National Emission Standards for Primary Aluminium; and
- Reference Document on Best Available Techniques in the Non Ferrous Metals Industries, May 2000, European IPPC Bureau.

Note: Following consideration of this report, the EPA will develop a solid particle emission concentration limit for the Greenmix Plant stack that reflects proper and efficient operation of the pollution control equipment.

## Water Quality Impacts

- 4.9 <sup>7</sup> Except as may be expressly provided by a licence under *the Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in, and in connection with, the carrying out of the smelter upgrade and retrofit.
- 4.10 The Applicant shall design, construct, operate and maintain all stormwater infrastructure associated with the smelter upgrade and retrofit to direct all stormwater to the existing stormwater management system at the existing development.
- 4.11 The Applicant shall design, construct and maintain all hardstand areas of the site associated with the smelter upgrade and retrofit, including areas to be filled with material from the construction of the Anode bake plant upgrade and retrofit, to:
- a) allow the use of heavy machinery without breaking-up the hardstand surface; and
  - b) prevent the contamination of groundwater.

## Hazards and Risk Impacts

### ***Bunding and Spill Management***

- 4.12 The Applicant shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
  - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### ***Emergency Coordination***

- 4.13 Prior to the commencement of operation of the smelter upgrade and retrofit, the Applicant shall develop an **Emergency Services Cooperation Agreement** in consultation with the emergency response teams (NSW Fire Brigades, State Emergency Services etc, where relevant). The Agreement shall provide, but not necessarily be limited to:
- a) policies and procedures for the on-going supply of hazards information related to the smelter to the emergency response teams, including quantities and locations of dangerous goods inventories and possible hazardous events associated with the smelter upgrade and retrofit;

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<sup>7</sup> Incorporates an EPA General Term of Approval

- b) policies and procedures for communication with the emergency response teams, and notification in the event of an emergency;
- c) any arrangement for the provision of firefighting/ emergency response equipment from the smelter in the event of a bushfire or other emergency; and
- d) any arrangement for access to water stores on the site in the event of a bushfire.

The Emergency Services Cooperation Agreement shall be consistent with the Emergency Plan required under condition 6.3 c) of this consent. The Applicant shall supply a copy of the Emergency Services Cooperation Agreement to the Director-General prior to the commencement of operation of the smelter upgrade and retrofit.

### **Traffic and Transport Impacts**

- 4.14 Prior to the commencement of construction of the upgrade and retrofit on the anode bake plant, the Applicant shall demonstrate to the satisfaction of the Director-General that adequate provision has been made for additional parking and vehicle manoeuvring on the site. The Applicant shall meet the requirements of the Director-General in relation to the provision of adequate carparking and manoeuvring areas on the site.
- 4.15 The Applicant shall reduce peak traffic generation due to the smelter upgrade and retrofit development by ensuring that construction shift starting and finishing times do not coincide with operating shift starting and finishing times at the existing development.

### **Noise Impacts**

#### ***Construction Noise***

- 4.16 <sup>8</sup>All construction work at the premises must be conducted between 7.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays with no work on Sundays and public holidays unless otherwise approved in writing by the EPA.
- 4.17 <sup>9</sup>The sound pressure level of noise ( $L_{A10}$ , 15 minutes) emanating from the construction area must not exceed the background level ( $L_{A90}$ , 15 minutes) by more than 20 dB(A) when measured within one meter of the boundary of any residential or other noise sensitive premises (such as a school or hospital) or within 30 metres of any affected dwelling whichever is the closer to those dwelling(s).
- 4.18 <sup>10</sup>Not-with-standing any limits specified for construction noise in conditions 4.16 and 4.17, if the noise levels associated with construction works are determined by the EPA to interfere unreasonably with the amenity of local residents, the EPA may require the Applicant to instigate such other measures it considers appropriate to mitigate the impacts within a time period specified by the EPA.

#### ***Operation Noise***

- 4.19 Prior to construction of the Greenmix Plant scrubber stack the Applicant shall provide documentary evidence to the Director-General and the EPA that noise levels generated by the Greenmix scrubber fan are equal to or less than those used for predictions in any of the documents listed in condition 1.2a) to f), and that noise generated would not have any tonal characteristics.

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<sup>8</sup> Incorporates an EPA General Term of Approval

<sup>9</sup> Incorporates an EPA General Term of Approval

<sup>10</sup> Incorporates an EPA General Term of Approval

## Impacts on Flora and Fauna

4.20 This consent does not permit the removal of any vegetation from the existing site or the buffer zone specified in the existing consent.

## Waste Management Impacts

4.21 All liquid and non-liquid wastes generated at the project site shall be assessed, classified and managed in accordance with the EPA's Environmental Guidelines *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999).

4.22 Any waste generated at the project site associated with the proposed smelter upgrade and retrofit shall only be transported to an EPA-approved waste management facility for treatment, recycling and/ or disposal, where relevant.

4.23 <sup>11</sup>By 31 December 2007, the Applicant shall submit details of a proposal that will be implemented, subject to obtaining development consent, to either treat spent pot linings so as to meet the classification 'inert waste' as defined in the publication titled *Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes*, (EPA 1999) or to produce a raw material for other industrial processes. If however, new treatment technologies are slow to emerge, or these technologies are considered to be unfeasible on economic, environmental, or industrial reliability criteria, then the Applicant may apply to the Director-General and the EPA for an extension to the above deadline. This application must outline the available treatment technologies, justify why these technologies cannot be – or have not been – adopted, identify the best available management practice of the day, and describe what measures will be implemented to treat, handle, store, or dispose of the spent pot linings at the smelter. After reviewing this application, the Director-General and the EPA may approve an extension to the above deadline, and may require the Applicant to carry out further investigations or works into the treatment of spent pot linings into non-hazardous waste or a useable product.

## Visual Amenity

4.24 The Applicant shall design buildings and structures associated with the smelter upgrade and retrofit, particularly the Greenmix Plant Scrubber stack, with a colour scheme which aims to minimise the visual impact of the development on surrounding land uses and maximise the ability of the development to "blend into" local vegetation and other visual components.

## 5. ENVIRONMENTAL MONITORING AND AUDITING

### General Monitoring Requirements

- 5.1 The results of all monitoring required under this consent shall be
- a) in a legible form, or in a form that can readily reduced to a legible form;
  - b) kept for at least four years after the monitoring or event to which the results relate took place; and

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<sup>11</sup> Incorporates an EPA General Term of Approval

- c) produced in a legible form to any authorised officer of the EPA or the Director-General, upon request; and
- d) kept with the following details for each sample required to be collected:
  - i) the date(s) on which the sample was collected;
  - ii) the time(s) at which the sample was collected;
  - iii) the point at which the sample was collected; and
  - iv) the name of the person who collected the sample.

5.2 The Applicant shall make all monitoring results obtained under conditions 5.1 to 5.9 available for public inspection on request. The Director-General may make monitoring results available on the Department's internet site.

### Air Quality Monitoring

5.3 <sup>12</sup>Within ninety (90) days of commissioning of the greenmix plant scrubber and anode bake plant upgrade and retrofit, and when the smelter is operating under design loads and normal operating conditions the applicant must:

- a) Conduct point source emission testing on each stack as specified under the Source Emissions Sampling and Analysis Requirements in condition 5.4.

A report (or reports) providing the results of the testing shall be submitted to the Director-General and the EPA with 28 days of completion of the testing required under a).

### Source emissions sampling and analysis requirements

5.4 <sup>13</sup>For each monitoring/discharge point or utilisation area specified below (by point number), the Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The Applicant shall use the sampling method and units of measure, and sample at the frequency, specified opposite in the other columns:

#### Points 1 and 2

Pollutant	Units of measurement	Frequency	Method
Solid particles	mg/m <sup>3</sup>	Post commissioning, annually	TM-15
Polycyclic aromatic hydrocarbons	mg/m <sup>3</sup>	Post commissioning, annually	OM-6
Parameter	Units of measurement	Frequency	Method
Dry gas density	kg/ m <sup>3</sup>	Post commissioning, annually	TM-23
Moisture	%	Post commissioning, annually	TM-22
Molecular weight of stack gases	g/g.mole	Post commissioning, annually	TM-23
Oxygen	%	Post commissioning, annually	TM-25
Temperature	K	Post commissioning, annually	TM-2
Velocity	m/s	Post commissioning, annually	TM-2
Volumetric flow rate	m <sup>3</sup> /s	Post commissioning, annually	TM-2

<sup>12</sup> Incorporates an EPA General Term of Approval

<sup>13</sup> Incorporates an EPA General Term of Approval



Other	Units of measurement	Frequency	Method
Selection of sampling positions	NA	NA	TM-1

### **Ambient air quality monitoring**

- 5.5 <sup>14</sup>Within six months of commencement of construction of the Greenmix Plant scrubber the Applicant shall establish and operate, for a period of not less than 12 months, equipment to monitor ambient sulphur dioxide levels in the vicinity of the premises. The monitoring equipment must be established at location(s) acceptable and agreed to in writing by the EPA. Within one month of the completion of the monitoring program the Applicant must provide a report to the EPA and the Director-General summarising the results of the monitoring program including an assessment of the ambient levels in accordance with the requirements of the EPA's *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*.

### **Noise Monitoring**

- 5.6 <sup>15</sup>Within ninety (90) days of commissioning the greenmix plant scrubber, and when the smelter is operating under design loads and normal operating conditions the applicant must conduct a noise study to assess compliance with the noise levels predicted in the documents referred to in condition 1.2.

A report providing the results of the noise study shall be submitted to the Director-General, the EPA and Council with 28 days of completion of the noise study. The noise study shall consider the existing development and the smelter upgrade and retrofit by comparison with noise level goals calculated in accordance with the EPA's *Industrial Noise Policy*. If the noise levels are higher than the levels predicted in the SEE or calculated noise level goals, the report must identify measures that can be implemented to achieve the predicted levels. In designing any noise reduction program for the smelter, the Applicant shall have regard to the framework established in the EPA's *Industrial Noise Policy* for existing industrial premises.

### **Independent Auditing**

- 5.7 Twelve months after the commencement of operation of the upgrade and retrofit on the anode baking furnace, and every three years thereafter, or within such period as otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of the smelter upgrade and retrofit and the existing development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. The audit shall include a review of the site safety management system and a review of all entries made in the incident register since the previous audit. The Applicant shall meet the requirements of the Director-General to address the findings of the Hazard Audit Report, within such period as the Director-General may require.

<sup>14</sup> Incorporates an EPA General Term of Approval

<sup>15</sup> Incorporates an EPA General Term of Approval

- 5.8 Twelve months after the commencement of operation of the upgrade and retrofit on the anode baking furnace, and every three years thereafter, or as otherwise required by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the smelter's operation (including the existing development and upgrade and retrofit). The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General, DLWC, the EPA, and Council within one month of the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
  - b) assess compliance with the requirements of this consent, the existing consent, and other licences and approvals that apply to the smelter upgrade and retrofit, and the existing development;
  - c) assess the smelter upgrade and retrofit against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent;
  - d) review the effectiveness of the environmental management of the smelter upgrade and retrofit and the existing smelter, including any environmental impact mitigation works;
  - e) independently review and validate monitoring systems and outcomes; and
  - f) recommend measures or actions to improve the environmental performance of the smelter, and/or its environmental management and monitoring systems.

The Director-General may, having considered any submission made by DLWC, the EPA, or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require. The Applicant shall make the Environmental Audit Report available for public inspection on request. The Director-General may make the Environmental Audit Report available on the Department's internet site.

