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HYDRO ALUMINIUM KURRI KURRI SMELTER COMPLIANCE REPORT 2

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1. INTRODUCTION

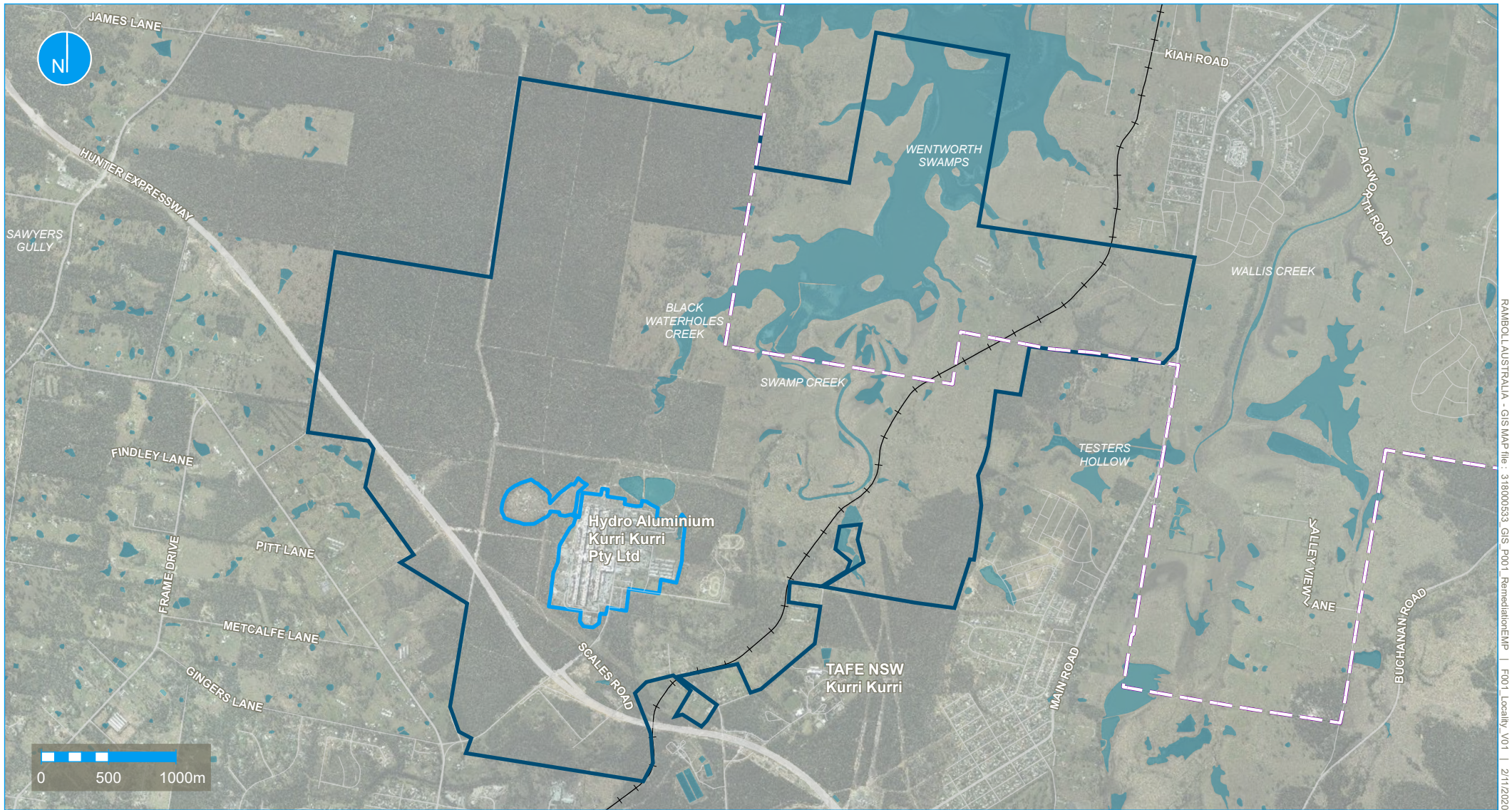
1.1 Project overview

Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) owns and operates the former Hydro Kurri Kurri Aluminium Smelter (the Smelter) located at Hart Road Loxford, New South Wales (NSW) within the Cessnock City Council local government area.

The project locality is shown on **Figure 1-1**. The site is approximately 80 hectares (ha) and is surrounded by approximately 2,000 hectares of buffer zone land that is also owned and managed by Hydro.

State Significant Development (SSD) 6666 development consent was issued under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* on 23 December 2020 for remediation of the Smelter (the project). SSD 6666 generally approves the following activities:

- Continued use of the Stage 1 Demolition compounds, stockpile and storage areas
- Establishment of environmental controls such as erosion and sediment and water quality controls
- Construction of the Containment Cell including base and capping layers
- Construction of a haul road to the Containment Cell
- Transport and placement of remediation and non-recyclable demolition materials to the Containment Cell
- Leachate and stormwater management/monitoring
- Excavation of contaminated soils within the Site
- Removal of the Capped Waste Stockpile
- Transport of waste material removed from the Capped Waste Stockpile and excavated contaminated soils (including stockpiled soils sourced from other Hydro owned land) to the Containment Cell
- Filling and grading following removal of contaminated materials
- Leachate management system, pumping well network and dam decommissioning.



RAMBOLL AUSTRALIA - GIS MAP file : 318000533_GIS_P001_RemediationEMP | F001_Locality_V01 | 2/11/2020

Imagery © Department of Customer Service 2020

Legend

- Hydro owned land
- Project site
- LGA boundary

A4
1:40,000



Figure 1-1 | Smelter and Hydro Land Locality Plan



RAMBOLL AUSTRALIA - GIS MAP file : 318000533 GIS P001 RemediationEMP | F002 Smelter_V02 | 2/11/2020

Aerial photography by Nearmap, flown 15.06.2020

Legend

Project site

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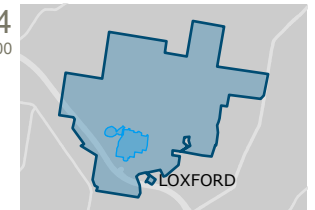


Figure 1-2 | Existing Smelter Layout

1.2 Summary of activities in the reporting period

The project physically commenced on 27 January 2021. The following key project activities were undertaken during the compliance reporting period:

- Completion of excavation and landforming of the base of the Containment Cell
- Construction of the Containment Cell sediment basins and the leachate collection ponds
- Installation of the Containment Cell geosynthetic liners and drainage layers, and establishment of the leachate collection system
- Extensive testing of HDPE geosynthetic lining and other materials during Containment Cell construction
- Commencement of construction and installation of the Temporary Water Treatment Plant and associated infrastructure
- Construction of the haul road between the Containment Cell and the Capped Waste Stockpile
- Excavation of sediments from the West Surge Pond and East Surge Pond, and storage of the excavated materials into some of the former spent pot lining storage sheds.
- Delivery and storage of gypsum into some of the former spent pot lining storage sheds
- Continued Groundwater Monitoring of Capped Waste Stockpile leachate plume
- Continued operation of the five dust deposition gauges
- Deliveries and receipt of imported materials (including lining material and VENM material from quarries) for the construction of Containment Cell

The following key activities associated with the development consent were undertaken during the compliance reporting period:

- Modification 1 to SSD 6666 was lodged on 11 June 2021 pursuant to section 4.55(1A) of the EP&A Act. The modification sought consent to construct and operate an onsite temporary water treatment system and associated infrastructure, enabling discharge of treated leachate to the existing smelter water management system. The modification, SSD-6666-Mod-1, was approved on 13 September 2021.
- Modification 2 to SSD 6666 was lodged on 5 October 2021 pursuant to section 4.55(1A) of the EP&A Act. The modification sought consent to:
 - reduce the vegetation clearance area and reduce the biodiversity credit requirements as described in condition B41
 - remove the designation of the northern area east of the Clay Borrow Pit (known as Hydro PAD 1 (37-6-3872)), as a potential archaeological deposit (PAD) and remove condition B38 from the development consent
 - remediate the material located within the former PAD area.

The modification, SSD-6666-Mod-2, was approved on 4 March 2021.

- An Independent Environmental Audit was undertaken by Aquas on 30 November, 1 and 2 December 2021 on Hydro's compliance against the requirements of SSD-6666-Mod-1.
- A variation to EPL 1548 was approved by the EPA on 15 February 2022 to allow for aluminium dross from Tomago Aluminium to be temporarily stored at the scheduled premises. This is due to the processing facility (Weston Aluminium) for the aluminium dross being damaged by fire in November 2021 and no longer able to process. Tomago Aluminium had no remaining storage space, and the Project site was identified as a suitable alternative storage facility.

1.3 Key contacts

The names and contact details of the key personnel who are responsible for the environmental/compliance management of the development are listed in **Table 1-1**.

Daracon Contractors Pty Ltd (Daracon) has been contracted as the Remediation Contractor to undertake remediation of the Smelter site and to construct the Containment Cell.

Table 1-1: Key contacts

Name	Role	Company	Phone	Email
Richard Brown	Managing Director	Hydro	0439 139 059	richard.brown@hydro.com
Andrew Walker	Project Manager	Hydro	0408 467 506	Andrew.Walker@hydro.com
Andrew Solomou	Construction Manager	Hydro	0419 708 090	Andrew.solomou@hydro.com
James Brown	WHS Manager	Hydro	0409 552 379	James.brown@hydro.com
Rob Francis	Project Manager	Daracon	0417 459 262	Rob.Francis@daracon.com.au
John Clipperton	Project Supervisor	Daracon	0438292563	john.clipperton@daracon.com.au

1.4 Compliance reporting

1.4.1 Compliance reporting objectives

This Compliance Report has been prepared by Ramboll Australia Pty Ltd (Ramboll) on behalf of Hydro to monitor and report on the compliance status of the Project in relation to the development consent.

The Compliance Reporting ensures that:

- the project's performance in terms of compliance with conditions of consent is evaluated on the basis of monitoring data and is communicated at various stages during the carrying out of the development
- the reporting obligations required by the conditions of consent are met
- opportunities for improvement are identified and adopted.

1.4.2 Compliance reporting scope

The Compliance Report has been prepared in accordance with *the Compliance Reporting Post Approval Requirements* (Department, 2020) (the Compliance Reporting PAR).

The requirement for Compliance Reporting is outlined in conditions C11 and C12 of SSD 6666 as follows:

C11. Within three months after the commencement of remediation works, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department, 2020) and must also:

- identify any trends in the monitoring data over the life of the development;*
- identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and*
- describe what measures will be implemented over the next year to improve the environmental performance of the development.*

C12. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

1.4.3 Compliance reporting period

This Compliance Report is for the period 25 April 2021 to 31 March 2022.

2. PREVIOUS REPORT ACTIONS

An update on the actions since the previous Compliance Report is included in **Appendix 2**.

3. COMPLIANCE STATUS SUMMARY

3.1 Compliance Status Summary

The status of each compliance requirement during the reporting period has been recorded by using the descriptors in **Table 3-1**.

Table 3-1: Compliance status descriptors

Compliance status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

3.2 Compliance Summary

Compliance performance with the Development Consent was determined from a review of project documentation, observations and interviews with site representatives. A summary of the compliance performance is provided in **Table 3-2**. Full details of the findings are documented within **Appendix 1**.

Table 3-2: Compliance summary

Compliance status	Number of conditions
Compliant	64
Non-compliant	0
Not triggered	37
Total number of conditions	101

3.3 Non-compliances

No non-compliances have been identified within the compliance reporting period as detailed in **Appendix 1**.

3.4 Incidents

No incidents occurred during the Compliance Reporting period as shown in **Table 3-3**.

Table 3-3: Incident summary

Management area	Number of incidents
Air quality	0
Noise	0
Water	0
Total number of incidents	0

3.5 Complaints

A summary of the complaints that occurred during the Compliance Reporting period is provided in **Table 3-4**. Details of each incident is provided in **Table 3-5**.

Table 3-4: Summary of complaints

Management area	Number of complaints
Air quality	1
Noise	0
Water	0
Total number of complaints	1

Table 3-5: Description of complaints

Date	Management area	Description of complaint	Actions undertaken	Further actions required
23/07/2021	Air quality	Resident concerned about black dust particles on the washing and surfaces of her home	Hydro representative discussed the complainant the dust mitigation measures in place and the meteorological conditions at the time of the complaint. It was concluded and agreed that the project was not the source of the dust at the residence.	None required

4. ENVIRONMENTAL PERFORMANCE

4.1 Environmental Management

4.1.1 Management Plans

Hydro operates in accordance with a Remediation Works Environmental Management Plan (RWEMP), as required under condition C2 of the development consent. The RWEMP provides a system and procedures to establish and maintain controls to manage potential environmental impacts during post closure activities of the Smelter. The RWEMP includes the following appendices as required under the development consent:

- Containment Cell Management Plan (Appendix A) (CCMP)
- Air Quality Management Plan (Appendix B) (AWMP)
- Erosion and Sediment Control Plans (Appendix C) (ESCP)
- Biodiversity Management Plan (Appendix D) (BMP)
- Stakeholder and Community Engagement Plan (Appendix E) (SEP)
- Work Health and Safety Management Plan (Appendix F) (WHSMP)

Other specialist management plans have been prepared for certain environmental aspects (separate to those required by the development consent requiring approval from the Department). These are:

- Smelter Access Plan (SAP)
- Traffic Management Plan (TMP)
- Noise and Vibration Management Plan (NVMP)
- Soil and Water Management Plan (SWMP)
- Waste Management Plan (WMP)
- Energy Efficiency Management Plan (EEMP)
- Aboriginal Heritage Management Plan (AHMP).

In addition, the Pollution Incident and Emergency Response Management Plan (PIREMP) describes the procedures to be implemented in the event that a pollution incident occurs at the Smelter.

