

Department of Planning, Housing and Infrastructure  
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Attention: Sheelagh Laguna and Joel Fleming  
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Dear Sheelagh and Joel,

Date 06/02/2025

## **SSD 6666 Hydro Remediation Project 2024 Independent Environmental Audit: Response to Audit Findings**

Ramboll Australia Pty Ltd (Ramboll) has prepared this letter on behalf of Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) in response to the findings of the Independent Environmental Audit (IEA) prepared by APP Corporation Pty Ltd (APP). The IEA report was prepared in accordance with Condition C13 of the development consent for SSD 6666, and was submitted via the Planning Portal on 6 February 2025.

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Ref

The purpose of this letter is to address the following conditions of the development consent for SSD 6666:

- Condition C14: reviewing and responding to the findings of the IEA report
- Condition C8 and C9: due to the IEA report identifying non-compliances, this letter forms the notification to the Department of Hydro's awareness of these non-compliances

**Table 1** identifies the key observations from the IEA Report, and documents Hydro's response to these observations, and the proposed action to address them (where applicable).

**Table 1: IEA Report Observations and Hydro Response**

Condition	IEA Report Observation	Hydro Response and Action
<p><b>A2:</b> The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent</p>	<p><b>Non-compliance</b></p> <p>Based on the non-compliances identified against conditions B19 and C6, a non-compliance is triggered against Condition A2(a).</p> <p>Close out of the non-compliances raised at conditions B19 and C6 will automatically address this non-compliance.</p>	<p>Please refer to the responses provided to the non-compliances for Condition B19 and Condition C6.</p>
<p><b>B19:</b> 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>	<p><b>Non-compliance</b></p> <p>Based on the evidence presented during the audit, it was unable to be verified that the Work-As-Executed drawings were submitted to the Site Auditor within 2 months of the completion of the stormwater management system installation, as required by Condition B19.</p> <p>Given that remediation is now complete, it is recommended to action a lesson learnt to review any areas for improvement and apply to future learnings.</p>	<p>Hydro acknowledges that the condition requires that Site Auditor to have been provided with copies of the drawings.</p> <p>However as noted in the IEA Report survey plans for the completed stormwater infrastructure was signed off by the Independent Engineer (SMEC Pty Ltd) as per Certificate of Compliance for Stage 1B Works (under their role described under Condition A8).</p> <p>Given this requirement, and their role in overseeing the construction of the Containment Cell and associated infrastructure the documents were provided to the Independent Engineer.</p> <p>The survey plans for the completed stormwater infrastructure have subsequently been provided to the Site Auditor as part of the package for the Containment Cell Validation Report.</p>

Condition	IEA Report Observation	Hydro Response and Action
		In addition, the Site Auditor made numerous site visits and was shown this infrastructure as well as the cell perimeter drains and the five other culverts as part of those site visits. This includes during construction and later during operation.
<p><b>C6:</b> 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><b>Note:</b> <i>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.</i></p>	<p><b>Non-compliance</b></p> <p>Based on the evidence presented, updates to the RWEMP were not submitted to DPHI within 6-weeks of the notified review for Mod-2 updates. Mod-2 was approved March 2022, however the RWEMP (dated 10 August 2023) was not submitted to DPHI until 14 August 2023.</p> <p>Given that remediation is now complete, it is recommended to action a lessons learnt to review any areas for improvement and apply to future learnings.</p>	<p>It is acknowledged that the revised RWEMP was required to be submitted to the Department within the nominated timeframe. While this was not achieved, the revisions to the RWEMP did not constitute changes to the environmental management measures to be implemented during the Project: the changes largely reflected the changes to the Project footprint and activities.</p> <p>The recommendation of the Auditor would be adopted on future projects.</p>

Condition	IEA Report Observation	Hydro Response and Action
<p><b>B9:</b> Upon completion of the construction, filling and capping of the containment cell, the Applicant or any succeeding landowner(s) whose landholding includes the containment cell, must:</p> <ul style="list-style-type: none"> <li>(a) implement the approved LTEMP; and</li> <li>(b) manage the containment cell in perpetuity in accordance with the LTEMP as required by Condition B7.</li> </ul>	<p><b>Observation</b></p> <p>As part of the long-term management of the containment cell, regular inspections are being actioned, however the completed inspection forms sampled did not include wording specific to the long-term requirements e.g., inspection of fauna fencing. It is acknowledged that inspections of the fauna fencing are only required on an annual basis.</p> <p>However, it is recommended to include more commentary during inspections to demonstrate these areas are being regularly checked in accordance with the LTMP.</p>	<p>Hydro has included specific items relating to inspection, and the condition, of the Containment Cell fauna fencing on its revised inspection checklist.</p>
<p><b>B17: Erosion and Sediment Control</b></p> <p>Prior to the commencement of any remediation works or 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.</p>	<p><b>Observation</b></p> <p>Some of the Daracon inspections noted items as inspected but not compliant with entries unmarked and inconsistent at times.</p> <p>Given that remediation is now complete, it is recommended to action a lesson learnt to review any areas for improvement and apply to future learnings.</p>	<p>Hydro acknowledges this observation. This recommendation will be provided to Daracon for their implementation on future projects.</p>
<p><b>C11: Compliance Reporting</b></p> <p>Within three months after the commencement of remediation works, and in the same month each subsequent year (or such other timing</p>	<p><b>Observation</b></p> <p>Within the Compliance Table A-1, against Condition C11, incorrect references have been allocated to address C11 (a)-(c).</p>	<p>The 2024 Annual Compliance Report is currently under preparation. Hydro and Ramboll will review the document and</p>

Condition	IEA Report Observation	Hydro Response and Action
<p>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> <ul style="list-style-type: none"> <li>(a) identify any trends in the monitoring data over the life of the development;</li> <li>(b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</li> <li>(c) describe what measures will be implemented over the next year to improve the environmental performance of the development.</li> </ul>	<p>It is recommended to update the references within the Compliance Table to clearly state how compliance has been addressed.</p>	<p>confirm that correct referencing has been used in this report.</p>

The remediation and Containment Cell construction, capping and landscaping activities are now complete. The only activities continuing at the Project site are those associated with implementation of the Containment Cell Long Term Management Plan (prepared and implemented in accordance with Condition B7), including the Gas Monitoring Plan (prepared and implemented in accordance with Condition B35) and the Landscaping Management Plan (prepared and implemented in accordance with Condition B46). As such, most of the observations and recommendations from the IEA Report cannot be addressed in the current activities. However, the recommendation associated with Condition B9 has been adopted.

Given the status of the Project, most of the conditions from the development consent for SSD 6666 are no longer triggered. Hydro contends that given its ongoing obligations under the Voluntary Planning Agreement (including implementing the Long Term Management Plan, and the requirement to submit an annual report to the Department under clause 12 of the agreement), and the strong environmental performance that Hydro has implemented in undertaking the Project (as evidenced by the two IEA reports and the annual Compliance Reports), another Independent Environmental Audit is not required to be prepared in three years. We request that the Department confirm its agreement to this request.

Please reach out if you wish to discuss.

Yours sincerely



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