- 5.9 The Applicant shall provide a compliance report(s) to the Director-General detailing the implementation of the recommendations of the Environmental Audit Report (refer to condition 5.8). The compliance report(s) shall be submitted to the Director-General within such time, and at such frequency, as the Director-General may require. The Applicant shall make the compliance report(s) available for public inspection on request. The Director-General may make the compliance report(s) available on the Department's internet site.

## 6. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan (CEMP)

- 6.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) to outline environmental management practices and procedures to be followed during the construction of the smelter upgrade and retrofit. Individual CEMP's may be prepared for the various stages of the smelter upgrade and retrofit, subject to written approval of the Director-General. The CEMP(s) shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction of the smelter upgrade and retrofit, including an indication of stages of construction, where relevant;
  - b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

- c) specific consideration of measures to address any requirements of the Department, the EPA, the RTA, DLWC and Council during construction;
- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- e) a description of the roles and responsibilities for all relevant employees involved in the construction of the smelter upgrade and retrofit;
- f) the studies listed under condition 6.2 of this consent;
- g) arrangements for community consultation and complaints handling procedures during construction;

The CEMP('s) shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction of the smelter upgrade and retrofit, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General and, in the case of the Fire Safety Study (condition 6.2 b), the Commissioner of the NSW Fire Brigades. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CEMP('s) to Council, the EPA, the RTA, and DLWC as soon as practicable. The Applicant shall make the CEMP('s) available for public inspection on request.

6.2 As part of the CEMP('s) for the smelter upgrade and retrofit, required under condition 6.1 of this consent, the Applicant shall prepare and implement the following studies:

- a) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of the smelter upgrade and retrofit. The Plan shall address the requirements of the EPA, DLWC and Council. The Plan shall demonstrate that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in Council's *Engineering Requirements for Development*, DLWC's publication *Urban Erosion and Sedimentation Handbook*, the EPA's publication *Pollution Control Manual for Urban Stormwater* and the Department of Housing's publication *Managing Urban Stormwater: Soils and Construction*.
- b) a **Fire Safety Study** for the smelter upgrade and retrofit, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall specifically include:
  - i) details of an appropriate, reliable source of firefighting water, including a demonstration that the source has sufficient capacity and head to fight the likely worst-case fire incident on the site.
- c) a **Hazard and Operability Study** of the smelter upgrade and retrofit chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General prior to the commencement of the Study. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. In particular, the HAZOP should address the tie-ins to the existing operations and the interfacing of new safety related control and shutdown systems with the existing systems;
- d) a **Final Hazard Analysis** for the smelter upgrade and retrofit, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. In particular, the Final Hazard Analysis should include credible failure scenarios such as failure of a scrubber or scrubbing system. The handling and storage of hazardous wastes should also be addressed;

- e) a **Construction Safety Study** for the smelter upgrade and retrofit, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. For project stages in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning;
- f) a **Construction Traffic Management Plan** to detail how construction traffic will be scheduled and managed to minimise environmental impacts. The Plan shall be developed to meet the requirements of the Council. The Plan shall include, but not necessarily be limited to:
  - i) results of consultation with existing users of Hart Road to establish measures to be implemented to minimise amenity impacts of traffic along that road during construction of the smelter upgrade and retrofit;
  - ii) details for the transport of oversized process components to the site, including times, routes, site access arrangements and safety measures to be implemented.

The Applicant may, subject to written approval of the Director-General, vary the plans required by this condition if they are not relevant to the stage of construction to which the CEMP refers.

### **Operation Environmental Management Plan (OEMP)**

6.3 The Applicant shall prepare and implement an **Operation Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during the operation of the smelter (including the existing smelter and the smelter upgrade and retrofit, and incorporating the Stage 1 OEMP referred to in condition 6.4). The Plan shall include, but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the smelter, including all consents, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the smelter;
- c) overall environmental policies and principles to be applied to the operation of the smelter;
- d) standards and performance measures to be applied to the smelter, and a means by which environmental performance can be periodically reviewed and improved;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- f) a **Traffic Management Plan** and **Transport Code of Conduct** to outline minimum requirements for the movement of heavy vehicles to and from the site;
- g) an **Emergency Plan** prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development;
- h) an **Environmental Emergency Contingency Plan** to detail measures to be implemented and actions to be taken in the event of an emergency leading to adverse environmental impacts;
- i) A document setting out a comprehensive **Safety Management System**, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be

available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, Safety Management*. The Safety Management System shall include a review of the safety related recommendations made in previous hazard and safety studies and include management systems to ensure their continued implementation;

- j) a **Waste Management Plan** to outline measures to minimise the production and impact of waste produced at the smelter upgrade and retrofit during commissioning and operation, through the implementation of waste reduction, reuse and recycling principles;
- k) the environmental monitoring requirements outlined under conditions 5.1 to 5.9 of this consent, inclusive, and the existing consent.

The OEMP shall be submitted for the approval of the Director-General no later than two months prior to the commencement of operation of Stage 2 of the proposed development, or within such period otherwise agreed by the Director-General. Operation of Stage 2 of the proposed development shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to Council, the EPA, the RTA, and DLWC as soon as practicable. The Applicant shall make the OEMP available for public inspection on request.

The Applicant may omit stages of the smelter upgrade and retrofit that have not been constructed at the time the first OEMP is submitted. A revised OEMP shall be submitted for the approval of the Director-General no later than two months prior to the commencement of operation of each stage, or within such period otherwise agreed by the Director-General. Operation of any stage of the smelter upgrade and retrofit shall not commence until the relevant written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the revised OEMP to Council, the EPA, the RTA, and DLWC as soon as practicable.

- 6.4 Notwithstanding the requirements of condition 6.3, the Applicant shall prepare and implement a **Stage 1 Operation Environmental Management Plan** (Stage 1 OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of Stage 1 of the smelter upgrade and retrofit. The Plan shall include all items listed in condition 6.3 a) to k) inclusive as they relate to Stage 1 of the smelter upgrade and retrofit. The Plan shall provide details of integration of Stage 1 with the existing smelter operation.

The Stage 1 OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of Stage 1 of the proposed development, or within such period otherwise agreed by the Director-General. Operation of Stage 1 of the proposed development shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Stage 1 OEMP to Council, the EPA, the RTA, and DLWC as soon as practicable. The Applicant shall make the OEMP available for public inspection on request.

## 7. ENVIRONMENTAL REPORTING

- 7.1 <sup>16</sup>The results of any monitoring required must be recorded and retained as set out in an Environment Protection Licence.

Note: The EPA will require reporting on the environmental performance of the plant as set out in an Environment Protection Licence.
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## Incident Reporting

- 7.2 The Applicant shall notify the EPA and the Director-General of any incident with significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.
- 7.3 The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor and the Director-General.
- 7.4 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 7.2 of this consent, within such period as the Director-General may agree.

Note: Condition 7.4 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the smelter upgrade and retrofit, and the existing development.

## Annual Performance Reporting

- 7.5 <sup>17</sup>The Applicant shall, throughout the life of the smelter upgrade and retrofit, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall be incorporated into the annual reporting requirements under the existing consent (condition 48). The AEMR shall be prepared by an independent, qualified person(s), approved by the Director-General. The AEMR shall review the performance of the smelter upgrade and retrofit against the Operation Environmental Management Plan (refer to condition 6.3 of this consent), the conditions of this consent, and other licences and approvals relating to the smelter upgrade and retrofit. The AEMR shall include, but not necessarily be limited to:
- a) details of any progress of construction and commissioning of the smelter upgrade and retrofit;
  - b) details of compliance with the conditions of this consent and the existing consent;
  - c) details of any complaints received for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
  - d) a comparison of the environmental impacts and performance of the smelter upgrade and retrofit against the environmental impacts and performance predicted in the SEE;
  - e) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person;
  - f) a list of all occasions in the preceding twelve-month period when environmental performance goals for the smelter upgrade and retrofit have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;
  - g) identification of trends in monitoring data over the life of the smelter upgrade and retrofit to date;

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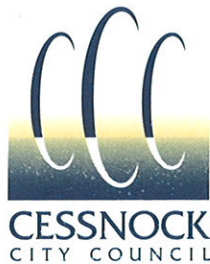
<sup>16</sup> Incorporates an EPA General Term of Approval

<sup>17</sup> Incorporates an EPA General Term of Approval

- h) a list of variations obtained to approvals applicable to the smelter upgrade and retrofit and to the site during the preceding twelve-month period;
- i) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results;
- j) an update on the progress in implementing the recommendations of any environmental audit report required under condition 5.8; and
- k) a review of the OEMP required under condition 6.3 to ensure it is up-to-date and any changes to procedures and practices are incorporated.

The Applicant shall submit a copy of the AEMR to the Director-General, the EPA, DLWC, and Council every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the smelter upgrade and retrofit. The Applicant shall make the AEMR available for public inspection on request.

- 7.6 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the smelter upgrade and retrofit, in response to review of the Annual Environmental Report and any comments received from the EPA, DLWC or Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.
-



Hydro Aluminium Kurri Kurri Pty Ltd  
CARE Richard Brown  
PO Box 1  
KURRI KURRI NSW 2327

Contact: Mrs Sue Page  
Our Ref: DA 8/2015/399/1  
Your Ref:

Dear Sir/Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Cessnock City Council hereby gives notice that **Development Application 8/2015/399/1** has been determined by the granting of consent, subject to the conditions listed in Schedule 1.

<b>Date of determination:</b>	15 March 2016
<b>Date from which consent operates:</b>	15 March 2016
<b>Date from which consent lapses:</b>	15 March 2021
<b>Description of development:</b>	Demolition of Former Aluminium Smelter, Temporary Use of Ancillary Crushing Plant and Temporary Establishment of Contractor Facilities and Stockpile Area
<b>Property description:</b>	LOTS: 1, 2 & 3 DP: 456769, LOT: 16 DP: 1082775, LOTS: 318, 319, 411, 412, 413, 414, 420 & 769 DP: 755231, Hart Road LOXFORD, 159 Hart Road LOXFORD, Dickson Road LOXFORD, 162 Bishops Bridge Road LOXFORD
<b>Applicant:</b>	Hydro Aluminium Kurri Kurri Pty Ltd
<b>Owner:</b>	Hydro Aluminium Kurri Kurri Pty Ltd

If you have any further enquiries regarding this notice of determination, please contact Mrs Sue Page, Senior Planning Assessment Officer, of Council's Planning and Environment on (02) 4993 4122.

Yours faithfully

  
Janine McCarthy  
Development Services Manager

yb



**ADVICE:**

The following matters are included as advice relative to this Application:

- (a) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979, and are required to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance;
  - require regular monitoring and reporting; and
  - provide for the ongoing environmental management of the development.
- (b) This Development Consent will lapse on 15 March 2021. Relevantly, Sections 95(4) and 95(5) of the Environmental Planning and Assessment Act 1979, state as follows:
- “(4) Development consent for:*  
*(a) the erection of a building, or*  
*(b) the subdivision of land, or*  
*(c) the carrying out of a work,*  
*does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.*
- (5) Development consent for development other than that referred to in subsection (4) does not lapse if the use of any land, building or work the subject of that consent is actually commenced before the date on which the consent would otherwise lapse”.*
- (c) The applicant has the right to appeal this determination in accordance with the provisions of Section 97 of the Environmental Planning and Assessment Act 1979.
- (d) The applicant has the right to request a review of the determination of this development application in accordance with the provisions Section 82A of the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000.
- (e) An objector who is dissatisfied with the determination of this development application does not have the right to appeal to the NSW Land and Environment Court.
- (f) The Planning Assessment Commission has not conducted a public hearing in respect of this Application.