SSD-6666-Mod-1 (Modification 1) Conditions B19A, 19C and 19D require the development of the following plans and procedures to enable the operation of the TWTP:

- TWTP Management Plan
- Irrigation Management Plan
- Water Quality Monitoring Program.

4.2 Air Quality

4.2.1 Background

Air quality monitoring is undertaken at five locations via dust deposition gauges (DDG1, DDG2, DDG3, DDG4 and DDG5). The dust deposition gauges were established in December 2016 prior to the commencement of demolition activities. Results are collected for total insoluble material on a monthly basis.

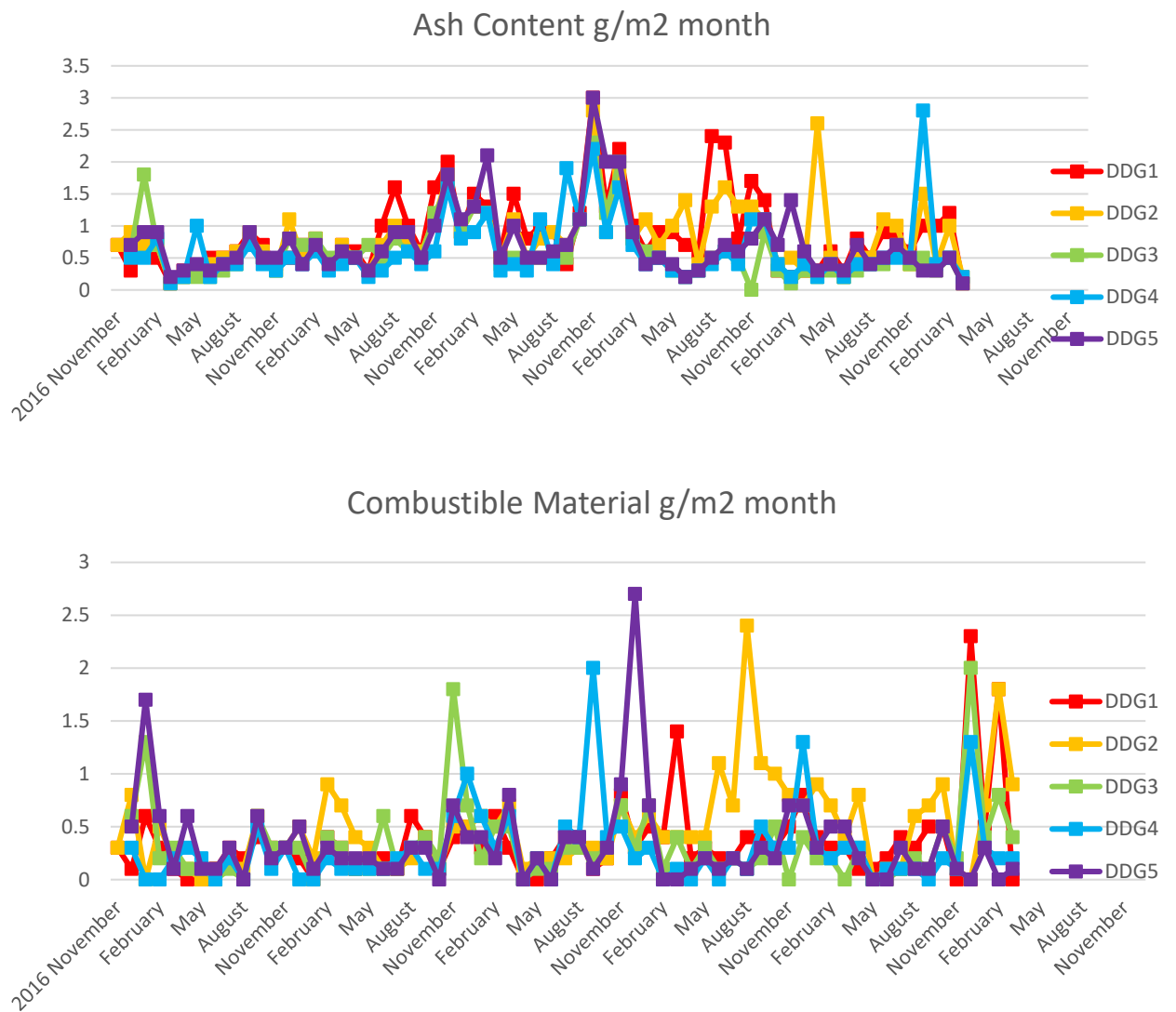
The air quality assessment criteria applicable to the site are those specified by the NSW Environment Protection Authority (EPA) within the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2005). Impacts from PM₁₀ and total suspended particulate (TSP) matter are considered the most relevant pollutants for the project. The specific goal that will be applicable at surrounding receptors (through the results at the five dust deposition monitoring stations) is an annual incremental impact of deposited dust of 2g/m²/month.

A meteorological station has also been established in the south east of the Smelter site to capture daily observations of wind speed, temperature, relative humidity and rainfall.

4.2.2 Trends in the monitoring data

Figure 4-1 presents the dust deposition monitoring data from November 2018 to March 2022.

The data shows only one minor exceedance (4.1 g/m²) of the total insoluble material limit (4 g/m²) in December 2022. This exceedance, and peaks in the results of other locations, generally equates to the time of a fire at the Weston Aluminium facility to the south of the Project site.



Total Insoluble Material g/m2 month

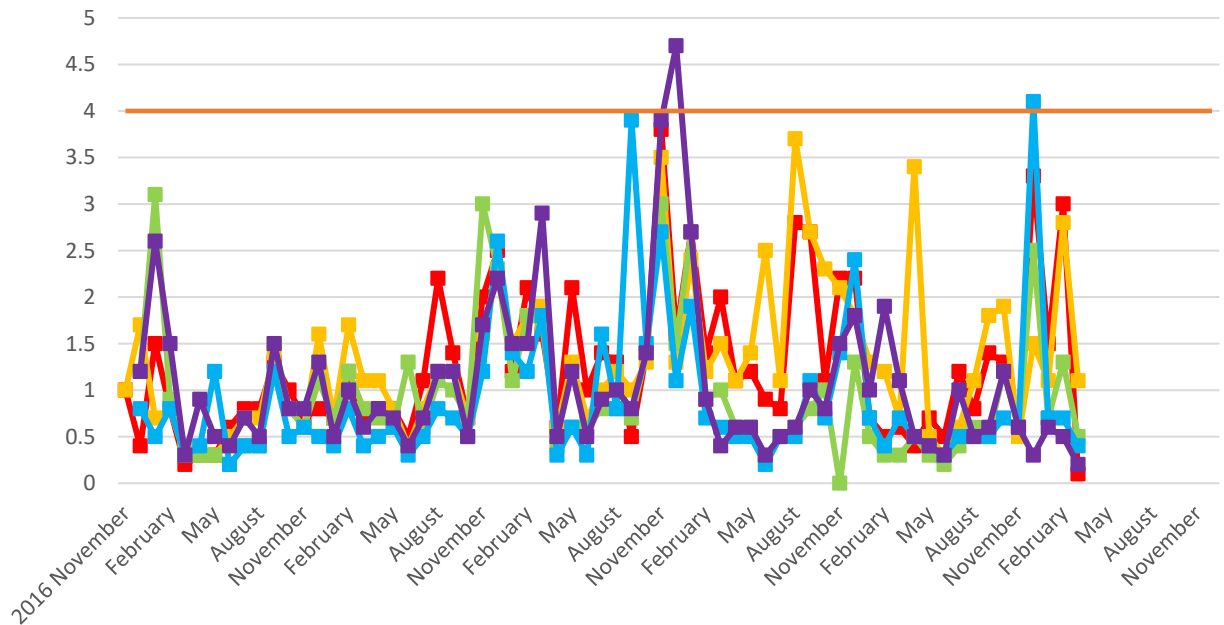


Figure 4-1: Air quality monitoring data

4.2.3 Actual versus predicted impacts

Air quality modelling undertaken for the EIS indicated that the predicted incremental and cumulative concentrations and deposition rates will be below the applicable EPA assessment criteria and *National Environment Protection (Ambient Air Quality) Measure* advisory reporting goals at all the sensitive receiver locations.

This prediction is consistent with the monitoring results for the compliance reporting period.

4.3 Noise and Vibration

4.3.1 Background

Noise and vibration monitoring are only proposed to be undertaken in response to substantiated noise or vibration complaints in order to validate and assess the source(s) giving rise to complaint(s).

4.3.2 Trends in monitoring data

No noise or vibration complaints were received during the compliance reporting period requiring validation monitoring to be undertaken.

4.3.3 Actual versus predicted impacts

Noise modelling undertaken for the EIS indicated that the predicted noise levels associated with the modelled worst-case scenario would comply with the standard construction hours noise criteria at all noise sensitive receivers.

The vibration assessment undertaken for the EIS concluded it is unlikely that there would be any vibration impacts that would give rise to annoyance or structural damage at any of the nearest receivers.

These predictions are consistent with the results for the compliance reporting period based on the absence of complaints.

4.4 Biodiversity

4.4.1 Background

Monitoring of the environmental management of biodiversity is undertaken via weekly visual inspections. These inspections include consideration of impacts on native biodiversity, and if there is evidence of noxious weeds or vertebrate pests.

4.4.2 Trends in the monitoring data

No native vegetation clearing occurred during the compliance reporting period. Vegetation management was limited to weed management and the maintenance of fire buffers.

4.4.3 Actual versus predicted impacts

The development of the Containment Cell required the clearance of approximately 0.97 hectares of Kurri Sand Swamp Woodland in the Sydney Basin Bioregion Endangered Ecological Community (EEC) and approximately 0.56 hectares of the Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin Bioregion EEC. Vegetation clearing was undertaken and completed in February 2021.

Within the compliance reporting period Modification 2 was approved by the Department. The modification sought to modification of the approved vegetation clearance area to that completed in February 2021 (reduced from 1.35 hectares of Kurri Sand Swamp Woodland in the Sydney Basin Bioregion Endangered Ecological Community (EEC) and approximately 1.15 hectares of the Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin Bioregion EEC) and therefore resulted in a reduction to the biodiversity credit requirements as reflected in the revised condition B41 from Modification 2.

Other activities predicted in the EIS to have an impact on biodiversity include:

- Pest and weed control
- Remediation of contaminated soils and waste disposal areas as native vegetation adjoins these areas (impacts to be avoided where possible or managed).

4.5 Soils

4.5.1 Background

Contaminated site investigations have identified a number of small areas within the Hydro Land that require remediation. Remediation involves the excavation and removal of the contaminated soils, and disposal within the Containment Cell in accordance with a Remediation Action Plan (RAP). The areas requiring remediation include:

- The former Municipal Landfill on Hart Road
- Dickson Road South
- Asbestos contaminated soils at former residential properties.

Monitoring of the environmental management of contaminated soils and stockpiles, including erosion and sediment controls, is undertaken via weekly visual inspections. The erosion and

sediment controls are also to be inspected after a rain event (greater than 5 millimeters in any one period up to 24 hours in duration).

4.5.2 Trends in monitoring data

The weekly inspection checklists indicate that erosion and sediment controls have been installed and inspected regularly in accordance with the ESCP and the Blue Book.

4.5.3 Actual versus predicted impacts

The EIS states that erosion and sediment controls would be installed at appropriate locations to divert clean water and to capture and collect soils, dust and particulates from water runoff.

This prediction is consistent with the inspection results for the compliance reporting period.

4.6 Surface water

4.6.1 Background

Surface water monitoring is undertaken in accordance with the *National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality* (ANZECC, 2000) at the following locations:

