



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

Dear Mr Brown

Decision on referral
Hydro Aluminium Kurri Kurri Smelter – Remediation and Demolition Project, Kurri Kurri, NSW (EPBC 2015/7496)

Thank you for submitting a referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This is to advise you of my decision about the proposed action to demolish the Hydro Aluminium Kurri Kurri smelter and remediate the site.

As a delegate of the Minister for the Environment, I have decided that the proposed action is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.

A copy of the document recording this decision is enclosed. This document will be published on the department's website.

Please note that this decision relates only to the specific matters protected under Chapter 2 of the EPBC Act.

This decision does not affect any requirement for separate state or local government environment assessment and approvals of the proposed action.

The department has an active audit program for proposals that have been referred under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

If you have any questions about the referral process or this decision, please contact the project manager, Kathy Colgan, by email to kathy.colgan@environment.gov.au, or telephone 0262741503 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Victoria Press
A/G Assistant Secretary
Assessments and Fuel Branch
24/03/2016



COMPLIANCE MONITORING AND AUDITING

This fact sheet provides an overview of the compliance monitoring and auditing program in place for projects referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and permits granted under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act).

What is the EPBC Act?

The EPBC Act is Australia's key national environment law. Under the EPBC Act, proposals which are likely to have a significant impact on matters of national environmental significance must be referred, assessed, and a decision made by the Minister or his delegate on whether to approve the proposal.

What is the Sea Dumping Act?

The Sea Dumping Act regulates the loading and dumping of waste at sea. The Sea Dumping Act fulfils Australia's international obligations under the London Protocol to prevent marine pollution by dumping of wastes and other matter. Permits are required from the Department for all ocean disposal activities.

What is compliance monitoring and auditing for?

The Department has implemented a program to monitor and audit projects that have been referred under the EPBC Act and the Sea Dumping Act to ensure they are complying with their approval/permit conditions or particular manner requirements and the legislation.

Compliance monitoring activities, including inspections and audits, aim to ensure projects with the potential to impact on nationally protected matters are implemented as planned. Monitoring and audits help the Australian Government to understand how well conditions or requirements are being understood and applied, and contribute to improving the effectiveness of the Department's operations.

All compliance monitoring activities, and any subsequent enforcement activities, are conducted in accordance with the Department's Compliance and Enforcement Policy.

What is a monitoring inspection?

Approved projects are subject to monitoring inspections to ensure and verify compliance with the conditions or requirements of the approval or permit. Projects are selected for a monitoring inspection based on a risk-based process informed through a number of factors, including sector, location, compliance history and the potential impact on listed matters (such as threatened species and ecological communities).

What is a compliance audit?

A compliance audit is an objective assessment of a project's compliance against selected criteria. Projects are audited against conditions or requirements. A compliance audit usually takes the form of a desktop document review and may include a site inspection, if necessary. In some cases, the document review provides the Department with enough information to verify that a project is compliant.

Projects can be chosen for audit based on a random selection process or a risk-focused selection process. If your project is selected for an audit, you will be contacted by a Departmental officer who will explain the process. All audit report summaries are posted on the Department's website. The results of audits may also be publicised through the general media.

Further information

For further information on the compliance monitoring and auditing program, please visit the Department's website at www.environment.gov.au or contact:

The Director, Compliance Monitoring Section
Department of the Environment
GPO Box 787 CANBERRA ACT 2601
Telephone: (02) 6274 1111
Email: EPBCmonitoring@environment.gov.au





Notification of

REFERRAL DECISION – not controlled action

Hydro Aluminium Kurri Kurri Smelter – Remediation and Demolition EPBC Act referral 2015/7496

This decision is made under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person named in the referral Hydro Aluminium Kurri Kurri Pty Ltd
ACN 093 266 221

proposed action Demolition and remediation of the Hydro Aluminium Kurri Kurri Smelter [See EPBC Act referral 2015/7496 and the variation approved on 18 February 2016]

Referral decision: Not a controlled action

status of proposed action The proposed action is not a controlled action.

Person authorised to make decision

Name and position Victoria Press
A/G Assistant Secretary
Assessments and Fuel Branch

signature

date of decision

24 March 2016