**ABBREVIATIONS:**

<i>AS</i>	Australian Standard
<i>BCA</i>	Building Code of Australia
<i>CA</i>	Certifying Authority
<i>CC</i>	Construction Certificate
<i>DA</i>	Development Application
<i>EP&amp;A Act</i>	Environmental Planning & Assessment Act 1979
<i>EP&amp;A Regulation</i>	Environmental Planning & Assessment Regulation 2000
<i>PCA</i>	Principal Certifying Authority
<i>OC</i>	Occupation Certificate
<i>OSD</i>	On Site Detention
<i>RMS</i>	Roads and Maritime Services
<i>SEPP</i>	State Environmental Planning Policy
<i>WAE</i>	Works as Executed

## SCHEDULE 1

### TERMS OF CONSENT

#### 1. **Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2015/399/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Figure 2 Initial Layout Job No: AS130410 (as amended in red)	Ramboll Environ	August 2015
Figure 3 Ongoing Layout Job No: AS130410 (as amended in red)	Ramboll Environ	August 2015
Appendix A: Stage 1 Demolition Plan Job No: AS130410	Ramboll Environ	August 2015
Figure C Amended Crushing Plant Location Plan Job No: AS130410	Ramboll Environ	September 2015

<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
Statement of Environmental Effects	Ramboll Environ	August 2015
DA NO. 8/2015/399/1 Demolition of Former Aluminium Smelter Buildings at Kurri Kurri: Response to Council Enquiries	Ramboll Environ	22/09/15
Development Application No. 8/2015/399/1: Demolition of Former Aluminium Smelter and Ancillary Works Response to Council Issues	Hydro Aluminium Kurri Kurri Pty Ltd	7 December 2015

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### 2. **Time Limited Approval**

Pursuant to Section 80A(1)(d) of the *EP&A Act, 1979*, this consent is limited to a period of five (5) years from the date of commencement of the use. Written notice of the commencement date must be provided to Council prior to the use commencing.

An application must be submitted and determined prior to the expiration of the time period if it is intended to continue the use. If an application is not submitted and determined within the specified time period, the development subject to this consent must cease and the crushing plant; the temporary ancillary facilities; and the materials stored in the stockpile area must be removed from the site.

### **3. Environment Protection Authority**

The approved development shall operate strictly in accordance with the conditions attached to the Environment Protection Licence 1548 and the Environmentally Hazardous Chemicals Act Licence No. 5.

### **4. Environmental Management Plan**

The development shall operate strictly in accordance with the Environmental Management Plan to be submitted to Council for review and written authorisation.

### **5. Crushing Plant**

The Applicant shall ensure that the temporary crushing plant is established a minimum of 40 metres from mapped watercourses, including underground drainage, on the development site.

### **6. Demolition Hours**

Proposed activities that would generate audible noise at the nearest sensitive receiver are to be undertaken between the following hours:

- Monday to Friday 7.00am to 6.00pm
- Saturday 7.00am to 1.00pm
- No work to be undertaken on Sundays or Public Holidays

Other proposed works may be permitted outside the nominated work hours with restricted equipment as detailed in the Environmental Management Plan to be reviewed and authorised by Council prior to the commencement of works.

### **7. Demountable Buildings**

Demountable buildings shall be located on the site in accordance with the Environmental Management Plan.

## **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s.**

### **8. Removal of Spent Potlining**

Evidence in the form of written certification from a suitably qualified Occupational Hygienist shall be submitted to Council certifying that all spent pot lining has been safely stored in the building approved under DA/5/1992/80102/2 and that no spent pot lining remains in the three potrooms to be demolished. Demolition of the three potrooms shall not commence until Council has reviewed and authorised the written certification.

## **9. Environmental Management Plan**

Submit to Council an Environmental Management Plan (EMP) for review and written authorisation. The EMP shall contain, but not be limited to, the following specialist plans: Air Quality Management Plan, Noise and Vibration Management Plan, Waste Management, Soil and Water Management Plan, Demolition Strategy, Traffic Management Plan, Stakeholder Engagement and Notification Plan; Work Health and Safety Management Plan; and Heritage Management Measures and shall include, among other things, legislative and regulatory requirements; responsibilities for implementation of the management measures; and the monitoring, recording and improvement for environmental management performance.

## **10. Waste Management Plan**

The Waste Management Plan (WMP) shall describe the waste management measures to be implemented as part of the proposal and should include details on the transportation of metal to a licensed waste recycling facility; the storage of crushed concrete and bricks to be used for future reuse at the Smelter; and the safe and secure temporary storage of hazardous and non-recyclable wastes at the development site. The plan shall also include the management of any unexpected hazardous waste.

The WMP shall be incorporated into the Environmental Management Plan and be provided to the Council for review and written authorisation.

## **11. Soil and Water Management Plan**

The applicant must prepare a Soil and Water Management Plan (SWMP) incorporating the following matters.

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Identify the locations for storage of the various waste streams.
- e) Identify the management measures to be applied to the material and at the storage location.
- f) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- g) Control surface water flows through the site in a manner that:
  - (i) Diverts clean runoff around disturbed areas,
  - (ii) Minimises slope gradient and flow distance within disturbed areas.
  - (iii) Ensures surface run-off occurs at non erodible velocities.
  - (iv) Ensures disturbed areas are promptly rehabilitated.
- h) Sediment and erosion control measures in place before work commences.
- i) Materials are not tracked onto the road by vehicles entering or leaving the site.
- j) Details of drainage to protect and drain the site during works.

The SWMP shall be incorporated into the Environmental Management Plan and be provided to the Council for review and written authorisation.

## **12. Noise and Vibration Management Plan**

The Noise and Vibration Management Plan (NVMP) prepared by a suitably qualified person shall include, but not be limited to, the Noise Mitigation Measures outlined in Table 4.19 of the Statement of Environmental Effects.

The plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant AS. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works. The plan shall also address the following matters:

- a) Identification of activities carried out, and associated noise sources
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver
- d) Noise and vibration monitoring, reporting and response procedures
- e) Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles
- f) Description of specific mitigation treatments, management methods, and procedures to be implemented to control noise and vibration during construction
- g) Construction timetabling to minimise noise impacts, including time and duration restrictions, respite periods and frequency
- h) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration
- i) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The NVMP shall be incorporated into the Environmental Management Plan and be provided to the Council for review and written authorisation.

### **13. Demolition Proposed**

The Demolition Strategy shall include, but not be limited to, the following:

- a) The applicant is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.

- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- g) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- h) All vehicles leaving the site with demolition materials must be loaded and managed to avoid the spillage of waste in accordance with Clause 70 of the Protection of the Environment Operations Regulation 2014, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- i) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- l) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of *AS 2601:2001 Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.
- m) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover Authority licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and *AS 2601:2001: Demolition of structures*.
  - iii) Waste disposal receipts must be available to Council / CA as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to Council at the completion of the demolition works.

The Demolition Strategy shall be incorporated into the Environmental Management Plan and be provided to the Council for review and written authorisation.

#### **14. Construction and Traffic Management Plan**

Submit a Construction Management and Traffic Management Plan (CMTMP) detailing the following matters. The plan must be submitted to the Council addressing these matters (as appropriate) prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.



- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

The CMTMP shall be incorporated into the Environmental Management Plan and be provided to the Council for review and written authorisation.

#### **15. Environmental Management Plan Implemented**

The requirements of the Environmental Management Plan shall be in place prior to the commencement of demolition works.

#### **16. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

#### **17. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

#### **18. Site Fence**

A temporary site fence shall be erected around the proposed demolition area and signage erected to delineate the development site from the surrounding areas.

### **DURING WORKS**

**The following conditions are to be complied with during works.**

#### **19. Implementation Environmental Management Plan**

The requirements of the Environmental Management Plan (EMP) must be maintained at all times during the works, and any measures required by the EMP shall not be removed until the site has been stabilised.

**20. Site is Securely Fenced**

The site must be appropriately secured and fenced at all times during works and during the temporary storage of materials in the stockpile area.

**21. Approved Plans Kept On Site**

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

**22. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the *PCA* and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

**DURATION OF CONSENT**

**The following conditions are to be complied with as part of the ongoing use of the premises.**

**23. Environmental Management Plan**

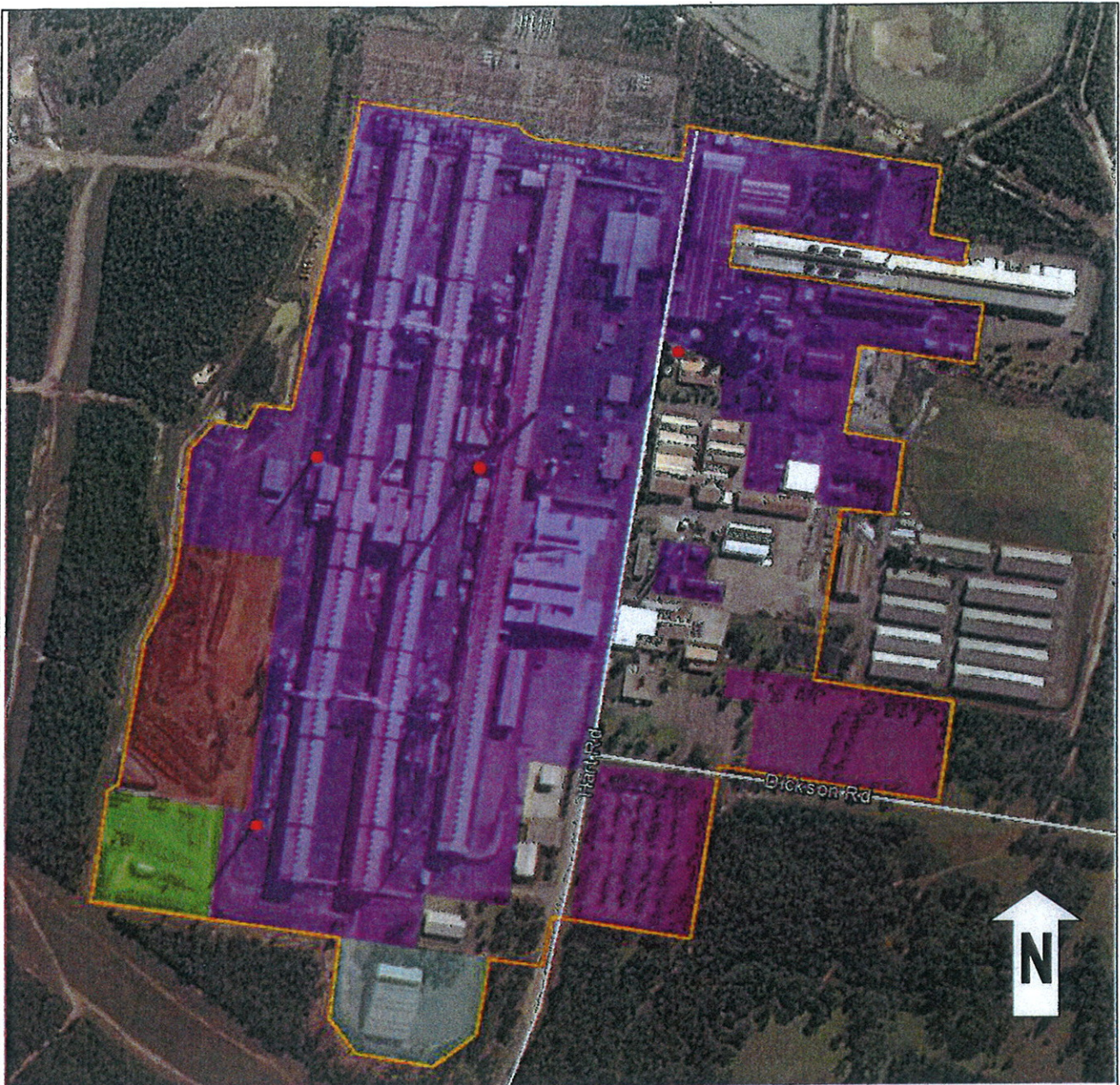
The applicant shall ensure that all mitigation measures in the Environmental Management Plan are implemented and maintained to ensure compliance with the EPL (as varied), the EHCL, and other relevant environmental legislation.