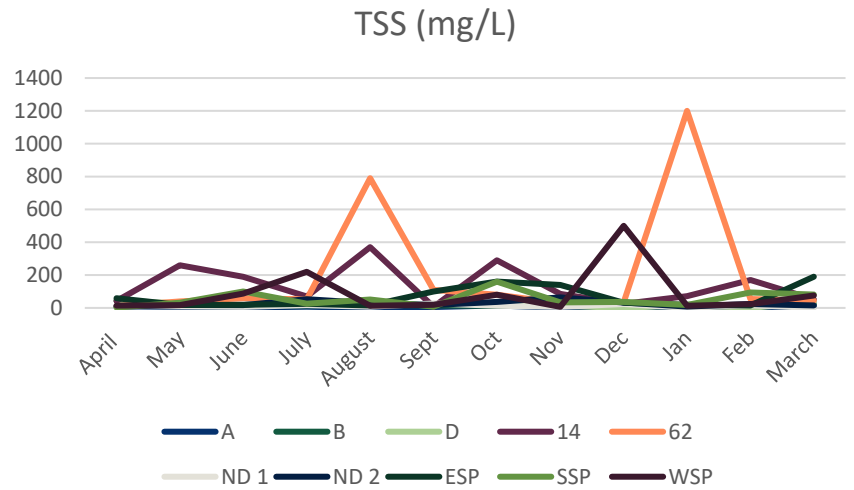
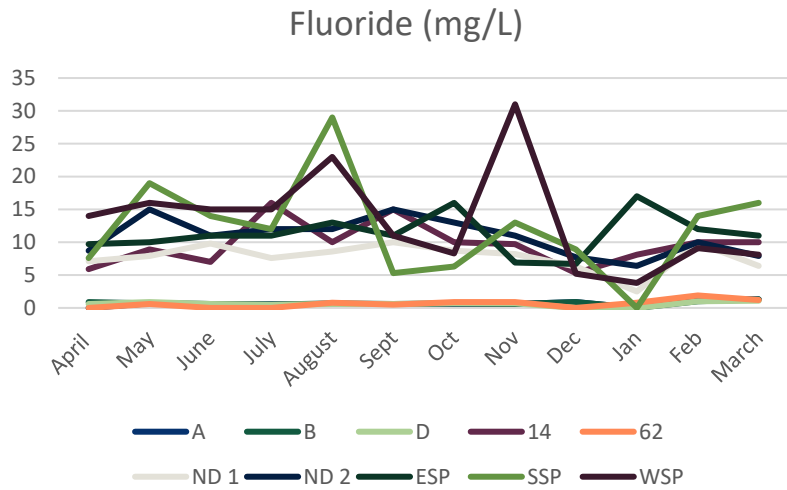
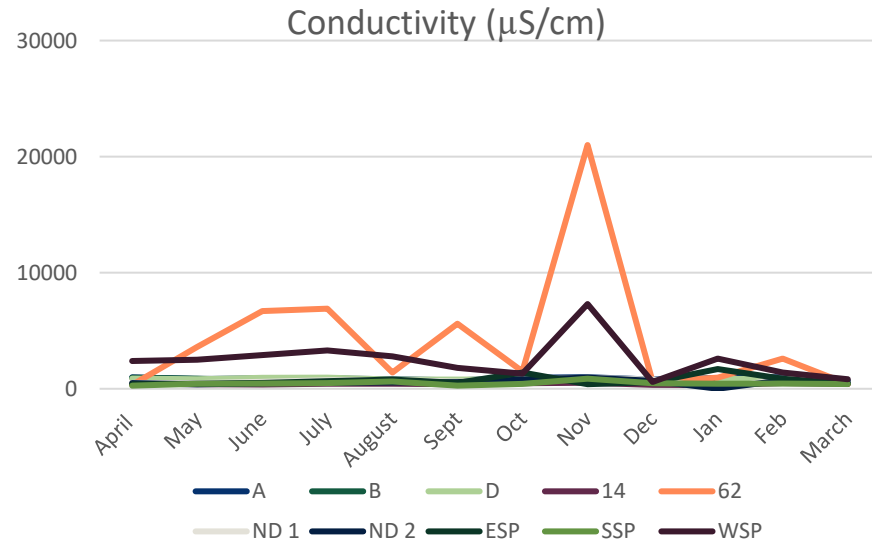
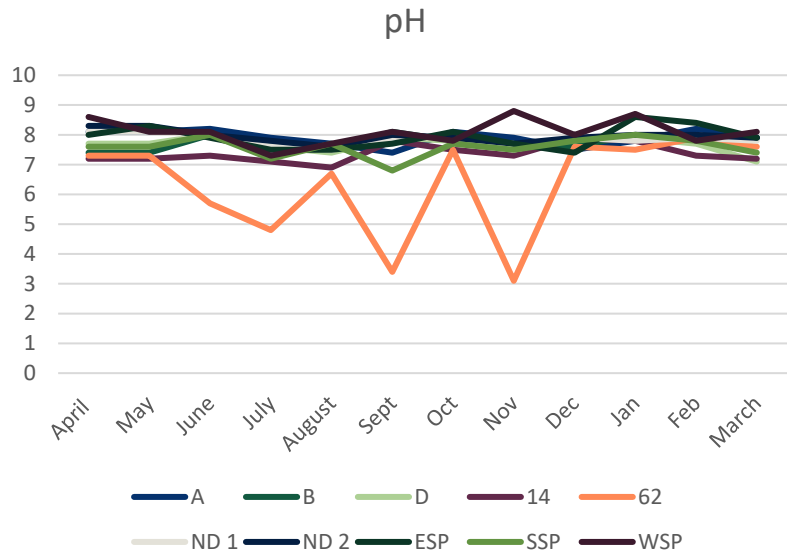
- Dams (ND1 and ND2)
- Swamp Creek (A – up gradient of site, 14 – downgradient of CWS, B – downgradient of CWS, and D – downgradient of Irrigation)
- Wentworth swamp (62)
- Surge Ponds: Eastern Surge Pond (ESP), Southern Surge Pond (SSP) and Western Surge Pond (WSP).

The program includes monitoring of pH, electrical conductivity, free cyanide, free fluoride, total suspended solids (TSS) and total dissolved solids (TDS).

4.6.2 Trends in monitoring data

Figure 4-2 presents the surface water monitoring data from April 2021 to March 2022.

The results for the monitoring locations within and immediately downstream of the project site as within the expected range. Monitoring location 62 is within Wentworth Swamp and its results (particularly pH and conductivity) are more likely to be influenced by other sources, including acid runoff from former mine workings, and acid sulfate soils.



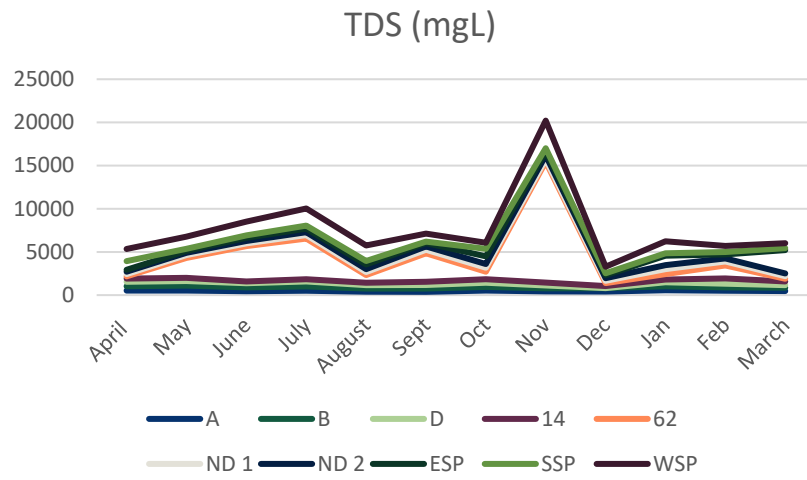


Figure 4-2: Surface water monitoring data

4.6.3 Actual versus predicted impacts

The surface water impact assessment in the EIS indicated that the quality of surface water would not be impacted by the project.

This prediction is consistent with the monitoring results for the compliance reporting period.

4.7 Groundwater

4.7.1 Background

Hydro undertakes quarterly groundwater monitoring to specifically monitor a leachate impacted groundwater plume associated with the Capped Waste Stockpile. The monitoring program samples and analyses a network of 29 groundwater monitoring wells. The program includes monitoring of the groundwater level and groundwater quality (pH, soluble fluoride, total and free cyanide, total and dissolved aluminium).

4.7.2 Trends in monitoring data

None of the remediation works activities that could potentially impact on groundwater have commenced. The 2021 Annual Groundwater Monitoring Report (Ramboll, 2022) concluded:

Leachate is currently only generated in limited quantities following heavy rainfall and removal of leachate from the northern interception trench is completed as required. Pumping of leachate from the active interception trench has not been required since 2016 due to the lack of leachate generation. Monitoring of groundwater and occasional pump out of passive leachate interception trenches is proposed to continue until remediation of the Capped Waste Stockpile is completed in 2023.

4.7.3 Actual versus predicted impacts

The groundwater impact assessment in the EIS predicted that groundwater is not expected to be encountered during the works with the exception of excavation of the Capped Waste Stockpile and demolition works less than 1.5 metres below ground surface. Aquifer recharge and groundwater quality are not expected to be impacted by the project. Groundwater quality is expected to be improved as a result of remediating the Capped Waste Stockpile.

4.8 Waste

4.8.1 Background

The majority of the demolition activities were undertaken in 2020. Limited activities occurred during the compliance reporting period.

Monitoring of waste is undertaken via record keeping and waste tracking of the following details:

- Quantity and type of liquid and non-liquid waste generated, source, handled, stockpiled, processed or disposed of on and off site.
- Details of waste disposal including the quantity, tracking, handling, stockpiling, reuse/recycling and proposed strategies for confirming that waste treatment and/or disposal facilities can lawfully accept waste generated.

4.8.2 Trends in monitoring data

Trends in monitoring data have not yet been captured. The below activities relating to waste have occurred within the compliance reporting period.

No wastes generated by the remediation works (apart from municipal solid waste or wastes from temporary amenity facilities for management at a licensed waste facility) have been removed from the Project site during the reporting period.

Remediation of specific areas within the buffer zone and the smelter site has occurred, within the compliance reporting period, with the material transferred to temporary stockpiles within the Project site. Materials transferred to temporary stockpiles include PAH and PFAS contaminated soils, asbestos containing materials and lead based slag. All material movements on site are captured within the waste tracking spreadsheets held onsite.

Commencement of waste transfer to the containment cell is the third quarter of 2022, within the next reporting period.

Waste generated outside of the Project site is not to be received at the site except as expressly permitted by an EPL. A variation to EPL 1548 was approved by the EPA in February 2022 to allow aluminium dross from Tomago Aluminium to be temporarily stored at the scheduled premises. As of 31 March 2021, 1339 tonnes of aluminium dross had been accepted and stored onsite within the compliance reporting period. This material will be removed off site and does not form part of the remediation project.

Approximately 27,830 tonnes of spent pot lining was dispatched to Regain Services Pty Ltd between 1 April 2021 and 31 March 2022 under the continual contract to receive and process spent pot lining.

4.8.3 Actual versus predicted impacts

As placement of waste into the containment cell has not yet commenced, tracking of waste quantities have not yet been reported. Progress and predicted impacts will be reporting in the subsequent compliance report.

4.9 Stakeholder and Community Engagement

Stakeholder and community engagement activities undertaken during the compliance reporting period included:

- Ongoing management and maintenance of the Project website:
<https://regrowthkurrikurri.com.au/>
- Community Reference Group (virtual) meetings held on the following dates:
 - 17 June 2021
 - 19 August 2021
 - 21 October 2021
 - 16 December 2021
 - 17 February 2022

Correspondence with the Department during the compliance reporting period has occurred on numerous occasions. Correspondence with regards to the consent conditions is detailed within the compliance table in **Appendix 1**. Communication with additional stakeholders is summarised in **Table 4-1**.

Table 4-1: Summary of Stakeholder Consultation

Stakeholder	Consultation date	Reason for consultation	Consultation status
Hunter New England Health District	Commenced in February 2021 and continued through to July 2022	Consultation on the Stakeholder Engagement Plan	Stakeholder Engagement Plan approved 21 July 2021
EPA	Commenced in January 2021 and continued through to May 2021	Consultation of application for Modification 1	Closed SSD-6666-Mod 1 approved
	February 2022	Development of management plans required by SSD-6666-Mod 1 for TWTP	Closed Management plans have been approved by the Department
Department of Planning, Industry and Environment (Water)	Commenced in February 2021 and continued through to June 2021	Consultation on application for Modification 1	Closed SSD-6666-Mod 1 approved
Biodiversity and Conservation Division	April 2021	Consultation of application for Modification 2	Closed SSD-6666-Mod 2 approved
Heritage NSW	Commenced 18 August 2021 and continued to 26 October 2021	Heritage assessment to inform Modification 2 Notification for update of the Aboriginal Heritage Information Management System (AHIMS) (to remove the PAD classification from the area east of the Clay Borrow Pit)	Closed SSD-6666-Mod 2 approved AHIMS updated to confirm the area is not a site.

5. SUMMARY OF ACTIONS

No specific actions have been identified by the compliance report. However as the commencement of filling the containment cell is programmed to commence in the next reporting period a number of conditions of consent are triggered. **Table 5-1** identifies the actions/measures triggered by conditions of consent to be completed within the next reporting period.

An update on the status of previous actions identified for the development is included in **Appendix 2**.

Table 5-1 Actions to be completed within next compliance reporting period

Condition of consent number	Action proposed	Proposed completion date
B18	Stormwater management system to be installed and operational prior to placement of contaminated waste materials in the containment cell	Completed
B19B	Prior to operation of the TWTP, explore all practical and reasonable treatment measures to reduce specifically the fluoride concentration in the treated effluent from the TWTP to levels consistent with the ANZECC (2000) long term trigger values for irrigation, and adjust the target fluoride values as applicable	July 2022
B19D	Prior to operation of the TWTP, implementation of the Water Quality Monitoring Program	Commenced
B41	Retirement of biodiversity credits is due by 26 January 2023	26 January 2023
B47	No action: Note that the Department confirmed a separate Fire Safety Study and Construction Safety Study are not required as confirmed in letter dated 21 May 2021.	NA
B48	Review of the Emergency Plan and Safety Management System prior to the commencement of filling the Containment Cell	Prior to commencement of filling containment cell (October 2022)
B49	Submit to the Planning Secretary a Pre-start-up Compliance Report detailing compliance with Condition B47 and Condition B48 one month prior to the commencement of filling the Containment Cell	Hydro submitted a letter to the Department dated 01 February 2022 via the Project Portal addressing the requirements of this condition. An email dated 1 February 2022 was issued by the Department acknowledging lodgement.

Condition of consent number	Action proposed	Proposed completion date
B49A	Prior to and during operation of the TWTP, quantities of dangerous good stored and handled are to be below the threshold quantities as specified in Condition B49A	Prior to and ongoing during operation of the TWTP (from July 2022)
B49B	Prior to and during operation of the TWTP, dangerous goods to be stored and handled in accordance with Condition B49B	Prior to and ongoing during operation of the TWTP (from July 2022)
B52	Construction of a perimeter road at least 4.6 m wide, around the containment cell on the completion of construction of the containment cell	Completion of containment cell construction (final quarter of 2023)
C5(e)	Review of the Biodiversity Management Plan, Aboriginal Heritage Management Plan and Soil and Water Management Plan to reflect SSD-6666-Mod 2	Currently under review, to be completed by June 2022

APPENDIX 1 COMPLIANCE TABLE

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	PART A: ADMINISTRATIVE CONDITIONS			
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT			
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the remediation works and operation of the development, and any rehabilitation required under this consent.	At all times	Activities onsite are undertaken generally in accordance with the RWEMP and sub-plans. The RWEMP provides the system to manage and control environmental aspects of the project during remediation works to prevent environmental harm. No incidents resulting in material harm to the environment have occurred during the compliance reporting period.	Compliant
	TERMS OF CONSENT			
A2	The development may only be carried out: <ul style="list-style-type: none"> a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) in accordance with the EIS and Response to Submissions; d) in accordance with the RAP and CCDDR; e) in accordance with the Development Layout in Appendix 1; f) in accordance with the Modification Applications; and g) in accordance with the management and mitigation measures in Appendix 3. 	At all times	The requirements under this condition are met as follows: <ul style="list-style-type: none"> a) The project has been undertaken in compliance with the conditions of the project consent as evident in this table. b) No written directions have been received by the Planning Secretary. c) Activities undertaken during the compliance reporting period are described in Section 1.3 of the Compliance Report. These activities were undertaken in accordance with the EIS and RtS. d) Remediation activities and construction of the Containment Cell commenced during the compliance reporting period and have been 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>undertaken in accordance with the RAP and CCDDR.</p> <p>e) The project is consistent with the layout in Appendix 1 relevant to the activities undertaken during the compliance reporting period.</p> <p>f) Two modifications have been approved in the compliance reporting period:</p> <ul style="list-style-type: none"> - Modification 1 incorporated the Temporary Water Treatment Plant (TWTP) and associated infrastructure. The TWTP installation has commenced but is not yet operational. The management plans and monitoring program required by conditions B19A to B19D have been prepared and approved by the Department (refer to response to conditions) - Modification 2 incorporated the reduced native vegetation clearance area, the removal of condition B38 (and the associated classification of the area east of the Clay Borrow Pit as a potential archaeological deposit), and the removal of fill and contaminated material from within this area, following additional investigations. The additional investigations were completed in April 2022 which defined the extent of contaminated material to be excavated. <p>g) The management and mitigation measures in Appendix 3 are incorporated into the RWEMP</p>	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			and sub-plans. The project has been undertaken in accordance with the plans.	
A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).</p>	At all times	<p>The Department approved the management plans on 25 January 2021.</p> <p>The Department approved the Stakeholder Engagement Plan on 27 July 2021.</p> <p>The Department issued a letter to Hydro dated 12 March 2021 that it reviewed Hydro's request (dated 19 February 2021) to amend the timeframe for the retirement of credits, and the Department confirmed that they needed to be retired within two years of the commencement of remediation works (as opposed to prior to vegetation clearance as described in condition B41).</p>	Compliant
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	At all times	Noted. The project has been undertaken in accordance with the project consent. No inconsistencies, ambiguity or conflicts between any of the documents listed in condition A2(c) and A2(d) are noted.	Compliant
	VOLUNTARY PLANNING AGREEMENT			
A5	The Applicant must enter into a planning agreement with the Minister in the terms of the offer made to the Minister by the Applicant in connection with SSD 6666 by letter dated 11 December 2020 and no later than before the	Before the commencement of the Stage 1A Works	Stage 1A works includes the set-up of temporary project facilities, installation of temporary fencing, installation of soil and water management infrastructure at the Containment Cell, stockpiling of excavated materials, and clearing and excavation of	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	commencement of the Stage 1A Works within the meaning of the planning agreement attached to the letter.		<p>the Clay Borrow Pit area. Stage 1A works commenced on 27 January 2021.</p> <p>Hydro submitted its signed copy of the planning agreement to the Department on 11 December 2020. The signed copy of the planning agreement was agreed between Hydro and the Department following months of negotiation.</p> <p>The Department placed the planning agreement on its website for the 28 days notification period on 24 March 2021, which finished on 23 April 2021. The Department issued the signed agreement to Hydro on 25 May 2021.</p> <p>Hydro has paid the required monetary contribution of \$6,500,000, and the bank guarantee has been replaced by the \$1,000,000 guaranteed referenced in the VPA.</p>	
	LIMITS OF CONSENT			
	Lapsing			
A6	This consent lapses five (5) years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.	Prior to commencement of remediation works	The Development Consent was issued on 23 December 2020. The remediation works commenced on 27 January 2021.	Compliant
A7	The remediation works must be undertaken over a maximum period of four years from the date of commencement of the remediation works, unless otherwise agreed with the Planning Secretary.	During remediation works	Remediation works commenced on 27 January 2021 and are therefore required to be completed by 26 January 2025 unless otherwise agreed with the Planning Secretary.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Independent Engineer's Deed			
A8	Without limiting condition A5, the Applicant must procure the entry into a deed with an independent engineer in accordance with the offer made to the Minister as referred to in condition A5, before the commencement of the Stage 1B Works within the meaning of the planning agreement attached to the letter dated 11 December 2020 (referred to in condition A5) and in any case no later than 2 months from the commencement of the remediation works. Remediation works are to be suspended until such time as a deed is entered into if entry into the deed is not procured within the required timeframe.	During remediation works	<p>Stage 1B works includes creation of the main East-West Haul Road, creation of permanent creek crossings, and construction of five dams. The remediation works commenced on 27 January 2021, and therefore the Independent Engineer's Deed was required to be entered into by 27 March 2021.</p> <p>Remediation works were suspended on 27 March 2021 as the Independent Engineer's Deed had not been executed by the required date. Hydro issued an email to the Department on 24 March 2021 advising of the suspension of remediation works.</p> <p>The Independent Engineer's Deed between Hydro, SMEC and Minister (executed by all parties) was procured on 21 May 2021. Works commenced on 24 May 2021 following execution of the deed.</p>	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	NOTIFICATION OF COMMENCEMENT			
A9	<p>The date of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:</p> <ul style="list-style-type: none"> a) commencement of remediation works; and b) completion of the remediation works. 	<ul style="list-style-type: none"> a) Prior to commencement of remediation works b) Following completion of remediation works 	<p>The Department was notified in a letter dated 23 December 2020 of the proposed remediation commencement date of 18 January 2021. While this is not at least one month prior to the proposed commencement of remediation works, the proposed commencement date had been discussed with the Department prior to the granting of development consent.</p> <p>Remediation works commenced on 27 January 2021 following approval of the management plans on 25 January 2021. A letter was issued to the Department on 9 March 2021 confirming that the commencement date for remediation works was deferred until 27 January 2021 (after the approval of the management plans).</p> <p>Completion of remediation works has not been triggered.</p>	Compliant
A10	<p>If the remediation works are to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	At all times	The remediation works are not staged.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	SURRENDER OF EXISTING CONSENTS			
A11	<p>Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender any existing development consents operating on the site in accordance with the EP&A Regulation, except:</p> <p>a) DA 118/692/102; b) DA 8/2015/399/1; and c) DA 8/2018/46/1.</p>	During remediation works	<p>The development consent was issued on 23 December 2020 and therefore the existing development consents (excluding those listed) were required to be surrendered by 23 December 2021.</p> <p>It was understood that no other development consents issued to Hydro were in place. However it was subsequently clarified that a development consent issued for the processing of spent pot lining at the Smelter (8/2004/1227/11) was issued by Cessnock City Council to Hydro (and not Regain, who undertook the processing) in 2005.</p> <p>This development consent cannot be surrendered as it is required to allow the temporary storage of aluminium dross from Tomago Aluminium as described in response to condition B24 in this table. A letter dated 30 April 2022 has been issued to the Department advising that this development consent cannot be surrendered as required by this condition.</p>	Not triggered
A12	<p>Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A11, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.</p> <p>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1</p>	During remediation works	The project has been undertaken in accordance with the Development Consent for SSD 6666.	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.			
	EVIDENCE OF CONSULTATION			
A13	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and b) provide details of the consultation undertaken including: <ul style="list-style-type: none"> (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved. 	At all times	<p>Consultation is required with the following parties in accordance with the Development Consent:</p> <ol style="list-style-type: none"> 1. EPA and the Environmental Services Group of H&P Group for preparation of the Containment Cell Management Plan (refer to condition B5b) 2. EPA and the Environmental Services Group of H&P Group for preparation of the Long Term Environmental Management Plan (refer to condition B7b) 3. The EPA for preparation of the Temporary Water Treatment Plant Management Plan (TWTP) (refer to condition B19A) 4. The EPA for preparation of Irrigation Management Plan for the TWTP (refer to condition B19C) 5. The EPA in the preparation of a Water Quality Monitoring Program associated with the TWTP (refer to condition B 19D) 6. The Biodiversity Conservation Division of the Department for the Biodiversity Management Plan (refer to condition B44) 7. EPA and the Environmental Services Group of H&P Group for preparation of the Landscaping Management Plan (refer to condition B45a). 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>The consultation requirements for items 2 and 7 has not been triggered.</p> <p>The evidence of consultation for the Containment Cell Management Plan is described in the plan.</p> <p>A draft of the Biodiversity Management Plan was submitted to the Department on 10 June 2020 for review and comment. Feedback was incorporated in to the final plan that was approved by the Department.</p> <p>The evidence for consultation with the EPA for the TWTP management Plan, TWTP Irrigation Management Plan, and TWTP Water Quality Monitoring Program is provided in the documents.</p>	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS			
A14	<p>With the approval of the Planning Secretary, the Applicant may:</p> <ul style="list-style-type: none"> a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development). 	At all times	<ul style="list-style-type: none"> a) This has not been triggered b) Hydro submitted a letter dated 11 March 2021 explaining how the requirements of the Fire Safety Study and Construction Safety Study (as required by condition B47) are included in existing management plans. Additional information was provided by Hydro on 9 April 2021 in response to a request from the Department dated 6 April 2021. <p>This approach was accepted by the Department on 14 April 2021. This date is more than one month in advance of remediation works that are subject to the scope of the hazard studies.</p> <ul style="list-style-type: none"> c) None of the approved plans or programs have been updated in the Compliance reporting period. 	Compliant
A15	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	At all times	The approved management plans have not been updated in the Compliance Reporting period.	Not triggered
A16	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	At all times	The approved management plans have not been updated in the Compliance Reporting period.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	PROTECTION OF PUBLIC INFRASTRUCTURE			
A17	<p>Before the commencement of the remediation works, the Applicant must:</p> <ul style="list-style-type: none"> a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure; b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and c) submit a copy of the dilapidation report to the Planning Secretary and the relevant council. 	Prior to commencement of remediation works	<p>Remediation works commenced on 27 January 2021.</p> <ul style="list-style-type: none"> a) The services infrastructure in the vicinity of the Project site are: <ul style="list-style-type: none"> • Public roads (Hart Road and Dickson Road) managed by Cessnock City Council. There are no proposed changes to these roads, and Hydro traffic will continue to use them as public traffic routes • Overhead powerlines in the vicinity of the containment cell access road are managed by Ausgrid. Hydro has maintained communications with Ausgrid to ensure that buffer zone and Smelter management activities (including earlier activities in the Containment Cell area and with electrical components of the former Smelter) complied with their requirements. Hydro subsequently consulted with Ausgrid (via an email on 05 February 2021, and subsequent communication) on the location and construction of the fauna proof fencing in the vicinity of the powerlines. On 18 February 2021 Hydro received confirmation from Ausgrid on the mitigation and management measures to be implemented. These requirements were communicated to Daracon. 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			b) A dilapidation report was prepared by deWitt Consulting (2021) that recorded the condition of public infrastructure in the vicinity of the site c) A copy of the dilapidation report was submitted to Council on 11 February 2021 and the Department on 5 February 2021 (with additional information provided 10 February 2021)	
A18	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. 	During remediation works	No public infrastructure has been damaged or required relocating for the Development.	Not triggered
	COMPLIANCE			
A19	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	During remediation works	Daracon employees, contractors and sub-contractors are required to complete the Daracon site induction prior to working on the Project site. The induction includes relevant information on the environmental requirements (including those required by the development consent conditions) applicable to their activities.	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	OPERATION OF PLANT AND EQUIPMENT			
A20	<p>All plant and equipment used on site, or to monitor the performance of the development, must be:</p> <ul style="list-style-type: none"> a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner. 	At all times	<p>The requirement to maintain and operate plant and equipment in a proper and efficient manner is described in the Noise and Vibration Management Plan and Air Quality Management Plan. These requirements are reflected in Daracon's project management documents.</p> <p>No complaints regarding noise, vibration or dust as a result of plant or vehicle movements associated with the Project have been received. One dust complaint was received however on evaluation of the site activities and mitigation measures in place at the time it was determined to be due to an external source.</p>	Compliant
	UTILITIES AND SERVICES			
A21	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Prior to commencement of remediation works	<p>Remediation works commenced on 27 January 2021.</p> <p>No utility works are to be constructed as part of the remediation works.</p>	Not triggered
	APPLICABILITY OF GUIDELINES			
A22	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	At all times	Noted.	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A23	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	At all times	The Planning Secretary has not issued any directions in respect of ongoing monitoring and management obligations.	Not triggered
	ADVISORY NOTES			
A24	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	At all times	The project is subject to the following current licences, permits, approvals and consents: <ul style="list-style-type: none"> • Development Consent SSD 6666 • EPL 1548 • Chemical Control Order Licence No. 5 	Compliant
	PART B: SPECIFIC ENVIRONMENTAL CONDITIONS			
	REMEDIATION			
	Site Auditor			
B1	Prior to the commencement of remediation works, the Applicant must provide evidence to the Planning Secretary that a Site Auditor has been appointed to independently review and endorse the implementation and validation of the remediation works. The scope of the Site Auditor's role is to include consideration of the suitability of the Long-Term Environmental Management Plan (LTEMP) to manage the containment cell in perpetuity (see Conditions B7 and B11).	Prior to commencement of remediation works	Remediation activities physically commenced on 27 January 2021. Ross McFarland (Chief Environmental Scientist) of AECOM has been commissioned to fulfil the requirements of the Site Auditor role. A letter was provided to the Department on 23 December 2020 notifying of this.	Compliant