**24. Driveways to be Maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

**25. Site is Securely Fenced**

The development site shall be appropriately secured and fenced for the duration of the consent.



**LEGEND**

- Stage 1 Demolition Area
- Initial Stockpile Area
- Crushing Plant
- Construction Compound
- Potential Ancillary Facility Areas
- Stacks and Water Tower (exclude)
- Proposal Site Boundary

Hydro Aluminium Kurri Kurri Pty Ltd  
 Stage 1 of the Demolition of the Former  
 Aluminium Smelter at Kurri Kurri

**CESSNOCK CITY COUNCIL**  
 Approved plans for  
 Development Consent No. 8/2015/3911  
 Date of Approval... 15/3/2016  
 General Manager Per YB

Initial Layout

(Source: Google Maps, 2015)



**LEGEND**

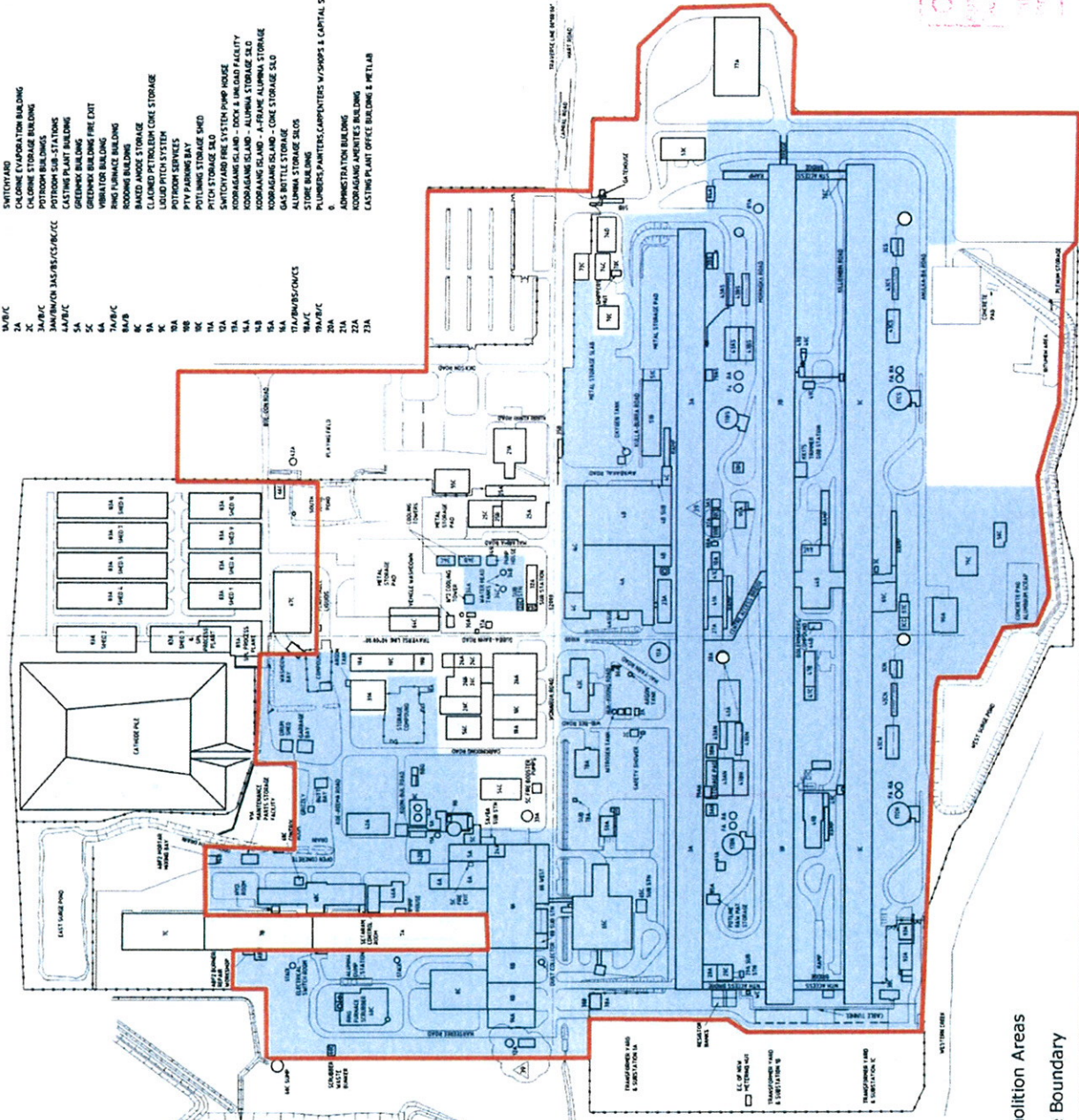
- Stage 1 Demolition Area
- Long Term Stockpile Area
- Crushing Plant
- Construction Compound
- Potential Ancillary Facility Areas
- Stacks and Water Tower (excluded)
- Proposal Site Boundary

Hydro Aluminium Kurri Kurri Pty Ltd  
 Stage 1 of the Demolition of the Former  
 Aluminium Smelter at Kurri Kurri

GESSNOCK CITY COUNCIL  
 Approved plans for  
 Development Consent No. 8201532311  
 Date of Approval... 15/3/2016  
 General Manager Per 113

Ongoing Layout

(Source: Google Maps, 2015)



**LEGEND**

- 1A/B/C SWITCHYARD
- 2A CARBON PLANT OFFICE BUILDING
- 3A/B/C COLONG TOWER BUILDINGS
- 4A/B/C POTROOM SUB-STATIONS
- 5A GREENHOUS BUILDING
- 6A POTROOM BUILDING
- 7A/B/C ROOMING BUILDINGS
- 8A BAKED ANODE STORAGE
- 9A LIQUID PITCH SYSTEM
- 10A POTROOM SERVICES
- 11A POTROOM BAY
- 12A POTROOM OFFICE BUILDING
- 13A POTROOM STORAGE BAY
- 14A POTROOM STORAGE BAY
- 15A POTROOM STORAGE BAY
- 16A POTROOM STORAGE BAY
- 17A/B/C POTROOM STORAGE BAYS
- 18A/B/C POTROOM STORAGE BAYS
- 19A POTROOM STORAGE BAY
- 20A POTROOM STORAGE BAY
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- 24A POTROOM STORAGE BAY
- 25A/B/C POTROOM STORAGE BAYS
- 26A POTROOM STORAGE BAY
- 27A POTROOM STORAGE BAY
- 28A/B/C POTROOM STORAGE BAYS
- 29B POTROOM STORAGE BAY
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- 33A POTROOM STORAGE BAY
- 34A/B/C POTROOM STORAGE BAYS
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- 38A/B/C POTROOM STORAGE BAYS
- 39A POTROOM STORAGE BAY
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**LEGEND**

- Stage 1 Demolition Areas
- Proposal Site Boundary

HYDRO ALUMINIUM KURRI PTY LTD



ENVIRON JOB NO: AS130410

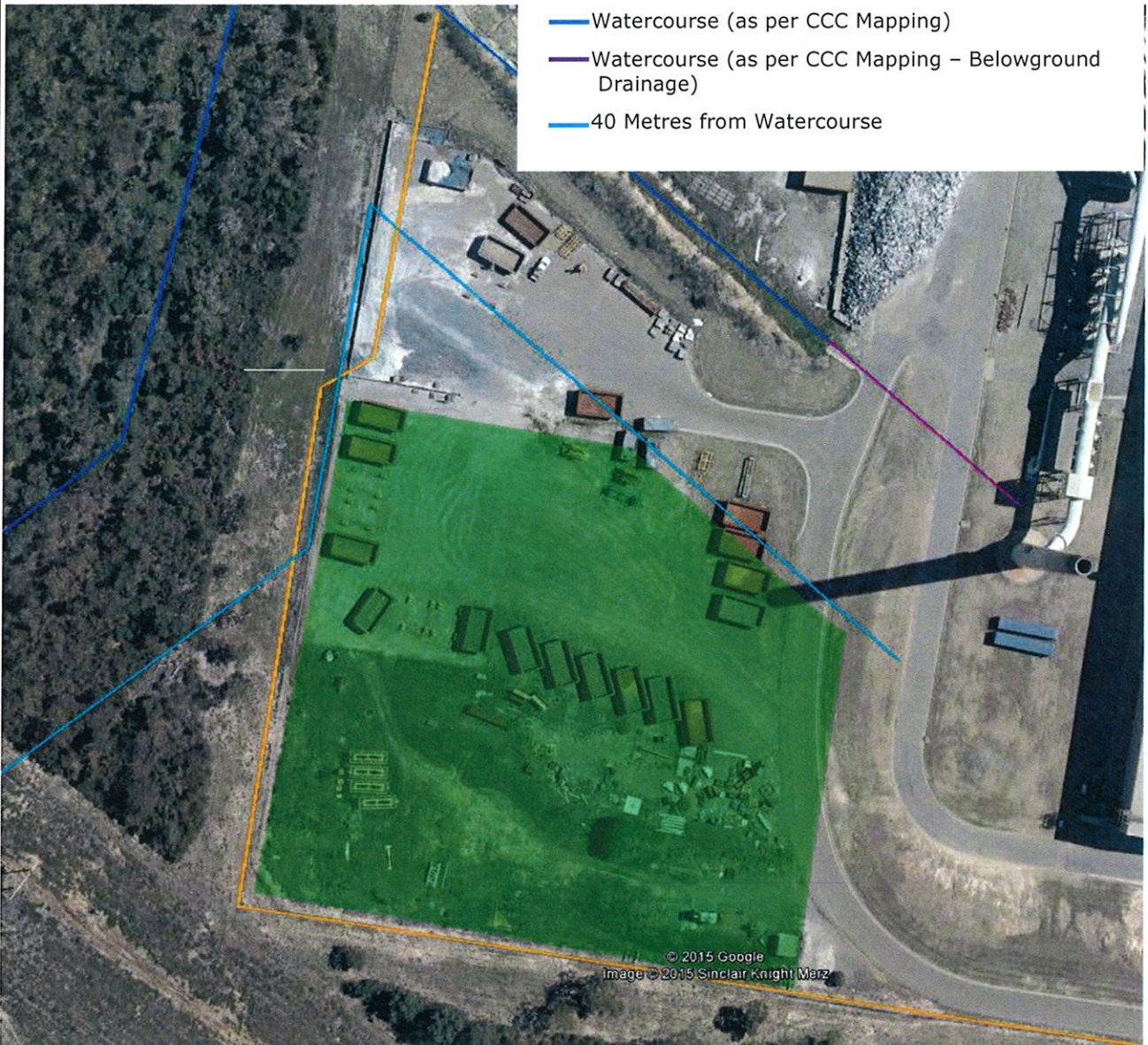
DATE: August 2015

CESSNOCK CITY COUNCIL  
 Approved plans for  
 Demolition Consent No. 8/2015/32911  
 Date of Approval: 15/3/2016  
 Municipal Manager Per: [Signature]