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Remediation Works			
B2	The Applicant must remediate the site, including construction of a containment cell, in accordance with the design specifications, criteria and requirements detailed in the Remedial Action Plan (RAP), the Containment Cell Detailed Design Report (CCDDR) and relevant guidelines produced or approved under the CLM Act to the satisfaction of the Site Auditor.	Following completion of remediation works	Remediation works have not been completed.	Not triggered
B3	Remediation works must be undertaken by a suitably qualified and experienced contractor(s).	During remediation works	The remediation works are being undertaken by Daracon. Daracon's experience with remediation can be viewed at: https://daracon.com.au/services/site-remediation	Compliant
	Validation Consultant			
B4	Prior to the commencement of remediation works, the Applicant must provide evidence to the Planning Secretary, that a suitably qualified and experienced Validation Consultant(s) has been appointed to document and validate the remediation works to demonstrate compliance with the RAP.	Prior to commencement of remediation works	Remediation works commenced on 27 January 2021. Ramboll Australia Pty Ltd (Ramboll) has been commissioned to fulfil the requirements of the validation consultant. A letter was provided to the Department on 23 December 2020 notifying of this.	Compliant
	Containment Cell Management Plan			
B5	Prior to the commencement of remediation works, the Applicant must prepare a Containment Cell Management Plan (CCMP) to the satisfaction of the Planning Secretary. The CCMP must form part of the RWEMP required by condition C2 and be prepared in accordance with condition C1. The CCMP must: a) be prepared by a suitably qualified and experienced person(s);	Prior to commencement of remediation works	The CCMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. The requirements under this condition are met as follows: a) The qualifications and experience of the CCMP preparation team are included in Appendix 9 of the CCMP.	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> b) be prepared in consultation with the EPA and Environmental Services Group of Housing and Property Group of the Department (H&P Group); c) describe the design of the containment cell and its construction methodology, including evidence that engineering drawings have been certified by appropriately qualified structural or civil engineers; d) include details of the quality control and quality assurance procedures, program and performance specifications for the construction of the containment cell; e) describe the measures to be implemented to ensure adequate control of environmental impacts associated with the containment cell construction activities; f) include details of a proposed construction program, including a mechanism for informing relevant agencies of the progress of construction of the containment cell; and g) be prepared as described in the RAP and the CCDDR. 		<ul style="list-style-type: none"> b) Consultation details are provided in Section 4 of the CCMP. An invitation was issued to the EPA on 12 October 2020 to consult on this CCMP. A response received on 16 October 2020 noted that the EPA offered no comments on the CCMP. A draft copy of the CCMP was provided to the H&P Group on 13 August 2020 for review and comment. The H&P Group advised on 8 September 2020 that the H&P Group had no comments. c) Section 2 of the CCMP describes the Containment Cell design and construction methodology. This is supported by Appendix 1 to the CCMP which is the Detailed Design Drawings for the Containment Cell (GHD, 2019). The <i>Containment Cell Detailed Design Constructability Assessment</i> (GHD, 2018) is included as Appendix 2 to the CCMP. d) The <i>Containment Cell Design: Construction Quality Assurance (CQA) Plan</i> (GHD, 2017) is an appendix to the <i>Containment Cell Design: Design Report</i> (GHD, 2018) and is included as Appendix 4 to the CCMP. A summary of the quality control and quality assurance program for the construction of the containment cell is included in Section 5 of the CCMP. e) The CCMP is an appendix to the RWEMP which is the primary environmental management document for the project. Appendix 7 of the CCMP is a collation of the environmental management measures that specifically apply to construction of the Containment Cell. 	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>f) The construction program is included as Appendix 8 and is summarised in Section 2.3 of the CCMP.</p> <p>g) The <i>Containment Cell Sampling and Quality Plan (SAQP)</i> in Appendix 6 of the CCMP expands on the requirements for validation described in the RAP and presents the specific validation requirements for the construction of the Containment Cell. The Detailed Design Drawings, Constructability Assessment and Technical Specification from the CCDDR are appended to the CCMP.</p>	
B6	<p>The Applicant must:</p> <p>a) not commence remediation works until the CCMP required by condition B5 is approved by the Planning Secretary; and</p> <p>b) implement the most recent version of the CCMP approved by the Planning Secretary.</p>	<p>a) Prior to commencement of remediation works</p> <p>b) At all times</p>	<p>The CCMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. Remediation activities physically commenced on 27 January 2021.</p> <p>The CCMP is implemented and inspection testing undertaken by Daracon. ITPs are signed by Daracon, sighted by SMEC and signed off at various stages by Hydro.</p>	Compliant
	Long Term Environmental Management Plan			
B7	<p>Two months prior to the completion of the remediation works, the Applicant must submit a LTEMP to the Planning Secretary for approval. The LTEMP must:</p> <p>a) be prepared by a suitably qualified and experienced person(s) whose appointment has been agreed to by the Planning Secretary;</p>	During remediation works	Remediation works have not been completed, and are programmed to be completed in approximately two years.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> b) be prepared in consultation with Council, the EPA and Director, Environmental Services Group of H&P Group or its successors; c) include, but not be limited to: <ul style="list-style-type: none"> (i) identification of all relevant statutory and other obligations required in relation to operation of the containment cell, including all approvals, licences, agreements and financial arrangements; (ii) details of ongoing management roles and responsibilities; (iii) details of all monitoring, inspections, environmental controls, requirements and measures to manage the ongoing integrity and performance of the containment cell; (iv) details of the contingency measures and responses to be implemented for any identified issues with the containment cell; and (v) mechanisms for performance reporting and auditing in line with the relevant legislation and guidelines; d) incorporate a programme for ongoing monitoring and review to ensure the LTEMP remains contemporary with relevant environmental standards. 			
B8	<p>As part of the LTEMP required under Condition B7, the Applicant must include the following:</p> <ul style="list-style-type: none"> a) Landscaping Management Plan (see Condition B46); and 	During remediation works	Remediation works have not been completed.	Not triggered

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	b) Gas Monitoring Plan (see Condition B35).			
B9	<p>Upon completion of the remediation works, the Applicant or any succeeding landowner(s) whose landholding includes the containment cell, must:</p> <ul style="list-style-type: none"> a) implement the approved LTEMP; and b) manage the containment cell in perpetuity in accordance with the LTEMP as required by Condition B7. 	Following completion of remediation works	Remediation works have not been completed.	Not triggered
	Remediation Validation Report			
B10	<p>Within six months of completion of the remediation works or another timeframe agreed by the Planning Secretary, the Applicant must submit a Remediation Validation Report (RVR) to the Planning Secretary. The RVR must:</p> <ul style="list-style-type: none"> a) be prepared by the appointed Validation Consultant(s) (see Condition B4) to the satisfaction of the Site Auditor; b) be prepared in accordance with the relevant guidelines produced or approved under the CLM Act; c) describe the remediation works, the validation carried out and the final condition of the site; d) validate the remediation works against the remediation criteria set out in the RAP. Where the RVR states the remediation criteria have not been achieved and additional remediation work is required, the Applicant must promptly undertake the additional work and provide the Planning Secretary with evidence it has been completed and 	Following completion of remediation works	Remediation works have not been completed.	Not triggered