Appendix A: Stage 1 Demolition Plan

**LEGEND**

- Amended Crushing Plant Location
- Proposal Site Boundary
- Watercourse (as per CCC Mapping)
- Watercourse (as per CCC Mapping – Belowground Drainage)
- 40 Metres from Watercourse



© 2015 Google  
Image © 2015 Sinclair Knight Merz

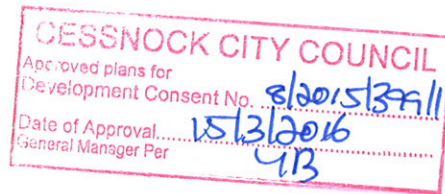
**CESSNOCK CITY COUNCIL**  
 Approved plans for  
 Development Consent No. 8/2015/3911  
 Date of Approval... 15/3/2016  
 General Manager Per 413



Hydro Aluminium Kurri Kurri  
 Stage 1 of the Demolition of the Former  
 Aluminium Smelter at Kurri Kurri

Crushing Plant  
 40 Metres From Mapped Watercourses

Cessnock City Council  
PO Box 152  
Cessnock NSW 2325  
Attention: Peter Giannopoulos



### **DA NO. 8/2015/399/1 DEMOLITION OF FORMER ALUMINIUM SMELTER BUILDINGS AT KURRI KURRI: RESPONSE TO COUNCIL ENQUIRIES**

Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) appreciates the opportunity to meet with Cessnock City Council (Council) on 21 September 2015.

Date 22/09/2015

Hydro acknowledges that Council will be providing a letter listing issues that it requires Hydro to address to assist in the determination process. These issues will be addressed following receipt of this letter.

Hydro also understands that Council required information to allow the Development Application to be placed on exhibition (from the end of this week/ early next week).

Ramboll Environ  
Level 2, Suite 19B  
50 Glebe Road  
PO Box 435  
The Junction  
NSW 2291  
Australia

Please find attached the following plans addressing Council's requirements:

T +61 2 4962 5444  
F +61 2 4962 5888  
www.ramboll-environ.com

- **Figure A** shows the boundaries of the Lots that contain the Proposal site.
- **Figure B** shows the nearby residences to the Proposal site. The figure presents the nearest occupied residences owned by Hydro, and the nearest privately owned residences.
- **Figure C** shows the distance of the proposed crushing plant from the watercourses (as mapped on the Cessnock City Council website).

AS130410\_CCC DA Information  
Requirements FINAL 2015\_09\_23

The crushing plant has been located so that it does not trigger it being deemed a designated development under Clause 16 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Please note that the original crushing plant location (as nominated in the Statement of Environmental Effects) is more than 40 metres from the unnamed watercourse to the west of the Proposal site, and more than 40 metres from the above ground section of the watercourse shown to pass within the Smelter (an artificial open drain).

However Hydro has reviewed the mapped watercourses on the Cessnock City Council website, and it includes a section of underground drainage. The footprint identified for the crushing plant has been slightly reduced to ensure the development would be located more than 40 metres from all mapped watercourses, including the underground drainage.

Please feel free to contact Richard Brown of Hydro on (02) 4937 0406 or the undersigned if you wish to discuss.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Taylor', with a long horizontal line extending to the right.

**Shaun Taylor**  
Senior Environmental Scientist  
Environment and Health

D +61 2 4962 5444  
M +61 4 08386663  
staylor@environcorp.com





- LEGEND**
- Proposal Site Boundary
  - Proposal Site Lot Boundaries
  - Hydro Land Boundary
  - Lot Boundaries

(Source: Google Earth, 2015)

Hydro Aluminium Kurri Kurri: Stage 1 of the Demolition of the Former Aluminium Smelter at Kurri Kurri

Proposal Site Lot Boundaries



Hydro Aluminium Kurri Kurri: Stage 1 of the Demolition of the Former Aluminium Smelter at Kurri Kurri

Nearby Residences

**LEGEND**

- Amended Crushing Plant Location
- Proposal Site Boundary
- Watercourse (as per CCC Mapping)
- Watercourse (as per CCC Mapping – Belowground Drainage)
- 40 Metres from Watercourse



Hydro Aluminium Kurri Kurri  
Stage 1 of the Demolition of the Former  
Aluminium Smelter at Kurri Kurri

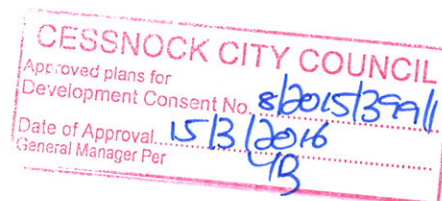
Crushing Plant  
40 Metres From Mapped Watercourses

Aluminium Metal  
Primary Production Kurri Kurri  
PO Box 1,  
Kurri Kurri NSW 2327  
Australia



7<sup>th</sup> December 2015

Sue Page  
Senior Development Assessment Planner  
Cessnock City Council  
PO Box 152  
Cessnock NSW 2325



**DEVELOPMENT APPLICATION NO. 8/2015/399/1: DEMOLITION OF  
FORMER ALUMINIUM SMELTER AND ANCILLARY WORKS  
RESPONSE TO COUNCIL ISSUES**

**Introduction**

Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) acknowledges the letter from Cessnock City Council (Council) dated 26 November 2015 with regard to information on Water Management and Waste Management required to allow Council to properly consider the application for the demolition of former aluminium smelter and ancillary works (the Proposal).

In particular, Hydro understands that the specific issues relate to the storage and management of hazardous materials identified during the demolition of buildings. Specifically:

- Further information is required on the controls to be implemented for the storage of these materials, such as permeability of the hardstand area and prevention of water ingress into these materials.
- The temporary nature of storage of hazardous materials found during demolition.
- Expected timeframes for the long term stockpile area of demolition materials.
- This information should be fully documented in the proposed Soil and Water Management Plan and Waste Management Plan.

The purpose of this letter is to provide information addressing these issues to allow Council to properly consider the application.

**Hazardous Materials Storage Management**

As noted in Section 2.3.2 of the Statement of Environmental Effects (SEE) "*Hazardous materials would be stored at the stockpile area or within an existing Smelter building with appropriate temporary containment to protect human health and the environment.*" The appropriate temporary containment would include:

- Hazardous building materials (such as asbestos containing materials) would be handled in accordance with SafeWork NSW standard procedures (such as double wrapping of asbestos containing materials) and stored in a secured hardstand area.
- Other smelter process-associated materials (Such as bath, fluoride-contaminated alumina and other fluoride-containing dusts) would be stored on hardstand, undercover. In addition, this material generally contains contaminants of low leachability.
- These materials would be stored in one of the following conditions:
  - Within Smelter buildings not to be demolished. A number of buildings would not be demolished as part of the Proposal and are suitable for storage of these materials. Materials would be stored on an undercover, hardstand and secured area. As a result, they are unlikely to be subject to water ingress or unauthorised disturbance.



Materials stored within buildings would be managed in a similar method to that to be used for the temporary storage of spent pot lining within the former anode baking furnace building as approved by Council in October 2015.

- Stored on open hardstand areas. Materials such as double-wrapped asbestos containing materials and stockpiled materials with contaminants of low leachability would be stored in such conditions. As the material is wrapped or of low leachability, and the storage area secured, this would minimise the potential for contamination of the storage area. Only. The material would be stored in areas known to be free of overland water flows.

These storage areas would be inspected as part of building maintenance that would be undertaken at the Smelter. Any repairs or improvements to the storage conditions deemed necessary during these inspections would be immediately undertaken, and the source of the issue identified and addressed.

Hydro is currently undertaking project planning to identify the specific locations for storage of the various waste streams. These would be documented in the Waste Management Plan.

#### **Temporary Hazardous Materials Storage**

The previously described hazardous materials storage areas would be temporary only. As noted in Section 2.3.3 of the SEE *"The disposal of these materials would be addressed in the EIS (Environmental Impact Statement) being prepared to assess Stage 2 Demolition, contaminated soils remediation and waste management"*. Section 2.3.4 of the SEE notes that *"It is anticipated that the Proposal would be completed prior to the proposed works addressed by the EIS commence"*.

The EIS was submitted to the Department of Planning and Environment in November 2015 for assessment for its adequacy for exhibition. Outstanding issues are currently being resolved with the department and the Environment Protection Authority (EPA).

As noted, this EIS includes an on-site containment strategy, which would be used for the permanent disposal of the temporarily stored hazardous materials. While the works the subject of the Development Application to Council are anticipated to be completed prior to the works addressed in the EIS, Hydro's current program indicates that the hazardous materials should be in temporary storage for 3 years prior the on-site containment becoming available.

#### **Long Term Stockpile Area**

As noted in Section 2.3.4 of the SEE *"It is anticipated that the Proposal would be completed prior to the proposed works addressed by the EIS commence. It is expected that many of the facilities and areas established to support the Proposal would continue to be used in these proposed activities (proposed within the EIS), including:.... The stockpile area"*.

The long term stockpile area would be used for the storage of double-wrapped asbestos containing materials and stockpiled materials with contaminants of low leachability (as noted above), concrete, refractory bricks and non-recyclable demolition wastes. It may also be used for temporary storage of metals derived from demolition prior to its transport from the Smelter to a licensed recycling facility.

As discussed in Section 2.3.5 of the SEE, the Proposal would take approximately 18 months to complete. Following completion of the Proposal it is anticipated that the stockpile area would continue to be used for this purpose for an additional 3 years as the proposed Stage 2 Demolition, contaminated soils remediation and waste management activities addressed by the EIS occur.



Upon completion of the use of the area for stockpiling, the surface would be appropriately managed to reduce the potential for erosion and sediment loss (as part of the activities addressed by the EIS).

### **Soil and Water Management Plan and Waste Management Plan**

Hydro is currently developing the Environmental Management Plan (EMP) that will be implemented during the demolition and ancillary activities (as well as other activities at the Smelter). The Soil and Water Management Plan and Waste Management Plan are being developed as specialist plans within the EMP. The EMP would be finalised after development consent to enable the EMP and supporting plans to address any applicable consent conditions.

As noted, the Waste Management Plan would identify the locations for storage of the various waste streams, as well as the management measures to be applied to the material (such as double wrapping) and at the storage location.

The Soil and Water Management Plan would include the soil and water management measures to be implemented within the stockpile area. This would include the requirement for preparation and implementation of Erosion and Sediment Control Plans by contractors and Hydro personnel. These plans would be dynamic and updated to reflect changes in activities within this area.

The EMP (including the Soil and Water Management Plan and Waste Management Plan) would be finalised prior to commencing the Proposal activities.

### **Conclusion**

We hope that this information allows Council to finalise its consideration of the application for the demolition of former aluminium smelter and ancillary works. If you require further information or wish to discuss please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Richard Brown", with a long horizontal line extending to the right.

Richard Brown  
Managing Director  
**Hydro Aluminium Kurri Kurri Pty Ltd**  
PO Box 1  
Kurri Kurri, NSW 2327



# NOTICE OF COMMENCEMENT OF BUILDING WORK

Made under the Environmental Planning and Assessment Act 1979,  
Section 81 a (2) (B) (II)

Revision No. 01-04-2014

OFFICE USE ONLY

DA No: .....  
 CC No: .....  
 CDC No: .....  
 Parcel No: .....  
 Receipt No: .....  
 Date: .....

## PART 1 – APPLICATION DETAILS

### PROPERTY DETAILS

Unit No	House No	Street
Suburb		Site Area m <sup>2</sup>
Lot(s)	Section	Deposited Plan (DP)
Other		Strata Plan (SP)

### DESCRIPTION OF DEVELOPMENT


### DETAILS OF CURRENT DEVELOPMENT APPROVAL

Complying Development Certificate Number	9 / ____ / ____ / ____ (e.g 9 / 2000 / 100 / 1)	Date Issued	__ / __ / __
Construction Certificate Number	10 / ____ / ____ / ____ (e.g 10 / 2000 / 100 / 1)	Date Issued	__ / __ / __

### COMPLIANCE WITH CONDITIONS OF APPROVAL

Have all conditions, required to be satisfied prior to the commencement of work, been satisfied?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--	--------------------------	-----	--------------------------	----

Note: Conditions may include payment of security, S94 contributions, endorsement of building work plans by water supply authority

### PRINCIPAL CERTIFYING AUTHORITY

Name	Accreditation No		
Postal Address	PO Box	Telephone	
Suburb	State	Post Code	Mobile

Has the PCA Notice/Sign been erected on site?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
---	--------------------------	-----	--------------------------	----

### COMPLIANCE WITH DIVISION 8 – ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

Has the Principal Certifying Authority (PCA) been provided with information detailing compliance with the Home Building Act 1989 in accordance with Clause 98B of the E P & A Regulation 2000?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--	--------------------------	-----	--------------------------	----

### DATE WORK IS TO COMMENCE

Date	__ / __ / ____
------	----------------

### SIGNATURE OF APPLICANT

Applicant(s) Name	Date
-------------------	------

Applicant(s) Signature
------------------------

## HOW TO LODGE YOUR FORM

**Address the form to**

General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

OR

General Manager  
Cessnock City Council  
DX 21502  
CESSNOCK

**Lodge in person at Council's Administration Building**

Cessnock City Council  
62-78 Vincent Street  
CESSNOCK NSW

**How to Contact Us**

Phone: (02) 4993 4300  
Fax: (02) 4993 2500  
Email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)  
[www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

**Office Hours**

9am to 5pm Monday to Friday  
*\*Payments are accepted until 4.30pm*

Duty Officers are available  
weekdays:  
Planning - 9am to 5pm  
Building - 9 to 10am & 1 to 5pm

If you require further information regarding this request, please contact Council's Customer Service Centre on (02) 4993 4300.





- b) aluminium smelter wastes which have not been certified as not containing fluoride and/or cyanide,

manufactured by the Licensee at the Premises.

## **1 PERMISSION TO KEEP, PROCESS AND CONVEY ALUMINIUM SMELTER WASTE**

- 1.1 The Licensee is permitted to keep and/or process aluminium smelter waste on the Premises, subject to the conditions of this licence.
- 1.2 The Licensee is permitted to convey aluminium smelter waste subject to the conditions of this licence.
- 1.3 Used anode butt wastes may be disposed of to a landfill appropriately licensed by the EPA to accept them, provided they have been treated to comply with the EPA specifications for solid wastes as described in the EPA's "*Waste Classification Guidelines Part 1: Classifying Waste*".
- 1.4 Before disposing of any used anode butt wastes the licensee must prepare, to the satisfaction of the EPA, a written protocol describing the procedures that will be followed for storing, transporting, assessing, record keeping and reporting on used anode butt wastes.

## **2 KEEPING OF ALUMINIUM SMELTER WASTE**

- 2.1 Aluminium smelter waste must be kept in accordance with the conditions of the Chemical Control Order in Relation to Aluminium Smelter Wastes Containing Fluoride and/or Cyanide Wastes 1986, unless otherwise permitted by this licence.
- 2.2 The aluminium smelter wastes must be kept on site in a secure manner such that no waste and/or leachate can escape from the site.
- 2.3 The storage site for the aluminium smelter waste must be maintained in good order and condition to ensure compliance with clause 2.2 above.
- 2.4 The Premises must be provided with physical security to prevent unauthorised access to the aluminium smelter waste.

## **3 PROCESSING OF ALUMINIUM SMELTER WASTE**

- 3.1 Aluminium smelter waste may be processed for the purpose of research into, and development of, environmentally acceptable methods for reducing the levels of leachable fluoride and/or leachable cyanide in such wastes.
- 3.2 Aluminium smelter waste may be processed on the Premises, for the recovery of components, the making of other products or to reduce the leachable fluoride and/or leachable cyanide content.
- 3.3 Aluminium smelter waste may be processed on the Premises, by treatment with any waste, with water, or, with any other material so as to facilitate handling and, except

for wastes with leachable fluoride and/or leachable cyanide, to facilitate disposal.

#### **4 CONVEYING OF ALUMINIUM SMELTER WASTE**

- 4.1 The Licensee is permitted to convey aluminium smelter waste within the Premises.
- 4.2 Aluminium smelter waste may, subject to the written approval by the EPA, be conveyed to another premises for the purposes of treatment of the wastes to reduce the level of the leachable fluoride or leachable cyanide present in the wastes.

#### **5 DISPOSAL OF APPROVED ALUMINIUM SMELTER WASTE**

- 5.1 Aluminium smelter waste may only be disposed of if certified as being approved aluminium smelter waste.
- 5.2 The disposal of approved aluminium smelter wastes must be in accordance with the *Protection of the Environment Operations Act 1997*.

#### **6 CERTIFICATION OF ALUMINIUM SMELTER WASTE**

- 6.1 Where aluminium smelter waste is to be certified as containing neither fluoride nor cyanide a written report must be kept for at least five years by the Licensee that contains:
  - 6.1.1 details of the sampling performed on the aluminium smelter waste; and
  - 6.1.2 the results from the duplicate analyses of the leachate of all tested subsamples including the analytical method(s), pH, the fluoride detection limit, and in the case of spent potlining, the cyanide detection limit.
- 6.2 Where aluminium smelter waste is to be certified as being approved aluminium smelter waste, a written report must be kept for at least five years by the Licensee that contains:
  - 6.2.1 details of the sampling performed on the approved aluminium smelter waste; and
  - 6.2.2 the results from the duplicate analyses of the leachate of all tested subsamples including the analytical method(s), pH, the fluoride detection limit, and in the case of spent potlining, the cyanide detection limit.
- 6.3 The report required in conditions 6.1 and 6.2 must be certified as correct by a representative of the Licensee; the representative being the Licensee's Chief Executive Officer, or, other designated senior officer of the Licensee.

#### **7 SAMPLING ALUMINIUM SMELTER WASTE**

- 7.1 The sampling and testing procedures referred to in report required in condition 6.2 must be in accordance with the then State Pollution Control Commission document "*Procedures for the Sampling and Analysis of Aluminium Smelter Wastes for Determination of Leachable Fluoride and/or Leachable Cyanide*", dated 19 December 1986.

## **8 INCIDENT MANAGEMENT**

- 8.1 The Licensee must ensure that persons conveying and/or handling aluminium smelter wastes are trained in methods to appropriately deal with, and contain, spills or incidents. This includes the provisions of appropriate personal protective equipment, clean-up material and equipment to deal with any spill.
- 8.2 In the event of a spill or incident, the Licensee must take all the necessary and appropriate actions to ensure the spill or incident is contained and managed in an appropriate manner, so that it does not further migrate within the Premises or to adjoining premises or waters and does not pollute the Premises or adjoining premises or waters.

## **9 INCIDENT REPORTING**

- 9.1 The Licensee must advise or notify the EPA immediately of becoming aware of:
  - 9.1.1 any contamination or pollution of the Premises, or adjoining premises or waters caused by keeping, conveying or processing aluminium smelter wastes; and
  - 9.1.2 any incident, involving aluminium smelter wastes causing or likely to cause contamination or pollution of Premises, or adjoining premises or waters.
- 9.2 The incidents referred to in 9.1.1 and 9.1.2 must be reported by telephoning the EPA's Environment Line on **131 555**.

## **10 ANNUAL REPORT**

- 10.1 The Licensee must, within one month of each anniversary date of this licence, provide the EPA with a written report that includes the details as required in this licence. This annual report must be sent to:

Regional Manager  
Environment Protection Authority  
117 Bull Street  
NEWCASTLE NSW 2300

- 10.2 The annual report is to include:
  - 10.2.1 the quantity, the production and process sources of aluminium smelter wastes kept on the premises each year; and
  - 10.2.2 the quantity, the production and process sources of aluminium smelter wastes generated on the Premises each year; and
  - 10.2.3 details of the investigations into methods of recycling and treatment of the aluminium smelter waste carried out by the Licensee or reported by others on behalf of the Licensee each year; and

- 10.2.4 any other detail as required by this licence.
- 10.2.5 For the purpose of the annual report aluminium smelter wastes will include:
- I. aluminium smelter wastes containing fluoride and/or cyanide;
  - II. aluminium smelter wastes containing leachable fluoride and/or leachable cyanide;
  - III. aluminium smelter wastes which have not been certified as not containing leachable fluoride and/or leachable cyanide; and
  - IV. aluminium smelter waste is to be certified as containing neither fluoride nor cyanide.
- 10.2.6 Where approved aluminium smelter waste is disposed of, the Licensee must, in the annual report, provide the following information:
- I. the production source(s) of the approved aluminium smelter waste disposed of;
  - II. the amount of approved aluminium smelter waste disposed of;
  - III. the location(s) of the disposal;
  - IV. the manner of the disposal; and
  - V. any monitoring performed to detect the occurrence of environmental contamination potentially resulting from the disposal of the waste.

## 11 DEFINITIONS

- 11.1 Where used in this licence, the expressions listed below have the following meanings:

**'approved aluminium smelter waste'** means aluminium smelter wastes containing fluoride and/or cyanide, that contains neither leachable fluoride nor leachable cyanide.

**'convey'** means to carry or transport Aluminium smelter waste from one place to another.

**'Premises'** means the Aluminium Smelter located at Hart Rd, Loxford 2327.

 4.9.14

**BILL GEORGE**  
**A/Head Regional Operations Unit – Hunter**  
**Environment Protection Authority**



# Environment Protection Licence

Licence - 1548

<b>Licence Details</b>	
Number:	1548
Anniversary Date:	31-December

<b>Licensee</b>
HYDRO ALUMINIUM KURRI KURRI PTY LTD
PO BOX 1
KURRI KURRI NSW 2327

<b>Premises</b>
HYDRO ALUMINIUM REMEDIATION PROJECT
HART ROAD
LOXFORD NSW 2327

<b>Scheduled Activity</b>
Chemical storage

<b>Fee Based Activity</b>	<b>Scale</b>
Chemical storage waste generation	> 100 T annual volume of waste generated or stored

<b>Region</b>
North - Hunter
Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302
Phone: (02) 4908 6800
Fax: (02) 4908 6810
PO Box 488G
NEWCASTLE NSW 2300



# Environment Protection Licence

Licence - 1548

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# Environment Protection Licence

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Licence - 1548



## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

# Environment Protection Licence

Licence - 1548



The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

## Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

## Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

## This licence is issued to:

<b>HYDRO ALUMINIUM KURRI KURRI PTY LTD</b>
<b>PO BOX 1</b>
<b>KURRI KURRI NSW 2327</b>

subject to the conditions which follow.