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>the remediation criteria have been achieved to the Validation Consultant's satisfaction;</p> <p>e) assess the results of any post-remediation testing against the remediation criteria set out in the RAP; and</p> <p>f) include, but not be limited to, a:</p> <ul style="list-style-type: none"> (i) Construction Quality Assurance report or equivalent; (ii) design report; and (iii) waste classification report in accordance with the EPA Waste Classification Guidelines. 			
	Site Audit Report and Site Audit Statement			
B11	<p>Within six months of submission of the RVR required by Condition B10 or as otherwise agreed by the Planning Secretary, the Site Auditor must submit a Site Audit Report (SAR) and Section A, Site Audit Statement (SAS) to the Planning Secretary. The SAS and SAR must be prepared in accordance with the relevant guidelines produced or approved under the CLM Act and must confirm:</p> <ul style="list-style-type: none"> a) the remediation works approved under this consent have been completed in accordance with the RAP; b) the risks to human health and the environment have been addressed in accordance with the objectives in the RAP; c) the suitability of the site for the intended future uses; and d) the suitability of the LTEMP required by condition B7 to manage the Containment Cell in perpetuity. 	Following completion of remediation works	Remediation works have not been completed.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B12	<p>Despite condition B11 above, with the agreement of the Planning Secretary, the Site Auditor may, before the completion of the whole of the remediation works, submit a SAS and SAR for a part of the Site (other than that part on which the Containment Cell is located) if the remediation works have been completed in accordance with the RAP for that part of the Site. The SAS and SAR must be prepared in accordance with the relevant guidelines produced or approved under the CLM Act and must confirm:</p> <ul style="list-style-type: none"> a) the remediation works for the relevant part of the Site have been completed in accordance with the RAP; b) the risks to human health and the environment relating to the relevant part of the Site have been addressed in accordance with the objectives in the RAP; and c) the suitability of the relevant part of the land for the intended future uses. <p>If Site Audit Reports and Site Audit Statements are submitted progressively as the remediation works on parts of the Site are completed, the final SAS and SAR are not required to cover those parts of the Site for which Site Audit Statements and Site Audit Reports have already been submitted. However, the final SAS and SAR must otherwise comply with condition B11.</p>	Following completion of remediation works	Remediation works have not been completed.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	WORK, HEALTH AND SAFETY			
B13	The Applicant must ensure that all remediation works are carried out in accordance with NSW <i>Work Health and Safety Regulation 2017</i> (WHS Regulation) and relevant guidelines.	At all times	Remediation works are undertaken in accordance with the WHSMP, as approved by the Department on 25 January 2021. The WHSMP has been prepared in accordance with the WHS Regulation.	Compliant
B14	<p>Prior to the commencement of remediation works, the Applicant must prepare a Health and Safety Plan (HSP) for the remediation works to the satisfaction of the Planning Secretary. The HSP must form part of the RWEMP required by Condition C2 and be prepared in accordance with Condition C1. The HSP must:</p> <ul style="list-style-type: none"> a) describe the controls to ensure compliance with the WHS Regulation including controls to be implemented to manage the risks associated with workers coming into contact with asbestos, contaminated groundwater and/or leachate; b) identify personal protective equipment (PPE) required for use onsite; c) describe the procedures for training, education and awareness programs and inductions for site personnel to ensure adequate protection from human health risks, including asbestos; d) describe the location of the real time ambient air monitors for ammonia and hydrogen cyanide gases including the trigger for the implementation of additional controls; e) identify requirements for health monitoring for site personnel and documentation procedures; and f) details of exclusion zones and decontamination procedures. 	Prior to commencement of remediation works	<p>The WHSMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. The requirements under this condition are met as follows:</p> <ul style="list-style-type: none"> a) Section 5 of the WHSMP describes the high-risk activities that apply to the project and the required controls/permits. The site safety procedures are described in Section 9 of the WHSMP. Appendix 1 to the WHSMP is the Asbestos Removal Procedure. b) Section 9.7 of the WHSMP details the PPE required onsite. c) Induction and training requirements are outlined in Section 7 of the WHSMP. d) The Asbestos Removal Procedure Appendix 1 to the WHSMP describes the location of the real time ambient air monitors for ammonia and hydrogen cyanide gases including the trigger for the implementation of additional controls. e) The Asbestos Removal Procedure Appendix 1 to the WHSMP details the requirements for health monitoring for site personnel and documentation procedures. f) The Asbestos Removal Procedure Appendix 1 to the WHSMP details how exclusion zones would 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			be established and enforced and decontamination procedures for personnel entering the work area.	
B15	The Applicant must: <ul style="list-style-type: none"> a) not commence remediation works until the HSP required by Condition B14 is approved by the Planning Secretary; and b) implement the most recent version of the HSP approved by the Planning Secretary. 	<ul style="list-style-type: none"> a) Prior to commencement of remediation works b) At all times 	The WHSMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. Remediation works commenced on 27 January 2021. The existing WHSMP has not required modification.	Compliant
	SOILS, WATER QUALITY AND HYDROLOGY			
	Imported Material for Containment Cell Construction			
B16	The Applicant must: <ul style="list-style-type: none"> a) ensure that only VENM, ENM, or other material approved in writing by EPA or site auditor is brought onto the site; b) keep accurate records of the volume and type of fill to be used; and c) make these records available to the Planning Secretary upon request. 	<ul style="list-style-type: none"> a) During remediation works b) During remediation works c) At all times 	Only VENM material (sourced from approved quarries) has been imported for use in the construction of the Containment Cell. No other material requiring classification under the <i>Waste Classification Guidelines</i> , or requires EPA or Auditor approval to be used, have been imported to the site.	Compliant
	Erosion and Sediment Control			
B17	Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the RWEMP required by condition C2.	Prior to commencement of remediation works	<p>The ESCP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021.</p> <p>Erosion and sediment controls were installed prior to the commencement of construction including sediment fences, coir logs and rock check dams. These are inspected on a weekly basis by Hydro and necessary maintenance implemented.</p>	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Stormwater Management System			
B18	<p>Prior to the placement of contaminated waste materials in the containment cell, the Applicant must design, install and operate a stormwater management system for the containment cell. The stormwater management system must:</p> <ul style="list-style-type: none"> a) be generally in accordance with the design in the CCDDR; b) be in accordance with applicable Australian Standards; c) ensure that the system capacity has been designed in accordance <i>with Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines; d) divert existing clean surface water around operational areas of the site; e) direct all sediment laden water in overland flow away from the leachate management system; and f) prevent cross-contamination of clean and sediment or leachate laden water. 	During remediation works	<p>Placement of contaminated waste material in the containment cell has not commenced.</p> <p>However, the sediment basins and swales required to manage stormwater during the placement of contaminated waste materials in the containment cell have been constructed in accordance with Figure 3 in Appendix 1 of the development consent.</p> <p>It is understood that at the time of preparing this report the Independent Engineer was to shortly issue the Stage 1B Certificate of Compliance, which includes the three sediment basins at the Containment Cell.</p>	Not triggered
B19	<p>Within two months of completion of installation of the stormwater management system or within another timeframe agreed by the Planning Secretary, works-as-executed drawings signed by a registered surveyor must be submitted to the Site Auditor demonstrating that the stormwater drainage and finished ground levels have been constructed as detailed in the CCDDR.</p>	During remediation works	Construction of the stormwater management system has not yet been completed.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Water Treatment Plant Management Plan			
B19A	<p>Prior to operation of the Temporary Water Treatment Plant (TWTP), the Applicant must prepare, to the satisfaction of the Planning Secretary, a TWTP Management Plan that includes, but is not limited to, details regarding treatment processes and commissioning and operation stage management protocols. The TWTP Management Plan must be prepared in consultation with the EPA and include, at a minimum:</p> <ul style="list-style-type: none"> a) specifications and final design details of the TWTP, including expected treatment performance for all pollutants of concern; b) a TWTP commissioning stage monitoring program that includes: <ul style="list-style-type: none"> (i) the collection and collation of data on both the influent and treated effluent quality for all pollutants of concern; and (ii) a verification process to ensure that the treated water quality is consistent with the 'Treated Leachate Target Values' (Document: Hydro Kurri Kurri Aluminium Smelter Remediation-Mod-1 (SSD-6666-Mod-1): Additional Information, dated 31 July 2021) before discharge to the North Dam c) a TWTP operational stage monitoring program that ensures each treated effluent batch meets all the 'Treated Leachate Target Values' prior to discharge to the North Dam; d) protocols and operational rules in the event the treated effluent does not meet all the 'Treated Leachate Target Values' including but not limited to: 	During remediation works	<p>The Department issued a letter dated 14 March 2022 that the submitted TWTP Management Plan satisfies the requirements of the Department. Evidence of consultation with the EPA is provided in the plan.</p> <ul style="list-style-type: none"> a) Section 2 of the TWTP Management Plan describes the details of the TWTP b) Section 3 describes the commissioning stage monitoring program: <ul style="list-style-type: none"> (i) Section 3.3 describes the collection and collation of data (ii) Section 3.3 describes the verification process c) Section 4.3 describes the operational stage monitoring program d) Section 4.2 and Section 4.3 addresses the steps to be taken if the Treated Leachate Target Values are not met e) Section 5 details the tasks to be undertaken for the decommissioning stage 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	(i) recirculation through the TWTP (ii) offsite removal by tanker for disposal at a licensed facility e) details of the timing and implementation of decommissioning of the TWTP.			
	Fluoride Treatment			
B19B	Prior to operation of the TWTP, the applicant must explore all practical and reasonable treatment measures to reduce specifically the fluoride concentration in the treated effluent from the TWTP to levels consistent with the ANZECC (2000) long term trigger values for irrigation. The fluoride target value in 'Treated Leachate Target Values' (Document: Hydro Kurri Kurri Aluminium Smelter Remediation-Mod-1 (SSD-6666-Mod-1): Additional Information, dated 31 July 2021) must be adjusted to reflect the final target fluoride level following investigation and implementation of further treatment measures.	During remediation works	The TWTP has not commenced operation.	Not triggered
	Irrigation Management Plan			
B19C	Prior to operation of the TWTP, the Applicant must prepare, to the satisfaction of the Planning Secretary, an Irrigation Management Plan in consultation with the EPA. The Irrigation Management Plan must include, but is not limited to: a) A plan showing the area to be irrigated by treated effluent from the TWTP; b) Irrigation rules to ensure that irrigation water quality meets the North East Dam Target Values prior to irrigation (Document: Hydro Kurri Kurri Aluminium Smelter Remediation-Mod-1 (SSD-6666-Mod-1);	During remediation works	The Department issued a letter dated 01 April 2022 that the submitted Irrigation Management Plan satisfies the requirements of the Department. Evidence of consultation with the EPA is provided in the plan. a) Figure 2-1 of the plan shows this area b) Section 4.1 of the report describes these rules. The plan also cross references with the TWTP Management Plan c) Section 3.1.1 of the report describes the monitoring. The plan also cross references with the TWTP Management Plan	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> c) Details of ongoing treated effluent quality monitoring, including sample take location and frequency; d) Identification of operational triggers (such as 'trigger action response plans') to ensure that the treatment process is functioning correctly and to prevent unacceptable impacts to the irrigated area. Triggers and associated responses must be provided for, but not limited to, the following: <ul style="list-style-type: none"> (i) excessive saturation of the soil profile (waterlogging); (ii) any surface water runoff of treated effluent from the North Dam; and (iii) any water quality impacts to the downstream receiving environment. e) Operating rules to ensure the North Dam maintains a 1 in 5-year rainfall event or 20% AEP design storm capacity; f) Develops a Trigger Action Response Plan (TARP) which includes contingencies to identify and manage any unpredicted impacts (such as poor water quality within the North Dam) and ensure corrective actions are implemented. Contingency measures could include, but are not limited to: <ul style="list-style-type: none"> (i) additional treatment of leachate through the TWTP; (ii) treatment of the North Dam water quality through the TWTP; and (iii) offsite removal by tanker for disposal at a licensed facility. 		<ul style="list-style-type: none"> d) The TWTP Management Plan details these triggers, while Section 4.3 provides the details required by (i) to (iii) e) Section 4.2.1 describes these rules f) Section 3.1.2 of the management plan addresses the TARP (except (ii) which is not applicable). The TWTP Management Plan is also cross-referenced. 	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Water Quality Monitoring Program			
B19D	<p>Prior to operation of the TWTP, the applicant must prepare a Water Quality Monitoring Program in consultation with the EPA that informs the Irrigation Management Plan and Trigger Action Response Plans. The monitoring program should include, at a minimum:</p> <ul style="list-style-type: none"> a) water quality monitoring locations (including but not limited to the North Dam and downstream receiving environment) b) analyte list for all pollutants with the potential to cause non-trivial harm (including all the 'Treated Leachate Target Values' (Document: Hydro Kurri Kurri Aluminium Smelter Remediation-Mod-1 (SSD-6666-Mod-1)). c) sampling method for each location. 	During remediation works	<p>A Water Quality Monitoring Program has been prepared. Evidence of consultation with the EPA is provided in the plan.</p> <ul style="list-style-type: none"> a) Appendix 1 of the program identifies the monitoring locations b) Section 5.3 and Section 5.4 identifies the analytes for field and laboratory analysis c) Section 5.2 describes the sampling methodology 	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	TRAFFIC AND ACCESS			
	Remediation Works Conditions			
B20	<p>The Applicant must ensure that:</p> <ul style="list-style-type: none"> a) the development does not result in any queuing on the public road network unless otherwise approved by the relevant council; b) all vehicular movement to and from the site must be in a forward direction; c) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guideline; d) all loading and unloading of materials are carried out on-site in designated areas; and e) vehicle manoeuvring areas must always be kept clear of any obstacles, including parked cars. 	<ul style="list-style-type: none"> a) At all times b) At all times c) At all times d) During remediation works e) At all times 	<p>A Traffic Management Plan (TMP) and Smelter Access Plan (SAP) have been prepared for the project which include the management measures described in condition B20.</p> <ul style="list-style-type: none"> a) No vehicles queueing on public roads have been observed during site inspections undertaken to inform this report b) Due to the nature of the site access vehicles only enter and exit the Project site in a forward direction c) Due to the nature of the Project site there is sufficient space for compliance with the AUSTROADS guideline d) Vehicles are loaded and unloaded within the Project site, and at the nominated locations e) Site inspections undertaken to inform this report confirmed that the vehicle manoeuvring areas are kept clear of obstacles. 	Compliant
	Parking			
B21	<p>The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.</p>	At all times	<p>The onsite parking areas and access roads are shown on Figure 1 in Appendix A to the SAP. Over 130 parking spaces are available onsite to accommodate the maximum daily car movements of 75 trips per day and maximum heavy truck movements of 54 trips per day.</p>	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Long-term Access			
B22	The Applicant must ensure ongoing access to the containment cell is provided for maintenance works in perpetuity in accordance with the VPA in Condition A5.	At all times	Construction of the Containment Cell has not yet been completed, requiring access for ongoing maintenance activities. The planning agreement referred to in Condition A5 includes reference to the provision of ongoing access to the containment cell.	Not triggered
	WASTE MANAGEMENT			
	Statutory Requirements			
B23	All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.	During remediation works	No wastes generated by the remediation works (apart from municipal solid waste or wastes from temporary amenity facilities for management at a licensed waste facility) have been removed from the Project site.	Compliant
B24	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.	At all times	<p>Consistent with Table 3.2 of the WMP, no waste generated outside the site was received at the scheduled premises of EPL 1548.</p> <p>Note: a variation to EPL 1548 was approved by the EPA on 15 February 2022 to allow for aluminium dross from Tomago Aluminium to be temporarily stored at the scheduled premises. This is due to the processing facility (Weston Aluminium) for the aluminium dross being damaged by fire in November 2021 and no longer able to process. Tomago Aluminium had no remaining storage space, and the Project site was identified as a suitable alternative storage facility.</p> <p>These wastes, however, are not associated with the project.</p>	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B25	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the <i>Waste Classification Guidelines Part 1: Classifying Waste</i> (NSW EPA, November 2014), or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.	During remediation works	No wastes generated by the remediation works (apart from municipal solid waste or wastes from temporary amenity facilities for management at a licensed waste facility) have been removed from the Project site.	Compliant
B26	The Applicant must retain all sampling and waste classification data in accordance with the requirements of the EPA.	During remediation works	No wastes generated by the remediation works (apart from municipal solid waste or wastes from temporary amenity facilities for management at a licensed waste facility) have been removed from the Project site.	Compliant
Pests, Vermin and Noxious Weed Management				
B27	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area. <p>Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the <i>Biosecurity Act 2015</i> (NSW).</p>	At all times	<p>Management of pest, vermin and weeds is included in the BMP.</p> <p>Weekly environmental inspections have been completed by the remediation contractor and the Hydro team since the commencement of remediation works. These inspections are required to note observations on issues relating to pests, vermin and noxious weeds. No action has been required to date.</p>	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	AIR QUALITY			
	Dust Minimisation			
B28	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	During remediation works	Dust management is undertaken in accordance with the AQMP which aims to minimise dust generated during all works.	Compliant
B29	The Applicant must ensure that: <ul style="list-style-type: none"> a) trucks and vehicles entering and leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading; b) remediation works are not carried out during adverse metrological conditions; c) any works are carried out progressively on site to minimise exposed surfaces; d) all operations and activities occurring at the remediation works must be carried out in a manner that minimises the emissions of air pollutants from the Development; e) trucks associated with the development do not track dirt onto the public road network. 	During remediation works	<ul style="list-style-type: none"> a) The Traffic Management Plan and Air Quality Management Plan addresses this requirement. The Daracon induction also presents this requirement to relevant personnel and inductees. b) The Hydro meteorological station captures daily observations of wind speed, temperature, relative humidity and rainfall. c) Limited remediation works have been completed since commencement. Earthworks have been limited to the preparatory works in and surrounding the containment call location. d) The Air Quality Management Plan (refer to condition B30) has been implemented to minimise the potential for dust and other air pollutants associated with the Project e) No dirt tracked onto public roads was observed during site inspections undertaken to inform this Compliance Report 	Compliant
	Air Quality Management Plan			
B30	Prior to the commencement of remediation works, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the RWEMP required by Condition	Prior to commencement of remediation works	The AQMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. The requirements under this condition are met as follows:	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>C2 and be prepared in accordance with Condition C1. The AQMP must:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified and experienced person(s); b) detail all emission sources including odour and particulates from all remediation works; c) describe the control measures that will be implemented for each emission source to minimise the potential risks to adverse air quality in the area, including the nominated measures described in the RAP; d) detail the contingency measures to be implemented to respond to complaints or if dust impacts are identified; e) include record keeping, a complaints register and compliance report to identify the control measures that will be implemented for each emission source; and f) show the locations of five dust monitors with appropriate trigger values and report on the performance of the remediation works in relation to the results from the five dust monitoring stations when compared to the applicable NSW EPA <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (NSW EPA 2017) and National Environment Protection (Ambient Air Quality) Measure (NEPC 2016). 		<ul style="list-style-type: none"> a) The qualifications and experience of the AQMP preparation team are included in Appendix 1 of the AQMP. b) Emission sources are listed in Section 2.3 of the AQMP. c) The control measures are described in Section 3.2 of the plan. d) The complaints procedure is described in Section 4.5 of the AQMP. The non-conformance response procedure is described in Section 4.4 of the plan. e) The reporting, non-conformance, complaints, and review and improvement procedures are described in Sections 4.3 to 4.6 of the plan. f) Appendix 2 to the AQMP shows the dust deposition monitoring locations. 	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B31	The Applicant must: <ul style="list-style-type: none"> a) not commence remediation works until the AQMP required by Condition B30 is approved by the Planning Secretary; and b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the remediation works. 	<ul style="list-style-type: none"> a) Prior to commencement of remediation works b) During remediation works 	The AQMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021. Remediation works commenced on 27 January 2021. The existing plan has not required modification.	Compliant
	Odour Management			
B32	The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	At all times	No odour complaints have been received.	Compliant
	Gas Monitoring			
B33	Two months prior to the completion of filling of the containment cell, the Applicant must prepare a Gas Monitoring Plan (GMP) to the satisfaction of the Secretary. The GMP must form part of the LTEMP required by Condition B7. The GMP must: <ul style="list-style-type: none"> a) describe the location, frequency and duration of gas monitoring; b) outline trigger levels for the implementation of contingency measures; and c) contain a range of contingency measures to respond to exceedances of the trigger levels. 	Two months prior to the completion of filling of the containment cell	The containment cell is under construction. Filling of the cell has not commenced.	Not triggered