# Environment Protection Licence

Licence - 1548

## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Chemical storage	Chemical storage waste generation	> 100 T annual volume of waste generated or stored

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
HYDRO ALUMINIUM REMEDIATION PROJECT
HART ROAD
LOXFORD
NSW 2327
PREMISES DEFINED BY DRAWING TITLED "HYDRO ALUMINIUM KURRI KURRI PTY LTD, EPL 1548 SCHEDULED PREMISE" FIGURE 1, DATED 20/06/2014, PROVIDED TO THE EPA ON 13 OCTOBER 2014 (EPA REFERENCE DOC14/235585).

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

Note: Page Break.

# Environment Protection Licence

Licence - 1548

- A3.2 Any other document and/or management plan is not to be taken as part of the documentation in condition A3.1, other than those documents and/or management plans specifically referenced in this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

- P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

- P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

#### *Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
11		Discharge to utilisation area	Irrigation area

## 3 Limit Conditions

### L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Waste

- L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

## 4 Operating Conditions

### O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.

# Environment Protection Licence

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This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

## **O2 Maintenance of plant and equipment**

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
  - a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.

## **O3 Dust**

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Note: Condition O3.3 does not apply solely to transportation of waste tyres or scrap metal in accordance with Clause 70(2) of the Protection of the Environment Operations (Waste) Regulation 2014.

## **O4 Effluent application to land**

- O4.1 Effluent application must not occur in a manner that causes surface runoff.
- O4.2 Spray from effluent application must not drift beyond the boundary of the premises.
- O4.3 Livestock access to any effluent application area must be denied during effluent application and until the applied effluent area has dried.
- O4.4 The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

# Environment Protection Licence

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## **O5 Processes and management**

- O5.1 The licensee must ensure that any liquid and/or non-liquid waste generated and/or stored and/or processed at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.

## **O6 Waste management**

- O6.1 The area(s) used for the storage of hazardous or restricted solid waste at the premises must be provided with physical security to prevent unauthorised access to those wastes.
- O6.2 The licensee must ensure that hazardous or restricted solid waste is stored or contained in a secure manner so as to prevent any hazard and the escape of waste and/or leachate.
- O6.3 The licensee must ensure incompatible wastes are not mixed and transported together on any vehicle used by any person to transport the waste.
- O6.4 The licensee must ensure that a suitable enclosed area is provided at the loading point of any hazardous or restricted solid waste which will effectively contain any spillage of such waste. Notwithstanding this precautionary measure, the licensee must co-operate with any waste transporter to ensure that loading operations are carried out in such a way as to prevent the spillage of the waste.
- O6.5 The licensee must ensure that arrangements are made with any waste transporter to ensure that the recyclable materials are collected and removed to a lawful facility where the waste will be recycled or re-used.
- O6.6 Before disposing of any used anode butt wastes, the licensee must prepare, to the satisfaction of the EPA, a written protocol describing the procedures that will be followed for the treatment, storing, transporting, assessing, record keeping and reporting on the management of used anode butt wastes.

## **5 Monitoring and Recording Conditions**

### **M1 Monitoring records**

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
  - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
  - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
  - b) the time(s) at which the sample was collected;
  - c) the point at which the sample was taken; and

# Environment Protection Licence

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d) the name of the person who collected the sample.

## M2 Recording of pollution complaints

M2.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M2.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M3 Telephone complaints line

M3.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M3.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M3.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## 6 Reporting Conditions

### R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- 1. a Statement of Compliance,
- 2. a Monitoring and Complaints Summary,
- 3. a Statement of Compliance - Licence Conditions,
- 4. a Statement of Compliance - Load based Fee,
- 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
- 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and



# Environment Protection Licence



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## 7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 A Waste Management Report is to be provided with the Annual Return. The Waste Management Report must contain the following information:

- a) the quantity and the production and process sources of hazardous and/or restricted solid wastes kept on the premises during the licence year;
- b) the quantity and the production and process sources of hazardous and/or restricted solid wastes generated at the premises during the licence year;
- c) details of investigations into methods of recycling and treatment of hazardous and restricted solid wastes carried out by the Licensee or reported by others on behalf of the Licensee during the licence year;
- d) the amount of hazardous and/or restricted solid waste disposed of during the licence year;

# Environment Protection Licence



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- e) details of the disposal method and location of disposal for hazardous and/or restricted solid wastes;
- f) the results of any monitoring carried out to detect the occurrence of environmental contamination potentially resulting from the disposal of any hazardous or restricted solid waste; and
- g) any other details required by this licence

## R2 Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
  - a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
  - a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

# Environment Protection Licence

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## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

### G2 Contact number for incidents and responsible employees

- G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:
  - a) respond at all times to incidents relating to the premises; and
  - b) contact the licensee's senior employees or agents authorised at all times to:
    - i) speak on behalf of the licensee; and
    - ii) provide any information or document required under this licence.

## 8 Special Conditions

### E1 Groundwater interception and monitoring - Capped Waste Stockpile

- E1.1 The licensee is to continue operating the groundwater interception trench and leachate management system for the Capped Waste Stockpile.
- E1.2 The licensee is to continue the groundwater monitoring program in accordance with the "Groundwater Water Monitoring Program, Capped Waste Stockpile" plan as provided to the EPA on 15 April 2014.
- E1.3 The licensee must submit a groundwater monitoring report to the EPA with each Annual Return. This report must included, but need not be limited to:
  - a) aquifer characterisation, including aquifer behaviour;
  - b) a trend analysis of monitored parameters in key wells; and
  - c) any recommendations arising from a review of the groundwater data.

### E2 Removal of Spent Pot Lining (Works & Programs)

- E2.1 The licensee must remove or treat all spent pot lining (SPL) that is stored on the premises by 31 December 2021 (excluding any SPL within the capped waste stockpile) and ensure that:
  - a) any SPL that is removed from the premises must be moved to a premises that is lawfully able to receive it;
  - b) any SPL that is treated at the premises must be treated to a standard suitable for its intended

# Environment Protection Licence

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lawful end use or disposal; and

c) if the licensee intends to treat SPL on the premises, all necessary approvals must be obtained to allow treatment to occur.

E2.2 Nothing in condition E2.1 permits the licensee to act otherwise than in accordance with a licence issued under the Environmentally Hazardous Chemicals Act 1985.

E2.3 The licensee must provide a written report to the EPA with each Annual Return that details:

- a) the amount of SPL (excluding the capped waste stockpile) that remains stored at the premises;
- b) the amount of SPL that has been removed from the premises; and
- c) details of the premises where the removed SPL was taken to (name, address, relevant environment protection licence number) and for what purpose.

# Environment Protection Licence

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## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

# Environment Protection Licence

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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

# Environment Protection Licence



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<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 31-January-2000

# Environment Protection Licence



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## End Notes

- 1 Licence varied by notice V/M upgrade, issued on 08-Jul-2000, which came into effect on 08-Jul-2000.
- 2 Licence transferred through application 140008, approved on 18-Sep-2000, which came into effect on 16-Oct-2000.
- 3 Licence varied by notice Prem.Change, issued on 01-Dec-2000, which came into effect on 16-Oct-2000.
- 4 Licence varied by notice Prem.change, issued on 01-Dec-2000, which came into effect on 16-Oct-2000.
- 5 Licence varied by notice 1004851, issued on 07-Mar-2001, which came into effect on 01-Apr-2001.
- 6 Licence varied by notice 1015709, issued on 27-Mar-2002, which came into effect on 21-Apr-2002.
- 7 Licence varied by notice 1017479, issued on 26-Feb-2003, which came into effect on 23-Mar-2003.
- 8 Licence varied by notice 1036145, issued on 14-Apr-2004, which came into effect on 09-May-2004.
- 9 Licence varied by notice 1042130, issued on 09-Nov-2004, which came into effect on 12-Nov-2004.
- 10 Licence varied by notice 1061583, issued on 09-Aug-2006, which came into effect on 09-Aug-2006.
- 11 Licence varied by notice 1084666, issued on 28-Apr-2008, which came into effect on 28-Apr-2008.
- 12 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 13 Licence varied by notice 1097917, issued on 31-Mar-2009, which came into effect on 31-Mar-2009.
- 14 Licence varied by admin. corrections to archived record, issued on 01-Apr-2009, which came into effect on 01-Apr-2009.
- 15 Licence varied by notice 1102749, issued on 28-Jul-2009, which came into effect on 28-Jul-2009.
- 16 Licence varied by notice 1105168, issued on 21-Aug-2009, which came into effect on 21-Aug-2009.
- 17 Licence varied by notice 1118364, issued on 24-Sep-2010, which came into effect on 24-Sep-2010.
- 18 Licence varied by notice 1501281 issued on 17-Nov-2011



# Environment Protection Licence

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Licence - 1548



19	Licence varied by notice	1505741 issued on 11-Oct-2012
20	Licence varied by notice	1524069 issued on 18-Aug-2014
21	Licence varied by notice	1543354 issued on 30-Jul-2018



Hydro Aluminium Kurri Kurri Pty Ltd  
PO Box 1  
KURRI KURRI NSW 2327

Contact: Mr Peter Giannopoulos  
Our Ref: DA 8/2018/46/1  
Your Ref:

Dear Sir/Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.17(1)(a) (cf previous s 80) of the Environmental Planning and Assessment Act 1979, Cessnock City Council hereby gives notice that **Development Application 8/2018/46/1** has been determined by the granting of consent, subject to the conditions listed in Schedule 1.

<b>Date of determination:</b>	09 May 2018
<b>Date from which consent operates:</b>	09 May 2018
<b>Date from which consent lapses:</b>	09 May 2023
<b>Description of development:</b>	Demolition, including the Detonation of Three (3) Buildings of Hydro Aluminium Plant & the Operation of Mobile Crushing Plant
<b>Property description:</b>	LOTS: 1 & 3 DP: 456769 and LOTS: 16, 318, 319, 411, 412, 413, 414, 415, 420 & 769 DP: 1082775, 159 Hart Road, 53 Dickson Road, Hart & Dickson Roads and 162 Bishops Bridge Road LOXFORD
<b>Applicant:</b>	Hydro Aluminium Kurri Kurri Pty Ltd
<b>Owner:</b>	Hydro Aluminium Kurri Kurri Pty Ltd

If you have any further enquiries regarding this notice of determination, please contact Mr Peter Giannopoulos, Team Leader Development Services, of Council's Planning and Environment on (02) 4993 4112.

Yours faithfully



Janine McCarthy  
Development Services Manager  
mh

## ADVICE:

The following matters are included as advice relative to this Application:

- (a) These conditions are imposed to control development, having regard to Section 4.15 (cf previous s 79C) of the Environmental Planning and Assessment Act 1979, and are required to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance;
  - require regular monitoring and reporting; and
  - provide for the ongoing environmental management of the development.
- (b) This Development Consent will lapse on 09 May 2023. Relevantly, Sections 4.54(4) and 4.45(5) of the Environmental Planning and Assessment Act 1979, state as follows:
- “(4) *Development consent for:*  
*(a) the erection of a building, or*  
*(b) the subdivision of land, or*  
*(c) the carrying out of a work,*  
*does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.*
- (5) *Development consent for development other than that referred to in subsection (4) does not lapse if the use of any land, building or work the subject of that consent is actually commenced before the date on which the consent would otherwise lapse”.*
- (c) The applicant has the right to appeal this determination in accordance with the provisions of Section 8.7 (cf previous s97) of the Environmental Planning and Assessment Act 1979.
- (d) The applicant has the right to request a review of the determination of this development application in accordance with the provisions Section 8.3 (cf previous s82A) of the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000.
- (e) An objector who is dissatisfied with the determination of this development application does not have the right to appeal to the NSW Land and Environment Court.
- (f) The Planning Assessment Commission has not conducted a public hearing in respect of this Application.

**ABBREVIATIONS:**

AS	Australian Standard
BCA	Building Code of Australia
CA	Certifying Authority
CC	Construction Certificate
DA	Development Application
<i>EP&amp;A Act</i>	Environmental Planning & Assessment Act 1979
<i>EP&amp;A Regulation</i>	Environmental Planning & Assessment Regulation 2000
PCA	Principal Certifying Authority
OC	Occupation Certificate
OSD	On Site Detention
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
WAE	Works as Executed

## SCHEDULE 1

### TERMS OF CONSENT

#### **CONDITIONS OF CONSENT**

##### **1. Approved Plans and Documents**

Development must be carried out generally in accordance with DA No. 8/2018/46 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

- Environmental Impact Statement – Former Hydro Aluminium Kurri Kurri Smelter Stage 2 – Demolition prepared by Ramboll, dated January 2018

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

##### **2. General Terms of Approval**

All General Terms of Approval issued by the Environmental Protection Agency must be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval dated 7 March 2018 and the supplementary requirements, contained in a letter dated 9 April 2018 are attached to this determination notice.

##### **3. Bushfire**

The proposed works are to comply with Clause 7.3.1.1 'Fire and Incident Management' as given in the Environmental Impact Statement prepared by Ramboll Australia Pty Ltd (Environmental Impact Statement prepared to support a Development Application for Stage 2 demolition of buildings at the former Hydro Aluminium Kurri Kurri aluminium smelter - Ref AS130511).

##### **4. Environmental Management Plan**

The development must operate strictly in accordance with the Environmental Management Plan to be submitted to Council for review and written authorisation.

##### **5. Crushing Plant**

The Applicant must ensure that the temporary crushing plant is established a minimum of 40 metres from mapped watercourses, including underground drainage, on the development site.

##### **6. Demolition Hours**

Proposed activities that would generate audible noise at the nearest sensitive receiver are to be undertaken between the following hours:

- Monday to Friday 7.00am to 6.00pm
- Saturday 7.00am to 1.00pm
- No work to be undertaken on Sundays or Public Holidays

Other proposed works may be permitted outside the nominated work hours with restricted equipment as detailed in the Environmental Management Plan to be reviewed and authorised by Council prior to the commencement of works.

#### **7. Demountable Buildings**

Demountable buildings shall be located on the site in accordance with the Environmental Management Plan.

### **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s.**

#### **8. Environment Protection Authority**

The approved development must operate strictly in accordance with the conditions attached to the Environment Protection Licence 1548 and the Environmentally Hazardous Chemicals Act Licence No. 5. The proponent will need to obtain a Licence Variation Application to the EPA separately, to ensure that the license is consistent with this approval. The variation must be obtained prior to the commencement of works.

#### **9. Protection of Watercourses**

The Applicant must establish 'no go zones' to ensure that the temporary crushing plant, all machinery, plant and activity is kept a minimum distance of 40 metres from mapped watercourses, including underground drainage, on the development site.

#### **10. Construction and Traffic Management Plan**

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by Council prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

- vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
  - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
  - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
  - e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council must be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

## **11. Soil and Water Management Plan**

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by Council prior to the commencement of works.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
  - i) Diverts clean-runoff around disturbed areas



- ii) Minimises slope gradient and flow distance within disturbed areas
- iii) Ensures surface run-off occurs at non erodible velocities
- iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

## **12. Environmental Management Plan**

Submit to Council a Environmental Management Plan (EMP) for review and written authorisation. The EMP must contain, but not be limited to, the following revised specialist plans:

- Waste Management
- Soil and Water Management Plan
- Demolition Strategy
- Traffic Management Plan
- Stakeholder Engagement and Notification Plan
- Work Health and Safety Management Plan
- Heritage Management Measures

## **DURING WORKS**

**The following conditions are to be complied with during works.**

### **13. Soil and Water Management Plan Implemented**

The requirements of the Soil and Water Management Plan must be in place prior to the commencement of demolition works and/or construction works and must be maintained throughout the demolition and/or construction process.

### **14. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

### **15. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities are to be contacted for specific requirements prior to commencement of any works.

## **16. Implementation Environmental Management Plan**

The requirements of the Environmental Management Plan (EMP) must be maintained at all times during the works, and any measures required by the EMP shall not be removed until the site has been stabilised.

## **17. Work Safety**

Any demolition and construction work must be undertaken in compliance with the relevant Work Health and Safety (WHS) legislation with a suitable WHS management plan and procedures in place. In particular, a workplace occupational hygiene plan should also be developed to identify, assess and control worker exposure to hazardous chemicals. This may also require worker health monitoring for hazardous chemicals listed in schedule 14 of the WHS Regulations 2017.

## **18. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

## **19. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

## **20. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

## **DURATION OF CONSENT**

**The following conditions are to be complied with as part of the ongoing use of the premises.**

### **21. Driveways to be Maintained**

All access crossings and driveways must be maintained in good order for the life of the development.

### **22. Site is Securely Fenced**

The development site must be appropriately secured and fenced for the duration of the consent.

## **ADVISORY NOTES**

### **1. “DIAL BEFORE YOU DIG” DIAL 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

### **2 Responsibility for Other Consents/Agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **3. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

### **4. Aboriginal Heritage**

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.



DOC18/97816-12 | EF13/3122

The General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

Attention: Mr Peter Giannopoulos

By email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

7 March 2018

Dear Mr Giannopoulos

**DA No: 8/2018/46/1 (Integrated Development) Demolition of former Hydro Aluminium Plant including the Operation of Mobile Crushing Plant**

I refer to your letter to the Environment Protection Authority (EPA) dated 19 February 2018, providing opportunity to comment on the Development Application No: DA 23/2018 for the proposed development application for the demolition of the former Hydro Aluminium Plant including the operation of a mobile crushing plant. Associated with the DA application is the Environmental Impact Statement (EIS) for the proposed development titled "*Former Hydro Aluminium Kurri Kurri Smelter Stage 2 Demolition*" prepared by Rambol Australia Pty Ltd dated January 2018.

The EPA understands that key components of the project include:

- removal of project workshops, storage sheds and other buildings;
- removal of buildings used for the current storage of waste;
- removal of the three concrete stacks and water tower still standing onsite;
- removal of some subsurface structures and services to a depth of 1.5 metres, and
- operation of a mobile crushing plant at a rate of up to 2000 tonnes per day.

Hydro Aluminium Kurri Kurri Pty Ltd originally lodged State Significant Development 6666 for Stage 2 demolition activities and for the disposal of contaminated wastes on-site in a containment cell. The EPA made a submission to the Department of Environment and Planning on this development on 4 January 2017, in response to the exhibited project application and associated EIS.

The EPA has reviewed the EIS and makes the following comments:

**1) Waste**

The buildings housing the Spent Pot Lining waste are to be demolished as part of the stage 2 demolition activities. Section 7.5.6 of the EIS states that these buildings will only be demolished once all Spent Pot Lining waste has been removed and appropriately managed either in another building approved for the storage of the Spent Pot Lining or sent off-site to a lawful facility.

The EPA considers that the demolition of any building containing any aluminium waste, including Spent Pot Line waste, should not be permitted without details of how it will subsequently be stored or treated. No detail of the methods of treatment or storage of this waste is provided in the EIS. The first condition, provided below, addresses this issue.

**2) Noise and Vibration**

The EIS and supporting documentation have not been updated to address EPA comments regarding noise and vibration from the detonation and demolition of the stacks and other elevated structures. These issues were identified in the EPA's letter dated 4 January 2017. The fifth and sixth conditions, provided below, address this issue.

**3) Operation of a mobile crushing plant at a rate of up to 2000 tonnes per day.**

If approved, a variation to Environment Protection Licence 1548 held by the proponent will be required prior to conducting crushing or grinding activities at the premises. The proponent will be required to submit a Licence Variation Application to the EPA separately. Given the requirement for both development consent and an environment protection licence, the proposed development is integrated development under Section 4.46 of the *Environmental Planning and Assessment Act (1979)*. Under Section 4.47 of this legislation, any consent issued must be consistent with the EPA's General Terms of Approval.

**General Terms of Approval**

- 1) The proponent must not demolish any building used for the storage of Aluminium Smelter Waste, as defined in the "Chemical Control Order in relation to Aluminium Smelter Wastes containing fluoride and/or cyanide" (1986) issued under the *Environmentally Hazardous Chemicals Act (1985)*.
- 2) No demolition activities can occur within the area of the current Capped Waste Stockpile or the future containment cell proposed in State Significant Development 6666.
- 3) No waste generated from the proposed stage 2 demolition activities is to be disposed of at the premises.
- 4) No waste generated from the proposed stage 2 demolition activities is to be stored at the premises except if allowed by and in accordance with the conditions of the Environment Protection Licence for this premises.
- 5) The proponent must ensure that demolition of the stacks and any other elevated structures is planned to minimise the risk of air-borne contaminants being transported from the site.

If you require any further information regarding this matter please contact Genevieve Lorang on (02) 4908 6809.

Yours Sincerely



**MITCHELL BENNETT**  
**Head Strategic Programs Unit - Hunter**  
**Environment Protection Authority**

Contact officer: GENEVIEVE LORANG  
(02) 4908 6869  
hunter.region@epa.nsw.gov.au



DOC18/97816-14 ; EF13/3122

The General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

Attention: Mr Peter Giannopoulos

By email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

9 April 2018

Dear Mr Giannopoulos

**Development Application No: 8/2018/46/1 (Integrated Development) Demolition of former Hydro Aluminium Plant including the Operation of Mobile Crushing Plant – Additional General Terms of Approval**

I refer to your letter to the Environment Protection Authority (EPA) dated 19 February 2018, providing opportunity to comment on the Development Application No: DA 23/2018 for the proposed development application for the Demolition of former Hydro Aluminium Plant including the Operation of Mobile Crushing Plant in Kurri Kurri. The EPA provided General Terms of Approval to Cessnock City Council on 7 March 2018.

On 4 April 2018, the EPA received a phone call from Cessnock City Council requesting clarification of the reference to "the fifth and sixth conditions" under the heading of Noise and Vibration on page 2 of the letter. I apologise for omitting condition six.

Please include the following condition if council approves the proposed development:

- 6) The proponent must ensure that demolition of the stacks and any other elevated structures is planned to minimise the risk of adverse noise and vibration impacts on the community.

Please contact Genevieve Lorang on (02) 4908 6809 if you wish to discuss this matter.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'MB' followed by a stylized flourish.

**MITCHELL BENNETT**  
**Head Strategic Programs Unit - Hunter**  
**Environment Protection Authority**

Contact officer: GENEVIEVE LORANG  
(02) 4908 6869  
[hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au)