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS								
	NOISE											
	Hours of Work											
B34	<p>The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Remediation works</td> <td>Mondays – Fridays</td> <td>7 am to 6 pm</td> </tr> <tr> <td>Saturdays</td> <td>7 am to 1 pm</td> </tr> </tbody> </table>	Activity	Day	Time	Remediation works	Mondays – Fridays	7 am to 6 pm	Saturdays	7 am to 1 pm	During remediation works	Works have been undertaken in accordance with the hours specified in condition B34, except as agreed by the Department in accordance with condition B35.	Compliant
Activity	Day	Time										
Remediation works	Mondays – Fridays	7 am to 6 pm										
	Saturdays	7 am to 1 pm										
B35	<p>Works outside of the hours identified in condition B36 may be undertaken in the following circumstances:</p> <ol style="list-style-type: none"> works that are inaudible at the nearest sensitive receivers; works agreed to in writing by the Planning Secretary; and where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm. 	During remediation works	<p>The majority of works have been undertaken in accordance with the hours specified in condition B34.</p> <p>Hydro submitted a letter on 8 September 2021 notifying the Department of the proposed out of standard hours works. Subsequent communications between the Department and Hydro clarified the proposed activities and provided additional information to assist the Department’s review. On 6 October 2021 the Department issued a letter advising that the out of hours works could be undertaken in accordance with conditions specified by the Department.</p>	Compliant								
	Remediation Works Noise Limits											
B36	Remediation works must be undertaken to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time). All feasible	During remediation works	The NVMP describes the noise and vibration mitigation measures to be implemented for the remediation works to comply with the construction noise management levels. No complaints regarding	Compliant								

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2 and outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).		noise from the remediation works have been received.	
	Vibration Criteria			
B37	Vibration caused by the remediation works at any residence or structure outside the site must be limited to: <ul style="list-style-type: none"> a) for structural damage: <i>German Standard DIN 4150 Part 3 Structural Vibration in Buildings</i>; and b) for human exposure: the acceptable vibration values set out in <i>Environmental Noise Management Assessing Vibration: A Technical Guideline</i> (DECC, 2006). 	During remediation works	The nearest receivers to the Smelter are located approximately 270 metres to the south of the Smelter. The Noise and Vibration Impact Assessment prepared for the EIS predicted that it is unlikely that there would be any vibration impacts generated by plant that would give rise to annoyance or structural damage at this or any of the nearest receivers. Vibration monitoring would be undertaken in response to any community complaints as described in the NMP. No complaints have been received in relation to vibration.	Compliant
	ABORIGINAL HERITAGE			
B38	To prevent impacts to subsurface archaeological deposits, stockpiles in the area of high archaeological sensitivity, as shown in Figure 23 of the Aboriginal Cultural Heritage Assessment and titled <i>Archaeological Sensitivity Figure</i>, must be placed on geo-matting.	During remediation works	Condition removed	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Unexpected Finds Protocol			
B39	<p>If any previously unidentified item or object of Aboriginal heritage significance is identified on site:</p> <ul style="list-style-type: none"> a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and c) Biodiversity and Conservation Division, Environment, Energy and Science Group of the Department must be contacted immediately. 	During remediation works	No unexpected Aboriginal finds have been identified to date.	Not triggered
B40	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> (NSW).	During remediation works	No unexpected Aboriginal finds have been identified to date.	Not triggered
	BIODIVERSITY			
B41	<p>Prior to vegetation clearing for remediation works, or within another timeframe agreed with the Planning Secretary, the Applicant must, in accordance with the Biodiversity Conservation Act 2016, retire:</p> <ul style="list-style-type: none"> a) 155 98 ecosystem credits, including: <ul style="list-style-type: none"> (i) 9468 ecosystem credits for removal of 1.350.97 ha of Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area; and (ii) 6130 ecosystem credits for removal of 1.150.56 ha of Spotted Gum – Red Ironbark – Narrow-leaved Ironbark – Grey 	Prior to clearing for remediation works	The Department issued a letter to Hydro dated 12 March 2021 that it reviewed Hydro's request (dated 19 February 2021) to amend the timeframe for the retirement of credits, and the Department confirmed that they needed to be retired within two years of the commencement of remediation works. As remediation works commenced on 27 January 2021, the latest date by which biodiversity credits must be retired is 26 January 2023.	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>Box shrub-gross open forest of the lower Hunter; and</p> <p>b) 58296 species credits, including:</p> <p>(i) 195 species credits for Green-thighed frog (<i>Litoria brevipalmata</i>);</p> <p>(ii) 3525 species credits for Koala (<i>Phascolarctos cinereus</i>);</p> <p>(iii) 3139 species credits for Southern Myotis (<i>Myotis macropus</i>);</p> <p>(iv) 8943 species credits for Regent Honeyeater (<i>Anthochaera phrygia</i>); and</p> <p>(v) 5614 species credits for Eucalyptus parramattensis subsp. decadens (<i>Eucalyptus parramattensis</i> subsp. decadens); and</p> <p>(vi) 70 species credits for Small-flower Grevillea (<i>Grevillea parviflora</i> subsp. parviflora).</p> <p>to offset the removal of 2.51.53 hectares of vegetation on site.</p>			
	Biodiversity Management Plan			
B42	<p>Prior to vegetation clearing for remediation works, the Applicant must prepare a Biodiversity Management Plan (BMP) for the development in consultation with the Biodiversity and Conservation Division of the Department to the satisfaction of the Planning Secretary. The BMP must be approved by the Planning Secretary prior to the commencement of clearing for remediation works and must form part of the RWEMP in accordance with condition C2. The BMP must include measures that would be</p>	<p>Prior to clearing for remediation works</p>	<p>The BMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021.</p> <p>A draft of the BMP was submitted to the Department on 10 June 2020 for review and comment.</p> <p>The BMP includes the management measures listed in sub-conditions a-d in Section 3.2.</p>	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>implemented on site for minimising biodiversity impacts including:</p> <ul style="list-style-type: none"> a) pre-clearing surveys; b) supervision during vegetation clearing; c) hygiene protocols, including vehicle wash-down, for all plant machinery; and d) nest box installation and a monitoring strategy to compensate for hollow bearing tree loss. 		<p>The requirements of the BMP were implemented during the compliance reporting period as follows:</p> <ul style="list-style-type: none"> a) The pre-clearance survey was performed on 22 January 2021 b) The clearance works were attended by two ecologists on 28 January 2021 c) The hygiene protocols were implemented by Daracon prior to machinery being transported to the Project site d) A nest box was installed on 4 March 2021 in the vicinity of the Containment Cell to on the advice of the ecologist. 	
B43	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) not commence vegetation clearing for remediation works until the BMP required by Condition B30 is approved by the Planning Secretary; and b) implement the most recent version of the BMP approved by the Planning Secretary for the duration of the remediation works. 	Prior to clearing for remediation works	<p>The BMP forms part of the RWEMP and was approved by the Planning Secretary on 25 January 2021.</p> <ul style="list-style-type: none"> a) Remediation works commenced on 27 January 2021. Vegetation clearance occurred on 28 January 2021. b) The approved BMP is the most recent version and continues to be implemented. The perimeter fence has been effective in preventing fauna from entering the Containment Cell worksite. No native vegetation clearance has occurred since January 2021. <p>Modification 2 (which included a reduction in the area approved for vegetation clearance) was approved on 4 March 2022. In accordance with condition C5(e) the Biodiversity Management Plan is currently under review to reflect this modification.</p>	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	VISUAL AMENITY			
	Lighting			
B44	<p>The Applicant must ensure the lighting associated with the development:</p> <ul style="list-style-type: none"> a) complies with the latest version of <i>AS 4282-1997 - Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network. 	At all times	No lighting for the Project has been installed.	Not triggered
	Landscaping Management Plan			
B45	<p>Two months prior to the completion of filling of the containment cell, the Applicant must prepare, to the satisfaction of the Planning Secretary, a containment cell Landscaping Management Plan (LMP). The LMP must form part of LTEMP required by condition B7 and must:</p> <ul style="list-style-type: none"> a) be prepared in consultation with Environmental Services Group of H&P Group or its successors; b) include provision for the planting of shallow rooted locally endemic grass species and non-invasive hybrid grass species where appropriate; and c) include details of the management of the landscaping post remediation. 	Two months prior to the completion of filling of the containment cell	Filling of the Containment Cell has not commenced.	Not triggered
B46	The Applicant must implement the most recent version of the LMP approved by the Planning Secretary.	Two months prior to the completion of filling of the containment cell	Filling of the Containment Cell has not commenced.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	HAZARDS AND RISKS			
	Pre-construction studies			
B47	<p>One month prior to the commencement of remediation works (except for preliminary works that are outside the scope of the hazard studies), or within another timeframe agreed to by the Planning Secretary, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) and (b) below. Remediation works, other than or preliminary works, must not commence until study recommendations have been considered, and where appropriate, acted upon.</p> <p>a) A Fire Safety Study for the development which covers the relevant aspects of the Department's <i>Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'</i> and the New South Wales Government's <i>'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'</i>. The study must meet the requirements of Fire and Rescue NSW.</p> <p>b) A Construction Safety Study, prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'</i>. The Construction Safety Study shall also review Appendix 03 of the CCDDR and address all relevant requirements.</p>	Prior to commencement of remediation works	<p>Remediation works commenced on 27 January 2021.</p> <p>Hydro submitted a letter dated 11 March 2021 explaining how the requirements of the Fire Safety Study and Construction Safety Study are included in existing management plans. Additional information was provided by Hydro on 9 April 2021 in response to a request from the Department dated 6 April 2021.</p> <p>This approach was accepted by the Department on 14 April 2021. This date is more than one month in advance of remediation works that are subject to the scope of the hazard studies. A letter was issued by the Department dated 21 May 2021 which confirmed that a separate Fire Safety Study and Construction Safety Study are not required.</p>	Compliant
	Pre-commissioning			
B48	Prior to commencement of filling of the containment cell, the Applicant must develop and implement the plans and systems set out under (a) and (b) below.	Prior to commencement of	Filling of the containment cell has not commenced.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>a) Emergency Plan: the plan must include detailed emergency procedures and be consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'</i>.</p> <p>b) Safety Management System: the system must cover all on-site operations and associated transport activities involving hazardous materials and be consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'</i>.</p>	filling of the containment cell		
	Pre-start-up Compliance Report			
B49	One month prior to the commencement of filling of the containment cell, or within another timeframe agreed to by the Planning Secretary, the Applicant must submit to the Planning Secretary a Pre-start-up Compliance Report detailing compliance with Condition B47 and Condition B48.	One month prior to the commencement of filling of the containment cell	<p>Filling of the containment cell has not commenced, and there is more than six months until this is programmed to commence.</p> <p>Hydro submitted a letter to the Department dated 01 February 2022 via the Project Portal addressing the requirements of this condition. An email dated 1 February 2022 was issued by the Department acknowledging lodgement.</p>	Not triggered
	Dangerous Goods			
B49A	The quantities of dangerous goods stored and handled for MOD 1 must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times;	Prior to and during operation of the TWTP	At the time of preparation of this compliance report the TWTP was still under construction and not operational. As such no chemicals required for its operation, including those deemed dangerous goods, are stored at the Project site.	Not triggered
B49B	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:	Prior to and during operation of the TWTP	At the time of preparation of this compliance report the TWTP was still under construction and not operational. As such no chemicals required for its	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997). 		operation, including those deemed dangerous goods, are stored at the Project site.	
B49C	In the event of an inconsistency between the requirements of conditions B49B(a) to B49B(c), the most stringent requirement must prevail to the extent of the inconsistency.	Prior to and during operation of the TWTP	At the time of preparation of this compliance report the TWTP was still under construction and not operational. As such no chemicals required for its operation, including those deemed dangerous goods, are stored at the Project site.	Not triggered
	Bunding			
B50	The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Manual</i> (Department of Environment and Climate Change, 2007).	At all times	A small quantity of chemicals, fuels and oils to support the remediation works is currently stored at the Project site. It is stored within a suitable cabinet.	Compliant
B51	Any servicing or repair work of motor vehicles or mobile plant must be carried out within a sealed area that has environmental controls appropriate for servicing or repair work. This must include bunding where this work could result in liquids being spilled.	At all times	No servicing or repair work at the Project site has been required. Only minor maintenance has been required.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	Fire management			
B52	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) maintain the existing fire breaks and a service road around the containment cell for the duration of the remediation works; and b) construct a perimeter road at least 4.6 m wide, around the containment cell on the completion of construction of the containment cell 	<ul style="list-style-type: none"> a) During remediation works b) Following completion of construction of the containment cell 	<ul style="list-style-type: none"> a) The existing fire breaks around the Containment Cell have been maintained. A Service road has been constructed and is maintained. b) The Containment Cell is still under construction. 	Compliant
	COMMUNITY ENGAGEMENT PLAN			
B53	<p>The Applicant must prepare a Community Engagement Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:</p> <ul style="list-style-type: none"> a) be approved by the Planning Secretary within two months of the date of this consent; b) identify the relevant community including nearby and adjacent landowners, sensitive receivers, relevant regulatory authorities and other interested stakeholders; c) detail the mechanisms for consulting with the local community throughout the development; d) identify a community notification area for residents to refrain from using rainwater as a potable water supply during the remediation works; e) include a complaints handling procedure for recording, responding to and managing complaints. 	During remediation works	<p>The Stakeholder and Community Engagement Plan (SEP) is included as Appendix E to the RWEMP. The requirements under this condition are met as follows:</p> <ul style="list-style-type: none"> a) The SEP was submitted to the Department (as part of the RWEMP on 21 January 2021 (within 2 months of the issue of the development consent on 23 December 2020). It was subsequently submitted as a standalone document on 19 February 2021. Due to Hydro's proposal to not include the notification required by point (d) approval of the plan was delayed. Following further consultation with NSW Health (the Hunter New England Health), who agreed with deletion of point (d) the SEP was approved by DPE on 21 July 2021 b) Section 2 identifies the relevant stakeholders c) Section 6 describes the engagement tools to be used 	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>d) Hydro submitted a request (with justification) for removal of the requirement for a community notification area on 17 February 2021. The Department advised on 23 February 2021 that it required Hydro to consult with Hunter New England Health to seek their agreement to this change. Hydro issued a letter to Hunter New England Health dated 26 February 2021 seeking their agreement (with Hydro's supporting information) to our request to not include the community notification area. Hunter New England Health confirmed on 30 April 2021 that it agreed with Hydro's request.</p> <p>e) The complaints handling procedure is described in Section 5.2.1 and illustrated on Figure 5-1 of the SEP.</p>	
B54	The Applicant must implement the approved Community Engagement Plan for the duration of the development.	During remediation works	The existing plan has not required modification.	Compliant
	PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING			
	ENVIRONMENTAL MANAGEMENT			
	Management Plan Requirements			
C1	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>a) detailed baseline data;</p> <p>b) details of:</p>	Prior to commencement of remediation works	<p>The requirements under this condition are met in the RWEMP as follows:</p> <p>a) Included in the sub-plans in Appendices A to F as relevant</p> <p>b) As follows:</p> <p>(i) Section 2.2 to 2.4.</p>	Compliant

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CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; d) a program to monitor and report on the: <ul style="list-style-type: none"> (i) impacts and environmental performance of the development; and (ii) effectiveness of the management measures set out pursuant to paragraph (c) above; e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; f) a program to investigate and implement ways to improve the environmental performance of the development over time; g) a protocol for managing and reporting any: <ul style="list-style-type: none"> (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; 		<ul style="list-style-type: none"> (ii) Included in the sub-plans in Appendices A to F as relevant (iii) Included in the sub-plans in Appendices A to F as relevant c) Section 4 d) Section 3.5 and 5.1 e) Section 5.4 f) Section 5 g) As follows: <ul style="list-style-type: none"> (i) Section 3.5.4 (ii) Section 3.5.5 (iii) Section 5.4 h) Section 5.5. 	

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>(iii) failure to comply with statutory requirements; and</p> <p>h) a protocol for periodic review of the plan.</p> <p>Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>			
	REMEDIATION WORKS ENVIRONMENTAL MANAGEMENT PLAN			
C2	<p>The Applicant must prepare a Remediation Works Environmental Management Plan (RWEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary. The RWEMP must:</p> <ol style="list-style-type: none"> be approved by the Planning Secretary prior to the commencement of remediation works; identify the statutory approvals that apply to the development; outline all environmental management practices and procedures to be followed during remediation works associated with the development; describe all activities to be undertaken on the site during remediation works, including a clear indication of construction stages; detail how the environmental performance of the remediation works will be monitored, and what actions will be taken to address identified adverse environmental impacts; describe the roles and responsibilities for all relevant employees involved in remediation works associated with the development; and 	Prior to commencement of remediation works	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> The RWEMP was approved by the Planning Secretary on 25 January 2021. Section 2.2 to 2.4 details the statutory approvals and licences that apply to the project. Section 4.2 describes the environmental management procedures to be implemented. Section 2.1 described the activities to be undertaken including staging. Section 4 describes the environmental management procedures to be implemented. Section 5 described the monitoring program. Appendices B to J include measures specific to the sub-plans. Section 3.2 described the roles and responsibilities of personnel. Sub-plans are included in appendices as follows: <ul style="list-style-type: none"> CCMP (Appendix A) AQMP (Appendix B) ESCP (Appendix C) BMP (Appendix D) 	Compliant

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	g) include the management plans required under Condition C3 of this consent.		<ul style="list-style-type: none"> WHSMP (Appendix E) SEP (Appendix F) includes the Community Consultation and Complaints Handling. 	
C3	<p>As part of the RWEMP required under Condition C2 of this consent, the Applicant must include the following:</p> <ul style="list-style-type: none"> a) Containment Cell Management Plan (see Condition B5); b) Erosion and Sediment Control Plan (see Condition B17); c) Air Quality Management Plan (see Condition B30); d) Biodiversity Management Plan (see Condition B42); e) Health and Safety Plan (see Condition B14); and f) Community Consultation and Complaints Handling. 	Prior to commencement of remediation works	<p>The following sub-plans are appendices to the RWEMP:</p> <ul style="list-style-type: none"> CCMP (Appendix A) AQMP (Appendix B) ESCP (Appendix C) BMP (Appendix D) WHSMP (Appendix E) SEP (Appendix F) includes the Community Consultation and Complaints Handling. 	Compliant
C4	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) not commence remediation works until the RWEMP is approved by the Planning Secretary; and b) carry out the construction of the development in accordance with the RWEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time. 	<ul style="list-style-type: none"> a) Prior to commencement of remediation works b) During remediation works 	The RWEMP was approved by the Planning Secretary on 25 January 2021. Remediation works commenced on 27 January 2021.	Compliant
	REVISION OF STRATEGIES, PLANS AND PROGRAMS			
C5	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under condition C12; b) the submission of an incident report under condition C7; c) the submission of an Independent Audit under condition C14; 	During remediation works	<ul style="list-style-type: none"> a) the 2021 Compliance Report did not identify any non-compliances that required a revision of the management plans b) no incidents have occurred requiring the preparation of an incident report c) the Audit report did not identify any non-compliances or make any recommendations that required a revision of the management plans 	Compliant

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>d) the approval of any modification of the conditions of this consent; or</p> <p>e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>		<p>d) Modification 1 did not require revision of the management plans (the TWTP is the subject of its own management plans). The management plans are currently being reviewed to determine if any amendments are required in relation to Modification 2</p> <p>e) The Department has not issued any directions</p>	
C6	<p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</p>	During remediation works	Plans and programs have not been revised during the Compliance Reporting period.	Not triggered
	REPORTING AND AUDITING			
	Incident Notification, Reporting and Response			
C7	The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be	During remediation works	There have been no reportable incidents during the Compliance Reporting period.	Not triggered

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Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	given and reports submitted in accordance with the requirements set out in Appendix 4.			
	Non-Compliance Notification			
C8	The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.	During remediation works	No non-compliances requiring notification have occurred.	Not triggered
C9	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	During remediation works	No non-compliances requiring notification have occurred.	Not triggered
C10	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	During remediation works	No non-compliances requiring notification have occurred.	Not triggered
	Compliance Reporting			
C11	<p>Within three months after the commencement of remediation works and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department, 2020) and must also:</p> <p>a) identify any trends in the monitoring data over the life of the development;</p>	Within three months of the commencement of remediation works	<p>This Compliance Report has been undertaken in accordance with this condition.</p> <p>Remediation works commenced on 27 January 2021 and the initial Compliance Report was on submitted by 27 April 2021. As such this report is required to be submitted no later than 30 April 2022.</p> <p>C11(a-b) are addressed in Section 6 of the report. C11(c) is addressed in Section 7 of the report.</p>	Compliant

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and c) describe what measures will be implemented over the next year to improve the environmental performance of the development. 			
C12	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.	Within three months of the commencement of remediation works	The 2021 Compliance Report was posted to the project website (refer to https://regrowthkurrikurri.com.au/statutory-information/).	Compliant
	Independent Audit			
C13	<p>Within one year of the commencement of remediation works, and every two years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:</p> <ul style="list-style-type: none"> a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020); b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary). 	During remediation works	<p>Remediation works commenced on 27 January 2021 therefore the first Independent Audit was required to be commissioned by 27 January 2022.</p> <p>The final Independent Audit was submitted to the Department on 14 January 2022. The Department issued a letter dated 15 February 2022 noting that they accept the Audit report.</p>	Compliant

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
C14	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department, 2020), the Applicant must:</p> <ul style="list-style-type: none"> a) review and respond to each Independent Audit Report prepared under condition C13 of this consent; b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations; c) implement the recommendations to the satisfaction of the Planning Secretary; and d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done. 	During remediation works	<p>The final Independent Audit was submitted to the Department on 14 January 2022.</p> <ul style="list-style-type: none"> a) A response to the Audit report dated 14 January 2022 was prepared by Hydro b) The response to the Audit report was submitted to the Department on 14 January 2022 c) The Audit report did not include any recommendations to be implemented d) The Independent Audit Report was posted to the project website https://regrowthkurrikurri.com.au/statutory-information/. The Department was notified on 14 January 2022 that the Audit report was to be posted to the project website in seven days' time. 	Compliant
	Monitoring and Environmental Audits			
C15	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an</p>	During remediation works	The project has been compliant with the incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing requirements where these have been triggered as noted in this table.	Compliant

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	"environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.			
	ACCESS TO INFORMATION			
C16	<p>At least 48 hours before the commencement of remediation works until the completion of all works under this consent, including rehabilitation and remediation, the Applicant must:</p> <ul style="list-style-type: none"> a) make the following information and documents (as they are obtained or approved) publicly available on its website: <ul style="list-style-type: none"> (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; 	At all times	<p>The documents listed under C16a(i-v) were uploaded to the Hydro website on 1 February 2021 at the following address: https://regrowthkurrikurri.com.au/statutory-information/.</p> <p>A summary of the current stage of the project (C16a(vi)) is included at: https://regrowthkurrikurri.com.au/about-regrowth/.</p> <p>Contact details for enquires or complaints (C16a(vii)) are provided at: https://regrowthkurrikurri.com.au/contact/</p> <p>C16a(viii) As of 24 April 2021 no complaints have been received, and therefore none to be displayed. A Complaints Register is available at: https://regrowthkurrikurri.com.au/statutory-information/</p> <p>C16a(ix) The 2021 Compliance Report is available at: https://regrowthkurrikurri.com.au/statutory-information/</p> <p>C16a(x) The Independent Environmental Audit report is available at: https://regrowthkurrikurri.com.au/statutory-information/</p>	Compliant

27 April 2022

Table A-1: Compliance with Development Consent SSD 6666				
CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) the Compliance Report of the development; (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report; (xi) any other matter required by the Planning Secretary; and <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>		<p>C16a(xii) No other matters were required to be addressed by the Department</p> <p>(b) A review of the Project website showed that it had been updated on 31 March 2022.</p>	

APPENDIX 2 ACTION STATUS TABLE

Source	Condition of consent number	Action proposed	Proposed completion date	Status	Action completed
Compliance Report 1 (Ramboll, 2021)	C11	Section 3.5.1.1 ('Remediation Compliance Reporting') of the RWEMP to be amended to reflect the final development consent conditions. The amended RWEMP will be submitted to the Department in accordance with conditions C4 and C5.	27 July 2021	In progress	To be submitted to the Department in June 2022, along with any changes required by Modification 2
	C16	A complaint register to be placed on the Project website (even if no complaints have been received)	27 May 2021	Completed	Complaint register is publicly available on the Project website
	C53	Hydro to follow up with Hunter New England Health regarding their comment on the need for the SEP to identify a community notification area for residents to refrain from using rainwater as a potable water supply during the remediation work	30 April 2021	Completed	Hunter New England Health was consulted with and the SEP approved
Independent Environmental Audit (Aguas, 2021)	C5	RWEMP requires review by December 2021 (3 months from approval of Modification 1 in September 2021), and any necessary changes made within six weeks of the review, to reflect the Modification 1 requirement to fully comply with Condition C5.	December 2021	Completed	No changes necessary

APPENDIX 3 COMPLIANCE REPORT DECLARATION FORM

Compliance Report Declaration Form	
Project name	Hydro Aluminium Kurri Kurri Smelter Remediation Project
Project application number	SSD 6666
Description of project	Remediation of the former Hydro Kurri Kurri Aluminium Smelter site
Project address	Hart Road, Loxford, New South Wales
Proponent	Hydro Aluminium Kurri Kurri Pty Ltd
Title of Compliance Report	Hydro Aluminium Kurri Kurri Smelter Remediation Project Compliance Report 2
Date	30 April 2022

I declare that I have reviewed the contents of the attached Compliance Report and to the best of my knowledge:

- i. the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- ii. the Compliance Report has been prepared in accordance with the Compliance Reporting Requirements;
- iii. the findings of the Compliance Report are reported truthfully, accurately and completely;
- iv. due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- v. the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer	Shaun Taylor
Title	Senior Managing Consultant
Signature	
Qualification	B App Sc (Env Asst and Mgt) (Hons) CEnvP (IA)
Company	Ramboll Australia Pty Ltd
Company Address	Level 7, 41 St Georges Terrace, Perth, WA, 6000

APPENDIX 4 PHOTOS



Photo 1: View looking west over the Containment Cell in February 2022



Photo 2: View over the southern end of the Containment Cell in February 2022



Photo 3: One of the Containment Cell sediment basins in February 2022, after significant rainfall



Photo 4: View looking east from the western end of the haul road between the Containment Cell and the Capped Waste Stockpile



Photo 5: Example of the sediment fencing installed along the haul road



Photo 6: The concrete pad and bund for the TWTP, with some of the tanks for the plant delivered awaiting installation



Photo 7: The Leachate Storage Pond adjacent to the TWTP. Note that the pond contains rainwater at the time of this photo (following significant rainfall in January 2022)



Photo 8: The Eastern Surge Pond in March 2022 following removal of sediments from the pond floor. The water level is indicative of the significant rainfall at the site over summer of 2021/2022.